

The United States Supreme Court  
V53.0333  
TR 11-12:15  
Kimmel 803

Professor Anna Harvey  
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Office Hours: Thursday, 2:30-4:30

This course provides an introduction to current research on Supreme Court decision making. Specifically, the primary focus of the course is on why the Justices decide cases in the way that they do. However, we will also look at the Justices' decisions on writs of certiorari, and at the process by which the Justices are nominated and confirmed to the Court.

To understand the Justices' decision making, we will look both at the secondary literature on the Court and at different kinds of primary evidence, for example: Supreme Court opinions, the Justices' estimated preferences, the ideological direction of the Court's judgments, the character of the laws that come before the Court, and the preferences of members of Congress and the President. A primary goal of the course is to frequently engage you with these primary materials to try to make sense of the Court's decisions.

Course requirements include one group project, two individual projects, and a final exam. The projects will be discussed in class.

Grading: Grading will be based on the above, plus course participation.

Books/Packet:

The following books are available for purchase at the NYU Bookstore:

Jeffrey A. Segal, *The Supreme Court and the Attitudinal Model Revisited (SCAMR)* (Cambridge 2002)

Lawrence Baum, *The Supreme Court*, Ninth Edition (CQ Press, 2006)

Lee Epstein and Jeffrey A. Segal, *Advice and Consent: The Politics of Judicial Appointments* (Oxford 2007) [Available Feb 2007]

In addition, a packet containing the remaining course readings is available for purchase at New University Copy on Waverly St., near Mercer.

**Week 1: Introduction**

January 16

January 18

*SCAMR*, Chapter 1, pp. 223-244

*The Supreme Court*, Chapter 1, pp. 106-114

**Week 2: The Commerce Clause**

January 23 Mock Trial: *United States v. Lopez*

January 25

*United States v. Lopez* (1995)

**Week 3: The 14<sup>th</sup> Amendment, Section 5**

January 30 Mock Trial: *City of Boerne v. Flores*

February 1

*City of Boerne v. Flores* (1997)

**Week 4: The 11<sup>th</sup> Amendment**

February 6 Mock Trial: *Seminole Tribe of Florida v. Florida*

February 8

*Seminole Tribe of Florida v. Florida* (1996)

**Week 5: Explaining Judicial Decisionmaking: The Legal Model**

February 13

February 15

*SCAMR*, Chaps 2, 7

*The Supreme Court*, pp. 114-120

**Week 6: Explaining Judicial Decisionmaking: The Policymaking Model**

February 20

February 22

SCAMR, pp. 86-97, Chapter 4, pp. 312-326  
*The Supreme Court*, pp. 120-132

**Week 7: Testing the Policymaking Model: The Dependent Variable**

February 27

March 1 **Project # 1: Judgment Codes and Constitutional Cases**

Anna Harvey, "What Makes a Judgment 'Liberal'? Measurement Error in the United States Supreme Court Judicial Database," Working Paper, November 2006.

**Week 8: Testing the Policymaking Model: The Independent Variable**

March 6

March 8

Andrew Martin et al, "The Median Justice on the United States Supreme Court," *North Carolina Law Review* 83 (2005)

**SPRING BREAK**

March 13

March 15

**Week 9: Opinion Assignment and the Opinion Author**

March 20 **PROJECT #1 DUE**

March 22

SCAMR, Chapter 9  
*The Supreme Court*, pp. 132-142

**Week 10: The Court and Separated Institutions, Sharing Powers (SOP)**

March 27

March 29 **Project # 2: SOP Models and Constitutional Cases**

SCAMR, pp. 97-114, 326-356, Chapters 10-11  
*The Supreme Court*, pp. 142-155, 163-181, 187-226

**Week 11: Testing SOP Models**

April 3

April 5

Anna Harvey and Barry Friedman, "Pulling Punches: Congressional Constraints on the Supreme Court's Constitutional Rulings, 1987-2000," *Legislative Studies Quarterly* 31: 4 (November 2006)

**Week 12: Certiorari**

April 10 **PROJECT #2 DUE**

April 12

*SCAMR*, pp. 244-278

*The Supreme Court*, Chapter 3, pp. 156-163

**Week 13: The Appointments Process**

April 17

April 19

*SCAMR*, Chapter 5

*The Supreme Court*, Chapter 2, pp. 181-184

*Advice and Consent*, Chapters 1-3

**Week 14: Wrapping Up**

April 24

April 26

*Advice and Consent*, Chapters 4-6

**Final Exam: Thursday, May 3, 10-11:50 AM**