



# Law and Courts Newsletter

## Hello From Section Chair

JULIE NOVKOV - UNIVERSITY AT ALBANY SUNY

It's always an honor to serve as a section chair, but I feel particularly humbled and grateful to be serving this year. Our section's members are doing excellent work that helps other scholars, journalists, and the public to understand how law functions, what its relationship is to legitimacy, and what kinds of legal norms and principles undergird constitutional democracy. While I'd argue that these questions are always important, the current political environment and its challenges heighten interest in them and make our expertise not just publicly salient, but crucially important. These contributions take place through our academic research, but also through interventions in the public sphere, either when we provide information to individuals with significant public platforms or when we comment ourselves.



Anna Law's lengthy research engagement with immigration law has situated her well to discuss the current political turmoil over migration and asylum seekers, and she has done much to place the asylum debate in historical and empirical context.[\[1\]](#) Rebecca Hamlin's work on refugees and migration in the UK as well as the US has provided critical comparative leverage on these questions.[\[2\]](#) And Susan Sterett shone light on the contractors who constructed the immigrant detention centers in which children and families have been held.[\[3\]](#)

---

## IN THIS ISSUE:

Hello from Section Chair: 1

Better Get to Know: 6

Highlights from MPSA: 5

Books to Watch For: 12

Traci Burch's work has provided important nuance to the discussion of the predicted impact of reversing felon disenfranchisement policies.[\[4\]](#) Section member Amanda Hollis-Brusky has done a lot to explain the role of the Federalist Society and the Christian Right in American judicial politics.[\[5\]](#) Art Ward has discussed the politics and timing of judicial retirements.[\[6\]](#) Too many of us to name commented specifically and provided informed analysis on all aspects of the Kavanaugh hearings.

The Washington Post's Monkey Cage blog has become an increasingly visible outlet for popular political science, and our members participate. Brett Curry has publicly discussed sentencing for white-collar crimes, explaining why Paul Manafort's relatively short sentence should not surprise us.[\[7\]](#) John Carey, Gretchen Helmke, Brendan Nyhan, Mitchell Sanders, and Susan Stokes have discussed the deep divide in the American public over whether the United States is in a constitutional crisis.[\[8\]](#) Thomas Keck has addressed congressional Democrats' efforts to bolster voting rights.[\[9\]](#) Christina Wolbrecht and David Campbell have described the rise of anti-Trump activism among teenage girls.[\[10\]](#)

Beyond our expertise in US law and politics, Kim Lane Scheppele has provided clear explanations for the twists and turns of Brexit,[\[11\]](#) and the rise of Europe's populist right, particularly the Orbán administration in Hungary. Jill Goldenziel has contributed to public understandings of international human rights and possibilities for reinforcing protections in a time of eroding norms and agreements.[\[12\]](#)

While this incomplete list only calls out a few members for their great public work, I encourage us as a field to recognize its value and importance, especially when we are in a position to evaluate our colleagues for professional advancement. This work is an extra burden on top of the teaching, research, and service that those of us with academic positions are expected to do. While I'm not advocating that it become an expectation, I think we could do better in encouraging institutional acknowledgment and support for it.

A different example of important work undertaken beyond the call of duty, as it were, is the article "Are We There Yet? Addressing Diversity in Political Science Subfields," by Rebecca Reid and Todd Curry in the April 2019 issue of *PS*.[\[13\]](#) This empirically grounded report (originally published in our newsletter in 2017) presents distressing news for our section: "Within the Law and Courts Section, nearly 90% of our membership identifies as non-Hispanic white," our 35% to 65% female-to-male ratio is below the subfield average, and only 11% of the section's membership are women of color.[\[14\]](#) I hope that over the next few years, we can develop and implement strategies to make the Law and Courts section the welcome and supportive home it should be for a broadly diverse community of scholars.

- [1] Blasko, "Dr. Anna Law on Immigration in the Trump Era."
- [2] Abdelaaty and Hamlin, "'Migrants' or 'Refugees'? It's the Wrong Question"; Marceau, "The Migrant Caravans Are Here -- Now What?"
- [3] Sterett, "Why It's Hard to Hold Contractors Accountable for the Suffering of Immigrant Children."
- [4] Bazelon, "Will Florida's Ex-Felons Finally Regain the Right to Vote?"; Desiderio, "Florida Could Restore Voting Rights to 1.5 Million Convicted Felons on Tuesday."
- [5] Kelly, "What Is the Federalist Society?"
- [6] Ward, "Justices Are Supposed to Be Above Partisan Politics."
- [7] Curry, "It's Not Just Paul Manafort."
- [8] Carey et al., "Trump Supporters and Opponents Are Increasingly Divided."
- [9] Keck, "There Are Roadblocks to the Democrats' Voting Rights Bill."
- [10] Campbell and Wolbrecht, "How Donald Trump Helped Turn Teenage Girls into Political Activists."
- [11] Scheppele, "A Semi-Brexit, with Just England and Wales Leaving the EU, Is the Solution."
- [12] Goldenziel, "A Nonbinding UN Human Rights Agreement Can Still Be Powerful."
- [13] Reid and Curry, "Are We There Yet? Addressing Diversity in Political Science Subfields."
- [14] Reid and Curry, 282–83.

#### Works Cited

Abdelaaty, Lamis, and Rebecca Hamlin. "'Migrants' or 'Refugees'? It's the Wrong Question." *Monkey Cage* (blog), October 23, 2015. [https://www.washingtonpost.com/news/monkeycage/wp/2015/10/23/migrants-or-refugees-its-the-wrong-question-heres-how-to-help-the-people-fleeing-to-europe/?noredirect=on&utm\\_term=.b3d06b0d3e9f](https://www.washingtonpost.com/news/monkeycage/wp/2015/10/23/migrants-or-refugees-its-the-wrong-question-heres-how-to-help-the-people-fleeing-to-europe/?noredirect=on&utm_term=.b3d06b0d3e9f).

Bazelon, Emily. "Will Florida's Ex-Felons Finally Regain the Right to Vote?" *New York Times Magazine*. September 26, 2018. <https://www.nytimes.com/2018/09/26/magazine/ex-felons-voting-rightsflorida.html>.

Blasko, Avery. "Dr. Anna Law on Immigration in the Trump Era." *The Bucknellian*. September 21, 2018. <https://bucknellian.net/86779/news/dr-anna-law-onimmigration-in-the-trump-era/>.

Campbell, David, and Christina Wolbrecht. "How Donald Trump Helped Turn Teenage Girls into Political Activists." *Monkey Cage* (blog), March 1, 2019. [https://www.washingtonpost.com/politics/2019/03/01/how-donald-trumphelped-turn-teenage-girls-into-political-activists/?utm\\_term=.721dbc4245e1](https://www.washingtonpost.com/politics/2019/03/01/how-donald-trumphelped-turn-teenage-girls-into-political-activists/?utm_term=.721dbc4245e1).

- Carey, John, Gretchen Helmke, Brendan Nyhan, Mitchell Sanders, and Susan Stokes. "Trump Supporters and Opponents Are Increasingly Divided on Whether Constitutional Principles Are Under Threat." *Monkey Cage* (blog), March 12, 2019. <https://www.washingtonpost.com/politics/2019/03/12/trump-supporters-opponents-are-increasingly-divided-whether-constitutional-principles-are-underthreat/>
- Curry, Brett. "It's Not Just Paul Manafort. This Is Why White-Collar Criminals Often Evade Harsh Punishment." *Monkey Cage* (blog), March 18, 2019. [https://www.washingtonpost.com/politics/2019/03/18/its-not-just-paulmanafort-this-is-why-white-collar-criminals-often-evade-harshpunishment/?utm\\_term=.ecee523ed361](https://www.washingtonpost.com/politics/2019/03/18/its-not-just-paulmanafort-this-is-why-white-collar-criminals-often-evade-harshpunishment/?utm_term=.ecee523ed361).
- Desiderio, Andrew. "Florida Could Restore Voting Rights to 1.5 Million Convicted Felons on Tuesday." *Daily Beast*, November 5, 2018. <https://www.thedailybeast.com/floridacould-restore-voting-rights-to-15-million-convicted-felons-on-tuesday>.
- Goldenziel, Jill. "A Nonbinding UN Human Rights Agreement Can Still Be Powerful." *The National Interest*, December 16, 2018. <https://nationalinterest.org/feature/nonbinding-un-human-rights-agreement-canstill-be-powerful-38832>.
- Keck, Thomas. "There Are Roadblocks to the Democrats' Voting Rights Bill." *Monkey Cage* (blog), March 7, 2019. [https://www.washingtonpost.com/politics/2019/03/07/democrats-introducedbill-expand-voting-rights-other-democracy-reforms-here-areroadblocks/?utm\\_term=.f1212c6b6220](https://www.washingtonpost.com/politics/2019/03/07/democrats-introducedbill-expand-voting-rights-other-democracy-reforms-here-areroadblocks/?utm_term=.f1212c6b6220).
- Kelly, Mary Louise. "What Is the Federalist Society and How Does It Affect Supreme Court Picks?" Interview. *All Things Considered*. NPR, June 18, 2018. <https://www.npr.org/2018/06/28/624416666/what-is-the-federalist-society-andhow-does-it-affect-supreme-court-picks>.
- Marceau, Amelia. "The Migrant Caravans Are Here -- Now What?" *Amherst Wire*. January 21, 2019. <https://amherstwire.com/26314/current-affairs/the-migrant-caravans-arehere-now-what/>.
- Reid, Rebecca, and Todd Curry. "Are We There Yet? Addressing Diversity in Political Science Subfields." *PS: Political Science* 52, no. 2 (2019): 281–86.
- Scheppele, Kim Lane. "A Semi-Brexit, with Just England and Wales Leaving the EU, Is the Solution." *The Guardian*. January 17, 2019. <https://www.theguardian.com/commentisfree/2019/jan/17/semi-brexit-englandwales-leaving-eu-solution>.
- Sterett, Susan. "Why It's Hard to Hold Contractors Accountable for the Suffering of Immigrant Children." *The Conversation*. n.d. <https://theconversation.com/why-itshard-to-hold-contractors-accountable-for-the-suffering-of-immigrant-children-99186>.
- Ward, Artemus. "Justices Are Supposed to Be Above Partisan Politics. They Aren't, Even in Retirement." *Los Angeles Times*. June 29, 2018. <https://www.latimes.com/opinion/op-ed/la-oe-ward-kennedy-retirement-20180629-story.html>.

## (Some) Highlights from the 2019 Midwest Political Science Association Meetings

From Michael J. Nelson (Penn State): One highlight of this year's MPSA conference for me was a roundtable discussion on "Publishing Research on Law and Courts" featuring Susan Sterett (UMBC and *Law and Society Review*), Mark Hurwitz (Western Michigan, formerly of both *NSF* and *Justice System Journal*), Kevin McGuire (UNC, *Journal of Law and Courts*), Susanne Schorpp (Georgia State), and Monica Lineberger (Richmond). The roundtable started with Schorpp and Lineberger presenting the preliminary results of an extensive data collection effort they have undertaken to understand patterns of publishing in our subfield. Their research charted (dispiriting) trends in the publication of law and courts research in our discipline's top general journals over time, the prevalence of coauthorship, and the representation of scholars from underrepresented groups in the publishing process. They also presented data on what a "typical" research portfolio looks like for individuals in our subfield who have achieved tenure at research institutions. Their data collection and analysis are ongoing, and I'm excited to see the final result!

Given these trends, subfield journals are of increasing importance for scholars in our subfield. For the rest of the roundtable, the three journal editors provided their perspectives on the publishing process. They encouraged members of our subfield to not be shy about submitting their manuscripts; papers don't get published unless they are submitted! While each of our subfield journals varies slightly in its mission, they all want to publish excellent scholarship in the field and scholars should err on the side of submission rather than declining to submit a good piece of scholarship just because they are worried about "fit." At the same time, authors should think carefully about their research designs and what individual cases, countries, or courts can be seen as specific instances of broader phenomena because reviewers, especially at general journals, often prize generalizability. They encouraged scholars to submit their high-quality papers to these journals, to listen to editors and reviewers when revising their manuscripts for resubmission, and to reach out to editors at conferences to get their questions answered.



## Better Get to Know a Law and Courter

RYAN C. BLACK - MICHIGAN STATE UNIVERSITY

Hello to everyone out there in the law and courts universe! We've made it to episode four in this little socializing experiment. A tremendous thanks to both Morgan Hazelton and Kevin McGuire for answering my questions in this installment. As always, I eagerly await your questions, comments, or suggestions ([rcblack@msu.edu](mailto:rcblack@msu.edu)).

-RCB

### MORGAN HAZELTON

ST. LOUIS UNIVERSITY

Morgan Hazelton is Assistant Professor of Political Science at Saint Louis University (<http://www.morganhazelton.org>). She earned her Ph.D. in Political Science from Washington University in 2014.

**Tell me a little about your background and how you got to where you are today.**



I came to Political Science in a circuitous route. I was born in raised in Las Cruces, New Mexico. I received my BA in English and German from the University of New Mexico in 1997. I then attended law school at the University

of Texas at Austin. I practiced law in El Paso,

Texas at a civil defense firm from 2001 to 2005. I then stayed home with my son and taught as an adjunct at the University of Texas at El Paso. The adjuncting gig cemented in me a desire to pursue a Ph.D. So, my family and I moved to Saint Louis where I studied Political Science at Washington University in St. Louis. In a stroke of luck, we were able to stay in Saint Louis when I took a job at Saint Louis University.

**If you weren't a political scientist, what would you be instead?**

I suspect I would still be a lawyer, but I like to think that I would be making Muppets for Jim Henson's Creature Shop.

**What are you working on now?**

One project that I am spending a lot of time on is a project with Rachael Hinkle regarding the causes and consequences of information provided to the Supreme Court via briefs. I am also working on an exciting project regarding the role of collegiality in judicial decision making with Michael Nelson and Rachael Hinkle.

**Best book on your office shelves people may be surprised by?**

I have a large number of expected books that I rely on heavily. A more unexpected book that I think is worthwhile is Garner's Modern American Usage. It is an enjoyable grammar manual if you believe such a thing exists.

**What's some good work other than your own that you've read recently and would recommend?**

Recently, I had the privilege of workshopping papers with other, mostly junior, scholars. From that experience, I would tell you to be on the lookout in the future for: work by Jay Krehbiel regarding strategic delay by the German Constitutional Court; a book by Alyx Mark and Michael Zilis regarding the causes and consequences of court curbing bills; an article by Michael Nelson regarding the effect of electoral competition on judicial elections; and articles by Amanda Driscoll and Susanne Schorpp regarding compliance, public support, and democratic entrenchment.

**What's your workspace setup like?**

I have offices both at the University and home. At SLU, I am lucky enough to have a desk that can either be sitting or standing (though I often forget about the standing portion). At home, I have a series of glass desks. For me, the most critical thing is desk space to make piles as I work through books and articles and to help organize the sources and my thoughts.

**What apps, software, or tools can't you live without?**

Dropbox is the glue that holds my life together. I am also a big fan of the Boomerang browser extension for Chrome: being able to schedule emails and follow-ups is fantastic. For travel, I find the Triplt app to be quite useful.

**What do you listen to while you work?**

If I am working with words (reading, writing, or editing), I turn to the soundtrack to The Grand Budapest Hotel. If I am working with numbers and coding, I am likely to listen to Queen or the Pixies.

**Favorite research and teaching hacks?**

A law professor friend of mine who has a Ph.D. in Psychology reinforced for me the importance of framing classes for students. So, on the first day, I do a lot of work to contextualize the course and why they will like it or benefit from it. It is shocking how much students reflect those frames in evaluations.

As for research, I find a lot of value in setting out fairly detailed plans about the different tasks that need to be done and a timeline for when those things will occur. No plan has ever held, not even remotely, but the act of planning helps a lot in thinking through a project as a whole.

**How do you recharge? What do you do when you want to forget about work?**

I love hiking in the forested part of Forest Park in Saint Louis. I am also an avid fan of the Pop Culture Happy Hour podcast.

**What everyday thing are you better at than everyone else? What's your secret?**

It is not a particularly helpful skill, but I have a talent for predicting sitcom dialogue. The secret to my success is a mixture of having watched a bunch of sitcoms when I was younger, studying writing, and following pop culture. It also relates to how much information I can pull from context clues, which is much more useful and general skill in life.

**What's your biggest struggle in being a faculty member? How do you try to address it?**

For me, the biggest struggle is just the sheer amount of demands for my time. I try to address it through a lot of planning and calendaring. Planning sometimes helps me say no to additional work.

**What's the best advice you ever received?**

The best advice that I ever received was from a friend of mine with whom I practiced law. He is very calm and professional and utterly appropriate in every situation. Once, when I was nervous before a trial, he told me that before every big hearing or trial he looked at himself in the mirror and said: "I'm the biggest \*\*\*\*\*\_\*\*\*\*\* bad\*\*\* these people have ever seen." He also threatened to

kill me if I ever told anyone that he revealed this, but here we are.

**What's the greatest idea you've had that you don't want to do yourself?**

I am convinced that there is probably a multitude of ways that we could be leveraging the predictions on Fantasy SCOTUS. Free coding! I haven't had time to play with it and won't any time soon.

**Is there anything else you'd like to add that might be interesting to readers?**

I would love for other members of the section to let me know about resources I should add to the "Law and Courts Data Sources" list which can be found under the resources tab on my website (<http://www.morganhazleton.org/resources>).

**Fill in the blanks: I'd love to see \_\_junior person\_\_ and \_\_senior person\_\_ answer these same questions.**

Ali Masood and Pamela Corley.





KEVIN  
MCGUIRE

UNIVERSITY OF  
NORTH  
CAROLINA

Kevin McGuire is Professor of Political Science at the University of North

Carolina-Chapel Hill (<http://mcguire.web.unc.edu>). He earned his Ph.D. in Political Science from the Ohio State University in 1991.

**Tell me a little about your background and how you got to where you are today.**

I was born in Washington, DC --- in the same hospital where Duke Ellington was born --- but I grew up in a small town in West Virginia and attended West Virginia University. Like a lot of people who end up in judicial politics, I wanted to be a lawyer, but in college I was fascinated to learn how one could use data to address questions about political phenomena. (At the same time, I also learned that lawyers are not terribly happy people.) Fortunately, the political science faculty at WVU offered great advice about potential graduate schools, and at their strong

encouragement, I went to Ohio State, where I received first-rate guidance from Larry Baum, Greg Caldeira, and Elliot Slotnick. My first job was at the University of Minnesota, which was a terrific place to cut my teeth; I had wonderful colleagues both in and out of my subfield who took a genuine interest in me. But my wife worked for IBM, and her ideal work site was in Research Triangle Park. So, when an opportunity arose at the University of North Carolina, I moved to Chapel Hill, where I've lived and worked quite happily for almost twenty-five years.

**If you weren't a political scientist, what would you be instead?**

I'd like to own an independent coffee shop or a cigar lounge, mostly because I really enjoy the people that one meets in those places. If I could be an academic in another field, I would like to be an art historian.

**What are you working on now?**

I'm developing a book on compliance with the policies of the U.S. Supreme Court. It focuses on the Court's decisions related to religious exercise in the public schools and is based on a national survey of public school administrators, supplemented with demographic data. I'm interested in whether relevant constituents of the Court are aware of the Court's decisions, what their attitudes are towards those decisions, and whether and why they follow them.

### **Books on your office shelves people may be surprised by?**

“How College Works,” by Daniel F. Chambliss and Christopher G. Takacs (2014, Harvard University Press). It’s a study of what produces a successful college experience, and the results show that students most need meaningful interactions with faculty and with one another. Anyone who believes that a new strategic plan, a curriculum revision, smaller classes, or the latest teaching fad will offer the path to educational success needs to come to terms with this book.

### **What's some good work other than your own that you've read recently and would recommend?**

I’m a big fan of the work of Deborah Beime, Tom Clark, and John Kastellec. And although I’m always impressed with anything that Larry Baum writes, his recent book on ideology in the Supreme Court is a great piece of work. I also just discovered “The Nine Old Men,” by Drew Pearson and Robert Allen, which is an old but very entertaining book about the justices of the New Deal era.

### **What's your workspace setup like?**

At the office, it’s all quite tidy. My desk might be a candidate for a knolling photograph. At home, though, there’s a wee bit of chaos at my desk, since I use it for other things besides work. In truth, most of my work gets done on a laptop out on the screened porch.

### **What apps, software, or tools can't you live without**

Work-wise, it’s pretty standard stuff: Word, Excel, and Stata. A lot of people whom I respect swear by LaTeX, but anyone whose first text editing was done using WYLBUR on a mainframe might wonder why you would ever use a markup language if you didn’t have to. I find Excel to be both powerful and flexible, and my programming needs are sufficiently modest that Stata is more than adequate. At home, I’m a heavy user of Plex, which helps me organize movies and video files. Although Google doesn’t support it any longer, Picasa is a wonderful piece of software that I use for managing and editing photos. I also couldn’t get by without my Stanley ratchet screwdriver, vise grips, socket wrenches, and pancake air compressor. (Or did you mean some other kind of tools?)

### **What do you listen to while you work?**

If I’m doing something that doesn’t require concentration, like working with data or preparing slides for my classes, I’ll listen to streaming news, an old movie, or maybe some R&B. I have a Pandora station that plays artists like J.J. Cale, Stevie Ray Vaughn, Eric Clapton, the Rolling Stones, Albert King, Bonnie Raitt, Mark Knopfler, Peter Green, Little Feat, and the Allman Brothers. If I’m writing, however, I find all that stuff too distracting, and so I can’t really listen to anything then (with the possible exception of my dog’s snoring).

**Favorite research and teaching hacks?**

I get a lot of benefit out of testing my ideas against the intuitions of people outside my subfield. They are usually harder to convince and inevitably see things that courts folks tend not to examine critically because they are simply taken for granted. In class, I find one of the most important questions to ask students is “Why?” A lot of students have very strong views but have rarely been asked to justify them, and they (and I) learn a good deal when they have to identify the basis for their beliefs. Also, I highly recommend a video called “How to Speak” by MIT’s Patrick Henry Winston.

**How do you recharge? What do you do when you want to forget about work?**

I’m not as fast as I once was, but I still run a lot. At home, I like to make a pot of coffee and watch Turner Classic Movies.

**What everyday thing are you better at than everyone else? What’s your secret?**

I’m not sure that it’s an “everyday thing,” but I can do tolerable impersonations of a few actors, like Richard Burton, Sean Connery, Cary Grant, Christopher Walken, and Michael Caine, and on a good day I can manage Peter O’Toole, Rodney Dangerfield, and Al Pacino. I can also sing like several vocalists who have distinctive voices --- Boz Scaggs, Michael McDonald, Tom Petty, and David Bowie, for example. (I can’t do Sting, and that annoys me.) The secret, I suppose, is growing up as

an only child with syndicated television and lots of FM radio.

**What’s your biggest struggle in being a faculty member? How do you try to address it?**

At faculty meetings, I often discover that I’m a minority of one. Things that seems painfully obvious to me will end up being discussed ad nauseam, and the discussions produce policies that I regard as rather silly. I console myself that it’s hard being the smartest person in the room. (There are alternative hypotheses, but I’d rather not contemplate them.)

**What’s the best advice you ever received?**

I was fortunate to have the late Frank Sorauf as a colleague. He was like Mark Twain or H.L. Mencken; almost everything he said was insightful and memorable. When discussing the difficulties of balancing teaching and research, he observed that “structured time drives out unstructured time.” The class schedule for a semester is inexorable, and it is easy to allow it totally to govern your work schedule, often to the exclusion of research, which has no fixed timeline. As a younger scholar, I found this to be an especially useful observation. One needs to make research a regular part of the work routine. Otherwise, teaching will simply crowd out everything else.

**What's the greatest idea you've had that you don't want to do yourself?**

One of my favorite books is "The Washington Community," by James Sterling Young, and I've always been fascinated by the impact of physical distance on political behavior. I think it would be an interesting study of collegiality on the Supreme Court to examine how the interactions between justices have been affected by their locations on the bench and in the building itself. Are justices with offices in close proximity to one another more likely to interact and build alliances than those whose offices are farther apart? Are the justices who sit next to one another on the bench and in the conference apt to affect each other's views and votes? I know that some have suggested that collegiality broke down, in part, as a consequence of the justices moving into their own building in the late 1930s, but I've always had the opposite intuition --- that people tend to care about their relationships with the people whom they see every day. I once wrote to the Supreme Court Historical Society, asking for information about the physical location of the justices' offices in the late 1930s and the 1940s, but they never wrote back. So maybe it's not such a great idea, after all.

**Is there anything else you'd like to add that might be interesting to readers?**

(1) I once had tea with Bill Wyman. (2) I am what is sometimes called a Beatlephile. (3) My paternal grandparents lived in a small historic town in Delaware, and their house was previously occupied by two(!) 18th

century chief justices of that state's supreme court.

**Fill in the blanks: I'd love to see \_\_junior person\_\_ and \_\_senior person\_\_ answer these same questions.**

Alicia Uribe-McGuire (no relation) and H.W. Perry.

## Books to Watch For

DREW LANIER- UNIVERSITY OF CENTRAL FLORIDA

**Thomas L. Burke** (Wellesley College) and **Jeb Barnes** (University of Southern California) have co-edited *Varieties of Legal Order: The Politics of Adversarial and Bureaucratic Legalism* (Taylor & Francis, ISBN 978-1-1380-9047-7). "Across the globe, law in all its variety is becoming more central to politics, public policy, and everyday life. For over four decades, Robert A. Kagan has been a leading scholar of the causes and consequences of the march of law that is characteristic of late 20th and early 21st century governance. In this volume, top sociolegal scholars use Kagan's concepts and methods to examine the politics of litigation and regulation, both in the United States and around the world. Through studies of civil rights law, tobacco politics, 'Eurolegalism,' Russian auto accidents, Australian coal mines, and California prisons, these scholars probe the politics of different forms of law, and the complex path by which "law on the books" shapes social life. Like Kagan's scholarship, *Varieties of Legal Order* moves beyond stale debates about litigiousness and overregulation, and invites us to think more imaginatively about how the rise of law and legalism will shape politics and social life in the 21st century."

**John E. Finn** (Wesleyan University) has written *Fracturing the Founding: How the Alt-Right Corrupts the Constitution* (Rowman & Littlefield, ISBN 978-1-5381-2367-6). "Many in the radical right, including the Tea Party, the militia movement, the Alt-right, Christian nationalists, the Oath Keepers, neo-Nazis, and a host of others, brand themselves as constitutional patriots. In this work, Finn argues that these professions of constitutional devotion serve an important function in mainstreaming the radical right's ideological and policy agenda: to camouflage its racism, bigotry, and sexism to appeal to a broader audience. The constitution the extreme right holds as its faith is an odd admixture of the forgotten, the rejected, the racist, and the bizarre. Finn illuminates the central precepts of the Alt-constitution and shows how and where it differs from the (true) American Constitution. The differences are disturbing. The Alt-constitution emphasizes absolute rights and unassailable liberties (especially for freedom of speech and guns, no matter the public interest), states' rights and a corresponding suspicion of the federal government, racial classifications recognized and legitimated by law, and privilege for white Christians. Finn's book will appeal to all readers interested in contemporary American politics, the contemporary radical right, the Founding and the history of America's constitution."



**Barbara L. Graham** (University of Missouri-St. Louis) has published *Social Identity and the Law: Race, Sexuality and Intersectionality* (Routledge Press, ISBN 978-1-1384-7883-1). “This book “is an important resource for inquiry into the relationship between law and social identity in the contexts of race, sexuality and intersectionality in the United States. The book provides a systematic legal treatment of selected historical and contemporary civil rights and social justice issues in areas affecting African Americans, Latinos/as, Asian Americans and LGBTQ persons from a law and politics perspective. It covers topics such as the legal and social construction of social identity, slavery and the rise of Jim Crow, discrimination based on national origin and citizenship, educational equity, voting rights, workplace discrimination, discrimination in private and public spaces, regulation of intimate relationships, marriage and reproductive justice, and criminal justice.” The work includes, “57 excerpted cases accompanied with engaging questions presented at the beginning of each case to stimulate class discussion, and an eResource including 129 supplemental case excerpts and case briefs for all excerpted cases appearing in the book. With a logical chapter structure and accessible writing style, this textbook is an essential companion for use on undergraduate courses on American constitutional law, civil liberties and civil rights, social justice, and race and law.”

**Samantha L. Hernandez** (San Antonio City Council) and **Sharon A. Navarro** (University of Texas, San Antonio) have co-edited *Race, Gender, Sexuality, and the Politics of the American Judiciary* (Cambridge University Press, ISBN 978-1-1084-2988-7). “The judicial system in a liberal democracy is deemed to be an independent branch of government with judges free from political agendas or societal pressures. In reality, judges are often influenced by their economic and social backgrounds, gender, race, religion, and sexuality. This volume explores the representation of different identities in the judiciary in the United States. The contributors investigate the pipeline, ambition, institutional inclusion, retention, and representation of groups previously excluded from federal, state, and local judiciaries. This study demonstrates how diversity on the bench improves the quality of justice, bolsters confidence in the legitimacy of the courts, and provides a vital voice in decision-making power for formerly disenfranchised populations.”

**David Klein** (Eastern Michigan University) and **Morgan Marietta** (University of Massachusetts Lowell) have co-edited *SCOTUS 2018: Major Decisions and Developments of the Supreme Court* (Palgrave Macmillan, ISBN 978-3-0301-1255-4). "Each year, the Supreme Court of the United States announces new rulings with deep consequences for our lives. This inaugural volume in Palgrave's new SCOTUS series describes, explains, and contextualizes the landmark cases of the US Supreme Court in the term ending in 2018, covering issues such as gay rights, religious liberty, public sector unions, coerced speech, digital privacy, voting rights, and the Trump travel ban. Bringing together notable scholars of the Court in one volume, the chapters in *SCOTUS 2018* present the details of each ruling in its specific case, its meaning for constitutional debate, and its impact on public policy or partisan politics. Finally, *SCOTUS 2018* offers a big-picture look at Justice Neil Gorsuch's first full term in office, the legal and political legacy of former Justice Anthony Kennedy, and the controversial nomination and confirmation of Justice Brett Kavanaugh."

**Banks Miller** (University of Texas at Dallas) and **Brett Curry** (Georgia Southern University) have published *U.S. Attorneys, Political Control, and Career Ambition* (Oxford University Press, ISBN 978-0-1909-2824-7). "United States Attorneys (USAs), the chief federal prosecutors in each judicial district, are key in determining how the federal government uses coercive force against its citizens. How much control do national political actors exert over the prosecutorial

decisions of USAs? This book investigates this question using a unique dataset of federal criminal prosecutions between 1986 and 2015 that captures both decisions by USAs to file cases as well as the sentences that result. Utilizing intuitions from principal-agent theory, work on the career ambition of bureaucrats and politicians, and selected case-studies, the authors develop and advance a set of hypotheses about control by the President and Congress. Harnessing variation across time, federal judicial districts, and five legal issue areas - immigration, narcotics, terrorism, weapons, and white-collar crime - Miller and Curry find that USAs are subject to considerable executive influence in their decision making, supporting findings about the increase of presidential power over the last three decades. In addition, they show that the ability of the President to appoint USAs to higher-level positions within the executive branch or to federal judgeships is an important mechanism of that control. This investigation sheds light on how the need to be responsive to popularly-elected principals channels the enormous prosecutorial discretion of USAs."

**Kálmán Pócza** (Hungarian Academy of Social Sciences) has edited *Constitutional Politics and the Judiciary Decision-making in Central and Eastern Europe* (Routledge, ISBN 978-1-1386-0764-4). "Recent confrontations between constitutional courts and parliamentary majorities, for example in Poland and Hungary, have attracted international interest in the relationship between the judiciary and the legislature in Central and Eastern European countries. Several political actors have argued that courts have assumed too much power after the democratic transformation process in 1989/1990. These claims are explicitly or implicitly connected to the charge that courts have constrained the room for maneuver of the legislatures too heavily and that they have entered the field of politics. Nevertheless, the question to what extent has this aggregation of power constrained the dominant political actors has never been examined accurately and systematically in the literature. The present volume fills this gap by applying an innovative research methodology to quantify the impact and effect of court's decisions on legislation and legislators, and measure the strength of judicial decisions in six CEE countries."

**Michael F. Salamone** (Washington State University) has written *Perceptions of a Polarized Court: How Division among Justices Shapes the Supreme Court's Public Image* (Temple University Press, ISBN 978-1-439-91694-0). "Like our divided nation, the Supreme Court is polarized. But does a split among Supreme Court justices—particularly when it occurs along ideological lines—hurt public perception and the Court's ability to muster popular

support for its rulings? *Perceptions of a Polarized Court* offers the first comprehensive, empirical analysis of how divisiveness affects the legitimacy of the Court's decisions. Salamone (analyzes) specifically...the Roberts Court years—which are characterized by unprecedented ideological and partisan polarization among the justices—to evaluate the public consequences of divided Supreme Court rulings. He also analyzes both the media's treatment of Supreme Court decisions and public opinion toward the Court's rulings to show how public acceptance is (or is not) affected. The author contends that judicial polarization has had an impact on the manner in which journalists report on the Supreme Court. However, contrary to expectation, Court dissent may help secure public support by tapping into core democratic values."

**Mary L. Volcansek** (Texas Christian University) has authored *Comparative Judicial Politics* (Rowman & Littlefield, ISBN 978-1-5381-0472-9). Volcansek's work "synthesizes the now extensive scholarly work on judicial politics from around the world, focusing on legal traditions, lawyers, judges, constitutional review, international and transnational courts, and the impact and legitimacy of courts. It offers typologies where relevant and intentionally raises questions to challenge readers' preconceptions of [so-called] best practices."

**Keith E. Whittington** (Princeton University) has published *Repugnant Laws: Judicial Review of Acts of Congress from the Founding to the Present* (University Press of Kansas, ISBN 978-0-7006-2779-0). The book provides a political history of how the U.S. Supreme Court has exercised its authority to determine the constitutional limits of congressional legislative power and to enforce those limits against Congress. It considers how often the Court has acted to enforce constitutional limits on Congress – and how often it has upheld congressional authority against constitutional challenge. It examines the political circumstances under which the Court has exercised the power of judicial review and how obstructionist the Court has really been to political and policy goals of Congress. It shows that the Court has refused on constitutional grounds to apply federal statutes far more often than has conventionally been recognized, but that the Court has even more often acted to uphold and extend the constitutional authority of Congress. It details the extent to which the Court has been a team player with dominant political coalitions, how the effective meaning of the Constitution and the Court's own authority have been shaped by politics throughout the nation's history, and how the Court has managed to be an active player in the constitutional game by not getting in the way too much. The book is accompanied by the public release of an original dataset of over 1300 cases in which the Court substantively reviewed the constitutionality of a federal statutory provision from 1789 to 2018.

# INFORMATION FOR CONTRIBUTORS

## General Information

Law and Courts publishes articles, notes, news items, announcements, commentaries, and features of interest to members of the Law and Courts Section of the APSA. Law and Courts publishes three editions a year (Fall, Summer, and Spring). Deadlines for submission of materials are: April 1 (Spring), July 1 (Summer), and November 1 (Fall). Contributions to Law and Courts should be sent to the editor:

Amanda Bryan

Editor – Law and Courts Newsletter

Loyola University Chicago

[amanda.clare.bryan@gmail.com](mailto:amanda.clare.bryan@gmail.com)

## Articles, Notes, and Commentary

We will be glad to consider articles and notes concerning matters of interest to readers of Law and Courts. Research findings, teaching innovations, release of original data, or commentary on developments in the field are encouraged.

Footnote and reference style should follow that of the American Political Science Review. Please submit your manuscript electronically in MS Word (.docx) or compatible software and provide a “head shot” photo. In addition to bibliography and notes, a listing of website addresses cited in the article with the accompanying page number should be included.

## Symposia

Collections of related articles or notes are especially welcome. Please contact the Editor if you have ideas for symposia or if you are interested in editing a collection of common articles. Symposia submissions should follow the guidelines for other manuscripts.

## Announcements

Announcements and section news will be included in Law and Courts, as well as information regarding upcoming conferences. Organizers of panels are encouraged to inform the Editor so that papers and participants may be reported. Developments in the field such as fellowships, grants, and awards will be announced when possible. Finally, authors should notify BOOKS TO WATCH FOR EDITOR, Drew Lanier, of publication of manuscripts or works that are soon to be completed.



### Section Officers

Chair: Julie Novkov (University at Albany, SUNY)

Executive Committee:

- Josephine Dawuni, Howard University (2018–2021)
- Virginia Hettinger, University of Connecticut (2018–2012)
- Doug Rice, University of Massachusetts, Amherst (2018–2021)
- Nancy Scherer, Wellsely (2017–2020)
- Lydia Brashear Tiede, University of Houston (2016–2019)

Secretary: Christina Boyd, University of Georgia

Treasurer: Lee D. Walker, University of North Texas

Journal Editor: Kevin McGuire, University of North Carolina, Chapel Hill

Book Review Editor: Jennifer Bowie, University of Richmond

Newsletter Editor: Amanda Bryan, Loyola University Chicago

Discussion List Moderator: Paul M. Collins, Jr., University of Massachusetts, Amherst

Webmaster: Charles Gregory, Stephen F. Austin University

### Newsletter Editor:

Amanda Bryan  
Loyola University Chicago  
[amanda.clare.bryan@gmail.com](mailto:amanda.clare.bryan@gmail.com)

### Books to Watch For Editor:

Drew Lanier  
University of Central Florida  
[drew.lanier@ucf.edu](mailto:drew.lanier@ucf.edu)

### Newsletter Editorial Board:

Ryan Black  
Michigan State University

Lee Epstein  
Washington University in St. Louis

Martha Ginn  
Georgia Regents University

Matt Hitt  
Colorado State University

Tim Johnson  
University of Minnesota

Alyx Mark  
North Central College

Laura Moyer  
University of Louisville

Todd Peppers  
Roanoke College

Kirk Randazzo  
University of South Carolina

Eve Ringsmuth  
Oklahoma State University

Michael Tolley  
Northeastern University

Claire Wofford  
College of Charleston