Semester:	Summer	**Year:**	2025
Course Prefix:	CGCL	**Course and Section #:**	6430-415
Course Title:	The Supreme Court in American Political Development	**Credits:**	2

Course Description

We shall examine the origins and development of the Supreme Court of the United States. Major episodes in the development of the federal judiciary will be explored, along with how each of these has empowered or constrained the Supreme Court. We begin by studying the creation of the Supreme Court and the federal judicial system at the time of the American Founding, and then consider how the institution has evolved up to the present day.

Instructor Information

Instructor Names:

Dr. Bradford P. Wilson, James Wilson Distinguished Visiting Scholar in Civic Thought, Center for Constitutional Studies, UVU (https://bpwilson.scholar.princeton.edu/)

Dr. Matthew Brogdon, Larry H. & Gail Miller Family Foundation Senior Director of the Center for Constitutional Studies, UVU

Course Materials and Texts

- Paul D. Moreno, *How the Court Became Supreme: The Origins of American Juristocracy (BookFinder, Amazon)*
- *Scholarly articles identified in syllabus have been uploaded to Canvas*

Course Requirements

Course Assignments, Assessments, and Grading Policy

Note: This graduate seminar requires extensive reading, all of which must be completed before the first class. Come prepared with notes and ready to engage—participation depends on thoughtful discussion of the assigned texts, not just personal opinions.

Discussant responsibilities: Each student will be responsible for serving as a discussant during two class sessions. A reading reflection not more than three pages (double-spaced) is due the evening before class, which will form the basis for a brief oral presentation (5 minutes or less) during the session. Your reading reflection should capture some essential argument, assumption, or narrative in the assigned reading and reflect on it in a way that provokes discussion. It is recommended that you conclude with questions or prompts for discussion.

- Two Reading Reflections: 40% of overall grade (20% per summary)
- Two in-class presentations on the readings: 40% of overall grade (20% per presentation)
- Class Participation: 20% of overall grade

Final grades are rounded to the nearest tenth and assigned the corresponding letter grade:

A = 93-100	B - = 80-82.9	D+ = 67-69.9
A - = 90-92.9	C+ = 77-79.9	D = 63-66.9
B+ = 87-89.9	C = 73-76.9	D - = 60-62.9
B = 83-86.9	C - = 70-72.9	F = 0-59.9

Required or Recommended Reading Assignments

All required readings use chapters from the course text that align with the lectures below.

General Description of the Subject Matter of Each Lecture or Discussion

Daily Session Times in Oxford:
Sesson 1: *9:00 – 11:30 AM*
Session 2: *7:00 – 9:00 PM*

Day 1

Session 1: Introduction, "Before the Constitution," "The Constitution"
Reading:
- Moreno, Introduction and chs. 1-2.

Session 2: Creating the Federal Courts
Readings:
- Brogdon, "The Formation of Judicial Federalism in the United States"
- Glickstein, "After Midnight: The Circuit Judges and the Repeal of the Judiciary Act of 1801"
- Gouverneur Morris, Speeches on the Repeal of the Judiciary Act of 1801 (January 8, 14, 1802)
- Moreno, ch. 3

Day 2

Session 1: Creating the Federal Courts, cont.
Readings:
- Day 1, Session 2's readings continued
- Moreno, chs. 4 & 5

Session 2: Discretionary Jurisdiction and the Modern Court
- Taft, "Inequalities in the Administration of Justice"
- Brogdon, "Justice Brandeis, the Judges' Bill, and the Rights Revolution"

- Moreno, ch. 6

Day 3

Session 1: Process Federalism v. Structural Federalism (Guest Presenter: Dr. Troy Smith)

- Reading: Smith, "Intergovernmental Lobbying"

***Session 2: Brogdon Evening Lecture, "The Swashbuckling Origins of the Federal Courts: Article III and the Case of the Sloop* Active"**

- 19:30-20:30, Location TBA
- Reading: Bourguignon, *The First Federal Court*, ch. 3 (no reflection/presentation)

Day 4

Session 1: Judicial Supremacy and Departmentalism

- Reading: Whittington, "Presidential Challenges to Judicial Supremacy and the Politics of Constitutional Meaning"

Session 2: Trip to Stratford upon Avon (no class meeting this evening)

Day 5

Session 1:

- Reading: Moreno, ch. 7

Season 2:

- Reading: Moreno, ch. 8

Required Course Syllabus Statements

Generative AI

This course requires you to complete assignments that assess your understanding and application of the material. You are expected to do your own work, and the use of artificial intelligence (AI) tools, such as chatbots, text generators, paraphrasers, summarizers, or solvers, is strictly prohibited for any part of your assignments. Using these tools will be considered academic dishonesty and will be handled according to the university's policy. If you have questions about acceptable use of AI tools, please consult the instructor before submitting your work.

Using Remote Testing Software☒ This course does not use remote testing software.

☐ This course uses remote testing software. Remote test-takers may choose their remote testing locations. Please note, however, that the testing software used for this may conduct a brief scan of remote test-takers' immediate surroundings, may require use of a webcam while taking an exam, may require the microphone be on while taking an exam, or may require other practices to confirm academic honesty. Test-takers therefore shall have no expectation of privacy in their test-taking location during, or immediately preceding, remote testing. If a student strongly objects to using test-taking software, the student should contact the instructor at the beginning of the semester to determine whether alternative testing arrangements are feasible. Alternatives are not guaranteed.

Accommodations/Students with Disabilities
Students needing accommodations due to a permanent or temporary disability, pregnancy or pregnancy-related conditions may contact UVU Accessibility Services at accessibilityservices@uvu.edu or 801-863-8747.

Accessibility Services is located on the Orem Campus in BA 110.

Deaf/Hard of Hearing students requesting ASL interpreters or transcribers can contact Accessibility Services to set up accommodations. Deaf/Hard of Hearing services can be contacted at DHHservices@uvu.edu

DHH is located on the Orem Campus in BA 112.

Academic Integrity
At Utah Valley University, faculty and students operate in an atmosphere of mutual trust. Maintaining an atmosphere of academic integrity allows for free exchange of ideas and enables all members of the community to achieve their highest potential. Our goal is to foster an intellectual atmosphere that produces scholars of integrity and imaginative thought. In all academic work, the ideas and contributions of others must be appropriately acknowledged and UVU students are expected to produce their own original academic work.

Faculty and students share the responsibility of ensuring the honesty and fairness of the intellectual environment at UVU. Students have a responsibility to promote academic integrity at the university by not participating in or facilitating others' participation in any act of academic dishonesty. As members of the academic community, students must become familiar with their rights and responsibilities. In each course, they are responsible for knowing the requirements and restrictions regarding research and writing, assessments, collaborative work, the use of study aids, the appropriateness of assistance, and other issues. Likewise, instructors are responsible to clearly state expectations and model best practices.

Further information on what constitutes academic dishonesty is detailed in UVU Policy 541: *Student Code of Conduct*.

Equity and Title IX
Utah Valley University does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age (40 and over), disability, veteran status, pregnancy, childbirth, or pregnancy-related conditions, citizenship, genetic information, or other basis protected by applicable law, including Title IX and 34 C.F.R. Part 106, in employment, treatment, admission, access to educational programs and activities, or other University benefits or services. Inquiries about nondiscrimination at UVU may be directed to the U.S. Department of Education's Office for Civil Rights or UVU's Title IX Coordinator at 801-863-7999 – TitleIX@uvu.edu – 800 W University Pkwy, Orem, 84058, Suite BA 203.

Religious Accommodation
UVU values and acknowledges the array of worldviews, faiths, and religions represented in our student body, and as such provides supportive accommodations for students. Religious belief or conscience broadly includes religious, non-religious, theistic, or non-theistic moral or ethical beliefs as well as participation in religious holidays, observances, or activities. Accommodations may include scheduling or due-date modifications or make-up assignments for missed class work.
To seek a religious accommodation, a student must provide written notice to the instructor and the Director of Accessibility Services at accessibilityservices@uvu.edu. If the accommodation relates to a scheduling conflict, the notice should include the date, time, and brief description of the difficulty posed by the conflict. Such requests should be made as soon as the student is aware of the prospective scheduling conflict.

While religious expression is welcome throughout campus, UVU also has a specially dedicated space for meditation, prayer, reflection, or other forms of religious expression.