

# PLSC 473: American Judicial Behavior

Christopher Zorn

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# The Issue: Habeas Corpus

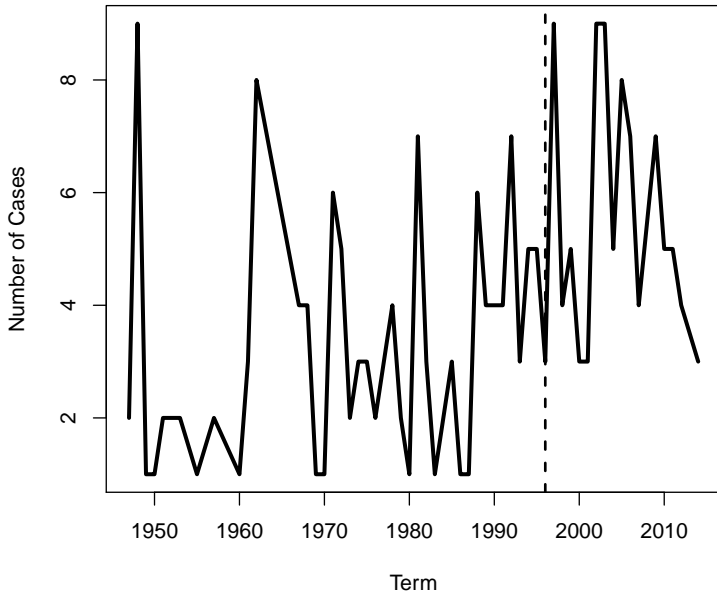
## Some history:

- Federal habeas over state detainees established in 1867 (28 USC §2254)
- Suspension at various times...
- Anti-Terrorism and Effective Death Penalty Act (1996) limited federal habeas

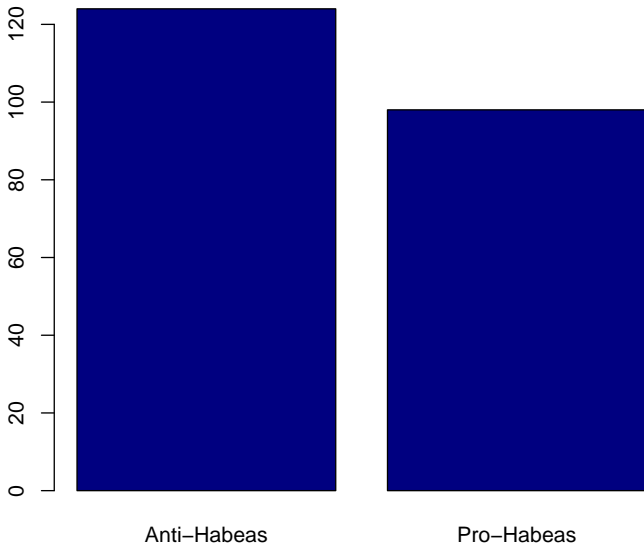
## The data:

- Votes in SCOTUS cases addressing habeas corpus (issue = 10020), 1946-2014 ( $N = 223$ )
- Coded: 1 = pro-habeas ("liberal"), 0 = anti-habeas ("conservative")

# Habeas Corpus Cases Per Term, 1946-2014



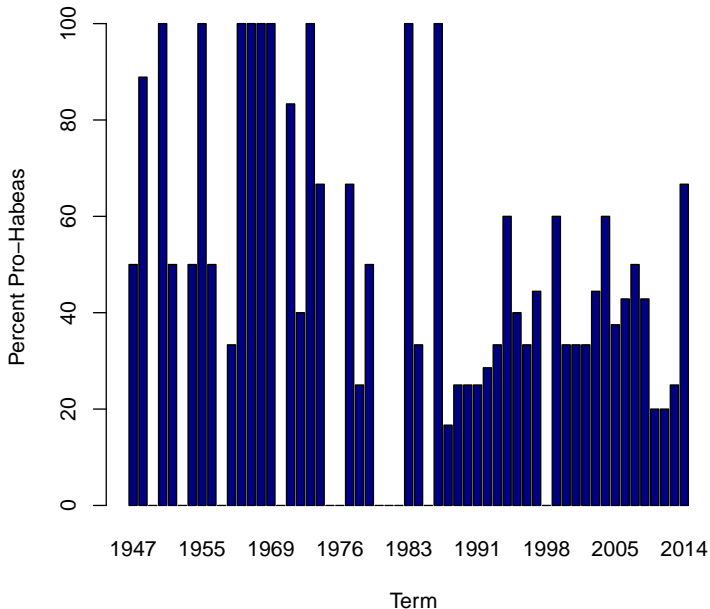
# Habeas Corpus Case Outcomes, 1946-2014



# Habeas Corpus: Influences

- Judge's Ideology (expectation: positive)
- Prisoner Petition (expectation: ?)
- Involve Federal Habeas Applicability? (expectation: positive)
- Lower Court Disagreement (expectation: positive)
- AEDPA (1996) (expectation: negative)

# Habeas Corpus Case Outcomes By Term



# Number of Habeas Cases by lawSupp

```
> table(HCases$lawSupp)
```

```
121 207 230 231 314 341 377 400 509 600 900  
  1   1   6   1   2 122   1   4   1  13   3
```

Law	Frequency
Suspension of habeas	1
Fifth Amendment	1
Due Process	6
Equal Protection	1
§1983	2
Federal habeas statutes	122
UMCJ	1
FRAP	4
Treaty law	1
"Infrequently litigated statutes"	13
No legal provision	3

```
# Pro-habeas vote:

Habeas$ProVote<-Habeas$direction-1

# Defendant petitioner:

Habeas$CrimPet<-ifelse(Habeas$petitioner==126,1,0)

# Habeas law applicability:

Habeas$HabLaw<-ifelse(Habeas$lawSupp==341,1,0)

# Lower court disagreement:

Habeas$Disagree<-Habeas$lcDisagreement

# AEDPA:

Habeas$AEDPA<-ifelse(Habeas$term>1996,1,0)
```



# Correlations

```
> options(digits=4)
> Vars<-with(Habeas, data.frame(ProVote,ideology,CrimPet,
+                               HabLaw,Disagree,AEDPA))
```

```
> cor(Vars,use="complete.obs")
```

	ProVote	ideology	CrimPet	HabLaw	Disagree	AEDPA
ProVote	1.00000	0.32471	0.20161	-0.05657	-0.02536	-0.05508
ideology	0.32471	1.00000	-0.06511	-0.05306	-0.02742	-0.31579
CrimPet	0.20161	-0.06511	1.00000	0.11177	-0.03967	-0.04598
HabLaw	-0.05657	-0.05306	0.11177	1.00000	0.03437	0.14075
Disagree	-0.02536	-0.02742	-0.03967	0.03437	1.00000	0.12298
AEDPA	-0.05508	-0.31579	-0.04598	0.14075	0.12298	1.00000

# Regression Model

$$\begin{aligned} \text{Pro-Habeas Vote}_{ij} = & \beta_0 + \beta_1(\text{Justice Liberalism})_j + \\ & \beta_2(\text{Detainee Petitioner})_i + \\ & \beta_3(\text{Habeas Law Applicability})_i + \\ & \beta_4(\text{Lower Court Disagreement})_i + \\ & \beta_5(\text{AEDPA})_i + u_{it} \end{aligned}$$

# Regression Results

```
> Regression <- with(Habeas, lm(ProVote~ideology+CrimPet+
                                HabLaw+Disagree+AEDPA))
> summary(Regression)
```

Call:

```
lm(formula = ProVote ~ ideology + CrimPet + HabLaw +
    Disagree + AEDPA)
```

Coefficients:

	Estimate	Std. Error	t value	Pr(> t )	
(Intercept)	0.1654	0.0373	4.43	1e-05	***
ideology	0.5970	0.0433	13.80	<2e-16	***
CrimPet	0.2558	0.0271	9.43	<2e-16	***
HabLaw	-0.0907	0.0305	-2.97	0.003	**
Disagree	-0.0147	0.0270	-0.54	0.587	
AEDPA	0.0820	0.0266	3.09	0.002	**

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Signif. codes: 0 '\*\*\*' 0.001 '\*\*' 0.01 '\*' 0.05 '.' 0.1 ' ' 1

Residual standard error: 0.456 on 1358 degrees of freedom  
(923 observations deleted due to missingness)

Multiple R-squared: 0.165, Adjusted R-squared: 0.162

F-statistic: 53.8 on 5 and 1358 DF, p-value: <2e-16

# Habeas Corpus Findings

- More liberal justices are substantially more likely to vote in a pro-habeas direction than are conservatives.
- Justices are also more likely to vote in a pro-habeas direction in cases where the detainee is bringing the petition (that is, when a pro-habeas vote is a vote to reverse the lower court).
- Justices are also (all else equal) more likely to vote in a pro-habeas direction in cases decided after the passage of the AEDPA in 1996.
- Justices are somewhat less likely to vote in a pro-habeas direction when the case involves a question of the applicability of federal habeas law.
- We find no conditional association between pro-habeas votes and lower court disagreement.