



COURSE REQUIREMENTS

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COURSE SCHEDULE

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COURSE POLICIES

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BU POLICIES

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PO 505: READINGS IN AMERICAN POLITICS

Controversies in American Justice



In this course...

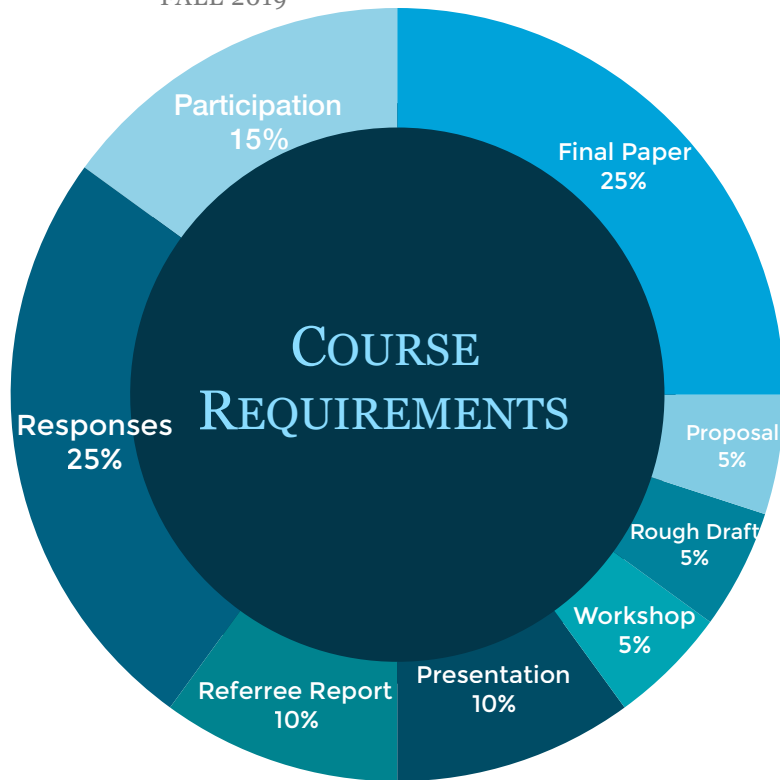
We will explore some of the most pressing and controversial issues facing the justice system today, with a focus on its actors and how they make decisions. You will become familiar with cutting edge research in judicial politics and help to push the field forward. This class emphasizes critical thinking, careful communication and scientific rigor.

Professor:

Lauren Mattioli
lamattio@bu.edu

Office Hours:
M: 10a-12p
OR by appt.

Office Location:
Rm. 211,
232 Bay State Rd



Reading Responses

You will write 5 reading responses to the assigned readings throughout the semester. On the first day of class you will sign up for the five weeks for which you will write a reading response.

These should be about 1-2 pages, double-spaced. Provide a summary and critical reaction to a significant aspect of the required readings. Concisely address a major point of the reading and engage with it—what seems right, and why? What is missing or neglected and why does that matter? You may talk with your classmates about the readings, but you need to write your own response.

Each Reading Response is weighted equally.

Reading responses are due on Blackboard by 5pm **Sunday** before class.

Referee Report- Academic papers are subject to double-blind peer review before publication. The reviewers are called referees. You will write a mock referee report for a real, anonymous working paper. Details will be discussed during class.

Final Paper- due December 16.

Each student is required to submit a final paper. There are two options for the form this paper might take. We will discuss additional requirements and guidelines in class.

Option 1: Critical Lit Review

These essays will critically review a literature related to a course topic. The essays should contain a clear thesis, a discussion of what we know (and, perhaps, what we do not know), and the implications of that knowledge. These essays should also contain suggestions for what productive future research might entail. 20-30 pages.

Option 2: Original Empirical Research.

These essays will contain some original research conducted by the student. These should be written as research notes, situate the research question within a literature, posit a clear research design, and—using existing or original data—conduct suitable analysis. 10-15 pages.

Paper Proposal- Due 11/4

Each student is responsible for submitting a 1-2 page proposal for their final paper via Blackboard. The instructor will respond with detailed feedback on the proposal. Final papers should reflect the instructor's feedback.

Rough Draft- Due 11/25

A rough draft of your final paper will be used to workshop with other students in the class. You will submit your rough draft to Blackboard. The rough draft is expected to be incomplete and imperfect. You will only be graded on on time submissions and the demonstration of conscientious effort.

Workshop

You will be assigned to a workshop group by Professor Mattioli. You will receive the rough drafts of everyone else in your workshop group and prepare thoughtful comments for the day of the workshop. We will discuss how to be a good workshop participant in class.

Presentation

You will present your paper to the rest of the class using a presentation software medium of your choice. Presentations will be 5-10 minutes long.

Participation

Class participation should be early, often and thoughtful. Your comments should demonstrate detailed knowledge of the readings and respect for other seminar participants.

Course Schedule

	Topic	Readings
9/9	Introduction	
9/16	How do judges make decisions? Are Supreme Court Judges political?	<p>Friedman, Barry. 2006. "Taking Law Seriously." <i>Perspectives on Politics</i>. 4: 261-276.</p> <p>Keck, Thomas. 2014 "Three Stories about Courts" from <i>Judicial Politics in Polarized Times</i>.</p> <p>Epstein, Lee, William Landes, and Richard Posner. 2012. <i>The Behavior of Federal Judges</i>, Chapter 1 "A Realistic Theory of Judicial Behavior," (pp. 25-64) and Chapter 3 "The Supreme Court." (pp. 101-152).</p> <p>Cameron, Charles and Lewis Kornhauser, "Rational Choice Attitudinalism? A Review of Epstein, Landes, and Posner," <i>European Journal of Law and Economics</i> (2015).</p>
9/23	What non-legal factors affect judicial decisions?	<p>"Extraneous factors in judicial decisions" Shai Danziger, Jonathan Levav, Liora Avnaim-Pesso and Daniel Kahneman. <i>Proceedings of the National Academy of Sciences of the United States of America</i> Vol. 108, No. 17 (April 26, 2011), pp. 6889-6892</p> <p>Sotomayor, Sonia. "A Latina Judge's Voice." May 14, 2009. <i>The New York Times</i>. Available at http://www.nytimes.com/2009/05/15/us/politics/15judge.text.html.</p> <p>Christina Boyd, Lee Epstein and Andrew Martin, "Untangling the Causal Effects of Gender on Judging," <i>American Journal of Political Science</i>, 2010</p> <p>Cox, A. B., and Miles, T. J. 2008. "Judging the Voting Rights Act." <i>Columbia Law Review</i> 108(1): 1-54</p> <p>Kastellec, John. 2011. Hierarchical and Collegial Politics on the U.S. Courts of Appeals, <i>Journal of Politics</i>, 73(2): 345-61</p> <p>O Connor, Sandra. "Thurgood Marshall: The Influence of a Raconteur" <i>Stanford Law Review</i>, Summer 1992, Vol.44</p>

<p>9/30</p> <p style="font-size: 48pt; text-align: center;">4</p>	<p>Selection and its Consequences-Federal</p>	<p>Nemacheck, Christine. 2012. "Selecting Justice: Strategy and Uncertainty in Choosing Supreme Court Nominees." In <i>New Directions in Judicial Politics</i> ed. Kevin T. McGuire. Routledge</p> <p>Segal, Jeffrey A., Richard J. Timpone and Robert M. Howard. "Buyer Beware? Presidential Success through Supreme Court Appointments." <i>Political Research Quarterly</i>. Vol 53 Issue 3</p> <p>Segal, Jeffrey A. and Harold Spaeth. The Supreme Court and the Attitudinal Model Revisited. p. 1-27 & 312-356</p> <p>Krehbiel, Keith. 2007. "Supreme Court Appointments as a Move-the-Median Game." <i>American Journal of Political Science</i>. 51 (2): 231-40.</p> <p>Cameron, Charles M. and Jonathan P. Kstellec. 2016 "Are Supreme Court Nominations a Move-the-Median Game?" <i>American Political Science Review</i>. Vol. 110, No.4</p>
<p>10/7</p> <p style="font-size: 48pt; text-align: center;">5</p>	<p>Selection and its Consequences-State</p>	<p>Judicial Selection and Death Penalty Decisions. Brandice Canes-Wrone, Tom S. Clark And Jason P. Kelly. <i>The American Political Science Review</i>. Vol. 108, No. 1 (February 2014), pp. 23-39</p> <p>Huber, Gregory A. and Sanford C. Gordon. 2004. "Accountability and Coercion: Is Justice Blind when it Runs for Office?" <i>American Journal of Political Science</i> 48(2): 247-263.</p> <p>Gibson, James L. 2009. "New-Style' Judicial Campaigns and the Legitimacy of State High Courts," <i>Journal of Politics</i> 71: 1285-1304.</p> <p>Bonneau, Chris W. and Melinda Gann Hall. 2017. Judicial Elections in the 21st Century p. 9-12</p> <p>Nelson, Michael. 2017. "Judicial Elections and Support for State Courts." In <i>Judicial Elections in the 21st Century</i>.</p>

<p>10/15 (Note: Class Meets on Tuesday)</p> <p style="font-size: 48pt; text-align: center;">6</p>	<p>The political environment and Separation of Powers</p>	<p>Bailey, Michael A. and Forest Maltzman. "Goldilocks and the Supreme Court." In <i>New Directions in Judicial Politics</i> ed. Kevin T. McGuire. Routledge</p> <p>Whittington, Keith E. "'Interpose Your Friendly Hand': Political Supports for the Exercise of Judicial Review by the United States Supreme Court". <i>American Political Science Review</i> 99.4 (2005): 99, 4, 583-596.</p> <p>Clark, Tom S. 2009. "The Separation of Powers, Court-curbing, and Judicial Legitimacy," <i>American Journal of Political Science</i> 53(4):971-989</p> <p>Rosenberg, Gerald. <i>The Hollow Hope</i>. Ch. 1</p> <p>Casillas, Christopher J., Peter K. Enns, and Patrick C. Wohlfarth. 2011. "How Public Opinion Constrains the U.S. Supreme Court," <i>American Journal of Political Science</i> 55: 74-88..</p> <p>Dino Christenson and David Glick. 2015. "Chief Justice Roberts's Health Care Decision Disrobed: The Microfoundations of the Supreme Court's Legitimacy," <i>American Journal of Political Science</i> 59: 403-418.</p>
<p>10/21 Referee Report Due</p> <p style="font-size: 48pt; text-align: center;">7</p>	<p>What role do advocates play in the judicial system?</p>	<p>Nathan Hakman, Lobbying the Supreme Court--An Appraisal of Political Science Folklore, 35 <i>Fordham L. Rev.</i> 15 (1966).</p> <p>Black, Ryan C. and Ryan J. Owens. "Solicitor General Influence and Agenda Setting on the U.S. Supreme Court." <i>Political Research Quarterly</i>. Vol 64(4), pp. 765-778</p> <p>Collins, Paul M. "Interest Groups and their Influence on Judicial Policy." In <i>New Directions in Judicial Politics</i> ed. Kevin T. McGuire. Routledge</p> <p>Johnson, TR, PJ Wahlbeck, JF Spriggs. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." <i>American Political Science Review</i>. pp. 99-113.</p>

<p>10/28</p> <p style="font-size: 48pt; text-align: center;">8</p>	<p>Criminal Prosecutors</p>	<p>Davis, Angela J. 2007. "Arbitrary Justice: The Power of the American Prosecutor." p. 3-59</p> <p>Gordon, Sanford & Gregory Huber. "Citizen Oversight and the Electoral Incentives of Criminal Prosecutors." <i>American Journal of Political Science</i> Vol. 46, No. 2 (Apr., 2002), pp. 334-351</p> <p>Boldt, Ethan D. and Christina L. Boyd. 2018. "The Political Responsiveness of Violent Crime Prosecution." <i>Political Research Quarterly</i>. pp 1-13</p> <p>Bandyopadhyay, Siddhartha, and Bryan C. McCannon. "The effect of the election of prosecutors on criminal trials." <i>Public Choice</i> 161, no. 1-2 (2014): 141-156.</p> <p>Wright, Ronald F. "Persistent Localism in the Prosecutor Services of North Carolina" <i>Crime and Justice</i> 41(1): 211-264. August 2012</p>
<p>11/4 Paper Proposal Due</p> <p style="font-size: 48pt; text-align: center;">9</p>	<p>Mass Incarceration</p>	<p><u>Prison Policy Report</u></p> <p><u>People in Prison Report</u></p> <p>Hinton, Elizabeth. "A War within Our Own Boundaries': Lyndon Johnson's Great Society and the Rise of the Carceral State." <i>The Journal of American History</i> 102, no. 1 (2015): 100-112.</p> <p>Pfaff, John. <i>Locked In</i>, 161-202</p> <p>Alexander, Michelle. <i>The New Jim Crow</i>. p. 20-96</p>
<p>11/11</p> <p style="font-size: 48pt; text-align: center;">10</p>	<p>Punitive Politics- General</p>	<p>Gordon, Sanford C., and Gregory Huber. "The Effect of Electoral Competitiveness on Incumbent Behavior." <i>Quarterly Journal of Political Science</i> 2, no. 2 (2007): 107-138.</p> <p>Thorpe, Rebecca U. "Perverse Politics: The Persistence of Mass Imprisonment in the Twenty first Century." <i>Perspectives on Politics</i> 13, no. 3 (2015): 618-637.</p> <p>Eckhouse, Laurel. "Race, Party, and Representation in Criminal Justice Politics." <i>The Journal of Politics</i> 81, no. 3 (July 2019): 1143-1152</p> <p>Zimmerman, Joseph. "Congress and Crime." (2014) p. 1-74</p>

<p>11/18</p> <p style="font-size: 48pt; text-align: center;">11</p>	<p>Punitive Politics- Non legislative</p>	<p>Miller, Lisa L. "Rethinking Bureaucrats in the Policy Process: Criminal Justice Agents and the National Crime Agenda." <i>Policy Studies Journal</i> 32, no. 4 (2004): 569-588.</p> <p>Page, Joshua. "Prison Officer Unions and the Perpetuation of the Penal Status Quo." <i>Criminology & Public Policy</i> 10 (2011): 735-770.</p> <p>Enns, Peter K. "Incarceration Nation." (2016) p. 19-48</p> <p>Enns, P.K. and Ramirez, M.D. (2018) Privatizing Punishment: Testing Theories of Public Support for Private Prison and Immigration Detention Facilities. <i>Criminology</i> 56: 546-573</p>
<p>11/25 Rough Draft Due</p> <p style="font-size: 48pt; text-align: center;">12</p>	<p>Policing</p>	<p>Soss, Joe, and Vesla Weaver. "Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities." <i>Annual Review of Political Science</i> 20 (2017): 565-591.</p> <p>Baumgartner, Frank R., Derek A. Epp, Kelsey Shoub, and Bayard Love. "Targeting young men of color for search and arrest during traffic stops: evidence from North Carolina, 2002-2013." <i>Politics, Groups, and Identities</i> 5, no. 1 (2017): 107-131.</p> <p>Andrew Gelman, Jeffrey Fagan & Alex Kiss (2007) An Analysis of the New York City Police Department's "Stop-and-Frisk" Policy in the Context of Claims of Racial Bias, <i>Journal of the American Statistical Association</i></p> <p>Epp, Charles R, Steven Maynard-Moody, Donald Haider-Markel. (2014) "Pulled Over" p.26-73</p> <p>Moskos, Peter. (2008) "Cop in the Hood." 19-63 & 89-157</p>
<p>12/2</p> <p style="font-size: 48pt; text-align: center;">13</p>	<p>Workshop + Juries</p>	<p>Anwar, Shamena, Patrick Bayer, and Randi Hjalmarsson. 2012. "The Impact of Jury Race in Criminal Trials." <i>Quarterly Journal of Economics</i> 127(2): 1017-1055</p> <p>Vidmar, Neil and Valerie P. Hans. (2007) "American Juries" p. 65-105</p> <p>Paul H. Robinson. (1999) "Would You Convict?" p. 28-43 & 142-155</p>
<p>12/9</p>	<p>Paper Presentations</p>	
<p>12/16</p>	<p>Final Paper Due</p>	<p>No Class</p>

Attendance in this class is not mandatory. There is no need to let me know if you are going to miss class. **If you miss class** it is your responsibility to gather notes.

Extensions may be granted in extreme circumstances. To get an extension, you must get approval 24 hours before the assignment is due *in writing*.

Tablets and Laptops can be used for note taking. If it becomes clear that these devices are a disruption or distraction I will withdraw my permission for their use.

Grade disputes should be timely, lodged via email, and accompanied with a written explanation.

Changes to the reading schedule are unlikely, but if necessary will be announced via email at least 1 week in advance of the affected class.

Cell phones shouldn't be out during class. Your lap counts as "out"

Extra credit will not be offered for this class under any circumstances.

Late assignments can be submitted with a penalty. For each day the assignment is late you will receive a 10% grade reduction, beginning immediately after the assignment is due.

Regular access to a computer with a reliable internet connection is essential to succeed in this course. All assignment submissions are electronic. Technological issues are not an excuse for failing to meet course requirements.

Course communications will happen by email. Students are expected to check their BU email every day. Student emails will be responded to within one business day.

Collaboration is encouraged, but all submitted materials must comply with the Academic Code of Conduct. Suspected violators of the Code will be referred to the Dean's office.

Reading Responses are due at 5pm the day before class. If class is meeting on Monday, reading responses are due at 5pm on Sunday. If class is meeting on Tuesday, responses are due Monday, and so on.

Grading Scale:

A 93-100
A- 90-92
B+ 87-89
B 83-86

B- 80-82
C+ 77-79
C 73-76
C- 70-72
D+ 67-69
D 60-67

BU Academic Policies

Disability Services: Students with documented disabilities, including learning disabilities, may be entitled to accommodations intended to ensure that they have integrated and equal access to the academic, social, cultural, and recreational programs the university offers. Accommodations may include, but are not limited to, additional time on tests, staggered homework assignments, note-taking assistance. If you believe you should receive accommodations, please contact the Office of Disability Services to discuss your situation. This office can give you a letter that you can share with instructors of your classes outlining the accommodations you should receive. The letter will not contain any information about the reason for the accommodations.

If you already have a letter of accommodation, you are encouraged to share it with your instructor as soon as possible. <http://www.bu.edu/disability/>

Bereavement: In the event of the death of an immediate family member, you should notify your advisor, who will help you coordinate your leave. You will be automatically granted five weekdays of leave, and if necessary, your advisor will help you to petition the Dean for additional leave time. You may also request a leave of absence due to bereavement. Please contact your advisor, who will help you with the process.

Incomplete Grades: An incomplete grade (I) is used only when the student has conferred with the instructor prior to the submission of grades and offered acceptable reasons for the incomplete work. If you wish to take an incomplete in this class, please contact the instructor as soon as possible but certainly before the submission of final grades. To receive an incomplete, you and your instructor must both sign an “Incomplete Grade Report” specifying the terms under which you will complete the class.

<https://www.bu.edu/academics/policies/incomplete-coursework/>

Academic Conduct: All Boston University students are expected to maintain high standards of academic honesty and integrity. It is your responsibility to be familiar with the Academic Conduct Code, which describes the ethical standards to which BU students are expected to adhere and students’ rights and responsibilities as members of BU’s learning community. All instances of cheating, plagiarism, and other forms of academic misconduct will be addressed in accordance with this policy. Penalties for academic misconduct can range from failing an assignment or course to suspension or expulsion from the university.

<https://www.bu.edu/academics/policies/academic-conduct-code/>