

DRAFT

**U.S. Supreme Court
PS 484/584 (Summer 2017)
Draft Syllabus**

[The following is not the actual Summer 2017 syllabus. It is adapted from my most recent offering of the course and is provided to give you an idea of what the course will roughly look like. Most – but not all -- of the material covered will be the same, although updated a bit to reflect recent jurisprudence and scholarship, and recent text editions. The course grade will once again be based in equal parts on online quizzes, a midterm exam, and a final exam.]

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Class Hours: 10:00 – 11:50 A.M.: Mon, Tues, Wed, Thurs
Class Room: 132 Lillis

Course Description

This course is intended for both upper level undergraduates and graduate students. We will study the federal judiciary generally, focusing on the Supreme Court especially. We will examine the Court as a political body and evaluate its influence on national policy. We will consider its historic role, as well as recent decisions and the upcoming docket. We will examine the Court's decision-making process, as well as the process for nomination and confirmation of Justices, and the economic, political, social and psychological factors that influence the Court's decisions. We will become familiar with the histories and philosophies of especially influential past and current Justices.

Course Requirements

Students are expected to carefully study each reading assignment, to attend class, and to be fully prepared to participate in discussion. Positive class participation may raise borderline grades, and lack of participation, poor attendance, or consistently disruptive participation may lower borderline grades.

Lectures are not intended to simply reiterate the assigned readings. There may be classroom material that does not appear in the readings, and some significant material from the readings may not be reviewed in class. As a student, you are responsible for information from both readings and lecture.

Assuming satisfactory attendance and participation, each student's course grade will be determined on the basis of a **mid-term exam** (30%), a **final exam** (30%), and **quizzes** (40% -- administered online via Canvas). [For graduate students, each of these components will be worth half as much, and a 20 page paper will factor as 50% of the total course grade.]

Course Texts

David O'Brien, *Storm Center: The Supreme Court in American Politics*, 11th Ed. (2017).
Bob Woodward, *The Brethren: Inside the Supreme Court* (2005 ed.) (earlier editions will have identical material, but the pagination may be different).
Edward Lazarus, *Closed Chambers: The Rise, Fall, and Future of the Modern Supreme Court* (2005).
Jeffrey Rosen, *The Supreme Court: the Personalities and Rivalries that Defined America* (2007).
Garrett Epps, *Peyote vs. the State: Religious Freedom on Trial* (2009) (previously published as *To an Unknown God* – 2001).
Anthony Lewis, *Gideon's Trumpet* (1989)
Any other readings (including some from *Judges on Judging* and Van Geel's *Understanding Supreme Court Opinions*) will be made available via Canvas.

The O'Brien text is a classic overview of the Court as an institution, addressing topics such as the nomination process, political controls on the Court, and the Court's effects upon society. The Rosen text explores the significance of individual justices' personalities and temperament, focusing on four historical pairings of stylistically and politically contrasting individuals. The Woodward text examines the decisions and internal politics of the early Burger court from 1969 – 1975. The Epps selection is an in-depth treatment of *Employment Division v. Smith* (the Peyote Case), a pivotal freedom of religion case which arose out of Oregon. And *Gideon's Trumpet* is a similar treatment of *Gideon v. Wainwright*, the case that gave rise to the right to a court appointed criminal defense attorney. *Judges on Judging* is a collection of essays and opinions, mostly by federal judges, on methods of adjudication and the proper role of the judiciary.

For the past several years, the course instructor has been involved in federal climate change litigation which is likely to find its way on appeal to the Supreme Court. Some opinions and other materials from that litigation will probably find their way into the reading list.

Special Circumstances

Make-ups – will be permitted only in the most extraordinary and well documented of circumstances.

Re-Grading – You may request re-grading of materials. If you wish to make such a request, you should contact the professor for a copy of the Re-grading Petition. As part of this process, you will be asked to provide a written explanation of why you wish to have the material in question re-graded, and, when necessary, supporting documentation.

Syllabus

OB= O'Brien, VG= van Geel, ROS= Rosen, WW= Woodward, EP=Epps, J=Judges, GID = Gideon

All Canvas quizzes are due by 9:45 P.M. on Friday of the week for which they are assigned, unless otherwise specified.

	Readings	Quizzes
Week One	<p>Introduction: Overview of themes and requirements</p> <p>O'Brien: preface and chap 1 (Separation of Powers); van G 16 - 18, 41 - 51 (briefing and writing opinions)</p> <p>O'Brien: chap 2 Van G: 75-87 (Standards of Review); and 89-109 (Precedent)</p> <p>O'Brien: chaps 3 and 4; van G: 129-147 (Understanding Opinions)</p>	<p>(Week 1 quizzes due 10 pm Friday)</p> <p>OB-1 & VG-1</p> <p>OB-2, VG-2</p> <p>OB-3 & VG-3</p>
Week Two	<p>Rosen: Chaps 1, 2 and 3 O'Brien: Chap 5</p> <p>Rosen: Chap 4 and Conclusion O'Brien: chap 6.</p> <p>MIDTERM on Thursday</p>	<p>(Week 2 quizzes due 10 pm Wednesday)</p> <p>OB-4 & ROS-1</p> <p>OB-5 and ROS-2</p>
Week Three	<p>Gideon: Part 1</p> <p>Gideon: Part 2</p> <p>Woodward: Intro, Prologue, '69, '70 and '71 terms</p> <p>Woodward: '72 '73, '74 and '75 terms</p>	<p>(Week 3 quizzes due 10 pm Friday)</p> <p>GID-1</p> <p><u>GID-2</u></p> <p>WW-1</p> <p>WW-2</p>

Week Four	Epps: Prologue – chap.9	(Week 4 quizzes due 6 pm Wednesday)
	Epps: chaps 10-14	EP-1
	Judges on Constitutional Interpretation	J-1
	Judges on State Constitutionalism	J-2.
	FINAL EXAM Thursday, Aug 17, 10 - noon	

Learning Outcomes. This course will:

- Provide students with a deeper understanding of the role of the federal and state judiciaries within the multi-branch American political system.
- Provide students with a sense for the ways in which the judicial branch has helped to define and manifest notions of justice and substantive and procedural fairness in the United States.

It will also help students learn to:

- Identify, describe, and define basic factual information and analytical concepts concerning political and legal systems.
- Analyze political and legal issues and phenomena using political science concepts, theories, and methods from both political science and jurisprudence

.Inclusivity / Sexual Harassment

The UO is committed to providing an environment free of all forms of prohibited discrimination and sexual harassment (sexual assault, domestic and dating violence, and gender or sex-based bullying and stalking). If you have experienced any form of gender or sex-based discrimination or harassment, know that help and support are available. UO has staff members trained to support survivors in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, helping with legal protective orders, and more.

Please be aware that all UO employees, other than designated confidential resources (see <https://safe.uoregon.edu/services>) are required to report credible evidence of prohibited discrimination, including sexual harassment and sexual violence. This means that if you tell me about a situation of sexual harassment or sexual violence that may have violated university

policy or state or federal law, I have to share the information with my supervisor or the University's Title IX Coordinator or the Office of Affirmative Action.

If you wish to speak to someone confidentially, you can call 541-346-SAFE, UO's 24-hour hotline to be connected to a confidential counselor to discuss your options, as confidential counselors are not required reporters. You can also visit the SAFE website at <https://safe.uoregon.edu/services> for more information. Each resource is clearly labeled as either "required reporter," "confidential UO employee," or "off-campus," to allow you to select your desired level of confidentiality.