

POS4931: THE SUPREME COURT (POLITICS, CASES, AND CONTROVERSIES)

Spring 2025

Instructor:	J.S. Truscott	Email:	jaketruscott@ufl.edu
Class Time:	9:35-10:25am	Class Location:	Matherly 0016
Office:	Anderson 317	Office Hours:	Wed 1:00-3:00

Course Description

The American federal judiciary is, purposefully or otherwise, frequently involved in the conflicts that shape contemporary politics. What was once seen as an inauspicious and undesirable government appointment has since become a cornerstone of public debate and scrutiny. How did the Supreme Court – and, by virtue, the judiciary as a whole – become such an object of competing ire and praise? Are the current conditions unique to our political history? This course examines the circumstances by which the Supreme Court of the United States and its Justices are involved in politics – either as subject, participant, or arena for dispute and adjudication.

Students should exit this course familiar with, among other things:

- Origins and Institutionalization of the American Federal Judiciary
- Contemporary Structure of American Legal Institutions
- Core Theories of Judicial Behavior and Decision-Making
- Major Historical Events in Shaping the Supreme Court

In addition, students will develop critical research skills, including proficiency with academic writing and familiarity with skills necessary to engage with empirical social science and legal analysis.

Content Disclosure

The content of this course will lean heavily into a combination of empirical social science, Supreme Court caselaw, American history and political development, and broader (critical) analyses of the Court and its decision-making. This course is reading and writing intensive – there will be no traditional exam structure (e.g., an examination combining multiple choice, fill-in-the-blank, etc.). Rather, you will be examined through a combination of written exams, critical analyses, and an oral presentation to demonstrate course comprehension. Some weeks will have a considerable volume of reading, though I will do my best to indicate which class periods will incorporate focus on particular content as a means to help you allocate time and accomplish the readings. My goal is to facilitate a substantive and critical discussion that separates subjective feelings of the Court and its Justices from pragmatic assessments – the readings will provide guidance to understand and contribute to such discussions.

Textbooks

- Greenhouse, L. (2023). *The US Supreme Court: A Very Short Introduction* (6th Edition). Oxford University Press (**LGSCOTUS**)

Other readings listed below will be made available via Canvas.

Grading Policy

Midterm Exam	25 %
Original Research Paper	25 %
Original Research Presentation	25 %
Critical Response Essays (2)	15 %
Participation	10%

Grading Scale for Final Semester Grades

100-94 A	79-77 C+	63-60 D-
93-90 A-	76-74 C	59-0 F
89-87 B+	73-70 C-	
86-64 B	69-67 D+	
83-80 B-	66-64 D	

Evaluation

Examination: The primary exam (Midterm) will both require the submission of an essay with prompts corresponding to the content and discussions from our classroom periods to that point. More information will be provided prior to the examination dates.

Critical Response Essays: Throughout the term, you will be required to submit two critical response essays related to the content from any of the weeks' materials (Not including Weeks 6 or 10). Each submission should provide a critical overview of the topic, our readings, discussion from our class periods, among other things, in order to articulate a critical analysis. The respective due dates for each week's material will be Sunday at 11:59pm. More information will be provided during the first week of the semester.

Note: Your final grade on this item will be reflective of whichever of the two receives the top mark.

Original Research Paper: A 12-15 page original research paper will be due on **Sunday, April 27**. Topics may encompass any topic concerning a single political conflict or series of related conflicts involving the United States Supreme Court, subject to approval of the Instructor.

You will be required to complete a topic selection assignment (Due **Sunday, February 1**), which will include a brief description of the topic along with at least five references or citations you anticipate using in this work.

Further, a comprehensive draft of the submission will be due on **Sunday, March 29**. My anticipation is that upon completion of these drafts and subsequent revisions, the necessary workload to submit a final draft on **Wednesday, April 27** will require little exhaustive effort.

Finally, you will be required to present your project **in class** during Weeks 14-15. Additional instructions re: presentation format and sign-ups will be provided during the semester.

Participation: Your participation will be gauged primarily by your attendance and participation in the weekly lecture periods. ***This definitely considers whether you have done the reading(s).*** During Weeks 7-14, (5) students will be assigned to serve as discussion leaders for that week (*more instructions to follow*).

My Advice: Make sure I know your name by the end of the semester. Especially when it comes down to those moments where you are teetering between thresholds for different grades, it really helps if I know who you are because you are an active participant in the course.

Communication with Instructor

If you need to contact me for any reason, I do ask that you aim to primarily use your UF email address rather than Canvas. I am generally very good about responding to emails quickly, but please understand that I likely will not respond until the next day if the message is sent late in the night.

Email: jaketruscott@ufl.edu

Attendance Policy

I will not be taking attendance every day, but I will at random periods throughout the semester. That being said, I am fully aware that people have other things going on in their lives. If you happen to be absent on a day that I take attendance, please recognize that I allow (2) free absences without justification – i.e., you do not need to tell me why you are missing class. If you would like to receive an excused absence – e.g., things related to personal or family emergencies, please be sure to email me and we will handle those situations on a case-by-case basis. Excused absences will **not** count towards your (2) free absences.

Academic Honesty (General & AI)

I recognize the importance and benefits of using generative artificial intelligence (AI) tools and large language models (LLMs) like ChatGPT, which is why my position is to embrace and integrate them into certain course activities with full transparency about their use. However, using any AI tools during an exam or quiz is never permitted. It is also important to note that algorithmic structures of generative AI tools – particularly ChatGPT – are built to return responses to queries. **However**, this does not mean that they are always correct. Be sure to pay special consideration to the information returned from queries – there are several recent examples of individuals finding themselves in bad situations after assuming these tools are infallible.

You are responsible for knowing and complying with the policy and procedures relating to academic honesty. To understand what constitutes dishonest work, as defined by the University, please carefully review the policy here: <https://teach.ufl.edu/resource-library/academic-integrity-at-uf/>

Syllabus Policy

I reserve the right to make changes to the syllabus, if necessary. I will give you fair notice (at least a week) if something, such as a reading assignment, is to change.

Disability Resource Center

If you anticipate needing accommodations due to the impact of a disability or medical condition, you must register for services with the Disability Resource Center. Additional information can be found here: <https://disability.ufl.edu/>

Withdrawal Policy

Undergraduate students can only withdraw from four courses and receive a withdrawal-passing (WP) grade while enrolled at the University. Students can drop any class without penalty during the drop/add period at the beginning of every semester. Dropped courses during the drop/add period do not qualify as withdrawals. Instructors have the ability to withdraw a student from the class due to excessive absences (see course attendance policy). Please review the policy here: <https://catalog.ufl.edu/UGRD/academic-regulations/dropping-courses-withdrawals/>

Key Dates

- Sun 2/1: Original Research Topic Selection
- Fri 3/7: Midterm Exam Due
- Sunday 3/29: Original Research DRAFT
- Friday 4/4: No Class
- 4/11-4/23: Original Research Presentations
- Sunday 4/27: Original Research FINAL

Course Schedule

Note on Course Structure

The course content will be structured in two parts: (1) Baseline and Introductory material, and (2) Case Issues and Controversies. The purpose of this split is to provide you with introductory information – principally rooted in a combination of empirical social science and critical (legal) analyses from prognosticators and other observers – to contextualize the behaviors of the Court and its Justices. Much of this material will be semi-Socratic (i.e., a combination of lecture and open discussion). We will subsequently translate to a critical analysis of contemporary issues, which will generally focus on a combination of caselaw, American political development (history), and other critical observations. This latter section will be entirely Socratic.

Week 1 (1/13-1/18)

Subject: Overview of Supreme Court & Federal System (Basics, Origins, and Structures)

Readings:

- Syllabus
- Declaration of Independence
- Federalist 78
- **LGSCOTUS** Ch. 1-5 & Appendix I (Article III)

Week 2 (1/22-1/24)

Subject: Institutionalization, Norms, and Mystique

Readings:

- McGuire, K. T. (2004). The institutionalization of the US Supreme Court. *Political Analysis*, 12(2), 128-142.
- Baum, L. (2023). *The Supreme Court*. CQ Press. (**Chapter 1**)
- Rehnquist, W. H. (1986). The changing role of the Supreme Court. *Fla. St. UL Rev.*, 14, 1.
- Hartnett, E. A. (2000). Questioning Certiorari: Some Reflections Seventy-Five Years After the Judges' Bill. *Colum. L. Rev.*, 100, 1643.

*No Class Monday 1/22***Week 3** (1/27-1/31)

Subject: Nominating Justices

Readings:

- Collins, P. M., & Ringhand, L. A. (2016). The institutionalization of Supreme court confirmation hearings. *Law & Social Inquiry*, 41(1), 126-151.
- Comiskey, M. (2004). Seeking justices: the judging of Supreme Court nominees. University Press of Kansas. (**Pages 20-84**)
- Cameron, C. M., & Kastellec, J. P. (2023). *Making the Supreme Court: The Politics of Appointments, 1930-2020*. Oxford University Press. (**Chapter 1**)
- Moraski, B. J., & Shipan, C. R. (1999). The politics of Supreme Court nominations: A theory of institutional constraints and choices. *American Journal of Political Science*, 1069-1095.
- Whittington, K. E. (2006). Presidents, Senates, and Failed Supreme Court Nominations. *The Supreme Court Review*, 2006(1), 401-438.
- Epstein, L., Lindstädt, R., Segal, J. A., & Westerland, C. (2006). The changing dynamics of Senate voting on Supreme Court nominees. *The Journal of Politics*, 68(2), 296-307.

Week 4 (2/3-2/7)

Subject: Battles with the Other Branches

Readings:

- **LGSCOTUS** Ch. 6
- Cushman, B. (2019). The Judicial Reforms of 1937. *Wm. & Mary L. Rev.*, 61, 995.
- Carson, J. L., & Kleinerman, B. A. (2002). A switch in time saves nine: Institutions, strategic actors, and FDR's court-packing plan. *Public Choice*, 113(3), 301-324.
- Campbell, C. C., & Stack, J. F. (Eds.). (2001). *Congress Confronts the Court: The Struggle for Legitimacy and Authority in Lawmaking*. Rowman & Littlefield. (**Chapter 1**)
- Fisher, L. (2001). Congressional Checks on the Judiciary. In *Congress Confronts the Court: The Struggle for Legitimacy and Authority in Lawmaking*. Rowan and Littlefield (**Chapter 2**)

Week 5 (2/10-2/14)

Subject: Understanding the Justices' Decision-Making

Readings:

- Bonica, A., & Sen, M. (2021). Estimating judicial ideology. *Journal of Economic Perspectives*, 35(1), 97-118.
- George, T. E., & Epstein, L. (1992). On the nature of Supreme Court decision making. *American Political Science Review*, 86(2), 323-337.
- Segal, J. A., & Cover, A. D. (1989). Ideological values and the votes of US Supreme Court justices. *American Political Science Review*, 83(2), 557-565.

Week 6 (2/17-2/21)

Subject: Transition Period & Judicial Review

Readings:

- Kerr, O. S. (2007). How to read a legal opinion: a guide for new law students.
- Levi, E. H. (1948). [An Introduction to Legal Reasoning](#). *The University of Chicago Law Review*, 15(3), 501-574. <https://doi.org/10.2307/1597535> (**ALL**)
- **LGSCOTUS** Ch. 2, 5, and Appendix I (Article III)

Cases:

- *Marbury v. Madison*
- *Stuart v. Laird*
- *Martin v. Hunter's Lessee*
- *Harper v. Virginia Board of Elections*
- *Hylton v. United States*

Week 7 (2/24-2/28)

Subject: Federal Powers

Readings:

- Manning, J. F. (2014). The means of constitutional power. *Harv. L. Rev.*, 128, 1.

Cases:

- *McCulloch v. Maryland*
- *Korematsu v. US*
- *Ex Parte Milligan*
- *Gibbons v. Ogden*
- *Hammer v. Dagenhart*

Week 8 (3/3-3/7)

Subject: Substantive Due Process

Readings:

- Chemerinsky, E. (1998). Substantive due process. *Touro L. Rev.*, 15, 1501.

Cases:

- *Loving v. Virginia*

- Griswold v. Connecticut
- Roe v. Wade
- Planned Parenthood of Southeastern Pennsylvania v. Casey
- Dobbs v. Jackson Women's Health Clinic
- Lawrence v. Texas
- Obergefell v. Hodges
- Washington v. Glucksburg

Week 9 (3/10-3/14)

Subject: Voting Rights & Elections

Readings:

- Amar, A. R. (2009). Bush, Gore, Florida, and the Constitution. FLA. l. reV., 61, 945.

Cases:

- Baker v. Carr
- Reynold v. Sims
- South Carolina v. Katzanbach
- Buckley v. Valeo
- Bush v. Gore
- Citizens United vs. FEC
- Shelby County v. Holder
- Rucho v. Common Cause
- Chiafalo v. Washington
- Moore v. Harper

Week 10 (3/17-3/21)**No Class – Spring Break****Week 11 (3/24-3/28)**

Subject: Judicial Ethics & Term Limits

Readings:

- Chilton, A., Epps, D., Rozema, K., & Sen, M. (2021). Designing Supreme Court Term Limits. S. Cal. L. Rev., 95, 1.
- Levendusky, M., Patterson Jr, S., Margolis, M., Pasek, J., Winneg, K., & Jamieson, K. H. (2024). Has the Supreme Court become just another political branch? Public perceptions of court approval and legitimacy in a post-Dobbs world. Science Advances, 10(10), eadk9590.
- Liebmann, T. (2024). Introduction: Accountability and the Future of the Supreme Court. Hofstra Law Review, 52(3).

- [Code of Conduct for United States Judges \(United States Courts\)](#)
- [Supreme Court Code of Conduct \(2023\)](#)

Week 12 (3/31-4/4)

Subject: New Age of Supreme Court Media

Readings:

- Caldeira, G. A., & McGuire, K. T. (2005). What Americans know about the courts and why it matters. *Institutions of American democracy: The judiciary*, 262-279.
- Spill, R. L., & Oxley, Z. M. (2003). Philosopher kings or political actors-how the media portray the Supreme Court. *Judicature*, 87, 22.
- Truscott, J. S. (2024). A Social Media Platform Model of Supreme Court News. *Political Research Quarterly*, 10659129241248586.
- Strother, L. (2017). How expected political and legal impact drive media coverage of Supreme Court cases. *Political Communication*, 34(4), 571-589.
- Hitt, M. P., & Searles, K. (2018). Media coverage and public approval of the US Supreme Court. *Political Communication*, 35(4), 566-586.

*No Class 4/4***Week 13** (4/7-4/11)

Subject: The Future of the Supreme Court & Research Presentations (4/11)

Readings:

- **LGSCOTUS** Ch. 7-8
- Glick, D. (2023). Is the Supreme Court's Legitimacy Vulnerable to Intense Appointment Politics? Democrats' Changed Views Around Justice Ginsburg's Death. *Journal of Law and Courts*, 11(1), 104-115.
- Vladeck, S. I. (2019). The solicitor general and the shadow docket. *Harv. L. Rev.*, 133, 123.
- [Kannon Shanmugam: The Legitimacy of the Supreme Court \(Duke Law School, 2024\)](#)

Week 14 (4/14-4/18)**Research Presentations****Week 15** (4/21-4/23)**Research Presentations** (Cont.)

Research Papers Due 4/27

Week 16 (5/2)**Research Presentations** (Cont., *If Necessary*)