

## PLSS 3290: The Supreme Court Fall 2011 – Oxendine Science Bldg. 3248

**Instructor:** Ms. Carole Graham, J.D.  
**Office:** Oxendine Sci. 1305 (inside 1300)  
2:30-3:30 PM  
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**Class hours:** TR 11:00 AM– 12:15 PM  
**Office hours:** TR 9:00-10:00 AM &  
or by appointment

**Purpose:** For many people, the U.S. Supreme Court, its purpose, how it functions and even its history are not as well known as the other two branches of government. For example, according to a Zogby poll, 77% of Americans could name two of the Seven Dwarfs, but only 24% could name two current Supreme Court Justices. Of course, the Court does not help matters by forbidding cameras during oral arguments, and perhaps there is a desire of the Court to remain a bit mysterious, in order to demonstrate how different it is from the executive and legislative branches.

In this course, students will survey US Supreme Court history to learn about the development of the Court, and how it claimed the power of judicial review and avoided obscurity early in American history. In addition, students will study how the Court operates today and its impact on American policy. Students will also become familiar with constitutional interpretation, and how certain justices feel about a “living constitution”.

### Course Objectives:

1. To study the history of the US Supreme Court, and learn how the actions of past justices have influenced the power of the Court today.
2. To learn about the operation of the Supreme Court, from case selection through to oral argument and conference, and finally ending at the announcement of the opinion. Students will also debate the influence of the Court on US politics and policy.
3. To appreciate the various methods of constitutional interpretation.
4. To improve speaking through class participation, and research and writing skills by researching and writing a 10-12 page paper.

**Text:** There are three textbooks for this course: *The American Supreme Court*, Fifth Ed. by Robert G. McCloskey; *The Supreme Court*, Tenth Ed. by Lawrence Baum; and *Judges on Judging*, Third Ed. edited by David M. O'Brien. Additional materials will also be posted on the Blackboard page for the class. Please read all assignments before coming to class, and be prepared to discuss the materials in class.

- In addition, please monitor current cases before the Supreme Court (the 2011 term starts October 3) by reading a newspaper or online newswire (for example, go to Yahoo! News at <http://news.yahoo.com/>, then click on the “Politics” tab at the top of the page, and then click on “The Courts” under the “Politics” tab for AP and Reuters news stories).

**Blackboard and e-mail:** There is a page for this class on Blackboard at <http://blackboard.uncp.edu/>. If you have difficulty logging in to Blackboard, please reference the above website or the DoIT Helpdesk at <http://www.uncp.edu/doi/help/>.

- From time to time or as necessary, class assignments, information and handouts will be posted on Blackboard. You are responsible for checking the Blackboard page and keeping up with posted messages, assignments or syllabus adjustments. Assignments will state whether you are to turn them in electronically, and if so the method (digital drop box or e-mail) will be stated on the assignment.

- Correspondence via Blackboard is through the UNCP e-mail system. Therefore, you should **activate and check** your UNCP e-mail account often. A full e-mail box is not an acceptable excuse for missing an assignment or announcement.

**Attendance and Participation:** Attendance and participation are expected in this class and will affect your final grade. You are expected to read the assignments before class, and you should be prepared to talk about the issues or cases in class discussion if called upon to do so. If you are unprepared for class, it will be noted and will affect your final grade.

You should arrive on time. I will either pass around a sign-in sheet for each class or call roll at the beginning of class. If you do not sign the sheet or answer the roll call, I will count you as absent for the day. It will be your responsibility to sign the sheet (or remind me verbally that you were late to class) before I leave the classroom at the end of class; however, students who are habitually late may be counted as absent.

- If you are absent from class it is your responsibility, upon returning to class, to request from the instructor or check the Blackboard page for any handouts, announcements, or assignments that may have been given during your absence.

- If you are absent from class, you will be counted as absent regardless of the reason for missing the class (in other words, an absence is an absence, with no “excused” absences, except for those outlined below under “UNCP Religious Holiday Policy”). I would ask, however, that if you miss a number of classes due to hospitalization or illness that you inform me of such ASAP, through either e-mail or a telephone call to my office, so I do not think you have dropped the class or just stopped showing up.

**UNCP Religious Holiday Policy:** To accommodate students’ religious holidays, each student will be allowed two excused absences each semester with the following conditions:

Students, who submit written notification to their instructors within two weeks of the beginning of the semester, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Excused absences are limited to two class sessions (days) per semester. At the time written notification is submitted to the instructor, students who will miss tests or other work due to an excused absence for a religious observance should be prepared to discuss with the professor a plan to make up such work.

**Students with Disabilities:** Any student with a documented learning, physical, chronic health, psychological, visual or hearing disability needing academic adjustments is requested to speak directly to Disability Support Services and the instructor, as early in the semester (preferably within the first week) as possible. All discussions will remain confidential. Please contact Disability Support Services, DF Lowry Building, Room 103 or call 910-521-6695.

This publication is available in alternative formats upon request. Please contact Disability Support Services, DF Lowry Building, 521-6695.

“When testing accommodations or alternative testing is needed, students are responsible for discussing this issue with the professor to make the appropriate arrangements to have the exam administered. It is the responsibility of the student to schedule exams with DSS at least one week prior to the exam date. Failure to schedule an exam one week in advance may lead to DSS denying the requested time and date for the exam.” Please visit [http://www.uncp.edu/dss/students/directions\\_for\\_accesing\\_exams\\_for\\_current\\_students.htm](http://www.uncp.edu/dss/students/directions_for_accesing_exams_for_current_students.htm) for the Exam Proctoring Authorization Form and for more information.

**Grading:** There will be three tests during the semester. The tests may be a combination of multiple choice, true/false, fill in the blank, short answer and essay questions.

- In addition, each student will write a 10-12 page research paper. **The paper is due on Tuesday, November 15 by 11:00 AM.** There will be **NO** exceptions to this, so don't ask. Late papers will be penalized 10 points for each class in which the paper is late, **starting at 11:01 AM.** Because of computer compatibility issues, you **MUST** hand in a hard copy of your stapled paper. If you wish to turn in your paper early, either hand it to me directly in my office, or personally hand it to Mrs. Effie Locklear to put into my mailbox in Oxendine 1300. Please do not slide papers under the office door. Paper requirements are outlined on page 5 of the syllabus.

- Normally, I will not give out test, midterm, or final grades via e-mail or over the phone. Midterm and final grades will be posted on BraveWeb (not Blackboard) as soon as they are calculated. If you have a question or concern about your grade, please come by to see me in my office (either during office hours or by appointment) as soon as the issue arises. If you wait until the last week of the semester to discuss your performance and final grade in the class with me, it will be too late. If I am unable to schedule an appointment with you, I will do my best to discuss the situation via e-mail.

- Your final grade is the grade you have earned over the course of the semester. I do not offer or accept “extra credit” work. Instead, you should focus on studying the materials and participating in class from the beginning of the semester. Barring mathematical error, I will not change your final grade.

Test I	100 points
Test II	100 points
Test III	100 points
Research Paper	100 points
Attendance and Participation	<u>50 points</u>
Total	450 points

Grading Scale: 450-419= A; 418-405= A-; 404-392= B+; 391-374= B; 373-360= B-; 359-347= C+; 346-329= C; 328-315= C-; 314-302= D+; 301-284= D; 283-270= D-; 269 and below= F

**Make-up Policy:** There will be no make-ups in this course. If, for whatever reason, you should miss Test I or Test II, then Test III will be counted at 80% in replacing that missing

score. If you miss Test I and Test II, then one test will be given the grade of ZERO. No replacement grade will be given for Test III. The only exception to this will be for students with OFFICIAL scheduled university activities, and arrangements must be made at least a week in advance to do such graded work BEFORE the scheduled date.

**Academic Dishonesty:** Academic dishonesty of any variety will not be tolerated. Any instance coming to the attention of the instructor will result in the assignment of an “F” grade for the course, and notification of the appropriate Deans.

**Cell Phones:** Please turn your cell phones SILENT or OFF while in class, and then put them away for the duration of the class. You may not wear headphones or Bluetooth earpieces in the classroom. Cell phones must be **OFF** during tests. If you do not wear a watch, I will bring a clock for you to reference during the test.

**Other Class Considerations:** Ours is a large class, so the rules of common courtesy will apply in the classroom. This includes raising your hand to be called on, not talking over others, etc. Students who are disruptive may be asked to leave and counted as absent for the day. Disruptive behaviors include (but are not limited to) gossiping, text messaging your friend or significant other, reading a textbook other than ours in class, sleeping/snoring in class. You can bring a small drink and snack to class, but nothing more (this means no hot lunch or Taco Bell leftovers). Generally, I expect you to be considerate of your fellow classmates and the professor.

**Syllabus adjustments** will be announced in class and/or posted on Blackboard as necessary. **JoJ = Judges on Judging; Baum=The Supreme Court; McCloskey=The American Supreme Court.**

<u>Date</u>	<u>Topic</u>	<u>Readings</u>
Aug. 18	Introduction, Syllabus Review	Syllabus
Aug. 23	Overview of the Court	Chapter 1 Baum, JoJ #2
Aug. 25	Judicial Power	Chapter 1, McCloskey, JoJ Appendix A
Aug. 30	Judicial Review	Chapter 2, McCloskey; JoJ p.13-17 and #1
Sept. 1	The Marshall Court	Chapter 3 McCloskey
Sept. 6	The Court Under Taney	Chapter 4 McCloskey
Sept. 8	The Gilded Age	Chapter 5 McCloskey
Sept. 13	Regulatory State	Chapter 6 McCloskey
Sept. 15	The Court and Postwar America	Chapter 7 McCloskey
Sept. 20		Chapter 7 McCloskey
<b>Sept. 22</b>	<b>Test 1</b>	
Sept. 27-29	The Justices, Cases, Decision Making	Baum, JoJ
Oct. 4-6		
Oct. 11		
<b>Oct. 13</b>	<b>No Class, Fall Break</b>	

Oct. 18-20

**Oct. 25**

**Test 2**

Nov. 1-3

Policy Output and Court's Impact

Baum, McCloskey, JoJ

Nov. 8

Nov. 10

Nov. 15

Paper Due – no later than 11:00 a.m.

Nov. 17

Nov. 22

Nov. 24

Nov. 29

Dec. 1

**Dec. 8**

**Final Exam (Test III) at 10:45 AM – Thursday**

**The exam will start at 10:45 AM. To be fair to those who arrive on time, students who arrive late (after 11:00 AM) will not be allowed to sit for the exam.**

The topic for the research paper will be discussed in class.

### **Paper Requirements**

**Composition:** The research paper will be 10-12 pages long. Papers are to be typed, double-spaced, and with 1" margins all around. Please do not use a font larger than 12 point, and use Times New Roman or Arial font if you can. Also include a **separate title page** (this means your title page does not count as one of your 10-12 pages. Your works cited page is also not included in the 10-12 page count).

**Sources:** This is a research paper, so I expect you to do some research, either online or at the library. You should have, at a minimum, eight (8) referenced sources for your paper. You can use our textbook as a source, but you cannot count it toward the four sources. Examples of sources include: newspaper articles, magazine stories, academic journals, books, *The Encyclopedia Britannica*, etc. Try to use a balance of sources in your paper (i.e., don't use four stories from *The New York Times*). Wikipedia, although a popular and entertaining website, is not a good source of information because the pages can be altered by anyone at any time (therefore my suggestion would be not to use it). Editorial blogs may be interesting, but please be aware that you are probably getting only one side of the story. Again, a balance of sources can help you understand both sides of the story.

Visit the reference librarian or <http://www.uncp.edu/library/reference/> for assistance in researching books and articles for your paper.

**Citations:** Please format in text citations and a works cited bibliography according to the **MLA Handbook for Writers of Research Papers**. This format will be graded VERY STRICTLY, so please reference the Handbook and proofread your paper before handing it in. This handbook is available at the University Bookstore for purchase, or in the library under call number LB2369 .G53 2009.

If you have any questions regarding MLA format you can e-mail me, but please reference the Handbook first.

### **Plagiarism:**

From the UNCP Student Handbook: "Plagiarism is intentionally or knowingly presenting someone else's words or ideas as one's own. You avoid plagiarism by very carefully acknowledging the sources of ideas you use and by appropriately indicating any material that has been quoted [or paraphrased] (that is, by using quotation marks and properly acknowledging the source of the quote, usually with a clear reference source citation and page number)." If an instance comes up where you are unsure whether or not you should cite, play it safe and cite. Visit Chapter 2 of the Handbook and <http://www.unc.edu/depts/wcweb/handouts/plagiarism.html> for more information on plagiarism.

In addition to content, your paper will be graded on spelling, grammar, and sentence structure, so please **proofread your paper before handing it in**. Visit the University Writing Center in Dial 128, or their website <http://www.uncp.edu/writing> for more information.