The Supreme Court “may truly be said to have neither FORCE nor WILL, but merely judgment.” – Alexander Hamilton, Federalist 78

**Introduction to the Course:** This course is centrally aimed at introducing students to the judicial branch of the United States, which despite Hamilton’s famous declaration in *Federalist 78*, has proven in some cases to be a potent force in American policymaking over time. This is not a course on constitutional law, though we will discuss constitutional law as it applies to particular cases and aspects of judicial decisionmaking. Rather, we will study courts (the Supreme Court as well as appellate courts, though we will focus heavily on the Supreme Court) as political institutions and judges as political actors that interact with other key political institutions in American politics (*e.g.*, Congress, administrative agencies, the president, interest groups).

We will also dedicate a substantial aspect of the course examining the ways in which courts are covered in the media and the ways in which judges and justices might be impacted by those in the media and by public opinion more broadly. How do the media cover Supreme Court cases? How does that impact the subsequent discussion of politics and policy, and how we come to view courts and the judges who sit on them? And given what have learned about judicial independence, but also certain constraints that judges nevertheless face, under what conditions might courts be more or less responsive to these other political institutions’s and the media’s engagement with its decisionmaking? By the end of the semester, students will have a firm grasp on the American judicial system’s role in the broader American politics landscape, and what we can make of the inherently interactive nature of media coverage of politics and policymaking.

**Books:**

We will read most or all of the following four books:

There will also be a number of selections from the following text on courts, which is a valuable resource but is quite expensive. While I recommend purchasing it (or renting through Amazon), I will make an effort to scan and upload those readings:


All other readings will be made available on Canvas. Students will be expected to come to class having read the material and being prepared to engage in the political and legal arguments that they present. There are many readings in the course, and I will notify you in advance which ones are skim-worthy. Only select slides will be posted online – most will not.

**COURSE REQUIREMENTS:**

Two short papers (4-5 pages): 10% each.

Long paper (12-15 pages, due the last class): 35%

- Pick a judicial decision of your choosing (any period, though public coverage will be more extensive over the course of recent years) and discuss its nexus and media/public response in light of the theories that we discuss in the course.

Final exam: 35%

- The first portion of the exam will consist of a set of IDs and multiple choice.

- One week in advance, I will distribute a list of 7 essay questions that are cumulative from across the course material. 5 of these 7 questions will appear on the exam, and students will write short essays on 4 of them. Students are encouraged to prepare outlines in advance (and in groups, if you wish), but may not bring notes to the exam itself. I will provide a review session before the exam, and you may discuss questions with me during office hours as well.

Attendance and participation: 10%

Papers shall be submitted as hard copies during (or before) class. Papers should be double-spaced in 12 point font with one-inch margins.
**Final Course Grading:** The final grade for the course will be assigned based on the following scale:

- A: 93+%   A-: 90-92%
- B+: 87-89%
- B: 83-86%  B-: 80-82%
- C+: 77-79%
- C: 73-76%  C-: 70-72%
- D+: 67-69%
- D: 63-66%  D-: 60-62%
- F: > 60%

**Policy Regarding Late Assignments:** It is imperative that students turn in work at the specified deadlines. Failure to do so will result in a third letter grade reduction per day late unless you have requested and received an extension in advance. Work will not be accepted at all more than one week late unless said extension was granted in advance. All students must sit for the final exam at the assigned day and time, with the only exception of university-approved absences.

All members of the academic community should able to engage fully in the academic opportunities and services provided, regardless of disability status, and to that end accommodations to this course can be made if necessary. Please feel free to discuss with me any concerns you may have.

**Statement on Academic Integrity:** It is expected that all students will work in accordance with the student honor code. Thus, plagiarism, cheating, and receiving unauthorized assistance with the work in this course will not be tolerated. Should a student violate academic integrity in this class, the matter will be reported to the university administration. If you have questions about citations of sources, ask prior to submitting the given assignment. You may also refer to the Yale Writing Center: [http://ctl.yale.edu/writing/using-sources](http://ctl.yale.edu/writing/using-sources)

**Course Outline:** *(Subject to change)*

**Week 1: Introduction to the Study of Courts**

*Federalist Papers 78.*


**Week 2: The American Judicial System**

*Courts, Judges, and Politics,* Ch. 3, 4, 6, 8.

Bickel, Alexander. *The Least Dangerous Branch,* Ch. 1. Establishment and Justification of Judicial Review.

**Week 3: Judicial Power and Judicial Preferences**

The Choices Justices Make, Ch. 2.


Week 4: Legal Rules, Politics, and Precedent on the Supreme Court

Courts, Judges, and Politics, Ch. 11, 12.


Week 5: Precedent on the Supreme Court, and Introduction to Strategic Judicial Decisionmaking

Courts, Judges, and Politics, Ch. 10.


Week 6: Strategic Decisionmaking, Case Selection, and Bargaining on the Court

The Choices Justices Make, Ch. 3.
Week 7: Courts in the Inter-Branch Setting


The Choices Justices Make, Ch. 4-5.

Week 8: Courts, Public Opinion, and Responsiveness to Public Preferences


Caldeira, Gregory A. 1986. “Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court.” American Political Science Review 80(December): 1209-1226.

The Limits of Legitimacy, Ch. 1-2.


**Week 9: Contemporary American Media**


**Week 10: Polarization in the Media, and the Judiciary**


Binder, Sarah and Forrest Maltzmann. “The Struggle to Shape the Federal Judiciary.”


The Media, the Court, and the Misrepresentation, Ch. 1.


The Limits of Legitimacy, Ch. 3, 5, 6.

**Week 11: The Media and Judicial Confirmation**

The Media, the Court, and the Misrepresentation, Ch. 2.


Alper, Joanne F. “Selecting the Judiciary: Who Should Be the Judge?” In Bench Press.


**Week 12: The Media and Landmark Cases**

*The Limits of Legitimacy*, Ch. 8-9.

*The Media, the Court, and the Misrepresentation*, Ch. 3-4.

Lithwick, Dalia. “The Internet and the Judiciary: We Are All Experts Now.” In Bench Press.


**Week 13: Judicial Responsiveness to Opinion and Media**


*The Media, the Court, and the Misrepresentation*, Ch. 5.
