



LL.M. in Law & Government Specialization in Law, Politics and Legislation

AMERICAN  UNIVERSITY
WASHINGTON
COLLEGE OF LAW

PROGRAM ON
LAW & GOVERNMENT

All about the Specialization in Law, Politics and Legislation

The Program on Law & Government is pleased to announce a new specialization in Law, Politics and Legislation within the Civil & Constitutional Rights Concentration. The new specialization capitalizes on the extensive range of political and legislative courses offered each semester and the law school's location in the nation's capital. Students are strongly encouraged to supplement their coursework in this specialization with externships on Capitol Hill, state legislatures, or lobbying and non-profit organizations.

To obtain the specialization, students must complete at least 12 credits in the area of specialization, 7 of which credits must be Core Courses, as described below. In certain situations and only upon obtaining prior approval from the Associate Director of the Program on Law & Government, externship credits may be applied to the specialization. Students may also petition the Program to approve additional relevant courses to the specialization on a case-by-case basis. In addition to the courses listed below, certain courses from the Summer Institute on Law & Government will be approved for this specialization each year, after the courses are announced.

Approved Courses (not all courses are offered every semester)

Core Courses

(any of the following):

LAW-680 Law of the American Political Process (3 hrs.) Examines federal constitutional and statutory law governing the American political process. The purpose of the course is to define the basic constitutional principles of the American democratic system, master the essential rules of federal campaign and election law, and describe different potential theories of democracy as they have emerged in American legal history. Topics include the right to vote, legislative apportionment, the Voting Rights Act of 1965, political party primaries and procedures, ballot access and candidate qualifications, the Voting Rights Act of 1982, campaign finance and campaign speech and their relationship to the First Amendment, political action committees (PACs), political broadcasting, media access, and political patronage.

LAW-707 The Constitution in Times of Crisis/ Problems in the Democratic Process (2 hrs.)

This seminar will deal primarily with the constitutional and other problems related to elections. It

will focus on such matters as election finance, the Voting Rights act, gerrymandering, voter registration qualifications, and candidate selection, among other things. In addition it will consider certain anti-terrorism issues that have not been considered by the Supreme Court such as state secrets and redress for victims of official misconduct.

LAW-719 Health Law: Legislative and Regulatory Process and Health Care Reform (2 hrs.) This course focuses on the federal legislative, regulatory and lobbying processes in the health care arena. Specifically, the course takes three major pieces of recent health legislation (Stark, HIPAA privacy provisions, Medicare Prescription Drug Benefit) and traces the process of how these laws were developed, enacted, and then implemented through the regulatory agencies, and will include the lobbying process in the discussions. The course will also examine the recently enacted Health Care Reform law, and the unique legislative process Congress and the White House engaged in to pass the law. The course is intended to help students develop the

necessary knowledge and analytical skills to understand, apply, and develop health laws and to practice effectively in various aspects of the health care arena.

LAW-781 Seminar: Local Government Law (3 hrs.) An intensive theoretical and practical inquiry into the history, theory, meanings, and possibilities of local government in American society. This seminar combines a variety of techniques with fieldwork placement to immerse students in issues of local governance. Placements include the D.C. Corporation Counsel, D.C. City Council, D.C. Legal Aid Society, Delegate Eleanor Holmes Norton's office, and the Montgomery County Council.

LAW-788 Seminar: Federal Regulatory Process (3 hrs.) An overview of the regulatory process of government administration, including the rationale for regulatory programs and reasons for ending or deregulating them, how and why Congress creates or abolishes agencies, how agencies administer their statutory programs, and alternatives to traditional regulations. Students are introduced to several government-wide procedural statutes, such as the Administrative Procedure Act and the Freedom of Information Act. A unique element of the course is the participation of more than 20 guest lecturers from the legislative and executive branches, trade associations, and the private and public interest bars. The practical aspects of the regulatory process are emphasized.

LAW-821 Legislation/Legislative Process & Political Rhetoric (2-3 hrs.) Provides an overview of federal and state legislative processes. Topics include statutory interpretation, legislative organization, the appropriations process, legislative ethics, and exercises in legislative drafting and negotiation.

LAW-891 Lobbying and the Legislative Process (2 hrs.) Addresses the constitutional basis for and history of paid lobbying; the legal and ethical restrictions and considerations a lawyer-lobbyist needs to consider; the role of money and politics in lobbying; and practical elements of how to be an effective lawyer-lobbyist.

LAW-935 Seminar: Congress, Law-Making, and Foreign Affairs (3 hrs.) Explores the various levers of law-making power in the foreign affairs field that are available for exercise by Congress to affect U.S. foreign policy, including the "power of the purse" (authorization and ap-

propriations statutes), the congressional war power, the Senate's role in treaty-making, the enactment of international economic sanctions, border-control measures, the power to establish governmental offices and bodies, and the passage of nonbinding "policy" resolutions. Special reference will be made to post-9/11 statutes and related legal developments. The seminar will emphasize basic skills and exercises in the drafting of foreign relations legislation.

Non-Core Courses (up to 5 credits of the following):

LAW-601 Administrative Law (3-4 hrs.) A study of the structure, powers, and processes of administrative agencies that are the source of much of our nation's law. Topics include the delegation of power to agencies, the constitutional right to a hearing, agency procedures of adjudication and rule making, information law debates, judicial review of agencies, and administrative reform.

LAW-635-001 National Security in an Age of Terrorism (2 hrs.) Examination of the legal authorities, under international and U.S. law, for responding to, and preventing, terrorist attacks; the Foreign Intelligence Surveillance Act; other Fourth Amendment issues; and legal issues surrounding the detention, interrogation, treatment, and prosecution of detainees and suspected terrorists.

LAW-641 Federal Law on Indian Tribes (3 hrs.) Analyzes and challenges assumptions underlying the major themes in Indian law: that Indian tribes are not juridical entities in international law because their sovereignty is dependent on the United States government; that Indian tribal people have a ward-guardian relationship with the government arising from this dependent status; and that Indian tribal property is justifiably treated differently from other property. In addition to sources of federal law dealing with Indians, the class will examine tribal court opinions and the developing international law rights of indigenous peoples.

LAW-700 Government Information Law and Policy (3 hrs.) An examination of the operation of the Freedom of Information Act, the Privacy Act of 1974, and related laws and policies throughout the federal government -- including matters of national security, personal privacy, and law enforcement sensitivity. The class will also

explore the intractable problem area of “pseudosecrecy,” in which federal agencies have since 9/11 increasingly used document safeguarding labels such as “For Official Use Only (FOUO),” “Sensitive But Unclassified Information (SBU),” and “Controlled Unclassified Information (CUI)” to guard against information disclosure.

LAW-719 Privacy & Health Information

Technology (2 hrs.) The face of health care and associated biomedical research and innovation have changed radically in the last decade – in large part due to a revolution in the way that information is gained, stored, shared... and sometimes abused. This explosion of availability of data has resulted in a variety of new issues and twists on existing issues that challenge us to rethink the way that our health care system is organized, the ways in which health related information is and can be collected and used, the structure, pace and focus of the way in which we conduct clinical research to identify the next generation of medical advances, and the sometimes competing demands of the need for information for the greater good versus the right of privacy of the individual. This emerging area of health law encompasses a number of fascinating issues that occupy the front cover of newspapers each day, all of which will be discussed in this course.

LAW-722 Modern Legal Theory: Law & Social Movements (2 hrs.)

This course will examine the relationship between law, justice and the social sciences, including political science, history, and sociology. Using the social sciences as a theoretical framework, the class will provide students with a helpful context for discovering that broad legal change does not occur simply through the work of lawyers applying legal reasoning. Instead, law evolves through a complex interaction of legal, political, economic, and social forces in the domestic and international realms. The course will place particular emphasis on the involvement of social movement actors in the evolution of constitutional and civil rights law. As such, several sessions of the course will examine the impact of feminism, the civil rights movement, anti-poverty actors, labor movement activists, and gay and lesbian advocacy upon law and legal institutions. In addition to these materials, students will examine legal sources, such as court rulings and statutes, in order to examine how politics informs legal analysis and policy. Also guest speakers from legal academia and

public interest organizations will attend several sessions in order to present their experiences and research on creating legal change

LAW-795 Veterans Affairs Law (2 hrs.) As yet another generation of soldiers are discharged from the military, there is a tremendous need for veterans legal services. The array of benefits that have been promised to military veterans and their families are not easily obtained, and many veterans struggle to navigate the complicated system without the assistance of counsel. This course will introduce students to the bodies of law that govern the administration of veterans benefits. The course will focus the bulk of its attention on how veterans’ claims are adjudicated through the Department of Veterans Affairs, the Court of Appeals for Veterans Claims and, ultimately, the United States Court of Appeals for the Federal Circuit. Through the course, students will be provided with the background necessary to serve effectively as much-needed pro bono counsel in the future.

LAW-795 Reproductive Rights and the Law (2 -3 hrs.)

In the U.S., abortion as a wedge issue (second only to race and followed closely by gay marriage) that dramatically impacts the allocation of power. One’s position on abortion is one of the first assessments the public makes of candidates for offices in all branches of government. Moreover, new statutes seeking to regulate, protect or limit reproduction related activities are introduced in legislatures around the country on a weekly basis. Predictably, cases challenging those statutes are filed with equal regularity. What factors give rise to the predominant place this and other reproductive practices occupy in public discourse and jurisprudence? This is a socio-legal seminar designed to shed light on the relationship between law and reproductive processes by examining the ways in which the laws and policies related to reproduction arise from historically situated understandings of individual desire, technological advances and national projects. Additionally, seminar participants will also analyze the relevant doctrinal and theoretical frameworks in the U.S. for regulating and protecting individual interest in the reproductive process. In addition to the jurisprudential exploration, students will be introduced to a variety of interdisciplinary materials presenting the historical, political, economic and scientific components that inform the modern reproductive rights discourse in the United States.

LAW-805 Law of Information Privacy (2 hrs.)

This course will examine hot topics in information privacy law such as digital surveillance, the privacy implications of social networking technologies, electronic health records, cloud computing, online behavioral advertising, and the role of anonymity in a networked world. We will compare and contrast existing legal frameworks for privacy protection in the United States and European Union and discuss emerging privacy paradigms. Finally, we will introduce the law of information security through discussions of encryption, authentication, data breaches, cybersecurity, and critical infrastructure protection.

LAW-851 Global Warming Law & Policy (3 hrs.)

This course begins with an overview of the causes and effects of global climate change and the methods available to control and adopt to it. We will then examine the negotiation, implementation and current status of the United Nations Framework Convention on Climate Change, its Kyoto Protocol, and the Copenhagen negotiations. Next we will review action and inaction of the U.S. Congress, the executive branch and the courts, as well as regional, state and municipal efforts. In particular we will focus on the Clean Air Act and the Endangered Species Act. The class will focus on the various legal mechanisms that are available to address climate change, including cap-and-trade schemes; carbon tax, command-and-control regulation; litigation; securities disclosures; and voluntary action. The roles of energy efficiency, renewable energy sources, nuclear power, coal, and forestry and agriculture will each be discussed. There will be examination of the implications for international human rights and international trade.

LAW-883 State Constitutional Law (3 hrs.)

Explores the issues and alternatives presented by state constitutional litigation. Among the topics considered are the nature of state constitutions, relationship to federal constitution, state constitutional interpretation, and unique interpretation issues.

LAW-916 Law & Drug Policy (2 hrs.)

This course is based on creative discussion of the legal aspects of drug policy. Course participants will use rigorous analysis to discern how legal principles have influenced efforts to control substance abuse and ways lawyers can play a positive role in policy development.

LAW-974 Secrecy Controversies (2 hrs.)

Explores many of the most controversial current legal issues under the Freedom of Information Act and related statutes through in-depth analysis of both sides of each issue. This is a professional skills requirement course; students will gain experience in both written issue analysis and oral advocacy. The course will provide students with an extensive understanding of some of the most controversial legal and policy issues currently arising under the Freedom of Information Act, the Privacy Act of 1974, and the government information law and policy field overall. It begins with background instruction ensuring foundation familiarity with the concepts, policies, and statutory interrelationships involved. It then focuses on an array of significant, cutting-edge issues that currently define the legal and policy contours of this field.

**Interested in Learning More about the
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