

POSC 439: US Political and Legal Systems

Ira Reiner

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Office Hours: Mon/Wed 10am - 12pm

Class Room: DMC 108

Web: [Description Link](#)

Class Hours: Mon/Wed 8:30am - 9:50 am

Course Requirements

Lectures and class discussions will not closely track the reading assignments. Particularly, with respect to content. Therefore, Regular attendance, notwithstanding the early hour the class is offered, is essential - and required.

The keywords in the class title - "Critical Issues" Translates as Contemporary Issues. Consequently, regularly monitoring the news (beyond Tictok, please!) will be absolutely essential. Also, a good habit to develop.

The Final Paper will be based on the material discussed in class. To a certain extent the course will be in the format of a seminar. Therefore, one's involvement and participation will constitute a significant portion of the final grade.

Required Reading

Principles and Practice of American Politics - Classic and Contemporary Readings (7th Edition)
by *Samuel Kernell and Steven Smith*

Grading

0.1 Grading Breakdown

Work	Grade Weightage
Class Participation - Attendance and Involvement	15%
Capstone exercise - Convening an Article V Constitutional Convention	25%
Group Discussion	10%
Final Paper	50%

0.2 Grading Scale

Letter Grade	Corresponding numerical point range
A	95-100
A-	90-94
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	59 and below

Course Description

To Set the tone for the course, the first lecture will begin with a true story involving my Alma Mater, USC.

When China first opened to the west, a delegation of Chinese officials touring the US arrived in Los Angeles and were invited to the Colosseum to witness USC playing in an American game of Football. They sat very high above the field of play in the Press Box. Later, when the assembled sports writers asked them what they thought of this unfamiliar game their interpreter said, they say, "It's just all fall down, all get up, all fall down, all get up."

The moral of this story is that when you don't know the rules of how the game is played - both explicit and assumed - then it, indeed, can just look like all fall down, all get up. And so it is with the "Great Game" that is US Politics.

The objective of the course will be to equip students with the ability to follow day to day politics with a high level of understanding.

While not a history course, often a little bit of history is better than a whole lot of discussion. As our Historian has noted, if time travel were possible and the "Founding Fathers", who debated and drafted the US Constitution in 1787, could be transported to the present and asked upon reading a newspaper, how much time has elapsed, they would say one day! The issues debated then continue to the present. Even the vocabulary, allowing for 18th century flourishes, is much the same.

Thus, brief references will be made to the seminal writings of the Federalist, Anti-Federalist Papers and Alexis de Tocqueville's "Democracy in America"(1835) to illustrate the historical arc of the central question that informed 18th century political discourse and that endures to the present in all its glory(?) : What is the appropriate size, reach and influence of government in

both the economic and social affairs of the country.

The two issues that largely inform US Politics are, first, that the US Political System was explicitly designed to be a political system anchored in the center.

Alexander Hamilton warned that democracy was twice tried - Greece and Rome - and twice failed. In each case it was because they "Vibrated between anarchy and tyranny."

The US Political System was, therefore, designed to make coordinated governmental action extraordinarily difficult in order to delay major policy decisions until, and unless, a consensus emerged among competing, even antagonistic views. Absence such collaboration, the alternative would be inaction.

Formula for stagnation? Broken System? or, the Political System actually operating as it was designed? Not to produce specific policy outcomes but to produce policies that fell within the parameters of center/left and center/right. In other words to hold the center.

Genius or Folly? Essential for the beginning of a great experiment of a representative government? But inadequate to meet the needs and responsibilities of a 21st century world power? What, in the final analysis, is the greater value - holding the center in a greatly polarised society or addressing the economic and social needs of a large and diverse country? Are these values mutually exclusive?

The second issue is that Americans think very differently about the role of government than people in other western industrialised countries. While there is a wide spectrum of views in the US, the political center of gravity between left/center/right is significantly different.

"Americans have a deep resistance to centralised government to perform tasks that in France would be left to government." Alexis de Tocquville(1835).

This peculiar American attitude does indeed go back a very long way.

While politics in the US may be argued in the vocabulary of, say, economics, the SUB-TEXT is often an ideological conflict in the never ending 18th century debate over the role of government. Expansive? Limited? Big v/s Small? Historically, expansive may have prevailed - but never decisively.

This Political tension over the role of government informs why certain policies are controversial in the US but not elsewhere. *e.g.* National Healthcare.

Additionally, we will be discussing shifting voting patterns, racial and ethnic demographic changes, civil rights legislation, decisions of the Supreme Court, the urban/rural divide and the growing primacy of cultural over traditional economic issues.

Also, fundamental to an understanding of US Politics is the legal system.

“There is scarcely a political question in the US which does not sooner or later turn into a judicial one.” Alexis de Tocquville (again!) *Democracy in America* (1835).

The legal/political saga of the two great competing theories of constitutional interpretation - Original Intent and Evolving Societal Values - will be examined through the political prism of result oriented sophistry posturing as constitutionally grounded positions.

And, clearly no discussion of US Politics would be complete - or fully relevant - without a discussion of “It didn’t start with Trump and Quo Vadis”.

Instructor’s Background

Ira Reiner served as the 39th District Attorney from 1984 - 1992, heading the world’s largest local prosecutor’s office with approximately 1000 deputy district attorneys and the D.A.’s Bureau of Investigation comprising 200 sworn peace officers.

Prior to his start in Politics Mr. Reiner practiced law as criminal defense attorney for 10 years. In 1973, he was appointed by Mayor Tom Bradley to the Los Angeles City Fire Commission. He was then elected to the Los Angeles Community College Board of Trustees in 1975.

Reiner was elected as Los Angeles City Controller from 1977 - 1981, and was subsequently elected Los Angeles City Attorney from 1981 - 1984.

After his time as District Attorney, Reiner returned to the practice of Law as a civil litigator and white collar criminal defense attorney. He later served as president and CEO of the Los Angeles Homeland Security Advisory Council from 2010 - 2015.

Currently, Mr. Reiner is a member of the visiting faculty at Reichman University in Israel, where from 2009-present he has annually spent a semester teaching a course on “The U.S. Political and Legal Systems - The Politics of Governance in a democratic society.”

Mr. Reiner graduated from the University of Southern California in 1959 with a Bachelor of Science in Finance and From Southwestern School of Law with a Juris Doctor in 1964.

Weekly Learning Goals

Week 1:

- **01/08/2024:** Introduction
- **01/10/2024:** Design of US Political System:
The US political System was specifically designed to make coordinated governmental action extraordinarily difficult. Genius or Folly?

Democracy has been twice tried - Greece and Rome - and twice failed. Each having “vibrated between tyranny and anarchy.” Alexander Hamilton.

“A variety of interest (involved in drafting the constitution) forced deviations from a symmetry that exists only in the imagination of a theorist.” Federalist Paper # 37. Alexander Hamilton.

Read: Principles and Practice of American Politics Chapter 1: Designing Institutions and Chapter 2: Constitutional Framework.

Week 2:

- **01/15/2024:** *MARTIN LUTHER DAY - NO CLASS*
- **01/17/2024:** American Political Culture:
Why are Policies controversial in the US but not elsewhere?
“Americans have a deep seated resistance to ... government to perform tasks that in France would be left to government.” Alexis de Tocqueville, 1835.

Week 3:

- **01/22/2024:** Federalism and State Sovereignty
“(State Sovereignty is) the primary cause of all disorders ... (the states) desire for independent sovereignty ... is contemptible ... (and is a) Monster” George Washington!
“(State Sovereignty) is irreconcilable with the ... sovereignty(of a nation).” James Madison.
Read: Principles and Practice of American Politics Chapter 3: Federalism and the Wikipedia page for [Federalism](#).
- **01/24/2024:** Shifting Voting Patterns
Read:
 1. Principles and Practice of American Politics Chapter 4: Civil Rights and Chapter 5: Civil liberties.
 2. US Voting Patterns are shifting. But it’s not simply “Class Dealignment.” [Here](#) is the link for the article.
 3. The demographic shifts in voting, visualized. [Here](#) is the link for the article.

Week 4:

- **01/29/2024:** Shifting Voting Patterns
- **01/31/2024:** Polarization
“The Devil could run against the Almighty and the race would be competitive and it doesn’t matter which one of them was the candidate of which party.”
Was there ever a “Once upon a time” in politics?
Read:
 1. Principles and Practice of American Politics Chapter 6: Congress
 2. The polarization paradox: Elected officials and voters have shifted in opposite directions. [Here](#) is the link for the article.

3. The polarization in today's Congress has roots that go back decades. [Here](#) is the link for the article.
4. How The Internet Has Changed The Way Politicians Raise Campaign Funds? [Here](#) is the link for the article.

Week 5:

- **02/05/2024:** Gerrymandering and Filibuster

Read:

1. **For Gerrymandering:** A moment of reckoning for gerrymandering. [Here](#) is the link for the article.
2. **For Filibuster:** Senate Democrats plan a vote to change the filibuster. So what is it? [Here](#) is the link for the article.

- **02/07/2024:** Electoral Voting
Anti- Democratic?

1. Principles and Practice of American Politics Chapter 7: Residency
2. A Constitutional "Work around"? The National Popular Vote Interstate Compact. [Here](#) is the link for the Wikipedia page.
3. This blue-state election compact could create a constitutional crisis. [Here](#) is the link for the article.
4. The National Popular Vote, Explained. [Here](#) is the link for the article.

Week 6:

- **02/12/2024:** Electoral Voting

- **02/14/2024:** Judiciary System

"(In America there is) scarcely a political issue that doesn't become a judicial issue." Alexis de Tocquville, Democracy in America(1835).

Is the Supreme Court of the United States (SCOTUS) Co-equal or too supreme? Out of step with the will of the people?

"This court will have all the powers under heaven and those who have all the powers under heaven will soon believe themselves independent of heaven" Anti-federalist Papers #15 (Brutus).

"(The Judiciary) is the least dangerous branch since it has neither the power of the sword nor the authority of the purse." Federalist Papers #78 (Hamilton).

The two great "theories" of constitutional interpretation: Original Intent and Evolving Societal Values. Legal Theories or Ideologically Result Oriented Sophistry?

"The great generalities of the Constitution have a content and significance that vary age to age." SCOTUS Justice Benjamim Cardozo.

"When the Almighty speaks to mankind in their own language, his meaning, luminous as it must be (is open to interpretation)." Federalist papers #37 (Hamilton).

“All rights should be left for future generations and their time to decide what rights they should have.” James Madison, 4th President and Principal Author of the Bill of Rights.

Read: Presidential Commission on Supreme Court of the United States. [Here](#) is the link for document.

Week 7:

- **02/19/2024:** *PRESIDENT'S DAY - NO CLASS*
- **02/21/2024:** Judiciary System

Week 8:

- **02/26/2024:** Group Discussion
Topic: The US political System was specifically designed to make coordinated governmental action extraordinarily difficult. Genius or Folly? Essential for the beginning of a great experiment of a representative government? But inadequate to meet the needs and responsibilities of a 21st century world power? What, in the final analysis, is the greater value - holding the center in a greatly polarised society or addressing the economic and social needs of a large and diverse country? Are these values mutually exclusive?
- **02/28/2024:** Review

Week 9 and 10:

03/04/2024 to 03/13/2024: *SPRING BREAK - NO CLASS*

Week 11:

- **03/18/2024:** Capstone Exercise - Convening an Article V Constitutional Convention.
Description: Students will be designated as delegates to a proposed Article V Constitutional Convention and will present arguments for/against convening the convention and propose/oppose constitutional amendments.
 “The Congress...on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments...”
 Long overdue over a grave threat to civil liberties?
 Everything is “on the table”.
 e.g. (a partial list)
 - Should Congress have the authority to override the decisions of SCOTUS?
 - Should the electoral college be abolished in favor of a national popular vote?
 - Should checks and balances be strengthened/relaxed? Which ones?
 - Should a super/simple majority be required to amend the constitution? To enact legislation (Fillibuster)?
 - Should the Bill of Rights be expanded to include additional civil rights/ civil liberties?
 - Environmental/Climate change rights?

- Term limit for congress? Federal Judges?
- Malaportionment of the US Senate?
- The North/South Poles of American Politics - Gun Control and Abortion.

Read:

1. Stopping a Dangerous Article V Convention [Here](#) is the link for the article.
2. Bipartisan Group of Scholars Convene and Present Five Constitutional Amendments. [Here](#) is the link for the article.
3. Is fixing democracy partisan? Here are answers to this and more questions. [Here](#) is the link for the article.

- **03/20/2024:** Capstone Exercise - Convening an Article V Constitutional Convention

Week 12:

- **03/25/2024:** Role of Political Parties in US Political System
 "If I could not go to heaven but with a party, I would not go there at all." Thomas Jefferson, 3rd US President.
 "Let me... warn you in the most solemn manner against the baneful affects of the spirit of party generally." George Washington, Farewell Address as President.
 "(Political Parties are) the most fatal disease of popular governments!" Alexander Hamilton.
Read: Principles and Practice of American Politics Chapter 12: Political Parties.
- **03/27/2024:** 2 Party System and the rise and demise of "3rd" Parties
 "Dividing a Republic into two great parties... is to be dreaded... greatest evil... under (the) Constitution." John Adams, 2nd US President.
Read: As Partisan Hostility Grows, Signs of Frustration With the Two-Party System. [Here](#) is the link for the article.

Week 13:

- **04/01/2024:** Presidential Primary System
 - Presidential Primaries: Every four years the US "Political Worldcup."
 - Iowa and New Hampshire; Representative of a racially diverse country?

Read:

1. Principles and Practice of American Politics Chapter 11: Voting Campaigns and Elections.
 2. Why Iowa and New Hampshire shouldn't go first in the primaries anymore? [Here](#) is the link for the article.
- **04/03/2024:** Political Party Primary System
 - Party Primaries - Perpetuating Polarization?

- “Open” Primaries? “Jungle” Primaries? “Ranked Order” Primaries?

Read: What is the California ‘jungle primary’ and how did it change state elections? [Here](#) is the link for the article.

Week 14:

- **04/08/2024:** Political Reforms
 - A is bad. B is good. Remove A. Replace with B. What could possibly go wrong?
 - What does Sir Issac Newton’s 3rd Law of Motion and a Mobile Device suspended over a infant’s crib have to do with politics? Everything!
- **04/10/2024:** New Media
Legacy News Sources versus Social Media verses “Fake News”.
Read: Principles and Practice of American Politics Chapter 14: News Media.

Week 15:

- **04/15/2024:** Public Opinion and Polling
Read: Principles and Practice of American Politics Chapter 10: Public Opinion and Chapter 13: Interest Groups.
- **04/17/2024:** Era of Trump/ Trumpism

Week 16:

- **04/22/2024:** Era of Trump/ Trumpism
 - “The people might one day vote to seed their power and place their government in the hands of an irresponsible person or body of persons.” Alexis de Tocquville, Democracy in America(1835).
 - Did Trumpism begin with Trump?
 - The transformation of the republican party from traditional conservatism to MAGA populism.
 - Quo Vadis?

Read:

1. New nationwide survey shows MAGA supporters’ beliefs about the pandemic, the election and the insurrection. [Here](#) is the link for the article.
2. The Enduring Power of Trumpism [Here](#) is the link for the article.
3. MAGA movement [Here](#) is the link for the article.
4. The ‘Shared Psychosis’ of Donald Trump and His Loyalists.[Here](#) is the link for the article.
5. How people around the world see the U.S. and Donald Trump in 10 charts. [Here](#) is the link for the article.

6. MAGA Is Now Bigger Than Trump, and That's Scary. [Here](#) is the link for the article.
7. Democracy Under Trump Is a Dark Destiny for America. [Here](#) is the link for the article.
8. The Deep Story of Trumpism [Here](#) is the link for the article.
9. Trumpism and the future of democracy in America. [Here](#) is the link for the article.
10. Trumpism, an ideology for the extreme far-right globally. [Here](#) is the link for the article.
11. Understanding Trump and Trumpism. [Here](#) is the link for the article.

- **04/24/2024:** Review

Week 17:

05/01/2024 to 05/08/2024: *Final Exams*

Course Policies

Academic Integrity

The University of Southern California is a learning community committed to developing successful scholars and researchers dedicated to the pursuit of knowledge and the dissemination of ideas. Academic misconduct, which includes any act of dishonesty in the production or submission of academic work, compromises the integrity of the person who commits the act and can impugn the perceived integrity of the entire university community. It stands in opposition to the university's mission to research, educate, and contribute productively to our community and the world.

All students are expected to submit assignments that represent their own original work, and that have been prepared specifically for the course or section for which they have been submitted. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s).

Other violations of academic integrity include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), collusion, 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. All incidences of academic misconduct will be reported to the Office of Academic Integrity and could result in outcomes such as failure on the assignment, failure in the course, suspension, or even expulsion from the university.

Since creating, analytical, and critical thinking skills are part of the learning outcomes of this course, all assignments should be prepared by the student working individually or in groups. Students may not have another person or entity complete any substantive portion of the assignment. Developing strong competencies in these areas will prepare you for a competitive workplace. Therefore, using AI-generated tools is prohibited in this course, will be identified as plagiarism, and will be reported to the Office of Academic Integrity.

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](#).

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment, or what information requires citation and/or attribution.

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.

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.