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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Acknowledgments

We owe a huge debt of gratitude to a number of people who helped with the gestation of this project. The University of Missouri–St. Louis provided a grant to help launch this project. We appreciate the faith and continued support of our editor at Cambridge, Eric Crahn. Ken Karpinski took over the production of the manuscript and we did not miss a beat. We also want to thank Laura Tendler who showed us how little we know about grammar. The reviewers suggested a series of important revisions and improvements. We did our best to incorporate all their suggestions. We know the manuscript is better for their assistance.

Over the years, we have presented many versions of the study at various conferences and profited from the comments of numerous colleagues. At the risk of forgetting one or two of them, we wish to thank Chris Zorn, Wendy Martinek, Chris Bonneau, Paul Wahlbeck, Ryan Owens, Chad King, and Kevin McGuire. A number of other colleagues, like Brandon Bartels, Kirk Randazzo, Christine Ludowise, Patrick Wohlfarth, and Banks Miller helped us with data, methods, and/or really smart suggestions. Mike MacKuen and Jim Stimson were gracious enough to share data with us. Sara Benesh provided us with some of her past research and it filled a critical gap in our work. The final result is better for their assistance. We wish we could blame them for some of the problems, but alas they are not responsible.

We all owe a great deal to the help of Larry Baum, who provided guidance long before this project was launched and patiently read multiple versions of chapters and papers. Any merit has his fingerprints, but he is blameless for any problems.
Acknowledgments

We had the help of former graduate students such as Marc Hendershot and Maureen Gilbride at UMSL and Jason Lawrence at Georgia Southern.

We want to thank, Heather Howard, the administrative assistant of the Department of Political Science at Georgia Southern, for all of her help. A number of our colleagues were also helpful in reading our work, providing support, or just knowing when to stay out of our way. Special thanks to Steve Engel, Dave Robertson, Mike MacKuen, Will Hazelton, Pat Haney, Christopher Kelly, Trent Davis, and Michele Hoyman.

Bryan wants to acknowledge all the help and support provided by his advisor, David Rohde. Bryan thanks his beautiful wife, Candace; his wonderful sons, Evan and Dylan; and his ever-so-talented daughter, Autumn – she reminds him every day how important and rewarding it is to be a dad. Bryan also thanks his mother and father who have made everything possible.

Brett would like to thank everyone who has contributed to his interest in law and courts over the years. In particular, the guidance provided by members of the Department of Political Science at Ohio State has proven invaluable, as have subsequent collaborations with Banks Miller, Nancy Scherer, Rich Pacelle, and Bryan Marshall. Larry Baum’s mentorship and direction deserve particular mention. Brett is deeply indebted to him, as are many others. Friendships with many additional people, including Trent Davis, Bill Luce, Shawn Logan, and Kelly Thomas, have also helped make this book possible. Finally, Brett is extremely grateful for the love and support of his incredible family – particularly his parents, Bill and Judy, and his grandmother Bernice. He dedicates this book to another very special family.

Rich is pleased that he was smart enough to choose two great co-authors. He hopes that now that the book is finished the three of them can go back to being friends. Or at least speak to each other again. He is grateful for all those professors and mentors who went out of their way for him. Richard Curry (no relation to Brett as far as we know), Howard Reiter, Kent Newmyer, Fred Kort, George Cole, and Elliot Slotnick all played important roles in his development, as did the professors at Rutgers School of Law who systematically disabused him of the notion he wanted to be a lawyer. If not for each of them, someone else would be writing this book with Brett and Bryan.

As with Brett, Rich owes his most important intellectual debt to Larry Baum. Like Brett, Rich feels that deciding to go to Ohio State and study with Larry was one of his best decisions. Larry is a seminal figure in the
public law area. He is also a brilliant teacher. As good a researcher and teacher as he is, he is an even better person.

Rich also wishes to thank his parents, Dick and Pat (like the Nixons, but only in name thankfully), and his sisters, Kim and Wendy. He owes the greatest debts to his wonderful wife Fenton. Like LeBron, Oprah, Cher, and Madonna, one name says it all. In addition to the support that spouses and families provide, the fact that she was an award-winning librarian was put to good use. Fenton was kind enough to index the book. We all appreciate her support, the lunches at the conferences, and her constantly positive attitude. I also appreciate the support of my boys, Russell and Craig. Occasionally, I corner them and tell them all about the Supreme Court. They are polite enough to listen for a few minutes before excusing themselves.

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.