POS 335 – The American Supreme Court

Syllabus – Spring 2013

Class meets MW 4:15-5:35 ES 147

Instructor: Jonathan Parent
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Office Hours: MW 3:00-4:00 HU 16 or by appointment.

Course Description

This course will examine the U.S. Supreme Court through both text and cases. The topics include – the evolution of the judiciary and its effects on the other branches of government, the influence of the Court on the incorporation of civil liberties, internal institutions of the Court and models of judicial decision-making, and issues around judicial appointments. The course goals are to improve students understanding of how the Court functions, and to develop critical analytical skills concerning prevalent claims about the Supreme Court.

Exams

1. This course will have two mid-term exams on February 27 and on April 8.
2. There will be 2 short written assignments during the course, the details of which will be described in class.
3. There will be a final examination. Place and time TBA. This will be a cumulative examination covering all the material in the course.
4. We will have 2 unannounced quizzes during the semester.

Cheating and Plagiarism

Plagiarism is the use of another's ideas, writing, etc. as one's own. It is an extremely serious offense. Students found to be in violation of these academic standards will AT THE VERY LEAST receive a grade of F on the assignment in question and will quite likely receive a failing grade for the entire course. In addition, such cases will be referred to the Dean of Undergraduate Studies with a request for further sanctions. The safest way to avoid this fate is to remember the cardinal rule of academic honesty: If in doubt, cite. Sources of information are very easy to find. Explaining to your parents, potential employers, or law school application boards why you were kicked out of school is not. And remember, if you can find it, I can find it.

Assistance

If you are having any difficulties with the course material or assignments, I encourage you to come and talk to me. I will be available during office hours (see above) and by
appointment. Also, if you are not facing any problems but would like to talk about the course, please feel free to come talk to me.

**Grade Formula**

Quizzes: 5% each  
Midterms: 15% each  
Final: 30%  
Short Papers: 10% each  
Class Participation/Attendance: 10%

All grades may be appealed; however, these appeals must be based on solid arguments about the quality of your work. I will not consider requests for grade changes based on undocumented personal or medical issues or the possible implications of a low grade for your financial aid. Any missed assignments will be penalized 1/3 of a letter grade for every day they are late, including weekends. Missed in-class quizzes and exams will be graded as 0 unless you have documented evidence for an excused absence. This means if you are ill, please go to the University Health Center for documentation of such, even if you would not otherwise do so. Additionally, due to the size of the class, no extra credit will be offered in order to raise your grade.

**Required Texts**

(Available from University at Albany Bookstore, Barnes and Noble, or online):


Additional reading materials will be available on Eres. Password: 2013pos335.

**Useful Websites**

Jstor - http://www.jstor.org/  
Findlaw - http://findlaw.com/  
The Supreme Court Official Website - http://www.supremecourtus.gov/  
SCOTUS blog - http://www.scotusblog.com/movabletype/  
http://jurist.law.pitt.edu/currentawareness/ussupremes.php  
The Oyez Project - http://www.oyez.org/  
Legal Information Institute, Cornell Law School - http://www.law.cornell.edu/supct/index.html
Class Participation

This class will more closely resemble a seminar than a lecture and your participation will greatly improve the quality of this course, not to mention your final grade. The topics we will be covering lend very well to lively debates and on more than one occasion, these discussions have led to fundamental changes in how various questions are seen in the field (ask me to tell you the Griswold/Ninth Amendment story). I can assure you that you need not at any point feel anxious about contributing to the discussion for fear of ridicule. I am certain that I have asked more dumb questions than you have even thought of, and any of your classmates demonstrating disrespect, condescension, etc. towards any comment you make will be severely reprimanded. Additionally, I will call on 2 or 3 students picked at random at the beginning of every class who will be required to provide a brief overview of the readings for that day. Students unable to provide such an overview will receive a substantial reduction in their participation grades.

Midterm and Final Exams

The midterm exams will require you to provide short answers to 3 questions and an essay-length answer to a much broader question. You will have a choice for both sections. The final exam will follow a similar format, though you will be required to answer 2 essay questions, one of which will be cumulative.

The Course

January 23
Introduction and distribution of syllabus

The Founding and Judicial Review/History of the Court

January 28
US Constitution, Articles I-III, The Bill of Rights; McCloskey Ch. 1

January 30
Federalist Paper #78, Marbury v. Madison; Ex Parte McCardle

February 4
McCloskey Ch. 2-4

February 6
McCloskey Ch. 7, 8

First Short Paper Due
Internal Institutions of the Court/Judicial Decision Making

February 11
Baum Ch. 4, Segal and Spaeth Ch. 1

February 13
Segal and Spaeth Ch. 2, 3

February 18
Segal and Spaeth Ch. 4, 5

February 20
Segal and Spaeth Ch. 6, 7

February 25
Segal and Spaeth Ch. 8-10

February 27
First Midterm Exam

Judicial Appointments, The Legislature, and The Executive

March 4
Baum Chapter 2; McCulloch v. Maryland; In Re Neagle

March 6

March 11
Barron v. Baltimore; Hurtado v. California

March 13
Palko v. Connecticut; Duncan v. Louisiana

March 25
Near v. Minnesota; New York Times v. United States

The Establishment and Free Exercise Clauses

March 27
Cantwell v. Connecticut; Sherbert v. Verner

April 1
Wisconsin v. Yoder; Lemon v. Kurtzman
April 3
Employment Division, Department of Human Resources of Oregon v. Smith; Church of Lukumi Babalu Aye, Inc. v. City of Hialeah

April 8
Second Midterm Exam

Civil Rights and Civil Liberties

April 10
Dred Scott v. Sandford; Plessy v. Ferguson

April 15
Brown v. Board of Education; Grutter v. Bollinger

April 17
Loving v. Virginia; Bowers v. Hardwick

April 22
Romer v. Evans; Lawrence v. Texas

April 24
Roe v. Wade; Planned Parenthood of Southeastern Pennsylvania v. Casey

April 29
Wolf v. Colorado; Mapp v. Ohio

Second Short Paper Due

May 1
United States v. Leon; Escobedo v. Illinois

May 6
Miranda v. Arizona; District of Columbia v. Heller

May 8
No assigned reading; last chance to ask questions about the final exam.