R POS 335 The American Supreme Court  
Spring 2003
Monday, Wednesday, & Friday 2:30 - 3:25 in LC 5  
Call #7156

Lecturer: Frederick Wood
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Class Website: http://www.albany.edu/~fw7855/rpos335.htm

Office Hours: Monday 1:30pm - 2:30pm & Thursday 9:45am - 10:45am at the Political Science Contact Office in Ten Broeck Hall, Dutch Quad. I am also available by appointment.

Course Description: This course will examine the role and function of the Supreme Court in American politics. Topics include: the historical development of the institution; access to the court; the nature of Supreme Court decision making; the selection and nomination process of Supreme Court justices; the relationship between the Supreme Court and the other branches; the role of interest groups and other "friends of the Court"; and other relevant topics. Prerequisite: You should have taken R POS 101 or a similar introduction to American Politics class.

Texts: [orders have been placed with both the University’s bookstore & Mary Jane’s]


- Articles from ERes [http://eres.ulib.albany.edu] are denoted by a “~”. (password: hutz)

Grading (A - F):
Midterm Examination on March 17th 30 %
Paper due on April 23rd 20 %
Final Examination on May 14th 35 %
In-Class Participation 15 %

*Exams will be in the form of short answer and essay questions. The paper topic will be handed out in class. ** Late papers or exams missed can be made up only with the proper documentation from the Dean of Undergraduate Studies in LC 30. *** You must complete all of the assignments in order to receive a final grade for the course. If you are missing one or more assignments, you will be assigned an incomplete, regardless of whether or not you would pass the course with failing grades for the missing assignments. All work must be handed in by Wednesday May 14th. I reserve the right to give a failing grade for excessive absences. **** Students with disabilities are responsible for making their needs known to the instructor, and seeking available assistance in a timely manner. ***** This syllabus should not be construed in any way as a legal contract. It is
my intention to keep with the schedule laid out in this syllabus but I reserve the right to change or course topics, assignments, readings, and deadlines. Any changes will be announced in class.

**Paper Format:** The paper will be between 10 and 13 full pages in length, double spaced, 12 point Times New Roman font, with 1 inch margins all around. On a title page, you will include your name, date, my name, the name of the class, day and time the class meets, and a title for your essay if you wish. There is no need to place your paper in a cover or folder, just use a staple. Spelling, grammar, and the format proscribed above will be considered in the grading of your paper. Papers that do not conform to the above format may be returned to the student. All students should photocopy or have a disk copy of all work handed in during class. Late papers will be penalized in proportion to their lateness. All students are responsible for learning what constitutes plagiarism and the proper procedures for the citation of other’s works.

**Attendance Policy:** While not technically included in the calculation of your grade, your attendance in the class is essential for a number of reasons. First, not all of the material covered will come from only the assigned readings. Second, the required assignments may be handed out or altered in class and failure to complete the assignments on time will result in a grade of zero for that assignment. Finally, those students whose final grade resides on or near a border between grades may be rewarded for regular attendance, and it is impossible to participate in the class without physically being in the meeting room.

For those of you who will attend, I ask that you follow a few simple policies. First, respect the fact that this class has a definite start and end time. Be in your seats when class is due to begin and do not leave them until the class is over (usually denoted when I say “see you all next time”). Second, turn off your cell phones when you enter the classroom. You do not want me using your minutes while I have a conversation with the person who called you. Third, you should come to class prepared to pay attention and take notes. You will be asked to leave the room if you are listening to music, reading unrelated material, talking to other students around you, or sleeping. Finally, the reproduction, distribution, or publication (on-line or otherwise) of transcribed or taped versions of my lectures are not permitted without my consent. I thank you in advance for following these guidelines.

**Reading and Discussion Schedule**

**History of the Supreme Court**

1/22: Introduction Syllabus

1/24: The Founding ~Federalist Paper # 78; ~Anti-Federalist Commentary; ~The Constitution; & McCloskey Chapter One


1/29: More on the Right to Decide McCloskey Chapter Two
1/31: Marshall & Shaping the Nation McCloskey Chapter Three

2/3: Taney & Judicial Prestige McCloskey Chapter Four

2/5: The Gilded Age McCloskey Chapter Five

2/7: The Regulatory State McCloskey Chapter Six

2/10: Post War America McCloskey Chapter Seven

2/12: Civil Rights & Liberties McCloskey Chapter Eight

2/14: The Welfare State McCloskey Chapter Nine

2/17: No Class

2/19: History Lessons McCloskey Epilogue & Coda

**Getting on the Supreme Court**


2/24: Why & Who ~Abrams Chapter Four; ~Selections from *The Brethren* (Nominations); SCAMR Chapter Five


**Getting to the Supreme Court**

2/28: Overview SCAMR Chapter Six

3/3 – 3/7: No Class


3/14: Solicitor General/Clerks  ~Caplan, L. The Tenth Justice Chapter 2; ~Salokar, R. The Solicitor General Selected Chapter; ~Lazarus E. Closed Chambers "The Cabal Against the Libs"

3/17: The **Midterm Examination** covers material discussed from 1/24 to 2/28.

3/19: Interest Groups  ~Vose, C. “Litigation as a Form of Pressure Group Activity”

3/21: Class Cancelled

**Judicial Decision-Making**


3/26: Legal Model  *SCAMR* Chapters Two & Seven

3/28: Rational Choice  ~Maltzman, Spriggs, & Wahlbeck *Crafting Law on the Supreme Court* Chapter One; *SCAMR* pages 97 – 110, & Chapter 8.

3/31: Opinion Assignment  ~Selections from the Brethren; *SCAMR* Chapter 9


4/4: Class Cancelled due to the Midwest Political Science Association’s Annual Meeting


4/9: Neo – Institutionalist  ~Gillman, H. & C. Clayton Chapter 5 (McCann)


4/14: The Attitudinal Model  *SCAMR* Chapter Three

4/16 & 4/18: No Class
4/21: Separation of Powers  
SCAMR Chapter 8 pages 326 – 356

4/23: We will have a class discussion about the material covered in this section. **PAPER DUE**

**Judicial Impact**

4/25: Introduction  
*Hollow Hope* Chapter One

4/28: Abortion  
*Hollow Hope* Chapter Six

4/30: Impact  
*Hollow Hope* Chapter Eight

5/2: Critique  
~McCann, M. “Reform Litigation on Trial” ~Wasby, S. The Supreme Court in the Federal Judicial System Chapter 10.

5/5: Conclusion

5/14: The **Final Exam** will be given on Wednesday, May 14\(^{th}\) from 3:30 - 5:30 in LC 5.