PLSC 473: American Judicial Behavior

Christopher Zorn

October 13, 2015

Law Careers

USEFUL RESOURCES

Make a Gift

HOME / ALUMNI / GET INVOLVED / ALUMNI LAWYERS MENTORING

Liberal Arts Edge | Get Involved | Leaders | For the Future Campaign | Meet Our Team | Contact Us

Planning to go to law school or maybe thinking about a career in law?
Meet professionals to get your questions answered.

Penn State alumni share the ups and downs of law school; the pros and cons of working in private firms, corporations, and the government; and the implications of the contraction in the law field

Panel Presentation and Q&A
The Contraction in the Law Field and its Implications
7:30 pm, Thursday, October 15, 101 Chamber Building

One-on-one Appointments
(advanced sign-up required)
9:00 a.m. to noon, Friday, October 16, 321 HUB

....to ask any questions you'd like, in a no-pressure setting, about law school, what it's like in the courtroom, balancing work and family. Get résumé suggestions and interview tips.

http://www.la.psu.edu/alumni/get-involved/alumni-lawyers-mentoring

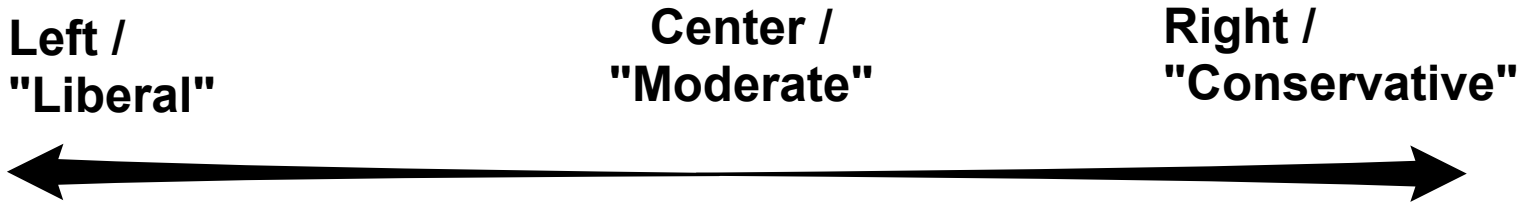
"Ideology"

"...a certain ethical set of ideals, principles, doctrines, myths, or symbols of a social movement, institution, class, or large group that explains how society should work, and offers some political and cultural blueprint for a certain social order." (Wikipedia)

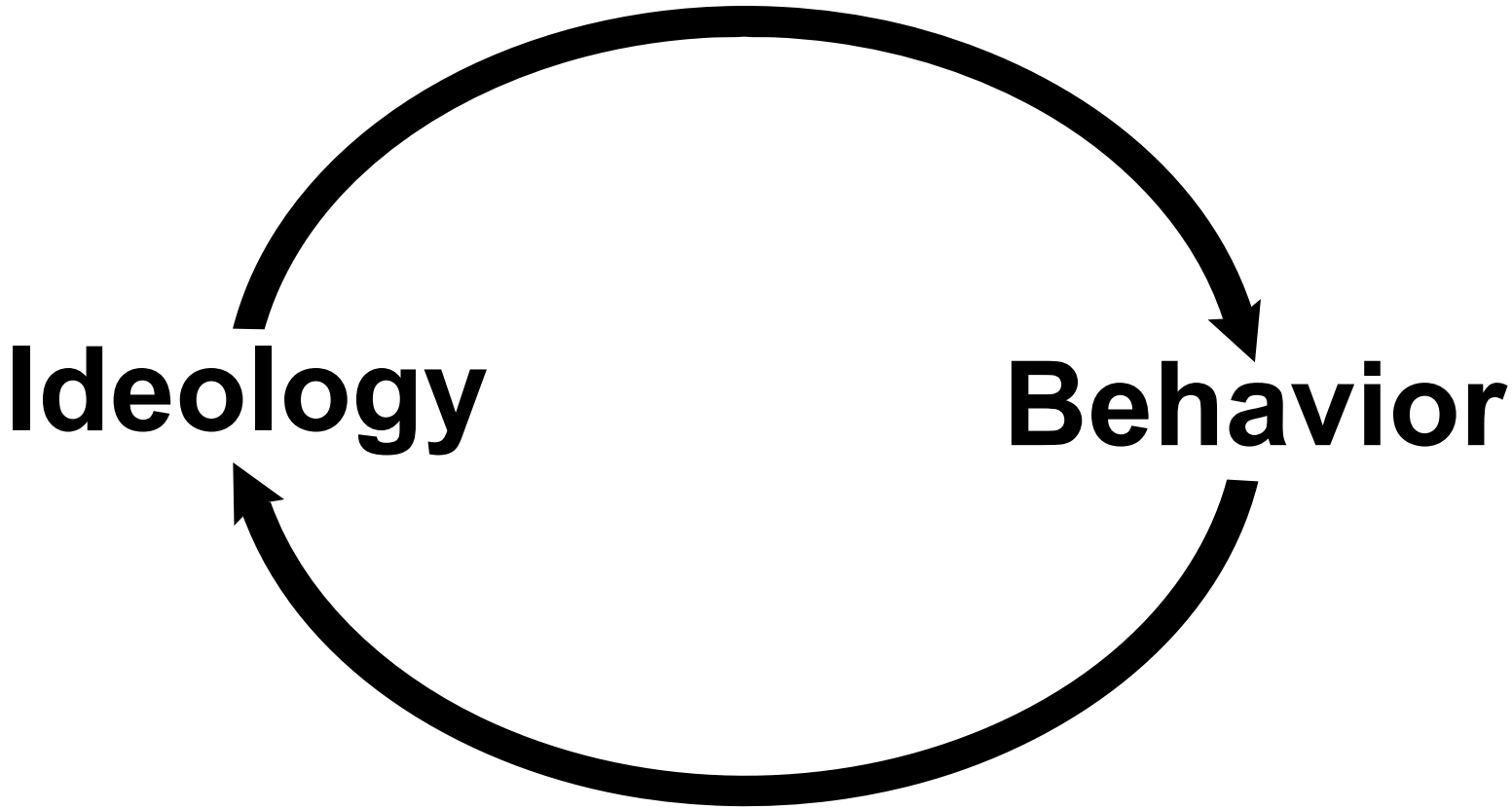
"...an idea supported by a norm." (Bierstadt 1974)

"...the pattern of utilities, externalities, a person gets from the presence or absence of variously collectively-supplied public and private goods." (Aranson 1981)

20th / 21st Century U.S. Ideology



A Problem



Example: Stevens, *Tribune* (12/1/75)

Judge Stevens' nomination

President Ford has made an excellent choice in his nomination of Federal Judge John Paul Stevens of Chicago to the Supreme Court. If confirmed by the Senate, he will fill the vacancy caused by the retirement of Justice William O. Douglas.

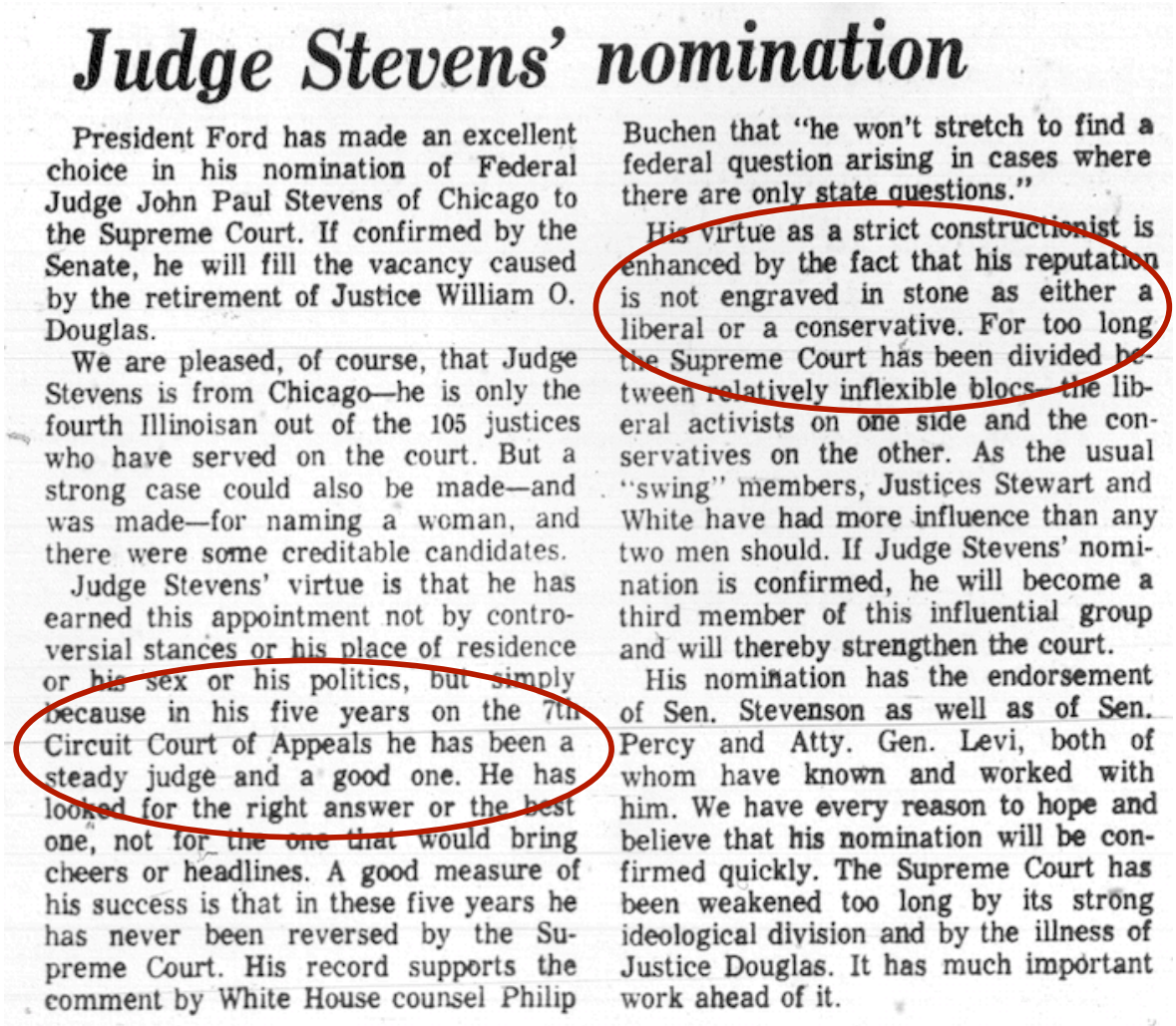
We are pleased, of course, that Judge Stevens is from Chicago—he is only the fourth Illinoisan out of the 105 justices who have served on the court. But a strong case could also be made—and was made—for naming a woman, and there were some creditable candidates.

Judge Stevens' virtue is that he has earned this appointment not by controversial stances or his place of residence or his sex or his politics, but simply because in his five years on the 7th Circuit Court of Appeals he has been a steady judge and a good one. He has looked for the right answer or the best one, not for the one that would bring cheers or headlines. A good measure of his success is that in these five years he has never been reversed by the Supreme Court. His record supports the comment by White House counsel Philip Buchen that "he won't stretch to find a federal question arising in cases where there are only state questions."

His virtue as a strict constructionist is enhanced by the fact that his reputation is not engraved in stone as either a liberal or a conservative. For too long the Supreme Court has been divided between relatively inflexible blocs—the liberal activists on one side and the conservatives on the other. As the usual "swing" members, Justices Stewart and White have had more influence than any two men should. If Judge Stevens' nomination is confirmed, he will become a third member of this influential group and will thereby strengthen the court.

His nomination has the endorsement of Sen. Stevenson as well as of Sen. Percy and Atty. Gen. Levi, both of whom have known and worked with him. We have every reason to hope and believe that his nomination will be confirmed quickly. The Supreme Court has been weakened too long by its strong ideological division and by the illness of Justice Douglas. It has much important work ahead of it.

Example: Stevens, *Tribune* (12/1/75)



Judge Stevens' nomination

President Ford has made an excellent choice in his nomination of Federal Judge John Paul Stevens of Chicago to the Supreme Court. If confirmed by the Senate, he will fill the vacancy caused by the retirement of Justice William O. Douglas.

We are pleased, of course, that Judge Stevens is from Chicago—he is only the fourth Illinoisan out of the 105 justices who have served on the court. But a strong case could also be made—and was made—for naming a woman, and there were some creditable candidates.

Judge Stevens' virtue is that he has earned this appointment not by controversial stances or his place of residence or his sex or his politics, but simply because in his five years on the 7th Circuit Court of Appeals he has been a steady judge and a good one. He has looked for the right answer or the best one, not for the one that would bring cheers or headlines. A good measure of his success is that in these five years he has never been reversed by the Supreme Court. His record supports the comment by White House counsel Philip Buchen that "he won't stretch to find a federal question arising in cases where there are only state questions."

His virtue as a strict constructionist is enhanced by the fact that his reputation is not engraved in stone as either a liberal or a conservative. For too long the Supreme Court has been divided between relatively inflexible blocs—the liberal activists on one side and the conservatives on the other. As the usual "swing" members, Justices Stewart and White have had more influence than any two men should. If Judge Stevens' nomination is confirmed, he will become a third member of this influential group and will thereby strengthen the court.

His nomination has the endorsement of Sen. Stevenson as well as of Sen. Percy and Atty. Gen. Levi, both of whom have known and worked with him. We have every reason to hope and believe that his nomination will be confirmed quickly. The Supreme Court has been weakened too long by its strong ideological division and by the illness of Justice Douglas. It has much important work ahead of it.

"Segal-Cover Scores"

Original:

$$\text{Ideology}_j = \frac{N_{\text{Liberal Paragraphs}} - N_{\text{Conservative Paragraphs}}}{N_{\text{Liberal Paragraphs}} + N_{\text{Conservative Paragraphs}}}$$

Rescaled:

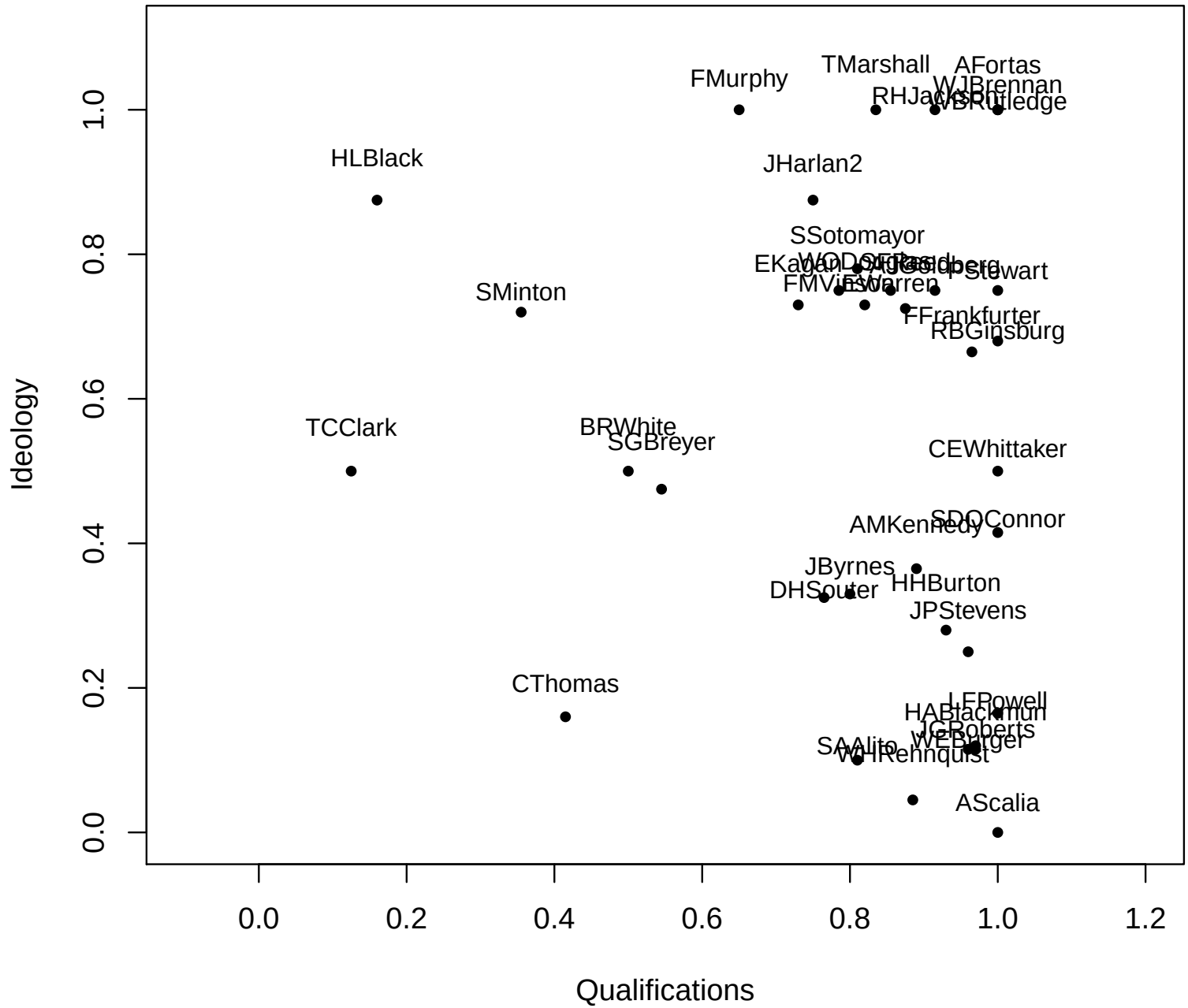
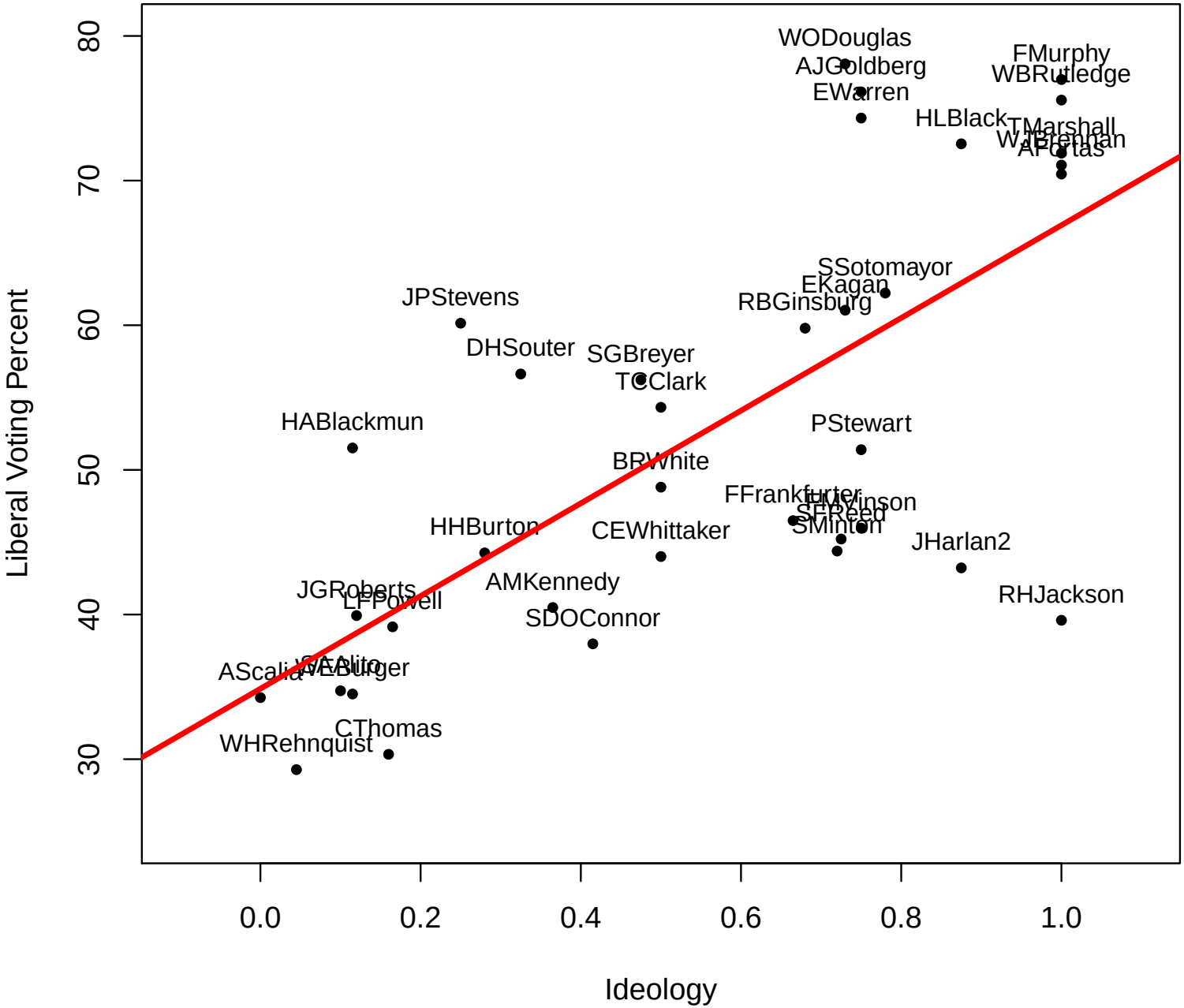
$$\text{Ideology}_j = \left[\left(\frac{N_{\text{Liberal Paragraphs}} - N_{\text{Conservative Paragraphs}}}{N_{\text{Liberal Paragraphs}} + N_{\text{Conservative Paragraphs}}} \right) + 1 \right] / 2$$

"Segal-Cover Scores"

Characteristics

- Minimum = 0 (most conservative)
- Maximum = 1 (most liberal)
- 0.5 = "moderate"
- Based on *"expert"* opinion
- *Fixed* over time

Segal-Cover: Ideology and Qualifications



Ideology and Votes