

**THE SUPREME COURT AND PUBLIC POLICY**  
PROFESSOR SCOT POWE  
SPRING 2024

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**OFFICE HOURS:**

IN JON 6.251  
MON. 2:00PM – 3:00PM  
TUES. 1:00PM – 1:30PM  
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:**

Grace Wright - [gwright4@utexas.edu](mailto:gwright4@utexas.edu)  
Office Hours – Tuesdays, 10am-11am  
Office Hours Location – Tom Clark Lounge, Law School

Carlos Torres - [carlos.torresd98@gmail.com](mailto:carlos.torresd98@gmail.com)  
Office Hours – Tuesdays, 12pm-2pm  
Office Hours Location - Tom Clark Lounge, Law School

Carlos Repetto-Ayala - [carlosrepettoayala@utexas.edu](mailto:carlosrepettoayala@utexas.edu)  
Office Hours – Wednesdays 11:30am-12:30pm  
Office Hours Location - Tom Clark Lounge, Law School

Jack Carlson - [jackmcarlson@utexas.edu](mailto:jackmcarlson@utexas.edu)  
Office Hours – Mondays, 8:00am-11:00am  
Office Hours Location - Batts 1.118

The class will meet M&W in from 1:00pm to 2:00pm in TNH 2.114. Friday lectures conducted by Prof. Powe will also meet in TNH 2.114.

The following sections will meet in these locations on Friday discussion dates:

- 37440 – GAR 3.116
- 37445 – JES A203A
- 37450 – JES A209A
- 37455 – JES A218A

The goal of the course is to illuminate the effects of American politics and culture on the Supreme Court and vice versa.

### 2023 Readings

<b>January</b>		
17	Brown	WC 21-49
19	Massive Resistance	WC 50-74; 157-78
22	Communism	WC 75-102; 127-58
24	Obscenity	WC 113-19; 336-57
26	Discussion	
29	Civil Rights	WC 217-38
31	Religion	WC 182-93; 358-78
<b>February</b>		
2	Discussion	
5	Reapportionment	WC 199-205; 239-71
7	Criminal Procedure	WC 379-411
9	Discussion	
12	Exam	(30% of final grade)
14	Demise of Warren Court	WC 465-81
16	Death Penalty	WC 329-33; AE 239-40; 293-96
19	Bussing	AE 268-70

21	Abortion	AE 274-80
23	Discussion	
26	Affirmative Action	AE 290-91; D 223-39
28	War on Drugs	D 239-48
<b>March</b>		
1	Discussion	
4	Bork	AE 284-86; 302-05; D71-85
6	Gay Rights	AE 372-76; D156-79
18	From Ginsberg to Kagen	AE 352-56; D1-43; 144-47
20	Bush v. Gore	AE 336-39
22	Discussion	
25	Campaign Finance	AE 254-85; 357-61
27	Obama Care	AE 361-65; B 1-43
29	Discussion	
<b>April</b>		
1	Election Law	AE 334-36; 365-68; B247-83
3	Gays & Census	AE 373-76; 405-09
5	Discussion	
8	Exam	(50% of final grade)
10	Capital Punishment	
12	Trump	AE 389-401. 422-23
15	Race	AE 324-27; 365-66; B 134-41
17	Religion	AE 380-81; 410-11; 418-19
19	Abortion	AE 377-79; 402-03; 413-18
22	Guns	AE 355-57; B 148-86
24	Abortion	AE 377-79; 402-03; 413-18

26	Discussion	
29	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.