

Fall 2015

PSCI 253--U.S. Judicial Politics

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Recommended Citation

Miller, Mark C., "PSCI 253--U.S. Judicial Politics" (2015). *Syllabus Share*. Paper 6.
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PolSci253, U.S. Judicial Politics, Fall2015, UG
Clark University
Professor Mark C. Miller
Pol Sci 253: U.S. Judicial Politics
Office: 308 Jefferson Academic Center
Office Hours: MW 10-10:45am, Th 11:00am-noon

Fall 2015

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Required Books:

Miller, Mark C. *Judicial Politics in the United States*. Westview. (“Text”).
Miller, Mark C., editor. *Exploring Judicial Politics*. Oxford University Press. (“Reader”).
Carter and Burke. *Reason in Law*, 8th edition. Longman.
Breyer, Stephen *Making our Democracy Work: a Judge’s View*. Alfred A. Knopf
Cross, *Decision Making in the U.S. Courts of Appeals*, Stanford University Press.
Gibson and Caldeira. *Citizens, Courts, and Confirmations*. Princeton University Press.
Walker. *Eligible for Execution*. CQ Press.
Maltzman, Spriggs, and Wahlbeck, *Crafting Law on the Supreme Court: The Collegial Game*.

All books are available at the university bookstore and are on closed reserve at Goddard Library.

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| <u>Exams and Grading:</u> | Participation | 10% |
| | All-essay Midterm | 30% |
| | Research paper | 25% |
| | Two Hour Final Examination | 35% |

EXPECTATIONS of STUDENTS: In order to get their money's worth and have fun with this class, students should want to work hard and think hard. Thus I assume all students will always attend class and complete all reading and other assignments on time. Students must contact the professor before the due date concerning problems with exams or research papers. Leave a voicemail message if you can't reach me personally or try me via email. Class participation and attendance will weigh heavily in deciding borderline grades. Make-up exams will be given only under extraordinary circumstances. Research papers and response papers must be handed in in hard copy; emailed papers are not accepted. No electronics in class without permission, please.

Level of Course:

This is an upper level American government course which will examine various aspects of the process and politics of the judicial system in the United States. The course is also part of the Law and Society concentration. This is not a Constitutional Law course, and we will read very few actual court decisions. Instead, this is a course which examines how political scientists study judicial politics and judicial behavior. It assumes information learned in the Intro to American Government course (Pol Sci 050). While Pol Sci 050 is not a formal prerequisite, that course or other law related courses are certainly helpful background for this course. If you have any questions, please see the professor.

Reading and Other Assignments:

Introduction and the Purpose of the Courts — August 24

Text: Chpt 1

Organization of the Courts — August 26, 31

Text: Chpt 2

Reader: Chpt 1

Legal Reasoning, the Common Law, and Judicial Activism & Judicial Restraint – Sept 2, 9

Carter and Burke: **ALL**

Reader: Chpt 14

Selection of Judges — September 14, 16

Text: Chpt 3

Reader: Chpts 2 and 3

Background of Judges — Sept 21

Reader: Chpts 16, 17

Reserve Reading: Three Justices Bound By Beliefs, Not Just Gender

Reserve Reading: Poll Finds Most in U.S. Hold Dim View of Race Relations

The Role of Lawyers — Sep 23

Text: Chpt 4

Reader: Chpt 4

Reserve Reading: Exclusion of Blacks from Juries Raises Renewed Scrutiny

Reserve Reading: The Supreme Court's Gap on Race and Juries

Trial Courts: Criminal Cases — Sept 28, 30

Text: Chpt 5

Reader: Chpt 5

Reserve Reading: Sentencing Shift Gives New Leverage to Prosecutors

Reserve Reading: Bipartisan Push Builds to Relax Sentencing Laws

Reserve Reading: How to Cut the Prison Population

Capital Punishment: Trials and Sentencing – Oct 5, 7

Text: pages 126-133

Walker: **ALL**

Reserve Reading: Supreme Court Allows Use of Execution Drug

Reserve Reading: Connecticut Death Penalty Law is Unconstitutional, Court Rules

Midterm — Wednesday Oct 14 (tentative date)

Trial Courts: Civil Cases — Oct 19, 21

Text: Chpt 6

Reader: Chpts 6, 7

Appellate Courts: Process — Oct 26, 28

Text: Chpt 7

Reader: Chpts 8, 9, 10

Cross: **ALL**

Reserve Reading: Keep the briefs brief, literary justices advise

Reserve Reading: The Polarized Court

Reserve Reading: The Supreme Court and the Politics of Fear

Appellate Courts as Policy Makers — Nov 2, 4

Text: Chpt 8

Reader: Chpts 12, 13, 18

Breyer: **ALL**

Reserve Reading: The Challenges the Remain after Marriage Equality

Reserve Reading: Court's Surprising Move Leftward

Reserve Reading: The Illusion of a Liberal Supreme Court

The Supreme Court: Small Group Theory – Nov 9, 11

Maltzman et al: **ALL**

Reader: Chpts 11, 14

Reserve Reading: It's All Right With Sam

Reserve Reading: A Religion Case too Far for Supreme Court?

3rd Draft of Research Paper Due – Monday November 16

The Supreme Court and Public Opinion – Nov 16, 18

Text: Chpt 9

Gibson and Caldeira: **ALL**

Reserve Reading: Law and Symbolism at the Supreme Court

Courts and Legislatures – Nov 23

Text: Chpt 10

Reader: Chpt 15, 19

Reserve Reading: GOP Turns to the Courts to Aid Agenda

Reserve Reading: House Republicans, Seizing on Health Law, Challenge Executive Branch

Reserve Reading: Voting Case has Potential to Put House Further Out of Reach for Democrats

Reserve Reading: Democrats Wage a National Fight Over Voter Rules

Courts and Executives – Nov 30

Text: Chpt 11

Reader: Chpt 10

Reserve Reading: Obama's Use of Executive Power Spurs Intense Lobbying

Reserve Reading: Restoring Balance Among the Branches in Government in Washington

Courts and Bureaucracies – Dec 2

Text: Chpt 12

Reserve Reading: Supreme Court Rebukes Obama on Right of Appointment

Reserve Reading: Tragedy or Triumph

Final Draft of research paper due — Wednesday Dec 2

U.S. Courts in a Comparative Perspective – Dec 7

Text: Chpt 13

Reader: Chpt 20

Final Examination — Thursday December 10 from 8-10:00am