

# POLITICAL SCIENCE 451 – Section 01

## THE SUPREME COURT

### Fall, 2017

#### INFORMATION

**COURSE:** Tuesday & Thursday, 9:25 – 10:40am, in AOC2 #204

**INSTRUCTOR:** Dr. Mikel Norris

**OFFICE:** Brittain Hall #356

**OFFICE HOURS:** Tuesday & Thursday 11:30am – 1:30pm; and by appointment

**E-MAIL and PHONE:** [mnorris1@coastal.edu](mailto:mnorris1@coastal.edu) / (843) 349-4033

#### INTRODUCTION

##### Catalog Description

POLI 451 The Supreme Court. (3) (Prereq: POLI 201 or permission of the instructor) A study of the role of the Supreme Court in American politics. Covered topics include the historical development as an institution, the selection and nomination process of Supreme Court justices, the nature of Supreme Court decision-making, the relationship between the Supreme Court and the other branches, and other relevant topics.

##### Course Objectives

1. Examine the historical development of the Supreme Court as a coequal branch of government within the framework of separation of powers, as outlined in the United States Constitution.
2. Analyze the career path of the Supreme Court justice from their entry into the legal profession to when they leave the Court.
3. Explain and analyze Supreme Court decision making, emphasizing individual strategy used throughout the decision making process.
4. Examine the impact Supreme Court decisions do – or do not – have on American public policy.

##### Student Learning Outcomes

Upon successful completion of the course, students are expected to be able to:

1. Demonstrate a thorough understanding of the scope of the Supreme Court's power in the American political system.
2. Identify key personal characteristics and behaviors of Supreme Court judges.
3. Apply their knowledge of Supreme Court processes to understand strategic behavior in interpersonal settings.
4. Critically analyze the decisions of the Supreme Court, and differentiate between decisions that do and do not have important ramifications for American public policy.

## BOOKS and SUPPLEMENTARY MATERIALS

The following required textbook is available for purchase at the University Bookstore:

- Lawrence, Baum. 2016. *The Supreme Court, 12<sup>th</sup> Edition*. Sage/CQ Press. (ISBN: 978-1-4833-7611-0)
- Rehnquist, William. 2004. *The Supreme Court, New Edition*. Alfred Knopf. (ISBN: 0-307-29032-8).

Please purchase these texts immediately, as we will begin using them immediately. These texts are also readily available for purchase through different web retailers. We will read other materials throughout the semester. These materials are listed in the **Course Schedule and Assignments** section of the syllabus, and will be made available either on Moodle or on JSTOR. It is the student's responsibility to retrieve these materials.

The following books are not required, and assigned book chapters will be posted on Moodle. However, students truly interested in studying and understanding the Supreme Court should seriously consider buying these texts. Both are classics in the field, and are considered essential reading in graduate courses on the Supreme Court:

- Segal, Jeffrey; and Harold Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge: Cambridge University Press.
- Rosenberg, Gerald N. 2008. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press.

Students will also be required to read one Supreme Court biography in order to complete their book review assignment. Students will not need to purchase a text for this assignment, as I am sure you will be able to find your biography either at the library, or through inter-library loan.

## ASSIGNMENTS

The assignments for this course are listed below:

- **MIDTERM EXAMINATION:** The midterm examination will consist of multiple choice, fill-in-the-blank, short answer, and essay questions. It will be worth 20% of your final grade. The date of the examination will be
- **FINAL EXAMINATION:** The final examination will be in the same format as the midterm examination. It will be worth 25% of your final grade. The date of the final examination will be
- **CERTIORARI EXERCISE:** Students will participate in an in-class exercise where they will take on the role of a Supreme Court justice and vote to construct a docket of cases with other students. Specific details of this assignment will be handed out separately. Performance in this exercise will be worth 20% of your final grade. The date of the certiorari exercise will be

- **BOOK REVIEW:** Students will be required to write a book review of a biography of a Supreme Court justice. Specific details of this assignment will be handed out separately. The review will be worth 20% of your final grade. The due date for the book review will be
- **LEGAL TERMS QUIZZES:** There will be five (5) legal terms quizzes given throughout the semester. All quizzes will consist of 10% of your final grade. The dates for the legal terms quizzes will be announced in class.
- **CLASS PARTICIPATION:** Class participation will be worth 5% of your final grade.

## GRADING

A total of 500 points can be earned in this course. You will earn points as follows:

- Midterm Examination: 100 points
- Final Examination: 125 points
- Certiorari Exercise: 100 points
- Book Review: 100 points
- Legal Terms Quizzes: 50 points (10 points each)
- Class Participation: 25 points

Your grade will be based on the following calculations:

- A (90% - 100%) = 450-500 points
- B+ (88% - 89.9%) = 438-449 points
- B (80% - 87.9%) = 400-437 points
- C+ (78% - 79.9%) = 388-399 points
- C (70% - 77.9%) = 350-387 points
- D+ (68% - 69.9%) = 338-349 points
- D (60% - 67.9%) = 300-337 points
- F (0% - 59.9%) = 299 points or less

## ATTENDANCE and CLASS PARTICIPATION POLICY

It should be common knowledge that students who attend class and participate in class discussion perform better on tests and papers and ultimately receive higher grades. Therefore, class attendance will be **mandatory**. Students will be given two free absences. Students will lose 10 participation points for each additional absence. Per University policy, professors reserve the right to fail students who miss 25% or more of their classes. This comes out to **eight** absences. This policy will be strictly enforced. I will send any student who misses seven classes a warning email about their attendance status. If the student misses an eighth class they will fail the course **REGARDLESS OF PREVIOUS COURSE PROGRESS**. There will be no exceptions to this rule.

**Excused Absence Policy:** I will only accept excused absences for three instances. Please make sure you are absolutely clear about these instances if you plan on missing class:

- **University Representation:** A student will have an excused absence if they miss class because they are representing the University in an official capacity (ex: sports, mock trial, Model UN, SCSL, etc.). Students must supply me with documentation of this event on Coastal Carolina University letterhead **BEFORE THE EVENT** to have these absences excused.
- **Death of a Family Member:** A student will have an excused absence if they miss class due to a death in the family. However, merely telling me this is not sufficient. If you miss class for this reason you **MUST** inform the Dean of Students Office that you will be missing time because of this event. Your absence will **ONLY** be excused when I receive notification from the Dean of Students' Office that you will be missing extended class time.
- **Extended Illness:** The key word in this incidence is EXTENDED. I **WILL NOT** excuse single absences for illness, and I **WILL NOT** accept doctor's notes or paperwork from Health Services as an excuse. If you are going to miss extended time due to illness, you **MUST** inform the Dean of Students' Office that you will be missing time because of this event. Your absence will **ONLY** be excused when I receive notification from the Dean of Students' Office that you will be missing extended class time.

Class participation is also important to class success. All students should come to class prepared to discuss the materials to be covered for each lecture. Class preparation includes reading and thinking critically about all class material. Students should also be prepared to ask questions about material they do not understand, answer questions during class, and make appropriate comments and insights that will benefit and enhance class discussion. Participation will keep your participation grade steady and, in some circumstances, may raise it if it has fallen due to absences and cell phone usage. These points will be given at the discretion of the professor.

Students are also asked to speak and act appropriately during class. This includes not talking to other students in a disruptive manner during class, or making inappropriate comments toward other students. **Cell phones should also not be used during class.** They are disruptive to the instructor and other students. 3 points will be deducted from a student's class participation grade each time I see a student using their cell phone in class. Depending on circumstances, more points may be deducted, and I will ask the student to leave the class.

I would ask all students to think of their participation grade as a clean slate. Everyone has a 100% on the first day of class. If you regularly attend class, come to class prepared, participate in discussion and don't use your cell phone you will get a 100% participation grade. If you don't exhibit these behaviors your grade will drop. It will ultimately be up to you what this final grade will be.

### **CHEATING and PLAGIARISM**

Cheating and plagiarism are wrong and I do not like it. It is unfair to other students. Furthermore, it reflects very poorly on your character. Cheating carries with it a severe penalty, and may even lead to expulsion from the university. **DON'T DO IT.** It is wrong and will not be tolerated. Those caught cheating or plagiarizing (e.g., looking at someone else's paper during a test, consulting notes during a test, plagiarizing material on papers, etc.) will be brought before the Academic Affairs Committee, and I will request that the student receive an **Fx for the course.**

Coastal Carolina University operates under a Code of Student Conduct, which governs both academic and social conduct. The Code of Student Conduct may be reviewed here:

<http://www.coastal.edu/conduct/documents/codeofconduct.pdf>

Per the Code of Student Conduct, all students at Coastal Carolina pledge to oppose all instances of academic dishonesty. Plagiarism is listed as the first form of prohibited conduct in the Code of Conduct. This should make clear the importance of not engaging in this type of action. Students may talk to me privately if they have any questions or concerns involving cheating and plagiarism.

### **ACCOMODATION FOR STUDENTS WITH DISABILITIES**

I am committed to making all necessary accommodations for students with verified disabilities. Students with disabilities are urged to contact the Office of Accessibility and Disability Services (843-349-2503) to learn more about the rights and responsibilities of disabled students attending Coastal Carolina University.

### **ODDS and ENDS**

**INCOMPLETES:** I don't give them. Don't ask for one.

**LATE ASSIGNMENTS:** They are inexcusable. I will not give any make-up legal terms quizzes. They will be announced in class prior to being given. I reserve the right to make them pop quizzes if student participation in class isn't to my liking. I will not give make-up exams unless the absence is an excused absence. Unless you're physically consigned to a hospital bed on these days, I'll see you on exam day. If you have an excused absence, I must know about it **beforehand** and it is your responsibility to give me proper documentation. If I'm not given advance notice I will not accommodate your needs.

You will know the due dates for the written parts of the certiorari exercise and the book review in advance. I will not accept any late papers for any reason – excused or unexcused. Twenty points will be deducted from each assignment every day it is late.

Attendance is **required** for the certiorari exercise, and I will not accept excused absences for missing these days. If you are going to miss these days, I highly recommend that you drop this course.

**\*\*\*\*\*THE PROFESSOR RESERVES THE RIGHT TO MAKE CHANGES TO THE SYLLABUS DURING THE COURSE OF THE SEMESTER. ANY CHANGES WILL BE DISCUSSED IN CLASS BEFOREHAND\*\*\*\*\***

## COURSE SCHEDULE AND ASSIGNMENTS

TUESDAY, AUGUST 22<sup>nd</sup>.....COURSE INTRODUCTION

THURSDAY, AUGUST 24<sup>th</sup> .....COURT ORGANIZATION

- Baum, pp. 1 – 20
- Lindquist, Stefanie; Susan Haire, and Donald Songer. 2007. “Supreme Court Auditing of the US Courts of Appeals: An Organizational Perspective.” *Journal of Public Administration Research & Theory*. 17:4. 607-624.

TUESDAY, AUGUST 29<sup>th</sup> thru THURSDAY, SEPTEMBER 7<sup>th</sup>.....SUPREME COURT HISTORY

- McGuire, Kevin. 2004. “The Institutionalization of the U.S. Supreme Court.” *Political Analysis*. 12:2. 128-142.
- Crowe, Justin. 2007. “The Forging of Judicial Autonomy: Political Entrepreneurship and the Reforms of William Howard Taft.” *Journal of Politics*. 69:1. 73-87.
- Readings for Tuesday, August 29<sup>th</sup>: from the Founding through the Marshall Court
  - Baum, pp. 20-25
  - Rehnquist, pp. 3-43
- Readings for Thursday, August 31<sup>st</sup>: The Taney Court through the Gilded Age
  - Rehnquist, pp. 44-100
- Readings for Tuesday, September 5<sup>th</sup>: Early 20<sup>th</sup> Century, the New Deal, and the Roosevelt Court
  - Rehnquist, pp. 100-192
- Readings for Tuesday, September 7<sup>th</sup>: The Warren, Burger, Rehnquist, and Roberts Courts
  - Rehnquist, pp. 193-208

TUESDAY, SEPTEMBER 12<sup>th</sup> thru TUESDAY, SEPTEMBER 19<sup>th</sup>.....THE JUSTICES’ CAREER

- Baum, pp. 28-66
- Rehnquist, pp. 209-223
- Moraski, Bryon; and Charles Shipan. 1999. “The Politics of Supreme Court Nominations: A Theory of Institutional Constraints and Choices.” *American Journal of Political Science*. 43:4. 1069-1095.
- Shipan, Charles; and Megan Shannon. 2003. “Delaying Justice(s): A Duration Analysis of Supreme Court Confirmations.” *American Journal of Political Science*. 47:4. 654-668.
- Crowe, Justin; and Christopher F. Karpowitz. 2007. “Where Have You Gone, Sherman Minton? The Decline of the Short-Term Supreme Court Justice.” *Perspectives on Politics*. 5:3. 425-445.

THURSDAY, SEPTEMBER 21<sup>st</sup> thru TUESDAY, OCTOBER 3<sup>rd</sup>.....DECIDING TO DECIDE

- Baum, pp. 67-103
- Rehnquist, pp. 224-238
- Black, Ryan; and Ryan Owens. 2011. “Solicitor General Influence and Agenda Setting on the U.S. Supreme Court.” *Political Research Quarterly*. 64:4. 765-778.
- Caldeira, Gregory A; and Christopher Zorn. 1999. “Sophisticated Voting and Gate-Keeping in the Supreme Court.” *Journal of Law, Economics & Organization*. 15:3. 549-572.

**THURSDAY, OCTOBER 5<sup>th</sup>: MID-TERM EXAMINATION**

**TUESDAY, OCTOBER 10<sup>th</sup> & THURSDAY, OCTOBER 12<sup>th</sup>: CERTIORARI SIMULATION  
(attendance is required for both days)**

TUESDAY, OCTOBER 17 thru TUESDAY, NOVEMBER 7<sup>th</sup>.....SUPREME COURT DECISION MAKING

- Baum, pp. 104-151
- Rehnquist, pp. 239-266
- Collins, Paul. 2007. "Lobbyists Before the Supreme Court: Investigating the Influence of Amicus Curiae Briefs." *Political Research Quarterly*. 60:1. 55-70.
- Johnson, Timothy; Paul Wahlbeck, and James Spriggs. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." *American Political Science Review*. 100:1. 99-113.
- Johnson, Timothy; James Spriggs, and Paul Wahlbeck. 2005. "Passing and Strategic Voting on the U.S. Supreme Court." *Law & Society Review*. 39:2. 349-377.
- Maltzman, Forrest; and Paul Wahlbeck. 2004. "A Conditional Model of Opinion Assignment on the Supreme Court." *Political Research Quarterly*. 57:4. 551-563.
- Spriggs, James; Forrest Maltzman, and Paul Wahlbeck. 1999. "Bargaining on the U.S. Supreme Court: Justices' Responses to Majority Opinion Drafts." *Journal of Politics*. 61:2. 485-506.

THURSDAY, NOVEMBER 9<sup>th</sup> thru THURSDAY, NOVEMBER 16<sup>th</sup>.....SUPREME COURT POLICY

- Baum, pp. 152-182
- Enns, Peter; and Patrick Wohlfarth. 2013. "The Swing Justice." *Journal of Politics*. 75:4. 1089-1107.
- Segal, Jeffrey; and Harold Spaeth. 1992. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge: Cambridge University Press. **Chapters 2, 3 and 8 (available on Moodle)**

**TUESDAY, NOVEMBER 21<sup>st</sup> and THURSDAY, NOVEMBER 23<sup>rd</sup>: THANKSGIVING BREAK (NO CLASSES)**

TUESDAY, NOVEMBER 28<sup>th</sup> thru THURSDAY, NOVEMBER 30<sup>th</sup>.....SUPREME COURT IMPACT

- Baum, pp. 183-223
- Rehnquist, pp. 267-280
- Segal, Jeffrey; and Harold Spaeth. 1992. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge: Cambridge University Press. **Chapter 1 (available on Moodle)**
- Rosenberg, Gerald. 2008. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press. **Chapters 4, 8, 13 and 14 (available on Moodle)**

TUESDAY, DECEMBER 5<sup>th</sup>.....WRAP-UP & COURSE REVIEW

**FINAL EXAM: TUESDAY, DECEMBER 12<sup>th</sup>, 11:00am to 1:00pm, in this classroom**

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