Decision Making by the Modern Supreme Court

There are three general models of Supreme Court decision making: the legal model, the attitudinal model, and the strategic model. But each is somewhat incomplete. This book advances an integrated model of Supreme Court decision making that incorporates variables from each of the three models. In examining the modern Supreme Court, since Brown v. Board of Education, the book argues that decisions are a function of the sincere preferences of the justices, the nature of precedent, and the development of the particular issue, as well as separation of powers and the potential constraints posed by the president and Congress. To test this model, the authors examine all full signed civil liberties and economic decisions in the 1953–2000 period. Decision Making by the Modern Supreme Court argues and the results confirm that judicial decision making is more nuanced than the attitudinal or legal models have argued in the past.

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Rich dedicates his share of this book to a real American hero, his brother Wayne: My mother made a great choice when she picked him as her favorite child. Wayne and I were born in the two years when Willie Mays was MVP of the National League (look it up if you want to know how old we are). My father repeatedly said that he would kill Mays if he ever had another great season. When he was just 5 or 6, I was my brother’s hero. Now he is mine. I made the wiser, more informed choice.

Wayne got a five-figure advance for his recent book. I told him my advance for this book was also five figures. What I may have neglected to tell him was that two of those figures were behind a decimal place. Wayne’s book predictably became an Oprah’s Book Club Choice. I sent her a copy of the manuscript for this book, hoping for a similar designation. I have not heard back from her yet.