

## AMERICAN POLITICS

This course aims to deepen your understanding of the theory and practice of American politics. More specifically, my goal in this class is to help you (1) to evaluate how well American governmental institutions, practices, and processes measure up to normative and constitutional theories, and (2) to analyze the efficacy and desirability of alternative institutional arrangements and political reforms.

The first third of the course focuses on elections, the primary institution through which citizen preferences are translated into public policy. This semester we will focus especially on the way we select the US president. Questions to be addressed include: Who votes, and what should we do to increase voter turnout? How well does the current electoral system work? How if at all should we change the nominating process? And should we abolish the electoral college?

The second section of the course examines the political and legal issues surrounding campaign finance reform and voting rights, with special focus on redistricting (aka gerrymandering) and reapportionment. With respect to campaign finance we will investigate the constitutional and political questions relating to contribution limits, Super PAC spending, and public financing of elections. With respect to redistricting, the questions we explore include whether partisan gerrymandering should be justiciable, how much race can or should be considered in drawing district lines, how best to understand and implement the right to an equally weighted vote, and whether *Shelby County v. Holder* was correctly decided.

During the final third of the class, we examine the three major national political institutions: Congress, the presidency, and the Supreme Court. We will ask how well these institutions work and whether they could be made to work better. Questions include: Would proportional representation improve the functioning of the House of Representatives? Would abolishing the filibuster improve the US Senate? Has the presidency grown too powerful, or is the real problem that the president lacks the power to do what the people elected him to do? Is it fair or prudent to have Supreme Court justices elected for life? Does the constitutional structure created over two hundred years ago need to be fundamentally changed? Is it time perhaps for a rethinking of our democracy, maybe even for a new constitutional convention?

Your grade will be based on two midterm exams (the first worth 20% and the second worth 25% of your grade), a final exam (worth 30% of your grade), and class participation (worth 25%). The participation grade is based not only on attendance and participation in class discussions but also on any written assignments related to preparation for class discussion, including emails I will often ask you to send me before class indicating which side of a debate you wish to take.

If you miss a class, whether excused or unexcused, you must write a 500 word paper analyzing the reading that was assigned for the day they miss. Your class participation grade will be lowered by a full grade for every 500 word paper you do not turn in within a week of the day you return to class. The makeup paper must be turned in to me in class *and* submitted electronically via email, saved as a Word document.

More than one unexcused absence will result in a full letter grade deduction from your final course grade; more than two unexcused absences will result in two full letter grade deductions from your final grade; more than three unexcused absences will result in failing the class. Persistent lateness for class can also result in deductions from the final grade.

The only book to be purchased is Richard J. Ellis and Michael Nelson, ed., *Debating Reform: Conflicting Perspectives on How to Fix the American Political System* (CQ Press, 2021; 4<sup>th</sup> ed.). The other readings indicated in the syllabus are available as pdfs on the class WISE site. In addition, you should read a newspaper daily, preferably the *Washington Post*, *New York Times* or *Wall Street Journal* but other newspapers with robust coverage of national politics are acceptable.

Readings available on WISE should be printed out and brought to class. In class you should **always** have the reading for that day on the desk in front of you. As a general rule, no laptops or other electronic devices may be used during class, although I will make an exception if you have the hardware (like an iPad) and software (like GoodNotes) to take notes directly on the electronic copy of the reading. No texting or other use of your phone should take place in class.

Please inform me of any disabilities that will affect your participation in this course and any accommodations authorized by the Office of Disabilities Services. I expect you to be familiar with Willamette's Plagiarism and Cheating Policy

My office is Smullin 324. Office hours are T 2:30-3:30 and TH 10:30-12:30, and by appointment (my email is [rellis@willamette.edu](mailto:rellis@willamette.edu)).

## **Schedule of Class Topics and Readings**

1-1. (Jan. 21) Introduction

### I. VOTER TURNOUT

1-2 (Jan 23) Is there a Turnout Problem?

Martin Wattenberg, *Is Voting for Young People?* (2016; 4<sup>th</sup> ed.), 89-129, 171-197

Martin Wattenberg, "In 2018, the turnout gap between the young and old didn't really shrink at all," *Washington Post*, February 11, 2019

2-1 (Jan. 28) Two Solutions: Compulsory Voting and Deliberation Day

Martin Wattenberg and Jason Brennan (con) debate "Resolved, the United States should adopt compulsory voting," *Debating Reform*, 119-135

Bruce Ackerman and James Fishkin, *Deliberation Day* (Yale, 2004), 3-14, 17-39

## II. IS THIS ANY WAY TO CHOOSE A PRESIDENT?

### 2-2 (Jan. 30) The Decline of Peer Review

Elaine C. Kamarck, *Primary Politics* (Brookings, 2019; 3<sup>rd</sup> ed), 6-26 (“The Good Old Days?”)

Jonathan Rauch and Ray La Raja, “Too Much Democracy is Bad for Democracy,” *Atlantic*, December 2019

Jonathan Bernstein, “The Case for Superdelegates is Stronger than Ever,” *Bloomberg*, November 20, 2017

FiveThirtyEight Chat (Micah Cohen, Clare Malone, Nate Silver, Perry Bacon, Julia Azari), “Are Democrats Courting Chaos in 2020 by Limiting the Power of Superdelegates?”

*FiveThirtyEight*, August 29, 2018

### 3-1 (Feb. 4) Are Caucuses Fair? Should Iowa Go First?

Elaine C. Kamarck, *Primary Politics* (Brookings, 2019; 3<sup>rd</sup> ed), 55-86 (“The Fight to be First”)

Paul Waldman, “The Presidential Caucus Needs to Die,” *Washington Post*, August 27, 2018

Katie Herzog and Eli Sanders, “Primary vs. Caucus: The Debate Dividing Washington State,”

*The Stranger*, March 27, 2019

Kathy Obradovich, “Here’s What the Democratic National Committee Doesn’t Understand about the Iowa caucuses,” *Des Moines Register*, September 5, 2019

Michael S. Lewis-Beck and Peverill Squire, “Iowa: The Most Representative State?” *PS:*

*Political Science and Politics*, January 2009, 39-44

Sydney Ember, “Why Almost Nobody Will Defend the Iowa Caucuses,” *New York Times*, Nov. 13, 2019

Tom Price and Jeff Kaufmann, “Iowa Deserves to go First,” *The Gazette*, Nov. 14, 2019

Marc Caputo, “The caucus change that has Iowa bracing for a hot mess,” *Politico*, Jan. 16, 2020

### 3-2 (Feb. 6) Should States require Open Primaries?

Jason Altmire (Pro) and Nicholas Seabrook (Con) debate “Resolved, States should require open primaries,” *Debating Reform*, 154-168

### 4-1 (Feb. 11) Should the US adopt a National Presidential Primary?

Michael Nelson and Andrew Busch debate: “Resolved, political parties should nominate candidates for the presidency through a national primary,” in *Debating the Presidency*, ed. Richard Ellis and Michael Nelson (CQ Press 2020; 5<sup>th</sup> ed), 173-195

Matthew Dallek, “In Defense of the Unfair, Messy Presidential Nomination Process,”

*Washington Post*, April 15, 2016

Barbara Norrander, *The Imperfect Primary: Oddities, Biases, and Strengths of U.S. Presidential Nomination Politics* (Routledge, 2020; 3rd edition), 129-135 (“Alternative Mechanisms for Counting the Votes in a National Primary”)

### 4-2. (Feb. 13) Should we abolish the Electoral College?

George C. Edwards III (Pro) and Gary L. Gregg II (Con) debate “Resolved, the electoral college should be abolished,” *Debating Reform*, 265-284

The Editors, “In Defense of the Electoral College,” *National Review*, March 20, 2019

### 5. 1 (Feb. 18) Can States Prohibit Faithless Electors?

Meagan Flynn, "He tried to stop Trump in the electoral college. A court says his 'faithless' ballot was legal," *Washington Post*, August 22, 2019

George Will, "Like it or not, faithless electors have a right to be unfaithful," *Washington Post*, December 4, 2019

### 5.2 (Feb. 20) Midterm 1

## III. CAMPAIGN FINANCE

### 6.1 (Feb. 25) *Buckley v. Valeo* and Federal Contribution Limits

Richard L. Hasen, "Nine Lives of *Buckley v. Valeo*," in *Election Law Stories*, ed. Joshua Douglas and Eugene D. Mazo (Foundation Press, 2016), 287-308

John Samples (Pro) and Richard Briffault (Con) debate "Resolved, Congress should remove the caps on the amount that individuals can contribute to candidates for federal office," *Debating Reform*, 136-153

### 6.2 (Feb. 27) Political Advertising

Stephen Ansolabehere and Shanto Iyengar, "Negative Ads Shrink and Polarize the Electorate" and John G. Geer, "The Need for Negativity," in Bruce Miroff, Raymond Seidelman, and Todd Swanstrom, eds., *Debating Democracy: A Reader in American Politics* (Wadsworth, 2012; 7<sup>th</sup> ed.), 203-220.

### 7.1 (March 3) *Citizens United* and Super PACs

Heather R. Gerkem and Erica J. Newland, The *Citizens United* Trilogy: The Myth, the True Tale, and the Story Still to Come, in *Election Law Stories*, ed. Joshua Douglas and Eugene D. Mazo (Foundation Press, 2016), 359-404

Bradley Smith, "Citizens United Gives Freedom of Speech Back to the People," *Reuters*, January 16, 2015

John McGinnis, "Liberals are Dangerously Wrong about Citizens United," *LA Times*, May 20, 2016

Pro/Con: Should Citizens United be Overturned? *Seattle Times*, August 26, 2016

Thomas Edsall, "After Citizens United, a Vicious Cycle of Corruption," *New York Times*, Dec 6, 2018

### 7.2 (March 5) Public Funding of Campaigns

Richard Briffault, "'More Speech' as a First Amendment Violation: Arizona Free Enterprise Club's Freedom Club PAC v. Bennett and the Challenge to Public Funding," in *Election Law Stories*, ed. Joshua Douglas and Eugene D. Mazo (Foundation Press, 2016), 405-450

#### IV. DRAWING LINES: VOTING RIGHTS AND REDISTRICTING

##### 8.1 (March 10) The Right to an Equally Weighted Vote

Guy-Uriel E. Charles and Luis Fuentes-Rohwer, “*Reynolds* Revisited,” in *Election Law Stories*, ed. Joshua A. Douglas and Eugene D. Mazo (Foundation Press, 2016), 21-61

*Reynolds v. Sims* (1964), in *Election Law: Cases and Materials*, ed. Daniel Hays Lowenstein et al. (Carolina Academic Press, 2017; 6<sup>th</sup> ed), 86-92

Charles S. Bullock III, *Redistricting: The Most Political Activity in America* (Rowman and Littlefield, 2010), chap 2 (“Population Equality”)

Emily Badger, “People Who Can’t Vote Still Count Politically. What if that Changes?” *New York Times*, June 2019, <https://www.nytimes.com/2019/06/22/upshot/america-who-deserves-representation.html>

##### 8.2 (March 12) Ruling on the Voting Rights Act

*Shelby County v. Holder* (2013)

##### 9.1 (March 17) The Politics of Congressional Redistricting

Charles S. Bullock III, *Redistricting*, chap. 4 (on redistricting criteria)

Ruth Greenwood (Pro) and Justin Buchler (Con) debate “Resolved, the redistricting process should be nonpartisan,” *Debating Reform*, 207-228

Joshua Douglas, “Overthrowing the Government...Peacefully” in *Vote for US: How to Take Back Our Elections and Change the Future of Voting* (Prometheus Books, 2019), 133-151

##### 9.2 (March 19) Race and Redistricting

Charles S. Bullock III, *Redistricting: The Most Political Activity in America* (Rowman and Littlefield, 2010), chap 3 (“Minorities and Redistricting”)

SPRING BREAK (March 24, 26)

##### 10-1 (March 31) Should Partisan Gerrymandering Be Justiciable?

*Rucho v. Common Cause* (2019)

10-2 (April 2) Midterm 2

#### V. REFORMING CONGRESS, THE PRESIDENCY, AND THE COURTS

##### 11-1 (April 7) The Undemocratic Senate

Bruce I. Oppenheimer (Pro) and John J. Pitney, Jr, (Con) debate “Resolved, the Senate should represent people not states,” *Debating Reform*, 229-244

Segio Peçanha, “Are cows better represented in the Senate than people?” *Washington Post*, January 16, 2020

11-2 (April 9) Adopt Proportional Representation in the House of Representatives  
Douglas Amy (Pro) and Brendan Doherty (Con) debate “Resolved, proportional representation should be adopted for U.S. House elections,” *Debating Reform*, 185-206

12-1 (April 14) Repeal the 22nd Amendment  
David Crockett (Pro) and Michael Korzi (Con) debate “Resolved, the Twenty-second Amendment should be repealed,” *Debating Reform*, 285-301

12-2 (April 16) Make Government More Responsible  
Larry Sabato, *A More Perfect Constitution* (Walker & Company, 2007), 76-96  
Ezra Klein, “The Unpersuaded,” *New Yorker*, March 19, 2012

13-1 (April 21) Abolish the Filibuster for Legislation  
Steven S. Smith (Pro) and Wendy Schiller (Con) debate “Resolved, Senate Rule XXII should be amended so that legislative filibusters can be ended by a majority vote,” *Debating Reform*, 245-264

13-2 (April 23) Reform the Judicial Appointment Process  
David Yalof (Pro) and John Maltese (Con) debate “Resolved the president has too much power in the selection of judges,” from *Debating the Presidency*, ed. Richard Ellis and Michael Nelson (CQ Press 2020; 5<sup>th</sup> ed), 250-272

14-1 (April 28) End Lifetime Tenure for Supreme Court Justices  
David Karol (Pro) and Ward Farnsworth (Con) debate “Resolved, the terms of Supreme Court Justices should be limited to eighteen years,” *Debating Reform*, 320-340

14-2 (April 30) Should we call a Constitutional Convention?  
Sanford Levinson (Pro) and David Kyvig (Con) debate “Resolved, Article V should be revised to make it easier to amend the Constitution and to call a constitutional convention,” from *Debating Reform*, 1-18

Larry Sabato, “Calling the Twenty-First Century Constitutional Convention,” in *A More Perfect Constitution* (Walker & Company, 2007), pp. 198-208 and 211-219

Final Exam: May 11, 2-5pm