

Political Science 329 Fall 2018 CRN
Seminar on American Politics
The Presidency and the Courts

Instructor: Prof. Evan McKenzie

Contact Information: office—BSB 1126-C. Office hours—T/Th 3:15-4:15 and by appointment
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Catalog description: *Advanced seminar on special topics in American politics. Content varies. Course Information: May be repeated to a maximum of 6 hours. Prerequisite(s): [POLS 101](#) and [POLS 200](#).*

Class meetings: Tuesday/Thursday 2:00-3:15 BSB 211

Note: Attendance at all class sessions is a requirement of the course. However, for review purposes, the class sessions are being recorded using Lecture Capture. Audio from the lectern mic and whatever is on the screen will be recorded and will be available to you through the course Blackboard site.

Course objectives: This is an entirely new course that has never been taught here, or, to the best of my knowledge, anywhere else. It is a senior seminar that has two objectives. The first is to help you develop an understanding of the constitutional, statutory, and case law principles, as well as the political dynamics, that pertain to the relationship between the American presidency and the courts. This necessarily entails understanding the relationship between the presidency and Congress, because in checking the president, the courts often have to address the shared powers of the two elected branches. The second objective is to develop your research, writing, and critical thinking abilities. Because this is a “writing in the discipline” course, we will go beyond subject matter competence and seek to develop your research, writing, and speaking abilities, so that as you move onward into careers or graduate school you will have the skills you need to express your ideas.

You will do a good deal of writing in this course. In fact, you will all be doing a lot of the teaching! We will operate in seminar format, so that I will not be lecturing much and you will be active learners. Typically on Tuesday I will be more active, and on Thursday you will be taking the lead. Please understand that it is absolutely essential for you to be prepared for every class session, which means doing all the reading in advance. I will be calling on people, I expect you to participate intelligently, and my assessment of your participation is a substantial part of the course grade.

I will evaluate your written assignments not only for their content, but for correct grammar, punctuation, spelling, sentence structure, and other attributes of good writing. I will be looking for organization and for well-constructed argument, with premises, logic, and conclusions. Please use the American Political Science Association system of citation. If I consider an assignment unacceptable in form or content, I will reject it and return it to you and you have 24 hours to resubmit it in acceptable form, with a five-point deduction.

Here is a rubric that breaks down the main components of the way different types of assignments will be evaluated. See also the section on “Requirements” below for additional considerations.

	Classroom participation and preparation	Classroom presentation	Written assignment
Topics and questions	How thorough was your reading and other preparation? How much did you contribute to elevating the content and civility level of the classroom discussion?	How prepared are you? Did you deliver a well-organized, clear, and thoughtful presentation within the time allocated?	Have you clearly stated your research question? Is it a question that can be answered, and that you can answer?
Argument and conclusions	Can you accurately identify the main arguments in the readings?	Did you accurately summarize the author(s) arguments?	How clearly did you report your findings and conclusions? How well did you structure the argument in support of your conclusions? Does your paper have clearly identified and labeled sections?
Use of evidence	Do you understand the nature of the facts and evidence in the readings?	Did you clearly explain the evidence the author(s) used to support the arguments?	How well and how clearly did you support your conclusions with solid research, using good data and sources?
Critical evaluation	Did you present your own ideas about the subject, in light of a critical assessment of the readings?	Did you offer your own assessment of the strengths and weaknesses of the material you presented?	Did you critically evaluate your own evidence and conclusions?

Required texts:

You do not need to buy any required textbooks. There are readings on the course Blackboard site, and there will be individual outside reading assignments. Although many materials are in the content folders, I am going to make adjustments to the required readings and the contents of the folders after I take a brief survey of the classes' course background. I want to make sure that the required readings are commensurate with the abilities and knowledge of the people who are in the course.

Requirements:

Please be advised that I will not accept late papers or other assignments, except in cases of documented emergencies. "Documented" means written proof from a third party, such as a letter from a physician in the case of medical emergencies. "Emergencies" means last-minute occurrences that make attendance impossible. If you know before an assignment is due that you can't make it on the scheduled date, see me, and you may be allowed to submit it early, but you will not be allowed to submit it after the scheduled date for any reason that you knew about before the exam. This rule applies to all assignments.

Please be aware that under no circumstances should you email any assignment to me. I will delete the email without reading the assignment. The sole exception to this rule is when I have specifically authorized you to do it, something that will be done only if you have an emergency situation.

Here is a summary of how your grade will be calculated:

A. Attendance : 10% (100 points). Any student who accumulates more than **six absences** will receive a zero for their attendance grade. Arriving late, after I have collected the roll sheet, equals half an absence.

B. Participation : 10% (100 points). This is based on the quality and quantity of your contribution to discussions, except when you are assigned to present. You must participate in discussions and other activities, which means being prepared and speaking coherently, intelligently, and civilly, recognizing that we need to be free to disagree with each other respectfully so that we can learn from each other.

Civility : You must be a good classroom citizen at all times. Here are some examples of uncivil behavior: letting your phone make noise or looking at it during class; eating in class (a violation of campus rules); talking to the people sitting next to you; **misusing electronic devices** watching YouTube videos or web surfing and thereby distracting your classmates (if this occurs I will ask the student to leave, which will count as an absence, and if multiple people do it, I will prohibit use of any electronic devices in the classroom); **arriving late; leaving early**; showing a lack of respect for other people or their statements; disobeying instructions from instructors; and other breaches of good manners. Students who create these situations will receive **one warning**, after which points will be deducted up to 100 points (your entire participation grade), and ultimately **students who cannot remain quiet and non-disruptive in class will be required to leave**.

C. Quizzes : 20% (200 points). There will be four pop quizzes, each worth 50 points, given at the start of class on whatever days I choose. There will be no advance notice of these quizzes and there are no makeups. You will receive a sheet of paper with the questions, which may be multiple choice, short essay answer, or both. You will answer them in class without books or notes.

D. Special report : 20% (200 points) Every student will present one special oral report to the class on readings that are on the Blackboard site or on the list below, and it will include a powerpoint presentation and a short paper 4-5 pages in length. You will sign up for these on a list I will distribute in the second week of class. I expect you to explain the basic argument(s); critique them; and respond to questions. The length should be about 20 minutes. This assignment is worth 100 points. We will sign up for these on by the second week of class, changes are possible as time goes by, and you have considerable choice.

Week/ date	TOPIC	Reading, assignments and reports (note: this will be amended after survey results and your outside reading selections)
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E. Research paper and group presentation: 40% (400 points). During the second half of the course you will develop and write a research paper. It will be your individual paper, but you will be part of a group that will help each other and present their individual papers at the same time, as a group. You will turn in a topic; a rough outline with sources; a rough draft; and a final paper. No late assignments—failure to turn in the topic, outline, or rough draft on time will mean a 40 point deduction for each missing assignment.

F. Extra Credit: There will be at least two extra credit assignments. One is Constitution Day and the other is the National Student Issues Convention. Confirmed attendance and writing a one-page reaction paper is worth up to ten points

Summary

Attendance =	100
Participation =	100
Quizzes =	200
Special report =	200
<u>Research paper =</u>	<u>400</u>
TOTAL POINTS =	1000

1. Aug. 28/30	Overview of the President versus the Courts Express, implied, and inherent presidential power; the unitary executive theory; the power of judicial review	Read contents of Blackboard folder on the Presidency, <u>except</u> : Chemerinsky Huq and Ginsburg Kavanaugh Tushnet
2. Sept. 4/11	Continue Overview	Choose study group; Read contents of Blackboard folder on the Judiciary
3. Sept. 11/13	Current investigations of Trump activities Including questions such as: The Mueller investigation; congressional committee investigations; state investigations; Trump-Russia; campaign law violations; financial crime (money laundering, fraud, tax law violations, etc.)	Read contents of Blackboard folder
4. Sept. 18/20	Legislation; Delegation; impoundment; signing statements; executive orders	Extra credit: attend Constitution Day talk on Monday, 9/17/18, and write one-page reaction paper Read "Delegation of Congressional Power and the Nondelegation doctrine", and materials on Gundy v United States http://www.scotusblog.com/case-files/cases/gundy-v-united-states/
5. Sept. 25/27	Executive privilege Aides and confidentiality; documents; subpoenas; civil litigation; indictment	Read contents of Blackboard folder, Except: Cox Garvey
6. Oct. 2/4	Impeachment process; history; the contemporary politics of impeachment	Read contents of Blackboard folder,
7. Oct. 9/11	Administration of justice Pardons; federal criminal process; special prosecutors	Read contents of Blackboard folder on federal criminal justice process
8. Oct. 16/18	Administration of justice, continued	Extra credit: attend National Student Issues Convention for one hour or more on Friday, October 19,

		and write one-page reaction paper. Read contents of Blackboard folder on pardons and special prosecutors
9. Oct. 23/25	Foreign policy The "sole organ" theory; recognition; executive agreements; treaties; war; trade; international organizations.	<i>One paragraph paper topic due</i> Read contents of Blackboard folder
10. Oct. 30/Nov.1	Foreign policy, continued	Read contents of Blackboard folder
11. Nov. 6/8	Immigration Congressional plenary power; Congressional delegation of statutory powers; border enforcement	<i>List of at least ten sources and rough outline of argument due—one page</i> Read contents of Blackboard folder on congressional power and presidential power
12. Nov. 13/15	Immigration, continued	First draft of research paper due Read contents of Blackboard folder on current controversies in immigration and border enforcement
13. Nov. 20 (no class Thursday)	Emoluments clause foreign nations; domestic	Read contents of Blackboard folder
14. Nov. 27/29	Appointments and firing "inferior officers"; legislative consent	Read contents of Blackboard folder
15. Dec. 5/7	Summary of the course and status of current events	Readings to be determined

MISCELLANEOUS POLICIES

Academic Integrity Policy

In this course there is a zero tolerance policy for academic dishonesty, including plagiarism.

For those who are unfamiliar with the definition of plagiarism, here it is, from the UIC Academic Integrity Policy (emphasis added):

“A student who submits work, at any stage of the writing process, which in whole or part has been written by someone else or which contains passages quoted or paraphrased from another’s work without acknowledgment (quotation marks, citation, etc.) has plagiarized. Each student should maintain his or her integrity when completing assignments and be overzealous to give credit where it is due. If a student is ever unsure about what constitutes plagiarism or academic dishonesty, he or she should ask the instructor. Students who are found to have plagiarized work may be subject to various disciplinary actions, including a failing grade on a particular assignment, failure of the entire course, and possible expulsion from the university.”

Religious Holidays

Students who wish to observe their religious holidays must notify me by the tenth day of the semester of the date when they will be absent unless the religious holiday is observed on or before the tenth day of the semester. In such cases, you must notify me at least five days in advance of the date when you will be absent. I will make every reasonable effort to honor the request. This is especially important for examination dates, when you must observe the notice requirements if you want an accommodation.

<http://www.uic.edu/depts/oae/docs/ReligiousHolidaysFY20122014.pdf>

Disability Accommodation

The University of Illinois at Chicago is committed to maintaining a barrier-free environment so that students with disabilities can fully access programs, courses, services, and activities at UIC. Students with disabilities who require accommodations for access to and/or participation in this course are welcome, but must be registered with the Disability Resource Center (DRC). You may contact DRC at 312-413-2183 (v) or 312-413-0123 (TTY) and consult the following:

http://www.uic.edu/depts/oaa/disability_resources/faq/accommodations.html.

Technology

This course has a Blackboard site, and you have been subscribed to it. Blackboard is a course management system. There are materials and links on the site that we will be using. The classes will be automatically recorded using Lecture Capture and they will be available on the Blackboard site. Use of a computer and internet access are required to access the Blackboard site. You are also welcome to record lectures using your own recorder.

Policy on Collaboration

Studying with your fellow students in pairs or groups is fine. However, you must do your own written work without collaboration on the content, unless it is explicitly a group project.

Policy regarding format for written assignments

No handwritten papers will be accepted. All papers must be submitted using 11 or 12 point fonts and double-spaced. For work containing citations, you must use the American Political

Science Association citation format. You can read about how to do that at <http://library.tamu.edu/help/help-yourself/citing-sources/files/Using%20APSA%20Format.pdf>.

Seeking help

If you find yourself having difficulty with the course material or any other difficulties in your student life, don't hesitate to ask for help! Come to me, or if it is about an issue beyond this class, please contact your college advisors, or get help from any number of other support services on campus. You can get a referral to the right place, or help on the spot, from concerned advisor in the Undergraduate Success Center (USC) at usc@uic.edu.