Dr. Alan Sager | The Law of Politics
Gov 357 Fall 2012 | Unique #'s 33948, 38740

Course Description and Other Information

Office Hours and Locations
This semester Dr. Sager does not have T.A. He will be grading all the papers and exams. Office hours will be 2:00- 3:30, before class, on Mondays and Wednesday, usually at the Student Union near Wendy's. He can also meet in his office at Mezes Hall 2.232 during these times on request. Other office hours are on Wednesday's after class, 5:00- 6:15, at the Cactus Cafe in the Union.

Course Website: http://drsager.webhost.utexas.edu/lawpol/home.htm

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 and course material, try to bring these issues to light.

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 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 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.

Who Should Not Take This Course?
Anyone prone to putting everything off until the exam and not being willing to keep up with daily assignment-- that is unrepentant and unchangeable PROCRASTINATORS.

How Can Students Make This Course Easier?
Spend all the time necessary in the first few weeks to do good to excellent briefs and put together a study group. Students have found that study groups of from 4 to 8 classmates are extremely helpful in mastering this course. Forming one is strongly encouraged and could viewed as a necessity. These groups will help your daily preparation and preparation for exams.

Prizes
It is Dr. Sager's custom to award prizes for the best paper for each assignment, the best score on each exam and the highest average for the semester. For the highest individual exam scores the prize is a U.S. Supreme Court coffee mug. For the highest average, the prize is an engraved plaque with a gavel and the Supreme Court seal and a signed copy d of Clarence Thomas's autobiography, My Grandfather's Son acknowledging this winner. There are also other prizes, e.g., for most improvement from one exam to another.

Suggestion: Students have found that study groups of from 4 to 8 classmates are extremely helpful in mastering this course. Forming one is strongly encouraged and could be viewed as a necessity. These groups will help your daily preparation and preparation for exams.

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 or if a problem with U.T. email address use: class@alansager.com
Phone: 512-476-3891 ext 756. Best not to leave a phone message in his Mezes office.

Required Texts
Main Text
Election Law: Cases and Materials
by Daniel Lowenstein, Richard Hasen, and Daniel Tokaji, 5th Edition Carolina Press 2012

Supplementary Texts
Don't Vote It Just Encourages the Bastards by P. J. O'Rourke
Voting Rights and Wrongs by Abigail Thernstrom

Course Assignments
The Law of Politics
Fall 2012

All cases assigned should be briefed. Briefs need to be written and brought to class unless you can commit your brief to memory in a way that you can answers questions about it. Generally, other reading assignments should be summarized in writing and also brought to class NOTE: As we move through the semester, assignments are subject to change. Check this course assignment page on the class website on a regular basis.

There is a videopage for this course which will be regularly updated, mainly with relevant videos from Youtube. This webpage is linked on the class website.

Prepare the O'Rourke book for the first exam and the Thernstrom book for the second exam. How to do that will be discussed in class early in the semester.

For each class day prepare the following assignments in the Hasen Election Law textbook.

I. Introduction
Class 1 Wed August 29

Basic Political Theory

Read Federalist #10.	pp 3-11
Burke	pp 11-14
Ellis	pp 14-25

II. Citizens Right To Vote
Class 2 Wed September 5

Historical Introduction

Dr. Sager to discuss pp 25-40

State Limitations On Right To Vote

Brief Harper.	pp 40-47
Brief Shafte	pp 47-55
Brief Kramer	pp 55-65

Class 3 Mon September 10

Voter I.D. And Voting Rights
Brief Crawford. pp 302-323

Class 4 Wed September 12.
Vote Counting and 14th Amendment
Read and Brief Bush v. Gore pp 267-293

Class 5 Mon September 17
Other Counting, Casting and Registration Issues
Brief Wexler. pp 293-303
Read. Hasen pp 323-341

III Legal Issues of Campaigning and Campaigns
Class 6 Wed September 19
Speech And Appearance Issues
Brief State of Washington pp 536-552
Brief. McIntyre pp 891-908
Dr. Sager to discuss Judicial Elections
pp 552-588

Class 7 Mon September 24
Contributions and Expenditures
The Basic Framework
Brief Buckley. pp 641-676

Class 8 Wed September 26
No Class. Religious Holiday

Class 9 Mon October 1
Empirical Observations about , and Theoretical Justifications for, Campaign Finance Regulations.
Read. pp. 676-701

Class 10 Wed October 3
Exam # 1

Class 11 Mon October 8
Corporate Spending Limits
Brief Bellotti. pp 701- 717
Brief Austin. pp 722-735

Class 12 Wed October 10
Read Oral Arguments in Citizen's United

Class 13 Mon October 15
Brief Citizen's United. pp 738-761

Class 14 Wed October 17
Contribution Limits
Brief Nixon. pp 761-792

Class 15 Mon October 22
Contribution Limits
Brief Randall. pp 792-810
Read. pp 810-820
Brief Speech Now. pp 820-826

Class 16 Wed October 24
Contribution Limits
Brief Ognibene. pp 826-831
Public Financing
Brief Arizona. pp 851-874

Class 17 Mon October 29
Campaign Finance Disclosure
Brief Buckley v. Valeo pp 884-891
Brief Doe v. Reed. pp 908-921
Class 18 Wed October 31
Exam #2

III. Legal Issues Affecting Political Parties
Class 19 Mon November 5
Roles, Responsibilities and Obligations
Read pp 417-449
Brief. Ammond. pp 440-443

Class 20 Wed November 7
State Parties
Brief. Tashijan. pp 454-465
Patronage
Brief. Elrod. pp 478-495
IV. Bribery
Class 21 Mon November 12
Brief all 6 short cases in Chapter. 11

V. Aggregating Votes in Districted Elections: 14th Amendment and the VRA

Class 22 Wed November 14

Basic Issues: One Person one Vote

Brief. Reynolds v. Simms	pp 66-69
Brief Lucas v. Colorado	pp 69-78
Brief Avery v. Midland County.	pp 78-86
Brief Sayler	pp 86-93

Class 23 Mon November 1

Partisan Gerrymandering

Brief Vieth v. Jubeliere	pp 109-144

Incumbency Advantages

Brief: Miller v. Cunningham	pp 154-159

Class 24 Wed November 21

Minority Vote Dilution: Section 5 of the VRA

Brief: Allen v. Board of Education	pp 165-171
Brief: Beer v. United States	pp 171-180
Brief: Ga. V. Ashcroft	pp 180-190

Class 25 Mon November 26

The Future of Section 5 of the VRA

Brief NW Austin MUD v. Holder	pp 190-201

Minority Vote Dilution: Section 2

Brief Thornburg v. Gingles	pp 201-229
Brief Holder v. Hall	pp 229-236

Class 26 Wed November 28

Minority Vote Dilution: Racial Gerrymander and the 14th Amendment

Brief: Shaw v. Reno	pp 237-249
Read post-Shaw cases	pp. 237-249
Read Lulac v. Perry	pp 258-267

Class 27 Mon December 3

Putting It All Together: 2012 Election and issues covered in this course

Class 28 Wed December 5

Exam #3