Course Description and Goals:
This reading-intensive\(^1\) course will focus on the U.S. Constitution as seen through the eyes of the Supreme Court justices. Starting with a close examination of the Constitution and the Court, the course will then adopt a biographical approach, seeking to understand the opinions of the Supreme Court as the product of its distinct judicial personalities. As a biographical course, students will focus on the writings of individual justices throughout the nineteenth and twentieth centuries, finishing with a focus on the current court. The course will culminate with students arguing several major twenty-first century cases as if they were justices.

Course Objectives: In this course, students will
1. Learn how to locate historical sources for specific projects
2. Learn how to read secondary sources, such as books and articles, critically and analytically
3. Learn how to read primary sources, such as court opinions, watching for biases and context
4. Gain insight into the workings and significance of one of the three branches of the U.S. federal government—the Supreme Court—as well as learn how that branch of government functions with and affects the other two branches of government.
5. Improve the clarity and correctness of their written and oral communication.

Student Responsibility: There is only so much that can be covered in class lecture and discussion, so in this course, students are expected to do a substantial amount of self-teaching—through careful outside reading, viewing, research, and self-editing. To that end, here is the reading list and course schedule:

**Required Reading:** expect to spend \textit{at least} 2 hours per credit of outside reading per week on average. Some weeks will require more time.

4. Justice biographies as assigned on Blackboard (nothing to purchase).

NOTE: books ordered online and not arriving on time remain the student’s responsibility and will not constitute a valid excuse for late work.

Grading Policy:
The course will be graded using a 100 point scale. One midterm (20\%) and one final (25\%) will constitute the exam portion of the course grade. Pop quizzes will determine another 20\%. The remaining points (35\%) will come from the final case with the written argument worth 15\% and the oral argument presented worth 20\%. For details on this final case project, see the attached page at the end of this syllabus.

\(^1\) A course on the Supreme Court, by its very nature, requires a great deal of reading. There is really no other way to understand the Court, which communicates solely through writing, without reading. A biographical approach, also, necessitates much reading.
Late assignments will be penalized one letter grade each day beyond the due date. Assignments that fail to follow submission instructions will also be penalized one letter grade.

**Attendance policy:** attendance will be taken. Because our class meets only two days per week and because we will function as a community of scholars with each person’s participation invaluable, students will be permitted three unexcused absences. (an excused absence = verification from the dean of undergraduate studies or the University health center). Unexcused absences beyond three will result in the drop of one half letter grade from the student’s final course grade.

**Letter Grade Calculation:** 93 = A (exemplary work produced), 90 = A- (excellent work produced), 86.5 = B+ (very good), 83 = B (good) . . .73 = C (average). . .63 = D. . .60 = D-. These grade cutoffs are firm and will not be adjusted (in fairness to other students). A 92.9 will be an A- and will not be bumped up to an A. If you become concerned about your grade, you need to see the professor early in the semester to see if adjustments may be made that could enhance your performance on the remaining graded assignments. Students are always welcome to ask for help.

**Communication outside Class or Office Hours:**
*If you need to contact me through email, be sure to use proper spelling and capitalization, and proofread your email messages before you send them to me.* Emails are not text messages. You may expect an answer within twenty-four hours – please do not expect an immediate response. Occasionally I will need to communicate with you through email. I use ONLY the University email addresses.

**Student Responsibility:**
1. Arrive on time. Remain in class unless you’ve cleared an early departure before class starts.
2. Do not sit in the row nearest the door if you arrive on time; if you arrive late, you must sit in this row.
3. **Turn cell phones off and put away.** No device may be in your sight unless cleared in advance.
4. Laptops and tablets are welcome but may be used ONLY for note taking. Any infraction will result in one full letter grade drop from your course grade.
5. Do not talk unless addressing the entire class.
6. **No food**, but you may bring liquids.
7. Academic honor: please see policy on plagiarism below. This class has a zero-tolerance policy on plagiarism so be sure you understand what this means. University policy permits assignment of a failing grade for the entire course for a plagiarized paper, so be very careful.
8. **Be sure to check our Blackboard page and your UA email account regularly.**

**Policy on Plagiarism:** Plagiarism is taking (which includes purchasing) the words and ideas of another and passing them off as one’s own work. If in a formal paper a student quotes someone, that student must use quotation marks and give a citation. Paraphrased or borrowed ideas are also to be identified by proper citations. Plagiarism will result, at the minimum, in a failing grade for the assignment. It is your responsibility to know what plagiarism is: [http://www.albany.edu/eas/104/plagiary.htm](http://www.albany.edu/eas/104/plagiary.htm).

Whenever you are unsure about plagiarism, **please ask!** And always err on the side of caution when deciding whether to give credit to another.

**General Education:** This course meets Cultural and Historical Perspectives and United States History Narrative II

**UALBANY ** **Reasonable Accommodation Policy:** Reasonable accommodations will be provided for students with documented physical, sensory, systemic, cognitive, learning and psychiatric disabilities. If you believe you have a disability requiring accommodation in this class, please notify the Director of Disabled
Student Services (Campus Center 137, 442-5490). That office will provide the course instructor with verification of your disability, and will recommend appropriate accommodations.


UAlbany excused absence policy: http://www.albany.edu/undergraduateeducation/attendance.php

**Class Schedule:**

Reading assignments listed below are to be completed before Tuesday’s class of each week. Weeks when the reading is longer are marked with asterisks**. Please plan accordingly. [Note: these assignments may change as the semester progresses: to paraphrase UVA professor Mark Edmundson, this syllabus will be our melody but there will necessarily be some improvisation going on. No change will be made, however, to the grading scheme or the value of the graded components. And no change will be made to the class topics, discussions, or assignment without notice via our Blackboard page and email. It is your responsibility to check your UAlbany email account daily. Please note deadlines: to ensure that no student falls behind, deadlines are not flexible. No late papers will be accepted without a dean’s excuse]

**Part 1: the Constitution and the Pre-modern Court**

**Week 1:** (Aug 26, 28) Introduction and the making of the U.S. Constitution
Read the Constitution (yes, the whole thing: it’s not that long) at: (http://caselaw.lp.findlaw.com/data/constitution/articles.html: read the Annotations wherever you need clarification); also read O’Brien, 29-31.

**Week 2:** (Sep 2, 4) The Early Supreme Court
Brief quiz on the Constitution on Tuesday
Read: O’Brien, 105-bottom of 115, and “The Case of the Disappointed Office Seeker” from Melvin Urofsky’s Supreme Decisions, and for Thursday’s class, read “Taney,” both available on BB. Watch the PBS Supreme Court documentary on BB

**Week 3:** (Sep 9, 11) The Civil War and the Late Nineteenth Century
Watch volume 2 of the Supreme Court documentary on BB to 26’ 40”. Read: O’Brien, last paragraph on 115-159.
For Thursday’s class, read “Field” on BB. Don’t read for detail, just the broad outlines.

**Week 4:** (Sep 16, 18) Early Twentieth Century and the Progressive Era
Read O’Brien, chapter 4. Watch volume 2 of the PBS Supreme Court documentary from 25’ 40” to th end. For Thursday’s class, read “Brandeis” and “Holmes” on BB.

**Part II: The Modern Court**

**Week 5:** (Sep 23) the Hughes Court
Read: Hoffer, Chapter 10; O’Brien, chapter5; and “Cardozo” on BB.

**Week 6:** (Sep 30, Oct 2) the Stone Court
Read: Hoffer, Chapter 11 and “Hugo Black” and “Jackson” on BB

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Week 7: (Oct 7, 9) The Vinson Court
Read: Hoffer, Chapter 12 and “Frankfurter” on BB
Midterm exam, October 9

Week 8: (Oct 14, 16) The Warren Court and the Rights Revolution
Read: Hoffer, Chapter 13 and “Earl Warren” and “Brennan” on BB.

**Week 9: (Oct 21, 23): The Burger Court
Read: Hoffer, Chapter 14 and O’Brien, chapter 1 and “Rehnquist and Scalia” on BB.

**Week 10: (Oct 28, 30)
Read: Hoffer, Chapter 15 and Epilogue and “O’Connor” on BB

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Part III: The Twenty-first Century Court

**Week 11: (Nov 4, 6) the Roberts Court
Read: Coyle, Introduction through end of chapter 6

**Week 12: (Nov 11, 13) the Roberts Court
Read Coyle, chapter 7 through end of chapter 12

***Week 13: (Nov 18, 20) the Roberts Court
Read Coyle, chapter 13-end. Quiz on Thursday

[no class Nov 25 or 27] In lieu of November 25 class, students should prepare for case presentations.

Week 14: (Dec 2, 4): Case presentations (see separate sheet for instructions)

Week 15: (Dec 9) Case presentations

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Final Exam: Thursday, Dec 18, 8 to 10 am

Please note: this syllabus may change based on the needs of the class. No change will be made to the grading or course requirements and any other changes will not be made without advance notification delivered to student email account.

Research Resources
1. Papers of some Supreme Court justices available online:
   http://www.scotusblog.com/2013/08/accessing-the-papers-of-supreme-court-justices-online-other-resources/
2. Reference librarians: no appointment necessary. OR make a PAWS appointment for one-on-one assistance.
3. Library research guide available on our BB page.
Writing guidelines. Follow these carefully when preparing written assignments to avoid one full letter point deduction.

1. **Names:** on first mention of a person, give his or her full first and last names. After that, use that person’s last name only. Never use the first name. If you’re writing about Jeffrey Rosen’s book, you would refer to him as Rosen after you’ve given his full name at the first mention.

2. **Verb tenses:** Write in the **present tense when you are talking about what the historian has written** but use past tense for events or actions of historical figures. Check to be sure that you don’t switch back and forth between past and present. A notation on your paper that looks like this, [vt], means that you’ve switched from past to present.
   a. example of correct tenses: Woloch writes that Muller’s case was filed incorrectly.

3. **Usage:**
   a. **Use who** when referring to people, not that
      i. example: he was the marksman who gave him the rifle.
      ii. not: he was the marksman that gave him the rifle
   b. Watch for unnecessary words. In the example above, the sentence would be far better if you were to write:
      i. Not: She was the one who gave him the rifle
      ii. Better: She gave him the rifle.
   c. Avoid the word very. It is a very, very bad word that makes your writing very, very weak. If you have to use this to get your point across, your adjective or adverb that follows it is too weak. Find a stronger, more specific word. Thesaurus.com is a great resource.
   d. **Write direct, clear, active sentences.**
   e. Make sure your each paragraph has a single idea. When you move to another idea, start a new paragraph.
   f. **Capitalize proper nouns**, like the Civil War, the South, the North, the Confederacy, the Union, the Constitution but do not randomly capitalize words.
   g. **Write in the third person. Do not use the second person, “you.”**
      i. Not “when you watch this movie, you realize…”
      ii. But “the audience realizes from watching this movie that…” or other ways of rewriting the sentence. Set your word processor to find “you” and then rewrite the sentence wherever it appears.
   h. **Do not use ordinals (th, rd) in dates:**
      i. wrong: March 30th, 1951
      ii. correct: March 30, 1951
   i. Be sure that your **subject agrees in number with any pronoun** that follows.
      i. Example: A Confederate cavalry soldier had a difficult time feeding their horse.
      ii. Correct: A Confederate cavalry soldier had a difficult time feeding his horse.
   j. Use a comma after an introductory phrase or clause.
      i. Wrong: When out on patrol the cavalry rode long hours.
      ii. Correct: When out on patrol, the cavalry rode long hours.
   k. **Put periods and commas inside close-quotations marks.** [“…he ran.”]
   l. **Possessive nouns must have an apostrophe:**
      i. Incorrect: his mothers guidance. Correct: his mother’s guidance.
      ii. If it’s plural, put the apostrophe after the s. Their mothers’ guidance.
   m. Do not use quotation marks unless you are directly quoting someone else’s words.
   n. **Don’t confuse It’s and Its.**
      i. It’s = the contraction of the words It and is.
      ii. Its = the possessive form of the pronoun “it.”
iii. Incorrect: Or: He got “tough” on communism.
   1. Correct: In the words of the day, he got tough on communism.

   o. *Italicize the titles of cases, movies, books, newspapers, and magazines.* Italicize them *every time.* Articles and chapter titles are put in quotation marks.

   p. Always spell out numbers below 100. And spell out all numbers that start off the sentence.
      i. And use numbers for dollar amounts:
         1. Incorrect: fifty dollars
         2. Correct: $50.

4. **Proofread carefully!** Typos will cause you to lose points. don’t just rely on spell checkers because they won’t pick up something like thus (because “thus” is a word, your word processor won’t know that you meant to type “this.”) Nevertheless, your word processor can be your friend: *have your word processor set to find spelling and grammatical errors as you type:* it can save a lot of time later on. **Pay attention to those squiggly lines—they’re trying to alert you to a problem.**

5. **Final advice:**
   a. Write simply. Read your paper out loud. If it sounds stilted, it needs to be rewritten to sound more like the way we speak. If you can use a two-syllable word to good effect, prefer that to a multi-syllable word.
   b. Avoid passive voice. It makes your writing weak.
   c. And speaking of weak, use strongest verbs that apply. They make your prose interesting.

**Submission instructions:** follow instructions on BB assignment page carefully.

1. Use Times New Roman, 12 font.
2. Double-space. But do not double-space again between paragraphs.
3. **Do not block your text.** Make sure that the text is set to a margin that says “align left.” Editors call this a “ragged right margin.”
4. Use page numbers using the Insert Page Numbers function on Word – do not insert them manually.
5. **Indent paragraphs** by using the tab key (do not indent by using the spacebar)
6. **Before submitting your paper, save it with the following name**
   a. YourLastName.doc (or .docx or .rtf)
7. **Do not send Mac or Open Office documents without first saving them as Word docs.** Any files sent in format other than a Word document or an RTF file will be returned unopened with the grade set as 0 until such time as the proper format document is submitted.