SYLLABUS

V405
Public Law and the Legislative Process

Section: 16109
Fall Semester, 2010

School of Public and Environmental Affairs
Indiana University

Tuesday: 7:00 p.m. – 9:15 p.m.
SPEA PV 272

David L. Welch, Adjunct Instructor
Email: dlwelch@indiana.edu
Office Hours: by appointment

SPEA Assistant: Jennifer Mitchner, SPEA 341
Telephone: (812) 855-7980

Course Description

The United States Constitution is an enduring document which has borne up under the pressure of a modern government emerging from a tiny band of freedom seekers to one of the most stable and powerful governmental institutions of all time. The Legislative Branch remains as important as either of the other two branches yet by design of the Founding Fathers it has no more significance or power than either the Executive Branch or the Judicial Branch. The Congress’s work is different than the role played by the other two branches and it “works” very differently than a single executive or a small group of judicial decision-makers.

This course will examine the origin of the legislative branch of U.S. government and the unique role it plays in representing all of the people of our country. Its history reveals the development of our country and how the Congress has adjusted, modified and changed internally and independently---all within the constitutional constraints designed by Constitution’s authors.

The Congress is comprised of two similar yet each uniquely different legislative bodies. We will examine the differences and the role each legislative body plays to develop and refine public policies resulting in statutory law. We will examine the budget process which influences and controls all emerging public policies. We will scrutinize the
role of Congressional oversight of the executive branch and the role of the judiciary in our constitutional form of government.

In examining how Congress really works, we shall explore common public criticisms as well as discuss ways in which Congress’ effort could be improved. Lastly, we will look into the important role civic participation plays in demanding improved performance of this complex and diverse branch of government.

We shall apply our insights in a practical exercise that requires reading, thoughtful analysis, writing and representation of a particular vested interest. We shall read two (2) texts, review examples and analysis from specific legislative proposals, take two (2) examinations and write a Legislative Bill Analysis Memorandum in lieu of a Final Examination. Students shall be randomly assigned to teams to study and present to the class assigned chapters from either text. Students shall individually present a Power Point presentation, a written outline of notes and four (4) graded objective examination questions regarding their assignments. Student presenters shall distribute their outline notes and test questions electronically to the entire class.

Our goal is to learn about this important constitutional arm of government and to apply our knowledge in an academic exercise to read, write and intelligently analyzes a piece of legislation from a given perspective. The development of these analytical and communication skills will apply to prospective employment pursuits.

**Required Texts**


**Examinations**

- First Examination: Tuesday, October 12, 2010
- Second Examination: Tuesday, November 16, 2010
- Bill Analysis Memorandum: Tuesday, December 6, 2020
- Final Examination: No Final Examination
Tentative Class Assignments and Readings

Tuesday, August 31st

Tuesday, September 7th
Lecture: An Overview of Congress’ Lawmaking, Chapter 1, Oleszek text;
Lecture: Organizing and Drafting Legislation, Section Two, Allen Materials; Bill Analysis Memorandum Methodology, Section Three, Allen Materials.

Tuesday, September 14th
Student Presentations: Chapters 2 & 3: Congressional Budget Process & Preliminary Legislative Action, Oleszek text;
Lecture: Legislative History, Section Five, Allen Materials, House Rules Committee Resolutions and Reports, Section Six, Allen Materials.

Tuesday, September 21st
Tour IU Law Library, 211 South Indiana Avenue (corner Third St. & Indiana Ave.);
Student Presentations: Chapters 4 & 5: Scheduling House Legislation & House Floor Procedures, Oleszek text.

Tuesday, September 28th
Student Presentations: Chapters 6 & 7: Scheduling Senate Legislation & Senate Floor Procedure, Oleszek text;
Distribution of Bill Analysis Memorandum Assignments.

Tuesday, October 5th
Student Presentations: Chapters 8 & 9: Resolving House/Senate Differences & Legislative Oversight, Oleszek text;
Lecture: Chapter 10: A Dynamic Process, Oleszek text.

Tuesday, October 12th
First Examination: Congressional Procedures and Policy Process: Chapters 1-10

Tuesday, October 19th
Review Examination;
Introduction to How Congress Works and Why You Should Care, by Lee Hamilton;
Guest Speaker: TBA.

Tuesday, October 26th
Student Presentations: Chapters 1 & 2: Role of Congress & Impact of Congress, Hamilton text;
Tuesday, November 2\textsuperscript{nd}  
Student Presentations: Chapters 3 & 4: How Congress Works & Public Criticisms of Congress, Hamilton text;

Tuesday, November 9\textsuperscript{th}  
Student Presentations: Chapters 5& 6” Key Ways to Improve Congress & Civic Participation, Hamilton text.

Tuesday, November 16\textsuperscript{th}  

Tuesday, November 23rd  
Guest Lecture: TBA (Thanksgiving Recess Begins).

Tuesday, November 30th  
Guest Lecture: TBA

Tuesday, December 7th  
Legislative Bill Analysis Memorandum Due;  
Guest Lecture: TBA  
(Free Week)  
Last Day of Class!

Tuesday, December 14\textsuperscript{th}  
NO FINAL EXAM

\textit{Student Attendance, Preparation and Class Participation}

Attendance at all scheduled class periods is mandatory. Seating will be permanently assigned on Tuesday, September 7, 2010. Attendance will be taken during each class period---sometimes early, sometimes immediately after the break and sometimes at the very end of class. Students are to read in advance the materials assigned to each class period and be prepared to engage in discussions of assigned readings. In the event of guest lecturers, they will be donating their time and sharing their experiences for the educational benefit of students; hence, students will be expected to be attentive and participate in any interaction with our guest lecturer. Failure to attend class or to be prepared for class discussions, written assignments or oral presentations or being inattentive or impolite toward guest lecturers, student presenters or the Instructor shall result in a reduction of class participation points. Two excused absences, approved in writing in advance, will be granted; medical emergencies will require a doctor’s statement and will count as an excused absence. All other absences are inexcusable. A deduction of class participation points will be deducted from final grades for each unexcused absence up to the entire class participation portion of the final grade. Any one missing more than five (5) classes will flunk the class.
Grading

Your grade will be based upon the following:

1. You’re the quality of your Power Point presentation, outline notes, four (4) objective test questions and your oral presentation to the class regarding your assigned materials: 15%;
2. First Examination: 25%;
3. Second Examination: 25%;
4. Bill Analysis Memorandum: 25%;
5. Class attendance and participation in class discussions and engaging the Instructor and Guest Lecturers: 10%.

Examinations will be objective questions comprised of True/False and Multiple Choice questions. Further detailed information will be provided separately regarding the Legislative Bill Analysis Memorandum. The grading scale, which will not be “on the curve,” will be as follows:

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Student Ethics and Indiana University Academic Dishonesty Policy

Students are responsible for knowledge, comprehension and compliance with the applicable Indiana University academic dishonesty and ethics policies. These policies shall be followed and enforced.

Office Hours and Instructor Availability

As an Adjunct Instructor and member of the Faculty, the Instructor does not have an office or regular office hours. The Instructor has additional professional responsibilities requiring his attention as a Senior Indiana Judge, a Mediator and attorney in private practice. Appointments can be arranged at mutually convenient times in SPEA 341 through the Adjunct Assistant Jennifer Mitchner located in that office. Students are encouraged to contact the Instructor directly through email for all other matters.