

**THE SUPREME COURT AND PUBLIC POLICY**  
PROFESSOR SCOT POWE  
SPRING 2023

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**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 (2<sup>nd</sup> 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](mailto: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

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

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

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.