

LAW OF POLITICS

GOVERNMENT 357 AT UNIVERSITY OF TEXAS

DR.ALAN SAGER

HOME

COURSE INFO

ASSIGNMENTS

RESOURCES

VIDEO

SYLLABUS

NEWS AND OPINION

Home

Welcome To The Law of Politics: The Legal Structure of American Democracy

FALL 2022 Wagner 101 Course
website: <http://sites.la.utexas.edu/lawofpolitics/>.

Overview

This course is 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

Course Info

Unique Number 37505

Office Hours:

Mon-Wed 1:30-2:30 Places to be announced at first class Wednesday after class at Cactus if possible.

Email: amsag@utexas.edu or if a problem sending to that website class@alansager.com Will be available for zoom meeting at other times.

Search this website ...

SEARCH

News & Opinion

Fall 2012 articles start here.

1. **Follow the money.** I will keep adding articles under this number 1, that relate to following the money. Here is a more traditional one

http://www.americanthinker.com/blog/2012/09/money_in_politics.html#.U

This one is about the cost of the cafe standards, relating to gas mileage.

Email: amsag@mail.utexas.edu

RESOURCES SYLLABUS VIDEO ASSIGNMENTS

[COURSE HOME](#) NEWS AND OPINION

© Alan Sager | Website created by hospitals support Austin Yau

Back to top ↑

[Why did hospitals support Obama care? Click here](#)

What are the casualties of campaign finance reform.

Read this one soon before rights to view it expire

<http://online.wsj.com/article/SB100008723963904443272.html>

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, films and other course material, try to bring these issues to light and always work on seeing the complex interrelationships and interstices between and among the various course materials.

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 and understand 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 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.

easing 3. the Bernake

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 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 various achievements in this course. In the past these achievement have included the best paper for each assignment, the best score on each exam, the most improvement from one exam to the next, and the highest average for the semester. For the highest individual exam scores the prizes are things like A Supreme Court coffee mug, Supreme Court beer mug, or other Supreme Court memorabilia. For the highest average, the prize is an engraved plaque with a gavel and the Supreme Court seal and a signed copy of Clarence Thomas's autobiography, **My Grandfather's Son**, acknowledging this winner.

Office Hours and Locations

Office Hours:

Monday and Wednesday, 1:15-2:15 in Texas Union.
Weather permitting on the Patio. Otherwise in the dining area.

Wednesday after class at the Cactus Cafe in the Union
starting around 4 p.m. till ??

14 While most of the

Occasionally Cactus Cafe closes early because of setup
for musician later that night. Location for that day will be
discussed in class.

T.A.

Dr. Sager will have Ben Schwabe as the TA for the
course this semester. His office hours will be posted
during the 1st class.

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: Best not to leave a phone message
in his Mezes office. Also send emails
directly to Dr. Sager's email address.**

**Using Canvas slows down the response
process.**

**If absolutely necessary he can be reached
at 5127517020**

**Website Will Be Updated Throughout
Semester**

Through out semester assignments may be updated
or tweaked. Articles will be added to the Current
News and
Opinion Section on the home page

Important Noted And Addendums

1. Note: 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
2. **Class Recordings:** Class recordings are reserved

only for students in this class for educational purposes and

districts in Arizona

3. Sharing of Course Materials is Prohibited: No materials used in this class, including, but not limited to, lecture hand-outs, videos, assessments (quizzes, exams, papers, projects, homework assignments), in-class materials, review sheets, and additional problem sets, may be shared online or with anyone outside of the class unless you have my explicit, written permission. Unauthorized sharing of materials promotes cheating. It is a violation of the University's Student Honor Code and an act of academic dishonesty. I am well aware of the sites used for sharing materials, and any materials found online that are associated with you, or any suspected unauthorized sharing of materials, will be reported to Student Conduct and Academic Integrity in the Office of the Dean of Students. These reports can result in sanctions, including failure in the course

4. Information regarding [safety protocols with and without symptoms](#) can be [found here](#)

5. Students are encouraged to participate in documented daily symptom screening. This means that each class day in which on-campus activities occur, students must upload certification from the symptom tracking app and confirm that they completed their symptom screening for that day to Canvas. Students should not upload the results of that screening, just the certificate that they completed it. If the symptom tracking app recommends that the student isolate rather than coming to class, then students must not return to class until cleared by a medical professional

LAW OF POLITICS

GOVERNMENT 357 AT UNIVERSITY OF TEXAS

DR.ALAN SAGER

HOME COURSE INFO ASSIGNMENTS RESOURCES VIDEO

SYLLABUS NEWS AND OPINION

Syllabus

The Law of Politics

Government 357 J

Fall 2022

Required books and other materials:

Main Text

Election Law: Cases and Materials 7th Edition 2021 Daniel Hays Lowenstein and Richard L. Hasen, Daniel P. Tokaji (Carolina Academic Press) Earlier editions can be used. Using them will require students to read unedited cases that have been decided after that edition. Cases can be found on Soctus Blog and Oyez website

Supplementary Texts

Mollie Hemingway Rigged How the Media, Big Tech, and the Democrats Seized Our Election

The book has 19 5 star reviews on Barnes and Noble and 11 1 star reviews. On Amazon with 2834 global reviews it has 87% 5 star reviews and 3% 2 stars or less. You will have an opportunity to judge for yourself. As best you can be sure to check her data and its sources.

By the way, is there a difference between a "Rigged" election and a "fraudulent" election? She had a previous best seller, Justice on Trial, which was about the Kavanaugh hearings. (Available in paperback and on Kindle)

Movies to view during the course.

1. **All The Kings Men(1948 version)** Winner of several academy awards in 1948, it is based on Robert Penn Warren's historical novel about Willy Stark who in real life is Huey Long. Huey became Governor of Louisiana prior to WWII. He rose from virtually nothing to become a powerful force and demagogue in Louisiana politics in the 30's and early 40's. The "Longs" controlled Louisiana politics for a couple of decades.

2. **All The President's Men(1976)** with Dustin Hoffman and Robert Redford. It is an adaptation of a book about the work of Bob Woodward and Carl Bernstein who, as young

Email: amsag@mail.utexas.edu

HOME NEWS AND OPINION
TOPICS FEATURES SYLLABUS VIDEO ATTACHMENTS COURSE INFO HOME NEWS AND OPINION

© Alan Sager Website Developed by BeiBay Productions & Justin Yau

[Back to top ↑](#)

Washington Post, tracked down and developed the stories about the break-in at Democratic Headquarters at the Watergate Hotel that eventually led to the resignation of President Nixon. Not sure journalists today would have what it takes to do what they did. The movie lost the Oscar for best Picture in 1976 to **Rocky**

3. Primary Colors (1998) with John Travolta as a Bill Clinton character and Emma Thompson as Hillary. Another supposedly fictional story that really is about Clinton's first presidential campaign. While the names are changed to protect the writers from unpredictable Clinton wrath, you can figure out the characters and points of view if you know some early 90's history. Billy Bob Thornton is the the Jame Carville charcter, noted Clinton consultant from Louisiana married to the former Republican consultant Mary Matalin. In May 2016 she switched to the libertarian party. She was a consultant to the H.W. Bush campaign.

4. Our Brand is Crisis(2015) Sandra Bullock and Billy Bob Thornton as American political consultants fighting each in a Bolivian election. Billy Bob also plays a James Carville type character in this movie. Can't help but make comparisons with our elections and candidates. Very good until you get past the election outcome at which which time, like the end of **The Campaign**, you get 10 minutes of moralizing why the liberal side was better. I missed this movie the first time. A couple I have known for 17 years told me about it. I remember when they got started in political consulting in 2002 or and they expanded from local to national consultants. They are now living in Budapest and mainly work elections in foreign countries.

5. The Campaign(2012) with Will Ferrell and Zack Galifianakis. This is a story about the evil Koch Brothers (meant to be parodies of the Koch Brothers) trying to control a North Carolina congressional election between cool Will, the Democrat, and nerdy Zack, the Republican. R rated for sexual content, language and brief nudity. It is Hollywood's appeal for overruling the infamous Citizens United v. FEC case, a case we will study in detail early in the semester. It has some very funny scenes and it contains some universal truths about politics, politicians and elections. I do not particularly like its attack on or parodies of Christians and Christianity in a couple of scenes. Since it is so directly about campaign speech and finance, I think it is worth watching. I also think it is a double edged sword for the values Hollywood thinks it is promoting.

6. Mr. Smith Goes To Washington(1939) with James Stewart and Greer Garson. Appointed to fill a vacancy in the U.S. Senate, a starry eyed, naive idealistic young man attempts to do something for the children of America in Washington. He soon learns the rules and that people inside the beltway are not what he had thought of or imagined. Though dated, one might ask what has changed since the movie was made?

Videos

On the class website videopage there are links to a number of videos relevant to the course. I have collected them over the years. Some are no longer available and I am in the process of deleting those as I review these videos. Some will be assigned before various classes and others are there for your edification.

[How To Brief A Case](#)

(Click on the above for a description of the case briefing process)

- [Sample Brief I:](#) Lucas v. Colorado Assembly

- [Sample Brief: II](#) Minor v. Happersett

Both of these cases will be covered in class during the semester. These briefs are a bit more extensive than you will need as part of your daily class preparation. You will need your briefs to prepare for the exams.

Class Project and Papers

1. First paper

3-4 page brief on an old or recent case on the subject of this course

Due around the 4th week of the semester. Case will be assigned by 2nd week

2. Second paper (*tentative*)

3-4 page paper. Due 2nd near last week of semester, just before Thanksgiving. In the past everyone has done 6 hours of observation as a poll watcher during early voting at various locations in Travis County and then written a paper about it. *If you are not registered to vote in Travis County, you cannot be a poll watcher.* The alternate project will be some original empirical research about topics covered in this course **such as** why people do not vote, whether there is media bias, and how much money is being spent in particular campaigns around the country and its effect. If students who end up doing this alternate project want to create their own empirical research project, it is certainly possible.

LAW OF POLITICS

GOVERNMENT 357 AT UNIVERSITY OF TEXAS

DR.ALAN SAGER

HOME COURSE INFO ASSIGNMENTS RESOURCES VIDEO
SYLLABUS NEWS AND OPINION

Course Info

Office Hours and Locations

Pre-class Office Hours:

Mon/Wed 1:15-2:15

Location: Union patio if weather permits or in dining area

Post class Office Hours:

Wednesdays 4:00-??

Cactus Cafe in Texas Union

Occasionally Cactus is unavailable due to evening programming.

Will mention in class where office hours will be if this happens.

Communicating With Dr. Sager Outside of Class

Email: amsag@utexas.edu or if a problem with U.T. email address use:
class@alansager.com

LAW OF POLITICS

GOVERNMENT 357 AT UNIVERSITY OF TEXAS

DR.ALAN SAGER

[HOME](#) [COURSE INFO](#) [ASSIGNMENTS](#) [RESOURCES](#) [VIDEO](#)

[SYLLABUS](#) [NEWS AND OPINION](#)

Assignments

The Law of Politics The Legal Structure of Democracy Fall 2022

Dr. Alan Sager

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. 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 page 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.

For each class day prepare the following assignments in the Hasen et. al. **Election Law** textbook and supplementary materials linked on this page. Don't assume that because we are behind you won't be called upon to discuss the current day's assignments.

Class 1 Tuesday August 22nd Some Basic Questions based on political theory

Election Law Chapter 1 | Read Pages 1-21 Also read 3 articles at bottom of the assignment, two of which, Kristol and Napolitano, are very very short. *Basic Political Theory For Federalist 10* we will look at notes and questions 1-5 as well. (Presumably, most students have read this at one time or another.) This can easily be found on web as well. Here is summary of notes and questions 1-5 in case you do not have text yet: 1. What is Madison's the definition of faction and can you easily identify groups to which the word refers 2. This goes to the Kristol piece focusing on the public interest as a goal or a process. It quotes a political scientist Peter Shcuk who says "To understand the role of special interest groups in the American polity today, then, we must define faction in a way that does not depend— as Madison's definition manifestly does— on a transcendent conception of the public interest that no longer elicits strong defense or justification, even from those who most vehemently condemn pluralism's processes and policies. All definitions of "special" interests can be criticized for being under-inclusive, arbitrary, or

Email: amsag@mail.utexas.edu

RESOURCES ISSUES VIDEOS ASSIGNMENTS COURSES HOME NEWS AND OPINION

© Alan Sager | Website Developed by BeiBei Productions & Justin Yau

[Back to top ↑](#)

Question is really about the fact that all laws benefit some faction and perhaps are a detriment to some other faction. That is most laws have a zero sum effect thought the people making them may make a claim that this is not true. How does this relate to Madison's view of factions and is it true. 4. "According to Madison, factions can consist of a majority or a minority of the population, but only a majority faction is likely to have its way under a republican constitutu Why? Many contemporary reformers, both conservative and liberal, believe minority interests too often can veto or bring about changes in a manner contrary to the public interest and opposed by the majority. Are these reformers wrong? Was Madison wrong? Have conditions changed in relevant ways since Madison's time? What conditions?" from Hasen Chapter 1 5. Question is goes to the difference for Madison between a democracy and a republic. It is about the initiative process being democratic and anti republican form of government based on one reading of Madison. Do you agree?

Note: The textbook pages for all assignments are based on the 7th Edition of the Hasen et al textbook. If you have an earlier edition, the pages will be different. We will cover recent Supreme Court cases that may not be in the 6th addition. You will have to go to the full text of more recent cases which can be found on the OYEZ and SCOTUS Blog websites among others.

On Burke speech we will look at notes and questions 1-5 (This is also a very famous piece. Know the categories of representation set out by Burke) The full version of this speech to the Electors of Bristol can be found on the web. Here is one link [Click here](#). Reading is 1 page or so.

Some other views of the electoral systems and elections.

Read for main points the following 3 articles. (one of the skills that should come out of this class is to learn to state briefly and succinctly the main points in case briefs (especially the fact and opinions), as well as articles, movies and so on. Angelo Codeville "Americas Ruling Class, The Perils of Democracy" ([click here](#)) Irving Kristol on idolatry of democratic machinery 1 page ([click here](#)) Judge Napolitano "What If Democracy Is A Fraud" 1 page ([click here](#))

If you want to know how Congressman Lloyd Doggett got his start in politics, checkout this article from a 1973 issue of the Texas Observer entitled "Polling for Doggett" by Dr. Sager It is a step by step description of the work Dr. Sager and his then firm Political Research Associates did as pollsters and consultants for Lloyd Doggett who was running in his first race.

He ran for State Senator in a special election in July 1973 and then won a runoff in August 1973. ([click here](#))

Class 2 Wednesday August 24th

We will spend a little more time on the articles assigned for Class 1.

II. Right To vote 1. Read Brief History pp 31-54 Note 5 pp 52 contains some data. Are the conclusions from the data correct? Why or why not?

The notes after each case will help students focus on important arguments, ideas, concepts, words, etc. in the

case. Which notes to read and digest are listed after each case. Dr. Sager will discuss more about using the notes as we go through the first several assigned cases.

Brief [Harper v. Virginia State Board of Education](#) and Notes 1-4

Brief [Skafte v. Rores](#) Notes 1-6

Brief [Kramer v. Union Free School District](#) Notes 1-6

Class 3 Monday August 29th

Chapter 3 Representation and Redistricting 86-88

Brief [Reynolds v. Simms](#)

Brief [Lucas v. 44th Colorado Assembly of Colorado](#) Notes 1-6

Brief [Avery v Midland County](#) Notes 1-4

Class 4 Wednesday August 31st

Representation and Redistricting II

Brief [Sayler Land v. Tulare Lake Basin](#) Notes 1-5

Chapter 4 Partisan gerrymandering and Political Competition

Read 149-175

Discussion of movie: Mr Smith Goes To Washington

Class 5 Wednesday September 7th

Partisan Gerrymandering and Competition II

Brief [Rucho v. Common Cause](#) Notes 1-12

Competition and Election Law

Read 209-214

Brief [Miller v Cunningham](#) and Notes 1-4

Class 6 Monday September 12

Section 5 of Voting Rights Acts

Brief [Allen v. State Board of Education](#) and Note 1-3

Brief [Beer v United States and Notes](#) Notes 1-4

Dr. Sager will discuss Georgia v Ashcroft which is the subject of note 5.

Brief [Shelby County v. Holder](#) and Notes 1-5

Class 7 Wednesday September 14

Race and Redistricting II

Section II of Voting Rights Act

Brief [White v Regester](#) Notes 1-5

Brief [Thornburg v. Gingles Notes 1-3](#)

Brief [League of Latin American Voters v. Perry Notes 1, 2 and 4](#)

Brief Thornberg v. Gingles pp 269-296 **Brief Thomas opinion in Holder v. Hall pp**

328-336 Make sure you know the other Justices opinions based on the note in textbook on page before Thomas opinion. Use this brief for the rest of the case [Click Here Brief](#) Shaw v. Reno pp. 336-353

Class 8 Monday September 19

Race and Redistricting III

Section II of Voting Rights Act II

Brief [Bartlette v. Strickland Notes 1,2 8 and 9](#)

Brief [Johnson v. DeGrandy Notes 1-4](#)

Brief [Holder v. Hall](#)

Class discussion: All The King's Men

Class 9 Wednesday September 21

Race and Redistricting IV

Racial Gerrymandering

Brief [Shaw v. Reno Notes 1-5](#)

Brief [Post Shaw Decisions Summarize 365-379](#)

Brief [Alabama Legislative Black Caucus v. Alabama Notes 1-2](#)

Brief Due Today

For those doing poll watching assignment, please download the state Poll Watchers guide ([click here](#)) and read carefully. For those not doing the poll watching assignment, do the same. except you don't need to download the Guide.

Class 10 Monday September 26

Exam I

Chapters 1-5 and additional assigned readings

Movies Mr. Smith Goes To Washington and All The King's Men

Class 11 Wednesday September 28

Election Administration and Remedies

Constitutional Claims

Brief [Bush v. Gore Notes 1-11](#)

Read [Voting Technology 416-420](#)

Voter Identification and Other Burdens On Voting

Brief [Crawford v. Marion County Notes 1-5](#)

For a summary of data on voter i.d. laws affect on fraud and turnout read this article from Vox ([click here](#))

Is this study compatible with author's Note 5. If not, who is right. Should the author have noted

contrary findings? Does this tell you anything about the authors? How does this fit in with the

election administration section of the book related to remedies and Dr. Sager's summary of other cases on judicial remedies.

Class 12 Monday October 3rd

Election Administration and Remedies I

Race Discrimination**Brief [Brnovich v. Democratic National Committee Notes 1-2](#)**

Law and Turnout

Read and summarize pp 469-488

Class 13 Wednesday October 5th

No Class Religious Holiday

Read Mollie Hemingway **Rigged: How the Media, Big Tech, and the Democrats Seized Our Elections**

If you fact check anything in book, let class know what you did and what you found. She has a point of view as she goes through the events leading up Election Day 2020 and their impact on it.

She also has a point of view about those events as they happened. For the Washington Post review of book ([click here](#)) Here is the Guardian critique of the book ([click here](#))

For MSNBC indirect comments on book ([click here](#))

Class 14 Monday October 10th

Election Administration and Remedies III

Judicial Remedies

Brief [Pabey v. Pastrick Notes 1-6](#)**Other Remedies when election fraud is uncovered**

Dr. Sager will discuss some other cases dealing with remedies, namely what can courts do to remedy voter fraud or election violations when an election is over. Hasen finally added a case like Pabey in this edition. For some reason remedies had been left out of earlier editions. Any ideas as to why? For summary of additional remedy cases ([click here](#))

Be prepared to argue either side of the voter fraud issue in class. You may be

asked to argue either side or to summarize in writing the arguments of each side.

Read about the Georgia Voter I.D. law and its impact ([click here](#))

Read about voter i.d. and Bush v. Gore problems in Real Clear Investigations piece entitled "Oh, for the Good Old Days of Hanging Chads: The Legal Snarls of 2020" ([click here](#))

The Heritage Foundation has put up a website that contains information of proven instances of voter fraud in which there are 992 convictions. There are over 75 instances from Texas all of which occurred from about 2005 to the present. ([Click here](#))

For another point of view see The Brennan's Center article The Myth of Voter Fraud ([click here](#))

Also read Slate article on myths about 1960 Nixon Kennedy election ([click here](#))

Chapter 7 Ballot Propositions

Pros and Cons

Read and summarize Ellis article pp 503-512

Class 15 Wednesday October 12th

Ballot Propositions II

Brief [People's Advocate v. Superior Court](#) Skip notes

Brief [In Re Advisory Opinion to the Attorney General](#) Notes 1-5

Read and summarize [The Separate Vote Requirement and Academic Criticism of the Single Subject Rule](#) pp 559-563

Dr. Sager will discuss and summarize Procedural Requirement and Judicial Review pp 562-581

Class 16 Monday October 17th

Chapter 8 Major Political Parties

The Party and the Political Process

Read and summarize pp 582-589

Obligation of Parties Under The Constitution

Dr. Sager will discuss The Texas White Primary cases [Nixon v. Herndon](#), [Nixon v. Condon](#) [Grovey v. Townsend](#) [Smith v. Allright](#) [Terry v. Adams](#)

Dr. Sager's summary of cases ([click here](#))

Read and summarize pp 589-97

Brief [Tashjian v Republican Party of Connecticut](#) Notes 1-7

Brief [Elrod v. Burns](#) Notes 651-661

Chapter 9 Third Parties and Independent Candidates

Dr. Sager will summarize chapter

Class 17 Wednesday October 19th

Chapter 10 Campaigns

What We Know About American Political Campaigns

Read and summarize pp 715-722

Regulating Campaign Speech

Brief [281 Care Committee v Arneson Notes 1-6](#)

Read about **Susan B. Anthony League(SBAL) v. Driehaus** ([click here](#)) Read only the two page summary at the beginning of the Supreme Court case> From the opinion just be sure you fully understand the facts and the Ohio law in question. At this point in the litigation, the only question before the Court was whether the SBAL had standing to bring the suit. A similar question was before the Court in the Crawford case. A Federal District Court in Ohio held the Ohio law in this case unconstitutional on the merits. See the following newspaper article([click here](#)) for a report on that decision. The 6th Circuit reversed and the Supreme Court unanimously reversed the 6th Circuit and said SBAL made a claim that should be heard by the lower court that the 1st Amendment might be violated.

Regulating Judicial Campaigns

Dr. Sager will briefly discuss [Republican Party of Minnesota v. White](#) and [Williams Yulee v. Florida Bar](#) and [Caperton v. Massey](#)

all of which are covered in more detail in his Judicial Process class

Chapter 11 Bribery

Bribery of Candidates

Brief [People v. Hochberg](#)

Bribery of Public Officials

Brief [People ex rel Dickinson v. Van de Carr](#)

Write out the elements of bribery and read each case with regard to what element is being covered. Notice whether you personally think the fact situation shows bribery or activities that ought to be punished by the law.

Paper 2 Assignments([click here](#))

Class 18 Monday October 24th

Chapter 11 Bribery

Brief [State v. Agee](#)

Brief [McCormick v United States](#)

Brief [United State v. Sun Diamond Growers](#)

Brief [Mc Donald v. United States](#)

Dr. Sager to discuss [United States v. Ted Stevens\(The Late Senator from Alaska\)](#)([click](#)

[here](#)) President Trump has tweeted something that Greg Jarrett a lawyer and Fox contributor said about Bruce Ohr of FBI fame and his wife Nellie of Fusion GPS fame. Namely, they may have violated federal bribery and related federal statutes while in their jobs. [Click here](#) for Greg Jarrett piece. Suggestion about this in section entitled Nellie Ohr, about 2/3 of way down page. What do you think?

Class 19 Wednesday October 26th

Exam 2

Movies: All The President's Men

Primary Colors

Class 20 Monday October 31st

Campaign Finance

The Buckley Framework

Basic Facts and Figures About Campaign Financing

Read and summarize pp 853-857

Brief [Buckley v. Valeo](#) and all notes after case

Empirical Observations about and Theoretical Justifications For Campaign Finance

Regulation

Read and summarize pp 892-900

Money "is the mother's milk of politics." This quote is attributed to Jesse Unruh the Democrat speaker of the California House from 1961-68.(For an interesting article by a liberal writer with this phrase as the title ([click here](#))). Money in politics is also a source of many instances of hypocrisy, crime, and other immoral acts.

Class 21 Wednesday November 2

The Buckley Framework II

Preventing Corruption

Read and Summarize pp 900-907

Promoting Equality

Read and summarize pp 907-925

Make sure you understand the arguments on all sides of the issue. Here are some of the questions we will consider. **Read** introductory notes and 807-814 **Read** Begin to acquaint yourself with some of the empirical and theoretical justifications for campaign finance regulation in the notes.

These notes consider some of the following questions raised in Buckley

1. What are the first amendment issues with campaign finance?
2. What is the difference between an expenditure and a contribution?
3. What are the rationales for even regulating campaign financing?
4. Does regulation of campaign financing actually work?
5. How do various ideologies or theories of the how the United States does and should

- operate view the campaign finance issue, Republicans v. Democrats, pluralists, progressives, conservatives and so on?
6. Can you have a fair campaign finance law?
 7. What campaign finance issues can you think of that are not covered by the Buckley opinion.

Chapter 13

Spending Limits

Brief [First National Bank of Boston v. Bellotti](#)

Limiting Spending and the Citizens United Revolution

Brief [Citizens United v. FEC](#) and all notes

Brief [American Traditional Partnership v. Bullock](#)

Introduction to Citizens United v. FEC.

This case is well known and either loved or reviled by different sides of the political spectrum. Former President Obama, no stranger to large sums of money, in an unprecedented act, criticized the case during his 2010 State of the Union speech, attended by most members of the Supreme Court at the time. Justice Alito just shook his head for national t.v. audiences. For one PolitiFacts take on what the President said [click here](#), though you might wait till you read the full case to view this column. This is a case about whether the campaign finance laws cover a corporation that makes a movie for the 2012 election cycle about Hillary Clinton. Late in the movie, an argument against voting for her is made. You are assigned to read (or listen to) the oral argument and reargument (Court had it re-argued which is very unusual. See if you can figure out something that may have been said in the original oral argument that might suggest case needs to be argued again) Try to write a brief or take notes on the various arguments made. I am also including a link to myriad number of briefs filed by various political groups across the political spectrum on behalf of one side or the other. You might take a look at the first two pages of some of the briefs. The first two pages contain in big print, the arguments made in the brief. Usually, there are only 1 or 2 arguments made. We will read the edited case in the casebook for the next class. Also students should watch the movie **The Campaign** by the 2nd of these two classes since it is Hollywood's not so veiled attack on the **Citizens United** case. **You are in the process of learning the language of campaign finance law and civil liberties law.** To help further acquaint you with the terms used in oral argument I have linked a glossary of terms and a brief summary of cases argued about in the oral argument. Try to get the main points in the arguments. Notice that future Justice Elana Kagan argues the case for the FEC in the re-argument. In part this was due to the incompetence, or better bungling of an important argument by the FEC attorney, Mr. Stewart, in the first case. See if you agree with my assessment.

Read or listen to the oral argument and re-argument in **Citizens United v. FEC** Original Argument Transcript ([click here](#)) Rearguments Transcript ([Click here](#)) For MP3 oral argument and reargument ([click here](#)) (This is the case page on the Oyez website. It has links to all parts of the case including the MP3 recording of the arguments) Glossary of Terms including some cases used in oral argument ([click here](#))

Class 22 Monday November 7th

Chapter 14 Contribution Limits

Campaign Contribution In Ballot Measure Elections

Read and Summarize pp 991-999

When Are Contribution Limits Too Low

Brief [Randall v Sorrells](#) and all notes

Campaign Contributions and Political Parties

Read and summarize pp 1023-1032

For a lawsuit over spending limits in Austin City Council races and limitations on when campaigning for city office can begin. ([click here](#))

Class 23 Wednesday November 9th

Brief [SpeechNow.org v FEC](#) and notes

The New Skepticism

Brief [McCutcheon v. FEC](#) and notes

Class 24 Monday November 14

Chapter 15 Public Financing

Read and summarize pp 1078-1101

Brief [Arizona Free Enterprise Club v. Bennett](#) and notes

Minority Vote Dilution: Section 2

Brief Thornberg v. Gingles pp 269-296 Brief Thomas opinion in Holder v. Hall pp

328-336 Make sure you know the other Justices opinions based on the note in textbook on page before Thomas opinion. Use this brief for the rest of the case [Click Here](#) Brief Shaw v. Reno pp. 336-353

Class 25 Wednesday November 16th

Chapter 16 Disclosure

The Government Interests in Disclosure

Brief [Buckley v. Valeo](#)

Brief [McIntyre v. Ohio Election Commission](#)

Paper #2 Due**Class 26 Monday November 28th****Disclosure II****The New Skepticism**

Brief [Americans for Prosperity v. Bonta](#)

Putting It All Together: Issues and cases covered in this course, 2nd papers, and the 2022 and 2024 Elections

Be ready to explain how it all fits or doesn't fit for you.

Class 27 Wednesday November 30th

Exam #3

Movies Our Brand is Crisis The Campaign

Class 28 Monday December 5th

This class will take place at Dr. Sager's home. It is the End of the Semester Awards Dinner. Special Speaker to be announced