
**JUDICIAL POLITICS
POLITICAL SCIENCE 705**

Fall 2009

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Office hours: Tuesday, 11:00-12:30, Thursday 12:30-2:00*

The study of courts as political institutions is an adverse notion to many. Indeed, it is common to hear judges and lawyers alike celebrate the law as the essence of governmental will, as though the law dictated the path of judicial choice. Precious few political scientists adhere to the belief that courts simply apply the law. Even law professors, who for years were dismissive of empirical legal scholarship, have begun to take an active interest in the quantitative analysis of the judiciary and concede that judges are motivated by more than simply a desire to make sound legal policy.

At the same time, it would be foolhardy to regard the judiciary as interchangeable with the elected branches of the government. The business of the judiciary is very much constrained by the law. As one scholar famously put the matter, “Political scientists who have done so much to put the ‘political’ in ‘political jurisprudence’ need to emphasize that it is still ‘jurisprudence.’ It is judging in a political context, but it is still judging; and judging is something different from legislating or administering.” Of course, where the intersection of law and politics occurs may be uncertain, but the convergence of courts and public policy makes systematic inquiry into judicial decision making a distinctive and fascinating task.

In this seminar, you will consider a broad cross-section of the scholarly research on judicial politics. In one sense, the work you will be reading is simply a reflection of the interests of those who study the courts. The U.S. Supreme Court, for example, being the nation’s court of greatest import has, not surprisingly, garnered a disproportionate share of scrutiny. Consequently, most of the required reading here reflects that concentration. There are, of course, other important research orientations; studies of civil and criminal litigation, decision making in trial courts, state supreme courts, and high national appellate courts, to name but a few. The syllabus considers several of these issues, as well. In addition, your investigation will lead you to examine a variety of ancillary actors that interact with the courts. You will also contemplate courts in a broader context, considering their potential roles in government more generally.

Thus, on a weekly basis, you will be expected to digest various samples of the literature that touch upon some of the leading questions within this subfield: What are the factors that govern the selection of judges at the both the state and federal levels? How does a court with a completely discretionary agenda formulate its plenary docket? Are judges constrained in their behavior because they serve in a judicial capacity? Do judges decide cases based upon other factors, and --- if so --- what are those factors? Under what guises do secondary players engage the courts and with what implications? What is the nature of the relationship between courts and mass opinion? How do

courts interact with other publics? How well-suited --- if at all --- is the judiciary to the craft of policy making? And do those policies make any difference to society? By the end of the semester, you should have a fairly firm grasp on some of the leading answers to these questions.

REQUIREMENTS

Your obligations for this seminar are three-fold. First, you must read the materials before our meetings, attend the seminar, and serve as an active participant in our discussions. (Most of these readings will come from journals of political science and law, the happy consequence being that virtually all will be available on-line.) As a part of that requirement, you will be asked to lead our weekly discussions on a rotating basis and to assume the responsibility of bringing a number of questions for discussion. Your performance in class will constitute 10% of your grade. Second, I will ask you to identify two topics on the syllabus that are of particular interest to you and to prepare a 5-page evaluative paper to the readings slated for each of those sections. These short papers provide you with the opportunity to think critically about specific set of readings by writing on such subjects as the quality of the research, special problems posed by the research, and strategies for future research. These will be due in class the week following our discussion of the designated topic. Each of these two papers will be worth 20% of your grade. Fourth, I will ask you to write a more substantial paper that outlines a research design for a future project. The precise contours of your paper will be established in consultation with me. This paper will constitute the remaining 50% of your grade.

SUGGESTED RESOURCES

Articles. There are a number of excellent articles that survey the state of research on judicial politics, analyzing the subfield's theories, methods, and conclusions. At some point, you may find it useful to peruse some of them as a means of acquiring a wider scope on this body of work, its changing character, and the leading controversies within it. A few are somewhat dated, but you will find that they still offer useful perspectives.

Lawrence Baum. 1994. "What Judges Want: Judges' Goals and Judicial Behavior." *Political Research Quarterly* 47:749-768.

James L. Gibson. 1983. "From Simplicity to Complexity: The Development of Theory in the Study of Judicial Behavior." *Political Behavior* 5:7-49.

Martin Shapiro. 1993. "Public Law and Judicial Politics." In *Political Science: The State of the Discipline II*, ed. Ada W. Finifter. Washington: American Political Science Association.

Elliot E. Slotnick. 1991. "Judicial Politics." In Vol. 4 of *Political Science: Looking to the Future*, ed. William Crotty. Evanston: Northwestern University Press.

Books. In recent years, several fine volumes have been produced --- or updated --- that have aided scholars of judicial politics in a number of important ways. As a result of such work, research questions have been better formulated, useful data sources have been identified, and rich historical contexts have been brought to bear upon the study of the judiciary. I would encourage you to consult these, inasmuch as they are standard references within the field. If you plan to do

future research in the field of judicial behavior, or if you would like to begin to do further reading on a particular topic, these will be useful resources.

- Jeb Barnes. 2000. *Overruled? Legislative Overrides, Pluralism, and Contemporary Court-Congress Relations*. Palo Alto, CA: Stanford University Press.
- Lawrence Baum. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press.
- Joan Biskupic and Elder Witt. 1997. *Guide to the U.S. Supreme Court*. 2nd ed. Washington: Congressional Quarterly Press.
- Bradley C. Canon and Charles A. Johnson. 1999. *Judicial Policies: Implementation and Impact*, 2nd ed. Washington: CQ Press.
- Cornell W. Clayton and Howard Gillman. 1999. *Supreme Court Decision-Making: New Institutional Approaches*. Chicago: University of Chicago Press.
- Paul M. Collins, Jr. 2008. *Friends of the Supreme Court: Interest Groups and Judicial Decision Making*. New York: Oxford University Press.
- Lee Epstein, Jeffrey A. Segal, Harold J. Spaeth, and Thomas G. Walker. 2006. *The Supreme Court Compendium: Data, Decisions, and Developments*, 4th ed. Washington: Congressional Quarterly Press.
- Kermit L. Hall and Kevin T. McGuire. 2005. *Institutions of American Democracy: The Judiciary*. New York: Oxford University Press.
- Stefanie Lindquist and Frank Cross. 2009. *Measuring Judicial Activism*. 2009. New York: Oxford University Press.
- Forrest Maltzman, James F. Spriggs II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: The Collegial Game*. New York: Cambridge University Press.
- Nancy Maveety. 2003. *Pioneers of Judicial Behavior*. Ann Arbor: University of Michigan Press.
- H.W. Perry, Jr. 1991. *Deciding to Decide: Agenda Setting on the United States Supreme Court*. Cambridge: Harvard University Press.
- Gerald N. Rosenberg. 1991. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University Press of Chicago.
- Jeffrey A. Segal and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press.
- Donald R Songer, Reginald S. Sheehan, and Susan B. Haire. 2000. *Continuity and Change on the United States Courts of Appeals*. Ann Arbor: University of Michigan Press.
- Thomas G. Hansford and James F. Spriggs, II. 2008. *The Politics of Precedent on the U.S. Supreme Court*. Princeton: Princeton University Press.

OUTLINE OF THE COURSE

1. What determines who serves? (September 3)

- Melinda Gann Hall. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95:315-30.
- Timothy R. Johnson and Jason M. Roberts. 2004. "Presidential Capital and the Supreme Court Confirmation Process." *Journal of Politics* 66:663-683.
- Byron J. Moraski and Charles R. Shipan. 1999. "The Politics of Supreme Court Nominations: A

Theory of Institutional Constraints and Choices.” *American Journal of Political Science* 43:1069-1095.

Lee Epstein, Rene Lindstadt, Jeffrey A. Segal, and Chad Westerland. 2006. “The Changing Dynamics of Senate Voting on Supreme Court Nominees.” *Journal of Politics* 68:296.

Suggested

Sarah A. Binder and Forrest Maltzman. 2002. “Senatorial Delay in Confirming Federal Judges, 1947-1998.” *American Journal of Political Science* 46: 190.

Lee Epstein and Jeffrey A. Segal. 2005. *Advice and Consent: The Politics of Appointing Judges*. New York: Oxford University Press.

Micheal W. Giles, Virginia A. Hettinger, and Todd Peppers. 2001. “Picking Federal Judges: A Note on Policy and Partisan Selection Agendas.” *Political Research Quarterly* 54:623-641.

Gregory A. Huber and Sanford C. Gordon. 2004. “Accountability and Coercion: Is Justice Blind When it Runs for Office?” *American Journal of Political Science* 48: 247.

David Klein and Lawrence Baum. 2001. “Ballot Information and Voting Decisions in Judicial Elections.” *Political Research Quarterly* 54:709-728.

John A. Maltese. 1995. *The Selling of Supreme Court Nominees*. Baltimore: John Hopkins University Press.

Tajuana D. Massie, Thomas G. Hansford, and Donald R. Songer. 2004. “The Timing of Presidential Nominations to the Lower Federal Courts.” *Political Research Quarterly* 57:145-154.

Jeffrey A. Segal, Charles M. Cameron, and Albert D. Cover. 1992. “A Spatial Model of Roll Call Voting: Senators, Constituents, Presidents, and Interest Groups in Supreme Court Confirmations.” *American Journal of Political Science* 36:96-121.

Jeffrey A. Segal and Harold J Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press. Chapter 5.

Charles R. Shipan and Megan L. Shannon. 2003. “Delaying Justice(s): A Duration Analysis of Supreme Court Confirmations.” *American Journal of Political Science* 47:654.

James F. Spriggs II, and Paul J. Wahlbeck. 1995. “Calling It Quits: Strategic Retirement on the Federal Courts of Appeals, 1893-1991.” *Political Research Quarterly* 48:573-597.

John Szmer and Donald Songer. 2005. “The Effects of Information on the Accuracy of Presidential Assessments of Supreme Court Nominee Preferences.” *Political Research Quarterly* 58:151-160.

Christopher Zorn and Steven R. Van Winkle. 2000. “A Competing Risks Model of U.S. Supreme Court Vacancies, 1789-1992.” *Political Behavior* 22:145-66.

2. Agenda setting

(September 10)

Vanessa A. Baird. 2004. “The Effect of Politically Salient Decisions on the U.S. Supreme Court’s Agenda.” *Journal of Politics* 66:755-772.

Ryan C. Black and Ryan J. Owens. 2009. “Agenda Setting in the Supreme Court: The Collision of Policy and Jurisprudence.” *Journal of Politics* 71:1062-1075.

Gregory A. Caldeira, John R. Wright, and Christopher Zorn. 1999. “Strategic Voting and

Gatekeeping in the Supreme Court.” *Journal of Law, Economics and Organization* 15:549-72.
Charles M. Cameron, Jeffrey A. Segal, and Donald Songer. 2000. “Strategic Auditing in a Political Hierarchy: An Informational Model of the Supreme Court’s Certiorari Decisions.” *American Political Science Review* 94:101-116.

Suggested

Robert L. Boucher, Jr. and Jeffrey A. Segal. 1995. “Supreme Court Justices as Strategic Decision Makers: Aggressive Grants and Defensive Denials on the Vinson Court.” *Journal of Politics* 57:824-837.
Gregory A. Caldeira, and John R. Wright. 1988. “Organized Interests and Agenda Setting in the U.S. Supreme Court.” *American Political Science Review* 82:1109-1127.
Gregory A. Caldeira and John R. Wright. 1990. “The Discuss List: Agenda Building in the Supreme Court.” *Law & Society Review* 24:807-837.
Kevin T. McGuire and Barbara Palmer. 1995. “Issue Fluidity on the U.S. Supreme Court.” *American Political Science Review* 89:691-702.
Richard L. Pacelle, Jr. 1991. *The Transformation of the Supreme Court’s Agenda*. Boulder, CO: Westview Press.
H.W. Perry, Jr. 1991. *Deciding to Decide: Agenda Setting on the United States Supreme Court*. Cambridge: Harvard University Press.
Donald R. Songer, Charles M. Cameron, and Jeffrey A. Segal. 1996. “An Empirical Test of the Rational-Actor Theory of Litigation.” *Journal of Politics* 57:1119-1129.
Jeff Yates, Andrew B. Whitford, and William Gillespie. 2005. “Agenda Setting, Issue Priorities, and Organizational Maintenance: The US Supreme Court, 1955 to 1994.” *British Journal of Political Science* 35:369-381.

3. The attitudinal model of decision making

(September 17)

C. Herman Pritchett. 1941. “Divisions of Opinion Among Justices of the U.S. Supreme Court, 1939-1941.” *American Political Science Review* 35:890-898.
Jeffrey A. Segal and Albert D. Cover. 1989. “Ideological Values and the Votes of U.S. Supreme Court Justices.” *American Political Science Review* 83:557-565.
“Symposium: *The Supreme Court and the Attitudinal Model*.” 1994. *Law & Courts Newsletter* 4:3-12.
Andrew D. Martin and Kevin M. Quinn. 2007. “Assessing Preference Change on the U.S. Supreme Court.” *Journal of Law, Economics & Organization* 23:365-385.

Suggested

Lawrence Baum. 1988. “Measuring Policy Change in the U.S. Supreme Court.” *American Political Science Review* 82:905-912.
James L. Gibson. 1978. “Judges’ Role Orientations, Attitudes, and Decisions: An Interactive Model,” *American Political Science Review* 72:911-924.
Andrew D. Martin and Kevin M. Quinn. 2002. “Dynamic Ideal Point Estimation via Markov Chain Monte Carlo for the U.S. Supreme Court, 1953-1999.” *Political Analysis* 10:134-153.
Jeffrey A. Segal and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model*

Revisited. New York: Cambridge University Press. Chapter 6.
“Symposium: The Supreme Court Forecasting Project.” 2004. *Perspectives on Politics* 2:757-793.

4. The legal model of decision making (September 24)

Michael A. Bailey and Forrest Maltzman. 2008. “Does Legal Doctrine Matter? Unpacking Law and Policy Preferences on the U.S. Supreme Court.” *American Political Science Review* 102:369-384.

Eileen Braman and Thomas E. Nelson. 2007. “Mechanism of Motivated Reasoning? Analogical Perception in Discrimination Disputes.” *American Journal of Political Science* 51:940-956.

Howard Gillman. 2001. “What’s Law Got to Do With It?” *Law & Social Inquiry* 26:465-504.

Mark J. Richards and Herbert M. Kritzer. 2002. “Jurisprudential Regimes in Supreme Court Decision Making.” *American Political Science Review* 96:305-321.

Suggested

Pamela C. Corley, Robert M. Howard, and David C. Nixon. 2005. “The Supreme Court and Opinion Content: The Use of the Federalist Papers.” *Political Research Quarterly* 58:329-340.

John B. Gates, and Glenn A. Phelps. 1996. “Intentionalism in Constitutional Opinions.” *Political Research Quarterly* 49:245-262.

Tracey E. George and Lee Epstein. 1992. “On the Nature of Supreme Court Decision Making.” *American Political Science Review* 86:323-337.

Howard Gillman. 1993. *The Constitution Besieged: The Rise and Demise of Lochner Era Police Powers Jurisprudence*. Durham, NC: Duke University Press.

Robert M. Howard and Jeffrey A. Segal. 2002. “An Original Look at Originalism.” *Law & Society Review* 36: 113.

Jeffrey A. Segal and Harold J. Spaeth. 1996. “The Influence of Stare Decisis on the Votes of United States Supreme Court Justices.” *American Journal of Political Science* 40:971-1003.

Jeffrey A. Segal and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press. Chapter 7.

Donald R. Songer and Stefanie A. Lindquist. 1996. “Not the Whole Story: The Impact of Justices’ Values on Supreme Court Decision Making.” *American Journal of Political Science* 40:1049-1063.

Spriggs, James F. II and Thomas G. Hansford. 2001. “Explaining the Overruling of U.S. Supreme Court Precedent.” *Journal of Politics* 63:1091.

5. Decision making in a collegial context (October 1)

Paul Brace and Melinda Gann Hall. 1993. “Integrated Models of Judicial Dissent.” *Journal of Politics* 55:914-935.

- Chris W. Bonneau, Thomas H. Hammond, Forrest Maltzman, and Paul J. Wahlbeck. 2007. "Agenda Control, the Median Justice, and the Majority Opinion on the U.S. Supreme Court." *American Journal of Political Science* 51:890-905.
- Virginia A. Hettinger, Stefanie Lindquist, and Wendy L. Martinek. 2004. "Comparing Attitudinal and Strategic Accounts of Dissenting Behavior on the U.S. Courts of Appeals." *American Journal of Political Science* 48:123
- Paul J. Wahlbeck, James F. Spriggs II, and Forrest Maltzman. 1998. "Marshalling the Court: Bargaining and Accommodation on the United States Supreme Court." *American Journal of Political Science* 42:294-315.

Suggested

- Lee Epstein and Jack Knight. 1998. *The Choices Justices Make*. Washington: Congressional Quarterly, Inc.
- Lee Epstein, Lee, Jeffrey A. Segal, and Harold J. Spaeth. 2001. "The Norm of Consensus on the U.S. Supreme Court." *American Journal of Political Science* 45:362.
- J. Woodford Howard. 1968. "On the Fluidity of Judicial Choice." *American Political Science Review* 62:43-56.
- Mark S. Hurwitz and Joseph V. Stefko. 2004. "Acclimation and Attitudes: Newcomer Justices and Precedent Conformance on the Supreme Court." *Political Research Quarterly* 57:121-129.
- David E. Klein. 2002. *Making Law in the United States Courts of Appeals*. New York: Cambridge University Press.
- Laura Langer. 2002. *Judicial Review in State Supreme Courts: A Comparative Study*. Albany: State University of New York Press.
- Forrest Maltzman, James F. Spriggs, II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: The Collegial Game*. New York: Cambridge University Press.
- Walter F. Murphy. 1964. *Elements of Judicial Strategy*. Chicago: University of Chicago Press.
- Patrick D. Schmidt and David A. Yalof. 2004. "The Swing Voter Revisited: Justice Anthony Kennedy and the First Amendment Right of Free Speech." *Political Research Quarterly* 57:209-217.

6. Strategy, coalitions, and leadership (October 8)

- Robert H. Dorff and Saul Brenner. 1992. "Conformity Voting on the United States Supreme Court." *Journal of Politics* 54:762-775.
- Theodore S. Arrington and Saul Brenner. 2004. "Strategic Voting for Damage Control on the Supreme Court." *Political Research Quarterly* 57:565-573.
- Stacia L. Haynie. 1992. "Leadership and Consensus on the U.S. Supreme Court." *Journal of Politics* 54:1158-1169.
- Maltzman, Forrest and Paul J. Wahlbeck. 2004. "A Conditional Model of Opinion Assignment on the Supreme Court." *Political Research Quarterly* 57:551-563.

Suggested

- Lawrence Baum. 2006. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton:

- Princeton University Press.
- Lee Epstein and Jack Knight. 1998. *The Choices Justices Make*. Washington: Congressional Quarterly, Inc.
- Lee Epstein, Jack Knight, and Andrew D. Martin. 2001. "The Supreme Court as a *Strategic* National Policy Maker." *Emory Law Journal* 50:583.
- Timothy R. Johnson, James F. Spriggs, II, and Paul J. Wahlbeck. 2005. "Passing and Strategic Voting on the U.S. Supreme Court." *Law & Society Review* 39:349-377.
- Forrest Maltzman and Paul J. Wahlbeck. 1996. "May It Please the Chief? Opinion Assignments in the Rehnquist Court." *American Journal of Political Science* 40:421-443.
- Forrest Maltzman, James F. Spriggs, II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: The Collegial Game*. New York: Cambridge University Press.
- Walter F. Murphy. 1964. *Elements of Judicial Strategy*. Chicago: University of Chicago Press.
- Thomas H. Hammond, Chris W. Bonneau, and Reginald S. Sheehan. 2005. *Strategic Behavior and Policy Choice on the U.S. Supreme Court*. Palo Alto, CA: Stanford University Press.
- Jeffrey A. Segal and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press. Chapter 9

7. Courts under the separation of powers (October 15)

- Robert A. Dahl. 1957. "Decision Making in a Democracy: The Supreme Court as a National Policy Maker." *Journal of Public Law* 6:279-295
- John A. Ferejohn and Barry R. Weingast. 1991. "A Positive Theory of Statutory Interpretation." *International Review of Law and Economics* 12:263-279.
- Lori Hausegger, Lawrence Baum. 1999. "Inviting Congressional Action: A Study of Supreme Court Motivations in Statutory Interpretation." *American Journal of Political Science* 43:162-185.
- Georg Vanberg. 2001. "Legislative-Judicial Relations: A Game-Theoretic Approach to Constitutional Review." *American Journal of Political Science* 45:346-361.

Suggested

- Jeb Barnes. 2000. *Overruled? Legislative Overrides, Pluralism, and Contemporary Court-Congress Relations*. Palo Alto, CA: Stanford University Press.
- Jonathan D. Casper. 1976. "The Supreme Court and National Policy Making." *American Political Science Review* 70:50.
- Robert Lowry Clinton. 1994. "Game Theory, Legal History, and the Origins of Judicial Review: A Revisionist Analysis of *Marbury v. Madison*." *American Journal of Political Science* 38:285-302.
- Gretchen Helmke. 2002. "The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy." *American Political Science Review* 96:291-303.
- J. Mitchell Pickerill. 2004. *Constitutional Deliberation in Congress: The Impact of Judicial Review in a Separated System*. Durham, NC: Duke University Press.
- Rogers, James R. and Georg Vanberg. 2002. "Judicial Advisory Opinions and Legislative Outcomes in Comparative Perspective." *American Journal of Political Science* 46:379-397.

- Jeffrey A. Segal and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press. Chapter 8.
- Spiller, Pablo T. and Emerson H. Tiller. 1996. "Invitations to Override: Congressional Reversals of Supreme Court Decisions." *International Review of Law and Economics* 16:503.

8. Representation of interests in the courts (October 29)

- Michael Bailey, Brian Kamoie, and Forrest Maltzman. 2005. "Signals from the Tenth Justice: The Political Role of the Solicitor General in Supreme Court Decision Making." *American Journal of Political Science* 49:72-85.
- Paul M. Collins, Jr. 2004. "Friends of the Court: Examining the Influence of Amicus Curiae Participation in U.S. Supreme Court Litigation." *Law & Society Review* 38:807-832
- Gregory A. Caldeira, Marie Hojnacki, and John R. Wright. 2000. "The Lobbying Activities of Organized Interests in Federal Judicial Nominations." *Journal of Politics* 62:51-69.
- Grutter v. Bollinger*. 2003. 539 U.S. 306.
- Timothy R. Johnson, Paul J. Wahlbeck, and James F. Spriggs, II. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." *American Political Science Review* 100:99-113.

Suggested

- Gregory A. Caldeira and John R. Wright. 1990. "Amici Curiae Before the Supreme Court: Who Participates, When, and How Much?" *Journal of Politics* 52:782-806.
- Gregory A. Caldeira and John R. Wright. 1998. "Lobbying for Justice: Organized Interests, Supreme Court Nominations, and the United States Senate." *American Journal of Political Science* 42:499-523.
- Scott A. Comarato. 2003. *Amici Curiae and Strategic Behavior in State Supreme Courts*. Westport, CT: Praeger.
- Marc Galanter. 1974. "Why the 'Haves' Come out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 9:95-160.
- Thomas G. Hansford. 2004. "Lobbying Strategies, Venue Selection, and Organized Interest Involvement at the U.S. Supreme Court." *American Politics Research* 32:170-197.
- Thomas G. Hansford. 2004. "Information Provision, Organizational Constraints, and the Decision to Submit an Amicus Curiae Brief in a U.S. Supreme Court Case." *Political Research Quarterly* 57 (June): 219-230.
- Andrea McAtee and Kevin T. McGuire. 2007. "Lawyers, Justices, and Issue Salience: When and How Do Legal Arguments Affect the Supreme Court?" *Law & Society Review* 41:259-278.
- Kevin T. McGuire. 1998. "Explaining Executive Success in the U. S. Supreme Court." *Political Research Quarterly* 51:505-526.
- Charles R. Shipan. 1997. *Designing Judicial Review: Interest Groups, Congress, and Communications Policy*. Ann Arbor: University of Michigan Press
- Donald R. Songer and Ashlyn Kuersten. 1995. "The Success of Amici in State Supreme Courts." *Political Research Quarterly* 48:31-42.

- Donald R. Songer and Reginald S. Sheehan. 1993. "Interest Group Success in the Courts: Amicus Participation in the Supreme Court." *Political Research Quarterly* 46:339-354.
- James F. Spriggs, II and Paul J. Wahlbeck. 1997. "Amicus Curiae and the Role of Information at the Supreme Court." *Political Research Quarterly* 50:365-386.
- Steven C. Tauber. 1998. "On Behalf of the Condemned? The Impact of the NAACP Legal Defense Fund on Capital Punishment Decision Making in the U.S. Courts of Appeals." *Political Research Quarterly* 51:191-219.

9. Public opinion (November 5)

- Charles H. Franklin and Liane C. Kosaki. 1989. "The Republican School Master: The Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83:751-771.
- Timothy Johnson and Andrew Martin. 1998. "The Public's Conditional Response to Supreme Court Decisions." *American Political Science Review* 92:299.
- James L. Gibson and Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. "The Supreme Court and the U.S. Presidential Election of 2000: Wounds, Self-Inflicted or Otherwise?" *British Journal of Political Science* 33:535-556.
- Kevin T. McGuire and James A. Stimson. 2004. "The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences." *Journal of Politics* 66:1018-1035.

Suggested

- Sara Benesh. 2006. "Understanding Public Confidence in American Courts." *Journal of Politics* 68:534-550.
- Gregory A. Caldeira and James L. Gibson. 1992. "The Etiology of Support for the Supreme Court." *American Journal of Political Science* 36:635-664.
- Gregory A. Caldeira and Kevin T. McGuire. 2005. "What Americans Know About the Courts and Why It Matters," with Gregory A. Caldeira. In *Institutions of American Democracy: The Judiciary*, eds. Kermit L. Hall and Kevin T. McGuire. New York: Oxford University Press.
- James L. Gibson and Gregory A. Caldeira. 2009. *Citizens, Courts, and Confirmations: Positivity Theory and the Judgments of the American People*. Princeton: Princeton University Press.
- James L. Gibson, Gregory A. Caldeira, Lester Kenyatta Spence. 2003. "Measuring Attitudes toward the United States Supreme Court." *American Journal of Political Science* 47:354-367.
- Kevin T. McGuire. 2007. "The Judicial Branch: Judging America's Judges." 2007. In *Institutions of American Democracy: A Republic Divided*, eds. The Annenberg Democracy Project. New York: Oxford University Press.
- William Mishler and Reginald Sheehan. 1993. "The Supreme Court as a Counter-majoritarian Institution? The Impact of the Public Opinion on Supreme Court Decisions." *American Political Science Review* 87:87-101.
- Helmut Norpoth and Jeffrey A. Segal. 1994. "Comment: Popular Influence on Supreme Court Decisions." *American Political Science Review* 88:711-716.

10. Litigation and the role of courts in society

(November 12)

Michael McCann, William Haltom, and Anne Bloom. 2001. "Java Jive: Genealogy of a Juridical Icon." *University of Miami Law Review* 56:113-178.

McCleskey v. Kemp. 1987. 481 U.S. 279.

David C. Baldus. 1995. "The Death Penalty Dialogue Between Law and Social Science." *Indiana Law Journal* 70:1033-1041

Richard E. Miller and Austin Sarat. 1980-81. "Grievances, Claims, and Disputes: Assessing the Adversary Culture." *Law & Society Review* 15:525-566.

Suggested

Cynthia L. Cates and Wayne V. McIntosh. 2001. *Law and the Web of Society*. Washington: Georgetown University Press.

Marc Galanter. 1974. "Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 9:95-160.

Howard Gillman. 2001. *The Votes That Counted: How the Court Decided the 2000 Presidential Election*. Chicago: University of Chicago Press.

William Haltom and Michael McCann. 2004. *Distorting the Law: Politics, Media, and the Litigation Crisis*. Chicago: University of Chicago Press.

Donald L. Horowitz. 1977. *The Courts and Social Policy*. Washington: The Brookings Institution.

11. Implementation and impact of judicial policies

(November 19)

Paul G. Cassell and Richard Fowles. 1998. "Handcuffing the Cops? A Thirty-Year Perspective on Miranda's Harmful Effects on Law Enforcement." *Stanford Law Review* 50:1055-1145.

John J. Donohue and Steven D. Levitt. 2001. "The Impact of Legalized Abortion on Crime." *Quarterly Journal of Economics* 116:379-420.

Kevin T. McGuire. 2009. "Public Schools, Religious Establishments, and the U.S. Supreme Court: An Examination of Policy Compliance." *American Politics Research* 37:50-74.

Gerald N. Rosenberg. 1991. "Can Courts Generate Social Change?" Typescript.

Richard H. Sander. 2004. "A Systemic Analysis of Affirmative Action in American Law Schools." *Stanford Law Review* 57:367-483.

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Stephen Ansolabehere, Alan Gerber, and Jim Snyder. 2002. "Equal Votes, Equal Money: Court-Ordered Redistricting in American States." *American Political Science Review* 96:767.

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