

Political Science 715
Winter 2001
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JUDICIAL POLITICS: PROCESS AND POLICY MAKING

This course deals with one part of the judicial politics subfield within American politics. Political Science 716 examines judicial decision making. This course examines the stages of the judicial process that precede and follow decision making: litigation, the substance of judicial policies, and responses to those policies. It also considers lawyers as participants in the judicial process and the process of selecting judges. In contrast with the research on judicial decision making, the scholarship that we consider in this class is less focused on the Supreme Court and other appellate courts, and more of it has been contributed by scholars who are not political scientists.

No prior knowledge of the judicial process is assumed, but some background is helpful. For students who are not familiar with the workings of the courts, it may be useful to get and read parts of a basic book on the judicial process. Some possibilities are: Robert A. Carp and Ronald Stidham, The Judicial Process in America; Henry R. Glick, Courts, Politics, and Justice; and Christopher E. Smith, Courts, Politics, and the Judicial Process.

The subjects for the course and the dates they will be taken up are as follows:

- A. Participants in the judicial process
 - 1. Lawyers (January 8)
 - 2. Selection of judges (January 10, 17)

- B. Litigation
 - 1. Decisions to litigate (January 22, 24)
 - 2. Interest groups and political litigation (January 29, 31)

- C. Policy outputs
 - 1. Outcomes of litigation (February 5)
 - 2. Criminal sentencing (February 7, 12)
 - 3. Winners and losers in the Supreme Court (February 14)

- D. Responses to court policies
 - 1. Coordinate courts (February 19)
 - 2. Lower courts (February 21)
 - 3. Administrative agencies (February 26)
 - 4. The other branches (February 28)
 - 5. Public opinion (March 5)
 - 6. Society (March 7)

Students in the course will have several responsibilities, each reflected in the course grade:

1. Regular attendance, preparation for class, and participation in class discussion (10% of the grade).

2. Writing five short papers, each keyed to one of the subjects that we take up in the readings. A paper on a subject is due at the beginning of class on the day that we take up that subject in class. These papers can take any of several forms, including an hypothesis about a particular process, an outline of a research design to study an issue, a critique of a particular article or set of articles, or anything else that makes use of the readings on a subject. If you have any questions about appropriate forms for the paper, check with me. The papers should be about five pages in length and can be written in informal style (though with proper mechanics).

To ensure that papers do not bunch up late in the quarter, I'll put one constraint on your choice of topics: you need to write papers in at least four segments of the course. The segments are A, B, C, D1 through D3, and D4 through D6.

The first paper will not be graded. The other four papers will count equally, each as 15% of the course grade (60% total).

3. Taking a final examination in the form of a general examination. The exam will be held on Monday March 12th at 1:30. It will count as 30% of the grade.

The readings are taken primarily from journal articles. Students should purchase one book, Gerald Rosenberg's The Hollow Hope: Can Courts Bring About Social Change? (University of Chicago Press 1991). The readings for each subject are listed below (though there might be a few changes later), along with the dates that we will discuss these subjects in class; on each topic, following the list of readings, is a second list that includes important books on the topic. Let me know of any topics on which you would like to have a bibliography of additional journal articles.

A1. Lawyers (January 8)

How do lawyers affect clients' choices and success?

Herbert M. Kritzer, "Contingency Fee Lawyers as Gatekeepers in the Civil Justice System," Judicature 81 (July-August 1997), 22-29.

William L. F. Felstiner and Austin Sarat, "Enactments of Power: Negotiating Reality and Responsibility in Lawyer-Client Interactions," Cornell Law Review 77 (September 1992), 1447-98.

Herbert M. Kritzer, Legal Advocacy: Lawyers and Nonlawyers at Work (1998), chs. 1, 6.

Kevin T. McGuire, "Repeat Players in the Supreme Court: The Role of Experienced Lawyers in Litigation Success," Journal of Politics 57 (February 1995), 187-96.

Richard Abel, American Lawyers (1991).

Marc Galanter and Thomas Palay, Tournament of Lawyers: The Transformation of the Big Law Firm (1991).

- John Hagan and Fiona Kay, Gender in Practice: A Study of Lawyers' Lives (1995).
- John P. Heinz and Edward O. Laumann, Chicago Lawyers: The Social Structure of the Bar (1982).
- Michael J. Kelly, Lives of Lawyers: Journeys in the Organization of Practice (1994).
- Herbert M. Kritzer, The Justice Broker: Lawyers and Ordinary Litigation (1990).
- Donald D. Landon, Country Lawyers: The Impact of Context on Professional Practice (1990).
- Kevin T. McGuire, The Supreme Court Bar: Legal Elites in the Washington Community (1993).
- Mark C. Miller, The High Priests of American Politics: The Role of Lawyers in American Political Institutions (1995).
- Robert L. Nelson, Partners With Power: The Social Transformation of the Large Law Firm (1988).
- Austin Sarat and William L. F. Felstiner, Divorce Lawyers and Their Clients: Power and Meaning in the Legal Process (1995).
- Carroll Seron, The Business of Practicing Law: The Work Lives of Solo and Small-Firm Attorneys (1996).
- Eve Spangler, Lawyers For Hire: Salaried Professionals at Work (1986).
- Richard Zitrin and Carol M. Langford, The Moral Compass of the American Lawyer: Truth, Justice, Power, and Greed (1999).

A2. Selection of Judges

Part 1: what impact do formal rules have on selection processes and outcomes? (January 10)

- Elliot E. Slotnick, "Judicial Selection Systems and Nomination Outcomes: Does the Process Make a Difference?" American Politics Quarterly 12 (April 1984), 225-40.
- Nicholas O. Alosie, "Selection Methods and the Recruitment of Women to State Courts of Last Resort," Social Science Quarterly 77 (March 1996), 110-26.
- Alexander Tabarrok and Eric Helland, "Court Politics: The Political Economy of Tort Awards," Journal of Law and Economics 62 (April 1999), 157-88.
- John Blume and Theodore Eisenberg, "Judicial Politics, Death Penalty Appeals, and Case Selection: An Empirical Study," Southern California Law Review 72 (January-March 1999), 465-503.

Part 2: what factors determine outcomes in Supreme Court appointments? (January 17)

- Bryon J. Moraski and Charles R. Shipan, "The Politics of Supreme Court Nominations: A Theory of Institutional Constraints and Choices," American Journal of Political Science 43 (October 1999), 1069-95.
- Jeffrey A. Segal, Charles M. Cameron, and Albert D. Cover, "A Spatial Model of Roll Call Voting: Senators, Constituents, Presidents, and Interest Groups in Supreme Court Confirmations," American Journal of Political Science 36 (February 1992), 96-121.
- L. Marvin Overby, Beth M. Henschen, Michael H. Walsh, and Julie Strauss, "Courting Constituents? An Analysis of the Senate Confirmation Vote on Justice Clarence Thomas," American Political Science Review 86 (December 1992), 997-1003.
- Gregory A. Caldeira and John R. Wright, "Lobbying for Justice: Organized Interests, Supreme

Court Nominations, and the United States Senate," American Journal of Political Science 42 (April 1998), 499-523.

Henry J. Abraham, Justices, Presidents, and Senators: A History of the U.S. Supreme Court Appointments from Washington to Clinton, rev. ed. (1999).

Philip Dubois, From Ballot to Bench: Judicial Elections and the Quest for Accountability (1980).

Sheldon Goldman, Picking Federal Judges: Lower Court Selection From Roosevelt Through Reagan (1997).

John Anthony Maltese, The Selling of Supreme Court Nominees (1995).

Neil D. McFeeley, Appointment of Judges: The Johnson Presidency (1987).

Daniel R. Pinello, The Impact of Judicial-Selection Method on State-Supreme-Court Policy: Innovation, Reaction, and Atrophy (1995).

John Schmidhauser, Judges and Justices: The Federal Appellate Judiciary (1979).

Charles H. Sheldon and Linda S. Maule, Choosing Justice: The Recruitment of State and Federal Judges (1997).

Mark Silverstein, Judicious Choices: The New Politics of Supreme Court Confirmations (1994).

George L. Watson and John A. Stookey. Shaping America: The Politics of Supreme Court Appointments (1995).

Richard A. Watson and Rondal G. Downing, The Politics of the Bench and the Bar: Judicial Selection Under the Missouri Nonpartisan Court Plan (1969).

David Alistair Yalof, Pursuit of Justices: Presidential Politics and the Selection of Supreme Court Justices (1999).

B1. Decisions to Litigate

How do people decide whether to go to court?

Part 1: sociological approaches (January 22)

Richard E. Miller and Austin Sarat, "Grievances, Claims, and Disputes: Assessing the Adversary Culture," Law & Society Review 15 (1980-81), 525-65.

Frank A. Sloan and Chee Ruey Hsieh, "Injury, Liability, and the Decision to File a Medical Malpractice Claim," Law & Society Review 29 (1995), 413-35.

David M. Engel, "The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community," Law & Society Review 18 (1984), 551-82.

Part 2: economic approaches (January 24)

George L. Priest and Benjamin Klein, "The Selection of Disputes for Litigation," Journal of Legal Studies 13 (January 1984), 1-55.

Theodore Eisenberg, "Testing the Selection Effect: A New Theoretical Framework with Empirical Tests," Journal of Legal Studies 19 (June 1990), 337-58.

Donald Songer, Charles Cameron, and Jeffrey A. Segal, "An Empirical Test of the Rational Actor Theory of Litigation," Journal of Politics 57 (November 1995), 1119-29.

Kristin Bumiller, The Civil Rights Society: The Social Construction of Victims (1988).

Kevin J. Delaney, Strategic Bankruptcy: How Corporations and Creditors Use Chapter 11 to Their Advantage (1992).

Robert C. Ellickson, Order Without Law: How Neighbors Settle Disputes (1991).

Carol J. Greenhouse, Barbara Yngvesson, and David M. Engel, Law and Community in Three American Towns (1994).

Herbert M. Kritzer, Let's Make a Deal: Understanding the Negotiation Process in Ordinary Litigation (1991).

Sally Engel Merry, Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans (1990).

H. Laurence Ross, Settled Out of Court, rev. ed. (1980).

Frank A. Sloan et al., Suing for Medical Malpractice (1993).

Barbara Yngvesson, Virtuous Citizens, Disruptive Subjects: Order and Complaint in a New England Court (1993).

B2. Interest Groups and Political Litigation

Part 1: what explains the use of political litigation? (January 29)

Susan M. Olson, "Interest Group Litigation in Federal District Court: Beyond the Political Disadvantage Theory," Journal of Politics 52 (August 1990), 854-82.

Kim Scheppele and Jack L. Walker, "The Litigation Strategies of Interest Groups," in Walker, ed., Mobilizing Interest Groups in America (1991), pp. 157-84.

Gregory A. Caldeira and John R. Wright, "Amici Curiae Before the Supreme Court: Who Participates, When, and How Much?" Journal of Politics 52 (August 1990), 782-806.

Part 2: what impact do interest groups have on court policies? (January 31)

Lee Epstein and C. K. Rowland, "Debunking the Myth of Interest Group Invincibility in the Courts," American Political Science Review 85 (March 1991), 205-17.

Donald R. Songer and Ashlyn Kuersten, "The Success of Amici in State Supreme Courts," Political Research Quarterly 48 (March 1995), 31-42.

James F. Spriggs, II, and Paul J. Wahlbeck, "Amicus Curiae and the Role of Information at the Supreme Court," Political Research Quarterly 50 (June 1997), 365-86.

Joseph Stewart, Jr., and James F. Sheffield, Jr., "Does Interest Group Litigation Matter? The Case of Black Political Mobilization in Mississippi," Journal of Politics 49 (August 1987), 780-98.

Martha F. Davis, Brutal Need: Lawyers and the Welfare Rights Movement 1960-1973 (1993).

Lee Epstein, Conservatives in Court (1985).

Lee Epstein and Joseph F. Kobylka, The Supreme Court and Legal Change: Abortion and the Death Penalty (1992).

Jack Greenberg, Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution (1994).

Richard Kluger, Simple Justice: The History of Brown v. Board of Education and Black America's Search for Equality (1976).

Joseph F. Kobylka, The Politics of Obscenity: Group Litigation in a Time of Legal Change (1991).

Susan Lawrence, The Poor in Court: The Legal Services Program and Supreme Court Decision Making (1990).

Karen O'Connor, Women's Organizations' Use of the Courts (1980).

Susan M. Olson, Clients and Lawyers: Securing the Rights of Disabled Persons (1984).

Rebecca Mae Salokar, The Solicitor General: The Politics of Law (1992).

Frank J. Sorauf, The Wall of Separation: The Constitutional Politics of Church and State (1976).

Mark V. Tushnet, Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961 (1994).

Clement E. Vose, Constitutional Change (1972).

Samuel Walker, In Defense of American Liberties: A History of the ACLU, 2d ed. (1999).

Stephen L. Wasby, Race Relations Litigation in an Age of Complexity (1995).

C1. Outcomes of Litigation (February 5)

Do the "haves" come out ahead?

Marc Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," Law & Society Review 9 (Fall 1974), 95-160.

Donald R. Songer, Reginald S. Sheehan, and Susan Brodie Haire, "Do the 'Haves' Come Out Ahead Over Time? Applying Galanter's Framework to Decisions of the U.S. Courts of Appeals, 1925-1988," Law & Society Review 33 (1999), 811-32.

Donald J. Farole Jr., "Reexamining Litigant Success in State Supreme Courts," Law & Society Review 33 (1999), 1043-58.

David Caplovitz, Consumers in Trouble: A Study of Debtors in Default (1974).

Stephen Daniels and Joanne Martin, Civil Juries and the Politics of Reform (1995).

Patricia M. Danzon, Medical Malpractice: Theory, Evidence, and Public Policy (1985).

Deborah R. Hensler et al., Compensation for Accidental Injuries in the United States (1991).

Richard B. Sobol, Bending the Law: The Story of the Dalkon Shield Bankruptcy (1991).

Teresa A. Sullivan, Elizabeth Warren, and Jay Lawrence Westbrook, As We Forgive Our Debtors: Bankruptcy and Consumer Credit in America (1992).

Neil Vidmar, Medical Malpractice and the American Jury (1996).

Paul C. Weiler et al., A Measure of Malpractice: Medical Injury, Malpractice Litigation and Patient Compensation (1993).

C2. Criminal Sentencing

Part 1: Who wins and loses in sentencing decisions? (February 7)

Jo Dixon, "The Organizational Context of Criminal Sentencing," American Journal of Sociology 100 (March 1995), 1157-98.

Darrell Steffensmeier, Jeffrey Ulmer, and John Kramer, "The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male," Criminology 36 (November 1998), 763-97.

Cassia Spohn and David Holleran, "The Imprisonment Penalty Paid by Young, Unemployed Black and Hispanic Male Offenders," Criminology 38 (February 2000), 281-306.

Robert Tillman and Henry N. Pontell, "Is Justice 'Collar-Blind'? Punishing Medicaid Provider Fraud," Criminology 30 (November 1992), 547-73.

Part 2: How do changes in sentencing rules affect court processes and outcomes? (February 12)

Terence D. Miethe, "Charging and Plea Bargaining Practices Under Determinate Sentencing: An Investigation of the Hydraulic Displacement of Discretion," Journal of Criminal Law and Criminology 78 (Spring 1987), 155-76.

Jeffery T. Ulmer and John H. Kramer, "Court Communities Under Sentencing Guidelines: Dilemmas of Formal Rationality and Sentencing Disparity," Criminology 34 (1996), 383-408.

Ilene L. Nagel and Stephen J. Schulhofer, "A Tale of Three Cities: An Empirical Study of

Charging and Bargaining Practices Under the Federal Sentencing Guidelines," Southern California Law Review 66 (November 1992), 501-61.

Michael Tonry, "The Failure of the U.S. Sentencing Commission's Guidelines," Crime and Delinquency 39 (April 1993), 131-49.

David C. Baldus, George Woodworth, and Charles A. Pulaski, Jr., Equal Justice and the Death Penalty: A Legal and Empirical Analysis (1990).

Alfred Blumstein et al., Research on Sentencing: The Search for Reform, vols. 1 and 2 (1983).

Kitty Calavita, Henry N. Pontell, and Robert H. Tillman, Big Money Crime: Fraud and Politics in the Savings and Loan Crisis (1997).

David Cole, No Equal Justice: Race and Class in the American Criminal Justice System (1999)

Roy B. Flemming, Peter F. Nardulli, and James Eisenstein, The Craft of Justice: Politics and Work in Criminal Court Communities (1992).

Pamala Griset, Determinate Sentencing: The Promise and the Reality of Retributive Justice (1991).

Randall Kennedy, Race, Crime, and the Law (1997)

Martin A. Levin, Urban Politics and the Criminal Courts (1977).

Martha A. Myers and Susette M. Talarico, The Social Contexts of Criminal Sentencing (1987).

David Schichor and Dale K. Sechrest, eds., Three Strikes and You're Out: Vengeance as Public Policy (1996).

Michael H. Tonry, Sentencing Matters (1996).

Kate Stith and Jose A. Cabranes, Fear of Judging: Sentencing Guidelines in the Federal Courts (1998).

Jeffery T. Ulmer, Social Worlds of Sentencing: Court Communities Under Sentencing Guidelines (1997).

H. Richard Uviller, The Tilted Playing Field: Is Criminal Justice Unfair? (1999),

Andrew von Hirsch, Kay A. Knapp, and Michael Tonry, eds., The Sentencing Commission and Its Guidelines (1987).

David Weisburd, Stanton Wheeler, Elin Waring, and Nancy Bode, Crimes of the Middle Class: White Collar Offenders in the Federal Courts (1991).

Stanton Wheeler, Kenneth Mann, and Austin Sarat, Sitting in Judgment: The Sentencing of White Collar Criminals (1988).

C3. Winners and Losers in the Supreme Court (February 14)

Is the Supreme Court the refuge for "have-nots"?

Henry Steele Commager, "Judicial Review and Democracy," Virginia Quarterly Review 19 (Summer 1943), 417-428.

Martin Shapiro, "The Supreme Court: From Warren to Burger," in Anthony King, ed., The New American Political System (1978), 179-211.

Reginald S. Sheehan, William Mishler, and Donald R. Songer, "Ideology, Status, and the Differential Success of Direct Parties Before the Supreme Court," American Political Science Review 86 (June 1992), 464-71.

Charles R. Epp, The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective (1998).

Russell Galloway, Justice for All? The Rich and Poor in Supreme Court History 1790-1990 (1991).

Robert G. McCloskey, revised by Sanford Levinson, The American Supreme Court, 3rd ed. (2000).

Glendon Schubert, The Constitutional Polity (1970).

Bernard Schwartz, ed. The Burger Court: Counter-Revolution or Confirmation? (1998).

Christopher E. Smith, Courts and the Poor (1991).

D1. Coordinate courts (February 19)

Why do courts influence each other?

Martin Shapiro, "Decentralized Decision-Making in the Law of Torts," in S. Sidney Ulmer, ed., Political Decision-Making (1970).

Gregory Caldeira, "The Transmission of Legal Precedent: A Study of State Supreme Courts," American Political Science Review 79 (March 1985), 178-93.

David Klein, "Explaining the Adoption and Rejection of Legal Doctrines in the U.S. Courts of Appeals" (paper presented at the Conference on the Scientific Study of Courts, 1996).

Robert E. Keeton, Venturing to Do Justice: Reforming the Private Law (1969).

G. Alan Tarr and Mary Cornelia Aldis Porter, State Supreme Courts in State and Nation (1988).

D2. Lower courts (February 21)

How hierarchical is the judicial system?

Donald R. Songer, Jeffrey A. Segal, and Charles M. Cameron, "The Hierarchy of Justice: Testing a Principal-Agent Model of Supreme Court-Circuit Court Interactions," American Journal of Political Science 38 (August 1994), 673-96.

McNollgast, "Politics and the Courts: A Positive Theory of Judicial Doctrine and the Rule of Law," Southern California Law Review 68 (September 1995), 1631-89.

John C. Kilwein and Richard A. Brisbin, Jr., "Policy Convergence in a Federal Judicial System: The Application of Intensified Scrutiny Doctrines by State Supreme Courts," American Journal of Political Science 41 (January 1997), 122-48.

Bradley C. Canon and Charles A. Johnson. Judicial Policies: Implementation and Impact, 2d ed. (1999).

J. W. Peltason, Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation, 2d ed. (1971).

G. Alan Tarr, Judicial Impact and State Supreme Courts (1977).

D3. Administrative agencies (February 26)

What influences administrative response to court decisions?

Charles A. Johnson, "Judicial Decisions and Organizational Change: Some Theoretical and Empirical Notes on State Court Decisions and State Administrative Agencies," Law & Society Review 14 (Fall 1979), 27-56.

James F. Spriggs, II, "Explaining Federal Bureaucratic Compliance with Supreme Court Opinions," Political Research Quarterly 50 (September 1997), 567-93.

Craig D. Uchida and Timothy S. Bynum, "Search Warrants, Motions to Suppress and 'Lost Cases': The Effects of the Exclusionary Rule in Seven Jurisdictions," Journal of Criminal Law & Criminology 81 (Winter 1991), 1034-66.

Richard A. Leo, "Inside the Interrogation Room," Journal of Criminal Law & Criminology 86 (Winter 1996), 266-303.

Craig M. Bradley, The Failure of the Criminal Procedure Revolution (1993).

Bradley Stewart Chilton, Prisons Under the Gavel: The Federal Takeover of Georgia Prisons (1991).

Kenneth Dolbeare and Phillip E. Hammond, The School Prayer Decisions: From Court Decision to Local Practice (1971).

Malcolm M. Feeley and Edward S. Rubin, Judicial Policy Making and the Modern State: How the Courts Reformed America's Prisons (1999).

Neal Milner, The Court and Local Law Enforcement: The Impact of Miranda (1971).

William K. Muir, Prayer in the Public Schools: Law and Attitude Change (1967).

Frank S. Ravitch, School Prayer and Discrimination: The Civil Rights of Religious Minorities and Dissenters (1999).

Harrell Rodgers and Charles Bullock, Coercion to Compliance (1976).

Martin Shapiro, The Supreme Court and Administrative Agencies (1968).

Larry W. Yackle, Reform and Regret: The Story of Federal Judicial Involvement in the Alabama Prison System (1989).

D4. The other branches (February 28)

Why are court decisions overturned?

William N. Eskridge, Jr., "Reneging on History? Playing the Court/Congress/President Civil Rights Game," California Law Review 79 (1991), 613-84.

Joseph Ignagni and James Meernik, "Explaining Congressional Attempts to Reverse Supreme Court Decisions," Political Research Quarterly 47 (June 1994), 353-71.

Michael E. Solimine and James L. Walker, "The Next Word: Congressional Response to Supreme Court Statutory Decisions." Temple Law Review 65 (1992), 425-58.

Christopher Zorn, "Assessing the Determinants of Congressional Response to the Supreme Court" (typescript, 1995).

John B. Gates, The Supreme Court and Partisan Realignment: A Macro and Microlevel Perspective (1991).

Edward Keynes, with Randall K. Miller, The Court vs. Congress: Prayer, Busing, and Abortion (1989).

Richard Lehne, The Quest for Justice: The Politics of School Finance Reform (1978).

Richard A. Leo and George C. Thomas III, eds. The Miranda Debate: Law, Justice, and Policing (1998).

Walter Murphy, Congress and the Court (1962).

John A. Schmidhauser and Larry L. Berg, Congress and the Supreme Court: Conflict and Interaction, 1945-1968 (1972).

Robert Scigliano, The Supreme Court and the Presidency (1971).

D5. Public opinion (March 5)

What are the bases of support for the Supreme Court?

Gregory A. Caldeira and James L. Gibson, "The Etiology of Public Support for the Supreme Court," American Journal of Political Science 36 (August 1992), 635-91.

Jeffrey Mondak and Shannon Smithey, "The Dynamics of Support for the Supreme Court," Journal of Politics 59 (November 1997), 1114-43.

Timothy Johnson and Andrew D. Martin, "The Public's Conditional Response to Supreme Court Decisions," American Political Science Review 92 (June 1998), 299-309.

Valerie J. Hoekstra, "The Supreme Court and Local Public Opinion," American Political Science Review 94 (March 2000), 89-100.

Thomas R. Marshall, Public Opinion and the Supreme Court (1989).

D6. Society (March 7)

How much difference do the courts make?

Gerald Rosenberg, The Hollow Hope: Can Courts Bring About Social Change? (1991).

Kenneth Dolbeare, Trial Courts in Urban Politics: State Court Policy Impact and Functions in a Local Political System (1967).

Charles M. Haar, Suburbs Under Siege: Race, Space, and Audacious Judges (1996).

Donald L. Horowitz, The Courts and Social Policy (1977)

Samuel Krislov, The Supreme Court and Political Freedom (1968).

Michael W. McCann, Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization (1994).

Arthur Selwyn Miller, The Supreme Court and American Capitalism (1968).

Harrell R. Rodgers, Jr., and Charles S. Bullock III, Law and Social Change: Civil Rights Laws and Their Consequences (1968).

David A. Schultz, ed., Leveraging the Law: Using the Courts to Achieve Social Change (1998).