POLS 4770
The Supreme Court: Cases and Controversies
Fall 2024

Professor Richard L. Vining, Jr.
Office: Baldwin 380C
Email: rvining@uga.edu
Office hours: By appointment
Classroom: Baldwin 101D
Meetings: Tues & Thurs, 12:45-2:00 (face-to-face)

Disclaimer: The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary.

The federal judiciary is frequently involved in political conflicts. Such events have long taken place, from the vigorous attacks on Justice Chase and the Marshall Court to recent episodes involving abortion, 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.

Students in this course should become familiar with the structure and functions of the federal courts, major theories of judicial decision making, and major historical events in Supreme Court history. In addition, students will develop research skills including proficiency with academic writing and familiarity with academic journals and databases.

Readings

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

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 14. 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.

Exams will be taken without notes or outside sources.
**Grading.** Midterm examination 30%; paper 30%; final examination 40%

Grades will be assigned based on the following scale:

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**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. Use of artificial intelligence (e.g., ChatGPT) to write class assignments will not be tolerated and will result in a failing grade (F).

UGA Student Honor Code: "I will be academically honest in all of my academic work and will not tolerate academic dishonesty of others." A Culture of Honesty, the University's policy and procedures for handling cases of suspected dishonesty, can be found at www.uga.edu/ovpi.

**Mental Health and Wellness Resources.**

- If you or someone you know needs assistance, you are encouraged to contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit https://sco.uga.edu. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.
- UGA has several resources for a student seeking mental health services (https://www.uhs.uga.edu/bewelluga/bewelluga) or crisis support (https://www.uhs.uga.edu/info/emergencies).
- If you need help managing stress anxiety, relationships, etc., please visit BeWellUGA (https://www.uhs.uga.edu/bewelluga/bewelluga) for a list of FREE workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center.
- Additional resources can be accessed through the UGA App

**Attendance.** This course will not have a graded attendance component, but much of the lecture material will not appear in the readings. Everyone is encouraged to attend regularly. Students will be informed of any adjustments to regular course attendance by the instructor via ELC and/or e-mail.

Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender, gender variance, and nationalities. Class rosters are provided to the instructor with the student’s legal name. I am eager to address you by your preferred name and/or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.
In the absence of written authorization from the UGA Disability Resource Center, students may not make a visual or audio recording of any aspect of this course. Students who have a recording accommodation agree in writing that they:

- Will use the records only for personal academic use during the specific course.
- Understand that faculty members have copyright interest in their class lectures and that they agree not to infringe on this right in any way.
- Understand that the faculty member and students in the class have privacy rights and agree not to violate those rights by using recordings for any reason other than their own personal study.
- Will not release, digitally upload, broadcast, transcribe, or otherwise share all or any part of the recordings. They also agree that they will not profit financially and will not allow others to benefit personally or financially from lecture recordings or other course materials.
- Will erase/delete all recordings at the end of the semester.
- Understand that violation of these terms may subject them to discipline under the Student Code of Conduct or subject them to liability under copyright laws.
Week 1 (8/15): Discussion and course overview

Week 2 (8/20, 8/22)
The Federal Judiciary: Structure and Institutional Context

Week 3 (8/27, 8/29): Theories of Judicial Decision-making
Jeff Segal and Harold Spaeth, The Supreme Court and the Attitudinal Model Revisited (2002), p. 44-53, 86-114*

Week 4 (9/3, 9/5): The Politics of Supreme Court Nominations
Perspectives on the Confirmation Process Michael Comiskey, The Judging of Supreme Court Nominees, p. 20-84*

Week 5 (9/10, 9/12): Interbranch Battles over the Bench
FDR's Proposed Reorganization of the Supreme Court, 1937

Week 6 (9/17): Intracourt Battles
Phillip Cooper, Battles on the Bench, Ch. 1-2 (1995)*

Week 6 (cont., 9/19): The Supreme Court vs. Congress
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)

Week 7 (9/24, 9/26): Judicial Impeachment
Mary Volcansek, “Separation of Powers and Judicial Impeachment,” Ch. 3 in Congress Confronts the Court, Campbell and Stack, eds. (2001)

Impeachment Case Study: Samuel Chase

Week 8 (10/1) Judicial Departures
Artemus Ward, Deciding to Leave, Ch. 1 (2003)*

Week 8 (cont., 10/3): The Court in Wartime
Reconstruction and the Civil War

Week 9 (10/8): The Court and Government Powers
Congress vs. the Court: Usurpation of Powers: INS v. Chadha
Week 9: Midterm Exam 10/10

Week 10 (10/15): Congress, Courts, and Judicial Administration

Week 10 (cont., 10/17). The Supreme Court vs. the President

Week 11 (10/22): 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)*

Week 11 (cont., 10/24): The Supreme Court and the Public/Press
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)*

Week 12 (10/29): The Public and 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*

Week 12 (cont., 10/31): Settling Political Conflicts
The Supreme Court as Arbiter: Privacy and Abortion

Week 13 (11/5): The Supreme Court in Elections
The Centennial Crisis
Week 13, cont. (11/7)
Election 2000: Chaos, Courtrooms, and Counting Ballots

Week 14 (11/12, 11/14): Contemporary Issues
The Death Penalty

Research paper November 14

Week 15 (11/19, 11/21) Contemporary Issues (cont.)
The Affordable Care Act

Gun Rights

Week 16 (11/26): Gay Rights

Nov. 28: NO CLASS, Thanksgiving

Dec. 3: NO CLASS, UGA on Friday schedule

Final exam Tuesday, December 5, 12:00 PM – 3:00 PM