

PLSC 476: Empirical Legal Studies

Christopher Zorn

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Bivariate Analyses: A General Plan

(0.) (Have an idea...)

1. *Collect / assemble* data.
2. Check the *measures*.
3. Describe the *outcome* (“dependent variable”).
4. Describe the *predictor(s)* (“independent variable(s)”).
5. Assess the *association* between among them.
6. *Summarize* your findings.

Our Analysis

Outcome: Supreme Court Decisions (voting)

Predictor: Urban vs. Rural Upbringing

When will it matter? Cases involving:

- Racial discrimination
- Education
- Policing / criminal activity
- Gender

Supreme Court Judicial Database, Justice-Centered Data

- Every case decided by the U.S. Supreme Court between OT 1946 and 2019.
- Roughly $N = 10,000$ cases
- One line of data for each justice in each case ($\approx 94,000$ lines of data)
- 55 case-specific variables
- Data at: <http://scdb.wustl.edu/>

Supreme Court Biographical Database

- Biographical data on every U.S. Supreme Court justice
- $N = 40$ justices (for the 1946-2019 period)
- More than 250 justice-specific variables
- Data at:
<http://epstein.wustl.edu/research/justicesdata.html>

The Outcome: Supreme Court Voting

From the cases/votes codebook:

The Supreme Court Database Codebook

37 Decision Direction

Variable Name	Spaeth Name	Normalizations
decisionDirection	DIR	varDecisionDirection (3)

In order to determine whether the Court supports or opposes the issue to which the case pertains, this variable codes the ideological "direction" of the decision.

Specification of direction comports with conventional usage for the most part except for the interstate relations, private law, and the miscellaneous issues. "Unspecifiable" has been entered either because the issue does not lend itself to a liberal or conservative description (e.g., a boundary dispute between two states, real property, wills and estates), or because no convention exists as to which is the liberal side and which is the conservative side (e.g., the legislative veto). This variable will also contain "unspecifiable" where one state sues another under the original jurisdiction of the Supreme Court and where parties or issue cannot be determined because of a tied vote or lack of information.

The Outcome: Supreme Court Voting

From the cases/votes codebook:

1. In the context of issues pertaining to criminal procedure, civil rights, First Amendment, due process, privacy, and attorneys, liberal (2)=

- pro-person accused or convicted of crime, or denied a jury trial
- pro-civil liberties or civil rights claimant, especially those exercising less protected civil rights (e.g., homosexuality)
- pro-child or juvenile
- pro-indigent
- pro-Indian
- pro-affirmative action
- pro-neutrality in establishment clause cases
- pro-female in abortion
- pro-underdog
- anti-slavery
- incorporation of foreign territories
- anti-government in the context of due process, except for takings clause cases where a pro-government, anti-owner vote is considered liberal except in criminal forfeiture cases or those where the taking is pro-business
- violation of due process by exercising jurisdiction over nonresident
- pro-attorney or governmental official in non-liability cases
- pro-accountability and/or anti-corruption in campaign spending
- pro-privacy vis-a-vis the 1st Amendment where the privacy invaded is that of mental incompetents
- pro-disclosure in Freedom of Information Act issues except for employment and student records

The Predictor: Urban vs. Rural Background

From the justices' biographical codebook:

17 childsur: Nominee's Childhood Surroundings

1. Family farm
 2. Rural
 3. Small town
 4. Small city
 5. Urban (large/larger city)
 6. Family plantation
999. Unclear or unknown

Coding notes:

- This variable refers to the general environment in which the nominee spent his or her formative years. In several cases, a nominee's family moved one or more times during the nominee's childhood. In such cases, we base our coding on the more prominent childhood experience.
- Note that the Epstein et al. (2012) lists Sandra Day O'Connor surroundings as Urban and Family Ranch. Here we code Urban.

From the cases/votes codebook:

The Supreme Court Database Codebook

35 Issue

Variable Name issue	Spaeth Name ISSUE	Normalizations varIssues (278)
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This variable identifies the issue for each decision. Although criteria for the identification of issues are hard to articulate, the focus here is on the subject matter of the controversy (e.g., sex discrimination, state tax, affirmative action) rather than its legal basis (e.g., the equal protection clause) (see the variable lawType).

Because the database extends over four centuries of the Court's decisions during which time the Court's jurisdiction changed drastically, the description of many specific variables does not provide a good fit. Thus, for example, 'debtors' rights,' which locates in the civil rights issue area, contains many nineteenth century cases that have little, if anything, to do with civil rights as understood today. Nor do a vast majority of early takings cases have any reference to due process, and many of the early criminal procedure cases don't involve crimes at all. Conversely, to have lumped all railroad cases, bar none, into one variable would have erased the many types of situations in which nineteenth and early twentieth century railroads found themselves.

Which Cases? Example: Racial Discrimination

From the cases/votes codebook:

20030	ballot access (of candidates and political parties)
20040	desegregation (other than as pertains to school desegregation, employment discrimination, and affirmative action)
20050	desegregation, schools
20060	employment discrimination: on basis of race, age, religion, illegitimacy, national origin, or working conditions.
20070	affirmative action
20075	slavery or indenture
20080	sit-in demonstrations (protests against racial discrimination in places of public accommodation)
20090	reapportionment: other than plans governed by the Voting Rights Act
20100	debtors' rights
20110	deportation (cf. immigration and naturalization)
20120	employability of aliens (cf. immigration and naturalization)

To the data →

Structure:

1. Theory (\approx one paragraph)
2. Hypotheses (\approx one paragraph)
3. Data and Measurement (1-2 paragraphs)
4. Description (\approx one paragraph)
5. Analysis and Findings (1-3 paragraphs)

Writing Tips

1. Use active voice
2. Use the first-person singular
3. Lean toward short, declarative sentences
4. Refer to figures and tables by number
5. Include computer code in a separate section at the end, or in a separate file (unless using `.Rmd`)
6. Ask yourself: Could another PLSC 476 student replicate what I did?