

THE SUPREME COURT AND PUBLIC POLICY
PROFESSOR SCOT POWE
SPRING 2023

OFFICE HOURS: IN JON. 6.251
MON. 2-3 P.M.
TUES. 1-2 P.M.
OR BY APPOINTMENT
MY EMAIL ADDRESS IS SPOWE@LAW.UTEXAS.EDU

Readings: Lucas A. Powe, Jr. The Supreme Court and the American Elite 1789-2020 (2nd Ed.)
Lucas A. Powe, Jr. The Warren Court and American Politics
Mark Tushnet In the Balance
Mark Tushnet A Court Divided

TA Info: Claire Crofford -- claire.crofford@utexas.edu -- (214) 232-9738
Office Hours – TBA
Office Location – Tom Clark Lounge, Law School

Carlos Torres
Office Hours – TBA
Office Location – Tom Clark Lounge, Law School

Jim Wheeler
Office Hours – TBA
Office Location – Tom Clark Lounge, Law School

The class will meet M&W in the Francis Auditorium (TNH 2.114). Friday lectures will also meet in the Francis Auditorium (TNH 2.114). The goal of the course is to illuminate the effects of American politics and culture on the Supreme Court and vice versa.

2023

January

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|----|--------------------|--------------------|
| 9 | Brown | WC 21-49 |
| 11 | Massive Resistance | WC 50-74; 157-78 |
| 13 | Discussion | |
| 18 | Communism | WC 75-102; 127-58 |
| 20 | Obscenity | WC 113-19; 336-57 |
| 23 | Civil Rights | WC 217-38 |
| 25 | Religion | WC 182-93; 358-78 |
| 27 | Discussion | |
| 30 | Reapportionment | WC 199-205; 239-71 |

February

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|----|---------------------------|------------------------------|
| 1 | Criminal Procedure | WC 379-411 |
| 3 | Discussion | |
| 6 | Exam (30% of final grade) | |
| 8 | Demise of Warren Court | WC 465-81 |
| 10 | Death Penalty | WC 329-33; AE 239-40; 293-96 |
| 13 | Bussing | AE 268-70 |
| 15 | Abortion | AE 274-80 |
| 17 | Discussion | |
| 20 | Affirmative Action | AE 290-91; D 223-39 |
| 22 | War on Drugs | D 239-48 |
| 24 | Discussion | |
| 27 | Bork | AE 284-86; 302-05; D71-85 |

March

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|----|------------------------|----------------------------|
| 1 | Gay Rights | AE 372-76; D156-79 |
| 3 | Discussion | |
| 6 | From Ginsberg to Kagen | AE 352-56; D1-43; 144-47 |
| 8 | Bush v. Gore | AE 336-39 |
| 20 | Campaign Finance | AE 254-85; 357-61 |
| 22 | Obama Care | AE 361-65; B 1-43 |
| 24 | Discussion | |
| 27 | Election Law | AE 334-36; 365-68; B247-83 |
| 29 | Race | AE 324-27; 368-72; B134-41 |
| 31 | Discussion | |

April

3	Gays	AE 373-76
5	Trump	AE 389-401; 422-23
7	Discussion	
10	Census	AE 405-09
12	Guns	AE 355-57; B 148-86
14	Discussion	
17	Religion	AE 380-81; 410-11; 418-19
19	Abortion	AE 377-79; 402-03; 413-18
21	Discussion	

April 24 Exam (20% of final grade)

Miscellaneous

Attendance: Is not mandatory, but it is why you should be in college.

Academic Dishonesty: Academic dishonesty will lead to failure of the course and other University disciplinary action. See General Information Catalog:

“Academic dishonesty” or “scholastic dishonesty” includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, misrepresenting facts, and any act designed to give unfair academic advantage to the student (such as, but not limited to, submission of essentially the same written assignment for two classes without the prior permission of the instructor), or the attempt to commit such an act.

The UT honor code is as follows: “As a student of The University of Texas at Austin, I shall abide by the core values of the University and uphold academic integrity.”

Disabilities: The University of Texas at Austin provides upon request appropriate academic accommodations for qualified students with disabilities. For more information, contact the Division of Diversity and Community Engagement, Services for Students with Disabilities, 471-6259, <http://ddce.utexas.edu/disability/>

Emergencies: The following recommendations regarding emergency evacuation from the Office of Campus Safety and Security, 512-471-4441, <http://www.utexas.edu/safety/>

Occupants of buildings on The University of Texas at Austin campus are required to evacuate buildings when a fire alarm is activated. Alarm activation or announcement requires exiting and assembling outside.

Familiarize yourself with all exit doors of each classroom and building you may occupy. Remember that the nearest exit door may not be the one you used when entering the building.