

COURSE OUTLINE  
POLITICAL SCIENCE 4350  
**PUBLIC POLICY AND DEMOCRATIC THEORY**  
SPRING SEMESTER 2017  
INSTRUCTOR: FEDERAL JUDGE TED STEWART  
(Classes to be held each Wednesday between 3:30 to 6:30 p.m.)

The purpose of this course is to have students study and analyze the nature of our Republic. It will explore the inherent tension that exists between our republican form of government and natural tendencies towards direct democracy within the American political system. The course will focus in part on the rationale behind the Founding Fathers' decision to adopt a republican form of government and explore whether there is any reason to be concerned about the evolutionary changes towards direct democracy that have taken place in our system of government since 1787, and that may occur in the future. Students will be required to explore the motivation of those who crafted our Declaration of Independence and Constitution to analyze what role motivation plays in that which is produced by historical leaders. The course will probe the question whether tools of direct democracy (such as initiatives, referendums and recall elections), judicial activism and an agenda-driven media are a threat to our republican form of government. The course will provide a real life experience in the role of the most democratic of all governmental functions - the jury.

**Class Method/Grading**

The class will be conducted in the following manner:

1. At the conclusion of each class, a series of questions will be posed covering the next week's topic. Each student will be expected to research the assigned questions, think seriously about, and write a thoughtful outline response to the questions posed. The outline need not be more than one page. At least **three different sources** should be relied upon in preparing the outline. The outline is not intended to be an exhaustive review of the topic, but it should cover the major emphasis of the questions assigned. Its primary purpose is to serve as a source of talking points for class discussion. Students may be asked to make a brief oral report on their research at the beginning of the class period. Outlines will be turned in at the end of class and graded. Thirty-six percent of the student's grade will be based on these outlines. The papers will be graded on a scale of 1-4. There will be nine assigned outlines, thus each outline will be worth 4 points.
2. Each class period will be spent discussing the issues and questions posed by the syllabus. Thirty-four percent of the student's grade will be based on the **quality and quantity** of a student's participation in that discussion and debate. **I must emphasize how important class discussion is, not only to the success of the class, but also to the grade to be received.** Further, during the semester, you will be required to make several oral presentations.
3. Each student will select one of the subjects covered during the course of the semester and write a comprehensive paper covering the subject and addressing the issues and questions posed in the syllabus. This paper will be no longer than 12 pages. Thirty percent of the student's grade will be based on this paper. This paper will be due at the end of class on April 26, 2017.

4. The textbooks that will be required are: Robert A. Dahl, *How Democratic Is the American Constitution*, (Yale University Press); and David S. Broder, *Democracy Derailed*, (Harcourt, Inc.). You will be expected to conduct a substantial amount of research on the various topics to be studied beyond these textbooks, however.

#### **Bias of the instructor**

You need to know that the instructor has a bias. I believe that those who crafted our Declaration of Independence and Constitution were brilliant men, even inspired. I believe that the system of government formulated by them has resulted in the most stable government in history. I believe that our system of government has provided for the flourishing of the citizens of this nation economically, culturally and politically. As one who has worked in all three branches of government, at both the state and federal levels, I remain incredibly impressed with the wisdom, foresight and vision of the Founding Fathers.

#### **Disadvantages of the class**

First, I am a federal judge. I will not be as available to you as your other professors. However, if you need to contact me outside of class, you can e-mail me at [ted\\_stewart@utd.uscourts.gov](mailto:ted_stewart@utd.uscourts.gov). Second, you will be expected to attend class. One absence should not affect your grade, but any subsequent absences will. Further, you will be required to research and think and write independently about the subject each week. I anticipate that you will contribute to class discussion and openly express your viewpoint. If you cannot do these things, you will still be welcome in the class, but it will be very difficult to earn an "A" grade.

### **SYLLABUS**

#### January 11 - Week One

Overview of the class and discussion of the issues to be studied.

#### January 18 - Week Two

What is the difference between a republic and a democracy? What philosophical and practical considerations motivated the Founders of our nation to adopt a republican form of government? What were the dangers that they foresaw in a pure democracy? Were their fears justified? The Dahl book, *How Democratic Is the American Constitution* will be read for this class.

**NOTE: This week, inform the Judge as to the groups you are forming and the individual you will report on in the next two weeks.**

#### January 25 - Week Three

What was the motivation of the Founding Fathers in deciding to revolt, fight a war of independence, and frame a republican form of government? If the Founding Fathers were motivated by power, glory, or gain, what form of government would best have helped them accomplish such: a democracy or a republic? Does understanding the motivation of leaders -- be they leaders of political, religious, or social movements -- matter?

**NOTE: For this topic, students should work as a group of two and select one of the**

**Founders to study in depth and report on in class. Make-up of groups and the historical figure selected by each group should be reported/approved in class on January 18th. Group reports should be 20-25 minutes in length.**

February 1 - Week Four

Continuation of Week Three topic.

February 8 - Week Five

1. Should local and state governments be governed by a republican form of government or are elements of a pure democracy more appropriate at levels of government theoretically closer to the people? Is the New England “Town Hall” a model that should be adopted more broadly and at different levels of government? What are the benefits and disadvantages of such a model?

2. **(Note: These questions will be answered by me in lecture format. You do not need to do research or write a paper answering them.)** What is the appropriate role of appointed, citizen boards in our system of government? Are appointed citizen boards with policy making authority (for example zoning commissions, town planning boards, the Utah Wildlife Board) an exception to, or an extension of, the republican form of government?

February 15 - Week Six

What is the role of public opinion polls in today’s system of government? Are polls a reliable indicator of public sentiment? Are they helpful or harmful to proper governance? Should those who govern based upon polls be respected or criticized? Is “governing by the polls” a de facto abandonment of our republican form of government in favor of a democracy?

February 22 - Week Seven

What is the proper role of initiatives and referendums in our system of government? How has citizen initiated law-making evolved through the history of our republic? Why is there no provision for initiatives and referendums, or any other form of citizen initiated law- making, in the Constitution of the United States? Are initiatives and referendums more appropriate at the local and state level? How can the initiative and referendum system be improved? Should we have a national initiative and referendum? If so, how would it be made to work? What is the role of technology in our nation’s current and future political and governing framework? Do advances in technology (in particular the internet) undermine the fundamental arguments against governance by a pure democracy? The Broder book, *Democracy Derailed* will be read for this class.

**NOTE: For this topic, students should, again, organize themselves into groups of two and prepare a 20-25 minute report on a specific initiative or referendum, either from Utah or any other state. The report should cover:**

- a. the issue addressed by the initiative/referendum,**
- b. who financed the initiative/referendum,**
- c. whether the initiative/referendum was approved by the voters,**
- d. what has been the impact of the initiative/referendum if it passed.**

March 1 - Week Eight

Continuation of Week Seven topic.

March 8 – Spring Break

March 15 - Week Nine

How do our elected representatives decide how to vote, what positions to espouse, how to prioritize budgets, etc.? Do they attempt to adhere to a consistent political philosophy? Do they support that which brings the most benefit to their state or district? Do they represent what they perceive to be the will of their constituents? To what extent are they motivated by fund-raising concerns? What role do political parties play in decision-making by elected representatives? Does the dominance of one motivation, or a mix of motivations, affect whether we, in fact, operate under a republic or a democracy? What did the Founding Fathers believe would be the motivation of elected representatives in the republic they created? What should our elected officials rely upon in making decisions on behalf of their constituents?

March 22 - Week Ten

1. What is the role of the media in our republican form of government? Is today's media agenda-driven? What is the impact of an agenda-driven media upon our system of government?

2. How dependent upon an informed, attentive and interested citizenry is our republican form of government? Are the citizens of the United States fulfilling their obligation to be responsible voters? Who is responsible to insure that citizens are informed - the citizen, the political party, the government, private groups, the media, others? What is the proper role of political advertising?

3. What is the effect of low voter turnout on our republican form of government? Is voter turnout increasing or diminishing? What is the cause or causes of such a trend? Does low voter turnout diminish the legitimacy of republican government? What can be done to increase voter turnout?

March 29 - Week Eleven

Is the judiciary in our nation an activist judiciary? Has the judiciary in our nation undermined the republican principles upon which our nation was founded? If so, how? If not, justify your conclusion. If you believe that the judiciary is exercising judicial tyranny, how do you suggest that the courts be brought under control?

**NOTE: For this topic, each student will be asked to report on a specific court decision to try to prove the position taken by the student on the questions posed. Oral reports of 15-20 minutes will be expected on those decisions.**

April 5 - Week Twelve

Continuation of Week Eleven topic.

April 12 - Week Thirteen

Democracy within the judicial branch: is the jury system an example of pure democracy

that works? What is the history of the jury system in the United States? What are the advantages and disadvantages of the jury system?

April 19 – Week Fourteen

Continuation of Week Fourteen topic.

April 26 - Week Fifteen

Wrap up and **papers due!**

Where is America headed? What is the appropriate balance between reliance on elected representatives versus the exercise of pure democratic principles? What is your personal viewpoint on these issues? What is your responsibility as a citizen of this nation?