

**POLS8440: COURTS AND THE EXECUTIVE BRANCH**  
**Spring 2025**  
**Baldwin Hall Rm 302; Tuesdays 3:55-6:40PM**

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**COURSE DESCRIPTION**

Judicial and executive actors share a uniquely close institutional relationship, with judicial power operating as an extension of executive power in many historical settings. While degrees of separation are expected and formally articulated in contemporary politics, the intersection of judicial and executive authority shapes the behavior of actors in both institutions, and political/legal outcomes broadly. This course will examine judicial-executive relations across various contexts including the success (and failure) of executive branch litigants in court, constraints on judicial and executive decision-making, and executive-judicial engagement from a comparative perspective (at the state level and cross-nationally). We will investigate and analyze the various theoretical frameworks and empirical strategies employed by existing research with the goal of contributing to the continued advancement of executive-judicial scholarship.

**COURSE MATERIALS**

*Required Text* (available from online retailers)

Whittington, Keith E. 2009. *Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional leadership in US history*. Princeton University Press: Princeton, NJ.

*Additional Readings*

Journal articles are available on JSTOR, HeinOnline, Google Scholar, and UGA Library. Readings/excerpts not available online will be posted on eLC.

**COURSE REQUIREMENTS AND EVALUATION**

*Grading*

25% Participation

30% Short Papers (4)

45% Research Project:

- Research Proposal: 3%
- Research Paper Prospectus/Outline: 10%
- Research Presentation: 7%
- Final Paper: 25%

*Grading Scale*

100-94 A	89-87 B+	79-77 C+	69-67 D+	59-0 F
93-90 A-	86-83 B	76-73 C	66-63 D	
	82-80 B-	72-70 C-	62-60 D-	

### *Participation*

This course operates as a seminar. Participants are expected to make frequent and informed contributions to seminar discussions and dialogue. Each participant is expected to do the assigned reading before each seminar and come to class prepared for active discussion. During class, you may be asked to lead a discussion on an article (s). Here are some key questions that can help guide your **review** of each reading, seminar **discussion**, and the response **papers** for each week's readings. Question 6 is particularly important:

1. What is the research question and why does this question matter?
2. What is the central argument advanced by the author? Do you find the argument persuasive?
3. Does the argument cogently evolve from existing research? Is there a "conversation" missing?
4. How is the argument evaluated?  
What methodology and data do the author use?  
Does the data used by the author seem appropriate for the research question?
5. Do you find the results persuasive? Why or why not?
6. **How would you extend this research? Extension can involve an alternative hypothesis, data sources, or methodological approaches.**
7. What are the connections (or disconnects) between the readings from the week?

Insight from a colleague: "The *sine qua non* of any insightful, wide-ranging discussion is *respect*: respect for yourself (and the high-quality work you are capable of doing), respect for your colleagues (disagree with them, certainly, but no personal remarks), respect for the material (read it carefully and evaluate it fairly), and respect for the seminar (don't monopolize the conversation but be sure to make your contribution)."

**Given the importance of participation to the overall course grade, attendance at each class is required with exceptions for emergencies and/or jury duty.**

### *Response Papers*

Each participant will write 4 short papers in response to the week's reading. Each paper should be 3-5 pages double-spaced (no more than 5 pages excluding references) and should address a majority of the assigned readings for the week. There should be minimal summary in each response paper, rather papers should critically engage with the research question, theoretical framework, methodology, and results presented in reading. The discussion questions should serve as a guide in the construction of the response paper, with particular attention to question 6. **Each participant will write a response paper for week 2.** For the remaining papers, at least one additional paper should be completed prior to Spring Break. Responses papers are due by 12:00pm on the day of class.

### *Research Project*

Each participant is expected to write an original research project (minimum 20 pages excluding citations) that advances an argument and falsifiable hypotheses informed by existing literature, and testable with relevant data (quantitative, qualitative, or mixed-methods). The paper should connect broadly with the themes discussed in the course. There are two options for the research project: 1) research design, or 2) research paper. Both options require clearly defined research questions, literature review, argument/falsifiable hypotheses, and a methodology section. The central distinction between the two options entails the data analysis expectation. While not expected to be as extensive as the full

research paper, a research design paper requires at minimum an exploration and preliminary investigation of pertinent data to illustrate project feasibility. This can take several forms that we will discuss in class. Prior to the submission of the final research project, students will submit a research proposal (that we will meet to discuss), and a detailed research outline/prospectus. Each participant will present their research to the class at the end of the semester. Participants should aim to incorporate/develop this research into a larger project (dissertation chapter, manuscript, etc.).

#### *Research Proposal*

- Described in 2 or more paragraphs, your proposed paper topic should define your expected research question, what your dependent and independent variables would probably be, what data source you expect to use, among other things.
- If you are torn between two research paper ideas, you can submit both. Each must have the required ~2 paragraphs of text if you do this.

#### *Research Prospectus/Outline*

- (1) Explanation of the Research Question and Your Argument (1-2 paragraphs)
- (2) Review of Prior Research (2-3 paragraphs and scholarly citations relevant to your study)
- (3) Data Plans and Research methodology (~3 paragraphs, with detailed description of your hypothesis, data, methodology, measures (dependent and independent variables))
- Most detailed outlines will end up being ~2 pages (single-spaced)

## **PARTICIPANT LEARNING GOALS/OUTCOMES**

By the end of the course, participants should be equipped to:

- **Identify and describe** the actors, mechanisms, and policies that shape executive and judicial institutional engagement.
- **Understand** how historical inertia, political/legal context, and state/country context affects institutional outcomes and public behavior relative to executive-judicial action.
- **Evaluate and analyze** existing theoretical frameworks and empirical approaches present in existing executive-judicial scholarship.
- **In line with disciplinary practices and standards**, create an original research product that advances a falsifiable argument with feasible empirical data centered in executive-judicial institutions.
- **Articulate and support** their arguments with cogent, logical arguments and valid evidence.

### **Late Assignments**

Late assignments will only be accepted with advance permission from the instructor.

### **Assignment Authorship**

Unauthorized use of artificial intelligence software, such as ChatGPT or word mixing software to write your paper or disguise plagiarized work is considered unauthorized assistance in this course.

### **Academic Honesty**

You are responsible for knowing and complying with the policy and procedures relating to academic honesty. I expect all students to abide by the University of Georgia Academic Honesty policy.

Academic dishonesty can include plagiarism, unauthorized assistance on assignments, and falsifying academic work. For more detail about what constitutes academic honesty, and consequences for engaging in dishonest conduct be sure to revisit [Academic Honesty Policy | Home \(uga.edu\)](#).

### **Student Accommodations**

If you plan to request accommodations for a disability, please register with the Disability Resource Center. They can be reached by visiting Clark Howell Hall, calling 706-542-8719 (voice) or 706-542-8778 (TTY), or by visiting <http://drc.uga.edu>.

### **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