

USC Gould

School of Law

Law and Politics: Electing A President

Law 201

Fall 2023

CONTACT INFORMATION

Prof. Franita Tolson
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CLASS INFORMATION

T 4:00-7:20 Room Law 2
4 Units

Teaching Assistant: Thomas Fogel Burlan
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Office Hours: By Appointment (contact Sgreib@law.usc.edu to make an appointment)

COURSE DESCRIPTION/LEARNING OBJECTIVES

This course examines the relationship between the rules that structure the political system, the theories behind them, and the reality of how the political system actually works. We will also consider how the system ought to work, making our class time both practical and theoretical. We will look at how we select and elect our candidates, primarily in Presidential politics, why so few people vote, and why so many think the system is broken. We will try to define the place of politics in contemporary American life and culture, and how it has evolved over time. The course will proceed in a combined lecture and seminar style, with significant student participation encouraged.

Because this course is being offered during an election year, students should remain immersed in current events and political happenings independently all week long. The attached syllabus is a basic framework of the topics and reading assignments for the course. It is expected that each student will prepare the weekly assignments prior to that week's class. Students leave this class understanding the interplay between politics, media, and law, and how the effects on individual voters feed back into the system in an endless cycle of transformation and inertia that hopefully results in democratic participation and progress.

COURSE MATERIALS

- Polsby, Wildavsky, Schier, and Hopkins, eds., *Presidential Elections: Strategies and Structures of American Politics* (14th Edition) (Rowman & Littlefield, 2015) (hereinafter **Polsby et al**)
- Bernstein and Dominguez, eds., *The Making of Presidential Candidates 2020* (Rowman & Littlefield, 2019) (hereinafter **Bernstein et al**)
- Photocopied materials that have been uploaded to blackboard

ATTENDANCE AND CLASSROOM PARTICIPATION POLICY

You are required to come to class prepared and on time. Attendance is mandatory and excessive tardiness will not be tolerated. Roll will be taken at each class. If you must miss a class, it is your responsibility to obtain the materials, notes, and assignments from that class. I strongly encourage each of you to do your part to make our discussions a rewarding experience for us all. **If you are not feeling well, do not come to class.**

GRADING POLICY

A. Overview

1. Complete **all readings** and **participate in class discussion**.
2. **Attend lecture**. Your attendance is recorded and counts for 10% of your grade.
3. Complete the **Midterm Exam, “What Makes A President?” presentation, and term paper**. This is required for a passing grade.
4. The Midterm Exam will cover material read and discussed through Class 10 of the semester.
5. All students are required to complete a term paper based on a political topic approved by a teaching assistant. Exemplary papers/projects will reexamine original materials, whether that be newspapers, tapes of the news, position papers issued, or advertisements used in the media; interview key participants, and/or use the readings and scholarly research to place their topic or issue in a larger context. Papers must be 15-20 pages, and projects should be of comparable size and scope. **Please email me (and cc Thomas) a 1-page proposal by October 3rd, a detailed outline by November 7th, and a final draft by December 13th.**
6. Each student will be responsible for doing a **20-25 minute presentation** on “What Makes A President?” The student must select any president of their choice and prepare a presentation on that president’s campaign including the messaging and strategies employed by the campaign as well as details about the political culture of the time.

B. General Grading System

Final Grades will be calculated as follows:

Class Participation **10%**

“What Makes A President?” Presentation **30%**

Midterm **30%**

Paper **30%**

Total **100%**

C. Make-Up Exam Policy

Unless you have an exam conflict (another exam at the exact same time), you will be expected to take the exam on the scheduled day, at the scheduled hour. If you know that you will be unable to take the exam on the scheduled day, you must inform the TA **at least 72 hours before**

the scheduled test time. If you fail to do so, you must take the make-up exam at whatever time it is scheduled.

COURSE OUTLINE

1. INTRODUCTION: WHO RUNS FOR PRESIDENT? (8/22)

- Paul R. Abramson, John H. Aldrich, and David W. Rohde, “Progressive Ambition among United States Senators: 1972-1988,” 49 *Journal of Politics* 3 (1987)
- Linda Beail, Lilly J. Goren, and Mary A. McHugh, *Madame President? Female Candidates, Masculine Norms of Executive Power, and the 2020 Nomination Contest*, Chapter 1 in **Bernstein et al**

2. POLITICAL POLARIZATION I (8/29)

- David W. Brady and Hahrie C. Han, “Polarization Then and Now: A Historical Perspective,” Nivola & Brady, eds., in *Red and Blue Nation? Characteristics and Causes of America’s Polarized Politics* (Brookings Institution Press 2006)
- Avidit Acharya, Matthew Blackwell, and Maya Sen, *Deep Roots: How Slavery Still Shapes Southern Politics*, Chapters 1, 7 (Princeton University Press 2018)
- Chapter 1, “The Nature of the Puzzle,” in *The End of Southern Exceptionalism: Class, Race and Partisan Change in the Postwar South*, by Byron E. Shafer and Richard Johnston, (Harvard University Press 2006)
- Sign Up for “What Makes A President?” Presentations

3. POLITICAL POLARIZATION II (9/5)

- **Polsby et al:** Chapter 1, Voters (1-24)
 - Appendix A, Vote by Groups in Presidential Elections, 1976-2012 (243-250)
 - Appendix B, Voter Turnout in Presidential Elections, by Population Characteristics, 1976-2012 (251-260)
- **Polsby et al:** Ch 2, Groups (25-48)
- Lilliana Mason, Chapter 3: “A Brief History of Social Sorting,” in *Uncivil Agreement: How Politics Became Our Identity* (University of Chicago Press 2018)
- Daniel Hopkins, Chapter 3: “The Nationalization of American Elections, 1928-2016,” in *The Increasingly United States: How and Why American Political Behavior Nationalized* (University of Chicago Press 2018)

4. RULES AND RESOURCES (9/12)

- **Polsby et al:** Ch 3, Rules and Resources (49-84)
- Kathleen Searles and Patrick Rose, Chapter Three: “How the News Media Cover and Shape the Nomination,” in **Bernstein et al**
- Casey B.K. Dominguez, Chapter 2: “Money: The Resource Race,” in **Bernstein et al**

- **Presentations (2 max)**

5. THE PRE-REFORM ERA PRESIDENTIAL NOMINATING PROCESS (9/19)

- William G. Mayer, Chapter 9: “The System Evolves: Changes in the Presidential Selection Process, 1792-1824, in **Bernstein et al**
- Elaine C. Kamarck, Chapter 1: “The Good Old Days” in *Primary Politics: How Presidential Candidates Have Shaped the Modern Nominating System* (Brookings Press 2009)
- Austin Ranney, Chapter 1: “Party Reform in Academic Theory and Political Practice,” in *Curing the Mischiefs of Faction* (University of California Press 1975)
- Theodore H. White, Chapter 5: “Pre-Convention: Democrats,” in *The Making of the President 1960* (Signet 1961)

- **Presentations (2 max)**

6. THE MODERN NOMINATION PROCESS (9/26)

- **Polsby et al:** Ch 4, The Nomination Process (87-134)
- Barbara Norrander, “The Accidental Calendar, Part 1: Iowa and New Hampshire Come First,” in *The Imperfect Primary: Oddities, Biases, and Strengths of U.S. Presidential Nomination Politics* (Routledge 2015)
- John Sides, Michael Tesler, and Lynn Vavreck, Chapter 4: “Voter Choice in Presidential Primaries,” in **Bernstein et al**
- Jonathan Bernstein, Chapter 7: The Expanded Party’s Influence, in **Bernstein et al**

- **Presentations (2 max)**

7. THE POLITICS AND EMOTIONS OF PRESIDENTIAL DEBATES & VP SELECTION (10/3)

- Drew Westen, Chapter 2: “Rational Minds, Irrational Campaigns,” in *The Political Brain* (Public Affairs 2007)
- Drew Westen, Chapter 4: “The Emotions Behind the Curtain,” in *The Political Brain* (Public Affairs 2007)
- John Heilemann and Mark Halperin, Chapter 20: “Sarahcuda,” in *Game Change: Obama and the Clintons, McCain and Palin, and the Race of a Lifetime* (Harper Collins 2010)

- Jaeho Cho and Yerheen Ha, “On the Communicative Underpinnings of Campaign Effects: Presidential Debates, Citizen Communication, and Polarization in Evaluations of Candidates,” *Political Communication* 29(2):184-204 (2012)

- **Presentations (2 max)**

- **PAPER PROPOSAL DUE**

8. THE CAMPAIGN (10/10)

- **Polsby et al:** Chapter 5, The Campaign (135-198)
- Paul Boller, Jr., Chapter 20 (Lincoln), Chapter 32 (Wilson/Roosevelt/Taft), Chapter 46 (Nixon), in *Presidential Campaigns from George Washington to George W. Bush*

- **Film: The War Room**

Discussion Session (10/13) (Midterm Exam Review Session) (**online**) (optional)

9. ELECTION LAW AND DEMOCRACY’S BOUNDARIES (10/17)

- George C Edwards III, Chapter 4: “The Origins of the Electoral College,” in *Why the Electoral College is Bad for America* (Yale University Press 2004)
- Edward Foley, Chapter 4: The Jeffersonian Electoral College in the 19th Century, in *Presidential Elections and Majority Rule: The Rise, Demise, and Potential Restoration of the Jeffersonian Electoral College* (Oxford 2020)
- Andrew Gelman, Nate Silver, and Aaron Edlin, “What is the Probability Your Vote Will Make a Difference?” 50 *Economic Inquiry* 321 (2012)

- **Presentations (2 max)**

Discussion Session (10/19) (Midterm Exam Review Session) (**online**)(optional)

10. MIDTERM EXAM (10/24)

11. THE FUTURE OF PRESIDENTIAL ELECTIONS (10/31)

- **Polsby et al:** Ch 6, Appraisals (201-228)
- **Polsby et al:** Ch 7, American Parties and Democracy (229-242)
 - Appendix C, Selections from the Democratic and Republican Party Platforms, 2008 (261-266)
- Josh Putnam, Chapter 5: “Backward Looking, Future Rule-Making: How 2016 Affected the 2020 Presidential Nomination Rules,” in **Bernstein et al**

- **Presentations (2 max)**

12. **COURTS AND THE REGULATION OF ELECTORAL PROCESS (11/7)**

- Bush v. Gore
- Boller, Chapter 54 (Bush)

- **Film: Recount**

- **PAPER OUTLINE DUE**

13. **Presentations (11/14) (4 max)**

14. **Meeting re: final paper (11/16-11/21) (online) (mandatory)**

15. **Presentations (11/28) (4 max)**

16. **FINAL PAPER DUE 12/13**

Statement on Academic Conduct and Support Systems

1) Academic Integrity:

The University of Southern California is foremost a learning community committed to fostering successful scholars and researchers dedicated to the pursuit of knowledge and the transmission of ideas. Academic misconduct is in contrast to the university's mission to educate students through a broad array of first-rank academic, professional, and extracurricular programs and includes any act of dishonesty in the submission of academic work (either in draft or final form).

This course will follow the expectations for academic integrity as stated in the [USC Student Handbook](#). All students are expected to submit assignments that are original work and prepared specifically for the course/section in this academic term. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s). Students suspected of engaging in academic misconduct will be reported to the Office of Academic Integrity.

Other violations of academic misconduct include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

The impact of academic dishonesty is far-reaching and is considered a serious offense against the university and could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

For more information about academic integrity see the [student handbook](#) or the [Office of Academic Integrity's website](#), and university policies on [Research and Scholarship Misconduct](#).

2) Course Content Distribution and Synchronous Session Recordings Policies:

USC has policies that prohibit recording and distribution of any synchronous and asynchronous course content outside of the learning environment.

Recording a university class without the express permission of the instructor and announcement to the class, or unless conducted pursuant to an Office of Student Accessibility Services (OSAS) accommodation. Recording can inhibit free discussion in the future, and thus infringe on the academic freedom of other students as well as the instructor. ([Living our Unifying Values: The USC Student Handbook](#), page 13).

Distribution or use of notes, recordings, exams, or other intellectual property, based on university classes or lectures without the express permission of the instructor for purposes other than individual or group study. This includes but is not limited to providing materials for distribution by services publishing course materials. This restriction on unauthorized use also applies to all information, which had been distributed to students or in any way had been displayed for use in relationship to the class, whether obtained in class, via email, on the internet, or via any other media. ([Living our Unifying Values: The USC Student Handbook](#), page 13).

3) Students and Disability Accommodations:

USC welcomes students with disabilities into all of the University's educational programs. The Office of Student Accessibility Services (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

4) Support Systems:

[Counseling and Mental Health](#) - (213) 740-9355 – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

[988 Suicide and Crisis Lifeline](#) - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline is comprised of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new, shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

[Relationship and Sexual Violence Prevention Services \(RSVP\)](#) - (213) 740-9355(WELL) – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

[Office for Equity, Equal Opportunity, and Title IX \(EEO-TIX\)](#) - (213) 740-5086

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

[Reporting Incidents of Bias or Harassment](#) - (213) 740-5086 or (213) 821-8298

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

[The Office of Student Accessibility Services \(OSAS\)](#) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

[USC Campus Support and Intervention](#) - (213) 740-0411

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

[Diversity, Equity and Inclusion](#) - (213) 740-2101

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

[USC Emergency](#) - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

[USC Department of Public Safety](#) - UPC: (213) 740-6000, HSC: (323) 442-1200 – 24/7 on call

Non-emergency assistance or information.

[Office of the Ombuds](#) - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

[Occupational Therapy Faculty Practice](#) - (323) 442-2850 or otfp@med.usc.edu

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.