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 150 or more pages of reading a week (some weeks more, some less), and some of the readings, such as the Supreme Court opinions, 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) Five 1-page reading responses due in discussion section (details on eCommons and in section).
2) Two in-class 10-15 minute exams (January 29 and February 24).
3) Final take-home essay exam (7-8 pages), due Thursday, **March 17, 11 AM**.
4) Lectures presume knowledge of the readings and class sessions sometimes will combine lecture and discussion. 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.
5) Attendance and participation in section, and attendance at lecture.

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.
2) Barry Friedman, *The Will of the People*.
3) Louis Fisher and Katy J. Harriger, *American Constitutional Law*  
4) Optional: *The Federalist Papers* (any printed edition will do, also available on-line, see page 6 for websites)
5) Other required readings are available on the course website homepage via eCommons  
   https://ecommons.ucsc.edu/xsl-portal and are so designated in the syllabus. NOTE: Most of the  
eCommons readings are also available in a reader for purchase by individual order at LITERARY  
GUILLOTINE, 204 Locust St, Santa Cruz, (831) 457-1195. The readings are required but purchase of the  
reader is optional. Here is a student guide to eCommons.

NOTE:
(1) The Supreme Court cases listed in the syllabus by their titles (e.g. *Marbury v. Madison*) are from Fisher and Harriger, *American Constitutional Law*. Listed in parentheses after the case name is the page in *American Constitutional Law* on which the case begins. You can also find the cases by looking in the Table of Cases. A few other readings are also from *American Constitutional Law* (designated by ACL and page number).

(2) About 15 short readings, in the form of historical documents and several shorter articles, are available on eCommons only, not in the reader (but many are online too). They are designated (eCommons only).

At some point, and the sooner the better, you might read *American Constitutional Law*, chapters 4 and 5, especially if you are interested in the structure and mechanics of the federal court system and Supreme Court decision-making. Also, Appendix 3, in *American Constitutional Law*, is a Glossary of Legal Terms that will be useful to consult as you read cases.

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.

**Office Hours:** Wednesday 11-2 and by appt.  
**Teaching Assistants:**
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459-2134  
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Scott Newsome: swnewsom@ucsc.edu

*(See other important course information as well, starting top of page 6)*
INTRODUCTION: INSTITUTIONS AND POLITICS (Jan. 4)
All four articles below are online and eCommons:
Adam Liptak, “Potential Power Shift as Court Weighs ‘One Person One Vote’” 8 Dec. 2015.

I. ORIGINS: THE ARCHITECTURE OF NATIONAL POWER (Jan. 6)
The American Presidency, chp. 1.
Federalist Papers, #10.

II. ESTABLISHING AN AMERICAN STATE (Jan. 11)
The American Presidency, chps. 3 and 4.
The Will of the People, chps. 2 and 3.
Federalist Papers # 78.
Marbury v. Madison (44), McCulloch v. Maryland (319), Gibbons v. Ogden (328).

III. THE 19TH CENTURY AND THE GOVERNMENT OF PARTIES AND COURTS (Jan. 18)
A. The President:
The American Presidency, chps. 7 and 8.
The Will of the People, “Selections on the Presidency,” (eCommons).
Jeffrey K. Tulis, “The Two Constitutional Presidencies” (eCommons).
Abraham Lincoln’s proclamation of naval blockade (eCommons only).
Abraham Lincoln, The Emancipation Proclamation (eCommons only).

B. Congress:
Federalist Papers # 52, 55, 57.
Gerald Gamm and Kenneth Shepsle, “Emergence of Legislative Institutions…” (eCommons).
James Bryce, “The Committees of Congress,” from The American Commonwealth (eCommons).

(Holiday, No Class: January 18)

Jeffrey K. Tulis, “The Two Constitutional Presidencies“(eCommons).
Abraham Lincoln’s proclamation of naval blockade (eCommons only).
Abraham Lincoln, The Emancipation Proclamation (eCommons only).

Federalist Papers # 62, 63 & The American Presidency, chp. 9. (Jan. 25)
C. The Courts:

The Will of the People, chp. 4 and pp. 137-149. (Jan. 27)
The Prize Cases (265), Ex Parte Milligan (268), Optional: Ex Parte McCardle (463).
Slaughter-House Cases (424), Munn v. Illinois (426).

The Will of the People, pp 150-194. (Jan. 29: Exam, in-class)
Optional: Adkins v. Children’s Hospital (434).

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

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

The American Presidency, pp. 301-315. (Feb. 1)
Franklin D. Roosevelt’s First Inaugural (eCommons only).
The Will of the People, pp. 195-212.

The Will of the People, pp. 212-236. (Feb. 3)
West Coast Hotel v. Parrish (437), NLRB v. Jones and Laughlin (342),
United States v. Darby (345), Wickard v. Filburn (346).
Franklin D. Roosevelt on “Packing” the Supreme Court (eCommons only).

The American Presidency, pp. 315-322. (Feb. 5)
United States v. Curtiss-Wright Corp (256), Korematsu v. United States (269).
Franklin D. Roosevelt, Radio Address on “Arsenal of Democracy” (eCommons only).
Franklin D. Roosevelt, Prohibition of Discrimination in the Defense Industry (eCommons only).

B. After FDR: The Personal and Imperial President

The American Presidency, pp. 322-359. (Feb. 8)
Youngstown Sheet and Tube Co. v. Sawyer (271).
John F. Kennedy, Inaugural Address (eCommons only).

The American Presidency, pp. 359-395. (Feb. 10)
Tonkin Gulf Message and Congressional Tonkin Gulf Resolution (eCommons only).

The American Presidency, chp. 12. (Feb. 12)
Jimmy Carter , Televised Address to the Nation, July 15, 1979 (eCommons only).
Ronald Reagan, First Inaugural Address, Jan. 20, 1981 (eCommons and online).
Report of the Congressional Committee Investigating the Iran Contra Affair (eCommons).

(Holiday, No Class: February 15)

C. The Court:

The Will of the People, chp. 8. (Feb. 17)
D. Congress:
   Samuel P. Huntington, “Congressional Responses to the 20th Century,” (eCommons). (Feb. 19)
   Jonathan Rauch, “Demosclerosis” (eCommons).
   Fred Barnes, “The Unbearable Lightness of Being a Congressman,” (eCommons).
   Roger Davidson, “The New Centralization on Capitol Hill” (eCommons).

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

A. Adaptations: The Rise, Fall, and Return of the Legislative Veto: (Feb. 24: Exam, in-class)
   INS. V. Chadha (220) and Legislative Vetoes after Chadha (223).

B. Adaptations: The Presidential Veto, Its Uses and Variations: (Feb. 26)
   Clinton v. City of New York (217).
   The American Presidency, chp. 13.

C. The Senate and Supermajority Rule: (Feb. 29)
   Josh Chafetz, “The Unconstitutionality of the Filibuster” (eCommons).
   George Packer, “The Empty Chamber: Just how broken is the Senate?” (eCommons).
   The Will of the People, pp. 280-303 (to spread out the reading for March 2).

D. The Court and a More Conservative Constitutionalism: (Mar. 2)
   The Will of the People, pp. 304-369.
   Richard Wolf, “Chief Justice John Roberts’ Supreme Court At 10…,” 29 Sept. 2015 (eCommons only).
   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: (Mar. 4)
   Louis Fisher, ”Deciding on War Against Iraq: Institutional Failures” (eCommons).
   VIDEO: Cheney’s Law: 1-hour video to watch outside of class for March 4 & 7.
   Elizabeth Drew, “Power Grab,” 2006 (eCommons).
   ACL: 171-173 (on Signing Statements).
   Stephen Skowronek, “The Conservative Insurgency and Presidential Power” (eCommons).
   American Presidency, chp. 15.
   Barack Obama, Speech On U.S. Drone And Counterterror Policy, 23 May 2013 (eCommons only).

VI. THE CONSTITUTION AND GOVERNMENTAL CAPACITY (Mar. 11)
   The Will of the People, pp. 369-385.
   Review Readings from Jan. 4
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 share your work or use written work done by others, such as might be facilitated by an online document system. If you have any questions about academic integrity, please consult UCSC’s Academic Integrity policy or the instructor.

EVALUATIONS/GRADING POLICY:
Your evaluation and/or grade will be based on the following percentages:
1. Section/Lecture: Attendance and participation: 10%
2. Five section papers: 25%
3. Two In-Class Midterm Examinations: 30%
4. Final Paper: 35%

NOTE: Aside from academic misconduct, there is an important exception to the mathematical application of the percentages above: An unsatisfactory performance (C-, D or F) on both the sections papers (as a group) and the final paper will result automatically in an unsatisfactory performance (C-, D, F, or NP) for the course.

DC REQUIREMENT:
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 section and 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: A few 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)