

# GOV 357M (38495): Law of Politics

Fall 2016

## Dr. Alan Sager

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Office Hours: Mon-Wed at SAC Food Court 2:30-4pm,  
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Class Website: <http://sites.la.utexas.edu/lawofpolitics/>

## Course Overview

This course is designed for students with a variety of interests including students who are interested in some of the core issues of “retail” politics, students who want to become political practitioners or are political junkies, government majors, students who want a little taste of what law school might be like, future government teachers, and students interested in some of the most difficult current theoretical and philosophical issues at the intersection of law and politics. There are many ways to conceptualize the structure of this course. One way is to see it as being about the way institutional structures affect or cause results in our political system, e.g. how requiring a voter i.d. law may affect the outcome of elections. From another viewpoint, it is a course in constitutional and statutory interpretation with the subject matter being elections and electoral law. From still another point of view it is about what structures and processes are necessary or sufficient to create the American form of republican government. Of course, that also requires constantly defining what is “republican government.” As you go through the course, you might develop your own conceptual framework for organizing the course material. Keep in mind underlying this course will be some basic questions about liberty, equality, political processes, representation, civic virtue and many other issues of political theory. Often these concepts are deeply embedded in a judge or justice’s view of the more mundane case issues without being articulated. As you go through the readings, films and other course material, try to bring these issues to light and always work on seeing the complex interrelationships and interstices between and among the various course materials. This course is a discussion course, not a lecture course. Students are expected to prepare for each day’s assignments so they can discuss the assigned material in class. There is no way to be highly successful in this course without such preparation.

## **Course Goals**

There are five major goals for this course:

1. To identify and understand the major themes and controversies relating to legal aspects of elections.
2. To better understand those parts of our Constitution relating to voting and elections.
3. To better understand the development of the VRA, The Voting Rights Act, and related legislation.
4. To have students develop a high level of skill in reading, briefing and understanding Supreme Court opinions, with special attention on what questions to ask when reading an opinion.
5. To raise participants' "cultural literacy" about the legal structure of our democracy and our Republican form of government.

## **Course Requirements**

1. 3 hours exams approximately 65%(40% objective,60% essay)
2. 2 papers 3-4 pages approximately 20%
3. Class attendance and participation approximately 15%This course will be graded with "+" and "-" grades.

## **Class Project and Papers**

- 1.First paper: 3-4 page brief on an old or recent case on the subject of this course  
Due around the 4th week of the semester. Case will be assigned by 2<sup>nd</sup> week.
2. Second paper: 3-4 page paper. Due 2nd near last week of semester, just before Thanksgiving In the past everyone has done 6 hours of observation as a poll watcher during early voting at various locations in Travis County and then written a paper about it. If you are not registered to vote in Travis County, you cannot be a poll watcher. The alternate project will be some original empirical research about topics covered in this course such as why people do not vote, whether there is media bias, and how much money is being spent in particular campaigns around the country and its effect. If students who end up doing this

alternate project want to create their own empirical research project, it is certainly possible.

## **Required book and other materials:**

**Election Law: Cases and Materials** 5th Edition 2012 Daniel Hays Lowenstein and Richard L. Hasen, Daniel P. Tokaji (Carolina Academic Press) plus 2016 supplement

### **Supplementary Texts**

Voting Rights and Wrongs by Abigail Thernstrom

Stealing Elections: How Voter Fraud Threatens Our Democracy by John Fund (both available as paperbacks and on Kindle)

### **Movies to view during the course.**

1. All The Kings Men (1948 version) Winner of several academy awards in 1948, it is based on Robert Penn Warren's historical novel about Willy Stark who in real life is Huey Long. Huey became Governor of Louisiana prior to WWII. He rose from virtually nothing to become a powerful force and demagogue in Louisiana politics in the 30's and early 40's. The "Longs" controlled Louisiana politics for a couple of decades.

2. All The President's Men (1976) with Dustin Hoffman and Robert Redford. It is an adaptation of a book about the work of Bob Woodward and Carl Bernstein who, as young reporters for the Washington Post, tracked down and developed the stories about the break-in at Democratic Headquarters at the Watergate Hotel that eventually led to the resignation of President Nixon. Not sure journalists today would have what it takes to do what they did. The movie lost the Oscar for best Picture in 1976 to Rocky.

3. Primary Colors (1998) with John Travolta as a Bill Clinton character and Emma Thompson as Hillary. Another supposedly fictional story that really is about Clinton's first presidential campaign. While the names are changed to protect the writers from unpredictable Clinton wrath, you can figure out the characters and points of view if you know some early 90's history. Billy Bob Thorton is the the Jame Carville charcter, noted Clinton consultant from Louisiana married to the former Republican consultant Mary Matalin. In May she switched to the libertarian party. She was a consultant to the H.W. Bush campaign.

4. Our Brand is Chaos (2015) Sandra Bullock and Billy Bob Thorton as American political consultants fighting each in a Bolivian election. BillyBob also plays a James Carville type character in this movie. Can't helpbut make comparisons with our elections and candidates. Very good until you get past the election outcome at which which time, like the end of The Campaign, you get 10 minutes of moralizing why the liberal side was better. I missed this movie the first time. A couple I have known for 15 years and I saw get started in

political consulting in 2002 or so recommended it to me. They are now living in Budapest and mainly work elections in foreign countries.

5. *The Campaign* (2012) with Will Ferrell and Zack Galifianakis. This is a story about the evil Moch Brothers (meant to be parodies of the Koch Brothers) trying to control a North Carolina congressional election between cool Will, the Democrat, and nerdy Zack, the Republican. R rated for sexual content, language and brief nudity. It is Hollywood's appeal for overruling the infamous *Citizens United v. FEC* case, a case we will study in detail early in the semester. It has some very funny scenes and it contains some universal truths about politics, politicians and elections. I do not particularly like its attack on or parodies of Christians and Christianity in a couple of scenes. Since it is so directly about campaign speech and finance, I think it is worth watching. I also think it is a double edged sword for the values Hollywood thinks it is promoting.

6. *Mr. Smith Goes To Washington* (1939) with James Stewart and Greer Garson. Appointed to fill a vacancy in the U.S. Senate, a starry eyed, naive idealistic young man attempts to do something for the children of America in Washington. He soon learns the rules and that people inside the beltway are not what he had thought of or imagined. Though dated, one might ask what has changed since the movie was made?

### **Videos**

On the class website videopage there are links to a videos relevant to the course. I have collected them over the years. Some are no longer available and I am in the process of deleting those as I review these videos. Some will be assigned before various classes and others are there for your edification.

### **Class schedule and assignments:**

Please see assignments section on course website, <http://sites.la.utexas.edu/lawofpolitics/>

**Students with Disabilities:** Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 471-6259, <http://www.utexas.edu/diversity/ddce/ssd/> Please let me know what accommodations are needed as early in the semester as possible.

### **Communicating With Dr. Sager Outside of Class:**

Email: [amsag@utexas.edu](mailto:amsag@utexas.edu) or if a problem with U.T. email address use: [class@alansager.com](mailto:class@alansager.com)

Phone: 512-476-3891 ext 756. Best not to leave a phone message in his Mezes office.  
Website Will Be Updated Throughout Semester. Assignments may be updated or tweaked.  
Articles will be added to the Current News and Opinion Section on the home page.