

**Government 2301: Constitution & Political Behavior in the U. S. and Texas**  
**Dr. Douglas C. Dow**

**Autumn 2013 MWF: 1:00-1:50PM CV Seminar Room - GC 1.208B**

**Office Hours: MWF 12:00-1:00PM and by appointment (GC 2.206)**

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**Course Objectives**

This honors seminar is designed as an introduction to the constitutional structure, institutional processes and political cultures of the United States and Texas. We will seek a basic understanding of the people, institutions, movements, cultures, and opinions that shape the political landscape. Our first goal will be to understand how American politics is contoured by its ever-evolving constitutional system. We will seek answers to a number of questions: What were the origins of the American Constitution? How do the historical beginnings of government continue to shape contemporary politics? How should power be divided and shared between the national government and the states? What are the functions of state government? How does the Texas Constitution resemble and differ from the U.S. Constitution? What has been the history of civil rights and liberties protection?

The second goal of the course will be to understand those processes and institutions through which citizens behave politically. What is political culture? How do people come to form political beliefs? What kinds of groups do people create and join to promote their ideas and interests? How do these groups interact with governmental actors themselves? We shall explore the development and evolution of political parties, the growing dominance of interest groups, the importance of public opinion and the role of political culture in shaping the information Americans have about their government and society.

**Course Requirements**

**Attendance and Participation:** An important requirement for this honors seminar will be active participation in class discussion, debate and analysis. Regular attendance is required, and the professor will take attendance for each class. Please bring to class each day the texts under discussion – we will be referring to particular passages regularly. Each student is expected to have completed the day's readings before class. Be prepared to talk. Everyone will be expected to demonstrate civility and a respect for the thoughts, opinions and beliefs of others. Notes or summaries will not be provided for missed classes. Cell phones and all other electronic noise-makers should be turned off (not on vibrate) during class. Because of the frequency by which many students using laptops to take notes also succumb to the temptations to surf the Web, check email, IM, or otherwise disengage themselves from class discussions, laptop use will not be permitted during class.

**Exams:** There will be three closed-book, closed-note, in-class blue book essay exams. They will cover both assigned readings, as well as lecture and discussion material. Each exam will be worth 15% of the final grade. The questions will be distributed one week in advance of the exam.

**Précis:** Each student will be expected to write one précis, of between 8-10 pages, for one of the three supplementary readings. Précis should be double-spaced, and no smaller than 12 point font. Please number all pages, and use internal citations. This précis will be worth 25% of the final grade. Students are asked to submit a hard copy of the essay to the professor and an electronic copy to turnitin.com. This is an iterative assignment, which means that students have the opportunity to re-write their précis, based on the professor's comments. This is voluntary, not required, but students may earn up to five points added to their original grade.

For those unfamiliar with this type of assignment, a précis stands somewhere between a summary and a critique, more than a mere recitation of what the author said, but less than an original interrogation of the author's premises or conclusion. Think of it as a characterization of "what the text is doing." Amongst the questions a précis should ask includes: what is the author's main thesis, why this thesis is important, what are the author's main conclusions, and what evidence or arguments are used to arrive at the conclusions. Most good book reviews are written in a précis style, and it is recommended to read some to get a better idea of this type of assignment. The way you read a book changes based upon the questions you are asking of it. Writing a précis, or holding a conversation about a book for three hours, will require each student to read more actively.

**Turnitin.com:** We will be using **turnitin.com** to guard against plagiarism for the précis. Each student must submit her or his paper to **turnitin.com**. I have established an account for this class. For those who have never used this website before, on the homepage there is a brief tutorial on setting up your class account. You will need both your class ID # and class enrollment password. Be careful: the password is case-sensitive:

**Class ID #: 6553431**  
**Class Enrollment Password: democracy**

**Roundtable Sessions:** We will hold formal student-led roundtable discussions lasting one week for each of our three supplementary readings. Roundtables are student lead discussion and debate. Each participant will be expected to come prepared with the book, notes on the book, as well as a list of approximately five to seven questions, comments, or quotations for further deliberation. Everyone participates – no one merely listens.

**Quizzes:** Most classes will begin with a brief quiz covering the readings that are required for that day. These quizzes will test recollection of the reading material and will aid as a starter for class discussion. The accumulation of quizzes, combined with attendance and the quality of participation (especially during the roundtables), will account for 10% of the final grade.

**Film and American Political Culture:** There will be three assigned films to watch, and each film will be accompanied by a short article. Copies of each film will be left in the CV Lounge for students to view. There will be a set of questions to answer about each film, designed to explore its meanings within a broader American political culture. Taken together, the three film assignment will count for 20% of the final grade.

**Make-Ups:** Make-up exams, or extensions on paper deadlines, will be given only in documented

emergency situations and at the discretion of the professor. All unexcused late papers will be docked a full letter grade for each class period they are late. In cases in which you will be absent from class, you should notify the professor via email as soon as reasonable possible.

**Syllabus Changes:** The professor reserves the right to amend this syllabus during the semester. Any changes will be announced in class, and students will be responsible for getting and following the new information.

**Grading Scale:** All exams will be graded on a 100-point scale. The following conversion chart will be used to translate numbers into letter grades:

A: 94-100	B-: 80-83	D+: 67-69
A-: 90-93	C+: 77-79	D: 64-66
B+: 87-89	C: 74-76	D-: 60-63
B: 84-86	C-: 70-73	F: below 60

## **University Policies**

All of the requirements and processes contained in this syllabus and made by the professor shall comply with university wide policies. For more information on UTD's academic policies, including student conduct and discipline, religious holidays, academic integrity, email use, withdrawal from the class, grievance policies, incomplete grade policies, and disability services, please go to: <http://go.utdallas.edu/syllabus-policies>

## **Course Texts**

Each of the following texts is required, and can be purchased at the on-campus book store and at Off Campus Books (561 W. Campbell Rd. #201, Richardson, TX 75025; ph. 972-907-8398). Please make sure that you are using the proper edition of the textbook assigned for the class. All other readings will either be handed out in class, emailed, or available online.

- Benjamin Ginsberg, Theodore Lowi, and Margaret Weir. *We the People: An Introduction to American Politics* Ninth Texas Edition (New York: W.W. Norton, 2013).
- Sanford Levinson. *Our Undemocratic Constitution*. (Oxford University Press, 2006)
- Jacob S. Hacker and Paul Pierson. *Winner-Take-All Politics: How Washington Made the Rich Richer – And Turned Its Back on the Middle Class* (Simon & Schuster, 2010)
- Martha C. Nussbaum. *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (Oxford University Press, 2010)

## **Course Schedule**

## **I. Contested Constitutional Foundings**

8/26: Introductions

Read: Syllabus.

8/28: Foundations of American Politics: Democracy, Liberalism and Republicanism

Read: Ch. 1 – pp. 3-30.

8/30: Introductions to American Constitutional Culture

Read: U.S. Constitution – Appendix A8-A19; Jill Lepore. “The Commandments: The Constitution and its Worshipers.”

**Dr. Dow will be attending the American Political Science Association conference, on this day. Class will not be held.**

9/2: Labor Day

**Official University Holiday - No Classes**

9/4: Constitutional Government: What Is It and Where Does It Come From?

Read: Ch. 2 – pp. 37-49; Articles of Confederation – Appendix A4-A7.

9/6: Constitutional Crisis: The Origins of the Second U.S. Constitution

Ch. 2 – pp. 49-68; Gordon Wood “The Origins of American Constitutionalism”

## **II. Ratification Debates: New Forms of Republicanism**

9/9: Legality or Legitimacy

Read: Terence Ball. “A Republic - If You Can Keep It.”; George Mason – “Objections to the Constitution.”

9/11: The Ratification Debates: Federalists and Anti-Federalists

Read: *Federalist* #10 – Appendix A20-A22.

9/13: The Federalist Papers: Madison’s Republican Revisionism

Read: *Federalist* #51 – Appendix A22-A24.

## **III. Constitutional Interpretation: Politics and Hermeneutics**

9/16: In Praise of a Dead Constitution

Read: Antonin Scalia “A Theory of Constitutional Interpretation.”

9/18: A Living Document or Too Many Activist Justices?

Read: William Brennan “On the Living Constitution.”

## **9/20: First In-Class Exam**

### **IV. Round Table on Sanford Levinson's *Our Undemocratic Constitution***

9/23: Sanford Levinson

Read: *Our Undemocratic Constitution* (all). **Due: Levinson précis.**

9/25: Levinson Roundtable cont.

9/27: Levinson Roundtable cont.

### **V. Federalism**

9/30: The Era of Dual Federalism

Read: Ch. 3 – pp. 75-84; *Hammer v Dagenhart* (1918).

10/2: The Expansion of National Supremacy

Read: Ch. 3 – pp. 84-96; *Wickard v Filburn* (1942).

10/4: Health Care and the Return of the Anti-Federalists

Read: Ch. 3 – pp. 96-106; *NFIB v Sebelius* (2012).

**First “Film and American Political Culture” Assignment Due**

### **VI. Civil Liberties**

10/7: Why Protect Free Speech?

Read: Ch. 4 – pp. 113-126; *Abrams v. US* (1919); *Whitney v CA* (1927); *Cohen v CA* (1971)

10/9: Walls or Bridges between Church and State: Free Exercise

Read: Ch. 4 – pp. 126-133, *Oregon v Smith* (1990)

10/11: Walls or Bridges between Church and State: Establishment Clause

Read: Ch. 4 – pp. 133-148; *Zelman v Simmons-Harris* (2002)

### **VII. Civil Rights**

10/14: Fourteenth Amendment: A Second Founding?

Read: Ch. 5 – pp. 155-162; *Plessy v Ferguson* (1896).

10/16: From Reconstruction to *Plessy*

Read: Ch. 5 – pp. 162-176; *Brown v Board of Education* (1954).

10/18: From *Plessy* to the Civil Rights Movement and Beyond  
Read: Ch. 5 – pp. 176-196; *Fisher v UT - Austin* (2013)

## **VII. Round Table on Martha Nussbaum's *From Disgust to Humanity***

10/21: Martha Nussbaum

Read: *From Disgust to Humanity* (all). **Due: Nussbaum précis**

10/23: Nussbaum Roundtable Cont.

10/25: Nussbaum Roundtable Cont.

**Second “Film and American Political Culture” Assignment Due**

## **VIII. Texas Constitution**

10/28: The Many Constitutions of Texas

Read: Ch. 19 – pp. 761-767; Ch. 20 – pp. 797-809.

10/30: Locked in the Past?: Reconstruction and the Texas Constitution

Read: Ch. 19 – pp. 767-777; Ch. 20 – pp. 809-817.

11/1: Does Texas Need Its Eighth Constitution?

Read: Ch. 19 – pp. 777-792; Ch. 20 – pp. 817-826.

## **IX. American Pluralism**

**11/4: Second Class Exam**

11/6: Money, Speech and Elections: Speaking Freely or Buying Influence?

Read: Ch. 10 - pp. 419-426; *Citizens United v Federal Election Commission* (2010)

11/8: An Introduction to American Pluralism

Read: Ch. 11 - pp. 433-462.

## **X. Political Parties**

11/11: The Violence of Faction?: The Development and Function of Political Parties

Read: Ch. 9 – pp. 339-355

11/13: What Happened to Critical Electoral Realignment

Read: Ch. 9 – pp. 355-372.

11/15: Why is American Politics so Partisan When Parties are Getting Weaker?

Read: Morris Fiorina – “Parties, Participation and Representation in America”

## **XI. Round Table on Hacker and Pierson’s *Winner Take All Politics***

11/18: Hacker and Pierson

Read: *Winner Take All Politics* (all). **Due: Hacker/Pierson précis**

11/20: Hacker and Pierson Cont.

11/22: Hacker and Pierson Cont.

## **Fall Break: Monday 11/25 – Friday 11/29**

## **XII. Public Opinion and Political Culture**

12/2: “It is on Opinion only that Government is Founded”

Read: Ch. 6 – pp. 203-228; David Hume - “Of the First Principles of Government”

12/4: What’s Political about Holding an Opinion?

Read: Ch. 6 – pp. 228-244

12/6: Pluralism, Participation and Voting

Read: Ch. 8 - pp. 305-320; *Shelby Co. v Holder* (2013)

**Third “Film and American Political Culture” Assignment Due**

## **XIII. Conclusions**

12/9: “The Flaw in Our Pluralist Heaven”

Read: TBA

**12/11: Third In-Class Exam**