

POLITICAL SCIENCE 434: SUPREME COURT DECISION MAKING

Department of Political Science • Stony Brook University

Fall 2008 • Tuesdays & Thursdays, 3:50 – 5:10 • Humanities 2047 & SBS N-748

Prof. Brandon Bartels

Office: SBS S-713

Email: brandon.bartels@stonybrook.edu

Office phone: 632-7452

Office hours: Tuesdays and Thursdays, 11:00-12:00, or by appointment

Note: I will post course materials and announcements on Blackboard.

Welcome to *Supreme Court Decision Making*. How do Supreme Court justices decide the cases that come before them? For most people, popular and historical accounts define how the Supreme Court functions and makes decisions. In this class, we will compare and contrast these perspectives to social science research on Supreme Court decision making. In particular, we will focus on theoretical and empirical debates in the political science literature. Our examination of these perspectives will be combined with hands-on data analysis of widely-used databases on Supreme Court decision making. You will learn how to use the statistical package SPSS, and some assignments will require you to do data analysis of Supreme Court decision making. Moreover, you will complete a final paper (about 10-12 pages). Details on the final paper are included below. No prior experience with SPSS is required for the class. However, having taken a statistical methods course (POL 201 or equivalent) will be of great benefit for doing the data analysis assignments and the final paper.

BOOKS

The following books are required for the course:

1. Baum, Lawrence. 2006. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton University Press. ISBN: 0691124930.
2. Epstein, Lee, and Jack Knight. 1998. *The Choices Justices Make*. CQ Press. ISBN: 1568022263.
3. Segal, Jeffrey A., and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press. ISBN: 0521789710.

These books can be purchased at the University Bookstore. As you know, you can also purchase these new or used at Amazon, Half.com, etc. These latter options will be cheaper than the bookstore, of course. Note that I have included the ISBN numbers. For the third book, *make sure you get the 2002 edition* (with “*Revisited*” at the end of the title). There is an earlier edition (1993) simply called *The Supreme Court and Attitudinal Model*.

ASSIGNMENTS AND GRADING

1. **Attendance and Class Participation** (40 points): I will take attendance every class session. The small size of this class gives us a great and unique opportunity to engage in class discussion of the readings. In-depth discussions of the readings among members of

the class can: (1) stimulate interest in the material, (2) help generate ideas for the final paper, and (3) assist in learning and comprehending the material, which will help you for the exams and the final paper. Ideally, I would like to treat class sessions as a seminar type of set up, where I set the agenda and then facilitate discussion of the readings. The seminar approach requires that ALL students come to class having read and thought about the material and prepared to participate in class. I realize that some students may be shy about participating in class; I know the feeling, as I used to be shy about class participation. But we will make it a policy in this class that there is no such thing as a “stupid comment” or “dumb question.” All contributions to discussion by class members will be respectfully considered by both me and the other members of the class. On the other end of the spectrum, some students are more participatory than others. Please be respectful of your classmates’ willingness to participate. In other words, don’t try to “dominate” class discussion. In sum, we will maintain an environment where people can take risks and freely contribute to discussion without embarrassment. In addition to making the class more intellectually stimulating, such an environment makes class more fun.

2. **Computer Assignments** (60 points; 20 points per assignment): Three computer assignments are required in which you will use SPSS.
3. **Midterm exams** (100 points; 50 points per exam): There will be two midterm exams. The first midterm will be on **Thursday, October 2**. The second midterm will be on **Thursday, November 6**.
4. **Final exam** (100 points): **Monday, Dec. 15** (Note: This is our last day of class). The final exam will be comprehensive.

IMPORTANT: If any conflicts arise regarding exams, you must discuss these with me *prior* to examinations whenever possible. If an emergency (such as a death in the family) does arise, please discuss it with me as soon as you can (i.e., within ONE day of the exam).

5. **Final paper** (100 points): Due **Thursday, Dec. 23** (our final exam day) at **12:00pm SHARP**

Grading scheme:

93-100%: A	90-92.9: A-	
87-89.9: B+	83-86.9: B	80-82.9: B-
77-79.9: C+	73-76.9: C	70-72.9: C-
67-69.9: D+	60-66.9: D	
<60: F		

ACADEMIC HONESTY

Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person’s work as your own is always wrong. Any suspected instance of academic dishonesty will be reported to the Academic Judiciary. For more

comprehensive information on academic integrity, including categories of academic dishonesty, please refer to the academic judiciary website at:
<http://www.stonybrook.edu/uaa/academicjudiciary/>

DISABILITY SUPPORT SERVICES

If you have a physical, psychological, medical, or learning disability that may impact your course work, please contact Disability Support Services at (631) 632-6748 or <http://studentaffairs.stonybrook.edu/dss/>. They will determine with you what accommodations are necessary and appropriate. All information and documentation is confidential.

Students who require assistance during emergency evacuation are encouraged to discuss their needs with their professors and Disability Support Services. For procedures and information go to the following website: <http://www.sunysb.edu/ehs/fire/disabilities.shtml>.

COURSE SCHEDULE (*Note:* The schedule is subject to change. Also, certain readings may be added or subtracted)

Week 1

Tues, 9/2: Course Introduction

Thurs, 9/4: *Introduction to Supreme Court Decision Making: Structure and Process*. **Read:** (1) Segal and Spaeth, Chapter 1; (2) Baum, Lawrence. 2007. *The Supreme Court*, CQ Press, Chapter 4.

Week 2

Tues, 9/9: *Popular Perspectives on Supreme Court Decision Making*. **Read:** Linda Greenhouse's end of the term writeups in the *New York Times*. (I will announce additional readings)

Thurs, 9/11: *"Inside" Accounts of Supreme Court Decision Making*. **Read:** (1) Schwartz, Bernard. 1996. *Decision*. Oxford (chapters TBA); (2) Woodward, Bob, and Scott Armstrong. 1979. *The Brethren*. Avon Books (chapters TBA); (3) Toobin, Jeffrey. *The Nine*. Doubleday (chapters TBA).

Week 3

Tues, 9/16: *Introduction to Supreme Court Decision Making, Social Science Style*. **Read:** (1) Segal and Spaeth, Chapters 2-3; (2) Epstein, Lee, and Thomas G. Walker. 2007. *Constitutional Law for a Changing America*. CQ Press. Chapter 1.

Thurs, 9/18: *Supreme Court History*. **Read:** (1) Segal and Spaeth, Chapter 4; and (2) Baum, Lawrence. 2007. *The Supreme Court*, CQ Press, Chapter 1.

Week 4

Tues, 9/23: *Nomination and Confirmation Processes*. **Read:** Segal and Spaeth, Chapter 5.

Thurs, 9/25: *The Supreme Court in the Pre-Merits Stage*. **Read:** Segal and Spaeth, Chapter 6

Week 5

Tues, 9/30: **NO CLASS** (Rosh Hashanah)

Thurs, 10/2: **Midterm Exam 1**

Week 6

Tues, 10/7: *The Legal Model, Part I*. **Read:** (1) Segal and Spaeth, Chapters 2 and 7;

Thurs, 10/9: **NO CLASS** (Yom Kippur)

Week 7

Tues, 10/14: *The Legal Model, Part II*: **Read:** (1) Kahn (1999, in *Supreme Court Decision-Making*, Eds. Clayton and Gillman); (2) Knight and Epstein (1996, *American Journal of Political Science*); (3) Segal (1984, *American Political Science Review*); (4) Richards and Kritzer (2002, *American Political Science Review*); (5) Tiller and Cross (2006, *Northwestern Law Review*).

Thurs, 10/16: *The Attitudinal Versus Legal Model*. **Read:** (1) Segal and Spaeth, pp. 86-92 and Chapter 8 (pp. 312-326); (2) Gillman (2001, *Law & Social Inquiry*); (3) Friedman (2006, *Perspectives on Politics*).

Week 8

Tues, 10/21: *The Strategic Model, Part I*. **Read:** Epstein and Knight, Chapters 1-3.

Thurs, 10/23: *The Strategic Model, Part II*. **Read:** (1) Epstein and Knight, Chapters 4-6; (2) Segal and Spaeth, Chapter 8 (pp. 326-356) and Chapter 9

Week 9

Tues, 10/28: *The Strategic Model, Part III*. **Read:** (1) Segal and Spaeth, and Chapter 9

Thurs, 10/30: *Multiple Motivations and the Audience Perspective, Part I*. **Read:** Baum, Chapters 1-3.

Week 10

Tues, 11/4: *Multiple Motivations and the Audience Perspective, Part II*. **Read:** Baum, Chapters 4-6.

Thurs, 11/6: **Midterm Exam 2**

Week 11

Tues, 11/11: Computer Session (SBS N-748)

Thurs, 11/13: Computer Session (SBS N-748)

Week 12

Tues, 11/18: Computer Session (SBS N-748)

Thurs, 11/20: Computer Session (SBS N-748)

Week 13

Tues, 11/25: Computer Session (SBS N-748)

Thurs, 11/27: **NO CLASS** (Thanksgiving)

Week 14

Tues, 12/2: Computer Session (SBS N-748)

Thurs, 12/4: Computer Session (SBS N-748)

Week 15

Tues, 12/9: Computer Session (SBS N-748)

Thurs, 12/11: Computer Session (SBS N-748)

Week 16

Mon, 12/15: **Final Exam**

Note: Monday, 12/15 is a correction day and follows a Thursday schedule

**** FINAL PAPER DUE: TUESDAY, DECEMBER 23 ****

FINAL PAPER

A significant component of the course is completion of a 10-12 page final paper based on your own original research and data analysis. While we will discuss the research papers in class, here are some tips for completing the paper.

Step 1: Choose a topic. Think of a research question that you are curious about with respect to Supreme Court decision making. Translate this question into a hypothesis or set of hypotheses that are feasible to test. Your hypothesis (or hypotheses) should be explicit about some relationship that you posit exist.

Step 2: Upon choosing a topic, you should investigate whether there are appropriate data to analyze. We will discuss data sources in class and I will provide you with multiple datasets.

Step 3: Using methodological tools developed in class, conduct the appropriate data analyses necessary to test your hypothesis or hypotheses.

Step 4: Write the paper. Here is a general outline that your paper should follow:

- An introduction that states your research question, what you plan to test, and why your topic is important
- A review of the literature that characterizes what others examining this question have found. You should go beyond the readings in class in conducting your literature review.

We will discuss methods of finding relevant research in class.

- A theoretical section that presents your general line of argument and hypotheses.
- A data and methods section that describes your data, where the data come from, a description of your variables, and a description of your statistical methods.
- A results and analysis section that describes what you have found, both statistically and substantively. That is, connect your empirical findings to your theoretical arguments.
- A discussion section that sums up your findings and reassesses your theory and hypotheses in light of your results.
- A conclusion.

The paper should be typed and double spaced. Use 1-inch margins on the top, bottom, and sides, and use Times New Roman 12-point font. Make sure to include proper citations and a bibliography (we will talk about this more in class). *Only under very rare circumstances will I accept late papers.* Significant point deductions will accompany late papers.