

Political Science 399

Autumn 2002

Gilkey 113

Tuesday/Thursday 1p.m. - 2:50 p.m

Office Hours: Mon & Wed

10:30 a.m.-12:00 p.m. or by appointment

Professor Spill

Gilkey 310

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7-2811

"There is hardly a political question in the United States which does not soon or later turn into a judicial one."

Alexis De Tocqueville

The primary focus of this course is the federal and state appellate systems and their participants. Although the trial courts of both levels of our government are equally worthy of examination, the duration of one term prevents an all but cursory investigation of only one aspect of the process, either trial or appellate. As this is a course in Political Science, the more immediate effect that an appellate court can have on a larger segment of our government demands our attention. Without a good understanding of the appellate courts, a good understanding of American politics is unattainable. To this end, we will spend a good deal of our time evaluating the role of the courts and the law within the American political system. To do this well, we must not only examine the structure of the judiciaries, but its processes and the actors within the system, who they are and how did they get there. We begin our term by examining the structure of the federal and state judiciaries, and their processes. Then, we tackle the main players in the system-judges. How are judges selected? Then, we will investigate the other players-lawyers, clerks and interest groups. With this groundwork complete, we can begin to discuss how judges make their decisions. What factors are most influential when judges and justices are deciding a case? How does the institution or rules of the court affect judicial decision-making? To answer these questions, we will need to understand a bit about the theories of judicial decision-making. We will end the term by evaluating how the decisions of appellate courts affect politics and policy. By the end of the term, students will be able to make their own assessment about the role of the courts within the United States, and the appropriateness of this role for our democratic republic.

Our efforts and discussions this term will be aided by reading several books (listed below). **THERE IS A HEAVY WORKLOAD FOR THIS COURSE.** Please examine the syllabus carefully to be sure that you are prepared to meet these requirements. The readings are designed to be complementary to lecture; do not expect that lectures or readings can substitute for one another. In other words, failure to attend class or to attend to the readings will make it difficult to do well in this course. All reading assignments, listed below, are required and should be completed at the beginning of each week. I expect all students to be prepared to engage in discussions and debates based on the reading material. If it becomes apparent that students are not keeping up with their assigned reading, I will conduct **unannounced quizzes** on the readings. **ALL reading assignments, regardless of whether they are discussed in class, are fair game for examination questions.**

Assessment in this course is computed from participation, examinations, and writing assignments. Class participation is expected in an upper level course and the instructor reserves the right to call on students during class if participation is not forthcoming voluntarily. There will be multiple opportunities for all students to participate throughout the term. Additionally, there will be two mid-terms. The mid-terms will likely consist of multiple choice, short answer, and/or essay questions. Dates are tentative. Any schedule changes will be announced at least one week before the original exam date. There is no final examination.

The first paper is a detailed analysis of one of George Bush's nominees or new appointees to the federal bench. This is a research paper requiring significant outside research. The final product will describe the nominee or judge as well as analyze why this person was selected. Your final is a paper based on the last section of the course. The details of this assignment will be distributed towards the end of the term; however, it is meant to bring together your knowledge of judicial politics. In other words, this paper does not require outside research; it is in lieu of a final examination. I expect papers to be well written; grammatical and spelling errors will severely hurt the overall grade. **Late papers will not be accepted.**

Make-up Assignments:

ALL students are expected to take exams at the scheduled times. Makeup will be allowed only under **EXCEPTIONAL** circumstances **and** with **PRIOR** consent of the instructor. Exceptional circumstances will require documentation of that circumstance. Makeup exams will be essay exams without the benefit of choice among questions.

Grading:

Participation:	10%
Exam one:	15%
Selection Paper:	25%
Exam two:	25%
Final Paper:	25%

Advisories:

I am required to advise students of certain policies:

1. Plagiarism: This concept causes many students confusion, so I will try and put it plainly. Academic work must be your own work. It is plagiarism to claim work (such as writing, exams, or presentations) done by anyone other than the author named. Plagiarism also includes cutting and pasting information from internet websites without attribution or paraphrasing someone else's ideas or writing without attribution. It is not sufficient to re-arrange or re-state someone else's writing or ideas. Plagiarism unacceptable. Any plagiarized writing or work turned in for this course will result in a **course grade** of "F."
2. Disrespectful behavior: In the university we are all students, seeking truth and understanding. Skin color, gender, age, or other characteristics over which individuals have no choice are irrelevant to that pursuit, as are religious preference or sexual

orientation. Students will be expected to treat all others with the same respect as they would want afforded themselves. Disrespectful behavior to others in the course is unacceptable and can result in a course grade of "F."

3. **Disabilities:** Students with documented disabilities should be registered with the Office of Services for Students with Disabilities (OSSD). Students with documented disabilities who may need accommodation should make an appointment with the professor as early as possible, but no later than the first week of the quarter. The same requirements apply to students who may need to have known emergency medical information. Alternative testing requests and arrangements should be made by the student at least one week in advance of the test.

Required Texts:

- Carp, Robert A. and Ronald Stidham. 1998. *Judicial Process in America*. Washington, D.C.: Congressional Quarterly. 4th Edition. (C&S)
- Slotnick, Elliot E. 2000. *Judicial Politics: Readings From Judicature*. Chicago, IL: American Judicature Society. 2nd Edition. (ES)
- Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Washington, D.C.: Congressional Quarterly. (E&K)
- Pacelle, Richard L. Jr. 2002. *The Role of the Supreme Court in American Politics: The Least Dangerous Branch?*. Boulder, CO: Westview Press. (RP)

Course Outline and Reading Assignments

TOPIC	DAYS	READING
Introduction: The Courts as Political Institutions	10/1 & 10/3	C&S Chapter 1; pp. 87-101 ES pp. 614-644
Structure of the Judiciary	10/8	C&S Chapter 3; pp. 22-35; 38-54; 57-59; 79-84 C&S pp.35-38; 53-54
Appellate Court Processes	10/10 & 10/15	ES pp. 293-303; 315-339; 398-404; 411-418
Judges	10/17	C&S pp. 214-228; 253-263; 269-271; 277-279
Judicial Selection	10/24 & 10/29	C&S pp. 229-257; 271-277 ES 44-84
Lawyers, Clerks & Interest Groups	10/31	C&S pp. 106-122; 124-131; 54-56 ES pp. 121-131
Exam	11/5 *No class 11/7*	<i>Up thru & including judges</i>
Lawyers, Clerks & Interest Groups	11/12	ES pp. 140-170
Judicial Decision-Making	11/14; 11/19; 11/21	C&S Chapter 11 ES pp. 363-386

Exam
Policy and Impact

11/26
12/3 & 12/5

E&K
Up thru & including decision-making
RP