

Politics/Legal Studies 120A

UCSC
Summer Session 2: 2018 (July 30-August 31)
Tues/ Thurs 9:00AM-12:30PM / J Baskin Engr 372
Instructor: Trina Barton, M.A.

Congress, President, and the Court in American Politics

This course examines the political development, behavior, performance, and significance of the central governmental institutions of the United States -- Congress, the presidency, and the Supreme Court -- with an emphasis on their historical development and interactions. This is a detailed examination of the evolution of what is often misleadingly referred to as the "separation of powers." Most college or university-level courses tend to deal with each institution separately, and invoke the other institutions incidentally. This course, by contrast, adopts the ongoing and changing relationships among the three central institutions as its analytic framework for understanding much of American politics. Our focus will be on politics and the use of power and how they shape and interact with constitutional structures and procedures. Another central consideration is the role that political institutions play in shaping government, politics, and society.

THE GOALS OF THIS COURSE INCLUDE:

1. Detailed understanding of the American system of separation of powers and checks and balances and how it has evolved.
2. Strong understanding of the development of constitutional law and constitutionalism in core areas of American politics.
3. Comprehension of important ways in which institutional arrangements affect politics.
4. Use of historical comparison as a way to analyze politics.
5. Ongoing refinement of critical reading and analytic writing skills.

This tour of over 200-years of history across three institutions moves quickly. Be prepared to do 250 or more pages of reading a week (some weeks more, some less), and some of the readings are challenging. If you do the reading and come to lecture, I promise an enjoyable and rewarding experience. If you are not prepared to keep up and believe that lecture and reading are optional, then please take another course.

ETIQUETTE AND ELECTRONICS:

No use of computers, cell phones, or any other personal electronic devices is allowed during class (computer exceptions will be made only for a student with a DRC accommodation requirement). Please turn off and put away all such devices before entering the classroom. Please arrive on time and stay for the whole class. If you must leave early on a particular day, please notify me before class starts that you will be doing so.

REQUIREMENTS:

- 1) Four 1-page reading responses due at the start **each Thursday** class (see Canvas for details). (20%)
- 2) In-class Midterm Exam (30 minutes) **Tuesday, August 14**. (25%)
- 3) Final take-home essay exam (6-7 pages), due **Friday, August 31, 12:30 PM**. (35%)

- 4) Participation and attendance: when called upon, participation in lecture and group activities is required. (20%)
- 5) Lectures presume knowledge of the readings. Each student is expected to have done the required reading prior to class and to be prepared to participate in the discussions with specific reference to the readings.

Additionally –

- Late papers and assignments will not be accepted without timely notification and prior approval of the instructor.
- Quizzes will be instituted at the instructor's discretion if the class is not keeping up with the reading.
- Daily contact with a credible news source, such as the *New York Times* or other major paper, is highly recommended and will enhance your experience in the class.

READINGS:

Required and optional texts are on sale at UCSC's Bay Tree bookstore (except *The Federalist*, see link):

- 1) Sidney Milkis and Michael Nelson, *The American Presidency: Origins and Development*, 7th edition
- 2) Barry Friedman, *The Will of the People*.
- 3) *The Federalist Papers* (any printed edition will do, also available on-line:
http://avalon.law.yale.edu/subject_menus/fed.asp)
- 3) Optional, but recommended: Course Reader available by pre-order at Bay Tree Bookstore
- 4) Other required readings are available on the course Canvas page

Note:

- If you have not taken an introductory course in American politics or otherwise have limited background in the subject, I suggest reading or reviewing relevant chapters in an introductory textbook, especially if you do not comprehend some of the basic structures of Congress and the other branches.
- I reserve the right to ***alter or amend*** the syllabus, as needed, during the course of this class.

CONTACT INFORMATION:

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Merrill 139

Teaching Assistant:

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Merrill 131

INTRODUCTION: INSTITUTIONS AND POLITICS

(WEEK 1, July 31-Aug 2)

All four articles below are online and Canvas:

- a. Peter Baker, "Assessing the Balance of Power in an Era of Widespread Mistrust," 25 Feb. 2015.
- b. Jennifer Steinhauer, "A Congress that Doesn't Want to Weigh in on War," 9 Dec. 2015.
- c. Kevin Baker, "Political Party Meltdown," 20 Dec. 2015.
- d. Adam Liptak, "Potential Power Shift as Court Weighs 'One Person One Vote'" 8 Dec. 2015.

I. ORIGINS: THE ARCHITECTURE OF NATIONAL POWER

The American Presidency, chp. 1 and chp. 2.

Federalist Papers, #10.

The Constitution of the United States (in *The American Presidency*).

Daniel Wirls, *The Federalist Papers and Institutional Power...*, pp. 1-13 (Canvas).

Federalist Papers, #39, 48, 51.

The Will of the People, Introduction and chp 1.

Daniel Wirls, *The Federalist Papers and Institutional Power...*, pp. 18-39 (Canvas).

II. ESTABLISHING AN AMERICAN STATE

The American Presidency, chps. 3 and 4.

The Will of the People, chps. 2 and 3.

Federalist Papers # 78.

III. THE 19TH CENTURY AND THE GOVERNMENT OF PARTIES AND COURTS

(WEEK 2, Aug 7-Aug 9)

A. The President:

Federalist Papers # 68, 70, 73.

Tocqueville, "Selections on the Presidency," (Canvas).

James Bryce, "Why Great Men are not Chosen Presidents," (Canvas).

The American Presidency, chps. 5 and 6.

Thomas Jefferson to Breckenridge on the Louisiana Purchase (Canvas).

The American Presidency, chps. 7 and 8.

Jeffrey K. Tulis, "The Two Constitutional Presidencies" (Canvas).

Abraham Lincoln's proclamation of naval blockade (Canvas).

Abraham Lincoln, The Emancipation Proclamation (Canvas).

B. Congress:

Federalist Papers # 52, 55, 57.

Gerald Gamm and Kenneth Shepsle, "Emergence of Legislative Institutions..." (Canvas).

James Bryce, "The Committees of Congress," from *The American Commonwealth* (Canvas).

Federalist Papers # 62, 63

The American Presidency, chp. 9.

C. The Courts:

The Will of the People, chp. 4 and pp. 137-149 & pp 150-194.

IV. 20TH CENTURY TRANSFORMATIONS: THE WELFARE-WARFARE STATE

(WEEK 3, Aug 14-Aug 16)

Aug 14: Exam, In-class

A. Turning Point: The Great Depression and World War Two

The American Presidency, pp. 301-322.

Franklin D. Roosevelt's First Inaugural (Canvas).

The Will of the People, pp. 195-236.

Franklin D. Roosevelt on "Packing" the Supreme Court (Canvas).

Franklin D. Roosevelt, Radio Address on "Arsenal of Democracy" (Canvas).

Franklin D. Roosevelt, Prohibition of Discrimination in the Defense Industry (Canvas).

B. After FDR: The Personal and Imperial President

The American Presidency, pp. 322-359.

John F. Kennedy, Inaugural Address (Canvas)

The American Presidency, pp. 359-395.

Tonkin Gulf Message and Congressional Tonkin Gulf Resolution (Canvas).

The American Presidency, chp. 12.

Jimmy Carter, Televised Address to the Nation, July 15, 1979 (Canvas).

Ronald Reagan, First Inaugural Address, Jan. 20, 1981 (Canvas).

Report of the Congressional Committee Investigating the Iran Contra Affair (Canvas).

C. The Court:

The Will of the People, chp. 8.

D. Congress:

Samuel P. Huntington, "Congressional Responses to the 20th Century," (Canvas).

Jonathan Rauch, "Demosclerosis" (Canvas).

Fred Barnes, "The Unbearable Lightness of Being a Congressman," (Canvas).

Roger Davidson, "The New Centralization on Capitol Hill" (Canvas).

V. INSTITUTIONAL POWER AND CONFLICT IN AN ERA OF DIVIDED GOVERNMENT, 1981-2016

(WEEK 4, Aug 21-Aug 23)

B. Adaptations: The Presidential Veto, Its Uses and Variations:

The American Presidency, chp. 13.

C. The Senate and Supermajority Rule:

Josh Chafetz, "The Unconstitutionality of the Filibuster" (Canvas).

George Packer, "The Empty Chamber: Just how broken is the Senate?" (Canvas).

The Will of the People, pp. 280-303.

D. The Court and a More Conservative Constitutionalism:

The Will of the People, pp. 304-369.

Richard Wolf, "Chief Justice John Roberts' Supreme Court At 10...", 29 Sept. 2015 (Canvas).

Alicia Parlapiano et al., "The Roberts Court's Surprising Move Leftward," 29 June 2015 (online only).

E. The Perils of Presidential Power from Bush to Obama:

(WEEK 5, Aug 28-Aug 30)

American Presidency, chp. 14 and chp. 15.

Louis Fisher, "Deciding on War Against Iraq: Institutional Failures" (Canvas).

VIDEO: *Cheney's Law*: 1-hour video

Elizabeth Drew, "Power Grab," 2006 (Canvas).

Stephen Skowronek, "The Conservative Insurgency and Presidential Power" (Canvas).

Barack Obama, Speech On U.S. Drone And Counterterrorism Policy, 23 May 2013 (Canvas).

VI. THE CONSTITUTION AND GOVERNMENTAL CAPACITY

The Will of the People, pp. 369-385.

ACADEMIC INTEGRITY:

All the existing rules of academic integrity apply. Any violation of those rules will be prosecuted. The instructor reserves the right to assign a failing grade for the whole course for such violations. Plagiarism – which includes undocumented or inadequately documented use of material from the internet -- will result automatically in a failure for the class. Academic misconduct also includes using work done by another student in the course. You should feel free to meet face to face with others in the class and discuss the material, but you may not use written work done by others. If you have any questions about academic integrity, please consult UCSC's Academic Integrity policy or the instructor.

- How to properly cite others' work or recognize collaboration - Library's resource page <http://guides.library.ucsc.edu/citesources>
- Please see the *UC Santa Cruz Academic Misconduct Policy for Undergraduates*, https://www.ue.ucsc.edu/academic_misconduct, which details the disciplinary processes surrounding academic misconduct.
- Plagiarism is not tolerated in this class. You will fail the assignment and potentially the course if you plagiarize. It is cheating.
- Thank you for your consideration of these policies.

DC REQUIREMENTS:

In the Politics major, the university's DC requirement is fulfilled by completing any three of your required four core courses (105A, B, C, D; 120A, B, C; 140A, B, C, D; 160A, B, C). The goal of the Disciplinary Communication requirement is to ensure that you acquire the skills in writing and other forms of communication necessary for your major. The central goals of the core courses are breadth of knowledge within the major and training and improvement in writing. You should see the core courses as a progressive and cumulative process requiring sustained attention to the form and quality of your writing. Another form of disciplinary communication is speaking and discussion. You are encouraged to work on the clarity and quality of your contributions to lecture discussions.

CITATION AND DOCUMENTATION OF SOURCES IN PAPERS:

All courses in the Politics department use one of two standard forms of citation (1) parenthetical or in-text

citations and (2) footnotes. This course will use parenthetical or in-text citations for all the written assignments. For the in-text system the department follows the *Modern Language Association* (MLA). A style guide for the can be found on the Politics Department (Citation Requirements) website. The MLA format is detailed in other style guides as well, including Diana Hacker's, *A Pocket Style Manual*.

OTHER COURSE RESOURCES:

Websites that offer information relevant to this course:

1. Founding Documents, including the full text of the *Federalist Papers*:
http://avalon.law.yale.edu/subject_menus/fed.asp
<http://memory.loc.gov/ammem/help/constRedir.html>
2. General Information on Congress, the Executive Branch, and the Court:
<http://thomas.loc.gov> (The Library of Congress's site on Congress)
<http://www.vote-smart.org/index.htm> (Non-partisan, lots of basic information)
<http://www.senate.gov/> and <http://www.house.gov/>
3. Supreme Court Decisions and Constitutional Issues:
<http://supreme.findlaw.com/> (Access to recent decisions and other links and information)
<http://www.law.cornell.edu/> (Access to recent and historic cases, full texts of decisions)
4. On-line U.S. government textbook (short but informative chapters): <http://www.ushistory.org/gov/>

DRC ACCOMMODATIONS:

The Disability Resources Center reduces barriers to inclusion and full participation for students with disabilities by providing support to individually determine reasonable academic accommodations. If you have questions or concerns about exam accommodations, or any other disability-related matter, please contact the DRC office, located in Hahn 125 or at 831-459-2089 or drc@ucsc.edu.

Please provide your accommodation documentation to me within the first week of class.

SESSION 2 DEADLINES:

- Add - Thursday, August 2
- Drop - Monday, August 6 (tuition refund)
- Financial Aid Disbursement - July 23
- Change Grade Option - Friday, August 10
- Withdraw - Friday, August 17 (no tuition refund)
- Grades Due - Thursday, September 6