

*****This is the Syllabus from a recent in person class. Schedule and readings are similar to online version*****

**POS 315-The Supreme Court
Fall 2017
MWF 10:45-11:35**

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Course Description:

This course examines the United States Supreme Court. Specifically, we will focus on the Court as the third branch of our constitutional system of government. This is not a class on Constitutional law. Rather, we will pay attention to the Court as a political institution including the process by which federal judges are selected, the manner in which cases work their way up through the federal judicial system, how the Justices select the cases for review, how they decide cases on the merits, how the Court interacts with other political and legal/actors and institutions, and the impact of court decisions on policy and public opinion. We will read a handful of Supreme Court decisions, but for the most part, we will be looking at the politics behind each of these topics. As many of you are aware, President Obama has made two recent nominations to the Supreme Court—Justice Sotomayor and Justice Kagan. This provides us with a unique opportunity to learn more about how Presidents select judicial nominees and the politics around nominations and confirmations.

Policy on Academic Honesty: All students are expected to follow ASU's Student Academic Integrity Policy (read [here](#)). Failure to abide by this policy will result in a grade of "0" for the assignment and/or referral to the appropriate review committee. As it pertains to this class, the most relevant information is that your exams must be taken alone and you may not consult any material (books, notes, internet, friends, etc) during the exam.

Exams: (75 Percent) There will be three exams for this class. Each exam is worth 25 percent of your final grade. The exams are mix of multiple choice and essay.

Paper: (25 percent) The paper is (worth 25%). It is a research paper and the topic is relatively open. In this paper, you will select a topic related to the Supreme Court, conduct a literature review, and if appropriate, conduct some empirical analysis. We will spend some time in class on how to research the Supreme Court. The paper should be approximately 8-10 pages.

Research Study Participation Requirement

Students enrolled in this course are required to complete a research assignment that can include up to 2 hours of research study participation. These studies require that students set up an appointment to complete participation at a laboratory on campus (or via an on-line survey). Students will learn how studies are conducted and will receive a synopsis at the conclusion of the semester describing the study's goal, result, and relevance to the class. Students who prefer not

to participate in research as subjects may opt for an alternative that entails reading one chapter about political science research and writing a three-page reaction paper. The typical chapter is about 20 pages and thus reading it and writing a three-page paper should take approximately two hours.

During the first week of the semester, students will receive an announcement and e-mail through Blackboard including details on how to complete either requirement. Note that if you are enrolled in multiple POS classes that require participation, you only need to satisfy the requirement one time.

Completing the research requirement is REQUIRED for you to pass this course.

Required Readings:

The majority of our readings will come from two books, each of which is available for purchase online.

Books:

1. Baum, Lawrence. 2016 *The Supreme Court* (Twelfth Edition). Sage/ CQ Press.
2. Thomas Walker, *Eligible for Execution* CQ press.

In addition to the three required books, there will be other readings and videos on the syllabus that are available online via blackboard. Please email me if you the link is not operating.

Course Grading: I will use the following grading scale: 97-100= A+, 90-96 = A, 80-89 = B, 70-79 = C, 60-69 = D, and < 60 = E. To earn the A+ each item being graded must earn a score between 97-100.

Policy on Disabilities: If you have any disability or condition that might affect your ability to complete the required assignments, please contact me during the first week of class so that we can make alternative arrangements.

Topics and Reading Assignments:

Week 1 8/18	Introduction
Week 2 M 8/21 W 8/23 & F 8/25	Structure of the Federal Judiciary Read: Baum Ch. 1 "The Court" Read: **Federalist #78 Read: Read: <u>A Cautious Supreme Court Sets a Modern Record for Consensus</u> <u>Watch:</u> "This Honorable Court Part. 2"
Week 3 M 8/28 &	How the Supreme Court operates Powers and Limits of the Supreme Court Read: <u>Marbury v. Madison (1803) (all)</u>

W 8/30

F 9/1

Read: [Federalist #76](#)

Week 4

9/4

The Selection of Supreme Court Judges

Labor Day No Class

Baum Ch. 2 “The Justices”

9/6 & 9/8

Read: "[Supreme Court Confirmation Process is becoming more Partisan and Prolonged](#)" CQ Researcher

<http://www.newyorker.com/magazine/2017/04/03/behind-neil-gorsuchs-non-answers>

Begin Reading: *Eligible for Execution* Chapters 1-3

Week 5

9/11 & 9/13

The Supreme Court in American History

Chapter 3 From Jeffrey Segal and Harold Spaeth, *The Supreme Court and the Attitudinal Model* (link here)

Read: *Eligible for Execution* Chapters 4-6

9/15

Exam 1

Week 6

9/18--9/22

The Cases and Access to the Court

Read: Baum Ch. 3 “The Cases”

Read: *Eligible for Execution* Chapters 7-8

Week 7

9/25 -9/29

The U.S. Supreme Court in Comparative Perspective

Read: “[The Role of Constitutional Courts in the Establishment and Maintenance of Democratic Systems of Government](#)”

Read “[Comparing Judicial Selection Systems](#)”

Week 8

10/2- 10/6

Supreme Court Lawyers/Department of Justice

Read: "[Presenting the Case of the United States As It Should Be](#)": [The Solicitor General in Historical Context](#) by Seth P. Waxman (former Solicitor General of the United States, June 1, 1998)

Read: *Eligible for Execution* Chapters 9-10

Week 9

10/9

Decision Making on the Court: The Role of Law

No Class—Fall Break

10/11 & 10/13

Read: Baum Ch. 4. “Decision Making”

Read: [CRS Report to Congress: “The Supreme Court’s Overruling of Constitutional Precedent: An Overview”](#)

Read: *Eligible for Execution* Chapters 9-10

Week 10

10/16

Exam 2

Decision Making on the Court: Using Foreign Precedent

10/18- 10/20

Richard Posner, “[No, thanks, we have our own laws](#)”

Vicki Jackson, "[Yes, please, I'd love to talk with you.](#)"
[Lawrence v. Texas \(2002\)](#) (Majority opinion)
Roper v. Simmons (2005)

Research Paper Topic Due by 10/23

Week 11
10/23 - 10/27

Decision Making on the Court: The Justices Values

Baum Ch 4. "Decision Making"
Adam Liptak, "[Court Under Roberts Is Most Conservative in Decades](#)", N.Y. Times, July 24, 2010.

Review the [graphs](#) and participate in the interactive feature. [interactive feature.](#)

[Justices Voting Agreements](#)

Week 12
10/30 - 11/3

Decision Making on the Court: Strategic Decision Making

Read: Segal and Spaeth Chapter 6 ([link here](#))

Read: "[The Role of the Supreme Court in American Society: Playing the Reconstruction Game.](#)"

Weeks 13

Impact of Supreme Court Decisions & Compliance

11/6 & 11/8

Read: Baum Ch. 6 "The Court's Impact"

Read: [Judicial Policy-Making and Southern School Segregation](#) By Michael Giles and Thomas Walker

Read: Tilting at Windmills: Brown II and the Hopeless Quest to Resolve Deep-Seated Social Conflict Through Litigation By Gerald Rosenberg

11/10 Veterans Day No Class

Week 14
11/13-11/17

The Roberts Court

Read: "[Justice Kagan's Recusals](#)" by Stephen Wermiel, Scotusblog, October 9, 2012

Adam Liptak, [Approval Rating for Justices Hits Just 44% in New Poll](#), *New York Times*, June 7, 2012

Adam Liptak. "[New on this years Fall Law School Syllabus: Trump](#)"

Read: "[Supreme Court Bolsters Gay Marriage with Two Major Rulings](#)" by Adam Liptak, *New York Times*

Adam Liptak, [Mystery of Citizens United Sequel is Format](#), Not Ending, *New York Times*, June 11, 2012

Jeffrey Toobin, "[What the Supreme Court's Travel Ban Ruling Really Means.](#)"

Week 15 & Week 16 **Individual meetings with Professor Hoekstra to discuss paper progress. Links for individual meeting times will be sent through a signup genius.**

11/20

Exam 3 Monday November 20
Papers Due Wednesday December 6