

THE SUPREME COURT AND PUBLIC POLICY

PROFESSOR SCOT POWE

SPRING 2022

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: Bonnie Devany
Office Hours – Thursdays 11:30 A.M. - 12:30 P.M.
Office Location – Tom Clark Lounge, Law School

Kallen Dimitroff
Office Hours – TBA
Office Location – Tom Clark Lounge, Law School

Abby Emery
Office Hours – TBA
Office Location – Tom Clark Lounge, Law School

Candace Terman
Office Hours – Zoom from 11:00 A.M. to 12:30 P.M. on Tuesdays and Fridays

The class will meet M&W in the northeast corner of the Law School TNH 2.139. Friday lectures will also meet in TNH 2.139. The goal of the course is to illuminate the effects of American politics and culture on the Supreme Court and vice versa.

2022

January

19 Brown	WC 21-49
21 Massive Resistance	WC 50-74; 157-78
24 Communism	WC 75-102; 127-58
26 Obscenity	WC 113-19; 336-57
28 Discussion	
31 Civil Rights	WC 217-38

February

2 Religion	WC 182-93; 358-78
4 Discussion	
7 Reapportionment	WC 199-205; 239-71
9 Criminal Procedure	WC 379-411
11 Discussion	
14 Exam (30% of final grade)	
16 Demise of Warren Court	WC 465-81
18 Bussing	AE 268-70
21 Abortion	AE 274-80
23 Death Penalty	WC 329-33; AE 239-40; 293-96
25 Discussion	
28 Affirmative Action	AE 290-91; D 223-39

March

2 War on Drugs	D 239-48
4 Discussion	
7 Bork	AE 284-86; 302-05; D71-85
9 Gay Rights	AE 372-76; D156-79
11 Discussion	
21 From Ginsberg to Kagen	AE 352-56; D1-43; 144-47
23 Bush v. Gore	AE 336-39
25 Discussion	
28 Election Law	AE 334-36; 365-68; B247-83
30 Obamacare	AE 361-65; B 1-43

April

1 Discussion	
4 Race	AE 324-27; 368-72; B134-41
6 Death Penalty	AE 382; 402-05

8 Discussion	
11 Exam (50% of final grade)	
13 Religion	AE 380-81; 410-11; 418-19
15 Abortion	AE 377-79; 402-03; 413-18
18 Guns	AE 355-57; B 148-86
20 Muslim Ban and Census	AE 384-85; 405-09
22 Discussion	
25 Election Law	AE 365-68; 409-10; 412-13
27 Trump Justices	AE 384-5; 389-402; 405-9; 419-23
29 Discussion	

May 2 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.