

## The Supreme Court PSCI 440 Spring 2019

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office Hours:  
MWF 1:00 – 3:00  
or by appointment

This course will explore a variety of topics relating to the role and the work of the United States Supreme Court in the American political system. It will involve a variety of reading, largely secondary materials that focus on the Court its decisional processes, and individual and the inter-personal dynamics of the justices that result in Court decisions. This will also involve the analysis of quantitative data reflecting the recent work of the Court.

The objectives of this course are for students to:

- understand the evolution of the Supreme Court as an institution.
- grasp the structure and the operation of the Court and its place in our judicial system.
- understand the processes and inter-personal dynamics that operate in this small group.
- analyze the operation of the Court in the context of the political system.
- analyze a set of quantitative data relating to Supreme Court's operation.

There are three required items for this course. Two of these are traditional books. The third is a subscription to software. Two (the “books”) have been ordered and should be available at the University Bookstore. Students may obtain these from another source if they so choose. It is, however, very important to begin the semester with these in hand, rather than waiting a week or more for the books to arrive. Acquire these right away. These are both paperback books.

1. L. Baum, *The Supreme Court* 13th ed. (Sage/CQ Press, 2019)
2. D. O'Brien, *The Storm Center: The Supreme Court in American Politics*. 11th ed. (W.W.Norton, 2017).
3. In addition to the textbook materials, students are **to purchase a 6-month license to “Stata/IC.”** That will greatly facilitate their completion of the Research Project this semester. STATA is a statistical software package that runs on either PCs or MACs. There are a wide variety of routines in this software, and we will not use many of them. However, using STATA will greatly facilitate the analysis of the data for the Project. Several class sessions will be devoted to getting you familiar (“comfortable”) with STATA so that you can do the kind of examination and analysis that will complete the Research Project.

Use the following URL to acquire STATA. The price for the six-month license is \$45. Look for a “STATA/IC” link on this URL.

<https://www.stata.com/order/new/edu/gradplans/student-pricing>

Next, click on the 'Buy' button located next to the six-month expiring Stata/IC 15 license.

Add this item to the cart and check out. During the 'End-user' portion of the checkout, you can upload a document file proving you are an enrolled student. That is required when ordering to confirm their eligibility for the student discount.

Download instructions and license information are sent after orders have been processed, typically within one day of order receipt.

Students should acquire this software before the first full week of class i.e., by January 14. Several class sessions will involve using some of the existing data and STATA during the second and third weeks of the semester. The purpose of these sessions is to acquaint students with the basics of running STATA and uncovering patterns in the data.

**Nota Bene.** The purchase of the software is not required but it is strongly encouraged. The University maintains computer labs, currently located either in FA 210. This lab has an older version of STATA (v 13.0) loaded on the machines. It is satisfactory to use the lab for the Research Project for this course. However, the lab is primarily used for class instruction. That means there will be a good portion of most week days when you will not be able to use the lab computers. That lab is also not open in the evenings or on weekends. Having the software on your computer will greatly facilitate your work on the Research Project.

Do not expect to complete the quantitative analysis for this Project using any software package except STATA.

There are two websites that are strongly recommended to students in connection with this course. The first is the Supreme Court's own website. The URL below will get to the front page. Look at it carefully, and then consult ALL the links that are provided there. You will find a wealth of information and documents that are important for you to be familiar with for this course.

*<https://www.supremecourt.gov/>*

The second is a privately published blog that contains a great deal of useful, non-partisan, and very reliable information about what the Court is doing or might do. It is managed and maintained by full-time professionals, and is relied on by a great many academics as well as practitioners and general observers as well as media folks.

*[www.scotusblog.com/](http://www.scotusblog.com/)*

Another useful database website is maintained by the Law School at Cornell University. It contains access to court opinions and statutory provisions. It is not connected directly or solely with the Supreme Court. The link below is focused on the Supreme Court.

*<https://www.law.cornell.edu/supremecourt/text/home>*

To explore Supreme Court decisions (opinions), other than that provided on the Supreme Courts website, consult Lexis-Nexis which is a database available to everyone at UMT. A better source is WestLaw. That is only available at several public terminals at the UMT Blewett Law School Library. (It is well-worth exploring WestLaw.)

Some additional reading will be assigned in this course. These will be posted on the Course MOODLE website on occasion. That means students will need to consult that site regularly and frequently. Some of the assigned reading is ON RESERVE at the Mansfield Library. Other assignments can be obtained as PDF documents from JSTOs or HeingOnline. Both these data bases are available to registered UMT students.

(The **first reading assignments** are posted below because they need to be read during the first week of the semester, i.e., by **18 January 2019**.) Subsequent reading assignments will be posted on the Moodle website for this course.

- The Course syllabus and related materials posted on Moodle.
- The Outline of the Research Project. Posted on the Moodle course website.
- The Codebooks for **T1** and **T2**. Posted on the Moodle course website in the Research Project link. (**T1** and **T2** are two sets of data that will be available and used for the research project in this course. The codebooks are vital since these indicate what variables are contained in each set of data, and that is essential for understanding and thinking about the analysis of data for the Project. These codebooks need to be “read” early and often and consulted throughout the Research Project.)
- Read Chapter 1 of **Epstein & Martin** – ON RESERVE at the Mansfield Library.

Students are expected to bring a laptop or other “computing device” to class on a regular basis. That is because various features of the material for this course will be available on-line.

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**Grades** for this course will be based on several different assessments.

- I. **Class Participation** will be a component of the grade for this course. That will require students to have read (mastered) the relevant (assigned) material. These assignments will be made either daily or weekly depending on the topic under discussion. For this purpose, it would be wise for students to refresh their memories about recent reading assignments before each class. Students will be called on directly and individually (and randomly) for purposes of these discussions. These occasions will occur frequently throughout the semester.
- II. Research and writing the Research Paper are major components of this course and the course grade. A separate document is available that outlines the project. This portion of the grade will require sustained research and analysis throughout the bulk of the

semester. There will be specific due dates for some elements of this **Research Project**. Several class sessions will be devoted to describing and demonstrating several features and phases of this Project and how to use the appropriate software. **It is appropriate for students who need the Writing Credit in Political Science (PSCI 400) to add the one credit to this course for that purpose. Individual discussions and work with those students will intensify the learning (writing) experience relating to this grade component.**

N.B. The largest component of the grade for this course is the Research Project. This will be cumulative throughout the course. It will “build” throughout the semester, starting at the outset of the term (i.e., the first week). It will require a sustained effort on the part of individual students. Students are strongly encouraged to talk with one another and with the instructor from the outset of the course about this project and its completion. That will ensure that this part of the course will be completed satisfactorily.

**III.** There will be an in-class **Final Examination** held at the regular time and place set by the University. This will involve short-answer questions that relate to the material covered in the course. This examination will be administered once, at the scheduled time and place during Finals Week. Do not plan to leave for the summer before that date and time of the Final Examination because no alternate final will be given in this course.

Nota Bene: The Final Examination in this course is scheduled for Wednesday, May 1, 2019 at 10:10-12:10. **This may change**, but at this time that is the scheduled date and time for the Final examination. No alternate examination will be given in this course.

<b>Grade Component</b>	<b>Weight</b>
Class Participation	25%
Research Project	45%
Final Examination	30%
Total	100%

### **Learning in this Course**

Learning is, of course, a cumulative process. The initial course materials (the introductory lectures, and the first chapter of Epstein & Martin) are important and the subsequent material builds on (accumulates from) the earlier material. That means students need to be engaged in this material from the outset. “Reading” course materials for the course requires more than looking at the words or skimming material. To “read” assignments in this course require that students **UNDERSTAND** what they have read. It is useful to begin a reading assignment with a question that you expect the assignment to answer. Sometimes that happens, and other times the question is left only slightly addressed by the reading. Formulating a question at the outset of a reading assignment is important. The question may be general or narrow, simple or complex, and depend on the title of the chapter. In other instances, the subheadings of a chapter may provide clues to

what the chapter covers and what questions might be dealt with in the chapter. Read the looking for answers to questions. The following are sample questions that you might explore in Chapter 1 of **Epstein & Martin**:

- What is empirical research? What does it involve?
- What is the purpose or objective of this kind of research?
- Can empirical research be conducted without numbers or quantitative data?
- What are the steps or phases of empirical research?

The textbook, lectures, and supplemental materials should provide students with a good deal of information that lead to understanding. Some of that will be technical and “foreign” for most students. That will require some additional effort and attention.

The other feature of “reading” is **REMEMBERING** what was covered in the assignment. The class discussions of the assigned materials will require students to be able to “use” the knowledge they have gained from the assigned reading. It is also very useful to come to class with a question or two that relates to the assignment and that you will ask or seek clarification about during the class. Written notes about the assigned readings are strongly recommended.

It would be wise for students to devote some time each day to reading, and thinking about the material in this course. Some days that may require little effort, just a little “thinking” and remembering. Other days, may take a good deal of time. Postponing or delaying the completion of assignments will be detrimental for learning the material and mastering the course.

It should be evident that learning the material in this course will require **active, daily** participation by every student. One can learn a good deal by sitting quietly and listening, or just reading material. However, being able to **USE** the information and material that one gains through various sources is **crucial to learning** the material. Using knowledge requires students to read, understand, and remember and then explain what they have covered. Coming to class prepared to discuss that material and clarify their understanding is crucial. Paying attention in class to discussion even if one is not the focus of the discussion is important.

Asking questions in class or during office hours is very important. If reading assignments are not clear or are incomplete, some class discussion of these materials is crucial to your understanding.

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The following items are important for you to know about and to understand. These are statements provided by the University or the instructor. They relate to matters of general concern and that affect you as a student generally or in this class during the term.

All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and the University. Students need to be aware of and follow the Student Conduct Code for the University of Montana.

See [http://www.umt.edu/vpsa/policies/student\\_conduct.php](http://www.umt.edu/vpsa/policies/student_conduct.php).

In this course, the penalty for any student engaging in academic dishonesty, particularly plagiarism or cheating on an examination, will be a failing grade for the entire course. If you have any questions about this contact the instructor right away.

Students with disabilities may request reasonable modifications by contacting the instructor. The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and Disability Services for Students (DSS). "Reasonable" means the University permits no fundamental alterations of academic standards or retroactive modifications. Contact Disability Services for further information and assistance. The DSS website is ([life.umt.edu/dss/Faculty/default.php](http://life.umt.edu/dss/Faculty/default.php)) or call 406.243.2243. You should inform the instructor at the outset of the semester of any needs for accommodation.

A time of bereavement is very difficult for anyone, students included. Students will be excused for funeral leave and other engagements relating to illness. Students will need to supply documentation for this purpose. The instructor make whatever accommodation can be made for these needs. Lengthy absences for this purpose should include a "conversation" with appropriate officials in the Dean of Student's Office as well as notifying the instructor.

In the event of a major campus emergency of any sort, course requirements, deadlines, and grading percentages are subject to changes that may be necessitated by a revised semester calendar or other circumstances beyond the instructor's control.

In the classroom and at the University, it is essential to maintain a community which recognizes and values the inherent worth and dignity of every person. That includes fostering tolerance, sensitivity, understanding, and mutual respect among the community's members; and encouraging individuals to strive to reach their potential. To achieve academic excellence, the instructor will do everything possible to insure everyone respects and values diverse perspectives and backgrounds to promote the exchange of ideas, and to enrich campus life.

This course is not about anyone's personal political beliefs or values. We all have those values and beliefs, and we act on the basis of those. Students are asked to "leave those at the door of the classroom." Any questions posed in class should be answered without regard to one's own beliefs or values. The class questions should generate responses that are objective and based on understanding the material. These responses are divorced from political or partisan arguments, complaints, or achievements.

You are strongly encouraged to read and understand the Statement of Free Expression developed at the University of Chicago. The instructor of this course strongly believes in this statement, even though it may never come into play in this course. The link can be found at:

<https://freeexpression.uchicago.edu/sites/freeexpression.uchicago.edu/files/FOECommitteeReport.pdf>

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**You are encouraged to discuss course work and the subjects covered in class with the instructor outside of class. If you have difficulty understanding the readings or if you would like to talk about course material, please talk with the instructor during scheduled office hours or by appointment. If you have questions about your grade, please contact the instructor right away. DO NOT WAIT UNTIL THE END OF THE SEMESTER TO DISCUSS THE COURSE MATERIALS OR YOUR GRADE. THESE DIFFICULTIES MAY BE EASILY RESOLVED WHEN THEY ARISE. LATER IN THE TERM, RESOLUTION OF A PROBLEM MAY NOT BE EASY OR POSSIBLE! Difficulties can be avoided by raising issues or problems when they arise, rather than waiting.**

Students should note that progress or improvement in the course throughout the semester is an important indicator of how much the student has learned and how well the student has learned the course material. Students should recognize that poor performance early in the semester may be “normal” but that is not a “good” sign. Remedying early deficiencies require careful work. This course has a “learning curve.” Students will learn a good deal during the semester. Learning this material is a cumulative process and immediate or complete understanding is not expected. If students do not think they are “learning” during the semester, they should talk with the instructor about this concern. If students feel frustrated during the semester, it is quite all right to talk about these concerns with the instructor. Students are encouraged to do that. Students should also expect to engage in informal discussions **with other class members** throughout the semester about the course material. Informal study groups are useful and students should engage in that activity. Learning requires a substantial commitment on the part of each student, and students must be prepared to invest time and effort in this process.

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