The federal judiciary is frequently involved in political disputes with the elected branches. Such events have long taken place, from the vigorous attacks on Justice Chase and the Marshall Court to recent episodes involving campaign finance reform, gun rights, LGBT rights, etc. Several recent nominations of prospective Supreme Court justices have also caused political turmoil. How did the judiciary become such an object of political scrutiny? Is the current situation unique? This course examines the circumstances in which the Supreme Court of the United States and its justices are involved in politics – either as subject, participant, or arena for settlement.

Readings. The following textbooks are required:

Colton C. Campbell and John Stack, Jr., eds. – Congress Confronts the Court (2001)

All readings below marked with an asterisk (*) will be available via electronic sources.

Examinations. There will be a midterm examination and a final examination. No exceptions will be made for the scheduled examination times except in the case of a documented medical emergency. If you have additional needs or have permission from the Disability Resource Center for extra time on exams, please contact me privately and arrangements will be made.

Paper. An 8-10 page research paper is due November 10. Write a well-research paper about a single political conflict or series of related conflicts involving the Supreme Court. A list of possible paper topics will be distributed. Additional topics may be pursued if they are approved by the instructor. A proposal and tentative bibliography are due on September 13.

Grading.
Midterm examination 30%; paper 30%; final examination 40%

Grades will be assigned based on the following scale:

100-94  A  89-86  B+  79-76  C+  69-66  D+
93-90  A-  85-83  B  75-73  C  65-60  D
82-80  B-  72-70  C-  59-00  F

Academic Integrity. Neither plagiarism nor cheating will be tolerated. Appropriate citations are expected and encouraged. All students are expected to behave in accordance with the guidelines of the UGA Honor Code. If you are unsure whether certain actions are acceptable, consult your instructor.

Attendance. An attendance sheet will circulated at each class meeting. Class attendance will be taken into account in deciding final grades in borderline cases. It is to your advantage to attend.
Course Outline

Mon., Aug. 14: Discussion and course overview

I. The Federal Judiciary: Structure and Institutional Context

Wed., Aug. 16-Fri., Aug. 18

II. Theories of Judicial Decision-making

Mon., Aug. 21 –Fri., Aug. 25: Theories and models of judicial decision-making

III. The Politics of Supreme Court Nominations

Mon., Aug. 28-Fri. Sep. 1: Perspectives on the Confirmation Process
Michael Comiskey, *The Judging of Supreme Court Nominees*, p. 1-84, 104-133

Mon., Sept. 4 NO CLASS (LABOR DAY HOLIDAY)

Wed., Sep. 6: Film: *Sex & Justice*

Fri., Sep. 8: FDR’s Proposed Reorganization of the Supreme Court, 1937

IV. Intracourt Politics


PAPER PROPOSALS DUE SEPTEMBER 13

V. The Supreme Court vs. Congress

Fri., Sept. 15-Mon., Sept. 18: Congressional Checks on the Judiciary
Colton Campbell and John Stack, Ch. 1 in *Congress Confronts the Court* (2001)
Louis Fisher, “Congressional Checks on the Judiciary”, Ch. 2 in *Congress Confronts the Court* (2001)

Wed., Sept. 20: Judicial Impeachment: Merely a “Scarecrow”?*
Mary Volcansek, “Separation of Powers and Judicial Impeachment,” Ch. 3 in *Congress Confronts the Court*, Campbell and Stack, eds. (2001)

Fri., Sept. 22: Case Study: Samuel Chase

Mon., Sept. 25-Wed., Sept. 27: Judicial Departures: Leaving the Bench
Artemus Ward, *Deciding to Leave*, Ch. 1 (2003)*
Fri., Sept. 29: Congress vs. the Court: Reconstruction and the Civil War

Mon., Oct. 2: Congress vs. the Court: Religious Freedom and the Flag
Carolyn Long, “Congress, the Court, and Religious Liberty: The Case of Employment Division of Oregon v. Smith,” Ch. 6 in Congress Confronts the Court, Campbell and Stack, eds. (2001)


Wed., Oct. 4: Congress vs. the Court: Usurpation of Powers: INS v. Chadha

Fri., Oct. 6: Congress, Courts, and Judicial Administration

Mon., Oct. 9: Midterm Exam

VI. The Supreme Court vs. the President


Fri., Oct. 13: The Supreme Court and Race

Barbara Perry, “Splitting the Difference: The Supreme Court’s Search for the Middle Ground in Racial Gerrymandering Cases,” Ch. 6 in C. Banks and J. Green, Superintending Democracy (2001)*

VII. The Supreme Court and the Public/Press

Mon., Oct. 16-Fri., Oct. 20: Public Knowledge of the Courts

Rorie L. Spill and Zoe M. Oxley, "Philosopher Kings or Political Actors? How the Media Portray the Supreme Court," Judicature (2003)*

Mon., Oct. 23: Public Reaction to Supreme Court Decisions
Anke Grosskopf and Jeffrey Mondak, “Do Attitudes toward Specific Supreme Court Decisions Matter? The Impact of Webster and Texas v. Johnson on Public Confidence in the Supreme Court” Political Research Quarterly, 1998*

Bert Kritzer, “The American Public’s Assessment of the Rehnquist Court” Judicature, 2005*


Fri., Oct. 27: NO CLASS (FALL BREAK)

VIII. Settling Political Conflicts

Mon., Oct. 30: Southern School Desegregation
Video: With All Deliberate Speed (2004)

Wed., Nov. 1-Fri., Nov. 3: The Death Penalty

Mon., Nov. 6-Wed., Nov. 8: The Supreme Court as Arbiter: Privacy and Abortion

Fri., Nov. 10: The Centennial Crisis

Papers due November 10


Wed., Nov. 15: Film: CNN Election 2000

Fri., Nov. 17: Gun Rights

Mon. Nov. 20-Fri., Nov. 24: NO CLASS (THANKSGIVING HOLIDAY)

Mon., Nov. 27-Wed., Nov. 29: Gay Rights

Fri., Dec. 1: The Affordable Care Act

Mon., Dec. 4: Going Forward

Tues., Dec. 5: Review

Weds., Dec. 13: Final exam 12:00-3:00 PM