

**POLI 4000 Politics of the U.S. Supreme Court**  
**Louisiana State University**  
**Department of Political Science**  
**Fall 2019**  
**Tuesday and Thursday 1:30 – 2:50**  
**228 Tureaud Hall**

Instructor: Elizabeth Lane  
Office: 208B Stubbs Hall  
Office Hours: 3:00 – 4:00 Tu & Th, or by appointment  
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## **I. PURPOSE**

This course is designed to introduce students to the operation of the United States Supreme Court. Specifically, we will examine theoretical issues regarding judicial process and politics. Unlike courses on constitutional law, which focus on legal doctrine, we will contemplate and discuss the political aspects of the legal system, with a particular emphasis on social scientific research on law and legal process. Students should leave this class with a fundamental understanding of the inter-workings of the U.S. Supreme Court, the judicial decision making process, and how both internal and external mechanisms influence this process.

## **II. OBJECTIVES AND LEARNING OUTCOMES**

By the end of the semester, students should have a deeper understanding of the judiciary in the United States, with the ability to identify and explain particular stages of the Supreme Court legal system (i.e., the nomination and confirmation processes, agenda setting, opinion writing, etc.). More specifically, students should be able to articulate and apply social scientific theories to the legal process and judicial decision making. Using this lens, then, students should have the ability to critically evaluate news media accounts of current events in the nation’s highest court. Specifically, students should be able to answer the following questions:

1. How does the Supreme Court nomination and confirmation process shape the character of the Court?
2. What are the primary factors that influence justices’ decision making?
3. How and when do institutional factors constrain or enable a justice to pursue their policy preferences?
4. How do elected politicians (i.e., members of Congress and the president) and unelected actors (i.e., attorneys, interest groups, the public) influence how the Court decides cases?
5. How does bargaining among Supreme Court justices impact the development of law and legal doctrine?
6. Does the Supreme Court influence public opinion and does public opinion influence the Supreme Court?

## **III. SOCIAL SCIENCES COMPETENCY STATEMENT**

LSU graduates will demonstrate an understanding of the informing factors of global interdependence, including economic forces, political dynamics, and cultural and linguistic differences.

## IV. COURSE TEXTS

### Required Text

Woodward, Bob and Scott Armstrong. 2005. *The Brethren: Inside the Supreme Court*. New York: Simon and Schuster. ISBN-10: 9780743274029.

### Supplemental Text

Most of readings on the course schedule are scholarly articles from academic journals or excerpts from academic texts. All of these will be posted on Moodle.

## V. COURSE REQUIREMENTS & GRADING

Your course grade will be graded on a points system (points earned divided by points possible). The points will consist of class attendance, participation, reading responses, quizzes, two exams, and a pre- and post-test. A summary of the points breakdown is as follows:

<b>Assignment</b>	<b>Due Date</b>	<b>Points</b>
Pre-Test	Friday, 8/30	50
Reading Responses	Throughout Semester	375 (125 each)
Quizzes	Throughout Semester	200 (50 each)
Midterm	Tuesday, 10/15	150
Post-Test	Wednesday, 12/4	50
Final Exam	Monday, 12/9	175
<b>Total</b>		<b>1,000</b>

### Assignment Descriptions

#### Pre- & Post-Tests (100 points)

These multiple-choice and true and false tests will be **graded for completion only**. Your grade is not based on how many questions you get right/wrong. These will be used to gauge your knowledge of the Supreme Court prior to taking the class and evaluate how much you learn/retain by the end of the semester.

#### Reading Responses (375 points)

Throughout the semester you will be reading Woodward and Armstrong's *The Brethren: Inside the Supreme Court* to provide a deeper insight into how the Supreme Court justices arrive at their decisions. Three times throughout the semester you will be given a prompt or prompts to respond to. This prompt will require that you relate your reading from *The Brethren* to concepts and theories we've discussed in class. A rubric and further instructions will be provided at a later date.

#### Quizzes (200 points)

There will be four quizzes throughout the semester. These quizzes will serve as an assessment to ensure you are keeping up with course content between exams. They will take place at the beginning of the class period for the day that they are scheduled.

#### Exams (325 points)

There will be two exams throughout the semester. These exams will consist primarily of true or false, multiple choice, and matching. More details on the content of the exams will be discussed closer to the exam day.

### **Late Work**

The following penalty will be assessed on late Reading Responses. All other late work will not be accepted.

<b>Lateness</b>	<b>Points Penalized</b>
1-60 minutes	-7 points
61-120 minutes	-12 points
121-180 minutes	-18 points
181-360 minutes	-22 points
361-720 minutes	-27 points
> 721 minutes	Not accepted

### **Grade Scale**

LSU uses a letter plus minus grading scale. The final minimum percentage needed for each grade level is as follows:

<b>Letter Grade</b>	<b>Minimum Percentage</b>
A+	97%
A	93%
A-	90%
B+	87%
B	83
B-	80
C+	77
C	73
C-	70
D+	67
D	63
D-	60
F	Any value below 60

## **VI. COURSE POLICIES & RESOURCES**

You are solely responsible for your conduct in this course and informing yourself of all relevant departmental, college, and university policies governing your behavior. This includes, but is not limited to, policies regarding academic integrity and plagiarism, accommodations for students with documented disabilities, religious holidays, and student athlete travel.

### **Academic Integrity**

Louisiana State University adopted the Commitment to Community in 1995 to set forth guidelines for student behavior both inside and outside of the classroom. The Commitment to Community charges students to maintain high standards of academic and personal integrity. All students are expected to read and be familiar with the LSU Code of Student Conduct and Commitment to Community, found online at [www.lsu.edu/saa](http://www.lsu.edu/saa). It is your responsibility as a student at LSU to know and understand the academic standards for our community.

Students who are suspected of violating the Code of Conduct will be referred to the office of Student Advocacy & Accountability. For undergraduate students, a first academic violation could result in a zero grade on the

assignment or failing the class and disciplinary probation until graduation. For a second academic violation, the result could be suspension from LSU. For graduate students, suspension is the appropriate outcome for the first offense.

### **Academic Dishonesty and Plagiarism**

Nearly everyone understands that copying passages verbatim from another writer's work and representing them as one's own work constitute plagiarism. Yet plagiarism involves much more. At LSU plagiarism is defined to include any use of another's work and submitting that work as one's own. This means not only copying passages of writing or direct quotations but also paraphrasing or using structure or ideas without citation. Learning how to paraphrase and when and how to cite is an essential step in maintaining academic integrity.

Written assignments for this class may be subject to review by plagiarism detection software. Incidents of dishonesty may also be reported to the Department or University, which can result in further disciplinary action.

With regard to group work, all work must be completed without assistance unless explicit permission for group or partner work is given by the faculty member. This is critical so that the professor can assess your performance on each assignment. If a group/partner project is assigned, the student may still have individual work to complete. Read the syllabus and assignment directions carefully. You might have a project with group work and a follow up report that is independently written. When in doubt, e-mail the faculty member or ask during a class session. Seeking clarification is your responsibility as a student. Assuming group/partner work is okay without permission constitutes a violation of the LSU Code of Student Conduct.

**WORD OF WARNING:** There are several online resources that summarize the facts of the case, the main issue, and decision. I **strongly** recommend that you **DO NOT VISIT** these websites until after you have written your discussion memo, and even when you do use them, only use them as a reference. I do not want you to be tempted to use these words as your own to summarize the case. Any part of your memo or exams that are plagiarized from one of these websites will be discussed with the student. I have the right to turn them over to the Department or University for academic dishonesty.

### **Electronics in Class**

**Laptops:** I encourage you to take notes using pen and paper because it forces you to think about what you are hearing, resulting in superior retention and understanding. However, I know some students prefer to use their laptops. If you choose to do so, I ask that you sit on the far-left section (away from the door) of the classroom, or the back four rows of the middle section. The rest of the middle section and the right side of the classroom are reserved for traditional note takers.

**Cell Phones:** The use of cell phones in class is strictly prohibited. I will make an exception if you have an emergency situation that requires you to take a call during class. If this happens during the semester, please inform me via email or come talk to me BEFORE class begins. If your cell phone is a noticeable distraction to me or students around you, I reserve the right to alter your attendance/participation grade for that day.

### **Course Communication**

Class announcements will be posted on the Announcements section of Moodle. If you need to schedule a meeting outside of office hours, have questions regarding course material, or other topics, please feel free email me.. When emailing, please include "POLI 4000:" as the first part of the subject line followed by your specific concern. In order for me to reply you must also include your first and last name in the email. If you have questions regarding due dates or reading assignments **consult the syllabus or a classmate.**

You will also be submitting reading responses via Moodle. You are responsible for giving yourself enough time to do so. **If you encounter complications with Moodle contact them first.** If the issue remains unresolved after contacting them, then you can email me, but please provide proof of your communication with Moodle.

**Accommodations for Students with Disabilities**

Louisiana State University is committed to providing reasonable accommodations for all persons with disabilities. The syllabus is available in alternate formats upon request.

If you have already made accommodation arrangements, please inform me of your needs at **the beginning of the course** and present me with your accommodations form. If you need to request accommodations under the Americans with Disabilities Act, you may do so by contacting Disability Services in 115 Johnston Hall. Their phone number is 225-578-5919 and website is [www.lsu.edu/disability](http://www.lsu.edu/disability). I will honor all accommodations from when the disability is registered forward. . I am unable honor retroactive accommodations.

**Classroom Recording**

If you wish to record classroom lecture you must ask the instructor for permission prior to doing so. Any recording **OR** dissemination of classroom content without permission to do so is strictly prohibited and subject to academic disciplinary actions.

**Syllabus Adjustments and Tweaks**

I reserve the right to make modifications to this syllabus and the course schedule as necessary to account for the unique dynamics of our class. In the event that changes are made, they will be announced on Moodle and in class.

**VII. SCHEDULE OF TOPICS, READINGS, AND ASSIGNMENTS**

I expect to follow this schedule closely. Though I do not anticipate needing to, I reserve the right to modify the syllabus and course schedule as necessary. All changes (if any) will be announced in class and on Moodle.

Week	Date	Topic	Assignment
1	Tuesday, August 27	Introduction to the Supreme Court	<ul style="list-style-type: none"> <li>Syllabus</li> <li>C-SPAN’s Supreme Court Documentary</li> </ul>
1	Thursday, August 29	A Brief History	<ul style="list-style-type: none"> <li>Collins and Skover Ch. 2</li> </ul>
1	Friday, August 30	<b>PRE-TEST DUE</b>	
2	Tuesday, September 3	Social Science Research	<ul style="list-style-type: none"> <li>Epstein et al. (2013) Technical Introduction</li> <li>Epstein and Martin (2014)</li> </ul>
2	Thursday, September 5	Measuring Ideology	<ul style="list-style-type: none"> <li>Segal and Cover (1989)</li> </ul>
3	Tuesday, September 10	Staffing: Departures	<ul style="list-style-type: none"> <li>Excerpts from Ward (2003)</li> <li><b>QUIZ 1</b></li> </ul>
3	Thursday, September 12	Staffing: Nominations	<ul style="list-style-type: none"> <li>Nemacheck (2007) Ch. 1</li> </ul>
3	Friday, September 13	<b>READING RESPONSE 1 DUE</b>	<b>Covers:</b> Introduction, Prologue, and 1969 terms

4	Tuesday, September 17	Staffing: Hearings	<ul style="list-style-type: none"> <li>Schoenherr, Lane, and Armaly (nd)</li> </ul>
4	Thursday, September 19	Staffing: Confirmation Voting	<ul style="list-style-type: none"> <li><i>Supreme Revenge</i> Documentary</li> <li>Cameron, Kastellec, and Park (2013)</li> </ul>
5	Tuesday, September 24	Staff: Law Clerks	<ul style="list-style-type: none"> <li>Peppers and Zorn (2008)</li> </ul>
5	Thursday, September 26	Influences: Attitudes	<ul style="list-style-type: none"> <li>Segal and Champlin (2018)</li> </ul>
6	Tuesday, October 1	Influences: Law	<ul style="list-style-type: none"> <li>Johnson, Spriggs, and Wahlbeck (2012)</li> </ul>
6	Thursday, October 3	Influences: Life	<ul style="list-style-type: none"> <li>Black et al. (2020)</li> <li><b>QUIZ 2</b></li> </ul>
7	Tuesday, October 8	Deciding to Decide: Case Selection	<ul style="list-style-type: none"> <li>Lane and Black (2017)</li> <li>Caldeira and Wright (1988)</li> </ul>
7	Thursday, October 10	Legal Arguments: Written Briefs	<ul style="list-style-type: none"> <li>Schoenherr and Black (2019)</li> </ul>
8	Tuesday, October 15	<b>MIDTERM</b>	
8	Thursday, October 17	<b>FALL HOLIDAY</b>	
9	Tuesday, October 22	Legal Arguments: Oral Arguments	<ul style="list-style-type: none"> <li><i>More Perfect</i>: “Justice Interrupted”</li> <li>Johnson, Wahlbeck, and Spriggs (2006)</li> </ul>
9	Thursday, October 24	Internal Process: Conference Voting	<ul style="list-style-type: none"> <li>Johnson, Spriggs, and Wahlbeck (2005)</li> </ul>
9	Friday October 24	<b>READING RESPONSE 2 DUE</b>	<b>Covers:</b> 1970, 1971, and 1972 terms
10	Tuesday, October 29	Internal Process: Opinion Assignment	<ul style="list-style-type: none"> <li>Maltzman, Spriggs, and Wahlbeck (2000) Introduction</li> </ul>
10	Thursday, October 31	Internal Process: Opinion Writing	<ul style="list-style-type: none"> <li>Maltzman, Spriggs, and Wahlbeck (2000) Ch. 3</li> </ul>
11	Tuesday, November 5	Internal Process: Separate Opinions	<ul style="list-style-type: none"> <li>Corley (2010) Introduction</li> <li><b>QUIZ 3</b></li> </ul>
11	Thursday, November 7	External Influences: SOP	<ul style="list-style-type: none"> <li>Baum (2019) Ch. 6</li> </ul>
12	Tuesday, November 12	External Influences: The Solicitor General	<ul style="list-style-type: none"> <li>Black and Owens (2012) Ch. 2</li> <li>Black and Owens (2012) Ch. 5</li> </ul>
12	Thursday, November 14	External Influences: Interest Groups	<ul style="list-style-type: none"> <li><i>More Perfect</i>: “The Imperfect Plaintiffs”</li> <li>Collins (2012)</li> </ul>
13	Tuesday, November 19	External Influences: Public Opinion	<ul style="list-style-type: none"> <li>Black et al. (2016)</li> </ul>
13	Thursday, November 21	Supreme Court: Influencer of Public Opinion	<ul style="list-style-type: none"> <li>Krewson (2019)</li> </ul>
14	Tuesday, November 26	The Media	<ul style="list-style-type: none"> <li>Collins and Cooper (2015)</li> </ul>
14	Tuesday, November 26	<b>READING RESPONSE 3 DUE</b>	<b>Covers:</b> 1973, 1974, and 1975 terms
14	Thursday, November 28	<b>THANKSGIVING HOLIDAY</b>	

15	Tuesday, December 3	Review	• <b>QUIZ 4</b>
15	Wednesday, December 4	<b>POST-TEST DUE</b>	
15	Thursday, December 5	<b>CONCENTRATED STUDY PERIOD</b>	
Finals	Monday, December 9	<b>3:00 – 5:00 FINAL EXAM</b>	