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, 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 unless it is called for during group activities or for a specific DRC accommodation. 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. Observe professional decorum at all times.

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 13. (25%)
3) Final take-home essay exam (6-7 pages), due Friday, August 30, 7:00 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 with specific reference to the readings.
Additionally –

- Late papers and assignments will not be accepted without timely notification and my prior approval.
- Daily contact with a credible news source, such as the New York Times or other major paper or online source, 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:

3) *The Federalist Papers* (also available online: [http://avalon.law.yale.edu/subject_menus/fed.asp](http://avalon.law.yale.edu/subject_menus/fed.asp))
3) Course Reader available at Bay Tree Bookstore, optional, but highly recommended
4) Other required readings are available on the course Canvas page

Note:

- If you have taken an introductory course in American politics or otherwise have limited background in the subject, consider 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:

Trina Barton
kikbarib@ucsc.edu
Office Hours: Thursday 1:00 – 3:00PM and by appt.
Merrill 139

Teaching Assistant:

Anthony Bencomo
abencomo@ucsc.edu
Office Hours: Tuesday 1:00 PM – 2:30 PM
Merrill 6
INTRODUCTION: INSTITUTIONS AND POLITICS  
(WEEK 1, July 30-Aug 1)

1) Yoni Applebaum, “Impeach Trump Now,” The Atlantic, 2019 (online + Canvas)  
2) Yascha Mounk, “The Case Against Impeachment,” Slate, 2019 (online + Canvas)

I. ORIGINS: THE ARCHITECTURE OF NATIONAL POWER

The American Presidency, chps. 1 and 2.  
Federalist Papers, #10.  
Federalist Papers, #39, 48, 51.  

II. ESTABLISHING AN AMERICAN STATE

The American Presidency, chps. 3 and 4.  
Paul Ortiz, An African American and Latinx History..., chp 2.  
Federalist Papers # 78.  
Marbury v. Madison  
McCulloch v. Maryland

III. EVOLUTION OF POWERS, ORGANIZATION & CONSTITUENCY IN THE 19TH CENTURY  
(WEEK 2, Aug 6-Aug 8)

A. Congress:

Federalist Papers # 52, 55, 57, 62, 63.  
James Bryce, “The Committees of Congress,” from The American Commonwealth  
The American Presidency, chp. 5.

B. The President:

Federalist Papers # 68, 70, 73.  
Tocqueville, "Selections on the Presidency."  
James Bryce, "Why Great Men are not Chosen Presidents."  
The American Presidency, chps. 6 and 7.  
Paul Ortiz, An African American and Latinx History..., chp 3.  

The American Presidency, chp. 8.  
Jeffrey K. Tulis, “The Two Constitutional Presidencies.”  
Andrew Jackson, Bank Veto Message (C).  
Abraham Lincoln’s proclamation of naval blockade (C).  
Abraham Lincoln, The Emancipation Proclamation (C).

C. The Court:

Scott v. Sandford  
The Prize Cases  
Plessy v. Ferguson  
Lochner v. New York  
The American Presidency, chp. 9.
IV. 20TH CENTURY TRANSFORMATIONS: THE WELFARE-WARFARE STATE

(AUG 3, AUG 13-AUG 15)

Aug 13: Exam, In-class

A. Turning Point: The Great Depression and World War Two
Paul Ortiz, An African American and Latinx History..., chp 6.
The American Presidency, pp. 301-322.
Franklin D. Roosevelt’s First Inaugural (C).

B. After FDR: The Personal and Imperial President
The American Presidency, pp. 322-359.
John F. Kennedy, Inaugural Address (C).
Tonkin Gulf Message and Congressional Tonkin Gulf Resolution (C).
War Powers Resolution of 1973 (C).

C. The Court:
Schechter Poultry Co. v. U.S
United States v. Darby
United States v. Curtiss-Wright Corp
Korematsu v. United States
Youngstown Sheet and Tube Co. v. Sawyer
United States v. Nixon

D. Congress
Samuel P. Huntington, “Congressional Responses to the 20th Century.”
Jonathan Rauch, “Demosclerosis”.
Fred Barnes, “The Unbearable Lightness of Being a Congressman.”

V. INSTITUTIONAL POWER AND CONFLICT IN AN ERA OF DIVIDED GOVERNMENT, 1981-2018

(AUG 4, AUG 20-AUG 22)

A. The Reagan Era and the Politics of Partisan Polarization & Divided Government:
The American Presidency, chp. 12.

B. Adaptations: The Presidential Veto, Its Uses and Variations:
The American Presidency, chp. 13.
Clinton v. City of New York

C. The Politics of Impeachment:
Report of the Congressional Committee Investigating the Iran Contra Affair.
Stephanie Lindquist, “Has Trump Violated His Oath of Office?” 2018 (C).

D. The Court and a More Conservative Constitutionalism:
United States v. Morrison
Citizens United v. FEC
Shelby County v. Holder

E. Congress: The House versus the Senate?
   George Packer, “The Empty Chamber: Just how broken is the Senate?”
   Daniel Wirls, “Trump’s Right About One Thing: The Senate Should End its 60-Vote Majority.”

(WEEK 5, Aug 27-Aug 29)

A. The Perils of Presidential Power from Bush to Obama: The Forever Wars
   *American Presidency*, chp. 14 and chp. 15.
   Louis Fisher, “Deciding on War Against Iraq: Institutional Failures.”
   Elizabeth Drew, “Power Grab,” 2006
   President Obama’s speech on U.S. drone and counterterror policy, May 23, 2013.
   VIDEO: *Cheney’s Law*.

B. From Obama to Trump:

VI. THE CONSTITUTION AND GOVERNMENTAL CAPACITY

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](http://guides.library.ucsc.edu/citesources)
- Please see the UC Santa Cruz Academic Misconduct Policy for Undergraduates, [https://www.ie.ucsc.edu/academic_misconduct](https://www.ie.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.
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)
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)

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 1
- Drop - Monday, August 5 (tuition refund)
- Financial Aid Disbursement - July 22
- Change Grade Option - Friday, August 9
- Withdraw - Friday, August 16 (no tuition refund)
- Grades Due - Thursday, September 5