Law & Politics
PSC 314.001
Spring 2020
Ferg. 374
Mon., Weds., & Fri. 9:00am - 9:50am

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Office Hours: Mon. 11am - 1:30pm & Weds. 11am - 1:30pm

Course Description

“Judicial behavior, judicial activism and restraint roles, judicial selection, the politics of
law, and the nature and functions of Federal court structures with emphasis upon the U.S.
Supreme Court.”

Justification. This three-credit hour face-to-face course requires approximate 150 minutes
of classroom time/direct instruction as well as at least six hours of out-of-class reading and
studying each week in preparation for exams, quizzes, and completion of writing assignments.

Text Books

• None required, all readings are on D2L.

Program Learning Outcomes

This course is a general education core curriculum course and no specific program learning
outcomes for a political science major are addressed in this course.

Course Requirements

Grading. Grades for this course will be based on a combination of exams, quizzes, assignments, paper, and group presentations.

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<th>Grade</th>
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<tr>
<td>A</td>
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<td>B</td>
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<td>C</td>
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<td>0-60</td>
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1Because this is a syllabus, it is guide for how the semester will unfold. To be clear, I reserve the right to change ANY aspect of the course as necessary.
Exam (30%). There will be one exam. The exam will cover material from the lectures and readings. Moreover, there will be no make-up exams, unless the absence is excused. If you know you will miss an exam for an excused absence, then you must make arrangements with me at least two days prior to the scheduled exam date to take the exam. If for some reason you miss an exam due to unforeseen circumstances, you have seven days from when the exam was administered to contact me about making it up, and you will be required to provide documentation that the absence is excused. If you fail to contact me within seven days or if you fail to provide documentation for the absence, you will not be allowed to makeup the exam. The following are acceptable excuses: illness with a doctor’s note, military duty, death in the family, or participation in approved university-sponsored events. The following are NOT acceptable excuses: forgetting to set your alarm, scheduled flights or trips, scheduled non-emergency doctor appointments, going to work, picking up relatives at the airport, chauffeuring a friend somewhere, etc.

Quizzes (10%). During the semester, there will be unannounced (i.e., POP) quizzes. These quizzes will be open note quizzes, and they will be weighted equally. By open note, I mean that if you wrote down your notes on a separate sheet of loose leaf paper or typed your notes up and printed them out before class, then you may use your notes on the quiz. You will not be allowed to view the articles/readings during the quizzes. If you are caught looking at the readings during a quiz, you will get a zero for that quiz. Quizzes will be given during the first 10 minutes of class and students who arrive late to class will not be allowed to participate in them. Moreover, there will be no make-up quizzes, unless the absence is excused. If you know you will miss a quiz for an excused absence, let me know prior to that class period. The following are acceptable excuses: illness with a doctor’s note, military duty, death in the family, or participation in approved university-sponsored events. The following are not acceptable excuses: forgetting to set your alarm, scheduled flights or trips, scheduled non-emergency doctor appointments, going to work, picking up relatives at the airport, chauffeuring a friend somewhere, etc. Finally, the subject matter of these quizzes will be drawn from the chapter or article we our reading that day, and the quizzes may consist of multiple choice or short answer questions. More specifically, quizzes will focus primarily on the theories presented in the readings, why the research question is important to study, or what the dependent or independent variables entail.

Assignments (10%). There will EIGHT analytic assignments due throughout the semester (D2L provides the due dates). You are expected to work on them alone and not to share your work with your classmates. The purpose of these assignments will be to give you practice in handling data and performing basic empirical analysis. Moreover, these assignments are designed to introduce you to how judicial scholars examine the Supreme Court’s decision making process. For these assignments, you are free to use the computer/statistical software of your choosing. For example, you are free to use Excel, STATA, SPSS, Python, R, etc. If want to do them the old-fashion way, you are welcome to use pencil and paper, but I strongly encourage you not to do them the old-fashioned way. All assignments will be turned in via Dropbox and they must be turned in as a word or pdf document. If an assignment is not turned in via Dropbox or it is not turned in as a word or pdf document, it will not be graded
and you will earn a zero for the assignment.

**Final Paper (40%).** The paper is divided into two sections, an annotated bibliography and a research design paper.

- **Annotated Bibliography (10%):** The first section of the paper requires students to create an annotated bibliography of at least seven scholarly sources relevant to their research question. Each source must be summarized in four to seven sentences. The summary should capture the thesis of the source and any critical information to be drawn from it. That is, the summary should clearly state the theory being tested, how it was tested, and primary dependent and independent variables used to test the theory. Each student must do his or her own bibliography. This is not a group assignment. Sources will be evaluated for their quality, relevance, and timeliness. Writing will also be evaluated in terms of style, mechanics, and formatting. **The annotated bibliography will be turned in via Dropbox 16 March 2020 at 9am and it must be turned in as a word or pdf document.** If it is not turned in via Dropbox by 16 March 2020 at 9am or it is not turned in as a word or pdf document, it will not be graded and you will earn a zero.

- **Research Design Paper (30%):** The second section of the paper requires students to develop a theory for explaining judicial behavior. For example, students may develop a theory for explaining why senators vote to confirm (reject) Supreme Court nominations or why justices decide to participate during oral arguments. **The research design paper will be turned in via Dropbox on Wednesday, 6 May 2020, at 10am and it must be turned in as a word or pdf document.** If it is not turned in via Dropbox by Wednesday, 6 May 2020, at 10am or it is not turned in as a word or pdf document, it will not be graded and you will earn a zero. The research design paper will contain the following:
  
  - **Introduction:** The introduction leads the reader from a general research issue or problem to you specific research question. Moreover, it puts your research question in context by explaining the significance of the research being conducted by briefly summarizing extant research on the topic. Keep in mind, this is an introduction and not the literature review. Moreover, your introduction will briefly explain why your research question is important to examine. Expect two write 2-3 pages for this section.
  
  - **Literature Review:** You are required to cite 10-20 scholarly articles that are relevant to your research question. A literature review can be just a simple summary of the sources, but it usually has an organizational pattern and combines both summary and synthesis. A summary is a recap of the important information of the source, but a synthesis is a re-organization, or a reshuffling, of that information. It might give a new interpretation of old material or combine new with old interpretations. Or it might trace the intellectual progression of the field, including major debates. And depending on the situation, the literature review may evaluate the sources and advise the reader on the most pertinent or relevant. Expect to write 4-6 pages for this section.
– **Theory:** A good theory clearly and explicitly establishes the causal relationship between the dependent and independent variable. That is, a good theory explains a cause and effect relationship between two variables. For example, Cameron et al. (1990) provide a theory for explaining why senators vote to confirm Supreme Court nominations that focuses on the electoral connection between confirmation votes and reelection. To be clear, your theory cannot simply be a regurgitation of a pre-existing theory, and you expected go beyond what previous research has done to develop your own theory. Additionally, you are expected to address potential concerns or weaknesses connected to your theory. Expect to write 4-6 pages for this section.

– **Data:** In this section, you will discuss what you intend to use as your primary dependent and independent variables. That is, you will clearly describe what these variables are, where you intend to get the data from, and why these variables are acceptable for testing your theory. Keep in mind, you do not have to actually collect the data, because you are not doing the statistical analysis. Expect to write 2-4 pages for this section.

**Presentation (10%).** Presentations will be group presentations. Groups will consist of 3-4 people, and each group will give two presentations during the semester. Groups and presentation schedule will be posted on D2L. These presentations will focus on judicial politics, i.e., new cases, cases decided this semester, judicial vacancies, judicial corruption, judicial elections/appointments, etc. Because these presentations are group presentations, everyone must participate in the presentation. That is, everyone must speak during the presentation. If a group member does not speak during the presentation, that member will get a zero for the presentation. Grades for each presentation will be the sum of the following three components:

• Professor Assessment
• Group Assessment
• Class Assessment

**Class attendance.** Class attendance is NOT mandatory, but I do take attendance each class. At the beginning of each class I will pass around an attendance sheet, it is your responsibility to sign it. If you do not to sign it during class, sign it after class. If you choose not to sign it, I assume you are not attending class.

**Technology**

Use of cell phones in class, for talking, texting or reading/writing email is prohibited. If I observe you using a cell phone during class, your final grade for the semester will suffer. Additionally, if I observe you using a cell phone during class, I reserve the right to kick you out of class. If you are asked to leave class and you refuse to leave, you will be dropped from the course.
Academic Integrity

The following is taken from SFA’s Policy Manual and can be found in section 4.1 – Student Academic Dishonesty: Abiding by university policy on academic integrity is a responsibility of all university faculty and students. Faculty members must promote the components of academic integrity in their instruction, and course syllabi are required to provide information about penalties for cheating and plagiarism as well as the appeal process.

All cases of academic dishonesty, both cheating and plagiarism, will be handled according to University policies and procedures (A-4.1 & A-6.3). Cheating includes but is not limited to (1) using or attempting to use unauthorized materials to aid in achieving a better grade on a component of a class; (2) the falsification or invention of any information, including citations, on an assigned exercise; and/or (3) helping or attempting to help another in an act of cheating or plagiarism. Plagiarism is presenting the words or ideas of another person as if they were your own. Examples of plagiarism are (1) submitting an assignment as if it were one’s own work when, in fact, it is at least partly the work of another; (2) submitting a work that has been purchased or otherwise obtained from an Internet source or another source; and (3) incorporating the words or ideas of an author into one’s paper without giving the author due credit. While these are not exhaustive lists, students who are curious should peruse SFA’s Policy Manual. Specifically, you should focus on section 4.1 – Student Academic Dishonesty.

To be clear, I do not take academic dishonesty lightly, and the consequences for academic dishonesty will be an “F” for the course. No exceptions.

Withheld Grades

The following is taken from SFASU’s Policy Manual (2014), “Semester Grades Policy” (A-54): At the discretion of the instructor of record and with the approval of the academic chair/director, a grade of WH will be assigned only if the student cannot complete the course work because of unavoidable circumstances. Students must complete the work within one calendar year from the end of the semester in which they receive a WH, or the grade automatically becomes an F. If students register for the same course in future semesters, the WH will automatically become an F and will be counted as a repeated course for the purpose of computing the grade point average.

Students with Disabilities

To obtain disability related accommodations, alternate formats and/or auxiliary aids, students with disabilities must contact the Office of Disability Services (ODS), Human Services Building, and Room 325, 468-3004 / 468-1004 (TDD) as early as possible in the

http://www.sfasu.edu/policies/
http://www.sfasu.edu/policies/student_academic_dishonesty.pdf
semester. Once verified, ODS will notify the course instructor and outline the accommo-
dation and/or auxiliary aids to be provided. Failure to request services in a timely manner
may delay your accommodations. For additional information, go to [http://www.sfasu.
edu/disabilityservices/](http://www.sfasu.edu/disabilityservices/)

Acceptable Student Behavior

Classroom behavior should not interfere with the instructor’s ability to conduct the class
or the ability of other students to learn from the instructional program (see the Student
Conduct Code, policy D-34.1). Unacceptable or disruptive behavior will not be tolerated.
Students who disrupt the learning environment may be asked to leave class and may be
subject to judicial, academic or other penalties. This prohibition applies to all instructional
forums, including electronic, classroom, labs, discussion groups, field trips, etc. The in-
structor shall have full discretion over what behavior is appropriate/inappropriate in the
classroom. Students who do not attend class regularly or who perform poorly on class
projects/exams may be referred to the Early Alert Program. This program provides stu-
dents with recommendations for resources or other assistance that is available to help SFA
students succeed.
Course Schedule

1/15 Introduction
  •

1/17 Introduction
  •

1/20 No Class
  •

1/22 Simple Overview of the Court
  •

1/24 Empirical Research
  • Getting to Know the Court Assignment is Due (assignment is posted on D2L)

1/27 Judicial Review
  • Article III of the Constitution (you’ll have to find your own)
  • Federalist # 78
  • Marbury v. Madison (1803)

1/29 Confirmation Movie
  •

1/31 Confirmation Movie
  •

This is a tentative schedule, and I reserve the right to change the schedule as necessary.
2/3 Confirmation Movie

2/5 Supreme Court Nominations - Confirmation Votes


- Confirmation Assignment Due (assignment posted on D2L)

2/7 Supreme Court Nominations - Confirmation Votes


2/10 Supreme Court Nominations


2/12 Supreme Court Nominations

- Farganis, Dion, and Justin Wedeking. 2014. *Supreme Court Confirmation Hearings in the U.S. Senate: Reconsidering the Charade.* The University of Michigan Press. Chapter 4.

2/14 Supreme Court Nominations

- Williams, Margaret and Lawrence Baum. 2006. “Questioning judges about their decisions: Supreme Court nominees before the Senate Judiciary Committee.” *Judicature* 90(2): 73-80.


2/17 Deciding Cases - Legal model


2/19 Deciding Cases - Attitudinal Model


2/21 Deciding Cases - Strategic Model


2/24 Deciding Cases - Critiques of the Attitudinal and Strategic Model


- Attitudinal Assignment Due (assignment posted on D2L)
2/26 Case Selection & Agenda Setting

- Provine, D. Marie. *Deciding What to Decide: How the Supreme Court sets its agenda.*
- Stevens, John Paul. “Some thoughts on judicial restraint.”

2/28 Case Selection & Agenda Setting

- Brennan, William J. “Some thoughts on the Supreme Court’s workload.”
- Hellman, Arthur D. “Caseload, conflicts, and decisional capacity: does the Supreme Court need help?”
- O’Brien, David M. “The Rehnquist Court’s shrinking plenary docket.”
- Miner, Roger J. “Federal court reform should start at the top.”
- Hartnett, Edward A. “Deciding what to decide: the Judges’ Bill at 75.”

3/2 Case Selection & Agenda Setting


3/4 Actors in the Judicial Process: Interest Groups

- Wasby, Stephen L. “Civil rights litigation by organizations: constraints and choices.”
- Behuniak, Susan M. “Friendly fire: amici curiae briefs in *Webster v. Reproductive Health Services*”
- Rossotti, Jack E., Laura Natelson, and Raymond Tatalovich. “Nonlegal advice: the amicus briefs in *Webster v. Reproductive Health Services*”

3/6 Actors in the Judicial Process: Interest Groups


- Interest Group Assignment Due (assignment posted on D2L)
3/9: No Class

3/11: No Class

3/13: No Class

3/16 Actors in the Judicial Process: Lawyers and the Solicitor General

- Deen, Rebecca E., Joseph Ignagni, and James Meernik. “The solicitor general as amicus, 1953-2000: how influential?”


- Annotated bibliography due via Dropbox by 9am


- Solicitor General Assignment Due (assignment posted on D2L)

3/20 Oral Arguments

- Wasby, Stephen L. “The functions and importance of appellate oral argument: some view of lawyers and federal judges.”

- Johnson, Timothy R. Oral arguments and decision making on the United States Supreme Court. SUNY Press. Read: Chapters 1 & 2

3/23 Oral Arguments


• Most/Least Talkative Justice Assignment Due (assignment posted on D2L)

3/25 Chief Justice


3/27 Conference & Opinion Assignment


3/30 Freshman Effect

• Bowen, Terry and John M. Scheb II. “Freshman opinion writing on the U.S. Supreme Court, 1921-1991.”


4/1 Opinion Clarity


• Opinion Clarity Assignment Due (assignment posted on D2L)
4/3 Judicial Policy Making and Judicial Independence

- Meese, Ewin and Rhett DeHart. “Reining in the federal judiciary.”
- Segal, Jennifer A. “Judicial decision making and the impact of election year rhetoric.”
- Wasby, Stephen L. “Arrogation of power or accountability: judicial imperialism revisited.”
- Friedman, Barry. “Attacks on judges: why the fail.”

4/6 Separation of Powers

- Miller, Mark. “Interactions between legislatures and courts.”
- Lindquist, Stephanie A. and David A. Yalof. “Congressional responses to federal circuit court decisions.”

4/8 Separation of Powers


4/10: No Class

4/13 Judicial Impact


4/15 Case Salience


4/17 Case Salience


• Case Salience Assignment Due (assignment posted on D2L)

4/20 Public Opinion and the Courts

• Spill, Rorie L. and Zoe M. Oxley. “Philosopher kings or political actors? How the media portray the Supreme Court.”

• Podlas, Kimberlianne. “Should we blame Judge Judy? The messages TV courtrooms send viewers.”

• Slotnick, Elliot E. and Jennifer A. Segal. “The Supreme Court decided today? ... or did it?”

• Marshall, Thomas R. and Joseph Ignagni. “Supreme Court and public support rights claims.”

4/22 Public Opinion and the Courts

• Scheb, John M. and William Lyons. “Public perception of the Supreme Court in the 1990s.”

• Kritzer, Herbert M. “The impact of Bush v. Gore on public perceptions and knowledge of the Supreme Court.”

• Esterling, Kevin M. “Public outreach: the cornerstone of judicial independence.”


4/24 The Roberts Court


4/27 The Roberts Court

- Paul Horowitz, Reversing by Degrees
- Barry Friedman and Dahlia Lithwick, “Watch as We Make This Law Disappear.” Slate, October 4, 2010.

4/29 The Roberts Court


5/1 No Class

- 

5/6

- Research paper due via Dropbox by 10am