

POS 4684
Politics of Voting Rights
Spring 2009

Monday, Wednesday, and Friday, 1:00 to 1:50 pm

Dr. Kevin A. Hill
Office: DM 480
Phone: 305-348-3291
E-Mail: khill@fiu.edu
Class Web site: www.fiu.edu/~khill
Office Hours: MWF 12:00 to 12:50 pm

Introduction

This course is a rigorous overview of the evolution of voting rights in the United States since the founding of the republic in the 1770s. In this course, we will be investigating several topics, including: (1) the definition of citizenship and voting rights, and their relationship to each other in a federal republic; (2) the gradual expansion of the right to vote, and the tests or devices used to restrict or expand that right to certain groups of people over time; (3) the two major pieces of federal legislation that have attempted to define and protect these rights (The Enforcement Acts of 1870/71 and the Voting Rights Act of 1965); (4) the legal and constitutional mechanisms used by the federal government to enforce and strengthen the Voting Rights Act; and (5) the right of all citizens to be represented equally in government. We will also pay particular attention to two specific controversies that fall under the rubric of all these topics: redistricting and the disputed presidential election in Florida in 2000.

We will proceed with the assumption that most students in this class have taken at least one 3000-level course in American government, and the introductory course. Although these are not *absolute* pre-requisites for the course, they will help. We will also assume that most students in this course have at least a passing interest in attending law school. Therefore, this course, which is both historically and thematically-oriented, will be very heavy on the reading and analyses of the Constitution, federal laws, and Supreme Court decisions made in light thereof. You can expect to read three books, large parts of the federal Constitution, two major federal laws, and about 30 Supreme Court decisions. You can also expect two essay-dominant in-class examinations and a 5-7 page paper assignment. You can also expect to be called upon in class to answer basic questions about the readings for that day; you will be rewarded in your final grade for consistently correct answers, and punished for instances of not doing the assigned readings. I do not list all these things to scare you. I simply want you to know up-front the requirements for this course, which are more rigorous than many others you may have taken. If you believe you cannot handle the work, I suggest you drop this course.

Requirements

A. Readings.

There are three books that are required reading for this class. All are available online or in the bookstore for purchase:

1. Goldman, Robert M. 2001. *Reconstruction and Black Suffrage: Losing the Vote in Reese and Cruikshank*. University Press of Kansas.
2. Yarbrough, Tinsley E. 2002. *Race and Redistricting: The Shaw-Cromartie Cases*. University Press of Kansas.
3. Zelden, Charles L. 2004. *Battle for the Black Ballot: Smith v. Allwright and the Defeat of the Texas All-White Primary*. University Press of Kansas.

In addition, there are about 30 landmark Supreme Court cases, the text of several acts of Congress, and the text of the US Constitution. All these will be posted as Adobe PDF files on the class website at www.fiu.edu/~khill. These readings are *essential* and are *required*. If you do not read these cases, laws, and constitutions, you WILL fail the class. Yes, there is a lot of reading. But when you do it all and can understand it, you will know more about voting rights law than 95% of the lawyers in this country, I promise.

B. Graded Assignments

There will be one midterm exam, a final exam, and one combination paper and in-class presentation. Please note that the exams are not cumulative.

Midterm Exam	Feb 27	33%
Paper	Mar 27	33%
Final Exam	Exam week	34%

C. Class Policies

Read these policies carefully, as they constitute a binding agreement between me as an instructor and you as a student.

1. All grades are based on a 100-point grade scale, with the following letters and corresponding numbers:

A	95-100	B	85-87.99	C	75-77.99	D	65-67.99
A-	90-94.99	B-	80-84.99	C-	70-74.99	D-	60-64.99
B+	88-89.99	C+	78-79.99	D+	68-69.99	F	0-59.99

2. I will not argue about grades, nor will I change them except if there is a calculation error. If you are unhappy with either your final grade or an assignment grade, you need to take it up through the University student grievance procedure. I will not re-grade exams or papers, I do not read first drafts of papers, and I do not change grades no matter how much you might try to browbeat me about them. **MY GRADES ARE FINAL. I WILL NOT TOLERATE GRADE LAWYERING. IF YOU COME TO MY OFFICE TO COMPLAIN ABOUT YOUR GRADE, YOU WILL BE IGNORED. IF YOU ARE NOT SATISFIED WITH YOUR GRADE, USE THE UNIVERSITY GRIEVANCE PROCEDURE.**

3. You will be tested on both lecture and reading material on the midterm and the final.

4. Don't let me catch you cheating. Cheaters will be referred to the University authorities, with my recommendation that they be suspended from the University for not less than one academic year. You will also, at a very minimum, fail the course. Also, please remember that those caught cheating will have a notation made in their University records that they have been found guilty of academic misconduct. **THIS CAN AND WILL KEEP YOU OUT OF LAW SCHOOL, SO DO NOT BE TEMPTED TO CHEAT IN ANY WAY.** It is your responsibility to familiarize yourself with the University's definitions of cheating and general academic misconduct. They can be found in your student handbook. I have no mercy for cheaters. I caught 3 people cheating in this class last Fall, and 4 in another 4000-level class last Spring. Don't do it.

5. There is to be no leaving class early without my **EXPRESS PERMISSION IN ADVANCE** at the beginning of the session. This goes even for you. If you have to leave early, you should not come to class that day. Leaving early is disruptive to the other students, and will not be tolerated. People who leave early without permission will have 10 points deducted from their final grades for each occurrence.

There is no class attendance policy. It is up to you to show up to class (ON TIME!!). There will be no extra penalty for missing class. Likewise, there is no extra credit attached to good or perfect attendance. Please realize, however, that students who are in class everyday will invariably do much better on their graded assignments than those who miss class more than occasionally.

Class Outline

Introduction to Class

Part I: Citizenship, Voting Rights, and Federalism

Topics: Defining “citizenship”; defining the roles of the federal and state governments over elections and voting qualifications; exploring the linkage between citizenship and voting rights.

Constitution: Article I, sections 2 & 4; Article IV, section 3; 13th and 14th amendments.

Cases: *Dred Scott v. Sandford* (1857)
Slaughterhouse Cases (1873)
Civil Rights Cases (1883)
Plessy v. Ferguson (1896)

Part II: The Right to Vote

Topics: Voting qualifications; property holding and taxpaying; residency requirements; “good character” and “grandfather” tests; gender requirements; language requirements; literacy tests; whites-only primaries; the Force Act of 1870/71; the Voting Rights Act of 1965.

Constitution: 15th, 17th, 19th, 24th, 26th amendments.

Federal Laws: Force Acts of 1870 and 1871;
Voting Rights Act of 1965, section 2(a); sections 3, 4, and 5.

Cases: *United States v. Cruikshank* (1875)
United States v. Reese (1875)
Ex Parte Yarbrough [a.k.a. Ku Klux Cases] (1884)
Williams v. Mississippi (1898)
Giles v. Harris (1903)
Guinn v. United States (1916)
Smith v. Allwright (1944)
Harper v. Virginia Board of Elections (1966)
South Carolina v. Katzenbach (1966)
Allen v. State Board of Elections (1969)

Feb 27 Midterm Exam

Part III: The Right to Representation

Topics: Malapportionment; vote dilution through: fraud, annexation and de-annexation, other devices, and districting schemes; intent to dilute versus incidental outcome; remedies to dilution; redistricting; racial gerrymandering.

Constitution: 14th amendment.

Federal Laws: Voting Rights Act of 1965, section 2(b), section 5; Title II bilingual election requirements.

Cases: *United States v. Classic* (1941)
Gomillion v. Lightfoot (1960)
Baker v. Carr (1962)
White v. Regester (1973)
United Jewish Organizations v. Carey (1977)
Mobile v. Bolden (1980)
Karcher v. Daggett (1983)
Thornburg v. Gingles (1986)
Davis v. Bandemer (1986)
Shaw v. Reno (1993)
Johnson v. DeGrandy (1994)
Reno v. Bossier Parish (1997)
LULAC v. Perry (2006)

Mar 27 Paper is Due

Part IV: Bush v. Gore and the 2000 Presidential Election

Topics: The disputed presidential election; Florida's election laws; equal protection; the political role of the Florida and United States Supreme Courts; vote dilution.

Constitution: Article II, section 1, clause 2; 14th amendment.

Cases: *Bush v. Gore* (2000)

Final Exam week Final exam