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United States Supreme Court Judicial Database,  
Phase II: 1953-1993

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James L. Gibson

ICPSR 6987



UNITED STATES SUPREME COURT JUDICIAL DATABASE,  
PHASE II: 1953-1993

(ICPSR 6987)

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Inter-university Consortium for  
Political and Social Research  
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To provide funding agencies with essential information about use of archival resources and to facilitate the exchange of information about ICPSR participants' research activities, users of ICPSR data are requested to send to ICPSR bibliographic citations for each completed manuscript or thesis abstract. Please indicate in a cover letter which data were used.

#### DATA DISCLAIMER

The original collector of the data, ICPSR, and the relevant funding agency bear no responsibility for uses of this collection or for interpretations or inferences based upon such uses.



## DATA COLLECTION DESCRIPTION

James L. Gibson

UNITED STATES SUPREME COURT JUDICIAL DATABASE, PHASE II:  
1953-1993 (ICPSR 6987)

**SUMMARY:** The purpose of this data collection was to record information about the cases, litigants, amicus participants, and the opinions decided by the Supreme Court under the tenure of Chief Justices Earl Warren (1953-1969) and Warren Burger (1969-1986) and others through 1993. The approach of this study was to proceed deductively, rather than seek to infer values of a particular group of justices. This method allows the investigation of value conflicts that are not litigated, as well as the value conflicts represented in Supreme Court opinions. Opinions are coded on the basis of their literal content, and the data are organized around the opinions. There are eight types of opinions. Within each type, up to six topics are coded, and within each topic, up to two values are coded. There are three integrated parts to this study, each of which can be linked to the other files by specific variables. Part 1, Supreme Court Database, contains basic case attributes from UNITED STATES SUPREME COURT JUDICIAL DATABASE, 1953-1993 TERMS (ICPSR 9422) and the opinions given in the cases. Part 2, Briefs, gives information on the filers and co-filers for cases in which amicus curie briefs were filed. Part 3, Groups, lists the litigants' names. The distinct aspects of the Court's decisions are covered by six types of variables in Part 1: (1) identification variables including case citation, docket number, unit of analysis, and number of records per unit of analysis, (2) background variables offering information on origin of case, source of case, reason for granting cert, parties to the case, direction of the lower court's decision, and manner in which the Court takes jurisdiction, (3) chronological variables covering date of term of court, chief justice, and natural court, (4) substantive variables including multiple legal provisions, authority for decision, issue, issue areas, and direction of decision, (5) outcome variables supplying information on form of decision, disposition of case, winning party, declaration of unconstitutionality, and multiple memorandum decisions, and (6) voting and opinion variables pertaining to the vote in the case and to the direction of the individual justices' votes.

**UNIVERSE:** United States Supreme Court decisions, 1953-1993.

**NOTE:** (1) The data files contain undocumented codes. (2) Value labels are located in the export files provided. (3) The codebook is provided as a Portable Document Format (PDF) file. The PDF file format was developed by Adobe Systems Incorporated and can be accessed using PDF reader software, such as the Adobe Acrobat Reader. Information on how to obtain a copy of the Acrobat Reader is provided through the ICPSR Website on the Internet.

**EXTENT OF COLLECTION:** 3 data files + machine-readable documentation (PDF) + SAS data definition statements + SPSS data definition statements

**EXTENT OF PROCESSING:** DDEF.ICPSR/ UNDOCCHK.PR/ REFORM.DOC/ SCAN

**DATA FORMAT:** Logical Record Length with SAS and SPSS data definition

statements and SPSS export files for Parts 1 and 2

Part 1: Supreme Court

Database Data

File Structure: rectangular

Cases: 7,161

Variables: 1,899

Record Length: 5,578

Records Per Case: 1

Part 2: Briefs Data

File Structure: rectangular

Cases: 7,347

Variables: 25

Record Length: 112

Records Per Case: 1

Part 3: Groups Data

File Structure: rectangular

Cases: 5,708

Variables: 3

Record Length: 130

Records Per Case: 1



**United States Supreme Court  
Judicial Data Base—  
Phase II**

*User's Guide*

James L. Gibson



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## Acknowledgment

This book documents a data set on the United States Supreme Court created by a team of researchers working at several different universities. Beginning in the 1980s, the project investigators have collected a variety of information on virtually every decision rendered by the Supreme Court under the tenure of Chief Justices Earl Warren and Warren Burger (1953–1986). Several distinguished scholars were involved in various stages of the project, and literally dozens of students assisted us in this effort.

Different people contributed in different ways to constructing this data set. As a rough guide, the values portion of the data set was initially developed by Beverly Blair Cook, and was implemented by Robert A. Carp, Cook, James P. Wenzel, and me. Charles A. Johnson was primarily responsible for the variables describing the litigants in the cases; and S. Sidney Ulmer was responsible for the data on amicus curiae participation. Lee Epstein was instrumental in finalizing the amicus data and its documentation.

Various people wrote the documentation to the data set. Lee Epstein and Sid Ulmer were responsible for the amicus portion, Charles A. Johnson for the parties section, and James P. Wenzel was the primary author of much of the values material. Others have contributed as well. My job has been to try to integrate all of the material and put it together into a coherent description of the data base.

The project was assisted by a Board of Overseers, chaired by Lawrence Baum. Other members of the Board include: Bliss Cartwright, Lee Epstein, Joel B. Grossman, Frank Munger, Beverly B. Cook, and Donald R. Songer. Many Board members devoted a great deal of energy to this project and for that I am grateful.

Funding for the project was provided primarily by the National Science Foundation (grant #SES-8703468). The University of Houston and the Department of Political Science made numerous contributions to the sustenance of the project. We are deeply indebted to Felice Levine (then Program Officer of NSF's Law and Social Sciences Program) for her confidence that the project could be successfully completed.

No one contributed more to this data set than James P. Wenzel. Jim worked on every stage of the project, including the conceptualization of the Values variables. His assistance with organizing and documenting the data base was invaluable.

As I noted, many students contributed to the success of this project. Two in particular, however, deserve great credit for bringing the project to

fruition. Betin G. Bilir, Leesa Boeger, and especially Marika Litras have my most sincere appreciation.

My hope is that these data will be of value to the research community. Indeed, even if certain problems are found in the coding of the data, I am convinced that there are enough fresh ways of thinking about Supreme Court decisions represented in the data that innovative scholars will figure out how to make the data useful. In the end, I am confident that these data will make some contribution toward understanding the operation of the United States Supreme Court.

James L. Gibson  
Houston, Texas



# Chapter One

## Introduction

The purpose of this “User's Guide” is to acquaint potential analysts of the “U.S. Supreme Court Data Base—Phase II” with the attributes of the data and their possible uses. The data set consists of four distinct, but entirely integrated components. The data sets are defined substantively, and correspond to the site where they were collected. The first set—known as the “Phase I data”—represents basic case attributes. These variables were collected by Harold J. Spaeth at Michigan State University, and range from information on the court of origin to the votes of individual justices. Also included is information about the primary parties in the case and the issues raised in the litigation.

Another portion of the data—known as the “Opinions and Values”—characterize the *opinions* in the cases. These data were collected under the direction of Robert A. Carp and James L. Gibson, University of Houston, with the assistance of James P. Wenzel. The variables in this portion of the data describe the basic issues being litigated and the value position taken in each of the opinions.

Detailed information about the parties to the litigation is also included. These variables include additional detail about the parties litigating the cases. Collected under the direction of Charles A. Johnson at Texas A&M University, information is provided describing the principal appellant and the appellee, as well as summary information about co-appellants and co-appellees.

Finally, for cases in which amicus curiae briefs were filed, information about the filers and the co-filers was collected under the direction of S. Sidney Ulmer at the University of Kentucky. The identity and position of each amicus participant is indicated, as well as additional summary data about amicus participation in the case.

This User's Guide reports information about the various portions of the data in discrete sections. The Guide is organized in this way because many of the details about coding procedures, how the data were collected, and other pertinent information about the variables is idiosyncratic to the data sets. Thus, users can get detailed information about each of the portions of the data from the relevant chapters.

Though it is important to understand how the various sets of variables were conceptualized and collected, for practical purposes users need not differentiate among these variable sets. The data are organized in a single, unified data base, and variables from one set can be analyzed with

variables from any other set.

Before turning to the specific content of the data, some general issues concerning the data base should be discussed.

### *The Data Sets Available*

This user's guide should be used in conjunction with the data sets available from ICPSR. There are three files, two of which are SPSS EXPORT files, while the third is standard (alphanumeric) data file. The primary data set is a large integrated file, using the docket number as the unit of analysis. In particular, the files are:

- (1) SCDB EXPORT: This is total integrated data set, with the docket number as the unit of analysis. Most users with adequate computing facilities will want to analyze this data set. It is, however, a large data set.
- (2) BRIEF EXPORT: These are the same amicus data but at a different unit of analysis. The unit for these data is the *individual brief*.
- (3) GROUP NAMES: This is a standard ASCII file with the full name and identification number of all of the groups represented in the amicus data set.

The SPSS EXPORT files can be used via the SPSS command IMPORT. Since IMPORT is said to be relatively inefficient, I recommend that heavy users IMPORT and then SAVE the file. Subsequent runs can then be from the SAVE file. You may find it necessary to access only portions of the variables within a single run (via KEEP).

Of course, these data can be used with any analytical programs. To generate a raw data file, simply IMPORT the files provided and write the raw data into an output file. Alternatively, you can build the file into a SAVE file and convert the SPSS SAVE file to other programs. Users may well wish to customize the output data set according to their substantive interests (e.g., limiting the number of variables considered; changing the unit of analysis).

### *The Relationship of Phase I and Phase II Data*

The various components of the data base were collected and processed at different points in time. The Phase I data were collected earlier than the rest of the data, and consequently, many of the conventions

employed by Professor Spaeth were adopted in Phase II. For instance, the definition of a “case”—not entirely an unambiguous task—was undertaken by Professor Spaeth. (Users should refer to the documentation for the Phase I data.). The Phase II data thus treat the Phase I cases as the universe. The specific relationships between the various bodies of data are shown in Table 2-1 (see Chapter 2). Thus, all the cases coded in Phase I were coded in Phase II with regard to the parties involved in the litigation, while only those cases with amicus curiae briefs were coded on the amicus variables. The opinions and values data employ a specific definition to identify an opinion—thus, some of the types of cases coded in Phase I were ineligible for coding on values. Users must always be aware of the specific subset of cases they wish to analyze.

#### *The Structure and Content of the Data*

Since the data are in the format of an EXPORT file, they are organized in a conventional rectangular format. With the exception of a few of the case identification variables, and some duplicate variables in the Phase I data, all variables in this data set are represented as numbers. Those who wish to convert the variables to alphameric equivalents can quite readily do so using SPSS commands. Those who are content to use the data in numeric format need make no transformation to the data provided.

This data set contains 7,161 records and over 1,899 variables! By any standards, it is a large data set. I have consequently provided some guidance on usage of the data in the Questions and Answers section of this User's Guide.

#### *Reliability*

A special component of this research is the conscious effort to assess the reliability of the coding of the various variables. Each chapter discusses the reliability coding and subsequent analysis conducted to ascertain the robustness of that coding.

#### *Special Variables*

I have added a set of dichotomous variables to indicate whether a docket number has been coded within one of the subsections of the data base. Of course, all cases are represented in Phase I. The codes to indicate the presence of the case in the Phase II portions of the data (with a “1” indicating the case is present; a “0” that it is not) are:

VAOPIN	Whether the case was coded on values/opinions (5,459 cases were coded).
PARTY	Whether the case was coded on the litigants (7,159 cases were coded).
AMBRIEF	Whether the case was coded on amicus participation (2,248 cases were coded)

*Errors*

I will make every effort to correct errors that are discovered and verified by the user community. Should you discover an error, please document it, and send a letter with supporting evidence to James L. Gibson, Department of Political Science, University of Houston, Houston, Texas, 77204. You can send notes on Internet to [jgibson@uh.edu](mailto:jgibson@uh.edu) If you wish to be on a mailing list to receive notification of known errors, proposed fixes, etc., please send a request to me at the above address.

## Chapter Two

### Questions and Answers

*What cases are included in the data base?*

Though there is some technical ambiguity about just what constitutes a *case*, our objective was to code information about all decisions issues by the Supreme Court. The data are available for decisions made in the period 1953 to 1986—the periods of the Warren and Burger courts. In this collection, distinct aspects of the court's decisions are covered by six types of variables: (1) identification variables including case citation, docket number, unit of analysis, and number of records per unit of analysis, (2) background variables offering information on origin of the case, source of case, reason for granting cert, parties to the case, direction of the lower court's decision, and manner in which the Court takes jurisdiction, (3) chronological variables covering date of term of court, chief justice, and natural court, (4) substantive variables including multiple legal provisions, authority for decision, issue, issue areas, and direction of decision, (5) outcome variables supplying information on form of decision, disposition of case, winning party, declaration of unconstitutionality, and multiple memorandum decisions, and (6) voting and opinion variables pertaining to the vote in the case and to the direction of the individual justices' votes.

However, there are some nuances to this general proposition. While the basic case attributes and detailed description of the parties are available for all cases, amicus information is only pertinent when there was participation by friends of the court. Also, the opinions and values data only characterize cases in which there was an opinion (see below for the technical definition of an opinion). Table 2-1 reports the various codings of the cases according to the type of opinion (as coded in the basic case attributes data).

Users should note that many analyses of judicial behavior are confined to cases that are formally decided, with a full opinion (DECNFORM = 1). Since there are many cases with others sorts of decisions, users should carefully decide which types of decisions best correspond to the hypotheses under consideration.

**Table 2-1. Cases Represented in Phase I and Phase II of the Supreme Court Data Base**

Type of Decision	Formally Decided	With Oral Argument	Memorandum	Decree	Equal Vote	Per Curiam
Opinions/Values						
Coded	4441	631	46	19	4	315
Not Coded	0	193	1259	32	66	151
Parties						
Coded	4441	824	1305	51	70	466
Not Coded	0	0	0	0	0	0
Amicus						
Coded	2088	19	0	0	8	133
Not Coded	2353	805	1305	51	62	333

*Note:* All cases are represented in the Phase I data.

*For statistical purposes is the case the proper unit of analysis?*

Unfortunately, this is very difficult to answer. The unit of analysis — the unit that is described by the variables—can legitimately be many different things, ranging from the citation to the docket number to the opinion to the judge to the amicus group. The particular unit of analysis for any given project will depend completely upon the theoretical purposes of the analysis. Users must give considerable thought to the unit of analysis issue.

For those who are just interested in what we ordinarily think of as “cases,” however, two basic units are possible: the case citation and the docket number. When the Supreme Court makes decisions, it frequently joins a group of individual cases together. They are generally decided together and are reported with a single opinion in the U.S. Reports. I term this unit the “citation.” There are 6,141 citations in the data base.

There is considerable variability in the degree to which the individual cases within a citation are coded the same. To avoid confusion, we refer to these cases as “docket numbers.” Generally, these docket numbers will differ on the variables describing the origin of the case and the decisions prior to the docket number reaching the Supreme Court. The docket number might also differ, however, in some of the basic issues raised. For instance, federalism may be an issue for only some docket numbers when the Court joins state and federal cases. The decision itself may differ, as for example when the Court must affirm the decision below in one docket but reverse the decision below in another in order to achieve identical policy outcomes. There are simply many variables that can and do vary across dockets numbers but within case citations. Users who wish to use the citation as the basic unit of analysis must therefore be aware that to use only the first docket number in the citation to represent the “case” is a fairly arbitrary decision that can affect basic conclusions.

The alternative to using the citation as the unit of analysis is to use the docket number as the basic unit. There are 7,161 docket numbers in the data base. Many users will wish to use the docket number as the unit of analysis.

The disadvantage of using the docket number as the unit of analysis is that the policy decisions of the Court are in some sense weighted disproportionately. If we assume that the primary analytical interest in court decisions is not in their impact on the particular litigants, but is instead on the development of public policy, it makes little difference how many cases were joined within a particular opinion. Those with an interest in opinions

and policy may well wish to consider the citation as the unit of analysis. With the exception of federalism and threshold issues, it is relatively rare that the policy outputs of the Court vary across docket numbers.

*But is this docket number/case citation distinction of any practical importance?*

To answer this question, it must be first be noted that there are fairly sizable differences in the numbers of “cases” analyzed from the two different standpoints. There are 6,141 citations in the data base, but there are 7,161 docket numbers. Let’s just say that we wanted to know the percentage of cruel and unusual punishment “cases” decided by the Warren and Burger courts (TOPIC1 = 40).

The frequencies are:

Docket as Unit of Analysis	Citation as Unit of Analysis
4.0 percent	4.4 percent
N = 7,157	N = 6,141

Similarly, the number of cases with an amicus brief in which the U.S. filed a brief is (NAME1 = 829):

Docket as Unit of Analysis	Citation as Unit of Analysis
5.2 percent	17.1 percent
N = 2,248	N = 2,116

*How can I implement my unit of analysis decision in the data base? That is, what should I do within SPSS to select the citation as the unit of analysis? What should I do to select the docket number as the unit of analysis?*

These data can be quite easily analyzed according to docket number or case citation. All of the data are basically organized by docket number. That is, in the raw data matrix, a “record” characterizes a docket number. If you are using the SPSS EXPORT file I have provided, then you are using the docket number as the unit of analysis. Users must be aware that when using this approach, there are many variables that seem to describe the citation, but in fact are docket-number specific. For instance, those who wish to analyze outputs according to whether the Court is affirming or reversing the decision below must recognize that even if the



primary docket number (i.e., the docket number that becomes the citation) is a reversal, there is no guarantee that the decision in other docket numbers is also a reversal.

Some users will want to analyze the data using the citation as the unit of analysis. In order to accomplish this, use the SPSS AGGREGATE routine. For instance, suppose one wants to know how many amicus briefs were filed in the case. The goal here is to change the unit of analysis from the docket number to the case citation. Only the specific variables of interest are transformed to the new unit. The following would create a variable NBRIEFS that is the number of briefs within the citation.

```
AGGREGATE OUTFILE=*/BREAK=USVOLC USPAGEC/  
NBRIEFS=PIN(AMBRIEF,1,1)  
FREQUENCIES VARI=NBRIEFS.
```

The first line defines the new unit of analysis as the U.S. Reports volume and page number (irrespective of the docket number). The second line creates a variable NBRIEFS. Note that the key to the aggregation is the BREAK portion of the command. The new unit of analysis is the citation — it is all records on which the citation matches. For multiple docket number cases, each of the docket numbers will of course have the same citation. Any variable can be aggregated to the citation. Indeed, the entire data set can be aggregated. Note that one can create a standard deviation variable during the aggregation process that will mark whether there is any variance on the variable *within* the citation. When the standard deviation is zero, all docket numbers within the citation have the same score on the variable.

It is easy to make mistakes—both conceptually and empirically — when changing the unit of analysis in this way. Users are urged to use caution when using the AGGREGATE routine.

*Are there other units of analysis that might profitably be used in this data base?*

Yes, there are many. At the simplest level, many will want to aggregate the data by court term. This can be accomplished via the AGGREGATE command. One might wish to know, for instance, the percentages of “cases” (however defined) in which there was amicus participation and to relate this variable to other time-related data. If one simply wants the statistics, the following command will provide them:

## CROSSTABS TABLES=AMBRIEF BY TERM

If one wants a data file with term as the unit of analysis use:

```
FILE HANDLE USE15/NAME='TERM UNIT A'
AGGREGATE OUTFILE=USE15/BREAK=TERM/
NBRIEFS=NU(BRIEF,1,1)
```

The file TERM UNIT A can then be used in any way you wish.

*How can I match these data with other data that are available?*

Match/merging data sets within SPSS is extremely simply. First, be certain that you understand the units of analysis of the data sets to be matched. (I will assume in this example that the units are the same, although in some instances this will not be the case). Second, be certain that all of the data sets are sorted on USVOLC, USPAGEC, and DOCKETC (I am assuming the docket number as the unit of analysis). Be certain that USVOLC and USPAGEC are real numbers (F3.0, and F4.0), and that docket is a numeric variable (A7). Also be certain that docket number conforms to our format (see the next question). It is then a very simple matter to match/merge within SPSS. A typical runstream will be similar to the following:

File handles .....

```
MATCH FILE=USE3A/
FILE=USE3B/
BY=USVOLC USPAGEC DOCKETC/
MAP
```

*But what is the special format for the docket number?*

The formatting of the docket number is crucial to any match/merging. I have followed these conventions: (1) the docket number field is an alphameric field that is *left* justified. (2) For cases from the appellate docket the number should read A####. That is, the actual number should be preceded by an “A” and *no* blank spaces. (3) For cases from the miscellaneous docket, the number should read ##### M. That is, the number should be followed *by a space* and an “M”. (4) Cases under original jurisdiction should read: ##### ORIG. That is, the number followed *by a space* and the designation “ORIG.” (5) Note that where I have used capital

letters they must be used; where I have inserted spaces, they must be inserted. Docket number is an alphameric field—*that means that every single character in the field must match perfectly in order to achieve the match/merge.*

*What identification number makes the case unique?*

The combination of USVOLC USPAGEC and DOCKETC define a unique docket number. The combination of USVOLC and USPAGEC define a unique citation.

*What of cases without docket numbers?*

Unfortunately, there are some cases without docket numbers. I have assigned arbitrary docket numbers within these cases. They are:

USVOLC	USPAGEC	DOCKETC
347	272	-1 ORIG
347	272	-2 ORIG
364	500	-1
364	500	-2
364	500	-3
390	932	-1
390	932	-2
391	930	-1
391	930	-2
393	802	-1
393	802	-2
393	802	-3
393	802	-4
393	802	-5
434	241	-1
434	241	-2
434	241	-3
434	241	-4

Thus, in the Phase II data, the docket number is recorded as a negative sequential number. This means that the combination of USVOLC, USPAGEC, and DOCKETC makes for a unique identifier in the data set.

*Why are there so many variables in this data set?*

The number of variables in the data set is illusory due to fact that there are quite a number of *multiple-response variables*. These are variables that can occur more than once within a case. One of the best examples is the identity of amicus filers. As an empirical matter, there can be more than *fifty* primary filers. Thus, there must be fifty filer identification variables for each case. Since we also collected information other than the simple identity of the filer, there are a total of four variables for each of these fifty filers. It is easy to see how variables can proliferate so readily.

*How can these multiple response variables be used?*

Unfortunately, there are few simple uses of multiple response variables. If one simply wants a frequency distribution or some simple cross-tabulations, one can get this information via the MULT RESPONSE procedure in SPSS. For instance, when using this routine it is possible to discover the number of times the ACLU filed an amicus brief, irrespective of whether it was the first, second, or “nth” brief filed.

Users may wish to construct sets of dummy variables from these multiple response variables. For instance, it would be relatively simple to construct a dichotomy that indicates whether the ACLU participated in the case. Users interested in variables of this sort will surely want to consider using the SPSS COUNT and IF/DO IF commands.

A general word of warning is appropriate for users of the multiple response variables: never *assume* that the order of the multiple response variables is meaningful. On some occasions it is; on many, it is not. You must be certain to consult the codebook for information on the meaning of the variables, and not simply rely on the variable names as a guide to the meaning of the ordering.

*What if I want to use a reduced set of variables?*

My recommendation is to maintain this data set as a full SPSS system file with all of the variables and all of the “cases.” One can then subset the data by variables or by cases. To focus on only a subset of variables, use the KEEP portion of the GET command. To focus on only a subset of cases, use a SELECT IF statement. Similarly, if you wish a subset of the data in smaller file, simply SAVE that particular group of data and the data set will not be so formidable.

*Can I analyze the data on a PC?*

Yes, but only if you have enormous amounts of mass storage, a great deal of memory, and/or you subset the data set, and if your time is not very valuable. This is a large data set and I/O time on any computer will be non-trivial. If you wish to use SPSS-PC on the data set, I recommend the following steps. (1) Read the total SPSS EXPORT file and subset it. (2) EXPORT the file. (3) Download the exported file. (4) IMPORT it into SPSS-PC.

*How should I use the information on the reliability of the variables?*

First, I recommend that you review the general discussion of reliability in this User's Guide. It is important to remember that reliability is a continuum, not a dichotomy. Few variables are perfectly reliable—the issue is instead to what degree is the variable reliable and how does unreliability affect any substantive findings.

We have provided reliability coefficients for many of the variables. These are test-retest coefficients. When the data are measured at least at the ordinal level, we typically report Pearson correlation coefficients. For nominal data we report other coefficients. You can use this information as a guide to the level of confidence you can have in the variable.

These coefficients can also be used as direct estimates of reliability. For instance, they can be used as communality estimates in Common Factor analysis; or as reliability estimates in LISREL.

Remember that unreliable variance (which we assume to be random, rather than systematic) cannot be explained using substantive variables. Therefore, you may wish to discount your “explained variance” expectations according to the degree of unreliability in the variable.

*Some of the “variables” in the data set have no variance. Why are they included?*

Yes, you will find that some of the variables are in fact constants. We have included those variables in the data set whenever they are part of a set of variables that a user might logically expect to appear in the data. An example might help. We have coded up to ten co-signatories for each filer of an amicus brief. As it turns out, there may not be any instances in the data in which there is a tenth co-signatory for the 49th filer. Thus, for every case the score on this variable is “999999”. Given the structure of the data, however, and the system employed for naming variables, a user might quite logically expect to find the variable FI49CO10 (the variable for filer 49, co-

filer 10), and the variable is in the data set. Were we to delete the variable, runs that referred to FI49CO10 would fail. Therefore, we have kept such variables.

*How are missing values treated in this data set?*

Generally, conventional missing data are relatively rare in this data. However, some variables do have large quantities of cases scored as missing. In these instances, the missing data are “not applicable.” (For information about the meaning of missing values on any given variable you should consult the Variable Notes in the Codebook.) *Users must defined missing values for themselves—do not rely on my designation or failure to designate a missing value in the data set.*

## Chapter Three

### Values and Opinions

The definition of “issue” that has been utilized in almost all previous research on the Supreme Court (including the issues variable in the Phase I data set) relies upon largely inductive analytical methods. Though one begins with a rough categorization of cases by subject matter, the basic method is one of seeking to infer a substantive “attitude” as the cause of the decisions. Because this process is inferential, different scholars identify the attitudinal bases of decisions in a somewhat different way. Because this inductive process is so heavily dependent upon the substantive content of the cases making up the scales, the inferred dimensions can and do change over time. This method purports to define the issues in the cases as the justices seem to perceive them.<sup>1</sup>

An alternative approach to this problem is to proceed deductively. Rather than seeking to infer the values that a particular group of justices may be employing to decide a set of cases, the researcher can *postulate* a set of values and then determine how these values are represented in the cases. One advantage of such an approach is that it is not highly dependent upon the particular types of cases that are being litigated at the moment. Moreover, it allows the investigation of value conflicts that are *not* litigated, as well as those value conflicts represented in Supreme Court opinions.<sup>2</sup>

The disadvantage of such an approach is that the universe of potential value conflicts is very large indeed. The researcher who attempts to delineate the major value conflicts in society runs a great risk of developing a fairly idiosyncratic and potentially highly subjective scheme. Moreover, to operationalize the value conflicts within the actual Supreme Court decisions is difficult and requires considerable care. While it may be fairly easy to discern the substantive topics that cases raise, to ascertain whether the decision of the Court is supportive of the value of “liberty” is a far more error-prone endeavor. Nonetheless, this is the approach we have taken.

Our analysis of the values in the opinions is not independent of the coding of topics. That is, the coding process is structured hierarchically. The first determination to be made by the coder is that of the issues involved in the case. The issues are then connected to a limited set of value conflicts. For instance, a great many criminal due process cases can be tied to a relatively small number of value conflicts. In this manner, the coders

do not have to scrutinize the entire list of values for each case. Each *opinion* was coded independently.

Thus, this approach to coding the substance and outcomes in the cases is distinctive in four major respects: (1) each opinion within the decision is coded; (2) a limited number of organized subject matter categories is used; (3) these categories are deterministically related to the value conflict posed by the case; and (4) a consistent set of value codes is applied across the various topics.

### **Coding Values and Opinions**

#### *General Considerations*

The basic unit of analysis of the topics and values coding is the docket number. Citations with multiple docket numbers are thus represented more than once in the data base. In principle, the different docket numbers need not have the same topics and values. In practice, they nearly always do.

Within each docket number, each *opinion* was coded. The opinions were coded in the order in which they appear in the *U.S. Reports*. This generally means that the majority opinion was coded first, followed by the concurrences and then the dissents.

An opinion is an expression of views by a justice that includes some reasoning and justifications. Typically an opinion will include references to earlier decisions. (The only exception to this is the opinion “I dissent”/“I concur.” There are special provisions in the coding instructions for coding this sort of opinion.) Not all docket numbers have opinions, and it is possible to have concurrences and dissents without a majority opinion (e.g., dissents from denial of certiorari).

Each opinion was coded independently of the other opinions in the case. The mention in one opinion of a specific topic does not create a supposition that the same topic will be mentioned in other opinions in the case.

Opinions were coded on the basis of their literal content. No inferences are made about the topics and values involved, no matter how obvious the inference.

#### *The Structure of the Topics and Values Codes*

As many as six topics (each with attendant values) may be coded for each opinion. To the extent that it is relevant, each opinion is first coded



on threshold (#70) and federalism (#80) topics. Then as many four additional substantive topics may be coded. The first substantive topic coded is meant to be the dominant topic in the case, but subsequent topics within the opinion are not necessarily coded in order of importance. Note that generally speaking the opinions were coded in the order in which they appeared in the U.S. Reports. However, we have made no effort to verify that the order was correctly coded. Users who wish to match the data to the actual written opinions should rely on the opinion author as the identifying and matching key. In light of this four topic limit, some priority is given to maximizing the number of topical categories for each opinion rather than coding multiple sub-subcategories for the opinion.

The data set has been “rectangularized” in the sense that all cases have a score on all variables, even if the score is “missing” or “not applicable.” The structure of the data can best be understood by noting that the data are organized around opinions. There are eight types of opinions; within each type, up to six topics are coded, and within each topic, up to two values are coded. Thus for *every single docket number* the following ]general structure applies.

**Type of opinion**Majority<sup>3</sup>

Maximum N = 2 (MAJ1, MAJ2)

Maximum topics = 6 (TOP1 -- TOP4, FED, THLD)

Maximum values = 2

## Judgment of the Court

Maximum N = 1 (JUD1)

Maximum topics = 6 (TOP1 -- TOP4, FED, THLD)

Maximum values = 2

## Concurrence with opinion

Maximum N = 6 (CON1 -- CON6)

Maximum topics = 6 (TOP1 -- TOP4, FED, THLD)

Maximum values = 2

## Concurrence without opinion

Maximum N = 3 (CNO1 -- CNO3)

Maximum topics = 0 (by definition)

Maximum values = 0 (by definition)

## Dissent with opinion

Maximum N = 4 (DIS1 -- DIS4)

Maximum topics = 6 (TOP1 -- TOP4, FED, THLD)

Maximum values = 2

## Dissent without opinion

Maximum N = 4 (DNO1 -- DNO4)

Maximum topics = 0 (by definition)

Maximum values = 0 (by definition)

## Dissent from a denial of certiorari

Maximum N = 2 (DDC1, DDC2)

Maximum topics = 6 (TOP1 -- TOP4, FED, THLD)

Maximum values = 2

## Concurring and Dissenting (with opinion)

Maximum N = 5 (MIX1 -- MIX5)

Maximum topics = 6 (TOP1 -- TOP4, FED, THLD)  
Maximum values = 2

*Cases Represented in the Data Set*

Generally, all docket numbers which contain an opinion — of any sort — that identifies a topic in the dispute were coded. (To identify a topic is not necessarily to be encodeable on values, although there was a strong bias against coding a topic when the value was not ascertainable.) The relationship between the type of opinion in Phase I data set and the cases represented is shown in Table 3-1.

**Table 3-1. Cases Represented in the Opinions and Values Portion of the Data Base**

Type of Decision	Whether Coded on Opinions and Values	
	Yes	No
Formally decided	4,441	0
With oral argument	632	192
Memorandum	46	1,263
Decree 19	32	
Equally divided vote	4	66
Per curiam	315	151
Total	5,457	1,704

*Opinions Represented in the Data Set*

With one exception, for all cases in which any of the opinions was codeable, a majority opinion was coded (or created post facto). For example, codeable dissents from or concurrences with a summary disposition requires that a majority opinion be coded. Within our coding scheme, the first topic would be coded as “00 — none,” and the majority opinion would be listed as a per curiam.

The exception to this rule involves cases decided by a fractured majority. Since no single opinion was able to attract a clear majority of the justices, there is no majority opinion per se, and none was coded or created. These cases are coded under the opinion type of “judgment of the court.”

Concurrences and dissents containing no codeable topics are coded in opinion types specifically designed for this purpose (e.g., “5 — dissents without opinion”). The first topical variable in each valid occurrence of one of these types of opinion was coded “00” and no values were coded.

Note that because *no cases* include the full range of possible opinions-topics-values, all cases include some variables containing missing (i.e., not applicable) data.

*The Topical Categories*

Table 3-2 reports a summary of the major topical categories used in this portion of the coding, while Table 3-3 reports a detailed enumeration of the categories and their sub-categories. Table 3-4 identifies the values that were employed in the analysis and the classification of topics by values. These relationships are summarized in Table 3-5. (For more detail about these categories see the Coding Manual.)

**Table 3-2.        Summary Outline of Topics**

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Topical Categories
I. Political Participation and Citizenship
A. Political Participation - 10.0
B. Political Membership - 11.0
II. Freedoms
A. Political Freedoms - 20.0
B. Privacy & Personal Choices and Behaviors - 21.0
C. Old and New Property Rights - 22.0
D. Separation of Church and State - 23.1
III. Equal Access to Private and Public Institutions
A. Access to Social Institutions - 30.0
B. Access to Jobs and Benefits - 31.0
IV. Government Power (Executive, Legislative, and Judicial)
A. Government Regulations - 40.0
B. Government Control of Major Social & Economic Institutions - 41.0
C. Support by Government with Money and/or Services - 42.0

*continued next page*

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**Table 3-2. Continued**

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D. Government's Power to Maintain the Political System - 43.0
E. Separation of Powers - 44.1
F. Judicial Power - 45.0
G. Admiralty and Maritime Law - 46.1
V. Criminal Justice
A. Prosecutor, Defender, and Police Roles - 50.0
B. Defendant's and Witness' Rights in the Trial Process - 51.0
C. Post-Trial Processes - 52.0
D. Interpretation of Criminal Statutes - 53.1
VI. Non-Criminal Justice (Civil Courts, Administrative Hearings, Legislative Process)
A. Civil and Quasi-Judicial Processes - 60.0
.....
VII. Threshold - 70.1
VIII. Federalism - 80.0

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**Table 3-3. Detailed Outline of Topics**

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Topical Categories	
I. Political Participation and Citizenship	
A. Political Participation	
10.0	Political Participation
10.1	Voting Rights
10.2	Political Districting
10.3	Candidate and Group Rights
10.4	Other Political Participant Rights
10.5	Limitations on Participation by Individuals, Unions, Businesses, Etc.
10.6	Political Loyalty Oaths
10.9	Separate Item Not Listed Above
B. Political Membership	
11.0	Political Membership
11.1	Citizenship: Eligibility and Loss
11.2	<i>Legal</i> Alien Status and Rights
11.3	<i>Illegal</i> Alien Status and Rights
11.9	Separate Item Not Listed Above

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*continued on next page*

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**Table 3-3. Continued.**

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II. Freedoms

A. Political Freedoms

20.0 Political Freedoms

- 20.1 Protected Speech
- 20.2 Commercial Speech
- 22.1 Right to Private Property
- 22.2 “New Property” Rights
- 22.3 Patents and Copyrights
- 22.9 Separate Item Not Listed Above

B. Separation of Church from State

21.0 Privacy and Personal Choices and Behavior

- 21.1 Privacy of Person and Relationships
- 21.2 Privacy of Place
- 21.3 Religious Belief-Based Actions
- 21.4 Conscientious Objector Cases
- 21.5 Obscenity and Pornography
- 21.6 Symbolic Speech
- 21.7 Preservation of Life, Death Penalty, Post Civil War Rights

*continued next page*

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**Table 3-3. Continued**


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21.8	Right to Die
21.9	Separate Item Not Listed Above
C. Old and New Property Rights	
22.0	Old and New Property Rights
22.1	Right to Private Property
22.2	“New Property” Rights
22.3	Patents and Copyrights
22.9	Separate Item Not Listed Above
D. Separation of Church from State	
23.1	Separation of Church from State (Establishment Clause)
23.9	Separate Item Not Listed Above
III. Equal Access to Private and Public Institutions	
A. Access to Social Institutions	
30.0	Access to Social Institutions
30.1	Access to Education
30.2	Access to Accommodations

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*continued next page*

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**Table 3-3. Continued**

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30.3	Access to Membership in Clubs and Associations
30.4	Access to “Family”
30.5	Access to Benefits Related to Residency
30.9	Separate Item Not Listed Above
B. Access to Jobs and Benefits	
31.0	Access to Jobs and Benefits
31.1	Access to Government Sector Jobs and Benefits
31.2	Access to Private Sector Jobs and Benefits
31.3	Access to Government Subsidies
31.4	Access to Government Licenses, Patents, and other Privileges
31.9	Separate Item Not Listed Above
IV. Government Power (Executive, Legislative, and Judicial)	
A. Government Regulations	
40.0	Government Regulations
40.1	Government Power (or Jurisdiction) versus the Sector
40.2	Police Power: Health, Safety, Morals, and General Welfare
40.3	Zoning
40.4	Government Condemnation and Takings

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*continued next page*

**Table 3-3 Continued**


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40.5	Bankrupt and Debtor
40.6	Tax Power
40.7	Private Civil and Tort Liability
B. Government Control of major Social and Economic Institutions	
41.0	Government Control of Major Social & Economic Institutions
41.1	Labor (or Worker) and Management Relations
41.2	Transportation and Utilities
41.3	Securities, Finance, and Business Reorganizations
41.4	Radio, TV, and Commercial Media
41.5	Political Parties and Groups
41.6	Indian Tribes
41.9	Separate Item Not Listed Above
C. Distribution of Money and Services by Government	
42.0	Support by Government with Money and/or Services
42.1	Veteran and Military Benefits
42.2	Welfare and Social Insurance Benefits (Non-military)
42.3	Handicapped Benefits
42.4	Aids to Educational Institutions

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**Table 3-3 Continued**

- 
- 42.5 Government Support for Political Parties and Candidates
  - 42.9 Separate Item Not Listed Above

**D. Government's Power to Maintain the Political System**

- 43.0 Government's Power to Maintain the Political System
  - 43.1 Foreign Affairs and national Security from External Threats
  - 43.2 Internal Military Affairs
  - 43.3 Sedition and Treason
  - 43.4 Liability and Contract Issues
  - 43.9 Separate Item Not Listed Above

**E. Separation of Powers**

- 44.1 Separation of Powers
- 44.2 Delegation of Legislative Authority
- 44.9 Separate Item Not Listed Above

**F. Judicial Power**

- 45.0 Judicial Power
  - 45.1 Control over Judges
  - 45.2 Control over Lawyers

*continued next page*

**Table 3-3. Continued**

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45.3	Judicial Control over Non-Lawyers
45.4	Judicial Control over Internal Congressional Affairs
45.5	Judicial Control of President
45.6	Retroactivity
45.9	Separate Item Not Listed Above
G.	Admiralty and Maritime Law
46.1	Admiralty & Maritime Law
V.	Criminal Justice
A.	Prosecutor, Defender, and Police Roles
50.0	Prosecutor, Defender, and Police Roles
50.1	Defendant-Counsel Relationships
50.2	Prosecutor-Defendant Relationships
50.3	Police Practices and Defendant's Rights in Relation to Evidence
50.9	Separate Item Not Listed Above
B.	Defendant's and Witness' Rights in the Trial Process
51.0	Defendant's and Witness' Rights in the Trial Process

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*continued next page*

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**Table 3-3. Continued**

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51.1	Witness Issues
51.2	Trial Process Rights (Not Related to Witness Issues)
51.3	Grand Jury
51.4	Petit Jury
51.5	The Sentence
51.9	Separate Item Not Listed Above
C. Post-trial Processes	
52.0	Post-trial Processes
52.1	Defendant's Rights in the Appellate Process
52.2	Rights of the Incarcerated
52.9	Separate Item Not Listed Above
D. Interpretation of Criminal Statutes	
53.1	Interpretation of Criminal Statutes as Applied to the Defendant
53.9	Separate Item Not Listed Above

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*continued next page*

Table 3-3. Continued

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VI. Non-Criminal Justice (Civil Courts, Administrative Hearings, Legislative Process)

- 60.0 Civil and Quasi-Judicial Processes
  - 60.1 Hearing and Notice
  - 60.2 Other Non-Criminal Process Rights
  - 60.9 Separate Item Not Listed Above

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VII. Threshold

- 70.1 Threshold Questions

VIII. Federalism

- 80.0 Federalism
    - 80.1 Inter-State Disputes
    - 80.2 National or State Power
    - 80.3 Federal-State Disputes over Property
    - 80.9 Separate Item Not Listed Above
-



**Table 3-4. Topics Listed According to Values**

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<i>Value A:</i>	Does the opinion writer vote in support of <b>broad or inclusive political participation or membership?</b>
1.	Yes (pro-support)
2.	No (non-support)
8.	Mixed
9.	Unknown; not ascertainable

---

Topics:

- 10.0 Political Participation
  - 10.1 Voting Rights
  - 10.2 Political Districting
  - 10.3 Candidate and Group Rights
  - 10.4 Other Political Participant Rights
  - 10.5 Limitations on Participation by Individuals, Unions, Businesses, Etc.
  - 10.6 Political Loyalty Oaths
  - 10.9 Separate Item Not Listed Above

*continued next page*

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Table 3-4. Continued

11.0	Political Membership
11.1	Citizenship: Eligibility and Loss
11.2	<i>Legal</i> Alien Status and Rights
11.3	<i>Illegal</i> Alien Status and Rights
11.9	Separate Item Not Listed Above
 <i>Value B:</i> Does the opinion writer vote in support of <b>personal freedom of belief and action</b> ?	
1.	Yes (pro-support)
2.	No (non-support)
8.	Mixed
9.	Unknown; not ascertainable
<hr/>	
Topics:	
10.5	Limitations on Participation by Individuals, Unions, Businesses, Etc.
10.6	Political Loyalty Oaths
10.9	Separate Item Not Listed Above
11.0	Political Membership
11.1	Citizenship: Eligibility and Loss
<i>continued next page</i>	

**Table 3-4. Continued**

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20.0	Political Freedoms
20.1	Protected Speech
20.2	Commercial Speech
20.3	Freedom of Assembly and Political Association
20.4	Freedom of the Press
20.5	Libel
20.6	Religious Belief and Expression
20.7	Public Access to Information about Government
20.9	Separate Item Not Listed Above
21.0	Privacy and Personal Choices and Behavior
21.1	Privacy of Person and Relationships
21.2	Privacy of Place
21.3	Religious Belief-Based Actions
21.4	Conscientious Objector Cases
21.5	Obscenity and Pornography
21.6	Symbolic “Speech”
21.7	Preservation of Life, Death Penalty, Post Civil War Rights
21.8	Right to Die

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*continued next page*

Table 3-4. Continued

21.9      Separate Item Not Listed Above

Value C:    Does the opinion writer vote in support of **equality of opportunity and/or equality of treatment (blind to group characteristics)**?

- 1.    Yes (pro-support)
- 2.    No (non-support)
- 8.    Mixed
- 9.    Unknown; not ascertainable

Topics:

- 10.0    Political Participation
  - 10.1      Voting Rights
  - 10.2      Political Districting
  - 10.3      Candidate and Group Rights
  - 10.4      Other Political Participant Rights
  - 11.2      *Legal* Alien Status and Rights
  - 11.3      *Illegal* Alien Status and Rights
  - 11.9      Separate Item Not Listed Above
- 21.0    Privacy and Personal Choices and Behavior
  - 21.1      Privacy of Person and Relationships

*continued next page*

**Table 3-4. Continued**

- 
- 30.0 Access to Social Institutions
    - 30.1 Access to Education
    - 30.2 Access to Accommodations
    - 30.3 Access to Membership in Clubs and Associations
    - 30.4 Access to "Family"
    - 30.5 Access to Benefits Related to Residency
    - 30.9 Separate Item Not Listed Above
  
  - 31.0 Access to Jobs and Benefits
    - 31.1 Access to Government Sector Jobs and Benefits
    - 31.2 Access to Private Sector Jobs and Benefits
    - 31.3 Access to Government Subsidies

*Value D:* Does the opinion writer vote in support of **equality of effect or for an equalizing policy (taking account of group characteristics)?**

- 1. Yes (pro-support)
- 2. No (non-support)
- 8. Mixed
- 9. Unknown; not ascertainable

*continued next page*

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**Table 3-4. Continued**

## Topics:

- 30.0 Access to Social Institutions
  - 30.1 Access to Education
  - 31.0 Access to Jobs and Benefits
    - 31.1 Access to Government Sector Jobs and Benefits
    - 31.2 Access to Private Sector Jobs and Benefits
    - 31.3 Access to Government Subsidies

*Value E:* Does the opinion writer vote in **support of property rights**?

- 1. Yes (pro-support)
- 2. No (non-support)
- 8. Mixed
- 9. Unknown; not ascertainable

## Topics:

- 22.0 Old and New Property Rights
  - 22.1 Right to Private Property
  - 22.2 “New Property” Rights
  - 22.3 Patents and Copyrights
  - 22.9 Separate Item Not Listed Above

*continued next page*

**Table 3-4. Continued**

31.4	Access to Government Licenses, Patents, and other Privileges
31.9	Separate Item Not Listed Above
<i>Value F:</i>	Does the opinion writer vote in support of <b>fair treatment of persons and groups by government authorities</b> , or does the opinion writer vote in support of <b>governmental power to regulate behavior (law and order)?</b>
1.	Fair treatment
2.	Regulate behavior (pro-law and order/pro-institutional authority)
8.	Mixed
9.	Unknown; not ascertainable
<hr/>	
Topics:	
50.0	Prosecutor, Defender, and Police Roles
50.1	Defendant-Counsel Relationships
50.2	Prosecutor-Defendant Relationships
50.3	Police Practices and Defendant's Rights in Relation to Evidence
50.9	Separate Item Not Listed Above
51.0	Defendant's and Witness' Rights in the Trial Process
51.1	Witness Issues
51.2	Trial Process Rights (Not Related to Witness Issues)
<i>continued next page</i>	

Table 3-4. Continued

51.3	Grand Jury
51.4	Petit Jury
51.5	The Sentence
51.9	Separate Item Not Listed Above
52.0	Post-trial Processes
52.1	Defendant's Rights in the Appellate Process
52.2	Rights of the Incarcerated
52.9	Separate Item Not Listed Above
53.1	Interpretation of Criminal Statutes as Applied to the Defendant
53.9	Separate Item Not Listed Above
60.0	Civil and Quasi-Judicial Processes
60.1	Hearing and Notice
60.2	Other Non-Criminal Process Rights
60.9	Separate Item Not Listed Above
Value G:	Does the opinion writer vote in support of <b>the power of the national government or the power of the state government?</b>
1.	Power of the national government
2.	Power of the state government
continued next page	



**Table 3-4. Continued**

8. Shared powers, or cooperative federalism	
9. Unknown; can't answer; not ascertainable	
-----	
Topics:	
80.2	National or State Power
80.3	Federal-State Disputes over Property
80.9	Separate Item Not Listed Above
Value H:	Does the opinion writer vote in support of <b>[A. the power of the executive or the power of the legislature?/B. the legislative delegation of power to the executive branch/ regulatory agency?</b>
1A.	Executive power/1B. Delegation valid
2A.	Legislature power/2B. Delegation invalid
8A.	Shared power/8B. Mixed
9.	Unknown; not ascertainable
.....	
continued next page	

Table 3-4. Continued

Topics:	
44.1	Separation of Powers
44.2	Delegation of Legislative Authority
44.9	Separate Item Not Listed Above
 Value I: Does the opinion writer vote in support of the <b>power of the courts</b> ?	
1. Yes (pro-support)	
2. No (non-support)	
8. Mixed	
9. Unknown; not ascertainable	
 Topics:	
45.0	Judicial Power
45.1	Control over Judges
45.2	Control over Lawyers
45.3	Judicial Control over Non-Lawyers
45.4	Judicial Control over Internal Congressional Affairs
 <i>continued next page</i>	

**Table 3-4. Continued**

45.5	Judicial Control of President
45.6	Retroactivity
45.9	Separate Item Not Listed Above
<i>Value J:</i>	Does the opinion writer vote that there has been <b>an unconstitutional establishment of religion</b> ?
1.	Yes
2.	No
8.	Mixed
9.	Unknown; can't answer; not ascertainable
.....	
Topics:	
23.1	Separation of Church from State (Establishment Clause)
23.9	Separate Item Not Listed Above
<i>Value K:</i>	Does the opinion writer vote in support of <b>governmental power to regulate behavior</b> ?
<i>continued next page</i>	

Table 3-4. Continued

- 1. Yes (pro-support)
- 2. No (non-support)
- 8. Mixed
- 9. Unknown; not ascertainable

Topics:

40.0 Government Regulations

- 40.1 Government Power (or Jurisdiction) versus the Private Sector
- 40.2 Police Power: Health, Safety, Morals, and General Welfare
- 40.3 Zoning
- 40.4 Government Condemnation and Takings
- 40.5 Bankrupt and Debtor
- 40.6 Tax Power
- 40.7 Private Civil and Tort Liability
- 40.9 Separate Item Not Listed Above

41.0 Government Control of Major Social & Economic Institutions

- 41.1 Labor (or Worker) and Management Relation
- 41.2 Transportation and Utilities
- 41.3 Securities, Finance, and Business Reorganizations
- 41.4 Radio, TV, and Commercial Media

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**Table 3-4. Continued**

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41.5	Political Parties and Groups
41.6	Indian Tribes
41.9	Separate Item Not Listed Above
43.0	Government's Power to Maintain the Political System
43.1	Foreign Affairs and National Security from External Threats
43.2	Internal Military Affairs
43.3	Sedition and Treason
43.4	Liability and Contract Issues
43.9	Separate Item Not Listed Above

*Value L:* Does the opinion writer vote in support of **governmental power to distribute or withhold benefits?**

1. Yes (pro-support)
2. No (non-support)
8. Mixed
9. Unknown; not ascertainable

.....

*continued next page*

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Table 3-4. Continued

Topics:	
42.0	Support by Government with Money and/or Services
42.1	Veteran and Military Benefits
42.2	Welfare and Social Insurance Benefits (Non-Military)
42.3	Handicapped Benefits
42.4	Aids to Educational Institutions
42.5	Government Support for Political Parties & Candidates
42.9	Separate Item Not Listed Above
Value M: Does the opinion writer vote in support of expanded or in support of <b>limited levels of access to the courts?</b>	
1.	Expanded access
2.	Limited access
8.	Mixed
9.	Unknown; not ascertainable
Topics:	
70.1	Threshold Questions
continued next page	

**Table 3-4. Continued**

<i>No Values</i>	
Topics:	
46.1	Admiralty & Maritime Law
80.0	Federalism
80.1	Inter-State Disputes

**Table 3-5. Summary of the Relationship Between Values and Topics**

Topics		Value Group												
		A	B	C	D	E	F	G	H	I	J	K	L	M
10.0.	Political Participation			X		X								
10.1.	Voting Rights					X		X						
10.2.	Political Districting			X		X								
10.3.	Candidate & Group Rights			X		X								
10.4.	Other Participation			X		X								
10.5.	Limitations				X	X								
10.6.	Political Loyalty Oaths					X	X							
10.9.	Separate Item			X	X									
11.0.	Political Membership			X	X									
11.1.	Citizenship: Eligibility			X	X									
11.2.	Legal Alien Status			X		X								
11.3.	Illegal Alien Status			X		X								
11.9.	Separate Item			X		X								
20.0.	Political Freedoms				X									

*continued next page*



**Table 3-5. Continued**

Topics		Value Group												
		A	B	C	D	E	F	G	H	I	J	K	L	M
20.1.	Protected Speech					X								
20.2.	Commercial Speech				X									
20.3.	Freedom of Assembly				X									
20.4.	Freedom of the Press				X									
20.5.	Libel			X										
20.6.	Religious Expression				X									
20.7.	Access to Information					X								
20.9.	Separate Item						X							
21.0.	Privacy, Personal Choice, Behavior					X	X							
21.1.	Privacy of Person & Relationships					X	X							
21.2.	Privacy of Place					X								
21.3.	Religious Belief-Based Actions					X								
21.4.	Conscientious Objector Cases					X								
21.5.	Obscenity & Pornography						X							
21.6.	Symbolic Speech				X									
<i>continued next page</i>														

*Values and Opinions*

Table 3-5. Continued

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
21.7. Preservation of Life					X								
21.8. Right to Die				X									
21.9. Separate Item Not Listed Above					X								
22.0. Old & New Property Rights									X				
22.1. Right to Private Property							X						
22.2. New Property Rights							X						
22.3. Patents & Copyrights							X						
22.9. Separate Item Not Listed Above								X					
23.1. Church and State--Establishment													X
23.9. Separate Item Not Listed Above													X
30.0. Access to Social Institutions						X	X						
30.1. Access to Education					X	X							
30.2. Access to Accommodations					X								
30.3. Access to Membership in Clubs & Associations							X						
30.4. Access to Family						X							

continued next page

**Table 3-5. Continued**

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
30.5. Access to Benefits Related to Residency							X						
30.9. Separate Item Not Listed Above						X							
31.0. Access to Jobs & Benefits							X	X					
31.1. Access to Government Sector Jobs & Benefits								X	X				
31.2. Access to Private Sector Jobs & Benefits							X	X					
31.3. Access to Government Subsidies						X	X						
31.4. Access to Government Licenses, Patents, etc.									X				
31.9. Separate Item Not Listed Above								X					
40.0. Government Regulations													X
40.1. Government Power versus the Private Sector													X
40.2. Police Power--Health, Safety, Morals, etc.													X
40.3. Zoning												X	
40.4. Government Condemnation & Takings												X	
40.5. Bankrupt & Debtor													X
40.6. Tax Power												X	

*continued next page*

*Values and Opinions*

Table 3-5. Continued

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
30.5. Access to Benefits Related to Residency							X						
30.9. Separate Item Not Listed Above						X							
31.0. Access to Jobs & Benefits							X	X					
31.1. Access to Government Sector Jobs & Benefits								X	X				
31.2. Access to Private Sector Jobs & Benefits							X	X					
31.3. Access to Government Subsidies						X	X						
31.4. Access to Government Licenses, Patents, etc.									X				
31.9. Separate Item Not Listed Above								X					
40.0. Government Regulations													X
40.1. Government Power versus the Private Sector													X
40.2. Police Power--Health, Safety, Morals, etc.													X
40.3. Zoning												X	
40.4. Government Condemnation & Takings												X	
40.5. Bankrupt & Debtor													X
40.6. Tax Power													X

continued next page

**Table 3-5. Continued**

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
40.7. Private Civil & Tort Liability													X
40.9. Separate Item Not Listed Above													X
41.0. Government Control of Social & Economic Institutions													X
41.1. Labor or Worker & Management Relation													X
41.2. Transportation & Utilities													X
41.3. Securities, Finance, & Business Reorganization													X
41.4. Radio, TV, & Commercial Media													X
41.5. Political Parties & Groups													X
41.6. Indian Tribes													X
41.9. Separate Item Not Listed Above													X
42.0. Support by Government with Money & or Services													X
42.1. Veteran & Military Benefits													X
42.2. Welfare & Social Insurance													X
42.3. Handicapped Benefits													X
42.4. Aids to Educational Institutions													X
42.5. Government Supt. for Polit. Parties & Candidates													X

*continued next page*

*Values and Opinions*

Table 3-5. Continued

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
42.9. Separate Item Not Listed Above													X
43.0. Government Power to Maintain the Polit. System												X	
43.1. Foreign Affairs & National Security													X
43.2. Internal Military Affairs													X
43.3. Sedition & Treason													X
43.4. Liability & Contract Issues													X
43.9. Separate Item Not Listed Above													X
44.1. Separation of Powers										X			
44.2. Delegation of Legislative Authority											X		
44.9. Separate Item Not Listed Above											X		
45.0. Judicial Power											X		
45.1. Control over Judges											X		
45.2. Control over Lawyers											X		
45.3. Judicial Control over Non-Lawyers													X
45.4. Judicial Control over Congressional Affairs													X

continued next page

**Table 3-5. Continued**

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
45.5. Judicial Control of President												X	
45.6. Retroactivity												X	
45.9. Separate Item Not Listed Above												X	
46.1. Admiralty & Maritime Law													
50.0. Prosecutor, Defender, & Police Roles										X			
50.1. Defendant-Counsel Relationships									X				
50.2. Prosecutor-Defendant Relationships									X				
50.3. Police Practices & Defendant Rights--Evidence										X			
50.9. Separate Item Not Listed Above									X				
51.0. Defendant & Witness Rights--Trial Process										X			
51.1. Witness Issues								X					
51.2. Trial Process Rights--Not Related to Witness										X			
51.3. Grand Jury							X						
51.4. Petit Jury							X						
51.5. The Sentence								X					

*continued next page*

Table 3-5. Continued

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
51.9. Separate Item Not Listed Above									X				
52.0. Post-trial Processes								X					
52.1. Defendant's Rights in the Appellate Process											X		
52.2. Rights of the Incarcerated										X			
52.9. Separate Item Not Listed Above									X				
53.1. Interpretation of Criminal Statutes										X			
53.9. Separate Item Not Listed Above									X				
60.0. Civil & Quasi-Judicial Processes											X		
60.1. Hearing & Notice									X				
60.2. Other Non-Criminal Process Rights										X			
60.9. Separate Item Not Listed Above									X				
70.1. Threshold Questions													X
80.0. Federalism					[NO VALID VALUES]								
80.1. Inter-State Disputes					[NO VALID VALUES]								

continued next page



**Table 3-5. Continued**

Topics	Value Group												
	A	B	C	D	E	F	G	H	I	J	K	L	M
80.2. National or State Power										X			
80.3. Federal-State Disputes over Property										X			
80.9. Separate Item Not Listed Above									X				

**The Coding Process**

The values and opinions data were coded during the summer of 1987 at the University of Houston under the direction of Robert A. Carp, Beverly B. Cook, James P. Wenzel, and James L. Gibson. We employed a team of 20 opinion coders, including a faculty member and graduate students from other campuses. All of the coders went through a one-week training process, and the work they produced was carefully scrutinized throughout the coding period. Weekly meetings were held between the coders and project staff.

The opinion data were coded on optical scan forms (an example of such a form may be found following the operational codebook). This was done to facilitate data entry. The forms are conveniently designed with blocks of ten rows, corresponding to ten columns on a data record. For our purposes, each block represents a topic. All information about a particular topic could be represented by the ten rows of the block. Since each block has opinion type and opinion author identifiers, it was not necessary to code the topics using a “rectangular” format. That is, each case was coded by first coding all of the topics in the majority opinion (if any), followed by all of the topics in the concurrences (if any), and all of the topics in the dissents (if any). Since there are a variable number of opinions per case, and since there are a variable number of topics per opinion, this resulted in a “hierarchical” data set. We transformed this data set to a traditional rectangular format for purposes of analysis.

A copy of the operational codebook and the coding rules follows.

***Operational Codebook -- Values Coding***

Note the amount of time it took to code the *entire case* on the top of the coding sheet. Use a #2 pencil.

**IDENTIFICATION NUMBER**

Columns A-C : Volume number, U.S. Reports

Columns D-G : Page number U.S. Reports

Both volume number and page number should be left justified and zero-filled. Do not code “US” or a “/”. Columns H-J should always be blank.

## SPECIAL CODES

Columns K-P : Docket number -- numeric portion

The docket number will be found on the title page of the case and be preceded by the abbreviation, "No." Enter the docket number exactly as it is printed on the page. *Left justify the field, but do not zero fill it.* Omit any "-" that may appear in the docket number.

## NAME

Columns unnumbered : Docket number -- alphabetic portion, if any

Enter any alphabetic characters preceding or subsequent to the numeric docket number. Enter the characters exactly as they appear on the docket number. For Burger Court cases, no "-" appears in cases arising under the original jurisdiction of the Supreme Court, and the docket number also precedes the letters. Enter these cases as "ORIG," and enter the number in SPECIAL CODES.

## YEAR

Columns unnumbered: Coder Identification Number.

- |                         |                      |
|-------------------------|----------------------|
| 01. Anna Coffee         | 13. Darryl Dieter    |
| 02. Isabel Galano       | 14. George Connor    |
| 03. David Lyon          | 15. Jim Wenzel       |
| 04. James Cersonsky     | 16. Maggie Banks     |
| 05. Jodie Fiore         | 17. Joyce Baugh      |
| 06. Nelson Skyler       | 18. Kevin Strickland |
| 07. Greg Orvis          | 19. Matt Malik       |
| 08. James Yates         | 20. David Allen      |
| 09. Jacqueline Markgraf | 21. Jim Gibson       |
| 10. Selena Gray         | 22. Bob Carp         |
| 11. David Carson        | 23. Arthur Limm      |
| 12. Doreen Whitmer      | 24. Glenn Gadbois    |

*First Opinion/First Topic*

Rows 1-3.	Topic #1	NOTE:	If there is no topic, leave blank.
Row 4.	Value #1		
Row 5.	Value #2	NOTE:	If there is no third or fourth
Row 6.	Value #3		value, leave blank
Row 7.	Value #4	NOTE:	If there is no topic, code no value
Row 8.	Type of Opinion		

1. Majority opinion/per curiam
2. judgment of the court
3. concurrence (joined majority with any statement or opinion)
4. dissent with opinion, statement, memo
5. dissent without opinion ("I dissent") [*no topics, no values*]
6. dissent from denial of certiorari
7. concurring in part/dissenting in part
8. concurring without opinion ("I concur in the judgment.") [*no topics, no values*]
9. Not applicable

## Rows 9-10. Identity of opinion writer

Use first mentioned author if more than 1.

- |                 |                |
|-----------------|----------------|
| 01. Black       | 13. Marshall   |
| 02. Blackman    | 14. Minton     |
| 03. Brennan     | 15. O'Connor   |
| 04. Burger      | 16. Powell     |
| 05. Burton      | 17. Reed       |
| 06. Clark       | 18. Rehnquist  |
| 07. Douglas     | 19. Stewart    |
| 08. Fortas      | 20. Stevens    |
| 09. Frankfurter | 21. Warren     |
| 10. Goldberg    | 22. White      |
| 11. Harlan      | 23. Whittaker  |
| 12. Jackson     | 88. Per curiam |

*Second Topic*

Rows 11-13. Topic #2  
 Row 14. Value #1  
 Row 15. Value #2  
 Row 16. Value #3  
 Row 17. Value #4  
 Row 18. Type of Opinion  
 Rows 19-20. Identity of opinion writer

**Steps in Coding An Opinion**

Step 1. Read the case and decide whether it includes any opinions.

*Rule:* An opinion is an expression of views by a justice that includes some reasoning and justifications. Typically an opinion will include references to earlier decisions. The only exception to this is the opinion “I dissent”/“I concur.” There are special provisions in the codebook for coding this sort of opinion.

Step 2. Read the opinion and identify the relevant topics.

Step 3. Classify the opinion according to no more than two of the major topical categories (Categories I. - VI.; that is, excluding Threshold & Federalism).

Step 4. Within each of the major topical categories, classify the opinion according to no more than two subcategories.

*Rule:* Code the opinions *only* according to their literal content. Make no inferences about topics and values. You should be able to cite specific sentences and paragraphs to justify your coding choices.

Step 5. Turn to the codebook and code the opinion on no more than two topical categories per major topical category.

Step 6. If applicable, code the opinion according to the Threshold and Federalism topical categories, as well as the substantive categories.

NOTE: Code no more than four substantive topics per opinion. In addition to the 4 substantive topics, you may also code threshold and federalism.

Step 7. For each opinion, the first topic entered on the code sheet should be the most important topic; that is, the topic on which *the opinion writer* places the greatest emphasis. Subsequent topics within each opinion need not be ranked by importance. If you are in substantial doubt as to the applicability of secondary topics, do not code them.

*Rule:* Ceteras paribus, maximize the number of major topical categories under which the opinion is coded. Within major topical categories, maximize the number of subcategories on which the opinion is coded. *However, you should not select a less appropriate topic in your efforts to maximize.*

*Rule:* When an opinion refers to and incorporates some other *specific* opinion, the topics and values from the other opinion should be coded. For instance, the opinion “I dissent based on the reasoning express in U.S. v. Carp” would require you to look up U.S. v. Carp and code the appropriate topics and values.

Step 8. After you have identified the topics, compare your choices to the topics/legal issues mentioned in a) the syllabus (at the beginning of most opinions), and b) the “holdings” (to be found at the end of most opinions). Note that the “holdings” may emphasize a legal construction of the topics rather than the more political construction we would like coded. Use the holdings only to the extent they are helpful.

Step 9. If your topics were not mentioned in either the holdings or the syllabus, justify *in your own mind* your choice of topics.

Step 10. If you cannot justify the topics you have selected start the coding of the opinion afresh.

Step 11. Once you have arrived at the topics to be coded, check to see if they are appropriate to both sides of the litigation. Try to frame affirmative, positive statements in terms of your topics that indicate what both sides to the dispute *want*. For instance, a litigant might want “free speech.” It is

doubtful that the opposing side wants “not free speech,” and, even if it did, the statement should be posed affirmatively and positively. The other side might want instead “community morality” (in pornography). Try to identify a continuum on which you can locate the opposing sides in the dispute.

Step 12. Once the continuum is identified, check the opinion to see if topics representing *both* sides are present. *This does not mean that topics should be inferred.* You must be able to find some specific portion of the opinion to justify your coding a topic. This is simply meant to serve as a check to insure that all relevant topics have been coded.

Step 13. After reaching a conclusion about the topics, answer the specific value question that is listed in the codebook for that topic.

*Rule:* Use the “8. Mixed” response to reflect outcomes that favor both sides. This can occur when there are two distinct portions to the litigation. An outcome in which a litigant both loses and wins a dispute should be coded as mixed.

*Rule:* Use the “9. Unknown; not ascertainable” when you cannot tell which value is advanced by the outcome. For instance, some opinions may be clear as to topics, but the decision is to remand the case for further consideration below. In *some of* these cases, it may simply be impossible to determine who won and who lost. Under these conditions, the topic should be coded and the corresponding value statements should be scored “9”.

*Rule:* Whenever a value question has to be coded as “9. Unknown; not ascertainable” re-examine your coding of the topics to make certain that the coding is appropriate. *If an opinion mentions a topic, but reaches no conclusions about the topic, then the topic ought not to be coded.* For instance, discussions in opinions about what a case is *not* about, rarely lead to substantive conclusions about those topics the opinion writer believes the case is not about. Consequently, no values can be coded, and the topic should not be coded for the opinion.

Step 14. Continue to the next opinion and repeat steps 1-13.

*Rule:* Code each opinion separately. That is, read an opinion and code it

*before* proceeding to the next opinion. Do *not* assume that a dissent will be based on the same topics or advance the opposite values than the majority opinion. It may, but do not simply assume that it does.

*Rule:* Do *not* assume that a concurrence necessarily incorporates the logic of the majority opinion. Code the concurrences independently of the majority opinion.



**The Codebook**

**I. POLITICAL PARTICIPATION AND CITIZENSHIP**

*I.A. Political Participation*

10.0 — Political Participation

- 10.1 Voting Rights — This category includes right-to-vote disputes under the 14th and 15th Amendments and under the Voting Rights Act of 1965 (including its amendments).
- 10.2 Political Districting — This category primarily includes reapportionment and one-person-one vote claims.
- 10.3 Candidate and Group Rights — Likely topics are: the right of access to the ballot by a political candidate, a political party, or by any political group.
- 10.4 Other Political Participant Rights — This is a miscellaneous category covering persons excluded or excused from performing some type of political activity — e.g., serving on a jury, or paying taxes -- who are demanding the right to perform or not to perform these political functions. Limits on political campaigning and spending should be coded here.

---

A1. Does the opinion writer vote in support of broad or inclusive political participation or membership?

- 1. Yes (pro-support)      8. Mixed
- 2. No (non-support)      9. Unknown; not ascertainable

A2. Does the doctrine adopted by the opinion writer support broad or inclusive political participation or membership?

- 1. Yes (pro-support)      8. Mixed
- 2. No (non-support)      9. Unknown; not ascertainable

C1. Does the opinion writer vote in support of equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

C2. Does the doctrine adopted by the opinion writer support equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

---

10.5 Limitations on Participation by Individuals, Unions, Businesses, Etc. — This category encompasses statutory barriers to political activities such as those in the Taft-Hartley and Hatch Acts.

10.6 Political Loyalty Oaths — Likely topics are: oaths required of bar applicants, government employees, members of political parties, and teachers.

10.9 Separate item not listed above

---

A1. Does the opinion writer vote in support of broad or inclusive political participation or membership?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

A2. Does the doctrine adopted by the opinion writer support broad or inclusive political participation or membership?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

B1. Does the opinion writer vote in support of personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

B2. Does the doctrine adopted by the opinion writer support personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

### *I.B. Political Membership*

#### 11.0 — Political Membership

11.1 Citizenship: Eligibility and Loss — Common themes will be proceedings wherein someone is requesting citizenship, and governmental proceedings to denaturalize and/or deport citizens.

A1. Does the opinion writer vote in support of broad or inclusive political participation or membership?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

A2. Does the doctrine adopted by the opinion writer support broad or inclusive political participation or membership?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

B1. Does the opinion writer vote in support of personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

B2. Does the doctrine adopted by the opinion writer support personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |
- 

11.2 *Legal* Alien Status and Rights — Likely topics are: disputes between the government and a legal alien on matters of deportation, permanent residence, citizenship, and access to public education and welfare benefits. (Opinions within this topic *might* also fit under #42.2.)

11.3 *Illegal* Alien Status and Rights — Likely topics are: disputes between the government and an *illegal* alien on matters of deportation, residence, potential citizenship, and access to public education and welfare benefits. (Opinions within this topic *might* also fit under #42.2.)

11.9 Separate item not listed above

---

A1. Does the opinion writer vote in support of broad or inclusive political participation or membership?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

A2. Does the doctrine adopted by the opinion writer support broad or inclusive political participation or membership?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

C1. Does the opinion writer vote in support of equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

C2. Does the doctrine adopted by the opinion writer support equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

## II. FREEDOMS

### II.A. Political Freedoms

#### 20.0 — Political Freedoms

20.1 Protected Speech — This is a broad First Amendment freedom of speech category. It includes challenges that a speech is seditious, likely to incite violence, or that it is obscene. The category also includes the right to travel, both abroad and within the nation. The following are *excluded* from this category: free exercise of religion (coded as #20.6 or #21.3); establishment of religion (coded as #23.1); obscene or pornographic material (coded as #21.5); commercial speech (coded as #20.2); and symbolic speech (coded as #21.6).

NOTE: If the disposition of the case is “vacate and remand for further consideration in light of modified statute,” code the value/doctrinal questions as “9”—unknown; not ascertainable.

20.2 Commercial Speech — Likely topics are: disputes over the definition of commercial speech, and over the degree to which some forms of commercial speech are protected by the First Amendment.

20.3 Freedom of Assembly and Political Association.

20.4 Freedom of the Press — If the issue is libel, it should be coded under #20.5; if it is obscenity or pornography, it should be coded under #21.5.

- 20.5 Libel — Likely topics are: defamation of public officials and of public and private persons. Topics not included are politically-oriented, freedom-of-speech cases (coded under #20.1).
- 20.6 Religious Belief and Expression — Likely topics are: the right of religious speakers to express their views and to distribute literature in public places, e.g., airports, street corners, etc.
- 20.7 Public Access to Information about Government — Likely topics are: suits brought under the Freedom of Information Act and related federal statutes.
- 20.9 Separate item not listed above
- 

B1. Does the opinion writer vote in support of personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

B2. Does the doctrine adopted by the opinion writer support personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

## *II.B. Privacy and Personal Choices and Behavior*

### 21.0—Privacy and Personal Choices and Behavior

- 21.1 Privacy of Person and Relationships — Likely topics are: abortion, homosexuality, contraceptives, forced sterility, the right to marry whom one pleases, and the right to make decisions about lifestyle and size of family.
-

B1. Does the opinion writer vote in support of personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

B2. Does the doctrine adopted by the opinion writer support personal freedom of belief and action?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

C1. Does the opinion writer vote in support of equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

C2. Does the doctrine adopted by the opinion writer support equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

21.2 Privacy of Place — Likely topics are: the right to be let alone and to do what one pleases in one's own home, e.g., read pornographic literature, smoke marijuana. This category should be used only when there is substantial emphasis in the opinion on the concept of *privacy of place*. Ordinary 4th Amendment search and seizure topics (coded as #50.3) do not belong in this category.

21.3 Religious Belief-Based Actions — Likely topics are: polygamy, drug use, and internal operations of religious organizations. The emphasis is on activities that individuals feel compelled to do by virtue of their religious beliefs.

- 21.4 Conscientious Objector Cases — Likely topics are: draftees or servicemen who wish to be excused from military service for religious or philosophical reasons, and flag-salute cases. The emphasis is on activities that individuals feel they must refuse to do because of their religious beliefs.
- 21.5 Obscenity and Pornography — All disputes concerning obscenity and pornography *must be* coded here.
- 21.6 Symbolic “Speech” — Likely topics are: non-speech expressions of the First Amendment, e.g., sit-in demonstrations, wearing of black armbands, and draft-card burnings.
- 21.7 Preservation of Life, Death Penalty, Post Civil War Rights — Likely topics are: the right to life in death penalty cases (see also topic #51.5 — cruel and unusual punishment); potential rights of the fetus; and the right of people to live without state or private groups conspiring to murder them (e.g., anti-lynch laws).
- 21.8 Right to Die — Euthanasia is included in this category.
- 21.9 Separate item not listed above

B1. Does the opinion writer vote in support of personal freedom of belief, action, and life?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

B2. Does the doctrine adopted by the opinion writer support personal freedom belief, action, life?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |



*II.C. Old and New Property Rights*

22.0— Old and New Property Rights

- 22.1 Right to Private Property (“old property” rights) — Likely topics are: the right of private individuals to own, use, sell, and exploit their own private property, assets, or businesses free from governmental restrictions or regulations. Corporations are considered to be private individuals.
- 22.2 “New Property” rights — This topic pertains to an individual's claim to vested interest in retention of a job or welfare benefits.
- 22.3 Patents and Copyrights — Likely topics are: granting or denying patent applications (e.g., disputes over whether a product is patentable), and/or infringements on existing patents and copyrights. Do *not* code an opinion in this category if the original plaintiff is claiming a denial of equal treatment or access; such cases should be coded under #31.4.

NOTE ON VALUES: If a patent is granted or if there is a finding of infringement on either an existing patent or copyright, then code “1”. If the patent/copyright infringement is denied, code “2”. In some opinions, one party may be arguing patent infringement while the other party is stating that they have a patentable invention. In this instance, code “1” if the justice writing the opinion finds an infringement on the existing patent, and “2” if no infringement is found.

22.9 Separate item not listed above

---

E1. Does the opinion writer vote in support of property rights?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

E2. Does the doctrine adopted by the opinion writer support property rights?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |
- 

#### *II.D. Separation of Church From State*

23.1 Separation of Church from State (Establishment Clause) —  
Likely topics are: cases in which governmental involvement with religion is claimed to be an establishment of religion.

23.9 Separate item not listed above

J1. Does the opinion writer vote that there has been an unconstitutional establishment of religion?

- 1. Yes
- 2. No
- 8. Mixed
- 9. Unknown; can't answer; not ascertainable

J2. Does the doctrine adopted by the opinion writer support strict separation of church and state?

- 1. Yes
  - 2. No
  - 8. Mixed
  - 9. Unknown; can't answer; not ascertainable
-

### III. EQUAL ACCESS TO PRIVATE AND PUBLIC INSTITUTIONS

#### III.A. Access to Social Institutions

##### 30.0 — Access to Social Institutions

30.1 Access to Education — Likely topics are: school desegregation and general access to public education.

---

C1. Does the opinion writer vote in support of equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

C2. Does the doctrine adopted by the opinion writer support equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

D1. Does the opinion writer vote in support of equality of effect or for an equalizing policy (taking account of group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

D2. Does the doctrine adopted by the opinion writer support equality of effect or an equalizing policy (taking account of group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |
- 

30.2 Access to Accommodations — Likely topics are: access of minorities to such things as hotels, restaurants, and parks.

Definitional questions of “public” and “private” and the extent of “state action” in respect to accommodations should be coded here. Also included in this category are disputes over access to private housing.

- 30.3 Access to Membership in Clubs and Associations — Likely topics are: access of women and of minorities to private establishments. Do not distinguish between social guests and those who are actually members of the club. The definition of “public” and “private” and extent of “state action” in respect to membership in clubs should be coded here. (Opinions might also fit under #22.1.)
- 30.4 Access to “Family” — Likely topics are: the rights of illegitimates: inheritance and survivors benefits, and paternity suits, unwed parents, and “Baby ‘M’” type cases. (Opinions might also fit under #42.2.)
- 30.5 Access to Benefits Related to Residency — Likely topics are: residency requirements for receipt of public benefits, e.g., welfare, bar exams, and in-state tuition questions. Topics in this category might also be coded under the right to vote (#10.1) and welfare and social insurance benefits (#42.2). This category does not include “new property” rights coded under #22.2.
- 30.9 Separate item not listed above

---

C1. Does the opinion writer vote in support of equality of opportunity and/or equality of treatment (blind to group characteristics)?

- 1. Yes (pro-support)      8. Mixed
- 2. No (non-support)      9. Unknown; not ascertainable

C2. Does the doctrine adopted by the opinion writer support equality of opportunity and/or equality of treatment (blind to group characteristics)?

- 1. Yes (pro-support)      8. Mixed
- 2. No (non-support)      9. Unknown; not ascertainable

---

*III.B. Access to Jobs and Benefits*

## 31.0 — Access to Jobs and Benefits

- 31.1 Access to Government Sector Jobs and Benefits — Likely topics are: “Affirmative Action” claims by women and by minorities. This topic does *not* include “new property” rights coded under #22.2.
- 31.2 Access to Private Sector Jobs and Benefits — Likely topics are: employment discrimination claims based on race, alienage, age, or gender. Topics dealing with discrimination against aliens in the job sector may also be coded under either #11.2 or #11.3. This topic does *not* include “new property” rights coded under #22.2.
- 31.3 Access to Government Subsidies — Likely topics are: the legality and interpretation of laws giving economic preferences or subsidies to groups such as farmers, minority businessmen, and commercial fishermen. This category *excludes* any type of governmental aid to indigents in criminal and civil litigation.
- 

C1. Does the opinion writer vote in support of equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

C2. Does the doctrine adopted by the opinion writer support equality of opportunity and/or equality of treatment (blind to group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

D1. Does the opinion writer vote in support of equality of effect or for an equalizing policy (taking account of group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

D2. Does the doctrine adopted by the opinion writer support equality of effect or an equalizing policy (taking account of group characteristics)?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

31.4 Access to Government Licenses, Patents, and Other Privileges

31.9 Separate item not listed above

E1. Does the opinion writer vote in support of property rights?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

E2. Does the doctrine adopted by the opinion writer support property rights?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

#### **IV. GOVERNMENT POWER (EXECUTIVE, LEGISLATIVE, AND JUDICIAL)**

##### *IV.A. Government Regulations*

40.1 Governmental Power (or Jurisdiction) versus the Private Sector  
— The category centers on the question of whether a state or the federal government has the constitutional authority to intervene in, or regulate, some *economic* area that was previously thought

to be exclusively in the private sector. (This would be the *Lochner v. New York* type of case that was more prevalent prior to 1937.)

- 40.2 Police Power: Health, Safety, Morals, and General Welfare — Likely topics are: all environmental protection cases, suits under the Occupational Safety and Health Act, mine safety laws, Truth in Lending Act cases, Consumer Protection Credit Act cases, and suits under the Food, Drug, and Cosmetic Act. This category also includes police power regulation of terms of employment for public and private sector employees (e.g., wages or hours). It does *not* include cases that deal with criminal syndicalism (coded under #43.3), and the specialized categories listed in #41.1 through #41.6.

- 40.3 Zoning — This category includes disputes over the constitutionality of zoning ordinances, usage restrictions, and restrictive covenants.

NOTE: If a restrictive covenant or other form of zoning is found to be illegal or unconstitutional, the values should be coded as “2.”

- 40.4 Government Condemnation and Takings — This category refers to the “takings clause” of the due process clauses.

- 40.5 Bankrupt and Debtor — Likely topics are: garnishment of wages and replevin. If bankruptcy is given substantial mention and is an important facet of the case, code the opinion under #40.5. In some instances, the value/doctrinal questions will not directly apply. In those instances, code the value/doctrinal questions “9” and then look for the underlying topic. Use a “1”, “2” or “8” if the question is whether a company has the right to file bankruptcy. When looking for an underlying topic do not code “New Property Rights” (#22.2) unless the phrase “new property rights” is actually used in the opinion. Some possible underlying topics are:

- (a) whether pension or health funds should be exempted from the company's assets;

- (b) whether bankruptcy is being used to void a labor contract.

The question of whether a company can lawfully file for bankruptcy might also be coded under Police Powers (#40.2) or under “Right to Private Property” (#22.1).

40.6 Tax Power — The central issue here is the legitimacy of any government tax. If the tax has to be paid or is valid, then the value/doctrinal questions are coded as “1” (yes, pro-support) for the government power to regulate behavior. Coders should be alert to other topics under which tax issues might also be coded, e.g., right to private property (#22.1).

40.7 Private Civil and Tort Liability — This category includes two basic types of cases. One deals with the validity of a law that specifies the conditions under which one private party is civilly liable to another. If the law or regulation is upheld, code the value questions as “1.” The second pertains to one private party suing another on the issue of civil or tort liability. If the original plaintiff wins, code the value questions as “1.” *Excluded* from this category are anti-trust cases which are coded under topic #41.3.

NOTE: This topic should not be confused with government tort cases, which are to be coded under topic #43.4.

NOTE: many contract disputes may also be cross-coded under topic #22.1 dealing with the right to private property.

40.9 Separate item not listed above

---

K1. Does the opinion writer vote in support of governmental power to regulate behavior?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |



K2. Does the doctrine adopted by the opinion writer support governmental power to regulate behavior?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

*IV.B. Government Control of Major Social and Economic Institutions*

41.0 —Government Control of Major Economic and Social Institutions

41.1 Labor (or Worker) and Management Relations — This topic pertains to bargaining between labor unions and an employer, and to the internal operations of labor unions (e.g., elections, bookkeeping, and disputes between union members and their union). Also included here are workmen's compensation claims which might also be cross-coded under other topics, e.g., illegal alien status and rights (#11.3).

41.2 Transportation and Utilities — This category pertains to the control of railroads, boats, motor carriers, pipelines, airlines, electric power, nuclear power, oil, gas, pipelines, and telephone companies.

41.3 Securities, Finance, and Business Reorganizations — Likely topics are: regulation of the securities industry, and cases involving antitrust, and mergers. Regardless of the parties to the case, if anti-trust law is invoked, code under #41.3.

NOTE: The value/doctrinal questions are scored as: “1” if the anti-trust law can be invoked; “2” if it cannot be invoked.

41.4 Radio, TV, and Commercial Media — This topic includes only the *economic* regulation of these entities.

41.5 Political Parties and Groups — This category includes state/federal regulations of the internal affairs of parties and other political groups, and also violations of state/federal corrupt-practices acts. This category *excludes* limits on political campaigning and spending which are coded under #10.4.

41.6 Indian Tribes — Likely topics are: treaties and federal and state statutory regulations. This category also includes state efforts to tax Indians.

41.9 Separate item not listed above

K1. Does the opinion writer vote in support of governmental power to regulate behavior?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

K2. Does the doctrine adopted by the opinion writer support governmental power to regulate behavior?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

#### *IV.C. Distribution of Money and Services by Government*

42.0. Support by Government with Money and/or Services

42.1 Veteran and Military Benefits — Likely topics are: cases dealing with veterans who are claiming a denial of benefits to which they believe they are entitled, and challenges by non-veterans to special treatment for veterans. Also included are opinions that contain challenges to distribution/ awards of welfare benefits emanating from military service (e.g., award of veteran benefits, pensions rights to family members of veterans).

42.2 Welfare and Social Insurance Benefits (Non-Military) — Likely topics are: challenges over welfare and Social Security Act benefits and the Railroad Retirement Act, etc. Challenges brought by aliens might also be coded either under #11.2 or #11.3, and cases based on residency requirement challenges

might also be coded under #30.5. Also, suits by illegitimates might be coded under #30.4, and cases brought by the handicapped might be coded under #42.3.

42.3 Handicapped Benefits — This topic includes suits brought by handicapped persons, often under the Rehabilitation Act and related statutes.

42.4 Aids to Educational Institutions — This topic often involves governmental aid to religious schools. If an “establishment clause” issue is involved, the opinion might also be coded as #23.1.

42.5 Government Support for Political Parties and Candidates — Likely topics are: issues of financing electoral costs, typically involving the Federal Election Campaign Act. (Restrictions on political parties should be coded under #10.3 or #41.5.)

42.9 Separate item not listed above

---

L1. Does the opinion writer vote in support of governmental power to distribute or withhold benefits?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

L2. Does the doctrine adopted by the opinion writer support governmental power to distribute or withhold benefits?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |
- 

*IV.D. Government's Power to Maintain the Political System*

43.0 — Government's Power to Maintain the Political System

43.1 Foreign Affairs and National Security from External Threats — This topic includes government's power to protect itself from

external threats to its land and security, and it pertains to disputes involving treaty obligations and conflict of laws. This topic does *not* include issues involving Indian tribes which are coded under #41.6.

43.2 Internal Military Affairs — This category includes the government's power to maintain an adequately large, trained and disciplined military force. It also includes the extent of military jurisdiction over spouses and dependents of military personnel serving abroad. Opinions dealing with criminal process in military trials might also be coded in the #50.0 series.

43.3 Sedition and Treason — This topic pertains to the government's power to protect itself from internal revolt. Opinions containing a First Amendment topic might also be coded under #20.1, #20.3, #20.4 or #20.6.

43.4 Liability and Contract Issues — Likely topics are: tort actions against the government or government officials, and civil rights suits for monetary damages against governmental personnel (including police). Suits involving government contracts and sovereign immunity should be coded here.

43.9 Separate item not listed above

*All criminal justice disputes in this category might also be coded in the #50.0 section.*

---

K1. Does the opinion writer vote in support of the exercise of governmental power?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |
-

K2. Does the doctrine adopted by the opinion writer support the exercise of governmental power?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

---

*IV.E. Separation of Powers*

44.1 Separation of Powers — Likely topics are: President — Congress disputes, including the legislative veto.

---

H1. Does the opinion writer vote in support of the power of the executive or the power of the legislature?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Executive power   | 8. Shared power               |
| 2. Legislature power | 9. Unknown; not ascertainable |

H2. Does the doctrine adopted by the opinion writer support the power of the executive or the power of the legislature?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Executive power   | 8. Shared power               |
| 2. Legislature power | 9. Unknown; not ascertainable |

44.2 Delegation of Legislative Authority — This category includes cases that center on whether the delegation of authority by the legislative branch (federal, state, and local) to the executive branch/regulatory agency was necessary and proper. This topic may require additional cross-coding. Usually cases falling under this topic will discuss whether “proper standards” were present to control the behavior of agency officials.

44.9 Separate item not listed above

---

H1. Does the opinion writer vote in support of the legislative delegation of power to the executive branch/regulatory agency?

- |                       |                               |
|-----------------------|-------------------------------|
| 1. Delegation valid   | 8. Mixed                      |
| 2. Delegation invalid | 9. Unknown; not ascertainable |

H2. Does the doctrine adopted by the opinion writer support legislative delegation of power to the executive branch/regulatory agency?

- |                       |                               |
|-----------------------|-------------------------------|
| 1. Delegation valid   | 8. Mixed                      |
| 2. Delegation invalid | 9. Unknown; not ascertainable |

#### *IV.F. Judicial Power*

##### 45.0 — Judicial Power

- 45.1 Control over Judges — Likely topics are: judicial administration and supervision of lower court judge(s). Code this category only if the case involves some sort of explicit reprimand issued to a lower court judge(s) charging (1) flagrant disregard of precedent or, (2) disregard of the Supreme Court's instructions in a previously remanded case.
- 45.2 Control over Lawyers — Likely topics are: admissions or dismissals from a state or federal bar, attorney's fees, and disciplining attorneys.
- 45.3 Judicial Control over Non-Lawyers — Likely topics are: contempt of court cases, perjury accusations, jury tampering cases, and gag orders.
- 45.4 Judicial Control over Internal Congressional Affairs — Likely topics are: cases dealing with the seating and unseating of Congressmen and disciplining members of Congress.
- 45.5 Judicial Control of President — Likely topics are: matters such as *U.S. v. Nixon* (Watergate) and *Youngstown v. Sawyer* (the Steel Seizure Case).

- 45.6 Retroactivity — This topic deals with whether some newly-announced rights will be made retroactive. Questions of severability are also included here.

*Look also for underlying topics for any of the headings #45.0 through #45.6.*

NOTE: If the disposition of the case is “vacate and remand for further consideration in light of modified statute,” code the value/doctrinal questions as “9”—unknown; not ascertainable.

- 45.9 Separate item not listed above

---

I1. Does the opinion writer vote in support of the power of the courts?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

I2. Does the doctrine adopted by the opinion writer support the power of the courts?

- |                      |                               |
|----------------------|-------------------------------|
| 1. Yes (pro-support) | 8. Mixed                      |
| 2. No (non-support)  | 9. Unknown; not ascertainable |

---

#### *IV.G. Admiralty and Maritime Law*

- 46.1 Admiralty and Maritime Law — All cases specifically noted as arising under Admiralty or Maritime Law are coded under this topic. *There are no value/doctrinal questions.* Look for an underlying topic — if any — and code the underlying topic first. All Jones Act cases should be coded in this category.

**V. CRIMINAL JUSTICE***V.A. Prosecutor, Defender, Police Roles*

## 50.0 — Prosecutor, Defender, and Police Roles

50.1 Defendant-Counsel Relationships — Likely topics are: a defendant's request for an attorney and the charge that a defense attorney was incompetent.

50.2 Prosecutor-Defendant Relationships — This category includes a charge that the prosecutor and others conspired against the defendant to convict him or her of a crime that he or she did not commit. Disputes over plea bargains are also included in this category.

50.3 Police Practices and Defendant's Rights in Relation to Evidence — Likely topics are: involuntary confession, entrapment, line-up disputes, search and seizure issues (including motor vehicles), self-incrimination issues (including Miranda warnings).

50.9 Separate item not listed above

---

F1. Does the opinion writer vote in support of fair treatment of persons and groups by government authorities, or does the opinion writer vote in support of governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |

F2. Does the doctrine adopted by the opinion writer support fair treatment of persons and groups by government authorities, or does the opinion support governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |



---

*V.B. Defendant's and Witness' Rights in the Trial Process*

51.0 — Defendant's and Witness' Rights in the Trial Process

- 51.1 Witness Issues — This category pertains to the right to confront an accuser and to call and cross-examine witnesses. Also, includes assistance of a psychiatrist and other experts for an indigent defendant.
  - 51.2 Trial Process Rights (Not Related to Witness Issues) — Likely topics are: the right to a speedy trial, bail, impartial magistrate, and rights at arraignment.
  - 51.3 Grand Jury — All matters at the Grand Jury stage are included here except relationships with lawyers (which should be coded as either #50.1 or #50.2).
  - 51.4 Petit Jury — This category includes claims that the right to a jury trial has been denied, that a cross-sectional jury was not provided, and that the defendant appeared before the jury in prison-like garb. Also included are challenges to the voir dire examination of prospective jurors, objections to the judge's instructions to the jury, and challenges to the manner of jury deliberations or to guidelines given to jurors in cases involving the death penalty.
  - 51.5 The Sentence — Likely topics are: a defendant's claim that the sentence was “cruel and unusual;” requests for stays of execution in death penalty cases; and indigents' objections to the payment of a fine.
  - 51.9 Separate item not listed above
-

F1. Does the opinion writer vote in support of fair treatment of persons and groups by government authorities, or does the opinion writer vote in support of governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |

F2. Does the doctrine adopted by the opinion writer support fair treatment of persons and groups by government authorities, or does the opinion support governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |

### *V.C. Post-Trial Processes*

#### 52.0 Post-Trial Processes

- 52.1 Defendant's Rights in the Appellate Process — This category pertains to claims that the right to an appeal has been violated, and indigents' objections to paying filing fees, docketing fees, and costs of transcripts, etc.
- 52.2 Rights of the Incarcerated — Likely topics are: prisoners' petitions brought under the due process clause, or cruel and unusual punishment, e.g., crowded cell conditions, bad food, etc. Included in this category are cases over the parole rights of prisoners while they are still in prison.
- 52.9 Separate item not listed above. This category includes cases involving parolees who are *not* in jail.

F1. Does the opinion writer vote in support of fair treatment of persons and groups by government authorities, or does the opinion writer vote in support of governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |

F2. Does the doctrine adopted by the opinion writer support fair treatment of persons and groups by government authorities, or does the opinion support governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |

---

*V.D. Interpretation of Criminal Statutes*

53.1 Interpretation of Criminal Statutes as Applied to the Defendant  
— This category deals with whether the defendant's behavior comes within the scope of the criminal statute but not about whether the defendant is in fact innocent or guilty. Neither does this category deal with rules of evidence or correctness of procedure.

53.9 Separate item not listed above

F1. Does the opinion writer vote in support of fair treatment of persons and groups by government authorities, or does the opinion writer vote in support of governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |

F2. Does the doctrine adopted by the opinion writer support fair treatment of persons and groups by government authorities, or does the opinion support governmental power to regulate behavior (law and order)?

- |   |                               |
|---|-------------------------------|
| 1. Fair treatment                       | 8. Mixed                      |
| 2. Regulate behavior<br>(law and order) | 9. Unknown; not ascertainable |

**VI. NON-CRIMINAL JUSTICE (CIVIL COURTS,  
ADMINISTRATIVE HEARINGS,  
LEGISLATIVE PROCESS)**

60.0—Civil and Quasi-Judicial Processes

60.1 Hearing and Notice — Likely topics are: claims that some form of procedural due process rights were violated in a civil or quasi-judicial process, e.g., right to an impartial decision maker, or the right to timely notice of hearing.

60.2 Other Non-Criminal Process Rights (Except Hearing and Notice, above) — Likely topics are: the refusal of witnesses to participate in legislative investigations, the adequacy of remedies in civil hearings, and the right to counsel.

60.9 Separate item not listed above

F1. Does the opinion writer vote in support of “fair treatment” for the complainant(s) by government authorities, or does the opinion writer vote in support of institutional authority?

1. “Fair treatment” to complainant(s)
2. pro-institutional authority
8. Mixed
9. Unknown; can't answer; not ascertainable

F2. Does the doctrine adopted by the opinion writer support “fair treatment” for the complainant(s) by government authorities, or does the opinion writer vote in support of institutional authority?

1. “Fair treatment” to complainant(s)
2. pro-institutional authority
8. Mixed
9. Unknown; can't answer; not ascertainable

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## VII. THRESHOLD

70.1 Threshold Questions — Likely topics are: (a) issues of courts' jurisdiction, (b) political questions, (c) justiciability, (d) standing of party, (e) mootness, (f) availability of other non-judicial remedies, (g) timeliness, (h) *Marbury v. Madison* type questions, (i) other arguments that courts in the United States ought not to be involved with public policy questions such as these, (j) the ability of the Supreme Court to rule on an issue not raised at the trial court; and (k) “writs improvidently granted.”

NOTE: Generally, if the opinion argues that the issue being considered should not have been heard for any reason, code the value/ doctrinal question “2.” For “writs improvidently granted” the values/doctrinal coding is always “2.”

*Look also for an underlying topic, if there is one.*

M1. Does the opinion writer vote in support of expanded or in support of limited levels of access to the courts?

- |                    |                               |
|--------------------|-------------------------------|
| 1. Expanded access | 8. Mixed                      |
| 2. Limited access  | 9. Unknown; not ascertainable |

M2. Does the doctrine adopted by the opinion writer support expanded or support limited levels of access to the courts?

- |                    |                               |
|--------------------|-------------------------------|
| 1. Expanded access | 8. Mixed                      |
| 2. Limited access  | 9. Unknown; not ascertainable |

**VIII. FEDERALISM**

## 80.0 — Federalism

80.1 Inter-State Disputes — Likely topics are: boundary disputes between states and non-real property disputes between states.

---

No value — *Look also for underlying topic, if there is one.*

---

80.2 National or State Power — This category focuses on the question of whether the nation or the state has authority in the area of police powers to promote the health, welfare, safety, and morals of the citizens. It also includes cases of federal pre-emption of state jurisdiction and state court jurisdiction, disputes over whether there should be national or uniform rules of behavior, or whether states should be permitted to make their own rules.

80.3 Federal-State Disputes over Property — Likely topics are: cases under the Submerged Lands Act, natural resources, and intergovernmental tax immunity.

80.9 Separate item not listed above

---

G1. Does the opinion writer vote in support of the power of the national government or the power of the state government?

1. Power of the national government
2. Power of the state government
8. Shared powers, or cooperative federalism
9. Unknown; can't answer; not ascertainable

G2. Does the doctrine adopted by the opinion writer support the power of the national government or the power of the state government?

1. Power of the national government
2. Power of the state government
8. Shared powers, or cooperative federalism
9. Unknown; can't answer; not ascertainable

---

### **The Data**

There are a large number of variables represented in the opinions coding. Consequently, it is useful to understand the system we have employed for naming the variables. A full listing of the variables follows this discussion.

Each variable name conveys several pieces of information. The first is the type of opinion. The abbreviations used are: MAJ — majority opinion; JUD — judgment of the Court; CON — concurrence with opinion; CNO — concurrence without opinion; DIS — dissent with opinion; DNO — dissent without opinion; DDC — dissent from a denial of certiorari; and MIX — concurrence and dissent. Following the opinion type is a number indicating whether the opinion is the first, second, third, etc., opinion of that type. Thus CON6 refers to the sixth concurrence within the case. The next portion of the name designates whether the variable characterizes topics (TOP) or values (VA; FED — federalism; THLD — threshold). For topics, the number of the topic is also indicated, such that TOP4 represents the fourth topic in the opinion. Values are represented for most topics for a VA abbreviation, followed by the topic number and whether the value is the first, second, third, or fourth value coded for that topic. The values for federalism and threshold are indicated by FED and the number of the value (eg. FED2) and TH and the number of the value (EG. TH4). Thus, CON6TH4 is a variable representing the sixth concurrence, and the fourth value question for a threshold topic. In addition, each opinion has a AUT variable that indicates the author of the opinion.

### *Missing Data*

As noted above, there are a number of cases (N = 1,702) represented in the Phase II of the Supreme Court Data Base that were inappropriate to code for this portion of the data base. These cases are represented by a system missing value (SYSMIS) within the SPSS data set. Under all

circumstances, these cases will be treated as missing data.

There are other “missing” data as well. If there were no dissents in the case, then variables characterizing the dissents are of course scored as missing. For the variables characterizing the topics of the opinion (and those designating the author of the opinion), this sort of missing value is coded as 99. A 99 was also coded if there are not multiple topics in the opinion (e.g., if no second topic in the opinion then the variable characterizing the second topic is coded at 99), or if there was no substantive topic in the opinion (e.g., the opinion dealt only with federalism). We have declared 99 as a missing value within the data set. For the topics variables, there are only two sorts of missing values — system missing and 99.

For the values variables, there are several sorts of missing values. As above, the case is scored as system missing (SYSMIS) if the case was not coded as part of the opinions coding. If there are no values codings because there are no opinions of this type, then the missing value is “0,” which is declared as a missing value. A score of “7” is received if there is disagreement *within* the opinion (i.e., conflicting values seem to be advocated). Finally, a score of 0 is given in the rare instance in which no value is defined for the particular topic (e.g., Admiralty). Also, as noted in the codebook, values may not be codeable because they cannot be ascertained (“9”) or values may be mixed (“8”). Because researchers may make substantive use of these variables, we have not declared them as missing. In sum, the potentially missing values are:

#### Topics

System missing — case not coded as part of the values coding  
99 — no opinion of this type (for several reasons)

#### Values

System missing — case not coded as part of the values coding  
0 — no opinion of this type (for several reasons)  
0 — no values defined for this topic  
7 — internal disagreement in the opinion  
8 -- mixed outcome  
9 -- value unknown or not ascertainable

#### *Derived Values Variables*

Users may wish to know how one interprets the value variables. What, for instance, can be made of a value of “1” for the variable *CONIVA*



11? Due to the process by which the values were coded, the interpretation of the values variables depends directly on the *TOPIC* associated with the value. The raw values data must, therefore, be transformed before they can be most profitably analyzed.

To make the data more accessible we have created a series of summary variables that reflect the treatment of each of the values by each opinion associated with the case. As with the primary variables, the names of these derived variables contain all the information necessary to use these variables. The first letter of the variable name refers to the type of opinion: M — majority opinion; J — judgment of the court; C — concurrence; D — dissent; Z — dissent from denial of certiorari; X — partial concurrence/dissent. The number occupying the second column in the variable name is a sequence number, indicating whether the value is associated with the first, second, etc. opinion of the type specified by the first letter. The letter occupying the third position in the variable name refers to the actual value itself. The letter A indicates that this is the treatment accorded Value A, political inclusiveness, by the opinion author (see Table 3-4 for a full description of the Values). The last three characters serve notice that the variable refers to a VALUES variable. Thus, the variable M1AVAL refers to the treatment accorded to Value A (Political Inclusiveness) by the majority opinion. Likewise, the variable C3CVAL refers to the treatment of Value C (equality of treatment/blind to group characteristics) by the third concurring opinion. Note that we have represented all variables that might logically occur *even if there is no variance on that variable*. By doing so, users can always assume that the variables exist and their computer programs will not crash for lack of a proper variable name. As with all of the data in this data set, *users must examine the frequencies of each variable prior to using it*.

The interpretation of the scores/codes associated with the various values variables is likewise dependent on which value one is addressing. In general the values variables are coded in such a way as to indicate the opinion writers level of support for the value in question. There are several possible conditions that the variables may reflect. First, the value may or may not be implicated by the opinion writer. If the value is not mentioned, the associated variable receive a value of 99. Second, the opinion may support an extension (or application) of the value, or it may suggest a restriction or contraction of the value. These conditions are coded “1” and “2” respectively. It may be the case that a value may be mentioned, but the opinion is mixed in the extent to which the value is supported. On these

occasions the value variable receives a score of “8”. There are also instances in which the opinion implicates a value but it is simply impossible to ascertain whether the writer is supporting the value or not. On these occasions the Value variable receives a score of “9”. In the original coding we created a bias against assigning a “not ascertainable” value to these variables. As noted in the coding instructions, coders were instructed that, under most circumstances, if a substantive code could not be assigned the value should not be coded at all. Finally, given that each value is associated with a number of different topical categories, there are a number of paths through which a value may be invoked. Thus, it is possible that an opinion will invoke a particular value more than once. In these cases, the possibility arises that an opinion writer will treat a value inconsistently. That is, an opinion may in one mention of the value express support for its extension while in another express the opposite sentiment. While this inconsistency is by no means epidemic, it does occur with some frequency. Since these occurrences may well be of interest to users, we have chosen to separate them from the mixed support category. Instances in which a justice is inconsistent in his or her support for a particular value receive a score of “98.” A code of “99” indicates that the opinion did not refer to the value; scores of “0” indicate that there was no opinion of the particular type (e.g., no third concurrence). Table 3-6 reports the frequencies of the various types of opinions.

In sum, the codes on these derived variables are:

- 0. No opinion of this type
- 1. Favors one value
- 2. Favors the other value
- 8. Mixed
- 9. Not ascertainable
- 98. Disagreement within the opinion
- 99. Value not referred to (for many reasons)

**Table 3-6. Value Conflict in Supreme Court Decisions - Warren and Burger Court Eras**

	Number	Percent
Dissent or Concurrence Implicating Value Not Implicated by Majority	533	15.6
Dissent or Concurrence Silent on One or More Majority Value	536	15.7
Dissent of Concurrence Implicating Non-Majority Value and Silent on One or More Majority Value	197	5.8
Value Agreement	2140	62.9
Total Cases With Dissent and/or Concurrence	3406	100.0

*Values and Opinions*

### **Reliability**

Before presenting the results of the reliability analysis of the Opinions data, some explanation of the procedures that generated the results is warranted. Among other things, this requires a discussion of the changes made in the unit of analysis and its effect on the number of units in the sample, the treatment of the large numbers of categories contained in some of the variables, the particular measures of reliability that were used, and the logic behind the algorithms that generated the results.

#### *The Unit of Analysis*

The reader may notice that the numbers of cases in the initial reliability sample and in the analysis of the reliability of the Opinions data differ substantially. This is due to a fundamental change made in the unit of analysis for the purposes of the reliability analysis. The unit of analysis for the Opinions data is the citation/docket number. Each citation/docket (hereinafter referred to as a case) is represented by a single record containing variables representing each of the published opinions appearing in the U. S. Reports.

For three reasons we deemed it preferable to change the unit of analysis to the individual opinion. First, in order to make useful comparisons across the respective codings it was incumbent upon us to ensure that the opinions being compared matched in terms of author and, if possible, type of opinion. To achieve this degree of comparability among the variables of interest we chose the individual opinion as the unit of analysis. Second, since this phase of the data collection effort was focused on opinions, the individual opinion was the logical choice as the unit of analysis. Further, there was some reason to suspect that there might be differences in reliability across the eight types of opinion.

The numbers of units of analysis differ for still another reason. As a general rule the data set does not include those cases that appear in the “back of the book” of the U. S. Reports. The reliability sample does include these cases. Thus, the opinions data set includes only those orally argued cases containing full opinions.

There are several exceptions to this rule. Some number of “dissents from denial of certiorari” were coded, apparently from the back of the book. While these do not represent the universe of such opinions and may warrant deletion we leave the decision as to the disposition of these cases

to the individual user. (For a detailed discussion of the decision rules regarding the determination of the existence of a codeable opinion see the Opinions codebook under "Coding Rules".)

### *Measures of Reliability*

Before considering the substance of the analysis itself the issue of statistics must be addressed. There has been considerable discussion regarding the appropriate measures of agreement for nominal level data (Cohen 1960, 1968; Craig 1981; Johnson 1987; Krippendorff 1980; Landis and Koch 1977; Scott 1955). In general, the theme that underlies all of these discussions is that the use of the raw percent of inter-coder agreement can substantially overstate reliability due to its failure to compensate for chance agreement based on the particular distributions in the marginals of crosstabulations. Further, some contend that measures of association, particularly those based on Chi-square, while offering some insight into the relationship, fail to distinguish between association and agreement. As an alternative they suggest measures of agreement such as Cohen's kappa and Scott's pi which allow for the correction of the effects of chance agreements.

We are sympathetic to these arguments and as a result have, whenever possible, made Cohen's Kappa available as well as percent perfect agreement and an appropriate measure of association. In some instances Kappa's requirement of symmetric coding categories across coders can not be accommodated and in these instances we provide percent perfect agreement and a measure of association.

### *Topics Coding*

Each opinion was coded on a maximum of six topics. These can be broadly divided into two categories; those dealing with substantive issues and those involving issues of federalism or questions of access to the courts. The coders were asked to consider the presence of Federalism or Threshold/Access as topics independent of their judgments as to the presence of substantive topics.

The coding of topics was designed as a multi-step process. Coders were instructed to first determine which of the 20 general categories best described the most important (and later, subsequent) topic in the case. Having done this they were then directed to select one of the more detailed subcategories associated with that major category (see the Coding Manual for a more detailed set of coding procedures). This two stage process had

two purposes. First, it was intended to channel the initial subjective judgments of the coders first into a relatively coarse decision and then to attempt to refine this initial impression to extract greater detail.

Second, it was suspected at the outset that fine distinctions among topical categories might pose problems in terms of reliability. With this in mind, the codebook was structured in such a fashion that the initial broad judgment as to major topical category can be readily separated from the more detailed judgments that followed. Thus, the option of using the broader, more reliable major categories was, for analytical purposes, left open. Separate analyses were conducted on Topics at both the major category and subcategory level and these are reported below.

Another issue relating to the coding of Topics involves the order in which substantive Topics were to be coded. As noted earlier, coders were instructed to code the most important Topic first and then to code the remaining Topics without regard to importance or order. In keeping with this protocol, the first Topic coded is examined in two distinct analyses. First, representing the most important Topic in the opinion, it is required to match perfectly with the first Topic in the reliability coding to be counted as an instance of agreement. In the tables reported below this is noted by the parenthetical “perfect agreement” in the analysis of the reliability of Topic 1.

We also sought to identify those instances in which the first Topic coded in the primary data set, although not coded first in the reliability data, was indeed coded by the reliability coder(s). To accomplish this we allowed a match between the first Topic coded in the primary data set and *any* of the Topics coded by the reliability coder to count as an instance of agreement. This does in fact lead to an increase in the level of agreement. This is reflected in the tables by the greater “percent perfect” associated with the appearance of Topic 1 labeled parenthetically “multiple response”.

Subsequent Topics are of course, not subject to the restrictions on coding order that affect the first Topic. Agreement between codings of subsequent topics is accepted regardless of the order in which they appear in the data. A match between second Topic coded and any of the topics coded by the reliability coder(s) was allowed to count toward agreement. As a result they are best conceptualized as multiple response variables.

This discussion of subsequent topics suggests a point of interest that needs to be addressed. The number of opinions that form the basis of the analysis drops dramatically from the first Topic to the second. Another dramatic decrease is found between the second and the third Topics coded,

and, although the option to code up to three subsequent Topics was available, none of the coders was moved to do so. In addition, there is considerable variation in numbers of topics coded among the various types of opinions. Table 3-7 presents a comparison of the number of topics coded by opinion type. If we include issues of Access/Federalism, only Majority opinions and Dissents have more than three topics coded and this is the case in only a small fraction of the opinions (0.4 percent of majority opinions and 1.1 percent of dissents). Sixty three percent of the coded opinions contain only 1 topic while only 9.2 percent contain more than 2 topics. The end result of this is that the analysis of the reliability of subsequent topics is based on a very small number of cases. The resulting small Ns generate very unstable estimates of agreement and any conclusions drawn regarding the reliability of these variables must be tempered with this knowledge.

[illegible]



*Reliability Results*

Tables 3-8 and 3-9 present the results of the analysis of the reliability of the coding of Topics. The analysis described in Table 3-8 is based on the broad topical categories described earlier. The first topic coded was the most reliable. When strict requirements regarding the coding order were imposed agreement was found in between 58 and 62 percent of the opinions. When this requirement was relaxed, agreement increased by 6 to 7 percent.

Subsequent Topics were somewhat less reliable than the first, generating agreement in between 49 and 52 percent of the cases for the first subsequent and between 40 and 57 percent of the second subsequent Topics. Two points should be noted regarding the lower levels of reliability for subsequent Topics. First, the reader should make note of the small numbers of opinions that are included in the analysis of subsequent Topics, particularly the second subsequent Topic. With an N of 15 the confidence interval that surrounds estimates of proportions becomes so wide that interpretation of the results is extremely hazardous. Second, it is not altogether surprising that the most important topic coded is more reliable than the others. The most important Topic is likely to be the primary focus of the opinion. Subsequent Topics are likely to be less obvious and as a result more susceptible to random errors in measurement.

Table 3-9 presents an analysis of the reliability of Topics that is identical to the first with the sole exception that the narrower, more detailed subcategories were used. As we expected the narrower categories are somewhat less reliable than their more expansive counterparts, although only by 6 to 7 percentage points. As with the broader categories, the coding of subsequent Topics is rather less reliable than the coding of the first (most important) Topic (the caveat regarding the interpretation of the coefficients in Table 3-8 applies with equal force to this analysis).



**Table 3-8. Continued**

Level of Measurement Description	N	Number of Categories Primary	Reliability	Percent Cases in Mode Primary	Reliability	Association %Perfect	Stat
primary--r1	122	18	see note a	14.8	see note a	49.2	.51
primary--r2	123	18	see note a	16.3	see note a	51.4	.58
<b>Second Subsequent</b>							
nominal							
primary--r1	14	8	see note a	28.6	see note a	57.1	.72
primary--r2	15	9	see note a	26.7	see note a	40.0	.35
<b>Type of opinion</b>							
nominal							
primary--r1	581	8	8	39.9	42.0	94.8	.91 <sup>a</sup>
primary--r2	581	8	8	39.9	43.3	94.0	.90 <sup>a</sup>

<sup>a</sup> Coefficient Kappa

<sup>a</sup> The reliability coding of these variables has been treated as a multiple response variable. Thus any discussion of the number of categories or the percent of the cases within particular categories is meaningless.

**Table 3-9. Reliability Statistics - Three Digit Coding of Substantive Topics**

Description	Level of Measurement	N	# of Categories		%Cases in Mode		Association	
			Primary	Reliability	Primary	Reliability	% Perfect	Stat
Topic 1 (most important- perfect agreement.)	nominal							
primary--r1		514	58	53	8.8	9.4	56.2	.56
primary--r2		501	58	54	8.8	9.2	52.5	.58
Topic 1 (most important- multiple response)	nominal							
primary--r1		514	58	see note b	8.8	see note b	62.3	.72
primary--r2		501	58	see note b	8.8	see note b	57.5	.67
<b>Subsequent Topics</b>								
First	nominal							
primary--r1		22	42	see note b	8.2	see note b	33.6	.38
primary--r2		123	42	see note b	9.8	see note b	35.0	.38

*continued next page*

**Table 3-9. Continued**

Description	Level of Measurement	N	# of Categories		%Cases in Mode		Association	
			Primary	Reliability	Primary	Reliability	% Perfect	Stat
Second Topic	nominal							
primary--r1		14	10	see note b	21.4	see note b	57.1	.74
primary--r2		15	11	see note b	20.0	see note b	33.3	.41

<sup>b</sup> The reliability coding of these variables has been treated as a multiple response variable. Thus any discussion of the number of categories or the percent of cases coded into particular categories is meaningless.

*Federalism/Threshold*

Unlike the coding of the substantive Topics, which require the coder to isolate applicable categories from a lengthy list, Federalism and Threshold topics present a much more limited universe of potential choices. At the simplest level the choice is dichotomous. The coders were required to address two independent questions; is Federalism addressed in the opinion and is Access/Threshold addressed in the opinion? In the case of Access/Threshold this is the only decision to be made. In the case of Federalism the coding decision was somewhat more complex, involving a further choice from among four categories.

Table 3-10, presenting the analysis of the reliability of the Federalism and Threshold Topics, reflects this differing degree of complexity. In the case of Access/Threshold only the question of appearance is important. The coders agreed on the presence or absence of access/threshold as a topic in 80 to 90 percent of the opinions. In roughly 12 percent of the opinions the coders agreed that Access/Threshold was represented and in between 70 and 75 percent of the opinions they agreed that Access/Threshold was not present. In the remaining 13 to 18 percent of the opinions they disagreed as to the disposition of the Access/Threshold variable.

Table 3-10. Reliability - Federalism and Access/Threshold Topics

Topic	Re-Coder 1	Re-Coder 2
<i>Access to the Courts - Threshold</i>		
Percent agreement on whether Access is implicated in opinion	81.5	87.2
Percent agreeing that Access <u>is</u> implicated		
(Re-Coder 1 12.3)		
(Re-Coder 2 12.0)		
Percent agreeing that Access is <u>not</u> implicated		
(Re-Coder 1 69.1)		
(Re-Coder 2 75.2)		
Percent disagreement on whether Access is implicated in opinion	18.5	12.8
Total	100.0	100.0
N	(514)	(501)
<i>continued next page</i>		

Values and Opinions

Table 3-10. Continued

Topic	Re-Coder 1	Re-Coder 2
<i>Federalism</i>		
Percent agreement on whether Federalism is implicated in opinion	88.2	88.2
Percent agreeing that Federalism <u>is</u> implicated		
(Re-Coder 1 8.4)		
(Re-Coder 2 7.6)		
Percent agreeing that Federalism is <u>not</u> implicated		
(Re-Coder 1 79.8)		
(Re-Coder 2 80.6)		
Percent disagreement on whether Federalism is implicated in opinion	11.8	11.8
Total	100.0	100.0
N	(514)	(501)

continued next page



**Table 3-10. Continued**

Topic	Re-Coder 1	Re-Coder 2
When there is agreement that the Federalism <u>is</u> implicated in the opinion...		
Agreement on the specific coding of the topic	97.7	86.8
Disagreement on the specific coding of the topic	2.3	13.2
Total	100.0	100.0
N	(43)	(38)

<sup>a</sup> Access/Threshold has only one possible coding. Agreement on the decision to code leads to automatic agreement on the specific topic.

<sup>b</sup> Federalism has four possible subcategories into which an opinion could be coded. This requires two decisions on the part of the coder. The first concerns the implication of the topic and the second the proper individual category.

For cases involving Federalism the analysis proceeded in two stages. The first stage incorporated the entire sample of opinions. The question asked was simply, “in what proportion of the sample did the coders agree with respect to the appearance of Federalism as a Topic?” In approximately 8 percent of opinions the coders agreed that Federalism was present while in about 80 percent of the opinions there was agreement that Federalism was not at issue. In the remaining 12 percent the coders disagreed as to the presence or absence of discussions of Federalism.

The second stage of the analysis examined those opinions in which there was agreement as to the appearance of Federalism to determine the extent to which there was agreement with regard to the specific Topical category selected. When there was agreement as to the appearance of Federalism in general as a Topic, one of the reliability coders and the primary coder(s) were in agreement almost 98 percent of the time as to the specific topic involved while reliability coder 2 and the primary coder agreed only 87 percent of the time.

We were surprised that Access/Threshold and Federalism posed no special coding difficulties. The discretionary nature of its jurisdiction ensures that the question of access to the courts is implicit in almost every case the United States Supreme Court hears. Coders may often experience difficulty determining when a mention of access is actually at issue in a case and when the mention is merely dicta. Much of this discussion also applies to the question of Federalism. Many if not most of the cases the Supreme Court hears involve the individual states or their agencies as litigants. Again, the coders seem to have experienced only minor difficulty in separating actual appearances of Federalism as a topic of interest and those instances in which Federalism is merely incidental to the dispute.

### *Values Coding*

The logic of the first stage of the analysis of the reliability of the Values coding is conceptually similar to that used for the Federalism and Threshold topics. The initial query is, do the primary and reliability coders agree that a particular Value is implicated by the opinion? That is, agreement on the exact coding of topical category notwithstanding, do both coders select topical categories that implicate the same underlying values? If this is the case the opinion counts as an instance of agreement on Values.

Agreement on the presence or absence of a particular Value is only the first step in the analysis. In addition, the opinion writer's orientation to the Value must also be determined. Is he or she positively or negatively

oriented toward the implicated value. At this stage of the analysis the universe of opinions that forms the basis of comparison shrinks noticeably. We are now interested in examining only those opinions in which the primary and reliability coders agreed that a particular Value *was* implicated in the opinion. When there is agreement as to the implication of a particular value we are in a position to ask whether there is agreement regarding the level of support for the value implicated.

Table 3-11 presents a summary of the results of the analysis of the reliability of Values. The results are encouraging. In over 92 percent of the opinions analyzed the primary coder and the reliability coder agreed with regard to whether or not a particular value was implicated in the opinion. The values for Kappa range from a high of 1.0 to a low of 0. Given highly subjective nature of the judgments required of the coders, the difficulty of the task imposed on them, and the highly skewed marginal distributions the overall reliability of the Values coding is somewhat better than expected. Having said this however, it is apparent that several of the values did prove rather difficult to identify. The identification of conflicts between the legislative and executive branches (Value H) in particular, proved rather troublesome for the coders. Users are advised to use caution when critical components of their analysis are based on the *presence* of this Value.

**Table 3-11. Summary Table: Inter-Coder Agreement, Values Coding**

Value	Re-Coder 1	Re-Coder 2
<b>A. Breadth of Political Membership</b>		
Percent agreement on whether value is implicated in opinion	96.4%	95.1%
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated		
...Agreement on the direction of the opinion	100.0%	71.4%
N	(10)	(7)
<b>B. Personal Freedom of Belief and Action</b>		
Percent agreement on whether value is implicated in opinion	97.5%	97.2%
N	(514)	(501)

*continued next page*

**Table 3-11. Continued**

Value	Re-Coder 1	Re-Coder 2
When there is agreement that the value <i>is</i> implicated... Agreement on the direction of the opinion N	82.6% (24)	77.3% (22)
C. Equality of Opportunity/Treatment		
Percent agreement on whether value is implicated in opinion N	91.8 (514)	90.4 (501)
When there is agreement that the value <i>is</i> implicated... Agreement on the direction of the opinion N	92.0 (25)	78.3 (23)
<i>continued next page</i>		

*Values and Opinions*

**Table 3-11. Continued**

Value	Re-Coder 1	Re-Coder 2
D. Equality of Effect		
Percent agreement on whether value is implicated in opinion	97.7	96.8
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated...		
Agreement on the		
direction of the opinion	61.5	58.3
N	(13)	(12)
E. Property Rights		
Percent agreement on whether value is implicated in opinion	97.5	95.2
N	(514)	(501)

*continued next page*

**Table 3-11. Continued**

Value	Re-Coder 1	Re-Coder 2
When there is agreement that the value <i>is</i> implicated... Agreement on the direction of the opinion N	75.0 (4)	60.0 (5)
F. Fair Treatment of Individuals by the Government  Percent agreement on whether value is implicated in opinion N	85.1 (514)	83.1 (501)
When there is agreement that the value <i>is</i> implicated...		
<i>continued next page</i>		

*Values and Opinions*

Table 3-11. Continued

Value		Re-Coder 1	Re-Coder 2
N	Agreement on the direction of the opinion	95.3 (127)	90.3 (134)
G. Federalism			
N	Percent agreement on whether value is implicated in opinion	88.2 (514)	87.6 (501)
N	When there is agreement that the value <i>is</i> implicated...		
	Agreement on the direction of the opinion	69.0 (42)	52.9 (34)
<i>continued next page</i>			



**Table 3-11. Continued**

Value	Re-Coder 1	Re-Coder 2
H. Legislative/Executive Power		
Percent agreement on whether value is implicated in opinion	97.7	97.2
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated...		
Agreement on the direction of the opinion	na	100.0
N	(0)	(1)
I. Judicial Power		
Percent agreement on whether value is implicated in opinion	5.6	95.4
N	(514)	(501)
<i>continued next page</i>		

*Values and Opinions*

Table 3-11. Continued

Value	Re-Coder 1	Re-Coder 2
When there is agreement that the value <i>is</i> implicated...		
Agreement on the direction of the opinion	80.0	71.4
N	(10)	(7)
J. Separation of Church and State		
Percent agreement on whether value is implicated in opinion	100.0	100.0
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated...		
Agreement on the direction of the opinion	100.0	100.0
N	(1)	(3)
<i>continued next page</i>		

**Table 3-11. Continued**

Value	Re-Coder 1	Re-Coder 2
K. General Governmental Power		
Percent agreement on whether value is implicated in opinion	79.7	76.9
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated...		
Agreement on the		
direction of the opinion	76.0	79.2
N	(154)	(144)
L. Governmental Power to Distribute Benefits		
Percent agreement on whether value is implicated in opinion	98.7	97.4
N	(514)	(501)

*Values and Opinions*

*continued next page*

**Table 3-11. Continued**

Value	Re-Coder 1	Re-Coder 2
When there is agreement that the value <i>is</i> implicated...		
Agreement on the direction of the opinion	83.3	71.4
N	(12)	(7)
M. Access to the Courts		
Percent agreement on whether value is implicated in opinion	81.5	87.2
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	93.7	86.7
N	(63)	(60)

*continued next page*

**Table 3-11. Continued**

Value	Re-Coder 1	Re-Coder 2
Mean Level of Inter-coder Agreement on Value Implication	92.9%	92.3%
Mean Level of Inter-coder Agreement on Value Direction	84.0%	76.7%

*Values and Opinions*

The second question to be addressed is the degree of agreement among the coders with respect to the orientation of the opinions to the particular Values they implicate. The results of this analysis can be found in Table 3-12. When there is agreement as to the implication of a Value there is also considerable agreement regarding support, with an average level of inter-coder agreement of 77 percent for Coder X and 84 percent for Coder Z. Due to the non-symmetrical nature of the categories chosen by the coders, it was not possible to compute Kappa coefficients for these comparisons. Users are cautioned, however, that the small numbers of cases on which the analysis of directional agreement of some of the Values is based may well lead to estimates of agreement that are unstable. Obvious examples are Value E - Property Rights - with Ns for the two coders of 4 and 5, Value H - Legislative/Executive Power - with Ns of 0 and 1, and Value J - Separation of Church and State - with Ns of 1 and 3. Caution in the interpretation of these results is probably in order whenever the N on which the analysis is based is less than 30.

**Table 3-12. Inter-Coder Agreement, Values Coding**

Value	Re-Coder 1	Re-Coder 2
A. Breadth of Political Membership		
Percent agreement on whether value is implicated in opinion	96.4	95.1
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1   2.0)		
(Re-Coder 2   1.4)		
Percent agreeing that value is <i>not</i> implicated		
(Re-Coder 1   94.4)		
(Re-Coder 2   94.2)		
Percent disagreement on whether value is implicated in opinion	3.6	4.4
<i>continued next page</i>		

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Total N	100.0 (514)	100.0 (501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	100.0	71.4
Disagreement on the direction of the opinion	0.0	28.6
Total N	100.0 (10)	100.0 (7)

*continued next page*



**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
B. Personal Freedom of Belief and Action		
Percent agreement on whether value is implicated in opinion	97.5	97.2
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1 4.7)		
(Re-Coder 2 4.4)		
Percent agreeing that value is <i>not</i> implicated		
(Re-Coder 1 92.8)		
(Re-Coder 2 92.8)		
Percent disagreement on whether value is implicated in opinion	2.5	2.8
<i>continued next page</i>		

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Percent agreement on whether value is implicated in opinion	91.8	90.4
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1 5.2)		
(Re-Coder 2 4.6)		
Percent agreeing that value is <i>not</i> implicated		
(Re-Coder 1 86.7)		
(Re-Coder 2 85.8)		
Percent disagreement on whether value is implicated in opinion	8.2	9.6
Total	100.0	100.0
N	(514)	(501)

*continued next page*

**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Total N	100.0 (514)	100.0 (501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	82.6	77.3
Disagreement on the direction of the opinion	17.4	22.7
Total N	100.0 (24)	100.0 (22)
C. Equality of Opportunity/Treatment		

*continued next page*

*Values and Opinions*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	92.0	78.3
Disagreement on the direction of the opinion	8.0	21.7
Total	100.0	100.0
N	(25)	(23)
D. Equality of Effect		
Percent agreement on whether value is implicated in opinion	97.7	96.8

*continued next page*

**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Percent agreeing that value <i>is</i> implicated (Re-Coder 1 2.6) (Re-Coder 2 2.4)		
Percent agreeing that value is <i>not</i> implicated (Re-Coder 1 95.1) (Re-Coder 2 94.4)		
Percent disagreement on whether value is implicated in opinion	2.3	3.2
Total	100.0	100.0
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated in the opinion...		

*continued next page*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Agreement on the direction of the opinion	61.5	58.3
Disagreement on the direction of the opinion	38.5	41.7
Total	100.0	100.0
N	(13)	(12)
E. Property Rights		
Percent agreement on whether value is implicated in opinion	97.5	95.2
Percent agreeing that value is implicated (Re-Coder 1 0.8) (Re-Coder 2 1.0)		

*continued next page*

**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Percent agreeing that value is <i>not</i> implicated (Re-Coder 1 96.7) (Re-Coder 2 94.2)		
Percent disagreement on whether value is implicated in opinion	2.5	4.8
Total N	100.0 (514)	100.0 (501)
When there is agreement that the value <i>is</i> implicated in the opinion.		
Agreement on the direction of the opinion	75.0	60.0
<i>continued next page</i>		

*Values and Opinions*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Disagreement on the direction of the opinion	25.0	40.0
Total N	100.0 (4)	100.0 (5)
F. Fair Treatment of Individuals by the Government		
Percent agreement on whether value is implicated in opinion	85.1	83.1
Percent agreeing that value <i>is</i> implicated (Re-Coder 1 26.0) (Re-Coder 2 28.4)		

*continued next page*



**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Percent agreeing that value is <i>not</i> implicated (Re-Coder 1 59.1) (Re-Coder 2 54.7)		
Percent disagreement on whether value is implicated in opinion	14.7	16.9
Total N	100.0 (514)	100.0 (501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	95.3	90.3

*continued next page*

*Values and Opinions*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Disagreement on the direction of the opinion	4.7	9.7
Total N	100.0 (127)	100.0 (134)
G. Federalism		
Percent agreement on whether value is implicated in opinion	88.2	87.6
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1 8.2)		
(Re-Coder 2 6.8)		

*continued next page*

Table 3-12.Continued

Value	Re-Coder 1	Re-Coder 2
Percent agreeing that value is <i>not</i> implicated (Re-Coder 1 80.0) (Re-Coder 2 80.8)		
Percent disagreement on whether value is implicated in opinion	11.8	12.4
Total	100.0	100.0
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	69.0	52.9
continued next page		

Values and Opinions

Table 3-12.Continued

Value	Re-Coder 1	Re-Coder 2
Disagreement on the direction of the opinion	31.0	47.1
Total	100.0	100.0
N	(42)	(34)
H. Legislative/Executive Power		
Percent agreement on whether value is implicated in opinion	97.7	97.2
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1 0.0)		
(Re-Coder 2 0.2)		

*continued next page*

**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Percent agreeing that value is <i>not</i> implicated (Re-Coder 1 97.8) (Re-Coder 2 97.0)		
Percent disagreement on whether value is implicated in opinion	2.3	2.8
Total	100.0	100.0
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	na	100.0
Disagreement on the direction of the opinion	na	0.0

*continued next page*

*Values and Opinions*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Total N	na (0)	100.0 (1)
I. Judicial Power		
Percent agreement on whether value is implicated in opinion	95.6	95.4
Percent agreeing that value <i>is</i> implicated (Re-Coder 1 2.0) (Re-Coder 2 1.4)		
Percent agreeing that value is <i>not</i> implicated (Re-Coder 1 93.6) (Re-Coder 2 94.0)		
<i>continued next page</i>		

Table 3-12.Continued

Value	Re-Coder 1	Re-Coder 2
Percent disagreement on whether value is implicated in opinion	4.4	4.6
Total	100.0	100.0
N	(514)	(501)
When there is agreement that the value is implicated in the opinion...		
Agreement on the direction of the opinion	80.0	71.4
Disagreement on the direction of the opinion	20.0	28.6
Total	100.0	100.0
N	(10)	(7)

continued next page

Values and Opinions

Table 3-12.Continued

Value	Re-Coder 1	Re-Coder 2
J. Separation of Church and State		
Percent agreement on whether value is implicated in opinion	100.0	100.0
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1 0.2)		
(Re-Coder 2 0.6)		
Percent agreeing that value is <i>not</i> implicated		
(Re-Coder 1 99.8)		
(Re-Coder 2 99.4)		
Percent disagreement on whether value is implicated in opinion	0.0	0.0

*continued next page*



**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Total N	100.0 (514)	100.0 (501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	100.0	100.0
Disagreement on the direction of the opinion	0.0	0.0
Total N	100.0 (1)	100.0 (3)

K. General Governmental Power

*continued next page*

*Values and Opinions*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Percent agreement on whether value is implicated in opinion	79.7	76.9
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1 33.4)		
(Re-Coder 2 30.2)		
Percent agreeing that value is <i>not</i> implicated		
(Re-Coder 1 46.3)		
(Re-Coder 2 46.7)		
Percent disagreement on whether value is implicated in opinion	20.3	23.1
<i>continued next page</i>		

**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Total N	100.0 (514)	100.0 (501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	76.0	79.2
Disagreement on the direction of the opinion	24.0	20.8
Total N	100.0 (154)	100.0 (144)
L. Governmental Power to Distribute Benefits		
<i>continued next page</i>		

*Values and Opinions*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Percent agreement on whether value is implicated in opinion	98.7	97.4
Percent agreeing that value <i>is</i> implicated		
(Re-Coder 1 2.4)		
(Re-Coder 2 1.4)		
Percent agreeing that value is <i>not</i> implicated		
(Re-Coder 1 96.3)		
(Re-Coder 2 96.0)		
Percent disagreement on whether value is implicated in opinion	1.3	2.6
Total	100.0	100.0
N	(514)	(501)

*continued next page*

**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
When there is agreement that the value <i>is</i> implicated in the opinion...		
Agreement on the direction of the opinion	83.3	71.4
Disagreement on the direction of the opinion	16.7	28.6
Total	100.0	100.0
N	(12)	(7)
M. Access to the Courts		
Percent agreement on whether value is implicated in opinion	81.5	87.2

*continued next page*

*Values and Opinions*

Table 3-12. Continued

Value	Re-Coder 1	Re-Coder 2
Percent agreeing that value <i>is</i> implicated (Re-Coder 1 12.3) (Re-Coder 2 12.0)		
Percent agreeing that value is <i>not</i> implicated (Re-Coder 1 69.1) (Re-Coder 2 75.2)		
Percent disagreement on whether value is implicated in opinion	18.5	12.8
Total	100.0	100.0
N	(514)	(501)
When there is agreement that the value <i>is</i> implicated in the opinion...		
<i>continued next page</i>		

**Table 3-12. Continued**

Value	Re-Coder 1	Re-Coder 2
Agreement on the direction of the opinion	93.7	86.7
Disagreement on the direction of the opinion	6.3	13.3
Total	100.0	100.0
N	(63)	(60)

*Values and Opinions*

### Applications

The purpose of this section is to provide some guidance — however limited — for use of the opinions data. The applications discussed here are largely meant to acquaint users with the data; most substantive uses cannot be anticipated and therefore cannot be discussed here. Users who wish to begin working with the data from a largely descriptive point-of-view will find this section useful.

As with all analyses of this data base, the first decision the user must confront concerns the unit of analysis. For our purposes, we will assume that the primary interest is in comparing the values expressed in *opinions*, and we will use the docket number as the primary unit of analysis.

Another caveat is in order. The results of the reliability analysis strongly suggest that the topics codings in the opinion are less reliable than the values codings. Indeed, if one is simply interested in a variable that fairly reliably and simply represents the content of the case, one might be better advised to use the Spaeth variable: ISSUES. For our purposes, the topic is important only insofar as it leads to the framing of the value question.

It should also be noted that both topics and values are typically *multiple response variables*. This can complicate some forms of analysis, and generally requires that new variables be constructed. Let us consider a couple of examples.

Suppose that one is interested in all docket numbers in which topic 10.0 (political participation) is mentioned, irrespective of which opinion mentions the topic and whether it is a primary or secondary topic. Unfortunately, this means that several different variables must be searched for topic 10.0. The following runstream would accomplish that purpose for the majority opinion.

```
COMPUTE TOP10 = 0 /* This initializes a variable that will
                    indicate whether topic 10.0 is in the case.
DO REPEAT MAC1= MAJ1TOP1 MAJ1TOP2 MAJ1TOP3 MAJ1TOP4
/*      It is not necessary to search the federalism or threshold
        variables
IF (MAC1 EQ 10.0)TOP10=1
END REPEAT /*      This sequence searches each of the variables
                    indicating the topic of the opinion to determine
                    whether 10.0 is represented.
```



The resulting variable is a dichotomy that indicates whether topic 10.0 is mentioned in the majority opinion. If one were only interested in cases in which *any* opinion mentions topics 10.0 then the initial line of the DO REPEAT should be altered to include all of the TOP variables.

If one wished to search opinions for decisions dealing with value A the process is a bit more complicated. First, it is necessary to determine which topics are associated with value A. From Table 3-4 (above) we determine that value A is only relevant to topics 10.0 through 10.9 and 11.0 through 11.9. Thus, only opinions mentioning these topics implicate value A. From the codebook we know that value A is the first value question associated with these topics.

Again focusing on the majority opinion, the following runstream would create a variable that describes how value A is treated by the opinion.

```
COMPUTE MVALUEA = 0 /* This initializes the variable
DO REPEAT MAC1= MAJ1TOP1 MAJ1TOP2 MAJ1TOP3 MAJ1TOP4/
      MAC2=MAJ1VA11 MAJ2VA11 MAJ3VA11 MAJ4VA11
IF (MAC1 GE 10.0 AND MAC1 LE 11.9)MVALUEA=MAC2
END REPEAT
VALUE LABELS MVALUEA (0)Not implicated in opinion (1)Pro-inclusi
      veness (2)Anti-inclusiveness (8)Mixed (9)Unknown
```

The variable thus indicates whether value A is implicated anywhere in the majority opinion and, if so, whether the opinion supports or does not support the value.

The purpose of many of these variables is to derive a “marker” variable that indicates the presence of a particular value or topic. This is a common method of analysis whenever multiple response variables are employed. These marker variables can then be used in the analysis that follows.

A more complicated form of analysis is one that searches the multiple topics and values *within* opinion and creates a summary variable. For instance, let us suppose that one is interested in value conflict within cases. Two issues are of interest here. The first is whether the values implicated in the majority opinion are also represented in the dissent. The second is the degree to which there is value conflict when the values are represented in both opinions. For simplicity, we will assume that there is only a single majority opinion and a single dissent.

The first step in the analysis is to construct variables that summa-

rize the values in each of the two opinions. Because we wish to compare *each value*, we must construct a summary variable for all values for each opinion. This can be accomplished as follows:

```
DO REPEAT MAC1= MVALUEA MVALUEB MVALUEC MVALUED
MVALUEE
      MVALUEF MVALUEG MVALUEH MVALUEI MVALUEJ
      MVALUEK MVALUEL MVALUEM
COMPUTE MAC1=0
END REPEAT /*      This initializes each of the value variables at zero
                  — majority opinion
DO REPEAT MAC1= DVALUEA DVALUEB DVALUEC DVALUED
DVALUEE
      DVALUEF DVALUEG DVALUEH DVALUEI DVALUEJ
      DVALUEK DVALUEL DVALUEM
COMPUTE MAC1=0
END REPEAT /*      This initializes each of the value variables at zero
                  — dissenting opinion
```

Using the same logic as in the last example, then variables indicating how each of the values represented in the two opinions were treated can easily be constructed. A comparison of the majority opinion with the dissent on any given value then becomes a simple matter of a crosstabulation. Note there is one small problem here: the same value may be mentioned more than once *within an opinion*. This occurs fairly rarely and for simplicity we will simply take the last occurrence of the value.

### **Variable List: Values and Opinions**

MAJ1TOP1	MAJ1VA31	MAJ1FED2
MAJ1VA11	MAJ1VA32	MAJ1FED3
MAJ1VA12	MAJ1VA33	MAJ1FED4
MAJ1VA13	MAJ1VA34	MAJ1THLD
MAJ1VA14	MAJ1TOP4	MAJ1TH1
MAJ1TOP2	MAJ1VA41	MAJ1TH2
MAJ1VA21	MAJ1VA42	MAJ1TH3
MAJ1VA22	MAJ1VA43	MAJ1TH4
MAJ1VA23	MAJ1VA44	MAJ1AUT
MAJ1VA24	MAJ1FED	MAJ2TOP1
MAJ1TOP3	MAJ1FED1	MAJ2VA11

MAJ2VA12	JUD1VA31	CON1FED
MAJ2VA13	JUD1VA32	CON1FED1
MAJ2VA14	JUD1VA33	CON1FED2
MAJ2TOP2	JUD1VA34	CON1FED3
MAJ2VA21	JUD1TOP4	CON1FED4
MAJ2VA22	JUD1VA41	CON1THLD
MAJ2VA23	JUD1VA42	CON1TH1
MAJ2VA24	JUD1VA43	CON1TH2
MAJ2TOP3	JUD1VA44	CON1TH3
MAJ2VA31	JUD1FED	CON1TH4
MAJ2VA32	JUD1FED1	CON1AUT
MAJ2VA33	JUD1FED2	CON2TOP1
MAJ2VA34	JUD1FED3	CON2VA11
MAJ2TOP4	JUD1FED4	CON2VA12
MAJ2VA41	JUD1THLD	CON2VA13
MAJ2VA42	JUD1TH1	CON2VA14
MAJ2VA43	JUD1TH2	CON2TOP2
MAJ2VA44	JUD1TH3	CON2VA21
MAJ2FED	JUD1TH4	CON2VA22
MAJ2FED1	JUD1AUT	CON2VA23
MAJ2FED2	CON1TOP1	CON2VA24
MAJ2FED3	CON1VA11	CON2TOP3
MAJ2FED4	CON1VA12	CON2VA31
MAJ2THLD	CON1VA13	CON2VA32
MAJ2TH1	CON1VA14	CON2VA33
MAJ2TH2	CON1TOP2	CON2VA34
MAJ2TH3	CON1VA21	CON2TOP4
MAJ2TH4	CON1VA22	CON2VA41
MAJ2AUT	CON1VA23	CON2VA42
JUD1TOP1	CON1VA24	CON2VA43
JUD1VA11	CON1TOP3	CON2VA44
JUD1VA12	CON1VA31	CON2FED
JUD1VA13	CON1VA32	CON2FED1
JUD1VA14	CON1VA33	CON2FED2
JUD1TOP2	CON1VA34	CON2FED3
JUD1VA21	CON1TOP4	CON2FED4
JUD1VA22	CON1VA41	CON2THLD
JUD1VA23	CON1VA42	CON2TH1
JUD1VA24	CON1VA43	CON2TH2
JUD1TOP3	CON1VA44	CON2TH3

CON2TH4	CON4VA22	CON5VA41
CON2AUT	CON4VA23	CON5VA42
CON3TOP1	CON4VA24	CON5VA43
CON3VA11	CON4TOP3	CON5VA44
CON3VA12	CON4VA31	CON5FED
CON3VA13	CON4VA32	CON5FED1
CON3VA14	CON4VA33	CON5FED2
CON3TOP2	CON4VA34	CON5FED3
CON3VA21	CON4TOP4	CON5FED4
CON3VA22	CON4VA41	CON5THLD
CON3VA23	CON4VA42	CON5TH1
CON3VA24	CON4VA43	CON5TH2
CON3TOP3	CON4VA44	CON5TH3
CON3VA31	CON4FED	CON5TH4
CON3VA32	CON4FED1	CON5AUT
CON3VA33	CON4FED2	CON6TOP1
CON3VA34	CON4FED3	CON6VA11
CON3TOP4	CON4FED4	CON6VA12
CON3VA41	CON4THLD	CON6VA13
CON3VA42	CON4TH1	CON6VA14
CON3VA43	CON4TH2	CON6TOP2
CON3VA44	CON4TH3	CON6VA21
CON3FED	CON4TH4	CON6VA22
CON3FED1	CON4AUT	CON6VA23
CON3FED2	CON5TOP1	CON6VA24
CON3FED3	CON5VA11	CON6TOP3
CON3FED4	CON5VA12	CON6VA31
CON3THLD	CON5VA13	CON6VA32
CON3TH1	CON5VA14	CON6VA33
CON3TH2	CON5TOP2	CON6VA34
CON3TH3	CON5VA21	CON6TOP4
CON3TH4	CON5VA22	CON6VA41
CON3AUT	CON5VA23	CON6VA42
CON4TOP1	CON5VA24	CON6VA43
CON4VA11	CON5TOP3	CON6VA44
CON4VA12	CON5VA31	CON6FED
CON4VA13	CON5VA32	CON6FED1
CON4VA14	CON5VA33	CON6FED2
CON4TOP2	CON5VA34	CON6FED3
CON4VA21	CON5TOP4	CON6FED4

CON6THLD	DIS1AUT	DIS3VA22
CON6TH1	DIS2TOP1	DIS3VA23
CON6TH2	DIS2VA11	DIS3VA24
CON6TH3	DIS2VA12	DIS3TOP3
CON6TH4	DIS2VA13	DIS3VA31
CON6AUT	DIS2VA14	DIS3VA32
CNO1AUT	DIS2TOP2	DIS3VA33
CNO2AUT	DIS2VA21	DIS3VA34
CNO3AUT	DIS2VA22	DIS3TOP4
DIS1TOP1	DIS2VA23	DIS3VA41
DIS1VA11	DIS2VA24	DIS3VA42
DIS1VA12	DIS2TOP3	DIS3VA43
DIS1VA13	DIS2VA31	DIS3VA44
DIS1VA14	DIS2VA32	DIS3FED
DIS1TOP2	DIS2VA33	DIS3FED1
DIS1VA21	DIS2VA34	DIS3FED2
DIS1VA22	DIS2TOP4	DIS3FED3
DIS1VA23	DIS2VA41	DIS3FED4
DIS1VA24	DIS2VA42	DIS3THLD
DIS1TOP3	DIS2VA43	DIS3TH1
DIS1VA31	DIS2VA44	DIS3TH2
DIS1VA32	DIS2FED	DIS3TH3
DIS1VA33	DIS2FED1	DIS3TH4
DIS1VA34	DIS2FED2	DIS3AUT
DIS1TOP4	DIS2FED3	DIS4TOP1
DIS1VA41	DIS2FED4	DIS4VA11
DIS1VA42	DIS2THLD	DIS4VA12
DIS1VA43	DIS2TH1	DIS4VA13
DIS1VA44	DIS2TH2	DIS4VA14
DIS1FED	DIS2TH3	DIS4TOP2
DIS1FED1	DIS2TH4	DIS4VA21
DIS1FED2	DIS2AUT	DIS4VA22
DIS1FED3	DIS3TOP1	DIS4VA23
DIS1FED4	DIS3VA11	DIS4VA24
DIS1THLD	DIS3VA12	DIS4TOP3
DIS1TH1	DIS3VA13	DIS4VA31
DIS1TH2	DIS3VA14	DIS4VA32
DIS1TH3	DIS3TOP2	DIS4VA33
DIS1TH4	DIS3VA21	DIS4VA34

DIS4TOP4	DDC1VA44	DDC2TH2
DIS4VA41	DDC1FED	DDC2TH3
DIS4VA42	DDC1FED1	DDC2TH4
DIS4VA43	DDC1FED2	DDC2AUT
DIS4VA44	DDC1FED3	MIX1TOP1
DIS4FED	DDC1FED4	MIX1VA11
DIS4FED1	DDC1THLD	MIX1VA12
DIS4FED2	DDC1TH1	MIX1VA13
DIS4FED3	DDC1TH2	MIX1VA14
DIS4FED4	DDC1TH3	MIX1TOP2
DIS4THLD	DDC1TH4	MIX1VA21
DIS4TH1	DDC1AUT	MIX1VA22
DIS4TH2	DDC2TOP1	MIX1VA23
DIS4TH3	DDC2VA11	MIX1VA24
DIS4TH4	DDC2VA12	MIX1TOP3
DIS4AUT	DDC2VA13	MIX1VA31
DNO1AUT	DDC2VA14	MIX1VA32
DNO2AUT	DDC2TOP2	MIX1VA33
DNO3AUT	DDC2VA21	MIX1VA34
DNO4AUT	DDC2VA22	MIX1TOP4
DDC1TOP1	DDC2VA23	MIX1VA41
DDC1VA11	DDC2VA24	MIX1VA42
DDC1VA12	DDC2TOP3	MIX1VA43
DDC1VA13	DDC2VA31	MIX1VA44
DDC1VA14	DDC2VA32	MIX1FED
DDC1TOP2	DDC2VA33	MIX1FED1
DDC1VA21	DDC2VA34	MIX1FED2
DDC1VA22	DDC2TOP4	MIX1FED3
DDC1VA23	DDC2VA41	MIX1FED4
DDC1VA24	DDC2VA42	MIX1THLD
DDC1TOP3	DDC2VA43	MIX1TH1
DDC1VA31	DDC2VA44	MIX1TH2
DDC1VA32	DDC2FED	MIX1TH3
DDC1VA33	DDC2FED1	MIX1TH4
DDC1VA34	DDC2FED2	MIX1AUT
DDC1TOP4	DDC2FED3	MIX2TOP1
DDC1VA41	DDC2FED4	MIX2VA11
DDC1VA42	DDC2THLD	MIX2VA12
DDC1VA43	DDC2TH1	MIX2VA13

MIX2VA14	MIX3VA32	MIX4FED
MIX2TOP2	MIX3VA33	MIX4FED1
MIX2VA21	MIX3VA34	MIX4FED2
MIX2VA22	MIX3TOP4	MIX4FED3
MIX2VA23	MIX3VA41	MIX4FED4
MIX2VA24	MIX3VA42	MIX4THLD
MIX2TOP3	MIX3VA43	MIX4TH1
MIX2VA31	MIX3VA44	MIX4TH2
MIX2VA32	MIX3FED	MIX4TH3
MIX2VA33	MIX3FED1	MIX4TH4
MIX2VA34	MIX3FED2	MIX4AUT
MIX2TOP4	MIX3FED3	MIX5TOP1
MIX2VA41	MIX3FED4	MIX5VA11
MIX2VA42	MIX3THLD	MIX5VA12
MIX2VA43	MIX3TH1	MIX5VA13
MIX2VA44	MIX3TH2	MIX5VA14
MIX2FED	MIX3TH3	MIX5TOP2
MIX2FED1	MIX3TH4	MIX5VA21
MIX2FED2	MIX3AUT	MIX5VA22
MIX2FED3	MIX4TOP1	MIX5VA23
MIX2FED4	MIX4VA11	MIX5VA24
MIX2THLD	MIX4VA12	MIX5TOP3
MIX2TH1	MIX4VA13	MIX5VA31
MIX2TH2	MIX4VA14	MIX5VA32
MIX2TH3	MIX4TOP2	MIX5VA33
MIX2TH4	MIX4VA21	MIX5VA34
MIX2AUT	MIX4VA22	MIX5TOP4
MIX3TOP1	MIX4VA23	MIX5VA41
MIX3VA11	MIX4VA24	MIX5VA42
MIX3VA12	MIX4TOP3	MIX5VA43
MIX3VA13	MIX4VA31	MIX5VA44
MIX3VA14	MIX4VA32	MIX5FED
MIX3TOP2	MIX4VA33	MIX5FED1
MIX3VA21	MIX4VA34	MIX5FED2
MIX3VA22	MIX4TOP4	MIX5FED3
MIX3VA23	MIX4VA41	MIX5FED4
MIX3VA24	MIX4VA42	MIX5THLD
MIX3TOP3	MIX4VA43	MIX5TH1
MIX3VA31	MIX4VA44	MIX5TH2

MIX5TH3	J1KVAL	C3KVAL
MIX5TH4	J1LVAL	C3LVAL
MIX5AUT	J1MVAL	C3MVAL
M1AVAL	C1AVAL	C4AVAL
M1BVAL	C1BVAL	C4BVAL
M1CVAL	C1CVAL	C4CVAL
M1DVAL	C1DVAL	C4DVAL
M1EVAL	C1EVAL	C4EVAL
M1FVAL	C1FVAL	C4FVAL
M1GVAL	C1GVAL	C4GVAL
M1HVAL	C1HVAL	C4HVAL
M1IVAL	C1IVAL	C4IVAL
M1JVAL	C1JVAL	C4JVAL
M1KVAL	C1KVAL	C4KVAL
M1LVAL	C1LVAL	C4LVAL
M1MVAL	C1MVAL	C4MVAL
M2AVAL	C2AVAL	C5AVAL
M2BVAL	C2BVAL	C5BVAL
M2CVAL	C2CVAL	C5CVAL
M2DVAL	C2DVAL	C5DVAL
M2EVAL	C2EVAL	C5EVAL
M2FVAL	C2FVAL	C5FVAL
M2GVAL	C2GVAL	C5GVAL
M2HVAL	C2HVAL	C5HVAL
M2IVAL	C2IVAL	C5IVAL
M2JVAL	C2JVAL	C5JVAL
M2KVAL	C2KVAL	C5KVAL
M2LVAL	C2LVAL	C5LVAL
M2MVAL	C2MVAL	C5MVAL
J1AVAL	C3AVAL	C6AVAL
J1BVAL	C3BVAL	C6BVAL
J1CVAL	C3CVAL	C6CVAL
J1DVAL	C3DVAL	C6DVAL
J1EVAL	C3EVAL	C6EVAL
J1FVAL	C3FVAL	C6FVAL
J1GVAL	C3GVAL	C6GVAL
J1HVAL	C3HVAL	C6HVAL
J1IVAL	C3IVAL	C6IVAL
J1JVAL	C3JVAL	C6JVAL



C6KVAL	D3KVAL	Z2KVAL
C6LVAL	D3LVAL	Z2LVAL
C6MVAL	D3MVAL	Z2MVAL
D1AVAL	D4AVAL	X1AVAL
D1BVAL	D4BVAL	X1BVAL
D1CVAL	D4CVAL	X1CVAL
D1DVAL	D4DVAL	X1DVAL
D1EVAL	D4EVAL	X1EVAL
D1FVAL	D4FVAL	X1FVAL
D1GVAL	D4GVAL	X1GVAL
D1HVAL	D4HVAL	X1HVAL
D1IVAL	D4IVAL	X1IVAL
D1JVAL	D4JVAL	X1JVAL
D1KVAL	D4KVAL	X1KVAL
D1LVAL	D4LVAL	X1LVAL
D1MVAL	D4MVAL	X1MVAL
D2AVAL	Z1AVAL	X2AVAL
D2BVAL	Z1BVAL	X2BVAL
D2CVAL	Z1CVAL	X2CVAL
D2DVAL	Z1DVAL	X2DVAL
D2EVAL	Z1EVAL	X2EVAL
D2FVAL	Z1FVAL	X2FVAL
D2GVAL	Z1GVAL	X2GVAL
D2HVAL	Z1HVAL	X2HVAL
D2IVAL	Z1IVAL	X2IVAL
D2JVAL	Z1JVAL	X2JVAL
D2KVAL	Z1KVAL	X2KVAL
D2LVAL	Z1LVAL	X2LVAL
D2MVAL	Z1MVAL	X2MVAL
D3AVAL	Z2AVAL	X3AVAL
D3BVAL	Z2BVAL	X3BVAL
D3CVAL	Z2CVAL	X3CVAL
D3DVAL	Z2DVAL	X3DVAL
D3EVAL	Z2EVAL	X3EVAL
D3FVAL	Z2FVAL	X3FVAL
D3GVAL	Z2GVAL	X3GVAL
D3HVAL	Z2HVAL	X3HVAL
D3IVAL	Z2IVAL	X3IVAL
D3JVAL	Z2JVAL	X3JVAL

X3KVAL  
X3LVAL  
X3MVAL  
X4AVAL  
X4BVAL  
X4CVAL  
X4DVAL  
X4EVAL  
X4FVAL  
X4GVAL  
X4HVAL  
X4IVAL  
X4JVAL  
X4KVAL  
X4LVAL  
X4MVAL  
X5AVAL  
X5BVAL  
X5CVAL  
X5DVAL  
X5EVAL  
X5FVAL  
X5GVAL  
X5HVAL  
X5IVAL  
X5JVAL  
X5KVAL  
X5LVAL  
X5MVAL

## **Chapter Four**

### **Parties to the Litigation**

It may be helpful for understanding the structure of the parties variables to have an overview of their content. First, information is coded about the petitioners (variable names typically ending with PETIT, PET1 or PET2) and the respondents (RESP, RES1, or RES2). For each type of litigant there is a series of variable characterizing *all* of the litigants. For petitioners, these variables range from CLAPETIT to DKPETIT (for respondents, they are CLARESP to DKRESP). There is also a set of variables describing the attributes of the first litigant and second litigant for each type of litigant. For the petitioners, these range from CLAPET1 (CLAPET2) to INDPET1 (INDPET2). For the respondents, the variables are CLARES1 (CLARES2) to INDRES1 (INDRES2). There is obviously meant to be some correspondence between the variables characterizing all litigants and the variables characterizing the first two litigants of the litigant type.

#### **Reliability and Consistency in the Parties Data**

Unlike the other major portions of the database, the parties data have undergone substantial recoding after the original coding process. There were many corrections to the parties data, but the coding problems were mainly due to coder inattentiveness to the use of missing values codes. We earlier decided that on variables indicating the presence or absence of some attribute (e.g., type of party), the blank codes would be recoded to “no indication.” This sounds simple, but there were a number of technical problems that made this a major undertaking. It now has been accomplished, although I have only moderate confidence that each of the many sets of data was properly recoded.

The parties data had major problems of inconsistency. Most of these could perhaps not be thought of as substantive. For example, the variables describing the second party have a code meaning “there is no second party in this case.” This code was not reliably or consistently used by the coders. Thus, in this and other instances, we decided to force consistency on the data set.

The stages of the forced consistency process were as follows:

- 1) The variables with the highest likelihood of being accurate are

the general and specific type of parties. This is true because the coder does much more than make a simple judgment about whether something occurs in the opinion. The codes reflect a general categorization of a specific party, as well as a much more specific designation of the type of party. Thus, I assumed that these two variables could serve as generally reliable benchmarks.

Consequently, I focused first on reconciling four sets of variables: GTYPPET1—STYPPET1; GTYPPET2—STYPPET2; GTYPRES1--STYPRES1; and GTYPRES2—STYPRES2. This reconciliation was *not* done through the forced consistency method. Instead, each inconsistent case was examined and recoded as necessary. This cleaning process adds confidence to the use of the variable as a benchmark, although literally hundreds of individual changes were implemented.

2) The next reconciliation step involves the number of petitioners and number of respondents. Through an examination of each instance of inconsistency, NPETIT was reconciled with GTYPPET1 and GTYPPET2, and NRESP was reconciled with GTYPRES1 and GTYPRES2. This means that the number of petitioners and number of respondents in the case gained credence. Again, something on the order of one hundred inconsistencies were corrected, largely on the basis of the examination of individual cases.

The number of parties variables were also checked against the variables describing all of the parties in the case. That is, the variables NATPETIT, BUSPETIT, etc., represent a set of characterizations of *all* of the parties in the case. The set of variables is mutually exclusive in the sense that a single party cannot have a “yes” code to more than one of the variables. This cleaning step does not help with cases coded as having more than a single petitioner/respondent, of course. But where NPETIT or NRESP = 1, not more than a single one of these variables should be coded “yes.” This reconciliation was done by individual case examination and recoding as appropriate, and a large number of changes was made.

3) Natural Persons: The variable GTYP is assumed to describe the parties accurately. Therefore, it was used to create a code indicating “this variable is irrelevant because the party is not a natural person.” This code is used on the variables describing the individual petitioners/respondents. This was a forced reconciliation.

4) Similarly, there was a forced reconciliation on the set of variables describing the second petitioner/respondent in the case. On the

basis of NPETIT/NRESP, codes were created indicating that the second party variables are irrelevant because there was only a single petitioner/respondent in the case.

5) A more difficult reconciliation involves the comparison of the variables characterizing all parties with those characterizing the first and second parties. I assumed that if one of the specific parties was a business, then the general variable indicating whether a business was involved in the case should be coded “yes.” This involved reviewing individual cases and making corrections as appropriate.

I should note that these various processes have resulted in correcting literally hundreds of errors. Note also that there are clear limits to this sort of internal consistency checking. Some types of coding errors can be caught and corrected; others, however, cannot be caught.

Although there was a formal reliability re-coding, I have concluded that *no formal reliability analysis can fruitfully be conducted*. There are several reasons for this conclusion.

(1) *Both* the primary and reliability data sets were riddled with errors. These errors were of both a systematic and random nature. Some were relatively trivial (e.g., how to code “not applicable” versus “not available”), but others were not (e.g., inconsistency between the general and specific nature of the parties). The large amount of cleaning that was necessary means that a formal reliability test would systematically over-estimate the true reliability of the data.

(2) Many changes in the data set were done via systematic recodes (i.e., were not based on examination and correction of individual cases). As a consequence, high reliability was *created* through the cleaning process, for both the primary and the reliability data. It makes no sense to me to report these reliability coefficients.

(3) The reliability data, like the other data sets, suffered from the same problem of uncleanness.

(4) Unlike the other data sets, so much cleaning was necessary, necessitating so many changes in the codes of individual cases, that I no longer have any idea about how to understand the reliability statistics. The coded data set simply differs too much from the cleaned data set.

You may wish to look at the relationship between the Spaeth and this codings of parties. This is not exactly appropriate because this coding splits nominal identity and role of the party into two variables, whereas the Spaeth coding is sort of an amalgamation of the two. Moreover, in the instance of multiple petitioners, it is not clear which petitioner or respondent was coded in the Spaeth codes. Presumably, the first petitioner was coded in the Spaeth data, however, this cannot be documented. Nonetheless, the comparison is revealing. Try the following:

TEMPORARY

SELECT IF (GTYPPET1 EQ 1 AND NPETIT EQ 1)

*These are from the Parties variables.*

FREQUENCIES VARI=PTYONE

*PTYONE is a Spaeth variable.*

This compares the parties coding “the petitioner is a natural person” (and there is only one petitioner) with the Spaeth coding. You will find in this some fairly obvious instances in which there is incompatibility.

You should also examine the relationship between the type of party and the role of the party in the parties data, as in, for example, CROSS-TABS TABLES=ROLPET1 BY STYPPET1, GTYPPET1. These are large crosstabs but they are revealing. You can also crosstab the parties role variable with Spaeth's parties variable to get some indication of the interrelationship. You might also want to try to confirm the coding of the appearance of the Solicitor General, as coded in FEDPETIT and FEDRESP. Because this variable has a difference structure than the rest of the general variables (i.e., its valid codes are 1, 2, and 3, not just 1 and 2) I have discovered more error in it than average.

**Codebook**

[NPETIT]      NUMBER OF PETITIONERS

1. How many petitioners are identified in the opinion?

-----

- 1. case not coded on parties variables
  - 1. only one party
  - 2. two or more parties
  - 9. not available/not coded

[CLAPETIT]      CLASS STATUS (PETITIONERS)

2. Did the Court identify a party as representing a class of litigants or did the party claim to represent a class of litigants in a formal class action suit?

-----

- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*Coding Instructions:* The coders are to indicate class status based on a close reading of the text of the opinion. They are to indicate “yes” only when the court referred to a litigant as a certified class or where references were made to a party claiming to represent a certified class.

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case. Note that any type of litigant can be involved in a class action.

-----

[NATPETIT] NATURAL PERSON (PETITIONER)

3. Is there an indication in the opinion of whether any party is an individual and is not a representative of one of the other categories (e.g. a company president or government official).

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----

[BUSPETIT] PRIVATE BUSINESS (PETITIONER)

4. Is there an indication in the opinion of whether any party is an organization, incorporated or unincorporated, whose purpose is to make a profit and is not a tied to a governmental unit.

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.



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[NPPETIT] PRIVATE NON-PROFIT ORGANIZATION (PETITIONER)

5. Is there an indication in the opinion of whether any party is an organization, incorporated or unincorporated, whose purpose is not tied to making a profit and is not part of a governmental unit.

- 
- 1. case not coded on parties variables
    - 1. Yes
    - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

---

[FEDPETIT] FEDERAL GOVERNMENT (PETITIONER)

6. Is there an indication in the opinion of whether any party is a federal government agency, corporation (e.g. U.S. Postal Service), or official representing the federal government (e.g. Secretary of State).

- 
- 1. case not coded on parties variables
    - 1. Yes, solicitor general's office does not represent party
    - 2. Yes, solicitor general's office does represent party
    - 3. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with

an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

*Coding Instructions:* The District of Columbia is coded as a federal agency in this variable and as a “sub-state government” in “General Nature of the Party (Petitioner)” (see below)

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[STAPETIT] STATE GOVERNMENT (PETITIONER)

7. Is there an indication in the opinion of whether any party is a state government agency, corporation, or official representing a state government?

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

---

[LOCPETIT] SUB-STATE GOVERNMENT (PETITIONER)

8. Is there an indication in the opinion of whether any party is a sub-state government agency, corporation, or official representing a sub-state government?

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----  
[OTHPETIT] OTHER PARTY

9. Is there an indication in the opinion that any party does not meet criteria for the above listed categories?

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----  
[DKPETIT] PARTY NOT ASCERTAINABLE (PETITIONER)

10. Was any party not sufficiently identified in the text of the Supreme Court decision to classify it in one of the parties listed above?

- 
- 1. case not coded on parties variables
  - 1. Yes -- one or more parties not ascertainable
  - 2. No -- all parties ascertainable

*User Instructions:* Note that the following systematic recode was applied to this variable:

IF (NPETIT EQ 9) DKPETIT=1

.....

[CLAPET1] CLASS STATUS (FIRST PETITIONER)

11. Is there an indication in the opinion of whether first petitioner is or claims to represent a certified class of litigants?

-----

- 1. case not coded on parties variables
  - 1. Mentioned in the opinion
  - 2. Class status not mentioned by the Court

*Coding Instructions:* The coders are to indicate class status based on a close reading of the text of the opinion. They are to indicate “yes” only when the court referred to a litigant as a certified class or where references were made to a party claiming to represent a certified class.

-----  
[GTYPPE1] GENERAL NATURE OF THE PARTY (FIRST PETITIONER)

12. Is there an indication in the opinion of the general classification of the first petitioner in the case? If so, what category applies to the first petitioner?

-----

- 1. case not coded on parties variables
  - 1. Natural Person
  - 2. Private Business
  - 3. Private Non-Profit Organization
  - 4. Federal Government (except District of Columbia)
  - 5. State Government
  - 6. Sub-state Government (e.g. county, municipal, special or district) or District of Columbia
  - 7. Government -- Level not ascertainable

- 8. Other category (includes Indian Tribes, Foreign Governments)
- 98. Unclear/not ascertainable

---

[STYPPET1] SPECIFIC NATURE OF THE PARTY (FIRST PETITIONER)

13. Is there an indication in the opinion of the specific categories of parties?

- 
- 1. case not coded on parties variables
  - 100. Natural Person
  - 1000's. Private Business Categories (See list 1)
  - 2000's. Private Non-Profit Organizations (See list 2)
  - 3000's. Federal Government Agencies (see list 3)
  - 4000's. State and Sub-state Government Agencies
  - 7000's. Other Category
  - 9998. Not ascertainable

*Coding Instructions:* If a private business is highly diversified across categories e.g. General Motors) and the litigation does not concern an area that is clearly identifiable, then the litigant is to be classified as "1199 -- Other, Unclassifiable." Thus, if the litigant were Exxon and the litigation concerned a complaint by a stockholder suing the company over a corporate matter, then Exxon would be classified as 1199. On the other hand, if the company were involved in a suit concerning its oil drilling operation it would be classified as "1115 -- Mining" or if the suit involved its sale of gasoline it would be classified as "1150 -- Trade - Wholesale and Retail."

---

[ROLPET1] ROLE OF PARTY (FIRST PETITIONER)

14. Is there an indication in the opinion of what legal role the first petitioner is assuming in the litigation?

- 
- 1. case not coded on parties variables

**Criminal Prosecution: Criminal and Civil Institutionalization**

- 101. Defendant/prisoner (all circumstances)
- 102. Prosecutor (Local or state, not U.S. or State Attorney General)
- 103. Prison Authority (institution or warden)
- 104. Person seeking to avoid or end civil institution
- 105. Person claiming involvement in protest (includes conscientious objectors and civil disobedience)
- 106. Judge
- 107. Witness in trial court
- 108. Witness before grand jury
- 109. Police officer/prison guard
- 110. Advocate for State of \_\_\_\_ or U. S. Government
- 119. Unclear or other criminal justice role

**Family and Estate**

- 201. Spouse
- 202. Domestic partner (common law spouse, live-in)
- 203. Former domestic partner (separated, divorced, split-up)
- 204. Parent or guardian, mother, father
- 205. Child or ward - not student in school related case
- 206. Trustee, executor, fiduciary of an estate
- 207. Other relative claimant to estate or trust - heir
- 208. Non-family claimant to estate or trust
- 209. Other family and estate role

**Real Property**

- 210. Government owner or claimant of ownership in possession (not a boundary dispute)
- 211. Private owner or claimant of ownership in possession
- 212. Government as land regulator, condemnor (zoning)
- 213. Tenant or user without claim of ownership
- 214. Other property role

**Contract: Sale, License, Franchise, Employment**

- 220. Buyer
- 221. Seller
- 222. Employer (or agent) (non-government)
- 223. Employee (or applicant), union, retiree (non-government)

- 224. Other contractual role: insurer, insured, franchiser, franchisee, etc.
- 225. Employer/Contractor (injury case)
- 226. Employee/Contractee (injury case)

Debt Collection and Credit (Private, not Government)

- 230. Other debt collection or credit relationship role (except 231-235)
- 231. Debtor
- 232. Creditor
- 233. Bankrupt
- 234. Third party buyer, garnishee, conveyee of debtor's property
- 235. Receiver, trustee in bankruptcy, assignee for the benefit of creditors

Tort/Injuries Between Private Parties (includes wrongful death and libel)

- 240. Plaintiff
- 241. Defendant
- 242. Insurer

Corporate Finance, Acquisition, Merger

- 250. Stockholder, bondholder, partner holding a minority interest
- 251. Management; Board of Directors, Corporation, dominant shareholders, partner holding majority interest
- 252. Company or individuals attempting a takeover or merger
- 253. Other role in corporate legal matters

Regulation of Business

- 300. Alleged violator of market practice, safety regulation, health, FLSA, environmental regulation, public accommodations, copyright, patent
- 301. Injured or aggrieved competitor, copyright holder/patent holder, buyer, worker, or citizen (public accommodations)
- 302. Applicant for a license or rate increase - read narrowly
- 303. Trade or professional association in quasi-government role of regulation
- 304. Government as regulator - includes tax related matters (e.g. sales/excise tax collection by private business)
- 305. Other role in corporate finance or regulation of business

**General Public Law (Except Criminal Justice)**

- 310. Government (as target of right/benefits claim, tax collector, employer)
- 311. Civil Rights/Constitutional rights claimant (except criminal justice)
- 312. Taxpayer/(Exempt Status)
- 313. Claimant of government benefits (medical, unemployment, welfare)
- 314. Politician - candidate for public office or political party office
- 315. Political office holder acting in official capacity (e.g. Senator suing in official capacity)
- 316. Tort claimant - Non-employee
- 317. Whistleblower
- 318. Government employee (other than whistleblower)
- 319. Military draftee
- 320. Military veteran
- 321. Alien or applicant for citizenship
- 322. Public interest group (formal or informal)
- 323. Other public law role

**Miscellaneous Dispute Roles**

- 401. Student (as a role, e.g. in a due process case)
- 402. School (in relation to 401)
- 403. Union member (as a role, e.g. duty of fair representation)
- 404. Union (in relation to 403)
- 405. Judge
- 406. Other
  
- 998. Not ascertainable

*Coding Instructions:*

1. In deciding about how to classify the first petitioner, coders must consider “Why is this particular party in court?” and “What is the relationship between these parties?”
2. As a general matter, classification of petitioners and respondents did not cross categories — e.g. both petitioners and respondents were classified as being in the 100's, 200's, 300's, or 400's. The exceptions to this rule usually involved the government becoming



- involved in a case as a civil litigant in family or estate matters.
3. On some occasions, the litigation actually involves issues concerning the role of the parties. In such cases, coders must base their decisions on the position of the party as to what they believed or maintained their role to be in the litigation.

---

[RACPET1] RACE OF PARTY (FIRST PETITIONER)

15. For natural persons, is there an indication in the opinion of whether the race of the individual was mentioned by the court and the appropriate classification?

- 
- 1. case not coded on parties variables
    - 1. Black
    - 2. Hispanic, Puerto Rican, Mexican American
    - 3. Oriental or Asian
    - 4. Other Non-White
    - 5. Mixed Race -- White and minority
    - 6. White
    - 7. Native American, American Indian
    - 8. Non-white minority, specific race not ascertainable
  - 97. Party not a natural person
  - 98. Race not mentioned by the court

*Coding Instructions:* Race should be coded only with the specific mention by the Court, not on the basis of name or original location of the suit.

---

[SEXPET1] SEX OF THE PARTY (FIRST PETITIONER)

16. For natural persons, is there an indication in the opinion of the sex of the first petitioner?

- 
- 1. Case not coded on parties variables
    - 1. Female
    - 2. Male
  - 7. Party not a natural person
  - 8. Sex not mentioned by the Court

*Coding Instructions:* Sex should be coded only with the specific mention of the Court (including pronouns), not on the basis of name or nature of the litigation

---

[DISPET1] MENTAL OR PHYSICAL DISABILITY (FIRST PETITIONER)

17. For natural persons, is there an indication in the opinion of whether the first petitioner has a mental or physical disability or whether such a disability is claimed by the first petitioner?

- 
- 1. Case not coded on parties variables
  - 1. Mentioned in the opinion
  - 7. Party not a natural person
  - 8. Disability not mentioned by the Court

*Coding Instructions:* Disability should be coded only with the specific mention of the Court

---

[AGEPET1 AGE OF PARTY] (FIRST PETITIONER)

18. For natural persons, the age of the first petitioner as indicated by the Court?

- 
- 1. Case not coded on parties variables
  - XX. Actual age of the first petitioner (0 - 89 years)
  - 97. Party not a natural person
  - 98. Age not mentioned by the Court

*Coding Instructions:* Age should be coded only with the specific mention of the Court

[MINPET1] MINORITY (AGE) STATUS (FIRST PETITIONER)

19. For natural persons, is there an indication in the opinion that

first petitioner was a minor in the context of this litigation?

-----

- 1. Case not coded on parties variables
- 1. Mentioned in the opinion
- 7. Party not a natural person
- 8. Minority status not mentioned by the Court

*Coding Instructions:* Minority status should be coded only with the specific mention of the Court

-----

[ALIPET1] ALIEN STATUS (FIRST PETITIONER)

20. For natural persons, is there an indication in the opinion that first petitioner was an alien (e.g. not a U.S. citizen)?

-----

- 1. Case not coded on parties variables
- 1. Mentioned in the opinion
- 7. Party not a natural person
- 8. Alien status not mentioned by the Court

*Coding Instructions:*

1. Alien status should be coded only with the specific mention of the Court.
  2. Naturalized citizens are not to be coded as aliens
  3. If first petitioner's citizenship was disputed, then the claim of the first petitioner should be coded
- 

[INDPET1] INDIGENCY STATUS (FIRST PETITIONER)

21. For natural persons, is there an indication in the opinion that first petitioner was considered indigent during the litigation?

-----

- 1. Case not coded on parties variables
- 1. Mentioned in the opinion
- 7. Party not a natural person
- 8. Indigency status not mentioned by the Court

*Coding Instructions:* Indigency status should be coded with specific mention of the Court OR with indication that first petitioner had a court appointed attorney after petitioning the court for such representation

---

[OTHPARTY] OTHER PARTIES NOT CODED

22. Are there other parties (petitioners or respondents) who were not coded in the “specific nature of party” codes (e.g., more than two petitioners or more than two respondents who differed on at least one variable)?

---

- 1. case not coded on parties variables
  - 1. Yes - some petitioners or respondents none coded
  - 2. No - all parties coded
- 

[CLAPET2] CLASS STATUS (SECOND PETITIONER)

23. Is there an indication in the opinion of whether second petitioner is or claims to represent a certified class of litigants?

---

- 1. case not coded on parties variables
- 0. No Second Petitioner
- 1. Mentioned in the opinion
- 2. Class status not mentioned by the Court

*Coding Instructions:* The coders are to indicate class status based on a close reading of the text of the opinion. They are to indicate “yes” only when the court referred to a litigant as a certified class or where references were made to a party claiming to represent a certified class.

---

[GTYP PET2] GENERAL NATURE OF THE PARTY (SECOND PETITIONER)

24. Is there an indication in the opinion of the general classification of the second petitioner in the case? If so, what category applies to the first petitioner?

- 
- 1. case not coded on parties variables
  - 0. No Second Petitioner
  - 1. Natural Person
  - 2. Private Business
  - 3. Private Non-Profit Organization
  - 4. Federal Government (except District of Columbia)
  - 5. State Government
  - 6. Sub-state Government (e.g. county, municipal, special district) or District of Columbia
  - 7. Government -- Level not ascertainable
  - 8. Other category (includes Indian Tribes, Foreign Governments)
  - 98. Unclear/not ascertainable

-----

[STYP PET2] SPECIFIC NATURE OF THE PARTY (SECOND PETITIONER)

25. Is there an indication in the opinion of the specific categories of parties

- 
- 1. case not coded on parties variables
  - 0. No Second Petitioner
  - 100. Natural Person
  - 2000's. Private Non-Profit Organizations (See list 2)
  - 3000's. Federal Government Agencies (see list 3)
  - 4000's. State and Sub-state Government Agencies
  - 7000's. Other Category
  - 9998. Not ascertainable

*Coding Instructions:* If a private business is highly diversified across categories e.g. General Motors) and the litigation does not concern an area that is clearly identifiable, then the litigant is to be classified as “1199 — Other, Unclassifiable.” Thus, if the litigant were Exxon and the litigation concerned a complaint by a stockholder suing the company over a corporate matter, then Exxon would be classified as 1199. On the other hand, if the company were involved in a suit concerning its oil drilling operation it would be classified as “1115 — Mining” or if the suit involved its sale of gasoline it would be classified as “1150 — Trade - Wholesale and Retail.”

---

[ROLPET2] ROLE OF PARTY (SECOND PETITIONER)

26. Is there an indication in the opinion of what legal role the second petitioner is assuming in the litigation?

- 
- 1. case not coded on parties variables
  - 0. No Second Petitioner

Criminal Prosecution: Criminal and Civil Institutionalization

- 101. Defendant/prisoner (all circumstances)
- 102. Prosecutor (Local or state, not U.S. or State Attorney General)
- 103. Prison Authority (institution or warden)
- 104. Person seeking to avoid or end civil institution
- 105. Person claiming involvement in protest (includes conscientious objectors and civil disobedience)
- 106. Judge
- 107. Witness in trial court
- 108. Witness before grand jury
- 109. Police officer/prison guard
- 110. Advocate for State of \_\_\_\_ or U. S. Government
- 119. Unclear or other criminal justice role

Family and Estate

- 201. Spouse
- 202. Domestic partner (common law spouse, live-in)
- 203. Former domestic partner (separated, divorced, split-up)
- 204. Parent or guardian, mother, father

- 205. Child or ward - not student in school related case
- 206. Trustee, executor, fiduciary of an estate
- 207. Other relative claimant to estate or trust - heir
- 208. Non-family claimant to estate or trust
- 209. Other family and estate role

Real Property

- 210. Government owner or claimant of ownership in possession (not a boundary dispute)
- 211. Private owner or claimant of ownership in possession
- 212. Government as land regulator, condemnor (zoning)
- 213. Tenant or user without claim of ownership
- 214. Other property role

Contract: Sale, License, Franchise, Employment

- 220. Buyer
- 221. Seller
- 222. Employer (or agent) (non-government)
- 223. Employee (or applicant), union, retiree (non- government)
- 224. Other contractual role: insurer, insured, franchiser, franchisee, etc.
- 225. Employer/Contractor (injury case)
- 226. Employee/Contractee (injury case)

Debt Collection and Credit (Private, not Government)

- 230. Other debt collection or credit relationship role (except 231-235)
- 231. Debtor
- 232. Creditor
- 233. Bankrupt
- 234. Third party buyer, garnishee, conveyee of debtor's property
- 235. Receiver, trustee in bankruptcy, assignee for the benefit of creditors

Tort/Injuries Between Private Parties (includes wrongful death and libel)

- 240. Plaintiff
- 241. Defendant
- 242. Insurer

Corporate Finance, Acquisition, Merger

- 250. Stockholder, bondholder, partner holding a minority interest

- 251. Management; Board of Directors, Corporation, dominant shareholders, partner holding majority interest
- 252. Company or individuals attempting a takeover or merger
- 253. Other role in corporate legal matters

#### Regulation of Business

- 300. Alleged violator of market practice, safety regulation, health, FLSA, environmental regulation, public accommodations, copyright, patent
- 301. Injured or aggrieved competitor, copyright holder/patent holder, buyer, worker, or citizen (public accommodations)
- 302. Applicant for a license or rate increase - read narrowly
- 303. Trade or professional association in quasi-government role of regulation
- 304. Government as regulator - includes tax related matters (e.g. sales/excise tax collection by private business)
- 305. Other role in corporate finance or regulation of business

#### General Public Law (Except Criminal Justice)

- 310. Government (as target of right/benefits claim, tax collector, employer)
- 311. Civil Rights/Constitutional rights claimant (except criminal justice)
- 312. Taxpayer/(Exempt Status)
- 313. Claimant of government benefits (medical, unemployment, welfare)
- 314. Politician - candidate for public office or political party office
- 315. Political office holder acting in official capacity (e.g. Senator suing in official capacity)
- 316. Tort claimant - Non-employee
- 317. Whistleblower
- 318. Government employee (other than whistleblower)
- 319. Military draftee
- 320. Military veteran
- 321. Alien or applicant for citizenship
- 322. Public interest group (formal or informal)
- 323. Other public law role



## Miscellaneous Dispute Roles

- 401. Student (as a role, e.g. in a due process case)
- 402. School (in relation to 401)
- 403. Union member (as a role, e.g. duty of fair representation)
- 404. Union (in relation to 403)
- 405. Judge
- 406. Other
- 998. Not ascertainable

*Coding Instructions:*

1. In deciding about how to classify the second petitioner, coders must consider "Why is this particular party in court?" and "What is the relationship between these parties?"
2. A general matter, classification of petitioners and respondents did not cross categories — e.g. both petitioners and respondents were classified as being in the 100's, 200's, 300's, or 400's. The exceptions to this rule usually involved the government becoming involved in a case as a civil litigant in family or estate matters.
3. On some occasions, the litigation actually involves issues concerning the role of the parties. In such cases, coders must base their decisions on the position of the party as to what they believed or maintained their role to be in the litigation.

---

[RACPET2] RACE OF PARTY (SECOND PETITIONER)

27. For natural persons, is there an indication in the opinion of whether the race of the individual was mentioned by the court and the appropriate classification?

- 
- 1. case not coded on parties variables
  - 0. No Second Petitioner
  - 1. Black
  - 2. Hispanic, Puerto Rican, Mexican American
  - 3. Oriental or Asian
  - 4. Other Non-White
  - 5. Mixed Race — White and minority
  - 6. White
  - 7. Native American, American Indian

- 8. Non-white minority, specific race not ascertainable
- 97. Party not a natural person
- 98. Race not mentioned by the court

*Coding Instructions:* Race should be coded only with the specific mention by the Court, not on the basis of name or original location of the suit.

*User Instructions:* This variable is coded as “Party not a natural person” if the general nature of the party (second petitioner) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[SEXPET2] SEX OF THE PARTY (SECOND PETITIONER)

28. For natural persons, is there an indication in the opinion of the sex of the second petitioner?

- 
- 1. case not coded on parties variables
  - 0. No Second Petitioner
  - 1. Female
  - 2. Male
  - 7. Party not a natural person
  - 8. Sex not mentioned by the Court
  - 9. Not coded

*Coding Instructions:* Sex should be coded only with the specific mention of the Court (including pronouns), not on the basis of name or nature of the litigation

*User Instructions:* This variable is coded as “Party not a natural person” if the general nature of the party (second petitioner) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[DISPET2] MENTAL OR PHYSICAL DISABILITY (SECOND PETITIONER)

29. For natural persons, is there an indication in the opinion of whether the second petitioner has a mental or physical disability or whether such a disability is claimed by the second petitioner?

-----

- 1. case not coded on parties variables
- 0. No Second Petitioner
- 1. Mentioned in the opinion
- 7. Party not a natural person
- 8. Disability not mentioned by the Court

*Coding Instructions:* Disability should be coded only with the specific mention of the Court

*User Instructions:* This variable is coded as “Party not a natural person” if the general nature of the party (second petitioner) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

-----

[AGEPET2] AGE OF PARTY (SECOND PETITIONER)

30. For natural persons, the age of the second petitioner as indicated by the Court?

-----

- 1. case not coded on parties variables
- 0. No Second Petitioner
- XX. Actual age of the first petitioner (0 - 89 years)
- 97. Party not a natural person
- 98. Age not mentioned by the Court

*Coding Instructions:* Age should be coded only with the specific mention of the Court

*User Instructions:* This variable is coded as “Party not a natural person” if the general nature of the party (second petitioner) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

[MINPET2] MINORITY (AGE) STATUS (SECOND PETITIONER)

31. For natural persons, is there an indication in the opinion that second petitioner was a minor in the context of this litigation?

-----

- 1. case not coded on parties variables
- 0. No Second Petitioner
- 1. Mentioned in the opinion
- 7. Party not a natural person
- 8. Minority status not mentioned by the Court

*Coding Instructions:* Minority status should be coded only with the specific mention of the Court

*User Instructions:* This variable is coded as “Party not a natural person” if the general nature of the party (second petitioner) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

[ALIPET2] ALIEN STATUS (SECOND PETITIONER)

32. For natural persons, is there an indication in the opinion that second petitioner was an alien (e.g. not a U.S. citizen)?

-----

- 1. case not coded on parties variables
- 0. No Second Petitioner
- 1. Mentioned in the opinion
- 7. Party not a natural person or not applicable
- 8. Alien status not mentioned by the Court

*Coding Instructions:*

1. Alien status should be coded only with the specific mention of the Court.
2. Naturalized citizens are not to be coded as aliens
3. If second petitioner's citizenship was disputed, then the claim of the second petitioner should be coded

*User Instructions:* This variable is coded as “Party not a natural person” if the general nature of the party (second petitioner) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[INDPET2] INDIGENCY STATUS (SECOND PETITIONER)

33. For natural persons, is there an indication in the opinion that second petitioner was considered indigent during the litigation?

- 
- 1. case not coded on parties variables
  - 0. No Second Petitioner
  - 1. Mentioned in the opinion
  - 7. Party not a natural person or not applicable
  - 8. Indigency status not mentioned by the Court

*Coding Instructions:* Indigency status should be coded with specific mention of the Court OR with indication that second petitioner had a court appointed attorney after petitioning the court for such representation

*User Instructions:* This variable is coded as “Party not a natural person” if the general nature of the party (second petitioner) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

**[NRESP] NUMBER OF RESPONDENTS**

34. The number of respondents identified in the Supreme Court opinion.

- 
- 1. case not coded on parties variables
  - 1. only one party
  - 2. two or more parties
  - 9. Not available, not coded

---

**[CLARESP] CLASS STATUS (RESPONDENT)**

35. Is there an indication in the opinion of whether the Court identified a party as representing a class of litigants or the party claimed to represent a class of litigants in a formal class action suit?

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*Coding Instructions:* The coders are to indicate class status based on a close reading of the text of the opinion. They are to indicate “yes” only when the court referred to a litigant as a certified class or where references were made to a party claiming to represent a certified class.

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case. Note that any type of litigant can be involved in a class action.

---

## [NATRESP] NATURAL PERSON (RESPONDENT)

36. Is there an indication in the opinion of whether any party is an individual and is not representative of one of the other categories (e.g. a company president or government official)?

-----

- 1. case not coded on parties variables
- 1. Yes
- 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----

## [BUSRESP] PRIVATE BUSINESS (RESPONDENT)

37. Is there an indication in the opinion of whether any party is an organization, incorporated or unincorporated, whose purpose is to make a profit and is not tied to a governmental unit. Businesses in receivership is considered a private business?

-----

- 1. case not coded on parties variables
- 1. Yes
- 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1

cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

---

[NPRESP] PRIVATE NON-PROFIT ORGANIZATION (RESPONDENT)

38. Is there an indication in the opinion of whether any party is an organization, incorporated or unincorporated, whose purpose is not tied to making a profit and is not part of a governmental unit.

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*Coding Instructions:* If the issue before the court is whether the organization is a private non-profit organization, then the party should be coded as such if that is its claim before the Court.

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

---

[FEDRESP] FEDERAL GOVERNMENT (RESPONDENT)

39. Is there an indication in the opinion of whether any party is a federal government agency, corporation (e.g. U.S. Postal Service), or official representing the federal government (e.g. Secretary of State)?

- 
- 1. case not coded on parties variables
  - 1. Yes, solicitor general's office does not represent party



2. Yes, solicitor general's office does represent party
3. No indication

*Coding Instructions:* The District of Columbia is coded as a federal agency in this variable and as a “sub-state government” in “General Nature of the Party (Respondent)” (see below)

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----  
[STARESP] STATE GOVERNMENT (RESPONDENT)

40. Is there an indication in the opinion of whether any party is a state government agency, corporation, or official representing a state government?

- 
- 1. case not coded on parties variables
  1. Yes
  2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----

**[LOCRESP] SUB-STATE GOVERNMENT (RESPONDENT)**

41. Is there an indication in the opinion of whether any party is a sub-state government agency, corporation, or official representing a sub-state government?

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----

**[OTHRESP] OTHER PARTY**

42. Is there an indication in the opinion that any party does not meet criteria for the above listed categories?

- 
- 1. case not coded on parties variables
  - 1. Yes
  - 2. No indication

*User Instructions:* This variable is coded to show an affirmative indication of this type of party in the case. A coding of “no indication” means that the this party type was not so identified by the coders. In some instances a party was not ascertainable which is so indicated by DKPARTY = 1; such cases are also coded as “no indication.” Separating the DKPARTY = 1 cases from the data set will produce a subset of data containing cases with

an affirmative indication that this type of party was present and cases with no evidence that this type of party was present in the case.

-----  
[DKRESP] PARTY NOT ASCERTAINABLE (RESPONDENT)

43. Was any party not sufficiently identified in the text of the Supreme Court decision to classify it in one of the parties listed above ?

- 
- 1. case not coded on parties variables
  - 1. Yes — one or more parties not ascertainable
  - 2. No — all parties ascertainable

*User Instructions:* Note that the following systematic recode was applied to this variable:

IF (NRESP EQ 9) DKPETIT=1  
[CLARES1] CLASS STATUS (FIRST RESPONDENT)

44. Is there an indication in the opinion of whether first respondent is or claims to represent a certified class of litigants?

- 
- 1. case not coded on parties variables
  - 1. Mentioned in the opinion
  - 2. Class status not mentioned by the Court

*Coding Instructions:* The coders were instructed to indicate class status based on a close reading of the text of the opinion. They were to indicate “yes” only when the court referred to a litigant as a certified class or where references were made to a party claiming to represent a certified class.

-----

[GTYPRES1] GENERAL NATURE OF THE PARTY (FIRST RESPONDENT)

45. Is there an indication in the opinion of the general classification of the first respondent in the case? If so, what category applies to the first respondent?

- 
- 1. case not coded on parties variables
    - 1. Natural Person
    - 2. Private Business
    - 3. Private Non-Profit Organization
    - 4. Federal Government (except District of Columbia)
    - 5. State Government
    - 6. Sub-state Government (e.g. county, municipal, special district) or District of Columbia
    - 7. Government – Level not ascertainable
    - 8. Other category (includes Indian Tribes, Foreign Governments)
  - 98. Don't know/unclear/not ascertainable

[STYPRES1] SPECIFIC NATURE OF THE PARTY (FIRST RESPONDENT)

46. Is there an indication in the opinion of the specific categories of parties?

- 
- 1. case not coded on parties variables
  - 1000's. Private Business Categories (See list 1)
  - 2000's. Private Non-Profit Organizations (See list 2)
  - 3000's. Federal Government Agencies (see list 3)
  - 4000's. State and Sub-state Government Agencies (See list 4)
  - 7000's. Other Category
  - 9998. Not ascertainable
  - 9999. Not coded

*Coding Instructions:* If a private business is highly diversified across categories e.g. General Motors) and the litigation does not concern an area that is clearly identifiable, then the litigant is to be classified as “1199 — Other, Unclassifiable.” Thus, if the litigant were Exxon and the litigation concerned a complaint by a stockholder suing the company over a corporate matter, then Exxon would be classified as 1199. On the other hand, if the company were involved in a suit concerning its oil drilling operation it would be classified as “1115 — Mining” or if the suit involved its sale of gasoline it would be classified as “1150 — Trade - Wholesale and Retail.”

---

[ROLRES1] ROLE OF PARTY (FIRST RESPONDENT)

47. Is there an indication in the opinion of what legal role the first respondent is assuming in the litigation?

---

-1. case not coded on parties variables

Criminal Prosecution: Criminal and Civil Institutionalization

- 101. Defendant/prisoner (all circumstances)
- 102. Prosecutor (Local or state, not U.S. or State Attorney General)
- 103. Prison Authority (institution or warden)
- 104. Person seeking to avoid or end civil institution
- 105. Person claiming involvement in protest (includes conscientious objectors and civil disobedience)
- 106. Judge
- 107. Witness in trial court
- 108. Witness before grand jury
- 109. Police officer/prison guard
- 110. Advocate for State of \_\_\_\_ or U. S. Government
- 119. Unclear or other criminal justice role

Family and Estate

- 201. Spouse
- 202. Domestic partner (common law spouse, live-in)
- 203. Former domestic partner (separated, divorced, split-up)
- 204. Parent or guardian, mother, father
- 205. Child or ward - not student in school related case

- 206. Trustee, executor, fiduciary of an estate
- 207. Other relative claimant to estate or trust - heir
- 208. Non-family claimant to estate or trust
- 209. Other family and estate role

**Real Property**

- 210. Government owner or claimant of ownership in possession (not a boundary dispute)
- 211. Private owner or claimant of ownership in possession
- 212. Government as land regulator, condemnor (zoning)
- 213. Tenant or user without claim of ownership
- 214. Other property role

**Contract: Sale, License, Franchise, Employment**

- 220. Buyer
- 221. Seller
- 222. Employer (or agent) (non-government)
- 223. Employee (or applicant), union, retiree (non-government)
- 224. Other contractual role: insurer, insured, franchiser, franchisee, etc.
- 225. Employer/Contractor (injury case)
- 226. Employee/Contractee (injury case)

**Debt Collection and Credit (Private, not Government)**

- 230. Other debt collection or credit relationship role (except 231-235)
- 231. Debtor
- 232. Creditor
- 233. Bankrupt
- 234. Third party buyer, garnishee, conveyee of debtor's property
- 235. Receiver, trustee in bankruptcy, assignee for the benefit of creditors

**Tort/Injuries Between Private Parties (includes wrongful death and libel)**

- 240. Plaintiff
- 241. Defendant
- 242. Insurer

Corporate Finance, Acquisition, Merger

- 250. Stockholder, bondholder, partner holding a minority interest
- 251. Management; Board of Directors, Corporation, dominant shareholders, partner holding majority interest
- 252. Company or individuals attempting a takeover or merger
- 253. Other role in corporate legal matters

Regulation of Business

- 300. Alleged violator of market practice, safety regulation, health, FLSA, environmental regulation, public accommodations, copyright, patent
- 301. Injured or aggrieved competitor, copyright holder/patent holder, buyer, worker, or citizen (public accommodations)
- 302. Applicant for a license or rate increase - read narrowly
- 303. Trade or professional association in quasi-government role of regulation
- 304. Government as regulator - includes tax related matters (e.g. sales/excise tax collection by private business)
- 305. Other role in corporate finance or regulation of business

General Public Law (Except Criminal Justice)

- 310. Government (as target of right/benefits claim, tax collector, employer)
- 311. Civil Rights/Constitutional rights claimant (except criminal justice)
- 312. Taxpayer/(Exempt Status)
- 313. Claimant of government benefits (medical, unemployment, welfare)
- 314. Politician - candidate for public office or political party office
- 315. Political office holder acting in official capacity (e.g. Senator suing in official capacity)
- 316. Tort claimant - Non-employee
- 317. Whistleblower
- 318. Government employee (other than whistleblower)
- 319. Military draftee
- 320. Military veteran
- 321. Alien or applicant for citizenship
- 322. Public interest group (formal or informal)
- 323. Other public law role

*Miscellaneous Dispute Roles*

- 401. Student (as a role, e.g. in a due process case)
- 402. School (in relation to 401)
- 403. Union member (as a role, e.g. duty of fair representation)
- 404. Union (in relation to 403)
- 405. Judge
- 406. Other
  
- 998. Not ascertainable

*Coding Instructions:*

1. In deciding about how to classify the first respondent coders must consider “Why is this particular party in court?” and “What is the relationship between these parties?”
2. A general matter, classification of petitioners and respondents did not cross categories -- e.g. both petitioners and respondents were classified as being in the 100's, 200's, 300's, or 400's. The exceptions to this rule usually involved the government becoming involved in a case as a civil litigant in family or estate matters.
3. On some occasions, the litigation actually involves issues concerning the role of the parties. In such cases, coders must base their decisions on the position of the party as to what they believed or maintained their role to be in the litigation.

---

**[RACRES1] RACE OF PARTY (FIRST RESPONDENT)**

48. For natural persons, is there an indication in the opinion of whether the race of the individual was mentioned by the court and the appropriate classification?

---

-1. case not coded on parties variables

1. Black
2. Hispanic, Puerto Rican, Mexican American
3. Oriental or Asian
4. Other Non-White
5. Mixed Race — White and minority
6. White
7. Native American, American Indian



- 8. Non-white minority, specific race not ascertainable
- 97. Party not a natural person
- 98. Race not mentioned by the court

*Coding Instructions:* Race should be coded only with the specific mention by the Court, not on the basis of name or original location of the suit.

---

[SEXRES1] SEX OF THE PARTY (FIRST RESPONDENT)

49. For natural persons, is there an indication in the opinion of the sex of the first respondent?

- 
- 1. case not coded on parties variables
  - 1. Female
  - 2. Male
  - 7. Party not a natural person
  - 8. Sex not mentioned by the Court

*Coding Instructions:* Sex should be coded only with the specific mention of the Court (including pronouns), not on the basis of name or nature of the litigation

---

[DISRES1] MENTAL OR PHYSICAL DISABILITY (FIRST RESPONDENT)

50. For natural persons, is there an indication in the opinion of whether the first respondent has a mental or physical disability or whether such a disability is claimed by the first respondent?

- 
- 1. case not coded on parties variables
  - 1. Mentioned in the opinion
  - 7. Party not a natural person
  - 8. Disability not mentioned by the Court

*Coding Instructions:* Disability should be coded only with the specific mention of the Court

-----  
[AGERES1] AGE OF PARTY (FIRST RESPONDENT)

51. For natural persons, the age of the first respondent as indicated by the Court?

- 
- 1. case not coded on parties variables
  - XX. Actual age of the first petitioner (0 - 89 years)
  - 97. Party not a natural person
  - 98. Age not mentioned by the Court

*Coding Instructions:* Age should be coded only with the specific mention of the Court

-----  
[MINRES1] MINORITY (AGE) STATUS (FIRST RESPONDENT)

52. For natural persons, is there an indication in the opinion that first respondent was a minor in the context of this litigation?

- 
- 1. case not coded on parties variables
  - 1. Mentioned in the opinion
  - 7. Party not a natural person
  - 8. Minority status not mentioned by the Court

*Coding Instructions:* Minority status should be coded only with the specific mention of the Court

-----

[ALIRES1] ALIEN STATUS (FIRST RESPONDENT)

53. For natural persons, is there an indication in the opinion that first respondent was an alien (e.g. not a U.S. citizen)?

- 
- 1. case not coded on parties variables
    - 1. Mentioned in the opinion
    - 7. Party not a natural person
    - 8. Alien status not mentioned by the Court

*Coding Instructions:*

1. Alien status should be coded only with the specific mention of the Court.
2. Naturalized citizens are not to be coded as aliens
3. If first respondent's citizenship was disputed, then the claim of the first respondent should be coded

---

[INDRES1] INDIGENCY STATUS (FIRST RESPONDENT)

54. For natural persons, is there an indication in the opinion that first respondent was considered indigent during the litigation?

- 
- 1. case not coded on parties variables
    - 1. Mentioned in the opinion
    - 7. Party not a natural person
    - 8. Indigency status not mentioned by the Court

*Coding Instructions:* Indigency status should be coded with specific mention of the Court OR with indication that first respondent had a court appointed attorney after petitioning the court for such representation

---

## [CLARES2 ] CLASS STATUS (SECOND RESPONDENT)

55. Is there an indication in the opinion of whether second respondent is or claims to represent a certified class of litigants?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - 1. Mentioned in the opinion
  - 2. Class status not mentioned by the Court

*Coding Instructions:* The coders are to indicate class status based on a close reading of the text of the opinion. They are to indicate “yes” only when the court referred to a litigant as a certified class or where references were made to a party claiming to represent a certified class.

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 [GTYPRES2] GENERAL NATURE OF THE PARTY (SECOND RESPONDENT)

56. Is there an indication in the opinion of the general classification of the second respondent in the case? If so, what category applies to the second respondent?

- 
- 1. case not coded on parties variables
  - 4. No Second Respondent
  - 1. Natural Person
  - 2. Private Business
  - 3. Private Non-Profit Organization
  - 4. Federal Government (except District of Columbia)
  - 5. State Government
  - 6. Sub-state Government (e.g. county, municipal, special district) or District of Columbia
  - 7. Government -- Level not ascertainable
  - 8. Other category (includes Indian Tribes, Foreign Governments)
  - 98. Don't know/unclear/not ascertainable
-

[STYPRES2] SPECIFIC NATURE OF THE PARTY (SECOND RESPONDENT)

57. Is there an indication in the opinion of the specific categories of parties?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - 100. Natural Person
  - 1000's. Private Business Categories (See list 1)
  - 2000's. Private Non-Profit Organizations (See list 2)
  - 3000's. Federal Government Agencies (See list 3)
  - 4000's. State and Sub-state Government Agencies (See list 4)
  - 7000's. Other Category
  - 9998. Not ascertainable

*Coding Instructions:* If a private business is highly diversified across categories e.g. General Motors) and the litigation does not concern an area that is clearly identifiable, then the litigant is to be classified as "1199 — Other, Unclassifiable." Thus, if the litigant were Exxon and the litigation concerned a complaint by a stockholder suing the company over a corporate matter, then Exxon would be classified as 1199. On the other hand, if the company were involved in a suit concerning its oil drilling operation it would be classified as "1115 — Mining" or if the suit involved its sale of gasoline it would be classified as "1150 — Trade - Wholesale and Retail."

-----

[ROLRES2 ] ROLE OF PARTY (SECOND RESPONDENT)

58. Is there an indication in the opinion of what legal role the second respondent is assuming in the litigation?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent

Criminal Prosecution: Criminal and Civil Institutionalization

- 101. Defendant/prisoner (all circumstances)

- 102. Prosecutor (Local or state, not U.S. or State Attorney General)
- 103. Prison Authority (institution or warden)
- 104. Person seeking to avoid or end civil institution
- 105. Person claiming involvement in protest (includes conscientious objectors and civil disobedience)
- 106. Judge
- 107. Witness in trial court
- 108. Witness before grand jury
- 109. Police officer/prison guard
- 110. Advocate for State of \_\_\_\_ or U. S. Government
- 119. Unclear or other criminal justice role

#### Family and Estate

- 201. Spouse
- 202. Domestic partner (common law spouse, live-in)
- 203. Former domestic partner (separated, divorced, split-up)
- 204. Parent or guardian, mother, father
- 205. Child or ward - not student in school related case
- 206. Trustee, executor, fiduciary of an estate
- 207. Other relative claimant to estate or trust - heir
- 208. Non-family claimant to estate or trust
- 209. Other family and estate role

#### Real Property

- 210. Government owner or claimant of ownership in possession (not a boundary dispute)
- 211. Private owner or claimant of ownership in possession
- 212. Government as land regulator, condemnor (zoning)
- 213. Tenant or user without claim of ownership
- 214. Other property role

#### Contract: Sale, License, Franchise, Employment

- 220. Buyer
- 221. Seller
- 222. Employer (or agent) (non-government)
- 223. Employee (or applicant), union, retiree (non-government)
- 224. Other contractual role: insurer, insured, franchiser, franchisee, etc.

- 225. Employer/Contractor (injury case)
- 226. Employee/Contractee (injury case)

Debt Collection and Credit (Private, not Government)

- 230. Other debt collection or credit relationship role (except 231-235)
- 231. Debtor
- 232. Creditor
- 233. Bankrupt
- 234. Third party buyer, garnishee, conveyee of debtor's property
- 235. Receiver, trustee in bankruptcy, assignee for the benefit of creditors

Tort/Injuries Between Private Parties (includes wrongful death and libel)

- 240. Plaintiff
- 241. Defendant
- 242. Insurer

Corporate Finance, Acquisition, Merger

- 250. Stockholder, bondholder, partner holding a minority interest
- 251. Management; Board of Directors, Corporation, dominant shareholders, partner holding majority interest
- 252. Company or individuals attempting a takeover or merger
- 253. Other role in corporate legal matters

Regulation of Business

- 300. Alleged violator of market practice, safety regulation, health, FLSA, environmental regulation, public accommodations, copyright, patent
- 301. Injured or aggrieved competitor, copyright holder/patent holder, buyer, worker, or citizen (public accommodations)
- 302. Applicant for a license or rate increase - read narrowly
- 303. Trade or professional association in quasi-government role of regulation
- 304. Government as regulator - includes tax related matters (e.g. sales/excise tax collection by private business)
- 305. Other role in corporate finance or regulation of business  
General Public Law (Except Criminal Justice)

- 310. Government (as target of right/benefits claim, tax collector, employer)
- 311. Civil Rights/Constitutional rights claimant (except criminal justice)
- 312. Taxpayer/(Exempt Status)
- 313. Claimant of government benefits (medical, unemployment, welfare)
- 314. Politician - candidate for public office or political party office
- 315. Political office holder acting in official capacity (e.g. Senator suing in official capacity)
- 316. Tort claimant - Non-employee
- 317. Whistleblower
- 318. Government employee (other than whistleblower)
- 319. Military draftee
- 320. Military veteran
- 321. Alien or applicant for citizenship
- 322. Public interest group (formal or informal)
- 323. Other public law role

#### Miscellaneous Dispute Roles

- 401. Student (as a role, e.g. in a due process case)
- 402. School (in relation to 401)
- 403. Union member (as a role, e.g. duty of fair representation)
- 404. Union (in relation to 403)
- 405. Judge
- 406. Other
  
- 998. Not ascertainable

#### *Coding Instructions:*

1. In deciding about how to classify the second respondent coders must consider “Why is this particular party in court?” and “What is the relationship between these parties?”
2. A general matter, classification of petitioners and respondents did not cross categories — e.g. both petitioners and respondents were classified as being in the 100's, 200's, 300's, or 400's. The exceptions to this rule usually involved the government becoming involved in a case as a civil litigant in family or estate matters.



3. On some occasions, the litigation actually involves issues concerning the role of the parties. In such cases, coders must base their decisions on the position of the party as to what they believed or maintained their role to be in the litigation.

---

[RACRES2 ] RACE OF PARTY (SECOND RESPONDENT)

59. For natural persons, is there an indication in the opinion of whether the race of the individual was mentioned by the court and the appropriate classification?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - 1. Black
  - 2. Hispanic, Puerto Rican, Mexican American
  - 3. Oriental or Asian
  - 4. Other Non-White
  - 5. Mixed Race — White and minority
  - 6. White
  - 7. Native American, American Indian
  - 8. Non-white minority, specific race not ascertainable
  - 97. Party not a natural person
  - 98. Race not mentioned by the court

*Coding Instructions:* Race should be coded only with the specific mention by the Court, not on the basis of name or original location of the suit.

*User Instructions:* This variable is coded as “Party not a natural person” when the general nature of the party (second respondent) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[SEXRES2 ] SEX OF THE PARTY (SECOND RESPONDENT)

60. For natural persons, is there an indication in the opinion of the sex of the second respondent?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - 1. Female
  - 2. Male
  - 7. Party not a natural person
  - 8. Sex not mentioned by the Court
  - 9. Not coded

*Coding Instructions:* Sex should be coded only with the specific mention of the Court

*User Instructions:* This variable is coded as “Party not a natural person” when the general nature of the party (second respondent) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

-----

[DISRES2 ] MENTAL OR PHYSICAL DISABILITY (SECOND RESPONDENT)

61. For natural persons, is there an indication in the opinion of whether the second respondent has a mental or physical disability or whether such a disability is claimed by the second respondent?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - 1. Mentioned in the opinion
  - 7. Party not a natural person
  - 8. Disability not mentioned by the Court

*Coding Instructions:* Disability should be coded only with the specific mention of the Court

*User Instructions:* This variable is coded as “Party not a natural person” when the general nature of the party (second respondent) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[AGERES2 ] AGE OF PARTY (SECOND RESPONDENT)

62. For natural persons, the age of the second respondent as indicated by the Court?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - XX. Actual age of the first petitioner (0 - 89 years)
  - 97. Party not a natural person
  - 98. Age not mentioned by the Court

*Coding Instructions:* Age should be coded only with the specific mention of the Court.

*User Instructions:* This variable is coded as “Party not a natural person” when the general nature of the party (second respondent) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[MINRES2 ] MINORITY (AGE) STATUS (SECOND RESPONDENT)

63. For natural persons, is there an indication in the opinion that second respondent was a minor in the context of this litigation?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - 1. Mentioned in the opinion
  - 7. Party not a natural person
  - 8. Minority status not mentioned by the Court

*Coding Instructions:* Minority status should be coded only with the specific mention of the Court.

*User Instructions:* This variable is coded as “Party not a natural person” when the general nature of the party (second respondent) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[ALIRES2 ] ALIEN STATUS (SECOND RESPONDENT)

64. For natural persons, is there an indication in the opinion that second respondent was an alien (e.g. not a U.S. citizen)?

- 
- 1. case not coded on parties variables
  - 0. No Second Respondent
  - 1. Mentioned in the opinion
  - 7. Party not a natural person
  - 8. Alien status not mentioned by the Court

*Coding Instructions:*

1. Alien status should be coded only with the specific mention of the Court.
2. Naturalized citizens are not to be coded as aliens
3. If second respondent's citizenship was disputed, then the claim of the second respondent should be coded

*User Instructions:* This variable is coded as “Party not a natural person” when the general nature of the party (second respondent) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

---

[INDRES2 ] INDIGENCY STATUS (SECOND RESPONDENT)

65. For natural persons, is there an indication in the opinion that second respondent was considered indigent during the litigation?

-----

- 1. case not coded on parties variables
- 0. No Second Respondent
- 1. Mentioned in the opinion
- 7. Party not a natural person
- 8. Indigency status not mentioned by the Court

*Coding Instructions:* Indigency status should be coded with specific mention of the Court OR with indication that second respondent had a court appointed attorney after petitioning the court for such representation

*User Instructions:* This variable is coded as "Party not a natural person" when the general nature of the party (second respondent) is coded as a private business, private non-profit organization, federal government, state government, sub-state government, government (level not ascertainable), or other category.

**Appendix A***List 1 : Party Detail - Private Businesses*

- 1110 = Agricultural (agri-business and single family farms)
- 1115 = Mining (includes oil, gas, and all minerals)
- 1120 = Construction
- 1130 = Manufacturing
- 1140 = Transportation (includes oil pipe lines)
- 1141 = Railroads
- 1142 = Naval and Maritime Shipping
- 1144 = Airlines
- 1145 = Trucking
- 1150 = Trade - Wholesale and Retail
- 1160 = Financial Institution, Investment Company, or Real Estate  
(except banks and insurance companies)
- 1161 = Banks
- 1162 = Insurance Companies
- 1163 = Savings and Loan Institutions
- 1170 = Service (includes public accommodations)
- 1171 = Clinic, Health Organization, Nursing Home, Lab, or other  
Private Health Care
- 1172 = Private Attorney or Firm
- 1173 = Media: Includes Magazine, News - Printed Media; Radio,  
Network - Radio Station or Network; TV, Cable TV - TV Station  
or Network
- 1174 = School - For Profit Private Educational Enterprise (rare - use  
private organization for most private schools)
- 1180 = Utilities - Nuclear, Oil, Gas, Coal, Water Powered: Include  
Providers of Power, Water, Telephone Service, etc.
- 1198 = Unclear
- 1199 = Unclassifiable

*List 2: Party Detail - Private/Non-Profit Organization*

- 2110 = For-Profit-Business or Trade Association - For Profit
- 2120 = Professional Association - other than Law or Medicine - Special  
training or degree
- 2121 = Legal Professional Association

- 2122 = Medical Professional Association
- 2130 = Union
- 2140 = Civil, Social, Fraternal Organization
- 2150 = Political Organizations - Other than Political Parties

Examples: Civil rights focus; Public Interest - broad, civil liberties focus (ACLU) or broad, multi-issue focus (Common Cause, Heritage Foundation, ADA) or single issue - Environmental ENV, Abortion, etc. (prolife, pro-abortion), elderly, consumer interests: Consumer Federation of America, Consumer's Union, National Railroad Passenger Association; PAC

- 2160 = Political Party
- 2170 = Educational Organization - Private, non-profit school
- 2175 = Educational Organization - Association, not individual school
- 2180 = Religious Organization
- 2185 = Charitable or Philanthropic Organization (including foundations, funds, private museums, private libraries, etc.)
- 2198 = Unclear
- 2199 = Unclassifiable

*List 3: Party Detail - Federal and Foreign Governments*

- 3101 = Benefits Review Board
- 3102 = Civil Aeronautics Board
- 3103 = Civil Service Commission (U.S.)
- 3104 = Commodity Futures Trading Commission
- 3105 = Consumer Products Safety Commission
- 3106 = Copyright Royalty Tribunal
- 3107 = Department of Agriculture
- 3108 = Department of Commerce
- 3109 = Department of Defense
- 3110 = Department of Education
- 3111 = Department of Energy
- 3112 = Department of Health, Education and Welfare
- 3113 = Department of Health and Human Services
- 3114 = Department of Housing and Urban Development
- 3115 = Department of Interior
- 3116 = Department of Justice (Includes FBI)
- 3117 = Department of Labor (except OSHA)

- 3118 = Department of Transportation, National Transportation Safety Board
- 3119 = Department of the Treasury (except IRS- 3162)
- 3120 = Drug Enforcement Agency
- 3121 = Environmental Protection Agency
- 3122 = Equal Employment Opportunity Commission
- 3123 = Federal Aviation Administration
- 3124 = Federal Coal Mine Safety Board
- 3125 = Federal Communications Commission
- 3126 = Federal Deposit Insurance Corporation
- 3127 = Federal Election Commission
- 3128 = Federal Energy Agency (Federal Power Commission)
- 3129 = Federal Energy Regulatory Commission
- 3130 = Federal Home Loan Bank Board
- 3131 = Federal Labor Relations Authority
- 3132 = Federal Maritime Board
- 3133 = Federal Maritime Commission
- 3134 = Federal Mine Safety & Health Administration
- 3135 = Federal Mine Safety & Health Review Commission
- 3136 = Federal Reserve System
- 3137 = Federal Trade Commission
- 3138 = Food and Drug Administration
- 3139 = General Services Administration
- 3140 = Government Accounting Office (GAO)
- 3141 = Health Care Financing Administration
- 3142 = Immigration & Naturalization Service
- 3143 = Interstate Commerce Commission
- 3144 = Merit Systems Protection Board
- 3145 = National Credit Union Association
- 3146 = National Labor Relations Board
- 3147 = Nuclear Regulatory Commission
- 3148 = Occupational Safety & Health Administration
- 3149 = Occupational Safety & Health Review Commission
- 3150 = Office of the Federal Inspector
- 3151 = Office of Management & Budget
- 3151 = Office of Personnel Management
- 3152 = Office of Workers Compensation Program
- 3154 = Patent Office
- 3155 = Postal Rate Commission (U.S.)



- 3156 = Postal Service (U.S.)
- 3157 = RR Adjustment Board
- 3158 = RR Retirement Board
- 3159 = Securities & Exchange Commission
- 3160 = Small Business Administration
- 3161 = Veterans Administration
- 3162 = Internal Revenue Service
- 3163 = Department of State
- 3180 = Federal District Court
- 3181 = Federal Circuit Court of Appeals
- 3182 = Court of Claims
- 3183 = Tax Court
- 3184 = Bankruptcy Court
- 3197 = Unlisted federal agency
- 3198 = Unclear
- 3199 = United States, unclear
- 3199 = Unclear or nature not ascertainable

*List 4: Party Detail - State and Substate Governments*

SUBSTATE GOVERNMENT

LEGISLATIVE

- 4110 = City/County Council
- 4120 = School Board
- 4130 = Other Legislative Body

EXECUTIVE/ADMINISTRATION or officials in charge of agency

- 4211 = Mayor/County Executive
- 4212 = Primary or Secondary School System CEO
- 4213 = Other CEO or administrative official (except prison)

BUREAUCRACY PROVIDING SERVICES

- 4221 = Police
- 4222 = Fire
- 4223 = Taxation

- 4224 = Human Services/Welfare/Health Care
- 4225 = Streets and Highways
- 4226 = Transportation
- 4227 = Election Processes
- 4228 = Education - Not School Board
- 4229 = Other Service Activity

#### BUREAUCRACY IN CHARGE OF REGULATION

- 4231 = Environment
- 4232 = Market Practices
- 4233 = Transportation
- 4234 = Professions (licensing)
- 4235 = Labor-Management
- 4236 = Communications
- 4237 = Zoning/Land Use
- 4238 = Building and Housing
- 4239 = Other Regulating Activity

#### BUREAUCRACY IN CHARGE OF GENERAL ADMINISTRATION

- 4241 = Personnel
- 4249 = Other General Administration

#### JUDICIAL

- 4310 = Judge or Court (local trial court judge or justice of peace)
- 4320 = Prosecutor/District Attorney
- 4330 = Jail/Prison/Probation Official and Organization
- 4390 = Other Judicial Official

4400 = City of, County of, etc.

4444 = Other Substate Level not Ascertainable

#### STATE GOVERNMENT

#### STATE LEGISLATURE

- 4510 = Legislature or Separate House as an organization
- 4520 = Legislative Committee or Commission
- 4590 = Other Legislative Unit

EXECUTIVE OFFICIAL

- 4611 = Governor
- 4612 = Attorney General
- 4613 = Secretary of State
- 4619 = Other Administrative Officer NOT detailed below

BUREAUCRACY (Organization) PROVIDING SERVICES

- 4621 = Police
- 4622 = Fire
- 4623 = Taxation
- 4624 = Human Services/Welfare/Health Care
- 4625 = Streets and Highways
- 4626 = Transportation
- 4627 = Election Processes
- 4628 = Education
- 4629 = Other Service Activity

BUREAUCRACY (Organization) IN CHARGE OF REGULATION

- 4631 = Environment
- 4632 = Market Practices
- 4633 = Transportation
- 4634 = Professions (licensing)
- 4635 = Labor-Management
- 4636 = Communications
- 4637 = Zoning/Land Use
- 4638 = Building and Housing
- 4639 = Other Regulating Activity

BUREAUCRACY IN CHARGE OF GENERAL ADMINISTRATION

- 4641 = Personnel
- 4649 = Other General Administration

## JUDICIAL

- 4710 = Judge (non-local judge; appellate judge)
- 4720 = Prosecutor/District Attorney (non-local, e.g. special prosecutor)
- 4730 = Jail/Prison/Probation Official
- 4790 = Other Judicial Official
  
- 4888 = Other State Level Activity not Ascertainable
  
- 4889 = State of X
  
- 4998 = Unclear
- 4999 = Substate or State Level Activity not Ascertainable

## OTHER

- 7110 = Foreign national or agency of a foreign government
- 7998 = Unclear
- 7999 = Other, not codeable
- 9998 = Not ascertainable

*List 5: ROLE OF THE PARTY IN THE DISPUTE (WITHIN THE AREA OF THE LAW)*

## Criminal Prosecution: Criminal and Civil Institutionalization

- 101 = Defendant/prisoner (all circumstances)
- 102 = Prosecutor (Local or state, not U.S. or State Attorney General)
- 103 = Prison Authority (institution or warden)
- 104 = Person seeking to avoid or end civil institution
- 105 = Person claiming involvement in protest (includes conscientious objectors and civil disobedience)
- 106 = Judge
- 107 = Witness in trial court
- 108 = Witness before grand jury
- 109 = Police officer/prison guard
- 110 = Advocate for State of \_\_\_\_ or U. S. Government
- 119 = Unclear or other criminal justice role

Family and Estate

- 201 = Spouse
- 202 = Domestic partner (common law spouse, live-in)
- 203 = Former domestic partner (separated, divorced, split-up)
- 204 = Parent or guardian, mother, father
- 205 = Child or ward - not student in school related case
- 206 = Trustee, executor, fiduciary of an estate
- 207 = Other relative claimant to estate or trust - heir
- 208 = Non-family claimant to estate or trust
- 209 = Other family and estate role

Real Property

- 210 = Government owner or claimant of ownership in possession (not a boundary dispute)
- 211 = Private owner or claimant of ownership in possession
- 212 = Government as land regulator, condemnor (zoning)
- 213 = Tenant or user without claim of ownership
- 214 = Other property role

Contract: Sale, License, Franchise, Employment

- 220 = Buyer
- 221 = Seller
- 222 = Employer (or agent) (non-government)
- 223 = Employee (or applicant), union, retiree (non-government)
- 224 = Other contractual role: insurer, insured, franchiser, franchisee, etc.
- 225 = Employer/Contractor (injury case)
- 226 = Employee/Contractee (injury case)

Debt Collection and Credit (Private, not Government)

- 230 = Other debt collection or credit relationship role (except 231-235)
- 231 = Debtor
- 232 = Creditor
- 233 = Bankrupt
- 234 = Third party buyer, garnishee, conveyee of debtor's property

222

*Parties to the Litigation*

235 = Receiver, trustee in bankruptcy, assignee for the benefit of  
creditors

*Tort/Injuries Between Private Parties (includes wrongful death and libel)*

240 = Plaintiff

241 = Defendant

242 = Insurer

*Corporate Finance, Acquisition, Merger*

250 = Stockholder, bondholder, partner holding a minority interest

251 = Management; Board of Directors, Corporation, dominant  
shareholders, partner holding majority interest

252 = Company or individuals attempting a takeover or merger

253 = Other role in corporate legal matters

*Regulation of Business*

300 = Alleged violator of market practice, safety regulation, health,  
FLSA, environmental regulation, public accommodations,  
copyright, patent

301 = Injured or aggrieved competitor, copyright holder/patent holder,  
buyer, worker, or citizen (public accommodations)

302 = Applicant for a license or rate increase - read narrowly

303 = Trade or professional association in quasi-government role of  
regulation

304 = Government as regulator - includes tax related matters (e.g.  
sales/excise tax collection by private business)

305 = Other role in corporate finance or regulation of business

*General Public Law (Except Criminal Justice)*

310 = Government (as target of right/benefits claim, tax collector,  
employer)

311 = Civil Rights/Constitutional rights claimant (except criminal  
justice)

312 = Taxpayer/(Exempt Status)

- 313 = Claimant of government benefits (medical, unemployment, welfare)
- 314 = Politician - candidate for public office or political party office
- 315 = Political office holder acting in official capacity (e.g. Senator suing in official capacity)
- 316 = Tort claimant - Non-employee
- 317 = Whistleblower
- 318 = Government employee (other than whistleblower)
- 319 = Military draftee
- 320 = Military veteran
- 321 = Alien or applicant for citizenship
- 322 = Public interest group (formal or informal)
- 323 = Other public law role

Miscellaneous Dispute Roles

- 401 = Student (as a role, e.g. in a due process case)
- 402 = School (in relation to 401)
- 403 = Union member (as a role, e.g. duty of fair representation)
- 404 = Union (in relation to 403)
- 405 = Judge
- 406 = Other
- 999 = Unclassifiable

**Appendix B****CODER INSTRUCTIONS  
PARTIES BEFORE THE U.S. SUPREME COURT**

As part of a larger data collection effort concerning decision-making on the U.S. Supreme Court, we will be collecting data on the litigants appearing before the U.S. Supreme Court. A copy of the overall proposal is available for your review and I have attached a copy of the part of the project proposal concerning parties that is directly relevant to your work. I think it would be helpful for you to review the material and we can talk about it as we move along so that you may have a better understanding of your work, how it fits into the larger project, and its importance to the discipline.

These instructions attempt to detail coding procedures that must be followed to produce reliable data. To the maximum degree possible, all coding instructions must be written so as to provide a history of coding procedures for others who may be using the data set. The ideal situation would be one in which these instructions could be given to another panel of coders who would then produce a data set highly similar to the one you will produce. Thus, we will work to minimize informal agreements or ad hoc arrangements during the coding process.

**Coding Units — Docket Numbers**

Information to be collected will be based on the parties appearing before the Court. As you know, each case before the Court has two parties - a petitioner/appellant (hereafter referred to simply as the petitioner) who initiates the appeal to the Court and the respondent/appellee who responds when the Court accepts the appeal. Each appeal is given a number referred to as a DOCKET NUMBER. In many instances, cases are consolidated in lower courts or at the Supreme Court level so that a single case (a single majority opinion) will actually represent decisions for several petitioner-respondent pairs.

The basic unit in the larger data set is the case associated with a docket number. Thus, parties will be coded for each docket number. *Great care must be taken to collect as much information as possible for the different parties associated EACH docket number.*



## General Coding Procedures

A list of citations to the U.S. Reports and docket numbers will be given to you. Each docket number will generate a single coding sheet containing information about the parties involved in that case. The coding sheet is divided into three parts:

-Citation and Coder Information

-Information about all petitioners and respondents collectively in the case (docket number)

-Information about the first and second petitioners and respondents in the case (docket number)

All information you are to collect will be included on this form EXCEPT for the few occasions when a “Make Card” procedure is used. This latter procedure is described below and is used basically when you believe there are no coding rules to cover the particular situation.

## Citation and Coder Information

The sheets you will be given include a record number, citations to U.S. Reports and Lawyers Edition, and docket number for each case in the data base. You will be coding from U.S. Reports. On each coding sheet you should completely fill in the blanks for the record number, US citation, and docket number. Also provide a coder identification number that I will give you along with the date you read and coded the case. ALL NUMBERS MUST BE RIGHT JUSTIFIED WITH “0’s” PLACED IN BLANKS. Thus, for the case:

Record number:	12
US Cite:	345 US 45 (listed 345/0045 on the list)
Docket Number:	35 (listed 35 on the list)

the coding entry would be:

0 0 1 2 - Record Number  
3 4 5 0 0 4 5 - US Cite

0 0 3 5 - Docket Number

The coding sheet includes the exact number of blanks for each type of entry which will make the coding and right justifying easier. Regardless of how little information is available for the case, a coding sheet is needed for every docket number.

## General Information About All Parties

The second part of the coding form is devoted to giving an idea about *all* of the parties involved in the case (docket number). To record this information, you are to indicate the NUMBER OF PETITIONERS (RESPONDENTS) involved in the case. The codes for this information are as follows:

1=only one party

2=two or more parties, all duplicative -- this means that there are two more parties for that SINGLE DOCKET NUMBER and that they are all the same relative to the categories listed in section three of the coding sheet.

3=two or more parties, at least two are non-duplicative — this means that the parties differ on at least one dimension (e.g. different sex) listed in section three of the coding sheet.

Decisions about whether the parties are duplicative will probably have to be made AFTER the coding of section three is completed.

The remaining part of section two of the coding sheet involves your coding whether particular categories of potential litigants are among the parties. In many instances, only one type of party will be present, but the intent here is to provide a means to identify all participants even if they are not specifically coded in section three.

The categories in this section are fairly straight forward. The following provides a few details about standards for these categories:

- CLASS STATUS: Does the Court identify a party which represents a class of litigants or which claims to represent a class of litigants in a formal legalistic class action suit. Note that multiple parties, a group, or organization in itself does not necessarily mean that a

class action suit is involved. The text of the opinion will indicate the class action status of the litigants.

- **NATURAL PERSON:** If an individual is a party AND IS NOT THERE AS A REPRESENTATIVE OF ONE OF THE OTHER CATEGORIES (E.G. company president or government official), then this category should be noted as yes. A natural person, in other words, must be an individual unaffiliated formally with any other organization or representing an organization involved in litigation.
- **PRIVATE BUSINESS:** All organizations, incorporated or unincorporated, whose purpose is to make a profit AND who are not tied to a governmental unit are to be considered private businesses. Thus, government corporations such as Conrail are NOT to be considered a private business. However, a business in receivership is to be considered a private business even though they may be temporarily controlled by a bankruptcy court. Corporations under government contract are considered private if they meet the other qualifications.
- **PRIVATE/NON-PROFIT ORGANIZATION:** All organizations, incorporated or unincorporated, whose purpose is not tied to making a profit and who are not tied to a governmental unit are to be considered a private/non-profit organization. In many instances, the litigation will revolve around the issue of whether an organization is private/non-profit within the meaning of a state or federal tax code. In such instances, the appropriate code is that the organization IS a private/non-profit organization if that is the organization's claim.
- **FEDERAL GOVERNMENT:** This category includes participation by any federal agency, federal government corporation (e.g. U.S. Postal Service), or official representing the federal government (e.g. Secretary of State). If the federal government is involved, participation by solicitor general's office must be noted. This information is presented in the detail regarding the attorney's for the parties. If the SG's office is noted as representing the government, then the appropriate code is "2" and if not the appropriate code is "1".

- STATE GOVERNMENT: If a state level organization, agency, or government corporation of an official representing one of these units is involved as party, then this is coded as yes. State level representative serving locally should be coded as a state level official. Coding decisions for such occasions will be difficult, but coders should search the opinion for an indication of who the individual works for, reports to, or is paid by. Organizations or individuals on federal grant projects administered by state or sub-state governments should be classified in one of these two categories, not the federal category.
- SUB-STATE GOVERNMENT: Any government activity in a state that is not federal or state level is considered sub-state. The range of sub-state organizations include counties, special districts, regional governments, and cities. Other entities may be found. Here too, the coders should search the opinion for an indication of who the individual works for, reports to, or is paid by. Organizations or individuals on federal grant projects administered by state or sub-state governments should be classified in one of these two categories, not the federal category.
- OTHER PARTY: There may be another kind of party (e.g. foreign government) for which there is no code listed. When such a party is discovered the yes category must be marked and the MAKE CARD procedure employed as described below.

The general coding is done for both the petitioners and respondents involved in the case (docket number).

#### Detailed Information for Parties

Detailed information will be collected for a sample of litigants for each case (docket number). The decision rule for which petitioners/respondents to code is tied to their order of appearance in the case (docket number) and whether they differ from each other on the specific categories being coded.

The first petitioner and first respondent for the case will be coded. In most instances, these will be the only litigants before the court. However, in a few cases two or more litigants will be involved, and in those instances

then a second petitioner or respondent will be coded *if they are different from the first petitioner or respondent*. Thus, if there are four petitioners in a case and the first two are the same on all codeable categories, but the third petitioner differs for one or more categories, then the first and third listed petitioners would be coded.

Specific coding categories are given on the coding sheet and most are self explanatory. The coding rules are the same as those listed above for the *Class Status* and the *General Nature of the Party (list 1.)*

*Specific Nature of Party.* Five categories of the general nature list are subdivided into four specific lists:

- Private Business
- Private/Non-Profit Organization
- Federal Government
- State/Sub-State Government

Each of these major categories has a separate list of party codes which, for the most part, are self explanatory. Once the general party nature is determined, then you should turn to the relevant set of codes on list 2 for the detail code best characterizing the party before the court.

### Role of Party in the Dispute

The general and detail party codes will identify classes of litigants before the court, but will not always accurately characterize why they are there. The Role of the Party in the Dispute code is intended to capture this information. List 3 presents the codes used for this variable which are first organized by major areas of the law and secondly by specific litigant roles typically found for these areas. Thus, there are several roles in the criminal prosecution area as well as family and estates. Briefly reading the first part of the majority opinion is often sufficient to code the relevant parties on this variable.

On some occasions, the litigation will actually involve issues concerning the role of the party. For example, the issue may be whether the party really was the child of an individual, the owner of a particular piece of

land, or a similar dispute. *In such cases, you should code the claim of the party as to what they believed their role to be in the litigation.*

#### Individual Party Codes: Race, Sex, Etc.

The remaining codes involved characterizations of the specific litigants *if they are natural persons*.<sub>2</sub> Information regarding these categories must be obtained from the opinion, usually in the first part which describes the background or facts of the case. You should rely only on specific language in the majority opinion to code any of these categories as “Mentioned.” In the case of Sex or Party, even if the name of the litigant is clearly a male (e.g. John) or female (e.g. Mary), do not code it as male or female unless they referred to by a gender-based title (e.g. Mr., Miss, Mrs., Ms.), a pronoun (e.g. he, him, his, she, her, hers), or noun (e.g. man or woman). If none of these terms is used in the opinion to identify the sex of the individual, then code it as “not mentioned.”

#### Make Card Procedure

At various times, what to code a party for a particular variable may be unclear either because you are uncertain about what the nature of that party is based on the description by the Court, because our coding rules are unclear, or because we have not provided an appropriate code for the party. In such instances, you should use the specified code (usually 9, 99, 999, etc.) and complete a separate sheet detailing the problem. These sheets will be used later to reconsider the coding schemes for some variables and perhaps to recode some of the cases if a particular set of litigants repeatedly produces a card.

## Chapter Five

### Amicus Curiae Briefs

Most variables in the Supreme Court Database describe the Court's decisions, votes, and opinions. Those contained in this section are somewhat different. They consider the environment surrounding the Court's decision-making process rather than the products of the Court. In particular, variables here are designed to provide a descriptive look at organized participation before the Supreme Court.

We included these variables in recognition of the fact that interest groups, governments, corporations, and the like do participate in Supreme Court litigation and that such participation is worthy of scholarly investigation. While our knowledge of the relationship between organized pressures and courts has increased dramatically over the past two decades, many important questions remained unanswered.<sup>4</sup> This portion of the data set provides researchers with systematic information that should be useful in addressing those issues.

In preparing this portion of the database, we made several decisions about the kinds of indicators of organized participation it would include. Most critical was our decision to code information only on the filers and cosignatories of *amicus curiae* ("friend-of-the-court") briefs.<sup>5</sup> Thus, variables included here do not contemplate other forms of organized participation, such as sponsorship<sup>6</sup> (e.g., when interest groups provide legal representation to parties to suits) or intervention<sup>7</sup> (e.g., when interest groups "voluntarily interpose" in suits). Another important decision we made was to include only participation as *amici curiae* on the merits. That is, the database contains information only on the filers and cosignatories of *amicus curiae* briefs in cases formally decided by the Court with a full or *per curiam* opinion. It does not, then, consider *amicus curiae* briefs filed at the jurisdictional or *certiorari* stages.<sup>8</sup> Finally, we included only *amici* that were non-individual interests; those briefs filed or cosigned by individuals were excluded.

As we shall describe in some detail below, we obtained information on the filers of *amicus curiae* briefs from the *U.S. Reports*; we gathered data on the co-signatories from the microfiche records of briefs filed in the cases. The advantage of proceeding in this way is reasonably obvious: by moving beyond the *U.S. Reports* and into the microfiche, the data provide a complete picture of those participating as *amici curiae*. But investigators *should not* differentiate filers from cosigners. That is, despite the way in

which the data were collected and coded, it would be a mistake to ascribe more significance to those participants coded as “filers” than to those coded as “cosignatories.” This may hold in some instances; but, not in others (*e.g.*, sometimes groups list themselves alphabetically). Our designations of “filer” and “cosigner,” thus, are simply artifacts of the way in which the *U.S. Reports* lists amicus briefs.

The above is meant to provide investigators with an overview of the *amicus curiae* database and some of the choices we made in assembling it. Before proceeding with any analyses, though, we urge users to read carefully the documentation on coding procedures and the notes following each variable.

### Overview of Coding Procedures

Data were coded in two stages, drawing upon two distinct data sources.

#### ***Stage I: Descriptive Information about the Filers of Amicus Curiae Briefs***

Coders began with the *U.S. Reports*, which lists *amicus curiae* briefs filed in a given case and notes whether an *amicus curiae* participated in oral argument. From this, the following information was coded:

- number of non-individual *amicus curiae* briefs filed in the case
- information about the participation of the Office of the Solicitor General
- the position taken in the non-individual *amicus curiae* brief
- the name of the non-individual interest listed in the *U.S. Reports* as filing the *amicus curiae* brief
- whether the non-individual *amicus curiae* participated in oral argument
- whether the non-individual *amicus curiae* was listed as “et al.”

The last item— whether the *amicus curiae* was listed as “et al.”— was particularly significant. If the *U.S. Reports* lists a brief as “et al.,” then one or more participants cosigned that brief.



***Stage 2: Descriptive Information about the Cosigners of Amicus Curiae Briefs***

For “et al.” briefs, coders obtained information about non-individual cosigners. Since the *U.S. Reports* does not list cosignatories, coders used the microfiche records of the case, located the “et al.” brief, and recorded the following information:

the number of non-individual participants cosigning the et al. brief  
the names of the non-individual participants cosigning the et al. brief

**An Example**

*Stage I:* In *Coker v. Georgia*, the American Civil Liberties Union filed an amicus curiae brief. It appears in the *U.S. Reports* in this form:

\**Ruth Bader Ginsburg, Melvin L. Wulf, Marjorie Mazen Smith, and Nancy Stearns* filed a brief for the American Civil Liberties Union et al. as *amici curiae* urging reversal.

**Stage 2:** Because the *U.S. Reports* identifies this as an “et al.” brief, coders located it within the microfiche record of *Coker*. There, the brief looks like this:

<p>IN THE Supreme Court of the United States OCTOBER TERM, 1975 NO. 75-5444</p> <p>•</p> <p>ERLICH ANTHONY COKER</p> <p>--V.--</p> <p>STATE OF GEORGIA,</p> <p>ON WRIT OF CERTIORARI TO THE SUPREME COURT OF GEORGIA</p> <p><b>BRIEF AMICI CURIAE OF THE AMERICAN CIVIL LIBERTIES UNION, THE CENTER FOR CONSTITUTIONAL RIGHTS, THE NATIONAL ORGANIZATION FOR WOMEN LEGAL DEFENSE AND EDUCATION FUND, THE WOMEN'S LAW PROJECT, THE CENTER FOR WOMEN POLICY STUDIES, THE WOMEN'S LEGAL DEFENSE FUND, and EQUAL RIGHTS ADVOCATES, INC.</b></p>
---

The ACLU was coded as the filer of the brief and the parties listed after the ACLU (the “et al.” in the *U.S. Reports*) were coded as cosignatories.

### Coding Process

**Unit of analysis:** The unit of analysis for this coding is the docket number.

**Selection of cases:** Code all cases reported in the *U.S. Reports* that meet the following conditions: (1) the case was decided with opinion and/or after oral argument, (2) at least one amicus brief was submitted in the case, and (3) the case is not reported in the “orders” section of the *U.S. Reports*. The criterion for identifying an opinion is whether the author gives some reason for the position he/she takes in the statement. A bare citation or the simple statement that the author agrees or disagrees with the lower court resolution of the case is considered sufficient.

The cases are first coded according to the primary filer listed in the *U.S. Reports*. One of the variables coded there was whether there are co-signatories (“et al.”) to the brief. This variable was used to produce a list of cases to code for the identity of the co-signatories. These data were then obtained from microfiche records of the briefs filed in cases.

Briefs filed by individuals on behalf of themselves or other individuals should be excluded. Co-signers who were described only as individuals should not be coded.

**Sampling the co-signatories.** If there are more than 10 co-signatories on a single brief, then a system of sampling is employed to select no more than ten co-signatories. When the number of co-signatories exceed ten, first determine the number of co-signatories (do not count the primary filer). Divide this number by ten. If the result is less than 1 (i.e., there are ten or fewer co-signatories), code all co-signatories. Otherwise, round the result to nearest integer. Calculate the skip interval ( $k$ ) as this integer. Code the first co-signatory, and then every  $k$ th co-signatory. In the event this procedure, for any reason, does not produce ten co-signatories to code, return to the beginning of the list of co-signatories and sample those co-signatories not sampled on the first pass, using the same sampling percentage until 10 co-signatories have been coded. If the sampling percentage, for any reason, will produce more than 10 co-signatories, stop coding at 10.

**An Overview of Data**

<i>Variables</i>	<i>Description</i>	<i>Source</i>
NAMICI	Total N of <i>amicus curiae</i> briefs filed in the case by non-individual interests.	<i>U. S. Reports</i>
SCPARTIC	Did the Solicitor General file in a case and in what form did that participation take?	<i>U.S. Reports</i>
SCORAL	Did the Solicitor General <i>personally</i> argue the case?	<i>U. S. Reports</i>
SCSTATUS	How did the Solicitor General's office obtain <i>amicus</i> status?	<i>U. S. Reports</i>
MENAMICI	Did the opinion of the Court mention amici?	<i>LEXIS</i>
NAME1... NAME53	What was the name of the first... fifty-third non-individual filer?	<i>U. S. Reports</i>
POSTN1... POSTN53	What was the position taken in the first...fifty-third <i>amicus curiae</i> brief?	<i>U. S. Reports</i>
ORAL1... ORAL53	Did first...fifty-third <i>amicus curiae</i> filer participate in oral argument?	<i>U. S. Reports</i>
ETAL1... ETAL53	Was the first...fifty-third <i>amicus curiae</i> brief co-signed?	<i>U. S. Reports</i>
NFILER1... NFILER53	How many groups signed the first... fifty-third <i>amicus curiae</i> brief?	Microfiche Briefs
FI1CO1- F153CO1O	What was the name of the first... tenth... co-signer?	Microfiche Briefs

**Table 5-1. Supreme Court Cases with Amicus Participation  
(NAMICI by Term)\***

<b>Term</b>	<b>Percentage</b>	<b>N</b>
1953	13.3	90
1954	23.3	86
1955	20.2	104
1956	17.0	112
1957	20.8	125
1958	26.7	116
1959	15.3	111
1960	23.8	122
1961	25.5	10
1962	38.5	130
1963	46.3	123
1964	45.7	105
1965	33.6	122
1966	33.3	13
1967	37.1	15
1968	37.1	116
1969	39.0	105
1970	48.4	124
1971	55.9	143
1972	50.0	160
1973	52.2	161
1974	51.4	142
1975	60.0	160
1976	46.1	15

<b>Term</b>	<b>Percentage</b>	<b>N</b>
1977	58.4	154
1978	66.7	153
1979	53.8	145
1980	70.3	145
1981	75.3	170
1982	67.4	178
1983	72.3	17
1984	64.8	159
1985	70.0	160

\*Note: Cases are defined as docket numbers, not citations.

## Codebook

**NAMICI** TOTAL NUMBER OF *AMICI* BRIEFS FILED

What is the total number of *amicus curiae* briefs filed by non-individual interests in the case?

- 00 Not Applicable
- 01 One brief to...
- 53 Fifty-three briefs

**Coding instructions:** Count only briefs listed in the *U.S. Reports*. Do not count briefs filed by individuals; include briefs filed by the U.S. Solicitor General.

**User notes:**

1. Because NAMICI excludes briefs filed by private individuals, overall counts will not necessarily reflect the actual number of briefs filed in the case.
2. Actual cases included in the database must have at least one brief filed by a non-individual interest. If a brief filed by an individual was the only one filed in a given case, that case will not be included in these data.
3. It is possible that this variable excludes briefs that did contain groups. If, for example, an individual filed an “et al.” brief, it is possible that a group(s) may have cosigned that brief. But, because an individual filed the brief, it was not counted.

**MENAMICI** DID THE COURT’S OPINION MENTION *AMICI*?

Did the majority opinion mention any *amicus curiae* or *amici*?

- 1. Yes
- 2. No
- 8. Not ascertainable

**Coding instructions:** Enter into LEXIS the following search term (for all cases included in this portion of the database): [U.S. cite] and [docket number] and *amicus* or *amici* and date aft [year]. If no case is found, code 2; if a case is found, use KWIC to determine if the term *amicus*

or amici appears in the opinion of the Court. Code 1 if the mention appears in the opinion of the Court; code 2 if the mention appears in a dissent or concurrence.

**SCPARTIC**    HOW DID THE SOLICITOR GENERAL'S OFFICE PARTICIPATE?

Did the Solicitor General's Office participate in the case, as an *amicus curiae*, and, if so, how did it participate?

1. Filed an *amicus curiae* brief only
2. Filed an *amicus curiae* brief and participated in oral argument
3. Did not participate as *amicus curiae*
9. Not applicable/nor ascertainable

**Coding instructions:** If the Solicitor General or someone from the Office of the Solicitor General is listed in the *U.S. Reports*, code the type of participation.

**User note:**

Because SCPARTIC omits memorandum and filings on certiorari, it does not capture the full extent of the Solicitor General's participation.

**SCORAL**    DID THE SOLICITOR GENERAL PERSONALLY PARTICIPATE?

Did the Solicitor General participate personally as an *amicus curiae* in oral argument?

1. Yes
2. No
8. Not ascertainable
9. Not applicable/No answer

**Coding instructions:** Code only participation by the Solicitor General, as listed in the *U.S. Reports*. Do not count participation other than that of the Solicitor General.

**User notes:**

1. This variable reflects whether the SG personally participated in oral arguments. If SCPARTIC was coded as 1 (the Office filed a brief only)

or 4 (the Office did not participate), then SCORAL is forced to take on a value of 9.

2. Note that there are no instances in which SCORAL equals 8.

**SCSTATUS**    HOW DID THE SOLICITOR GENERAL'S OFFICE  
OBTAIN *AMICUS CURIAE* STATUS?

1. By the initiative of the Solicitor General
2. By the invitation of the Court
8. Not ascertainable
9. Not applicable

**Coding instructions:** Code SCSTATUS as it appears in the *U.S. Reports*.

**User note:** There are no instances in which SCSTATUS equals 8.

**NAME1**        NAME OF *AMICUS CURIAE* FILER OF FIRST BRIEF

What is the name of the first non-individual filer on the first *amicus curiae* brief?

See Appendix B for a complete list of filers and their value labels.

99999. Not applicable

**Coding instructions:** Code the name of the filer, as listed in the *U.S. Reports*.

**User notes:**

1. We urge users not to impute any special significance to the filer (as opposed to cosigners). While it is possible that the filer was the participant that wrote the brief, paid for it, and so forth, it also could be that the groups simply listed themselves alphabetically or randomly. Thus, it is preferable for investigators to use NAME1 in conjunction with cosignatories of the NAME1 brief (see below).
2. By the same token, we also urge the user not to impute significance to the term "first brief." This simply connotes the order that the briefs appeared in the *U.S. Reports*.
3. Note that there are no instances in which NAME1 equals 99999. We include this value here so that it may be taken on for variables NAME2



through NAME53. For example, if only one *amicus curiae* brief was filed in a given case by a non-individual interest, NAME1 would identify the name of the non-individual interest filing that brief; NAME2...NAME53 would take on the values of 99999.

What position was taken in the first *amicus curiae* brief?

1. To reverse
2. To affirm
3. Not ascertainable from the *U.S. Reports*
8. Not ascertainable
9. Not applicable

**Coding instructions:** Code the position of the first *amicus curiae* brief as it is listed in the *U.S. Reports*.

**User notes:**

1. Briefs in support of the petitioner/appellant always argue for reversal; briefs in support of the respondent/appellee always argue for affirmance.
2. POSTN1 takes on the value of 3 in instances in which the *U.S. Reports* does not list whether the brief supported reversal or affirmance or took no position at all.
3. For briefs in which POSTN1 is coded as a 3, we recommend that users locate them on microfiche to ascertain their positions.
4. Note that there are no instances in which POSTN1 equals 8. We retained this value for users who wish to collect data for time periods not included here. For example, it is possible that in years prior to the 1950s investigators might find it useful to allow POSTN1 to take on a value of 8.
5. Note that there are no instances in which POSTN1 equals 9. We include this value here so that it may be taken on for variables POSTN2 through POSTN53. For example, if only one *amicus curiae* brief was filed by a non-individual interest in a given case, POSTN1 would identify the position taken by the non-individual interest filing that brief; POSTN2...POSTN53 would take on values of 9.

**ORAL1** DID THE *AMICUS CURIAE* FILER OF THE FIRST BRIEF PARTICIPATE IN ORAL ARGUMENT?

Did the filer of the first *amicus curiae* brief filed by a non-individual interest participate in oral argument?

1. Yes
2. No
8. Not ascertainable
9. Not applicable

**Coding instructions:** Code as appears in the *U.S. Reports*.

**User Note:** There are no instances in which ORAL1 equals 9. We include this value here so that it may be taken on for variables ORAL2 through ORAL53. For example, if only one *amicus curiae* brief was filed in a given case, ORAL1 would identify whether the non-individual interest filing that brief participated in oral argument; ORAL2...ORAL53 would take on values of 9.

**ETAL1** WAS THE FIRST *AMICUS CURIAE* BRIEF COSIGNED?

Was the first *amicus curiae* brief filed by a non-individual interest cosigned (i.e., was it listed an “et al.” brief)?

1. Yes
2. No
9. Not applicable

**Coding instructions:** Code as appears in the *U.S. Reports*.

**User notes:**

**1.** If ETAL1 takes on the value of 1, then others cosigned the brief. Data on cosignatories should follow (see below), unless all cosigners were individuals.

**2.** There are no instances in which ETAL1 equals 9. We include this value here so that it may be taken on for variables ETAL2 through ETAL53. For example, if only one *amicus curiae* brief was filed in a given case, ETAL1 would identify whether the non-individual interest

filing that was an “et al.” brief; ETAL2...ETAL53 would take on values of 9.

**NFILER1** TOTAL NUMBER OF SIGNATORIES ON THE FIRST  
*AMICUS CURIAE* BRIEF

For the first *amicus curiae* brief with signatories filed by a non-individual interest, how many non-individual interest groups signed the brief? This includes the Filer listed in NAME1 as well as any additional Co-signatories. (If ETAL1=No, Then NFILER1=1.)

001. One group through...

153. One hundred and fifty-three cosignatories

999. Not applicable

**Coding instructions:** If ETAL1 is coded as 1, locate the microfiche record of the brief. Count the number of non-individual cosignatories.

**FI1CO1** NAME OF FIRST COSIGNATORY ON FIRST ET AL.  
*AMICUS CURIAE* BRIEF

For the first *amicus curiae* brief filed by a non-individual interest with cosignatories, what is the name of the first interest group cosignatory?

See Appendix B for a complete list of cosignatories and their value labels.

999999.0 Not applicable/No Cosignatories

**Coding instructions:** Code in accordance with the *amicus curiae* brief, as it appears on microfiche. Do not code individuals.



## Endnotes

1. The ultimate expression of this approach can be found in Spaeth's earlier work. Through a trial-and-error inductive process, Spaeth (1979, p. 124) discovered that there were 73 cumulative scales that described the decisions of the last 11 terms of the Warren Court (1958-1968), and 63 cumulative scales that characterized the decisions of the first 8 terms of the Burger Court (1969-1976). The content of the two sets of scales certainly overlaps, but the 63 Burger Court scales are not a perfect subset of the 73 Warren Court scales. As the types of cases litigated change, so too will these scales.

2. Scholars in other areas of American politics have used similar sorts of values analysis to understand legal phenomena. For instance, Ginsberg (1972, 1976) has reported an analysis of the issue content of *all* United States statutes passed between 1789 and 1968. He was able to code the 60,000 statutes in seven broad categories. These are:

- (1) Capitalism: the aggregation of wealth and control over the distribution of wealth by business, financial and mercantile elites.
- (2) Internal Sovereignty: exercise of the power and increase of the sphere of action of the central government *vis-a-vis* states, localities, and individuals.
- (3) Redistribution: reallocation of wealth in favor of the economically disadvantaged.
- (4) International Cooperation: open-ended cooperation with and friendship toward foreign objects.
- (5) Universalism: equality of rights and privileges for domestic minorities.
- (6) Labor: labor and labor organizations.
- (7) Ruralism: farms, farmers and the rural way of life.

Each statute was coded as nominally favoring or opposing the policy objectives. The statutes were coded according to the nominal intention of the legislation rather than the law's impact or effect (Ginsberg, 1976, p. 45). Ginsberg also reports remarkably high intercoder agreement coefficients.

3. There is actually an instance in which there are two majority opinions in a case — 378 US 146.

4. For reviews of this literature, see Epstein (1991), and. Segal (1991). For annotations of all books and articles published between 1950 and 1991 on organized pressure activity in courts, see Epstein, George, and Kobylka (1992). Finally, for examples of contemporary literature on the subject of organized activity before the courts, see Lawrence (1990), and Rosenberg (1991).
5. For more information on the role of *amici curiae* and their history in the U.S. Supreme Court, see Krislov (1963), and Caldeira and Wright (1990).
6. *Brown v. Board of Education* (1954), in which the NAACP LDF provided legal representation and paid the costs associated with the litigation, is a classic example of sponsorship. For other examples, see Greenberg (1977); Vose (1959); and O'Connor (1980).
7. *Harris v. McRae* (1980), involving the constitutionality of a federal act (the Hyde Amendment) limiting the use of Medicaid funds for abortions, provides an example of participation by intervention. In that case, a pro-life organization (Americans United for Life Legal Defense Fund) represented intervenor Henry Hyde (R-Ill), who did not believe that the Carter administration would ably defend the amendment.
8. We do, however, recognize that organized pressures participate at these stages. See Caldeira and Wright (1988).

## References

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## **Appendix I:**



VAR 0001 UNITED STATES REPORTS CITATION

1. What is the citation to the United States Reports?

NOTE: The entries are right justified and zero-filled.

USVOL	volume number	Columns 1-3.
USSLASH	"/"	Column 4.
USPAGE	beginning page number	Columns 5-8.

VAR 0002 SUPREME COURT REPORTER CITATION  
[SCTCITE]

2. What is the citation to the Supreme Court Reporter?

NOTE: The entries are right justified and zero-filled.

volume number	Columns 9-11
"/"	Column 12
beginning page number	Columns 13-16

Coding Instructions: Derive these citations by reference to the conversion table to the United States Reports which is located in the front of the volumes of the Supreme Court Reporter. If more than one decision appears on the pertinent page of the United States Reports, use the Supreme Court Reporter list that corresponds to the position of the case on the page of the United States Reports; e.g., if the case whose Supreme Court Reporter citation is to be derived is the second one listed on the pertinent page of the United States Reports, use the citation for the second case listed in the conversion table; if it is the last case found on the page in the United States Reports, use the last one, etc.

VAR 0003 LAWYERS' EDITION CITATION

3. What is the citation to the Lawyers' Edition of the United States Reports?

NOTE: The entries are right justified and zero-filled. There are two cases without LED citations: 352 US 1020 (docket number 153) and 409 US 17 (docket number 9ORIG).

LEDVOL	volume number	Columns 17-19
LED_SLASH	"/"	Column 20
LEDPAGE	beginning page number	Columns 21-24

Coding Instructions:

VAR 0004 DOCKET NUMBER

[DOCKET]

4. What is the docket number of the cited case?

NOTE: The sequence of numbers or letters and numbers, including a "-", is entered in this field, exactly as it is printed on the page. The entries are right justified but do not zero fill it. For Burger Court cases, no "-" appears in cases arising under the original jurisdiction of the Supreme Court, and the docket number also precedes the letters "ORIG." There are 32 cases without docket numbers.

.....

VAR 0005      MANNER IN WHICH THE COURT TAKES JURISDICTION  
[JURIS]

5. In what manner did the Court take jurisdiction in this case?

-----

Alpha	Numeric
A	01. appeal
B	02. bail
C	03. certification
blank	04. certiorari
D	05. docketing fee
H	06. rehearing or restored to the calendar for reargument
I	07. injunction
M	08. mandamus
O	09. original
P	10. application for admission to the bar
R	11. reconsideration, or recall, or withdrawal of order or petition
S	12. stay
T	13. retax costs
W	14. miscellaneous extraordinary writ
Z	15. miscellaneous motion or order

Coding Instructions: This information will be found in the U.S. Reports following the name of the case and before the docket number.

.....

VAR 0006      ADMINISTRATION ACTION PRECEDING LITIGATION  
[ADMIN]

6. Did any administrative action occur prior to the onset of litigation? If so, which agency was involved?

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Alpha	Numeric
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AAFX	000. Army and Air Force Exchange Service
AEC	001. Atomic Energy Commission
AF	002. Secretary or administrative unit of the U.S. Air Force
AGRI	003. Department or Secretary of Agriculture
APC	004. Alien Property Custodian
ARMY	005. Secretary or administrative unit of the U.S. Army
BIA	006. Board of Immigration Appeals
BINA	007. Bureau of Indian Affairs
BOP	008. Bureau of Prisons
BPA	009. Bonneville Power Administration
BRB	010. Benefits Review Board
CAB	011. Civil Aeronautics Board
CENS	012. Bureau of the Census
CIA	013. Central Intelligence Agency
CFTC	014. Commodity Futures Trading Commission
COMM	015. Department or Secretary of Commerce
COMP	016. Comptroller of Currency
CPSC	017. Consumer Product Safety Commission
CRC	018. Civil Rights Commission
CSC	019. Civil Service Commission, U.S.
CUCO	020. Customs Service or Commissioner of Customs
DEA	021. Drug Enforcement Agency
DOD	022. Department or Secretary of Defense (identify components -- Army, Navy, Air Force -- separately, unless more than one is present, in which case use DOD)
DOE	023. Department or Secretary of Energy
DOI	024. Department or Secretary of the Interior
DOJ	025. Department of Justice or Attorney General
DOS	026. Department or Secretary of State
DOT	027. Department or Secretary of Transportation
EDUC	028. Department or Secretary of Education
EECC	029. U.S. Employees' Compensation Commission, or Commissioner
EEOC	030. Equal Employment Opportunity Commission
EPA	031. Environmental Protection Agency or Administrator
FAA	032. Federal Aviation Agency or Administration
FBI	033. Federal Bureau of Investigation or Director
FCA	034. Farm Credit Administration
FCC	035. Federal Communications Commission
FDA	036. Food and Drug Administration
FEA	037. Federal Energy Administration
FDIC	038. Federal Deposit Insurance Corporation
FEC	039. Federal Election Commission
FERC	040. Federal Energy Regulatory Commission
FHA	041. Federal Housing Administration
FHLB	042. Federal Home Loan Bank Board
FLRA	043. Federal Labor Relations Authority
FMBD	044. Federal Maritime Board
FMC	045. Federal Maritime Commission
FMHA	046. Farmers Home Administration
FPB	047. Federal Parole Board
FPC	048. Federal Power Commission

FRB	049.	Federal Reserve Board of Governors
FRS	050.	Federal Reserve System
FTC	051.	Federal Trade Commission
GAO	052.	General Accounting Office
GENL	053.	Comptroller General
GSA	054.	General Services Administration
HEW	055.	Department or Secretary of Health, Education and Welfare
HHS	056.	Department or Secretary of Health and Human Services
HUD	057.	Department or Secretary of Housing and Urban Development
IC	058.	Administrative agency established under an interstate compact (except for the MTC)
	059.	Interstate Commerce Commission
INCC	060.	Indian Claims Commission
INS	061.	Immigration and Naturalization Service, or Director of, or District Director of
IRS	062.	Internal Revenue Service, Collector, Commissioner, or District Director of
LABR	063.	Department or Secretary of Labor
LRB	064.	Loyalty Review Board
MSPB	065.	Merit Systems Protection Board
MTC	066.	Multistate Tax Commission
NAVY	067.	Secretary or administrative unit of the U.S. Navy
NEC	068.	National Enforcement Commission
NHTS	069.	National Highway Traffic Safety Administration
NLRB	070.	National Labor Relations Board, or regional office or officer
NMB	071.	National Mediation Board
NRAB	072.	National Railroad Adjustment Board
NRC	073.	Nuclear Regulatory Commission
OEO	074.	Office of Economic Opportunity
OPM	075.	Office of Personnel Management
OSHA	076.	Occupational Safety and Health Administration
OSHC	077.	Occupational Safety and Health Review Commission
OWCP	078.	Office of Workers' Compensation Programs
PATO	079.	Patent Office, or Commissioner of, or Board of Appeals of
PAY	080.	Pay Board (established under the Economic Stabilization Act of 1970)
PHS	081.	U.S. Public Health Service
PRC	082.	Postal Rate Commission
RNGB	083.	Renegotiation Board
RRAB	084.	Railroad Adjustment Board
RRRB	085.	Railroad Retirement Board
SACB	086.	Subversive Activities Control Board
SBA	087.	Small Business Administration
SEC	088.	Securities and Exchange Commission
SSA	089.	Social Security Administration
SSS	090.	Selective Service System
TREA	091.	Department or Secretary of the Treasury
TVA	092.	Tennessee Valley Authority
USPC	093.	United States Parole Commission
USPS	094.	Postal Service and Post Office, or Postmaster General, or Postmaster
VTAD	095.	Veterans' Administration

WPB	096.	War Production Board
WSB	097.	Wage Stabilization Board
AK	101.	Alaska
AL	102.	Alabama
AR	103.	Arizona
AZ	104.	Arkansas
CA	105.	California
CO	106.	Colorado
CT	107.	Connecticut
DC	108.	District of Columbia
DE	109.	Delaware
FL	110.	Florida
GA	111.	Georgia
HI	112.	Hawaii
IA	113.	Iowa
ID	114.	Idaho
IL	115.	Illinois
IN	116.	Indiana
KS	117.	Kansas
KY	118.	Kentucky
LA	119.	Louisiana
MA	120.	Massachusetts
MD	121.	Maryland
ME	122.	Maine
MI	123.	Michigan
MN	124.	Minnesota
MO	125.	Missouri
MS	126.	Mississippi
MT	127.	Montana
NB	128.	Nebraska
NC	129.	North Carolina
ND	130.	North Dakota
NH	131.	New Hampshire
NJ	132.	New Jersey
NM	133.	New Mexico
NV	134.	Nevada
NY	135.	New York
OH	136.	Ohio
OK	137.	Oklahoma
OR	138.	Oregon
PA	139.	Pennsylvania
RI	140.	Rhode Island
SC	141.	South Carolina
SD	142.	South Dakota
TN	143.	Tennessee
TX	144.	Texas
UT	145.	Utah
VA	146.	Virginia
VT	147.	Vermont
WA	148.	Washington
WI	149.	Wisconsin
WV	150.	West Virginia

WY	151. Wyoming
PR	152. Puerto Rico
?	998. Uncertain whether <u>any</u> administrative agency was involved
blank	999. Not applicable -- no administrative action

Coding Instructions: This variable pertains to administrative agency activity prior to the onset of litigation. Note that the activity may involve an administrative official as well as that of an agency. The general rule for an entry in this field is whether administrative action occurred in the context of the case.

Determination of whether or not such action occurred in the context of the case may generally be determined by reading the material which appears in the summary of the case (the material preceding the Court's opinion) and, if necessary, those portions of the prevailing opinion headed by a "I" and "II."

An entry should be made in this field if there is reference to action by a "board," "commission," "department," or "agency," or to "administrative" action; or if there is application of agency "rules," "guidelines," "regulations," or remedies"; or the use of agency "hearings" or "proceedings"; or the holding or issuing of a "permit," "license," or "certificate."

Action by an agency official is considered to be administrative action except when such an official acts to enforce criminal law. However, action by a parole board or administrative action within a prison (e.g., transfer of prisoners without a hearing) is included as agency action. Investigations conducted by agency officials and noncriminal prosecutions are defined as agency action.

If an agency or agency official "denies" a "request" that action be taken, such denials are considered agency action.

The admissibility and dismissal of students from public educational institutions are considered administrative action.

The delegation of licensing authority to a private body (e.g., a board of bar examiners) is considered administrative action.

Exclude from entry in this field:

- a "challenge" to an unapplied agency rule, regulation, etc.
- a request for an injunction or a declaratory judgment against agency action which, though anticipated, has not yet occurred.
- a mere request for an agency to take action when there is no evidence that the agency did so.
- agency or official action to enforce criminal law.
- the hiring and firing of political appointees or the procedures whereby public officials are appointed to office.
- filing fees or nominating petitions required for access to the ballot.



- actions of courts martial.
- land condemnation suits and quiet title actions instituted in a court.
- federally funded private nonprofit organizations.

When a state agency or official acts as an agent of a federal agency, it is identified as federal agency action.

If two federal agencies are mentioned (e.g., INS and BIA), enter the one whose action more directly bears on the dispute; otherwise enter the more recently acting one. If a state and federal agency are mentioned, enter the federal agency.

Administrative action may be either state or federal. If administrative action was taken by a state or a subdivision thereof, identify it by the two-letter ZIP Code abbreviation of the state in question. If administrative action results from an agency created under an interstate compact, enter the letters, "IC." If agency action is federal, enter the abbreviation from the list of response categories.

Where the record is unclear as to the presence of such action, indicate by entry of a "?."

.....

VAR 0007      THREE-JUDGE DISTRICT COURT  
[JUDGE3]

7. Do the Reports indicate that the case was decided by a three-judge district court?

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Alpha	Numeric
blank	0. No
3	1. Yes

Coding Instructions:

.....

VAR 0008      ORIGIN OF THE CASE  
[ORIGIN]

8. What court made the original decision in the case that the Supreme Court reviewed?

NOTE:

-----

Alpha	Numeric
AK	1010. Supreme Court--Alaska
AL	1020. Supreme Court--Alabama
AR	1030. Supreme Court--Arkansas
AZ	1040. Supreme Court--Arizona
CA	1050. Supreme Court--California
CO	1060. Supreme Court--Colorado
CT	1070. Supreme Court--Connecticut
DC	1080. Supreme Court--District of Columbia
DE	1090. Supreme Court--Delaware
FL	1100. Supreme Court--Florida
GA	1110. Supreme Court--Georgia
HI	1120. Supreme Court--Hawaii
IA	1130. Supreme Court--Iowa
ID	1140. Supreme Court--Idaho
IL	1150. Supreme Court--Illinois
IN	1160. Supreme Court--Indiana
KS	1170. Supreme Court--Kansas
KY	1180. Supreme Court--Kentucky
LA	1190. Supreme Court--Louisiana
MA	1200. Supreme Court--Massachusetts
MD	1210. Supreme Court--Maryland
ME	1220. Supreme Court--Maine
MI	1230. Supreme Court--Michigan
MN	1240. Supreme Court--Minnesota
MO	1250. Supreme Court--Missouri
MS	1260. Supreme Court--Mississippi
MT	1270. Supreme Court--Montana
NB	1280. Supreme Court--Nebraska
NC	1290. Supreme Court--North Carolina
ND	1300. Supreme Court--North Dakota
NH	1310. Supreme Court--New Hampshire
NJ	1320. Supreme Court--New Jersey
NM	1330. Supreme Court--New Mexico
NV	1340. Supreme Court--Nevada
NY	1350. Supreme Court--New York
OH	1360. Supreme Court--Ohio
OK	1370. Supreme Court--Oklahoma
OR	1380. Supreme Court--Oregon

PA	1390. Supreme Court--Pennsylvania
RI	1400. Supreme Court--Rhode Island
SC	1410. Supreme Court--South Carolina
SD	1420. Supreme Court--South Dakota
TN	1430. Supreme Court--Tennessee
TX	1440. Supreme Court--Texas
UT	1450. Supreme Court--Utah
VA	1460. Supreme Court--Virginia
VT	1470. Supreme Court--Vermont
WA	1480. Supreme Court--Washington
WI	1490. Supreme Court--Wisconsin
WV	1500. Supreme Court--West Virginia
WY	1510. Supreme Court--Wyoming
AKAP	1011. Intermediate Appeals--Alaska
ALAP	1021. Intermediate Appeals--Alabama
ARAP	1031. Intermediate Appeals--Arkansas
AZAP	1041. Intermediate Appeals--Arizona
CAAP	1051. Intermediate Appeals--California
COAP	1061. Intermediate Appeals--Colorado
CTAP	1071. Intermediate Appeals--Connecticut
DCAP	1081. Intermediate Appeals--District of Columbia
DEAP	1091. Intermediate Appeals--Delaware
FLAP	1101. Intermediate Appeals--Florida
GAAP	1111. Intermediate Appeals--Georgia
HIAP	1121. Intermediate Appeals--Hawaii
IAAP	1131. Intermediate Appeals--Iowa
IDAP	1141. Intermediate Appeals--Idaho
ILAP	1151. Intermediate Appeals--Illinois
INAP	1161. Intermediate Appeals--Indiana
KSAP	1171. Intermediate Appeals--Kansas
KYAP	1181. Intermediate Appeals--Kentucky
LAAP	1191. Intermediate Appeals--Louisiana
MAAP	1201. Intermediate Appeals--Massachusetts
MDAP	1211. Intermediate Appeals--Maryland
MEAP	1221. Intermediate Appeals--Maine
MIAP	1231. Intermediate Appeals--Michigan
MNAP	1241. Intermediate Appeals--Minnesota
MOAP	1251. Intermediate Appeals--Missouri
MSAP	1261. Intermediate Appeals--Mississippi
MTAP	1271. Intermediate Appeals--Montana
NBAP	1281. Intermediate Appeals--Nebraska
NCAP	1291. Intermediate Appeals--North Carolina
NDAP	1301. Intermediate Appeals--North Dakota
NHAP	1311. Intermediate Appeals--New Hampshire
NJAP	1321. Intermediate Appeals--New Jersey
NMAP	1331. Intermediate Appeals--New Mexico
NVAP	1341. Intermediate Appeals--Nevada
NYAP	1351. Intermediate Appeals--New York
OHAP	1361. Intermediate Appeals--Ohio
OKAP	1371. Intermediate Appeals--Oklahoma
ORAP	1381. Intermediate Appeals--Oregon
PAAP	1391. Intermediate Appeals--Pennsylvania

RIAP	1401. Intermediate Appeals--Rhode Island
SCAP	1411. Intermediate Appeals--South Carolina
SDAP	1421. Intermediate Appeals--South Dakota
TNAP	1431. Intermediate Appeals--Tennessee
TXAP	1441. Intermediate Appeals--Texas
UTAP	1451. Intermediate Appeals--Utah
VAAP	1461. Intermediate Appeals--Virginia
VTAP	1471. Intermediate Appeals--Vermont
WAAP	1481. Intermediate Appeals--Washington
WIAP	1491. Intermediate Appeals--Wisconsin
WVAP	1501. Intermediate Appeals--West Virginia
WYAP	1511. Intermediate Appeals--Wyoming
AKTR	1012. Trial Court--Alaska
ALTR	1022. Trial Court--Alabama
ARTR	1032. Trial Court--Arkansas
AZTR	1042. Trial Court--Arizona
CATR	1052. Trial Court--California
COTR	1062. Trial Court--Colorado
CTTR	1072. Trial Court--Connecticut
DCTR	1082. Trial Court--District of Columbia
DETR	1092. Trial Court--Delaware
FLTR	1102. Trial Court--Florida
GATR	1112. Trial Court--Georgia
HITR	1122. Trial Court--Hawaii
IATR	1132. Trial Court--Iowa
IDTR	1142. Trial Court--Idaho
ILTR	1152. Trial Court--Illinois
INTR	1162. Trial Court--Indiana
KSTR	1172. Trial Court--Kansas
KYTR	1182. Trial Court--Kentucky
LATR	1192. Trial Court--Louisiana
MATR	1202. Trial Court--Massachusetts
MDTR	1212. Trial Court--Maryland
METR	1222. Trial Court--Maine
MITR	1232. Trial Court--Michigan
MNTR	1242. Trial Court--Minnesota
MOTR	1252. Trial Court--Missouri
MSTR	1262. Trial Court--Mississippi
MTTR	1272. Trial Court--Montana
NBTR	1282. Trial Court--Nebraska
NCTR	1292. Trial Court--North Carolina
NDTR	1302. Trial Court--North Dakota
NHTR	1312. Trial Court--New Hampshire
NJTR	1322. Trial Court--New Jersey
NMTR	1332. Trial Court--New Mexico
NVTR	1342. Trial Court--Nevada
NYTR	1352. Trial Court--New York
OHTR	1362. Trial Court--Ohio
OKTR	1372. Trial Court--Oklahoma
ORTR	1382. Trial Court--Oregon
PATR	1392. Trial Court--Pennsylvania
RITR	1402. Trial Court--Rhode Island

SCTR	1412. Trial Court--South Carolina
SDTR	1422. Trial Court--South Dakota
TNTR	1432. Trial Court--Tennessee
TXTR	1442. Trial Court--Texas
UTTR	1452. Trial Court--Utah
VATR	1462. Trial Court--Virginia
VTTR	1472. Trial Court--Vermont
WATR	1482. Trial Court--Washington
WITR	1492. Trial Court--Wisconsin
WVTR	1502. Trial Court--West Virginia
WYTR	1512. Trial Court--Wyoming
NDAL	2022.1. Federal District Court--ND--AL
NDCA	2052.1. Federal District Court--ND--CA
NDFL	2102.1. Federal District Court--ND--FL
NDGA	2112.1. Federal District Court--ND--GA
NDIA	2132.1. Federal District Court--ND--IA
NDIL	2152.1. Federal District Court--ND--IL
NDIN	2162.1. Federal District Court--ND--IN
NDMS	2262.1. Federal District Court--ND--MS
NDNY	2352.1. Federal District Court--ND--NY
NDOH	2362.1. Federal District Court--ND--OH
NDOK	2372.1. Federal District Court--ND--OK
NDTX	2442.1. Federal District Court--ND--TX
NDVA	2462.1. Federal District Court--ND--VA
NDWV	2502.1. Federal District Court--ND--WV
SDAL	2022.2. Federal District Court--SD--AL
SDCA	2052.2. Federal District Court--SD--CA
SDFL	2102.2. Federal District Court--SD--FL
SDGA	2112.2. Federal District Court--SD--GA
SDIA	2132.2. Federal District Court--SD--IA
SDIL	2152.2. Federal District Court--SD--IL
SDIN	2162.2. Federal District Court--SD--IN
SDLA	2192.2. Federal District Court--SD--LA
SDMS	2262.2. Federal District Court--SD--MS
SDNY	2352.2. Federal District Court--SD--NY
SDOH	2362.2. Federal District Court--SD--OH
SDTX	2442.2. Federal District Court--SD--TX
SDWV	2502.2. Federal District Court--SD--WV
EDAR	2032.3. Federal District Court--ED--AR
EDCA	2052.3. Federal District Court--ED--CA
EDIL	2152.3. Federal District Court--ED--IL
EDKY	2182.3. Federal District Court--ED--KY
EDLA	2192.3. Federal District Court--ED--LA
EDMA	2202.3. Federal District Court--ED--MA
EDMI	2232.3. Federal District Court--ED--MI
EDMO	2252.3. Federal District Court--ED--MO
EDNC	2292.3. Federal District Court--ED--NC
EDNY	2352.3. Federal District Court--ED--NY
EDOK	2372.3. Federal District Court--ED--OK
EDPA	2392.3. Federal District Court--ED--PA
EDSC	2412.3. Federal District Court--ED--SC
EDTN	2432.3. Federal District Court--ED--TN

EDTX	2442.3.	Federal District Court--ED--TX
EDVA	2462.3.	Federal District Court--ED--VA
EDWA	2482.3.	Federal District Court--ED--WA
EDWI	2492.3.	Federal District Court--ED--WI
WDAR	2032.4.	Federal District Court--WD--AR
WDKY	2182.4.	Federal District Court--WD--KY
WDLA	2192.4.	Federal District Court--WD--LA
WDMI	2232.4.	Federal District Court--WD--MI
WDMO	2252.4.	Federal District Court--WD--MO
WDNC	2292.4.	Federal District Court--WD--NC
WDNY	2352.4.	Federal District Court--WD--NY
WDOK	2372.4.	Federal District Court--WD--OK
WDPA	2392.4.	Federal District Court--WD--PA
WDSC	2412.4.	Federal District Court--WD--SC
WDTN	2432.4.	Federal District Court--WD--TN
WDTX	2442.4.	Federal District Court--WD--TX
WDVA	2462.4.	Federal District Court--WD--VA
WDWA	2482.4.	Federal District Court--WD--WA
WDWI	2492.4.	Federal District Court--WD--WI
MDAL	2022.5.	Federal District Court--MD--AL
MDCA	2052.5.	Federal District Court--MD--CA
MDFL	2102.5.	Federal District Court--MD--FL
MDGA	2112.5.	Federal District Court--MD--GA
MDLA	2192.5.	Federal District Court--MD--LA
MDNC	2292.5.	Federal District Court--MD--NC
MDPA	2392.5.	Federal District Court--MD--PA
MDTN	2432.5.	Federal District Court--MD--TN
CDCA	2052.6.	Federal District Court--CD--CA
CDIL	2152.6.	Federal District Court--CD--IL
DAK	2012.7.	Federal District Court--AK
WDAR	2042.4.	Federal District Court--WD
DAZ	2042.7.	Federal District Court--AZ
?DAR	2042.9.	Federal District Court--Unkn
DCO	2062.7.	Federal District Court--CO
DCT	2072.7.	Federal District Court--CT
DDC	2082.7.	Federal District Court--DC
DDE	2092.7.	Federal District Court--DE
DHI	2122.7.	Federal District Court--HI
DID	2142.7.	Federal District Court--ID
DKS	2182.7.	Federal District Court--KS
DLA	2192.7.	Federal District Court--LA
DMA	2202.7.	Federal District Court--MA
DMD	2212.7.	Federal District Court--MD
DME	2222.7.	Federal District Court--ME
DMN	2242.7.	Federal District Court--MN
DMT	2272.7.	Federal District Court--MT
DNB	2282.7.	Federal District Court--NB
DND	2302.7.	Federal District Court--ND
DNH	2312.7.	Federal District Court--NH
DNJ	2322.7.	Federal District Court--NJ
DNM	2332.7.	Federal District Court--NM
DNV	2342.7.	Federal District Court--NV

DOR	2382.7. Federal District Court--OR
DRI	2402.7. Federal District Court--RI
DSC	2412.7. Federal District Court--SC
DSD	2422.7. Federal District Court--SD
DUT	2452.7. Federal District Court--UT
DVT	2472.7. Federal District Court--VT
DWA	2492.7. Federal District Court--WA
DWV	2502.7. Federal District Court--WV
DWY	2512.7. Federal District Court--WY
DPR	2522.7. Federal District Court--PR
DVI	2532.7. Federal District Court--VI
DGU	2542.7. Federal District Court--GU
DCZ	2552.7. Federal District Court--CZ
?DAL	2022.9. Federal District Court--Unknown-AL
?DAR	2032.9. Federal District Court--Unknown-AR
?DCA	2052.9. Federal District Court--Unknown-CA
?DFL	2102.9. Federal District Court--Unknown-FL
?DGA	2112.9. Federal District Court--Unknown-GA
?DIL	2152.9. Federal District Court--Unknown-IL
?DIN	2162.9. Federal District Court--Unknown-IN
?DKY	2182.9. Federal District Court--Unknown-KY
?DLA	2192.9. Federal District Court--Unknown-LA
?DMI	2232.9. Federal District Court--Unknown-MI
?DMO	2252.9. Federal District Court--Unknown-MO
?DMS	2262.9. Federal District Court--Unknown-MS
?DNC	2292.9. Federal District Court--Unknown-NC
?DNY	2352.9. Federal District Court--Unknown-NY
?DOH	2362.9. Federal District Court--Unknown-OH
?DOK	2372.9. Federal District Court--Unknown-OK
?DPA	2392.9. Federal District Court--Unknown-PA
?DTN	2432.9. Federal District Court--Unknown-TN
?DTX	2442.9. Federal District Court--Unknown-TX
?DVA	2462.9. Federal District Court--Unknown-VA
?DWA	2482.9. Federal District Court--Unknown-WA
?DWI	2492.9. Federal District Court--Unknown-WI
1C	2011. Court of Appeal--First Circuit
2C	2021. Court of Appeal--Second Circuit
3C	2031. Court of Appeal--Third Circuit
4C	2041. Court of Appeal--Fourth Circuit
5C	2051. Court of Appeal--Fifth Circuit
6C	2061. Court of Appeal--Sixth Circuit
7C	2071. Court of Appeal--Seventh Circuit
8C	2081. Court of Appeal--Eighth Circuit
9C	2091. Court of Appeal--Nineth Circuit
10C	2101. Court of Appeal--Tenth Circuit
11C	2111. Court of Appeal--Eleventh Circuit
DCC	2121. Court of Appeal--District of Columbia Circuit
blank	2000. U.S. Supreme Court
CCPA	2019. Court of Customs and Patent Appeals
CTCL	2029. Court of Claims
CUST	2039. Customs Court
FEDC	2049. Court of Appeals for the Federal Circuit

TAX	2059. Tax Court
TECA	2069. Temporary Emergency Court of Appeals
CTMA	2079. Court of Military Appeal
CTMR	2089. Court of Military Review
?	9998. Court Unknown

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Federal courts of appeal: the number of the Circuit (1-11) or DC is followed by the letter "C." E.g., 1C, 8C, 11C, DCC.

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A petition for a writ of habeas corpus begins in the federal district court, not the state trial court.

Cases removed to a federal court originate there.

VAR 0009 SOURCE OF THE CASE  
[SOURCE]

9. What court made the decision the Supreme Court reviewed?

Alpha Numeric

AK	1010. Supreme Court--Alaska
AL	1020. Supreme Court--Alabama
AZ	1030. Supreme Court--Arizona



AR	1040.	Supreme Court--Arkansas
CA	1050.	Supreme Court--California
CO	1060.	Supreme Court--Colorado
CT	1070.	Supreme Court--Connecticut
DC	1080.	Supreme Court--District of Columbia
DE	1090.	Supreme Court--Delaware
FL	1100.	Supreme Court--Florida
GA	1110.	Supreme Court--Georgia
HI	1120.	Supreme Court--Hawaii
IA	1130.	Supreme Court--Iowa
ID	1140.	Supreme Court--Idaho
IL	1150.	Supreme Court--Illinois
IN	1160.	Supreme Court--Indiana
KS	1170.	Supreme Court--Kansas
KY	1180.	Supreme Court--Kentucky
LA	1190.	Supreme Court--Louisiana
MA	1200.	Supreme Court--Massachusetts
MD	1210.	Supreme Court--Maryland
ME	1220.	Supreme Court--Maine
MI	1230.	Supreme Court--Michigan
MN	1240.	Supreme Court--Minnesota
MO	1250.	Supreme Court--Missouri
MS	1260.	Supreme Court--Mississippi
MT	1270.	Supreme Court--Montana
NB	1280.	Supreme Court--Nebraska
NC	1290.	Supreme Court--North Carolina
ND	1300.	Supreme Court--North Dakota
NH	1310.	Supreme Court--New Hampshire
NJ	1320.	Supreme Court--New Jersey
NM	1330.	Supreme Court--New Mexico
NV	1340.	Supreme Court--Nevada
NY	1350.	Supreme Court--New York
OH	1360.	Supreme Court--Ohio
OK	1370.	Supreme Court--Oklahoma
OR	1380.	Supreme Court--Oregon
PA	1390.	Supreme Court--Pennsylvania
RI	1400.	Supreme Court--Rhode Island
SC	1410.	Supreme Court--South Carolina
SD	1420.	Supreme Court--South Dakota
TN	1430.	Supreme Court--Tennessee
TX	1440.	Supreme Court--Texas
UT	1450.	Supreme Court--Utah
VA	1460.	Supreme Court--Virginia
VT	1470.	Supreme Court--Vermont
WA	1480.	Supreme Court--Washington
WI	1490.	Supreme Court--Wisconsin
WV	1500.	Supreme Court--West Virginia
WY	1510.	Supreme Court--Wyoming
AKAP	1011.	Intermediate Appeals--Alaska
ALAP	1021.	Intermediate Appeals--Alabama
ARAP	1031.	Intermediate Appeals--Arkansas
AZAP	1041.	Intermediate Appeals--Arizona

CAAP	1051. Intermediate Appeals--California
COAP	1061. Intermediate Appeals--Colorado
CTAP	1071. Intermediate Appeals--Connecticut
DCAP	1081. Intermediate Appeals--District of Columbia
DEAP	1091. Intermediate Appeals--Delaware
FLAP	1101. Intermediate Appeals--Florida
GAAP	1111. Intermediate Appeals--Georgia
HIAP	1121. Intermediate Appeals--Hawaii
IAAP	1131. Intermediate Appeals--Iowa
IDAP	1141. Intermediate Appeals--Idaho
ILAP	1151. Intermediate Appeals--Illinois
INAP	1161. Intermediate Appeals--Indiana
KSAP	1171. Intermediate Appeals--Kansas
KYAP	1181. Intermediate Appeals--Kentucky
LAAP	1191. Intermediate Appeals--Louisiana
MAAP	1201. Intermediate Appeals--Massachusetts
MDAP	1211. Intermediate Appeals--Maryland
MEAP	1221. Intermediate Appeals--Maine
MIAP	1231. Intermediate Appeals--Michigan
MNAP	1241. Intermediate Appeals--Minnesota
MOAP	1251. Intermediate Appeals--Missouri
MSAP	1261. Intermediate Appeals--Mississippi
MTAP	1271. Intermediate Appeals--Montana
NBAP	1281. Intermediate Appeals--Nebraska
NCAP	1291. Intermediate Appeals--North Carolina
NDAP	1301. Intermediate Appeals--North Dakota
NHAP	1311. Intermediate Appeals--New Hampshire
NJAP	1321. Intermediate Appeals--New Jersey
NMAP	1331. Intermediate Appeals--New Mexico
NVAP	1341. Intermediate Appeals--Nevada
NYAP	1351. Intermediate Appeals--New York
OHAP	1361. Intermediate Appeals--Ohio
OKAP	1371. Intermediate Appeals--Oklahoma
ORAP	1381. Intermediate Appeals--Oregon
PAAP	1391. Intermediate Appeals--Pennsylvania
RIAP	1401. Intermediate Appeals--Rhode Island
SCAP	1411. Intermediate Appeals--South Carolina
SDAP	1421. Intermediate Appeals--South Dakota
TNAP	1431. Intermediate Appeals--Tennessee
TXAP	1441. Intermediate Appeals--Texas
UTAP	1451. Intermediate Appeals--Utah
VAAP	1461. Intermediate Appeals--Virginia
VTAP	1471. Intermediate Appeals--Vermont
WAAP	1481. Intermediate Appeals--Washington
WIAP	1491. Intermediate Appeals--Wisconsin
WVAP	1501. Intermediate Appeals--West Virginia
WYAP	1511. Intermediate Appeals--Wyoming
AKTR	1012. Trial Court--Alaska
ALTR	1022. Trial Court--Alabama
ARTR	1032. Trial Court--Arkansas
AZTR	1042. Trial Court--Arizona
CATR	1052. Trial Court--California

COTR	1062. Trial Court--Colorado
CTTR	1072. Trial Court--Connecticut
DCTR	1082. Trial Court--District of Columbia
DETR	1092. Trial Court--Delaware
FLTR	1102. Trial Court--Florida
GATR	1112. Trial Court--Georgia
HITR	1122. Trial Court--Hawaii
IATR	1132. Trial Court--Iowa
IDTR	1142. Trial Court--Idaho
ILTR	1152. Trial Court--Illinois
INTR	1162. Trial Court--Indiana
KSTR	1172. Trial Court--Kansas
KYTR	1182. Trial Court--Kentucky
LATR	1192. Trial Court--Louisiana
MATR	1202. Trial Court--Massachusetts
MDTR	1212. Trial Court--Maryland
METR	1222. Trial Court--Maine
MITR	1232. Trial Court--Michigan
MNTR	1242. Trial Court--Minnesota
MOTR	1252. Trial Court--Missouri
MSTR	1262. Trial Court--Mississippi
MTTR	1272. Trial Court--Montana
NBTR	1282. Trial Court--Nebraska
NCTR	1292. Trial Court--North Carolina
NDTR	1302. Trial Court--North Dakota
NHTR	1312. Trial Court--New Hampshire
NJTR	1322. Trial Court--New Jersey
NMTR	1332. Trial Court--New Mexico
NVTR	1342. Trial Court--Nevada
NYTR	1352. Trial Court--New York
OHTR	1362. Trial Court--Ohio
OKTR	1372. Trial Court--Oklahoma
ORTR	1382. Trial Court--Oregon
PATR	1392. Trial Court--Pennsylvania
RITR	1402. Trial Court--Rhode Island
SCTR	1412. Trial Court--South Carolina
SDTR	1422. Trial Court--South Dakota
TNTR	1432. Trial Court--Tennessee
TXTR	1442. Trial Court--Texas
UTTR	1452. Trial Court--Utah
VATR	1462. Trial Court--Virginia
VTTR	1472. Trial Court--Vermont
WATR	1482. Trial Court--Washington
WITR	1492. Trial Court--Wisconsin
WVTR	1502. Trial Court--West Virginia
WYTR	1512. Trial Court--Wyoming
NDAL	2022.1. Federal District Court--ND--AL
NDCA	2052.1. Federal District Court--ND--CA
NDFL	2102.1. Federal District Court--ND--FL
NDGA	2112.1. Federal District Court--ND--GA
NDIA	2132.1. Federal District Court--ND--IA
NDIL	2152.1. Federal District Court--ND--IL

NDIN	2162.1.	Federal District Court--ND--IN
NDMS	2262.1.	Federal District Court--ND--MS
NDNY	2352.1.	Federal District Court--ND--NY
NDOH	2362.1.	Federal District Court--ND--OH
NDOK	2372.1.	Federal District Court--ND--OK
NDTX	2442.1.	Federal District Court--ND--TX
NDVA	2462.1.	Federal District Court--ND--VA
NDWV	2502.1.	Federal District Court--ND--WV
SDAL	2022.2.	Federal District Court--SD--AL
SDCA	2052.2.	Federal District Court--SD--CA
SDFL	2102.2.	Federal District Court--SD--FL
SDGA	2112.2.	Federal District Court--SD--GA
SDIA	2132.2.	Federal District Court--SD--IA
SDIL	2152.2.	Federal District Court--SD--IL
SDIN	2162.2.	Federal District Court--SD--IN
SDLA	2192.2.	Federal District Court--SD--LA
SDMS	2262.2.	Federal District Court--SD--MS
SDNY	2352.2.	Federal District Court--SD--NY
SDOH	2362.2.	Federal District Court--SD--OH
SDTX	2442.2.	Federal District Court--SD--TX
SDWV	2502.2.	Federal District Court--SD--WV
EDAR	2032.3.	Federal District Court--ED--AR
EDCA	2052.3.	Federal District Court--ED--CA
EDIL	2152.3.	Federal District Court--ED--IL
EDKY	2182.3.	Federal District Court--ED--KY
EDLA	2192.3.	Federal District Court--ED--LA
EDMA	2202.3.	Federal District Court--ED--MA
EDMI	2232.3.	Federal District Court--ED--MI
EDMO	2252.3.	Federal District Court--ED--MO
EDNC	2292.3.	Federal District Court--ED--NC
EDNY	2352.3.	Federal District Court--ED--NY
EDOK	2372.3.	Federal District Court--ED--OK
EDPA	2392.3.	Federal District Court--ED--PA
EDSC	2412.3.	Federal District Court--ED--SC
EDTN	2432.3.	Federal District Court--ED--TN
EDTX	2442.3.	Federal District Court--ED--TX
EDVA	2462.3.	Federal District Court--ED--VA
EDWA	2482.3.	Federal District Court--ED--WA
EDWI	2492.3.	Federal District Court--ED--WI
WDAR	2032.4.	Federal District Court--WD--AR
WDKY	2182.4.	Federal District Court--WD--KY
WDLA	2192.4.	Federal District Court--WD--LA
WDMI	2232.4.	Federal District Court--WD--MI
WDMO	2252.4.	Federal District Court--WD--MO
WDNC	2292.4.	Federal District Court--WD--NC
WDNY	2352.4.	Federal District Court--WD--NY
WDOK	2372.4.	Federal District Court--WD--OK
WDPA	2392.4.	Federal District Court--WD--PA
WDSC	2412.4.	Federal District Court--WD--SC
WDTN	2432.4.	Federal District Court--WD--TN
WDTX	2442.4.	Federal District Court--WD--TX
WDVA	2462.4.	Federal District Court--WD--VA

WDWA	2482.4.	Federal District Court--WD--WA
WDWI	2492.4.	Federal District Court--WD--WI
MDAL	2022.5.	Federal District Court--MD--AL
MDCA	2052.5.	Federal District Court--MD--CA
MDFL	2102.5.	Federal District Court--MD--FL
MDGA	2112.5.	Federal District Court--MD--GA
MDLA	2192.5.	Federal District Court--MD--LA
MDNC	2292.5.	Federal District Court--MD--NC
MDPA	2392.5.	Federal District Court--MD--PA
MDTN	2432.5.	Federal District Court--MD--TN
CDCA	2052.6.	Federal District Court--CD--CA
CDIL	2152.6.	Federal District Court--CD--IL
DAK	2012.7.	Federal District Court--AK
DAZ	2042.7.	Federal District Court--AZ
DCO	2062.7.	Federal District Court--CO
DCT	2072.7.	Federal District Court--CT
DDC	2082.7.	Federal District Court--DC
DDE	2092.7.	Federal District Court--DE
DHI	2122.7.	Federal District Court--HI
DID	2142.7.	Federal District Court--ID
DKS	2182.7.	Federal District Court--KS
DLA	2192.7.	Federal District Court--LA
DMA	2202.7.	Federal District Court--MA
DMD	2212.7.	Federal District Court--MD
DME	2222.7.	Federal District Court--ME
DMN	2242.7.	Federal District Court--MN
DMT	2272.7.	Federal District Court--MT
DNB	2282.7.	Federal District Court--NB
DND	2302.7.	Federal District Court--ND
DNH	2312.7.	Federal District Court--NH
DNJ	2322.7.	Federal District Court--NJ
DNM	2332.7.	Federal District Court--NM
DNV	2342.7.	Federal District Court--NV
DOR	2382.7.	Federal District Court--OR
DRI	2402.7.	Federal District Court--RI
DSC	2412.7.	Federal District Court--SC
DSD	2422.7.	Federal District Court--SD
DUT	2452.7.	Federal District Court--UT
DVT	2472.7.	Federal District Court--VT
DWA	2492.7.	Federal District Court--WA
DWV	2502.7.	Federal District Court--WV
DWY	2512.7.	Federal District Court--WY
?DAL	2022.9.	Federal District Court--Unknown-AL
?DAR	2032.9.	Federal District Court--Unknown-AR
?DCA	2052.9.	Federal District Court--Unknown-CA
?DFL	2102.9.	Federal District Court--Unknown-FL
?DGA	2112.9.	Federal District Court--Unknown-GA
?DIL	2152.9.	Federal District Court--Unknown-IL
?DIN	2162.9.	Federal District Court--Unknown-IN
?DKY	2182.9.	Federal District Court--Unknown-KY
?DLA	2192.9.	Federal District Court--Unknown-LA
?DMI	2232.9.	Federal District Court--Unknown-MI

?DMO	2252.9. Federal District Court--Unknown-MO
?DMS	2262.9. Federal District Court--Unknown-MS
?DNC	2292.9. Federal District Court--Unknown-NC
?DNY	2352.9. Federal District Court--Unknown-NY
?DOH	2362.9. Federal District Court--Unknown-OH
?DOK	2372.9. Federal District Court--Unknown-OK
?DPA	2392.9. Federal District Court--Unknown-PA
?DTN	2432.9. Federal District Court--Unknown-TN
?DTX	2442.9. Federal District Court--Unknown-TX
?DVA	2462.9. Federal District Court--Unknown-VA
?DWA	2482.9. Federal District Court--Unknown-WA
?DWI	2492.9. Federal District Court--Unknown-WI
1C	2011. Court of Appeal--First Circuit
2C	2021. Court of Appeal--Second Circuit
3C	2031. Court of Appeal--Third Circuit
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5C	2051. Court of Appeal--Fifth Circuit
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7C	2071. Court of Appeal--Seventh Circuit
8C	2081. Court of Appeal--Eighth Circuit
9C	2091. Court of Appeal--Ninth Circuit
10C	2101. Court of Appeal--Tenth Circuit
11C	2111. Court of Appeal--Eleventh Circuit
DCC	2121. Court of Appeal--District of Columbia Circuit
blank	2000. U.S. Supreme Court
CCPA	2019. Court of Customs and Patent Appeals
CTCL	2029. Court of Claims
CUST	2039. Customs Court
FEDC	2049. Court of Appeals for the Federal Circuit
TAX	2059. Tax Court
TECA	2069. Temporary Emergency Court of Appeals
CTMA	2079. Court of Military Appeals
CTMR	2089. Court of Military Review
?	9998. Court Unknown

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A petition for a writ of habeas corpus begins in the federal district court, not the state trial court.

Cases removed to a federal court originate there.

.....  
VAR 0010 MONTH OF ORAL ARGUMENT  
[ORALMO]

10. In what month was the case orally argued before the Supreme Court?

- 
- 01. January
  - 02. February
  - 03. March
  - 04. April
  - 05. May
  - 06. June
  - 07. July
  - 08. August
  - 09. September
  - 10. October
  - 11. November
  - 12. December
  - 99. not applicable, no oral argument

.....  
VAR 0011 DAY OF ORAL ARGUMENT  
[ORALDAY]

11. On what day was the case orally argued before the Supreme Court?

-----

01.	17.
02.	18.
03.	19.
04.	20.
05.	21.
06.	22.
07.	23.
08.	24.
09.	25.
10.	26.
11.	27.
12.	28.
13.	29.
14.	30.
15.	31.
16.	99. not applicable, no oral argument

.....

VAR 0012 YEAR OF ORAL ARGUMENT  
[ORALYR]

12. In what year was the case orally argued before the Supreme Court?

-----

1952.	
1953.	1971.
1954.	1972.
1955.	1973.
1956.	1974.
1957.	1975.
1958.	1976.
1959.	1977.
1960.	1978.
1961.	1979.
1962.	1980.
1963.	1981.
1964.	1982.
1965.	1983.
1966.	1984.
1967.	1985.
1968.	1986.



1969.  
1970.

9999. Not applicable, no oral argument

Coding Instructions: Only formally decided cases and those decided by an equally divided vote are orally argued. For other types of decisions (see field 19) this field is empty. This information will be found following the docket number of the case and preceding the summary.

On a few occasions, oral argument extended over two days. In these cases, the first date is specified.

.....  
VAR 0013 MONTH OF ORAL REARGUMENT  
[REARMO]

13. In what month was the case orally reargued before the Supreme Court?

- 
- 01. January
  - 02. February
  - 03. March
  - 04. April
  - 05. May
  - 06. June
  - 07. July
  - 08. August
  - 09. September
  - 10. October
  - 11. November
  - 12. December
  - 99. not applicable, no oral reargument
- .....

VAR 0014 DAY OF ORAL REARGUMENT  
[REARDAY]

14. On what day was the case orally reargued before the Supreme Court?

- 
- |     |     |
|-----|-----|
| 01. | 17. |
| 02. | 18. |
| 03. | 19. |
| 04. | 20. |
| 05. | 21. |
| 06. | 22. |
| 07. | 23. |
| 08. | 24. |

09.  
10.  
11.  
12.  
13.  
14.  
15.  
16.

25.  
26.  
27.  
28.  
29.  
30.  
31.

99. not applicable, no oral argument

.....  
VAR 0015      YEAR OF ORAL REARGUMENT  
[REARYR]

15. In what year was the case orally reargued before the Supreme Court?

-----

1953.  
1954.  
1955.  
1956.  
1957.  
1958.  
1959.  
1960.  
1961.  
1962.  
1963.  
1964.  
1965.  
1966.  
1967.  
1968.  
1969.  
1970.

1971.  
1972.  
1973.  
1974.  
1975.  
1976.  
1977.  
1978.  
1979.  
1980.  
1981.  
1982.  
1983.  
1984.  
1985.  
1986.

9999. Not applicable, no oral argument

Coding Instructions:

.....

VAR 0016      MONTH OF CASE DISPOSITION  
[DECNMO]

16. In what month was the case decided?

-----

- 01. January
  - 02. February
  - 03. March
  - 04. April
  - 05. May
  - 06. June
  - 07. July
  - 08. August
  - 09. September
  - 10. October
  - 11. November
  - 12. December
- .....

VAR 0017      DAY OF CASE DISPOSITION  
[DECNDAY]

17. On what day was the case decided?

-----

- |     |     |
|-----|-----|
| 01. | 17. |
| 02. | 18. |
| 03. | 19. |
| 04. | 20. |
| 05. | 21. |
| 06. | 22. |
| 07. | 23. |
| 08. | 24. |
| 09. | 25. |
| 10. | 26. |
| 11. | 27. |
| 12. | 28. |
| 13. | 29. |
| 14. | 30. |
| 15. | 31. |
| 16. |     |

.....  
VAR 0018      YEAR OF CASE DISPOSITION  
[DECNYR]

18. In what year was the case decided?

-----

1953.	1971.
1954.	1972.
1955.	1973.
1956.	1974.
1957.	1975.
1958.	1976.
1959.	1977.
1960.	1978.
1961.	1979.
1962.	1980.
1963.	1981.
1964.	1982.
1965.	1983.
1966.	1984.
1967.	1985.
1968.	1986.
1969.	
1970.	

Coding Instructions: The decision date will be found in the Reports preceded by the word, "Decided."

.....

VAR 0019      LOWER COURT DISAGREEMENT  
[LODISAG]

19. Does the majority opinion identify the presence of dissenting votes or opinions in the court whose decision the Supreme Court is reviewing?

-----

Alpha	Numeric
blank	0. No mention of dissent
D	1. Yes, some mention of dissent
?	8. Uncertain

Coding Instructions: Except for memorandum cases (see field 19), the presence of disagreement is limited to a statement to this effect somewhere in the majority opinion -- for examples, "divided," "dissented," "disagreed," or "split." A reference, without more, to the "majority" or "plurality" does not necessarily indi-

cate dissent. The other judges may have concurred. Inasmuch as none of the memorandum cases contain a majority opinion, enter a "D" in this field if any opinion in such a case indicates that a lower court dissent occurred.

If a case arose on habeas corpus, indicate a dissent, if such occurred, in the last last state court to review the case (for example, Townsend v. Sain, 9 L ed 2d 770 (1963)). Also indicate a dissent if the highest court with jurisdiction to hear the case declines to do so by a divided vote (for example, Simpson v. Florida, 29 L ed 2d 549 (1971)).

Note that the focus of this field is a statement that a dissent occurred rather than the fact of such an occurrence. Presumably, the fact of a dissent is not always mentioned in the majority opinion. It may be irrelevant. See, for example, McNally v. United States, 97 L ed 2d 292 (1987) and United States v. Gray and McNally, 790 F.2d 1290 (1986).

VAR 0020 REASON FOR GRANTING CERTIORARI  
[CERT]

20. What reason, if any, does the majority give for granting certiorari?

-----

Alpha	Numeric
blank	1. no petition for cert or cert not granted
A	2. conflict between circuits or other federal court
B	3. confusion in federal courts
C	4. confusion in state courts
D	5. confusion - federal and state courts
E	6. to resolve important question
F	7. to resolve questions presented
G	8. conflict in federal courts & resolve important question
H	9. apparent conflict
I	10. conflict between federal and state courts
J	11. conflict among state courts
X	12. no reason given
*	13. unusual reason not covered by other codes
?	98. questionable

Coding Instructions: The reason, if any is given, will usually be found in the early part of the Court's opinion -- prior to "I" or "II." Note that the Court rarely provides a reason for taking jurisdiction (field 7) by writs other than certiorari.

The focus in this field is on the reason the majority gives for granting cert. Many cases state, "The question presented is . . ." This is not a reason for granting cert; neither are its variations: e.g., "At issue in this case is . . ."

.....

VAR 0021      PETITIONER (APPELLANT)  
[PTYONE]

21. Who is the petitioner (appellant) in the case?

-----

Alpha	Numeric
?	000. Unknown: characteristics of party not indicated
? COUNTY	001. Unknown County governmental unitent or governmental unit
? TAXP	002. Unknown state or local governmental taxpayer, or executor of the estate of
? GOEE	003. Unknown governmental employee or job applicant
AC	004. person accused, indicted, or suspected of crime
AD	005. advertising business or agency
AEC	006. Atomic Energy Commission
AF	007. Secretary or administrative unit of the U.S. Air Force
AG	008. Attorney General of the United States
AGENT	009. agent, fiduciary, trustee, or executor
AGRI	010. Department of Secretary of Agriculture
AIR MFR	011. airplane manufacturer, or manufacturer of parts of airplanes
AIRLINE	012. airline
AK	013. Alaska
AK CITY	014. Alaska City, town, township, village, or borough government
AK COMN	015. Alaska State commission, board, committee, or authority
AK GOEE	016. Alaska governmental employee or job applicant
AK OF	017. Alaska government or interstate compact official
AK TAXP	018. Alaska state or local governmental taxpayer, or executor of the estate of
AKSCHDIST	019. Alaska local school district or board of education
AL	020. Alabama
AL CITY	021. Alabama City, town, township, village, or borough government
AL COMN	022. Alabama State commission, board, committee, or authority
AL COUNTY	023. Alabama County governmental unitent or governmental unit
AL GOEE	024. Alabama governmental employee or job applicant
AL GOFEE	025. Alabama female governmental employee or job applicant
AL JUDGE	026. Alabama judge
AL OF	027. Alabama government or interstate compact official
AL U	028. Alabama state college or university
ALCOHOL	029. distributor, importer, or exporter of alcoholic beverages
ALIEN	030. alien, person subject to a denaturalization proceeding, or one whose citizenship is revoked
ALSCHDIST	031. Alabama local school district or board of education
AMA	032. American Medical Association
AMTRAK	033. National Railroad Passenger Corp.
AR	034. Arkansas
AR CITY	035. Arkansas City, town, township, village, or borough government
AR COMN	036. Arkansas State commission, board, committee, or authority
AR GOEE	037. Arkansas governmental employee or job applicant

AR GOME	038. Arkansas minority governmental employee or job applicant
AR OF	039. Arkansas government or interstate compact official
AR TAXP	040. Arkansas state or local governmental taxpayer, or executor of the estate of
ARCADE	041. amusement establishment, or recreational facility
ARMY	042. Secretary or administrative unit of the U.S. Army
ARRESTEE	043. arrested person, or pretrial detainee
ARSDIST	044. Arkansas local school district or board of education
ATTY	045. attorney, or person acting as such; includes bar applicant or law student, or law firm
AUTHOR	046. author, copyright holder
AV	047.
AZ	048. Arizona
AZ CITY	049. Arizona City, town, township, village, or borough government
AZ COMN	050. Arizona State commission, board, committee, or authority
AZ COUNTY	051. Arizona County governmental unit or governmental unit
AZ DEPT	052. Arizona state department or agency
AZ GOEE	053. Arizona governmental employee or job applicant
AZ GOFEE	054. Arizona female governmental employee or job applicant
AZ OF	055. Arizona government or interstate compact official
AZ S CT	056. Arizona state Supreme Court
AZ U	057. Arizona state college or university
BANK	058. bank, savings and loan, investment company
BANKRUPT	059. bankrupt person or business, including trustee in bankruptcy, or business in reorganization
BAR	060. establishment serving liquor by the glass, or package liquor store
BOAT	061. water transportation, stevedore
BOOK	062. bookstore, newstand, printer, bindery, purveyor or distributor of books or magazines
BREWERY	063. brewery, distillery
BROKER	064. broker, stock exchange, investment or securities firm
BUILDER	065. construction industry
BUS	066. bus or motorized passenger transportation vehicle
BUSINESS	067. business, corporation
BUYER	068. buyer, purchaser
CA	069. California
CA BD ED	070. California State Board or Department of Education
CA CITY	071. California City, town, township, village, or borough government
CA COMN	072. California State commission, board, committee, or authority
CA COUNTY	073. California County governmental unit or governmental unit
CA COURT	074. California court or judicial district
CA DEPT	075. California state department or agency
CA GOEE	076. California governmental employee or job applicant
CA GOFEE	077. California female governmental employee or job applicant
CA GOME	078. California minority governmental employee or job applicant
CA LEGIS	079. California state legislature, house, or committee
CA NONMUN	080. California local governmental unit other than county, city, town, etc.
CA OF	081. California government or interstate compact official
CA OFFL	082. California

CA U	083. California state college or university
CAB	084. Civil Aeronautics Board
CABLE TV	085. cable TV
CAR DEAL	086. car dealer
CASCHDIST	087. California local school district or board of education
CC	088. person convicted of crime
CFTC	089. Commodity Futures Trading Commission
CHATTEL	090. tangible property, other than real estate, including con- traband
CHEM CO	091. chemical company
CHILD	092. child, children, including adopted or illegitimate
CHURCH	093. religious organization, institution, or person
CIA	094. Central Intelligence Agency
CLUB	095. private club or facility
CO	096. Colorado
CO CITY	097. Colorado City, town, township, village, or borough government
CO COMN	098. Colorado State commission, board, committee, or authority
CO COURT	099. Colorado court or judicial district
CO DEPT	100. Colorado state department or agency
CO NONMUN	101. Colorado local governmental unit other than county, city, town, etc.
CO OF	102. Colorado government or interstate compact official
COAL CO	103. coal company or coal mine operator
COMM	104. Department or Secretary of Commerce
COMP	105. Comptroller of Currency
CONSUMER	107. consumer, consumer organization
COSCHDIST	108. Colorado local school district or board of education
CPSC	109. Consumer Product Safety Commission
CRC	110. Civil Rights Commission
CREDITOR	111. creditor, including institution appearing as such; e.g., a finance company
CRIM INSA	112. person allegedly criminally insane or mentally incompetent to stand trial
CSC	113. Civil Service Commission, U.S.
CT	114. Connecticut
CT CITY	115. Connecticut City, town, township, village, or borough govern- ment
CT COMN	116. Connecticut State commission, board, committee, or authority
CT DEPT	117. Connecticut state department or agency
CT GOFEE	118. Connecticut female governmental employee or job applicant
CT GREE	119. Connecticut retired or former governmental employee
CT OF	120. Connecticut government or interstate compact official
CT TAXP	121. Connecticut state or local governmental taxpayer, or executor of the estate of
CT U	122. Connecticut state college or university
CTSCHDIST	123. Connecticut local school district or board of education
CUCO	124. Customs Service or Commissioner of Customs
D	125. defendant
DC	126. District of Columbia
DC COMN	127. District of Columbia State commission, board, committee, or authority



DC GOMEE	128. District of Columbia minority governmental employee or job applicant
DC S CT	129. District of Columbia state Supreme Court
DCSCHDIST	130. District of Columbia local school district or board of education
DE	131. Delaware
DE BD ED	132. Delaware State Board or Department of Education
DE COMN	133. Delaware State commission, board, committee, or authority
DE COURT	134. Delaware court or judicial district
DE GOMEE	135. Delaware minority governmental employee or job applicant
DE OF	136. Delaware government or interstate compact official
DE U	137. Delaware state college or university
DEA	138. Drug Enforcement Agency
DEBTOR	139. debtor, excluding bankrupt person or business
DESCHDIST	140. Delaware local school district or board of education
DEVELOPER	141. real estate developer
DISABLED	142. disabled person or disability benefit claimant
DISTRIBUT	143. distributor
DOD	145. Department or Secretary of Defense
DOE	146. Department or Secretary of Energy
DOI	147. Department or Secretary of the Interior
DOJ	148. Department of Justice or Attorney General
DOS	149. Department or Secretary of State
DOT	150. Department or Secretary of Transportation
DRAFTEE	151. person subject to selective service, including conscientious objector
DRUG MFR	152. drug manufacturer
DRUGGIST	153. druggist, pharmacist, pharmacy
EDUC	154. Department or Secretary of Education
EE	155. employee, or job applicant, including beneficiaries of
EE TRUST	156. employer-employee trust agreement, employee health and welfare fund, or multi-employer pension plan
EECC	157. U.S. Employees' Compensation Commission, or Commissioner
EEOC	158. Equal Employment Opportunity Commission
ELEC CO	159. electric equipment manufacturer
ELEC PU	160. electric or hydroelectric power utility, power co-operative, or gas and electric company
ELEE	161. eleemosynary institution or person
ENV	162. environmental organization
EPA	163. Environmental Protection Agency or Administrator
ER	164. employer.
FAA	165. Federal Aviation Agency or Administration
FARMER	166. farmer, farm worker, or farm organization
FATHER	167. father
FBI	168. Federal Bureau of Investigation or Director
FCC	169. Federal Communications Commission
FDA	170. Food and Drug Administration
FDIC	171. Federal Deposit Insurance Corporation
FEA	172. Federal Energy Administration
FEC	173. Federal Election Commission
FEE	174. female employee or job applicant
FEMALE	175. female

FERC	176. Federal Energy Regulatory Commission
FHA	177. Federal Housing Administration
FILM	178. movie, play, pictorial representation, theatrical production, actor, or exhibitor or distributor of
FISH	179. fisherman or fishing company
FL	180. Florida
FL CITY	181. Florida City, town, township, village, or borough government
FL COMN	182. Florida State commission, board, committee, or authority
FL COUNTY	183. Florida County governmental unitent or governmental unit
FL DEPT	184. Florida state department or agency
FL GOEE	185. Florida governmental employee or job applicant
FL GOMFE	186. Florida
FL GOMFEE	187. Florida minority female governmental employee or job applicant
FL GREE	188. Florida retired or former governmental employee
FL JUDGE	189. Florida judge
FL LEGIS	190. Florida state legislature, house, or committee
FL OF	191. Florida government or interstate compact official
FL S CT	192. Florida state Supreme Court
FL TAXP	193. Florida state or local governmental taxpayer, or executor of the estate of
FL U	194. Florida state college or university
FLRA	195. Federal Labor Relations Authority
FLSCHDIST	196. Florida local school district or board of education
FMBD	197. Federal Maritime Board
FMC	198. Federal Maritime Commission
FOOD	199. food, meat packing or processing company, stockyard
FOREIGN	200. foreign (non-American. nongovernmental entity
FPC	201. Federal Power Commission
FRACHISOR	202. franchisor
FRANCHISE	203. franchisee
FRB	204. Federal Reserve Board of Governors
FRS	205. Federal Reserve System
FTC	206. Federal Trade Commission
GA	207. Georgia
GA CITY	208. Georgia City, town, township, village, or borough government
GA COMN	209. Georgia State commission, board, committee, or authority
GA COUNTY	210. Georgia County governmental unitent or governmental unit
GA GOEE	211. Georgia governmental employee or job applicant
GA GOMEE	212. Georgia minority governmental employee or job applicant
GA LEGIS	213. Georgia state legislature, house, or committee
GA OF	214. Georgia government or interstate compact official
GA TAXP	215. Georgia state or local governmental taxpayer, or executor of the estate of
GASCHDIST	216. Georgia local school district or board of education
GAY	217. homosexual person or organization
GENL	218. Comptroller General
GOVT CORP	219. federal government corporation
GSA	220. General Service Administration
GU	221. Guam
GUARANTOR	222. person who guarantees another's obligations
HANDICAPD	223. handicapped individual, or organization of or devoted to

HEAL	224. health organization or person, nursing home, medical clinic or laboratory, chiropractor
HEIR	225. heir, or beneficiary, or person so claiming to be
HEW	226. Department or Secretary of Health, Education and Welfare
HHS	227. Department or Secretary of Health and Human Services
HI	228. Hawaii
HI COMN	229. Hawaii State commission, board, committee, or authority
HI S CT	230. Hawaii state Supreme Court
HOSPITAL	231. hospital, medical center
HSE REPS	232. U.S. House of Representatives
HUD	233. Department or Secretary of Housing and Urban Development
HUSBAND	234. husband, or ex-husband
IA	235. Iowa
IA COURT	236. Iowa court or judicial district
IASCHDIST	237. Iowa local school district or board of education
IC	238. administrative agency established under an interstate compact
IC COMN	239. State commission, board, committee, or authority
IC OF	240. government or interstate compact official
ICC	241. Interstate Commerce Commission
ICMP	242. involuntarily committed mental patient
ID	243. Idaho
ID DEPT	244. Idaho state department or agency
ID OF	245. Idaho government or interstate compact official
IL	246. Illinois
IL CITY	247. Illinois City, town, township, village, or borough government
IL COMN	248. Illinois State commission, board, committee, or authority
IL COURT	249. Illinois court or judicial district
IL DEPT	250. Illinois state department or agency
IL GOEE	251. Illinois governmental employee or job applicant
IL JUDGE	252. Illinois judge
IL OF	253. Illinois government or interstate compact official
IL S CT	254. Illinois state Supreme Court
ILSCHDIST	255. Illinois local school district or board of education
IN	256. Indiana
IN CITY	257. Indiana City, town, township, village, or borough government
IN COMN	258. Indiana State commission, board, committee, or authority
IN DEPT	259. Indiana state department or agency
IN GOFEE	260. Indiana female governmental employee or job applicant
IN JUDGE	261. Indiana judge
IN OF	262. Indiana government or interstate compact official
IN S CT	263. Indiana state Supreme Court
INDIAN	264. Indian, including Indian tribe or nation
INS	265. Immigration and Naturalization Service, or Director of or District Director of
INSCHDIST	266. Indiana local school district or board of education
INSURE	267. insurance company, or surety
INVENTOR	268. inventor, patent assigner, trademark owner or holder
INVESTOR	269. investor
IP	270. injured person or legal entity, nonphysically and non-employment related.
IRS	271. Internal Revenue Service, Collector, Commissioner, or District Director of

JUV	272. juvenile
KOR	273. government contractor
KS	274. Kansas
KS CITY	275. Kansas City, town, township, village, or borough government
KS COMN	276. Kansas State commission, board, committee, or authority
KS COUNTY	277. Kansas County governmental unitent or governmental unit
KS JUDGE	278. Kansas judge
KSSCHDIST	279. Kansas local school district or board of education
KY	280. Kentucky
KY CITY	281. Kentucky City, town, township, village, or borough government
KY COMN	282. Kentucky State commission, board, committee, or authority
KY COURT	283. Kentucky court or judicial district
KY DEPT	284. Kentucky state department or agency
KY ED BD	285. Kentucky
KY JUDGE	286. Kentucky judge
KY LEGIS	287. Kentucky state legislature, house, or committee
KY OF	288. Kentucky government or interstate compact official
LA	289. Louisiana
LA CITY	290. Louisiana City, town, township, village, or borough government
LA COMN	291. Louisiana State commission, board, committee, or authority
LA DEPT	292. Louisiana state department or agency
LA GOEE	293. Louisiana governmental employee or job applicant
LA JUDGE	294. Louisiana judge
LA NONMUN	295. Louisiana local governmental unit other than county, city, town, etc.
LA OF	296. Louisiana government or interstate compact official
LABR	297. Department or Secretary of Labor
LASCHDIST	298. Louisiana local school district or board of education
LICENSEE	301. holder of a license or permit, or applicant therefor (except to practice law.
MA	302. Massachusetts
MA BD ED	303. Massachusetts State Board or Department of Education
MA CITY	304. Massachusetts City, town, township, village, or borough government
MA COMN	305. Massachusetts State commission, board, committee, or authority
MA COURT	306. Massachusetts court or judicial district
MA DEPT	307. Massachusetts state department or agency
MA GOEE	308. Massachusetts governmental employee or job applicant
MA GOFEE	309. Massachusetts female governmental employee or job applicant
MA GOMEE	310. Massachusetts minority governmental employee or job applicant
MA GREE	311. Massachusetts retired or former governmental employee
MA OF	312. Massachusetts government or interstate compact official
MA TAXP	313. Massachusetts state or local governmental taxpayer, or executor of the estate of
MAGAZINE	314. magazine
MALE	316. male
MASCHDIST	318. Massachusetts local school district or board of education
MD	319. Maryland
MD CITY	320. Maryland City, town, township, village, or borough government
MD COMN	321. Maryland State commission, board, committee, or authority
MD COUNTY	322. Maryland County governmental unitent or governmental unit
MD GOEE	323. Maryland governmental employee or job applicant

MD GOMEE	324. Maryland minority governmental employee or job applicant
MD OF	325. Maryland government or interstate compact official
MD TAXP	326. Maryland state or local governmental taxpayer, or executor of the estate of
MD U	327. Maryland state college or university
MDSCHDIST	328. Maryland local school district or board of education
ME	329. Maine
ME CITY	330. Maine City, town, township, village, or borough government
ME COMN	331. Maine State commission, board, committee, or authority
MED CLAIM	332. medical or Medicaid claimant
MEDICAL	333. medical supply or manufacturing co.
MEE	334. racial or ethnic minority employee or job applicant
MFEE	335. minority female employee or job applicant
MFR	336. manufacturer
MGMT	337. management, executive officer, or director, of business entity
MI	338. Michigan
MI CITY	339. Michigan City, town, township, village, or borough government
MI COMN	340. Michigan State commission, board, committee, or authority
MI COURT	341. Michigan court or judicial district
MI GOEE	342. Michigan governmental employee or job applicant
MI JUDGE	343. Michigan judge
MI OF	344. Michigan government or interstate compact official
MI TAXP	345. Michigan state or local governmental taxpayer, or executor of the estate of
MI U	346. Michigan state college or university
MILITARY	347. military personnel, or dependent of, including reservist
MINE	348. mining company or miner, excluding coal, oil, or pipeline company
MISCHDIST	349. Michigan local school district or board of education
MN	350. Minnesota
MN COUNTY	351. Minnesota County governmental unitent or governmental unit
MN ED BD	352. Minnesota
MN GOEE	353. Minnesota governmental employee or job applicant
MN OF	354. Minnesota government or interstate compact official
MN TAXP	355. Minnesota state or local governmental taxpayer, or executor of the estate of
MO	356. Missouri
MO BD ED	357. Missouri State Board or Department of Education
MO CITY	358. Missouri City, town, township, village, or borough government
MO COMN	359. Missouri State commission, board, committee, or authority
MO DEPT	360. Missouri state department or agency
MO GOEE	361. Missouri governmental employee or job applicant
MO JUDGE	362. Missouri judge
MO OF	363. Missouri government or interstate compact official
MO S CT	364. Missouri state Supreme Court
MO TAXP	365. Missouri state or local governmental taxpayer, or executor of the estate of
MO U	366. Missouri state college or university
MOSCHDIST	367. Missouri local school district or board of education
MOTHER	368. mother
MOTOR CO	369. auto manufacturer
MS	370. Mississippi

MS CITY	371. Mississippi City, town, township, village, or borough government
MS COMN	372. Mississippi State commission, board, committee, or authority
MS COUNTY	373. Mississippi County governmental unitent or governmental unit
MS GOEE	374. Mississippi governmental employee or job applicant
MS JUDGE	375. Mississippi judge
MS OF	376. Mississippi government or interstate compact official
MS U	377. Mississippi state college or university
MSPB	378. Merit Systems Protection Board
MSSCHDIST	379. Mississippi local school district or board of education
MT	380. Montana
MT CITY	381. Montana City, town, township, village, or borough government
MT COMN	382. Montana State commission, board, committee, or authority
MT COURT	383. Montana court or judicial district
MTSCHDIST	384. Montana local school district or board of education
NB	385. Nebraska
NB BD ED	386. Nebraska State Board or Department of Education
NB COMN	387. Nebraska State commission, board, committee, or authority
NB COUNTY	388. Nebraska County governmental unitent or governmental unit
NB JUDGE	389. Nebraska judge
NB LEGIS	390. Nebraska state legislature, house, or committee
NB OF	391. Nebraska government or interstate compact official
NB TAXP	392. Nebraska state or local governmental taxpayer, or executor of the estate of
NBSCHDIST	393. Nebraska local school district or board of education
NC	394. North Carolina
NC BD ED	395. North Carolina State Board or Department of Education
NC CITY	396. North Carolina City, town, township, village, or borough government
NC COMN	397. North Carolina State commission, board, committee, or authority
NC COUNTY	398. North Carolina County governmental unitent or governmental unit
NC DEPT	399. North Carolina state department or agency
NC GOEE	400. North Carolina governmental employee or job applicant
NC GOFEE	401. North Carolina female governmental employee or job applicant
NC GOME	402. North Carolina minority governmental employee or job applicant
NC OF	403. North Carolina government or interstate compact official
NC TAXP	404. North Carolina state or local governmental taxpayer, or executor of the estate of
NC U	405. North Carolina state college or university
NCSCHDIST	406. North Carolina local school district or board of education
ND	407. North Dakota
ND COMN	408. North Dakota State commission, board, committee, or authority
ND OF	409. North Dakota government or interstate compact official
NETWORK	410. radio and television network, except CABLE TV
NEWS	411. newspaper, newsletter, journal of opinion, news service
NH	412. New Hampshire
NH COMN	413. New Hampshire State commission, board, committee, or authority
NH DEPT	414. New Hampshire state department or agency
NH GOFEE	415. New Hampshire female governmental employee or job applicant
NH OF	416. New Hampshire government or interstate compact official

NH S CT	417. New Hampshire state Supreme Court
NH U	418. New Hampshire state college or university
NJ	419. New Jersey
NJ CITY	420. New Jersey City, town, township, village, or borough government
NJ COMN	421. New Jersey State commission, board, committee, or authority
NJ COUNTY	422. New Jersey County governmental unitent or governmental unit
NJ DEPT	423. New Jersey state department or agency
NJ GOEE	424. New Jersey governmental employee or job applicant
NJ JUDGE	425. New Jersey judge
NJ OF	426. New Jersey government or interstate compact official
NJ S CT	427. New Jersey state Supreme Court
NJ TAXP	428. New Jersey state or local governmental taxpayer, or executor of the estate of
NLRB	429. National Labor Relations Board, or regional office or officer
NM	430. New Mexico
NM COMN	431. New Mexico State commission, board, committee, or authority
NM OF	432. New Mexico government or interstate compact official
NMB	433. National Mediation Board
NONPROFIT	434. nonprofit organization or business
NONRES	435. nonresident
NRAB	436. National Railroad Adjustment Board
NRC	437. Nuclear Regulatory Commission
NUCLEAR	438. nuclear power plant or facility
NV	439. Nevada
NV GOEE	440. Nevada governmental employee or job applicant
NVSCHDIST	441. Nevada local school district or board of education
NY	442. New York
NY BD ED	443. New York State Board or Department of Education
NY CITY	444. New York City, town, township, village, or borough government
NY COMN	445. New York State commission, board, committee, or authority
NY COUNTY	446. New York County governmental unitent or governmental unit
NY COURT	447. New York court or judicial district
NY DEPT	448. New York state department or agency
NY GOEE	449. New York governmental employee or job applicant
NY GOFEE	450. New York female governmental employee or job applicant
NY GOME	451. New York minority governmental employee or job applicant
NY JUDGE	452. New York judge
NY OF	453. New York government or interstate compact official
NY TAXP	454. New York state or local governmental taxpayer, or executor of the estate of
NY U	455. New York state college or university
NYSCHDIST	456. New York local school district or board of education
O	457. owner, landlord, or claimant to ownership, fee interest, or possession of land as well as chattels
OFFEREE	458. shareholders to whom a tender offer is made
OFFERER	459. tender offer
OH	460. Ohio
OH CITY	461. Ohio City, town, township, village, or borough government
OH COMN	462. Ohio State commission, board, committee, or authority
OH COURT	463. Ohio court or judicial district
OH DEPT	464. Ohio state department or agency

OH GOEE	465. Ohio governmental employee or job applicant
OH GOFEE	466. Ohio female governmental employee or job applicant
OH JUDGE	467. Ohio judge
OH NONMUN	468. Ohio local governmental unit other than county, city, town, etc.
OH OF	469. Ohio government or interstate compact official
OH S CT	470. Ohio state Supreme Court
OH TAXP	471. Ohio state or local governmental taxpayer, or executor of the estate of
OHSCHDIST	472. Ohio local school district or board of education
OIL CO	473. oil company, or natural gas producer
OK	474. Oklahoma
OK CITY	475. Oklahoma City, town, township, village, or borough government
OK COMN	476. Oklahoma State commission, board, committee, or authority
OK COURT	477. Oklahoma court or judicial district
OK GOEE	478. Oklahoma governmental employee or job applicant
OK JUDGE	479. Oklahoma judge
OK OF	480. Oklahoma government or interstate compact official
OK U	481. Oklahoma state college or university
OKSCHDIST	482. Oklahoma local school district or board of education
OLD	483. elderly person, or organization dedicated to the elderly
OPM	484. Office of Personnel Management
OR	485. Oregon
OR COMN	486. Oregon State commission, board, committee, or authority
OR COUNTY	487. Oregon County governmental unitent or governmental unit
OR DEPT	488. Oregon state department or agency
OR GOEE	489. Oregon governmental employee or job applicant
OR GOFEE	490. Oregon female governmental employee or job applicant
OSHA	491. Occupational Safety and Health Administration
OSHC	492. Occupational Safety and Health Review Commission
OUT OF ST	493. out of state noncriminal defendant
OWCP	494. Office of Workers' Compensation Programs
PA	495. Pennsylvania
PA BD ED	496. Pennsylvania State Board or Department of Education
PA CITY	497. Pennsylvania City, town, township, village, or borough government
PA COMN	498. Pennsylvania State commission, board, committee, or authority
PA COUNTY	499. Pennsylvania County governmental unitent or governmental unit.
PA DEPT	500. Pennsylvania state department or agency
PA GOEE	501. Pennsylvania governmental employee or job applicant
PA GOFEE	502. Pennsylvania female governmental employee or job applicant
PA JUDGE	503. Pennsylvania judge
PA NONMUN	504. Pennsylvania local governmental unit other than county, city, town, etc.
PA OF	505. Pennsylvania government or interstate compact official
PA TAXP	506. Pennsylvania state or local governmental taxpayer, or executor of the estate of
PAC	507. political action committee
PARENT	508. parent or parents
PARKING	509. parking lot or service
PASCHDIST	510. Pennsylvania local school district or board of education
PATIENT	511. patient of a health professional



PATO	512. Patent Office, or Commissioner of, or Board of Appeals of
PHONE	513. telephone or telegraph company
PHS	514. U.S. Public Health Service
PHYSICIAN	515. physician, MD or DO, dentist, or medical society
PI	516. public interest organization
PIP	517. physically injured person, including wrongful death, who is not an employee
PIPELINE	518. pipe line company
PKG	520. package, luggage, container
POL	521. political candidate, activist, committee, party, party member, organization, or elected official
POOR	522. indigent, needy, welfare recipient
POOR D	523. indigent defendant
PP	524. private person
PR	525. Puerto Rico
PR COMN	526. Puerto Rico State commission, board, committee, or authority
PR GOEE	527. Puerto Rico governmental employee or job applicant
PR OF	528. Puerto Rico government or interstate compact official
PRISONER	529. prisoner, inmate of penal institution
PRO	530. professional organization, business, or person
PROBATION	531. probationer, or parolee
PROT	532. protester, demonstrator, picketer or pamphleteer (non- employment related., or non-indigent loiterer
PU	533. public utility
PUBLISHER	534. publisher, publishing company
RADIO	535. radio station
RAMI	536. racial or ethnic minority
RAMIPROT	537. person or organization protesting racial or ethnic segregation or discrimination
RAMISTU	538. racial or ethnic minority student or applicant for admission to an educational institution
REALTOR	539. realtor
REPORTER	540. journalist, columnist, member of the news media
RESIDENT	541. resident
RESTRANT	542. restaurant, food vendor
RETARDED	544. retarded person, or mental incompetent
RETIREE	545. retired or former employee
RI	546. Rhode Island
RI CITY	547. Rhode Island City, town, township, village, or borough govern- ment
RI OF	548. Rhode Island government or interstate compact official
RI TAXP	549. Rhode Island state or local governmental taxpayer, or executor of the estate of
RISCHDIST	550. Rhode Island local school district or board of education
RNGB	551. Renegotiation Board
RR	552. railroad
RRRB	553. Railroad Adjustment Board
SACB	554. Subversive Activities Control Board
SBA	555. Small Business Administration
SC	556. South Carolina
SC CITY	557. South Carolina City, town, township, village, or borough government

SC COMN	558. South Carolina State commission, board, committee, or authority
SC COUNTY	559. South Carolina County governmental unitent or governmental unit
SC OF	560. South Carolina government or interstate compact official
SC TAXP	561. South Carolina state or local governmental taxpayer, or executor of the estate of
SCHOOL	562. private school, college, or university
SCSCHDIST	563. South Carolina local school district or board of education
SD	565. South Dakota
SD COMN	566. South Dakota State commission, board, committee, or authority
SD COUNTY	567. South Dakota County governmental unitent or governmental unit
SD COURT	568. South Dakota court or judicial district
SD OF	569. South Dakota government or interstate compact official
SD TAXP	570. South Dakota state or local governmental taxpayer, or executor of the estate of
SDSCHDIST	571. South Dakota local school district or board of education
SEC	572. Securities and Exchange Commission
SELLER	573. seller or vendor
SENATE	574. U.S. Senate
SENATOR	575. U.S. Senator
SHIPPER	577. shipper, including importer and exporter
SHOP CTR	578. shopping center
SOVEREIGN	579. foreign nation or instrumentality
SPOUSE	580. spouse, or former spouse
SSS	581. Selective Service System
STOCK	582. stockholder, shareholder, or bondholder
STORE	583. retail business or outlet
STUDENT	584. student, or applicant for admission to an educational institution
TAXP	585. taxpayer or executor of taxpayer's estate, federal only
TENANT	586. tenant or lessee
THEATER	587. theater, studio
TIMBER CO	588. forest products, lumber, or logging company
TN	589. Tennessee
TN BD ED	590. Tennessee State Board or Department of Education
TN CITY	591. Tennessee City, town, township, village, or borough government
TN COMN	592. Tennessee State commission, board, committee, or authority
TN COUNTY	593. Tennessee County governmental unitent or governmental unit
TN GOEE	594. Tennessee governmental employee or job applicant
TN GOMEE	595. Tennessee minority governmental employee or job applicant
TN OF	596. Tennessee government or interstate compact official
TN U	597. Tennessee state college or university
TNSCHDIST	598. Tennessee local school district or board of education
TOURIST	599. person traveling or wishing to travel abroad, or overseas travel agent
TREA	601. Department or Secretary of the Treasury
TRUCK	602. trucking company, or motor carrier
TV	603. television station
TVA	604. Tennessee Valley Authority
TX	605. Texas
TX CITY	606. Texas City, town, township, village, or borough government

TX COMN	607. Texas State commission, board, committee, or authority
TX COUNTY	608. Texas County governmental unitent or governmental unit
TX DEPT	609. Texas state department or agency
TX ED BD	610. Texas
TX GOEE	611. Texas governmental employee or job applicant
TX GOFEE	612. Texas female governmental employee or job applicant
TX JUDGE	613. Texas judge
TX NONMUN	614. Texas local governmental unit other than county, city, town, etc.
TX OF	615. Texas government or interstate compact official
TX S CT	616. Texas state Supreme Court
TX TAXP	617. Texas state or local governmental taxpayer, or executor of the estate of
TX U	618. Texas state college or university
TXSCHDIST	619. Texas local school district or board of education
UMEM	621. union member
UNEMPLOYD	622. unemployed person or unemployment compensation applicant or claimant
UNION	623. union, labor organization, or official of
US	624. United States
US COURT	625. United States court or judicial district
US GOEE	626. United States governmental employee or job applicant
US GOFEE	627. United States female governmental employee or job applicant
US GOMEE	628. United States minority governmental employee or job applicant
US GOMFEE	629. United States minority female governmental employee or job ap- plicant
US GREE	630. United States retired or former governmental employee
US JUDGE	631. United States judge
US OF	632. United States government or interstate compact official
US S CT	633. United States Supreme Court
USPC	635. United State Parole Commission
USPS	636. Postal Service and Post Office, or Postmaster General, or Postmaster
UT	637. Utah
UT COMN	638. Utah State commission, board, committee, or authority
UT DEPT	639. Utah state department or agency
UT OF	640. Utah government or interstate compact official
UTSCHDIST	641. Utah local school district or board of education
VA	642. Virginia
VA BD ED	643. Virginia State Board or Department of Education
VA CITY	644. Virginia City, town, township, village, or borough government
VA COMN	645. Virginia State commission, board, committee, or authority
VA COUNTY	646. Virginia County governmental unitent or governmental unit
VA GOFEE	647. Virginia female governmental employee or job applicant
VA JUDGE	648. Virginia judge
VA LEGIS	649. Virginia state legislature, house, or committee
VA OF	650. Virginia government or interstate compact official
VA S CT	651. Virginia state Supreme Court
VA TAXP	652. Virginia state or local governmental taxpayer, or executor of the estate of
VASCHDIST	653. Virginia local school district or board of education
VETERAN	654. veteran

VOTER	655. voter, prospective voter, elector, or a nonelective official seeking reapportionment or redistricting of legislative districts
VT	656. Vermont
VT CITY	657. Vermont City, town, township, village, or borough government
VT COMN	658. Vermont State commission, board, committee, or authority
VT OF	659. Vermont government or interstate compact official
VTAD	660. Veterans' Administration
VTAD	661. Veterans' Administration
WA	662. Washington
WA CITY	663. Washington City, town, township, village, or borough government
WA COMN	664. Washington State commission, board, committee, or authority
WA COUNTY	665. Washington County governmental unit or governmental unit
WA COURT	666. Washington court or judicial district
WA DEPT	667. Washington state department or agency
WA GOEE	668. Washington governmental employee or job applicant
WA GOFEE	669. Washington female governmental employee or job applicant
WA OF	670. Washington government or interstate compact official
WA TAXP	671. Washington state or local governmental taxpayer, or executor of the estate of
WA U	672. Washington state college or university
WASCHDIST	673. Washington local school district or board of education
WHOLESALE	674. wholesale trade
WI	675. Wisconsin
WI CITY	676. Wisconsin City, town, township, village, or borough government
WI COMN	677. Wisconsin State commission, board, committee, or authority
WI COUNTY	678. Wisconsin County governmental unit or governmental unit
WI DEPT	679. Wisconsin state department or agency
WI GOEE	680. Wisconsin governmental employee or job applicant
WI U	681. Wisconsin state college or university
WIFE	682. wife, or ex-wife
WISCHDIST	683. Wisconsin local school district or board of education
WITNESS	684. witness, or person under subpoena
WSB	685. Wage Stabilization Board
WV	686. West Virginia
WV COURT	687. West Virginia court or judicial district
WV DEPT	688. West Virginia state department or agency
WV GOEE	689. West Virginia governmental employee or job applicant
WV OF	690. West Virginia government or interstate compact official
WV U	691. West Virginia state college or university
WY	692. Wyoming
WY NONMUN	693. Wyoming local governmental unit other than county, city, town, etc.
— JUDGE	694. judge
	999. not ascertainable

Coding Instructions: [See the instructions following the next variable.]

22. Who is the respondent (appellee) in the case?

-----

Alpha          Numeric

[See the codes for the preceeding variable.]

Coding Instructions: Identify parties by the labels given them in the opinion or judgment of the Court except where the Reports titles a party as the "United States" or as a named state. Textual identification of parties is typically provided prior to Part "I" of the Court's opinion. You may wish to consult the official syllabus -- the summary -- which appears on the title page of the case as well.

In describing the parties, the Court employs terminology which places them in the context of the specific lawsuit in which they are involved -- for example, "employer" rather than "business" in a suit by an employee; as a "minority," "female," or "minority female" employee rather than "employee" in a suit alleging discrimination by an employer.

Where a choice of identifications exists choose that which provides information not provided by the legal provision or the issue (see fields 21 and 24) -- for example, identify a federal taxpayer or an attorney accused of a crime as TAXP or ATTY rather than AC, particularly if neither field 21 nor 24 identifies the case as a tax matter or one involving an attorney.

Pay particular attention to the related descriptors which are enclosed in parentheses at the end of many of the entries in the list of party codes.

Enter a "?" in the first column of the appropriate field if the Reports do not identify the character of the pertinent party.

In criminal and habeas corpus cases, the name of the state which is involved in the prosecution (or the U.S. in a federal criminal prosecution or habeas corpus against a federal official) is used rather than the office of the person who prosecutes or has custody of the accused or convicted person.

23. In deciding the case, which one of the following types of decisions did the Court render?

-----

Numeric

1. formally decided (i.e., orally argued) with signed opinion
2. case decided without oral argument but with an opinion
3. memorandum case without oral argument
4. decree
5. case decided by an equally divided vote
6. formally decided (i.e., orally argued) but unsigned (i.e., per curiam)

Coding Instructions: Memorandum cases are segregated from the other types by being placed in the back of each volume of the United States Reports, usually following p. 801 or 901. The bulk of them merely indicate whether or not the Court has accepted or rejected the request that it review a lower court's decision. The remainder comprise miscellaneous orders -- petitions for rehearing, applications for stays, motions for leave to appear or file briefs amicus curiae, disbarment orders, etc.

Because of the practice of the Court reporter during the Warren Court and the first four terms of the Burger Court (1969-1972) to include substantial numbers of brief, non-orally argued per curiam decisions in the main part of each volume of the Reports, discrimination between decision types 2 and 3 is less than complete. Those cases included in the main part of the Reports differ from petitions to review a lower court's decision, which are placed in the back of each volume of the United States Reports, only by the presence of the phrase, "per curiam." This additional phrase has no practical import, except that a summary affirmance has precedential value, at least for the lower courts.

Type 4 cases occur infrequently and typically involve a dispute between states concerning the location of their common boundary. They are distinguished from the other types of decisions by the presence of the label, "decree."

Type 5 cases state only that "the judgment is affirmed by an equally divided Court" and the name of the nonparticipant(s). Their effect is to uphold the decision of the lower court.

The data base contains all decisions of each type except Type 3 and the non-summarized, non-headnoted "per curiam" decisions that appear in the front of the volumes that encompass the 1953-1972 Terms.

The data base contains only those Type 3 decisions in which one or more of the justices wrote an opinion. Inasmuch as memorandum cases rarely contain opinions, only a very small proportion of the Type 3 cases appears in the data base. An opinion is defined as specified in decision rules 1-4 in fields 35-57.

The result of the foregoing decision rules is that all summarized cases that appear in the front portion of the Lawyers' Edition of the United States Reports are included, plus all non-summarized cases that are orally argued or contain a special opinion. The United States Reports are not used because they are not published until approximately three years after the date of decision. However, beginning with volume 410 of the United States Reports all cases in the front of the Reports are included. The Court's practice of including type 3 cases in the front of the volumes stopped beginning with this volume.

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VAR 0024        MULTIPLE MEMORANDUM DECISIONS  
[MEMMO]

24. Did the Court decide an additional number of memorandum cases bearing on the same issue by a voting and opinion pattern identical to the cited case that appear on pages of the Reports between the cited page and the first succeeding non-memorandum case? If so, how many cases were decided?

-----

Alpha

Numeric

- 0. No multiple memo decisions
- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 20.
- 21.
- 23.
- 24.
- 28.
- 46.
- 52.
- 69.

Coding Instructions: A number appearing in this field indicates an additional number of memorandum cases bearing on the same issue that were decided by an identical voting and opinion pattern to the cited case (MULT\_MEMO). Not uncommonly, one to several dozen such cases will appear. They most often involve dissents to the imposition of the death penalty and dissents on the merits to the Court's refusal to hear obscenity cases.

These additional cases will appear on pages of the Reports between the cited page and the first succeeding non-Type 3 case. The docket numbers and dates of decision of such cases may be found in the notes field.

Nine Warren Court type 2 cases, differing from type 3 only by their position in the front -- rather than in the back -- of the United States Reports have an entry in this field: 374 U.S. 97, 374 U.S. 498, 378 U.S. 547, 378 U.S. 550, 378 U.S. 553, 378 U.S. 566, 382 U.S. 4, 386 U.S. 267, 392 U.S. 300. All other entries are to type 3 cases.

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VAR 0025        FIRST LEGAL PROVISION AT ISSUE CONSIDERED BY THE COURT  
[LAW1]

25. What is the first constitutional provision, statute, or court rule considered by the Court?

-----

Alpha	Numeric
121	001. composition of House of Representatives
151	002. congressional qualifications
161	003. speech or debate clause
172	004. separation of powers
181	005. general welfare or uniformity clause
183	006. interstate commerce clause
184	007. bankruptcy clause
187	008. postal power
188	009. patent and copyright clause
1811	010. war power
1814	011. governance of the armed forces
1817	012. governance of D.C. and lands purchased from the states
1818	013. necessary and proper clause
192	014. suspension of the writ of habeas corpus
193	015. bill of attainder or ex post facto law
194	016. direct tax
110	017. state bill of attainder or ex post facto law
1101	018. contract clause
1102	019. export-import clause
1103	020. compact clause
218	021. oath provision
22	022. commander-in-chief
221	023. presidential pardoning power



222	024. appointments clause
311	025. judicial power
312	026. good behavior and compensation of federal judges
32	027. extent of judicial power
321	028. case or controversy requirement
322	029. original jurisdiction
323	030. vicinage requirement
41	031. full faith and credit clause
421	032. privileges and immunities clause
422	033. extradition clause
432	034. property clause
62	035. supremacy clause
63	036. oath provision
1A	101. speech, press, and assembly
1ASN	102. association
1AEX	103. free exercise of religion
1AES	104. establishment of religion
1APT	105. petition clause
4A	106. Fourth Amendment
5ADJ	107. double jeopardy
5ADP	108. due process
5AGJ	109. grand jury
5AMI	110. Miranda warnings
5ASI	111. self-incrimination
5ATK	112. takings clause
5A=P	113. equal protection
6ACF	114. right to confront and cross-examine, compulsory process
6ACO	115. right to counsel
6AJU	116. right to trial by jury
6ASP	117. speedy trial
6A	118. other Sixth Amendment provisions
7A	119. Seventh Amendment
8AEB	120. prohibition of excessive bail
8A	121. cruel and unusual punishment
9A	122. Ninth Amendment
10A	123. Tenth Amendment
11A	124. Eleventh Amendment
13A	125. Thirteenth Amendment
14A1	126. privileges and immunities clause
14A2	127. reduction in representation clause
14AC	128. citizenship clause
14AD	129. due process
14A=	130. equal protection
14A5	131. enforcement clause
15A	132. Fifteenth Amendment
15A2	133. enforcement clause
17A	134. Seventeenth Amendment
21A	135. Twenty-First Amendment
24A	136. Twenty-Fourth Amendment
CIVP	201. Federal Rules of Civil Procedure
CRMP	202. Federal Rules of Criminal Procedure
FRE	203. Federal Rules of Evidence

SCTR	204. Supreme Court Rules
ABST	205. Abstention Doctrine
BACK	206. retroactive application of a constitutional right
EXCL4	207. exclusionary rule -- 4th Amendment
EXCL5	208. exclusionary rule -- 5th Amendment Miranda warnings
EXCL6	209. exclusionary rule -- 6th Amendment the right to counsel
HARM	210. harmless error
RJ	211. res judicata
STOP	212. estoppel
WIG	213. writ improvidently granted
TREATY	214. International treaties and conventions
IC	215. Interstate compact
EO	216. Executive order
TERRITY	217. statute of a territory of the U.S.
ADEA	301. Age Discrimination in Employment
AFDC	302. AFDC provisions of the Social Security Act
AIR	303. Clean Air, plus amendments
APA	304. Administrative Procedure
ATOM	305. Atomic Energy
BANK	306. Bankruptcy Code, etc.
CAID	307. Medicaid provisions of the Social Security Act
CARE	308. Medicare provisions of the Social Security Act
CLAY	309. Clayton
CRA2	310. Civil Rights Act of 1964, Title 2, as amended
CRA4	311. Civil Rights Act of 1964, Title 4, as amended
CRA6	312. Civil Rights Act of 1964, Title 6, as amended
CRA7	313. Civil Rights Act of 1964, Title 7, as amended
CRA9	314. Civil Rights Act of 1964, Title 9, as amended
CRAACOM	315. Public accommodations provision, Civil Rights Act of 1964
CRA1957	316. Civil Rights Act of 1957
CRA1971	317. Reconstruction Civil Rights Acts--42 USC 1971
CRA1981	318. Reconstruction Civil Rights Acts--42 USC 1981
CRA1982	319. Reconstruction Civil Rights Acts--42 USC 1982
CRA1983	320. Reconstruction Civil Rights Acts--42 USC 1983
CRA1985	321. Reconstruction Civil Rights Acts--42 USC 1985
CRA1986	322. Reconstruction Civil Rights Acts--42 USC 1986
DC	323. statutory provisions of the District of Columbia
EDAM	324. Education Amendments of 1972
ERIS	325. Employee Retirement Income Security
ESEA	326. Elementary and Secondary Education
FALSE	327. Federal False Claims
FCA	328. Communication Act of 1934
FECA	329. Federal Employees Compensation
FEE	330. Civil Rights Attorneys Fees Awards
FELA	331. Federal Employers Liability
FELC	332. Federal Election Campaign
FFDC	333. Federal Food, Drug, and Cosmetic, etc.
FIFR	334. Federal Insecticide, Fungicide, and Rodenticide
FLSA	335. Fair Labor Standards
FOIA	336. Freedom of Information, Sunshine, or Privacy Act
FPA	337. Federal Power
FTC	338. Federal Trade Commission

FWPC	339. Federal Water Pollution Control
GUN	340. Omnibus Crime Control and Safe Streets, Etc.
HAND	341. Education of the Handicapped, Etc.
HC	342. 28 USC 2241-2255--habeas corpus
HOUS	343. Fair Housing
ICA	344. Interstate Commerce, as amended
INA	345. Immigration and Naturalization, Immigration, or Nationality Acts
IRC	346. Internal Revenue Code
ISA	347. Internal Security
JENK	348. Jencks
JONE	349. Jones
LHWC	350. Longshoremen and Harbor Workers Compensation
LMRA	351. Labor-Management Relations
LMRD	352. Labor-Management Reporting and Disclosure
MCA	353. Motor Carrier
MILL	354. Miller
NEPA	355. National Environmental Policy
NGPA	356. Natural Gas, or Natural Gas Policy Acts
NLRA	357. National Labor Relations, as amended
NOLA	358. Norris-LaGuardia
OSHA	359. Occupational Safety and Health
PURP	360. Public Utility Regulatory Policy
REHA	361. Rehabilitation
RICO	362. Racketeer Influenced and Corrupt Organizations
RLA	363. Railway Labor
RP	364. Robinson-Patman
SEA	365. Securities Act of 1933, 1934, or the Williams Act
SEL	366. Selective Service, Military Selective Service, Etc.
SHER	367. Sherman
SLA	368. Submerged Lands
SMIT	369. Smith, Subversive Activities Control, Communist Control, Etc.
SSA	370. Social Security
SSI	371. Supplemental Security Income
TIL	372. Truth in Lending
TORT	373. Federal Tort Claims
TUCK	374. Tucker
UCMJ	375. Universal Code of Military Justice
VRA	376. Voting Rights Act of 1965
1-109	401. U.S. Code 1-109
10-1034	402. U.S. Code 10-1034
10-1072	403. U.S. Code 10-1072
10-1331	404. U.S. Code 10-1331
10-1431	405. U.S. Code 10-1431
10-1564	406. U.S. Code 10-1564
10-2306	407. U.S. Code 10-2306
10-2313	408. U.S. Code 10-2313
10-333	409. U.S. Code 10-333
10-652	410. U.S. Code 10-652
10-687	411. U.S. Code 10-687
12-1433	412. U.S. Code 12-1433
12-1464	413. U.S. Code 12-1464
12-1743	414. U.S. Code 12-1743

12-1813	415. U.S. Code 12-1813
12-1828	416. U.S. Code 12-1828
12-1841	417. U.S. Code 12-1841
12-1842	418. U.S. Code 12-1842
12-1843	419. U.S. Code 12-1843
12-1848	420. U.S. Code 12-1848
12-1849	421. U.S. Code 12-1849
12-1864	422. U.S. Code 12-1864
12-1904	423. U.S. Code 12-1904
12-24	424. U.S. Code 12-24
12-36	425. U.S. Code 12-36
12-548	426. U.S. Code 12-548
12-85	427. U.S. Code 12-85
12-91	428. U.S. Code 12-91
12-94	429. U.S. Code 12-94
13-9	430. U.S. Code 13-9
15-1011	431. U.S. Code 15-1011
15-1012	432. U.S. Code 15-1012
15-1065	433. U.S. Code 15-1065
15-1117	434. U.S. Code 15-1117
15-1171	435. U.S. Code 15-1171
15-1381	436. U.S. Code 15-1381
15-1461	437. U.S. Code 15-1461
15-1601	438. U.S. Code 15-1601
15-2055	439. U.S. Code 15-2055
15-29	440. U.S. Code 15-29
15-32	441. U.S. Code 15-32
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	999. Other legal basis	

Coding Instructions: The legal provision or provisions at issue are determined by reference to the statement of the numbered holdings in the "Syllabus" of the U.S. Reports; that is, the summary on the title page of the case. If this syllabus does not contain a numbered holding, treat the summary as though it has but one number. Legal provisions are coded in the order in which they appear in the syllabus.

A case may have more than one constitutional provision, statute, or court rule at issue if the numbered holdings (or the unnumbered holding) pertain to more than a single constitutional provision (as specified below), or to separate sections of a statute under a given title in the U.S. Code which would not be governed by conventional use of "et seq.," or if the numbered segments or an unnumbered holding pertain to a combination of constitutional provisions, statutes, and/or court rules. Enter any additional legal bases for decision on the same line of the coding sheet as the original entry.

Note, however, that not uncommonly several numbered headings may pertain to the same statute, constitutional provision, or court rule. Treat these as but one numbered heading.

The legal basis for decision need not be formally stated. For example, a reference in the syllabus to the appointment of counsel under the Constitution or to the self-incrimination clause warrants entry of the appropriate code. (E.g., United States v. Knox, 396 U.S. 77, Lassiter v. Department of Social Services, 452 U.S. 18).

Also note that occasionally an unnumbered holding may pertain to more than one legal basis for decision. In such cases, specify the additional basis or bases as though they are lettered holdings, or as though they are a holding without either numbers or letters.

Numbered headings that do not pertain to a constitutional provision, statute, or court rule are not to be identified as legal bases for decision. In such cases, this field will be blank. Cases producing an empty field will typically concern the Supreme Court's supervisory authority over lower federal courts; the Supreme Court's own actions for which no constitutional, statutory, or common law basis is identified; decrees; and cases arising under the Supreme Court's original jurisdiction (except where it involves a statute, such as the Submerged Lands Act).

Beyond the foregoing, observe that an entry should appear in this field only when the syllabus indicates that the majority opinion discusses the legal provision at issue. The mere fact that the Court exercises a certain power (e.g., its original jurisdiction, as in 397 U.S. 91), or makes reference in its majority opinion -- rather than in the syllabus -- that a certain constitutional provision, statute, or frequently used common law rule applies (e.g., the "equal footing" principle which pertains to the admission of new states under Article IV, section 3, clause 2 of the Constitution, as Utah v. United States, 403 U.S. 9 illustrates) provides no warrant for any entry.

There are three exceptions to this "discussion" requirement, the first of which dismisses the writ of certiorari as "improvidently granted" -- either in so many words (e.g., Johnson v. United States, 401 U.S. 846) or dismisses it on this basis implicitly (e.g., Baldonado v. California, 366 U.S. 417). In such cases, the code, WIG, should appear. More often than not, these cases have no syllabus. Note that the phrase is a term of art: 1) it overrides any substantive provision that the syllabus may mention (e.g., Conway v. California Adult Authority, 396 U.S. 107); 2) it does not apply where the Supreme Court takes jurisdiction on appeal (see field 7).

In the second exception the Court, without discussion, remands a case to a lower court for consideration in light of an earlier decision. Consult the summary of the earlier case and code the instant case with the entry that appears (e.g., Wheaton v. California, 386 U.S. 267). If a discussion in the syllabus precedes the remand, this field should be governed by that discussion as well as the basis for decision in the case that the lower court is instructed to consider. Usually these bases will be identical (e.g., Maxwell v. Bishop, 398 U.S. 262).

The third exception to the "discussion" criterion involves the legality of administrative agency action without specific reference to the statute under which the agency acted. Inasmuch as administrative agencies may only act pursuant to statute, consult the majority opinion to determine the statute in question (e.g., National

Labor Relations Board v. United Insurance Co. of America, 390 U.S. 254). The same situation may characterize the statute under which a court exercises jurisdiction (e.g., the Court of Claims in United States v. King, 395 U.S. 1).

Alphanumeric Coding Conventions: An exclusively numerical entry identifies a provision of the original Constitution; a number followed by the letter "A" identifies an amendment to the Constitution; an exclusively alphabetic entry indicates either a commonly litigated statute or a court rule; while a one- or two-digit number followed by a hyphen and further followed by 1-4 additional digits indicates an infrequently litigated statute. Five additional digits are provided for Rehnquist Court decisions. The initial set of numbers identifies the title of the United States Code in which the statute appears, while the second set of numbers identifies the section of the title where the statute begins. Note that occasionally the abbreviation, "Appx," precedes the section number. Disregard this abbreviation and enter the section number.

Occasionally, a statute is cited only to the session laws (Statutes at Large). In these situations, the volume precedes and the page succeeds the letter, "S" -- for example, 1S329 in County of Oneida v. Oneida Indian Nation, 84 L Ed 2d 169. A treaty is identified by the word, "TREATY," and a statute of a territory of the U.S., which statute is not contained in either the U.S. Code or the Statutes at Large, by the word, "TERRITY."

Because of the relative frequency with which certain non-positive-law rules and doctrines form bases for the Court's holdings, these are identified in this field along with constitutional provisions, statutes, court rules, and treaties.

As indicated, this field should usually be empty if the numbered holding(s) indicates that the Court's decision rests on its supervisory authority over the federal judiciary, the common law, or diversity jurisdiction (See field 23.).

The format used to identify provisions of the original Constitution is as follows:

- 1st column = Article of the Constitution
- 2d column = section number of the Article
- 3d column = 2d digit of the section number if the section's number has two digits, otherwise the 3d column specifies the paragraph of the section, if any
- 4th column = paragraph of the section, if any

Constitutional amendments are identified by the number of the amendment followed by the letter "A." Where a given amendment provides more than a single guarantee, the 4th column (and the 3d, if the amendment contains a single digit) is used to provide specific identification.

Note that where a state or local government allegedly abridges a provision of the Bill of Rights that has been made binding on the states because it has been incorporated into the due process clause of the Fourteenth Amendment, identification is to the specific guarantee rather than to 14AD.

Frequently litigated statutes are identified by an exclusively alphabetic abbreviation except for the Civil Rights Act of 1964 which contains the number of the Title at issue in the fourth column of this field, e.g., CRA7, and the Reconstruction Civil Rights Acts which contain their section number, i.e., 1981, 1982, 1983, 1985, 1986. In general, amendments to the statutes are coded according to the primary statutory abbreviation.

Do not count as a numbered holding one which states that a constitutional provision, amendment, or statute was not applied or considered in reaching the decision, or is "speculative" or "premature."

If a numbered holding pertains to the exercise of judicial power without reference to a statutory provision or to Article III, no separate record is created to identify this feature of the case. Instead, a "3" will appear in field 23 to indicate the judicial power aspect of the legal basis for the Court's decision.

A case which challenges the constitutionality of a federal statute, court or common law rule will usually contain at least two legal bases for decision: the constitutional provision as well as the challenged statute or rule.

Where a heading concerns the review of agency action under a statute, but the statute is not identified, ascertain it from the opinion and enter it (e.g., National Labor Relations Board v. United Insurance Co. of America, 390 U.S. 254). So also where the decision turns on the statutory jurisdiction of a federal court, and the holding does not specify it (e.g., United States v. King, 395 U.S. 1).

.....  
VAR 0026      MULTIPLE LEGAL PROVISIONS CONSIDERED BY THE COURT  
[MLAW]

26. Does the Court consider multiple legal provisions?

-----  
Alpha            Numeric  
  
blank            0. Only one legal provision  
2                1. Multiple legal provisions  
\*                2. Unusual combination (see notes in coding instructions)

Coding Instructions: If the case contains more than a single legal basis for decision as provided for in the preceding field, so indicate here.



.....

VAR 0027      FIRST LEGAL AUTHORITY FOR THE DECISION  
[AUTHDEC1]

27. What is the first legal authority for the Court's decision?

-----

1. Judicial review -- national level
2. Judicial review -- state level
3. Supervisory power over the lower federal courts  
    (including the Supreme Court's determination of its own  
    non-statutorily mandated authority)
4. Interpretation of a federal statute, treaty, or court rule
5. Interpretation of a federal executive order, regulation, or rule  
    (administrative law)
6. Interpretation of state law under diversity jurisdiction
7. Federal common law
9. Not ascertainable

Coding Instructions: [See the instructions for the following variable.]

.....

VAR 0028      SECOND LEGAL AUTHORITY FOR THE DECISION  
[AUTHDEC2]

28. What is the second legal authority for the Court's decision?

-----

0. No second authority
1. Judicial review -- national level
2. Judicial review -- state level
3. Supervisory power over the lower federal courts  
    (including the Supreme Court's determination of its own  
    non-statutorily mandated authority)
4. Interpretation of a federal statute, treaty, or court rule
5. Interpretation of a federal executive order, regulation, or rule  
    (administrative law)
6. Interpretation of state law under diversity jurisdiction
7. Federal common law
8. Not applicable
9. No second authority for decision or not ascertainable

Coding Instructions: This field is related to the coding of field 21 (legal basis for decision). Thus, if a constitutional provision appears in field 21, a "1" or a "2" will typically appear here. Similarly, if a statute is listed in field 21, a "4" will typically appear here.

A common exception is where the Court determines the constitutionality of a federal statute, or where judge-made rules are applied to determine liability under various federal statutes, including civil rights acts (e.g., Pulliam v. Allen, 466 U.S. 522), or the propriety of the federal courts use of state statutes of limitations to adjudicate federal statutory claims (e.g., Burnett v. Grattan, 468 U.S. 42).

Each numbered heading that pertains to a distinctive legal basis (see field 21) must have an entry here. In other words, if a citation has three legal bases, an entry corresponding to each such basis must appear here. Note further that cases producing an empty legal basis field must nonetheless contain an entry for this variable. Thus, every record must contain an AUTH\_DEC entry even though no legal basis is specified. The only exception is type 3 cases under form of decision (field 19) in which the Court summarily denied review.

The rules governing each of the codes for this field are as follows:

Re 1: Did the majority determine the constitutionality of some action taken by some unit or official of the federal government, including an interstate compact? If so, enter a "1."

Enter a "1" if 321 appears in field 21.

Enter a "1" if IC appears in field 21.

Re 2: Did the majority determine the constitutionality of some action taken by some unit or official of a state or local government? If so, enter a "2."

Re 3: If the rules governing codes "1-2," "4-7" are answered negatively or do not apply, enter a "3." A "3," then, serves as the residual code for this field.

Enter a "3" if WIG appears in field 21.

Non-statutorily based Judicial Power topics (700-899) in field 23 generally warrant a "3."

Most cases arising under the Court's original jurisdiction should receive a "3."

All cases containing a "4" in the form of decision field (field 18) = 3.

Enter a "3" in cases in which the Court denied or dismissed the petition for review (indicated by an "8" in field 28) or where the decision of a lower court is affirmed by a tie vote (indicated by a "5" in field 19).

Re 4: Did the majority interpret a federal statute, treaty, or court rule? If so, enter a "4."

Enter a "4" rather than a "3" if the Court interprets a federal statute governing the powers or jurisdiction of a federal court. In other words, a statutory basis for a court's exercise of power or jurisdiction does not require that a "3" supplement a "4"; the latter alone suffices.

Enter a "4" rather than a "2" where the Court construes a state law as incompatible with a federal law.

Do not enter only a "4" where an administrative agency or official acts "pursuant to" a statute. All agency action is purportedly done pursuant to legislative authorization of one sort or another. A "4" may be coupled to a "5" (see below) only if the Court interprets the statute to determine if administrative action is proper.

In workers' compensation litigation involving statutory interpretation and, in addition, a discussion of jury determination and/or the sufficiency of the evidence, enter either a "43" or a "34." If no statute is identified in the syllabus, only enter a "3."

Re 5: Did the majority treat federal administrative action in arriving at its decision? If so, enter a "5."

Enter a "54," but not a "5" alone, where an administrative official interprets a federal statute.

The final instruction under Re 4 applies to the use of "5."

Enter a "5" if the topic = 721.

Re 6: Did the majority say in approximately so many words that under its diversity jurisdiction it is interpreting state law? If so, enter a "6."

Re 7: Did the majority indicate that it used a judge-made "doctrine" or "rule?" if so, enter a "7." Where such is used in conjunction with a federal law or enacted rule, a "7" and "4" should be conjoined.

Enter a "7" if the Court without more merely specifies the disposition the Court has made of the case (see field 28) and cites one or more of its own previously decided cases; but enter a "3" if the citation is qualified by the word, "see."

Enter a "7" if the case concerns admiralty or maritime law.

Enter a "7" if the case concerns the retroactive application of a constitutional provision or a previous decision of the Court.

Enter a "7" if the case concerns an exclusionary rule, the harmless error rule (though not the statute), the abstention doctrine, comity, res judicata, or collateral estoppel. Note that some of these, especially comity topics (701-709), likely warrant the conjunction of a "7" and a "3."

Enter a "7" if the case concerns a "rule" or "doctrine" that is not specified as related to or connected with a constitutional or statutory provision (e.g., 376 U.S. 398).

If two bases are identified, and if one is more heavily emphasized, it should appear first.

.....  
VAR 0029        ISSUE  
[TOPIC1]

29. What is the policy context in which the legal basis for decision (field 21) appears?

## Numeric

- 000. issue not able to be identified
- 010. involuntary confession
- 013. habeas corpus
- 014. plea bargaining
- 015. retroactivity of newly announced rights
- 016. search and seizure
- 017. search and seizure, vehicles
- 018. search and seizure, Crime Control Act
- 020. contempt of court
- 021. self-incrimination
- 022. Miranda warnings
- 023. self-incrimination, immunity from prosecution
- 030. right to counsel
- 040. cruel and unusual punishment, death penalty
- 041. cruel and unusual punishment, non-death penalty
- 050. line-up -admissibility into evidence
- 060. discovery and inspection-criminal
- 070. double jeopardy
- 100. extra-legal jury influences, miscellaneous
- 101. prejudicial statements or evidence
- 102. contact with jurors outside courtroom
- 103. jury instructions
- 104. voir dire
- 105. prison garb or appearance
- 106. jurors and death penalty
- 107. pretrial publicity
- 110. confrontation
- 111. confession of error
- 112. conspiracy
- 113. entrapment
- 114. exhaustion of remedies
- 115. fugitive from justice
- 116. presentation of evidence
- 117. stay of execution
- 118. timeliness, statutes of limitation
- 119. miscellaneous
- 120. Federal Rules of Criminal Procedure
- 161. assault
- 162. bank robbery
- 163. conspiracy
- 164. escape from custody
- 165. false statements
- 166. financial -other than in 168 or 173
- 167. firearms
- 168. fraud
- 169. gambling
- 171. Hobbs Act
- 172. immigration
- 173. internal revenue

174. Mann Act  
175. narcotics  
176. obstruction of justice  
177. perjury  
178. Travel Act  
179. war crimes  
181. miscellaneous  
190. jury trial -right to  
191. speedy trial  
199. miscellaneous criminal procedure  
210. voting  
211. Voting Rights Act of 1965, plus amendments  
212. ballot access of candidates and political parties  
220. desegregation  
221. desegregation, schools  
222. employment discrimination  
223. affirmative action  
230. sit-in demonstrations  
250. reapportionment  
261. debtors' rights  
271. deportation  
272. employability of aliens  
283. gender discrimination  
284. gender discrimination in employment  
293. Indians  
294. Indians, state jurisdiction over  
301. juveniles  
311. poverty law, constitutional  
312. poverty law, statutory  
321. illegitimates, rights of  
331. handicapped, rights of  
341. residency requirements  
361. draftee, or person subject to induction  
362. active duty  
363. veteran  
371. permanent residence  
372. citizenship  
373. loss of citizenship, denaturalization  
374. access to public education  
375. welfare benefits  
376. miscellaneous  
381. appointment of counsel  
382. inadequate representation by counsel  
383. payment of fine  
384. costs or filing fees  
385. U.S. Supreme Court docketing fee  
386. transcript  
387. assistance of psychiatrist  
388. miscellaneous  
391. liability, civil rights acts  
399. miscellaneous civil rights  
401. First Amendment, miscellaneous

411. commercial speech  
415. libel, defamation  
416. libel, privacy  
421. legislative investigations  
422. federal internal security legislation  
430. loyalty oath  
431. loyalty oath, bar applicants  
432. loyalty oath, government employees  
433. loyalty oath, political party  
434. loyalty oath, teachers  
435. security risks  
441. conscientious objectors  
444. campaign spending  
451. protest demonstrations  
455. free exercise of religion  
461. establishment of religion  
462. parochiaid  
471. obscenity, state  
472. obscenity, federal  
501. due process, miscellaneous  
502. due process, hearing  
503. due process, hearing, government employees  
504. due process, prisoners rights  
505. due process, impartial decision maker  
506. due process, jurisdiction  
507. due process, takings clause  
531. privacy  
533. abortion  
537. Freedom of Information Act  
542. attorneys' fees  
546. admission to a bar  
548. admission to U.S. Supreme Court  
553. arbitration  
555. union antitrust  
557. union or closed shop  
559. Fair Labor Standards Act  
561. Occupational Safety and Health Act  
563. union-union member dispute  
575. bargaining  
576. employee discharge  
577. distribution of union literature  
578. representative election  
579. antistrike injunction  
581. jurisdictional dispute  
582. right to organize  
583. picketing  
584. secondary activity  
585. no-strike clause  
586. union representatives  
587. union trust funds  
588. working conditions  
589. miscellaneous dispute

599. miscellaneous union  
601. antitrust  
605. mergers  
611. bankruptcy  
614. sufficiency of evidence  
615. election of remedies  
616. liability, governmental  
617. liability, nongovernmental  
621. Employee Retirement Income Security Act  
626. state tax  
631. state regulation of business  
636. securities, federal regulation of  
638. natural resources - environmental protection  
650. governmental corruption  
652. zoning  
653. arbitration  
656. federal consumer protection  
661. patent  
662. copyright  
663. trademark  
664. patentability of computer processes  
671. railroad  
672. boat  
673. truck, or motor carrier  
674. pipeline  
675. airline  
681. electric power  
682. nuclear power  
683. oil producer  
684. gas producer  
685. gas pipeline  
686. radio and television  
687. cable television  
688. telephone company  
699. miscellaneous economic regulation  
701. civil rights  
702. criminal procedure  
703. First Amendment  
704. habeas corpus  
705. military  
706. obscenity  
707. privacy  
708. miscellaneous  
712. comity, civil procedure  
715. assessment of costs or damages  
717. Federal Rules of Civil Procedure  
721. judicial review of administrative agency  
731. mootness  
741. venue  
751. writ improvidently granted  
752. dismissed for want of federal question  
753. dismissed for want of jurisdiction

754. adequate non-federal grounds for decision  
755. remand to determine basis of state court decision  
759. miscellaneous  
801. adversary parties  
802. direct injury  
803. legal injury  
804. personal injury  
805. justiciable question  
806. live dispute  
807. parens patriae standing  
808. statutory standing  
809. private or implied cause of action  
810. taxpayer's suit  
811. miscellaneous  
851. authority of federal district courts  
852. authority of federal courts of appeals  
853. Supreme Court jurisdiction on federal appeal  
854. Supreme Court jurisdiction on state appeal  
855. authority of the Court of Claims  
856. Supreme Courts original jurisdiction  
857. review of non-final order  
858. change in state law  
859. federal question  
860. ancillary or pendent jurisdiction  
861. extraordinary relief  
862. certification  
863. resolution of circuit conflict  
864. objection to reason for denial of certiorari  
865. collateral estoppel or res judicata  
866. interpleader  
867. untimely filing  
868. Act of State doctrine  
869. miscellaneous  
870. Supreme Courts certiorari jurisdiction  
899. miscellaneous judicial power  
900. federal-state ownership dispute  
910. federal pre-emption of state jurisdiction  
911. federal pre-emption of state regulation  
920. Submerged Lands Act  
930. commodities  
931. intergovernmental tax immunity  
932. marital property  
933. natural resources  
934. pollution, air or water  
935. public utilities  
936. state tax  
939. miscellaneous  
949. miscellaneous federalism  
950. boundary dispute between states  
951. non-real property dispute between states  
959. miscellaneous interstate relations  
960. federal taxation



- 970. federal taxation of gifts
- 975. priority of federal fiscal claims
- 979. miscellaneous federal taxation
- 980. legislative veto
- 989. miscellaneous

Coding Instructions: This field identifies the context in which the legal basis for decision (field 21) appears. The First Amendment, due process, and equal protection, for example, separately apply to several distinguishable issues. Thus, the equal protection clause may pertain to gender discrimination in one case, school desegregation in another, and affirmative action in yet a third. Issues are determined from the Court's own statements as to what the case is about. The focus is on the subject matter of the controversy rather than its legal basis. The objective is to categorize the case from a public policy standpoint, a perspective which the legal basis for decision commonly overlooks.

Unlike legal basis for decision, the typical case should contain only a single issue. This presumption, though not irrebutable, should govern the coder's orientation. Enter a second issue only when a preference cannot readily be made for one rather than another issue.

Issues are organized into thirteen major groupings: criminal procedure (001-199), civil rights (200-399), First Amendment (400-499), due process (500-529), privacy (530-539), attorneys (540-549), unions (550-559), economic activity (600-699), judicial power (700-899), federalism (900-949), interstate relations (950-959), federal taxation (960-979), and miscellaneous (980-989). These groupings provide only an organizational structure for the issues.

The scope of the foregoing categories is as follows: Criminal procedure encompasses the rights of persons accused of crime, except for the due process rights of prisoners (504). Civil rights includes non-First Amendment freedom cases which pertain to classifications based on race (including American Indians), age, indigency, voting, military or handicapped status, gender, and alienage. Purists may wish to treat the military issues (361-363) and Indian cases (293-294) as economic activity, while others may wish to include the privacy category as a subset of civil rights. First Amendment concerns the provisions of this constitutional provision. Due process is limited to non-criminal guarantees. Some may wish to include issues 506 and 507 as part of economic activity rather than due process. As mentioned, the three issues comprising privacy may be treated as a subset of civil rights. Because of their peculiar role in the judicial process, a separate attorney category has been created. Users, however, may wish to include these three issues as economic activity. Unions encompasses those issues involving labor union activity. Users may wish to redefine this category for themselves or combine it, in whole or in part, with economic activity. Economic activity is largely commercial and business related; it includes tort actions (616-617) and employee actions vis-a-vis employers (614-615, 621). Issues 650 and 652 are only tangential to the other issues located in this category. Judicial power concerns the exercise of the judiciary's own power. To the extent that a number of these issues concerns federal-state court relationships (*i.e.*, 701-708, 712, 754, 755), users may wish to include these in the federalism category. Federalism pertains to conflicts between the federal government and the states, except for those between the federal and state courts. Interstate relations contains two types of disputes which occur be-

tween states. Federal taxation concerns the Internal Revenue Code and related statutes. Miscellaneous contains two groups of cases that do not fit into any other category.

The index of issues follows. Generic issues which have been broken down into their components -- such as statutory construction of criminal laws, immigration and naturalization, standing to sue, and national supremacy -- are indexed by their specific components. The specific components of such generic issues, each of which has a distinctive identification number, are listed as indentations immediately below the generic label entry.

Parenthetical remarks following the name of the issue specify the contents of the issue where the description may be unclear or to identify related issues.

Any effort to replicate my coding should ideally involve the reading of several decisions in each of the 260 categories identified below so that familiarity with the policy context of the decisions may be had.

Note parenthetically that in many of the issues, one or the other of the parties should be invariant according to the list of parties specified in connection with fields 17 and 18. Thus, for example, "FEMALE" or "MALE" should appear in every gender discrimination case (283); a "GOEE," "GREE," "EE," "FEE," "MEE," "MFEE," or "REE" in every employment discrimination case (222), and a "CC" in every death penalty case (040). In other words, a definite pattern should often emerge among the parties, legal basis for decision, and issue area to which a case is assigned. Any break in this pattern warrants evaluation to be sure the case belongs to the issue to which it has been assigned and that the legal provision has been properly specified. To a substantial extent, issue area involves interpreted data which reflects my judgment. A measure of external validation of these judgments may be had by assessing the relationship among parties, legal basis for decision, and issue area.

.....

VAR 0030      DIRECTIONALITY OF POLICY ISSUE IN THE CASE  
[DIR]

30. What is the effect of the Supreme Court's decision; that is, who does the decision favor?

-----

Numeric

In the context of issues pertaining to criminal procedure, civil rights, First Amendment, due process, privacy, and attorneys

1.      In favor of person accused or convicted of crime  
         In favor of civil liberties or civil rights claimant  
         In favor of indigent  
         In favor of Indian  
         In favor of affirmative action  
         In favor of female in abortion

In favor of underdog  
Not in favor of government in the context of due process  
In favor of attorney  
In favor of disclosure in 537 issues (except for employment and student records)

2. reverse of above

In the context of issues pertaining to unions and economic activity

1. In favor of union except in union antitrust (issue = 555)  
where 1 = In favor of competition  
Not in favor of business  
Not in favor of employer  
In favor of competition  
In favor of liability  
In favor of injured person  
In favor of indigent  
In favor of small business vis-a-vis large business  
In favor of debtor  
In favor of bankrupt  
In favor of Indian  
In favor of environmental protection  
In favor of economic underdog  
In favor of consumer  
In favor of accountability in governmental corruption  
Not in favor of union member or employee vis-a-vis union  
Not in favor of union in union antitrust  
In favor of trial in arbitration

2. Reverse of above

In the context of issues pertaining to judicial power

1. In favor of exercise of judicial power  
In favor of judicial "activism"  
In favor of judicial review of administrative action  
In favor of administrative power and/or authority of the courts
2. Reverse of above

In the context of issues pertaining to federalism

1. In favor of federal power  
Not in favor of state
2. reverse of above

In the context of issues pertaining to federal taxation

1. In favor of United States
2. In favor of taxpayer

In interstate relations and miscellaneous

0. For all such cases

Coding Instructions: This field will contain a "0" 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.

Each issue in cases containing multiple issues is to have directionality assigned for each issue in accordance with the above schedule.

.....

VAR 0031 DIRECTIONALITY OF POLICY ISSUE BASED ON DISSENT  
[DIRDIS]

31. Is the sole difference between the majority and the dissenter(s) the scope of relief provided the winning party or interest?

-----

Alpha            Numeric

0. No contrary directionality in dissent
1. Dissents give contrary directionality

Coding Instructions: Occasionally the sole difference between the majority and the dissenter(s) concerns the scope of relief to be provided the winning party or interest -- for example, where the majority reverses and the dissent vacates and remands, or vice-versa. In such cases, enter an asterisk in this field (DIRD) to indicate that the real result -- albeit less than a total victory -- lies in the direction opposite that indicated by the "1" or "2" in field 24 -- that is, if "1," then "2"; if "2," then "1."

Thus, if the majority reverses defendant's conviction and remands for a new trial, and the dissenters reverse, score the case as a "2" in field 25, and enter an "\*" in field 26. Defendant, of course, has won, but the dissent provides him a greater victory than the majority does.

.....

VAR 0032      DISPOSITION OF CASE BY COURT WHOSE DECISION IS REVIEWED  
[LODISPO]

32. What treatment did the court whose decision the Supreme Court reviewed -- typically a court of appeal of appeals or a state supreme court -- accord the decision of the court, tribunal, or agency whose decision it reviewed -- typically the court, tribunal, or agency in which the litigation originated?

-----

Alpha	Numeric
0	00. stay, petition or motion granted
1	01. affirmed the decision of the court immediately below
2	02. reversed the decision of the court immediately below
3	03. reversed and remanded
4	04. vacated (or set aside) and remanded
5	05. affirmed in part and reversed (or vacated) in part
6	06. affirmed in part and reversed (or vacated) in part and remanded
7	07. vacated [set aside]
8	08. petition denied or appeal dismissed
9	09. certification to a lower court
M	10. modify
R	11. remand
*	12. unusual disposition
blank	13. other
	98. Unknown

Coding Instructions: The treatment the court whose decision the Supreme Court reviewed -- typically a federal circuit court of appeals or a state supreme court -- accorded the decision of the court, tribunal, or agency whose decision it reviewed -- typically the court, tribunal, or agency in which the litigation originated -- is specified here.

In entering this information, adhere to the language used in the "holding" in the summary of the case on the title page or prior to Part I of the Court's opinion. Exceptions to the literal language are the following:

Where the court whose decision the Supreme Court is reviewing refuses to enforce or enjoins the decision of the court, tribunal, or agency which it reviewed, treat this as = 2.

Where the court whose decision the Supreme Court is reviewing enforces the decision of the court, tribunal, or agency which it reviewed, treat this as = 1.

Where the court whose decision the Supreme Court is reviewing sets aside the decision of the court, tribunal, or agency which it reviewed, treat this as = 7; if the decision is set aside and remanded, treat it as = 4.

Except for the letter codes, the others also apply to the disposition the Supreme Court gives the court whose decision it reviews (field 28). The above letter codes do not apply to dispositions of the Supreme Court.

Except for DEC\_TYPE = 3 cases (see field 19), if this field is empty, it means that the case arose under the Supreme Court's original jurisdiction or that the decision the Supreme Court is reviewing is that of the trial court, tribunal, or agency itself -- in which case the Supreme Court's disposition is specified in field 28.

.....  
VAR 0033      DISPOSITION OF CASE BY THE SUPREME COURT  
[SCDISPO]

33. What treatment did the Supreme Court accord the court whose decision it reviewed?

-----

Alpha	Numeric
0	00. stay, petition, or motion granted
1	01. affirmed
2	02. reversed
3	03. reversed and remanded/[remanded (only)]
4	04. vacated (or set aside) and remanded
5	05. affirmed in part and reversed (or vacated) in part
6	06. affirmed in part and reversed (or vacated) in part and remanded
7	07. vacated
8	08. petition denied or appeal dismissed [including cert denial]
9	09. certification to a lower court
*	12. unusual disposition
blank	13. a case arising under the Supreme Court's original jurisdiction

Coding Instructions: The information relevant to this field may be found near the end of the summary that begins on the title page of each case, or preferably at the very end of the opinion of the Court.

As in field 27, enter the code pertaining to the specific language used by the Court. If incongruence between the Court's language and the above codes occurs, consult field 29.

.....

VAR 0034      DISPOSITION OF CASE BY THE SUPREME COURT WAS UNUSUAL  
[UNDISPO]

34. Did the Court made an unusual disposition of the cited case which does not match the coding scheme for field 28?

-----

blank	0. No
*	1. Yes

Coding Instructions: An asterisk is to be entered in this field (DISQ) to signify that the Court made an unusual disposition of the cited case which does not match the coding scheme for field 28. The disposition which appears closest to the unusual one made by the Court should be selected for inclusion in field 28.

.....

VAR 0035      OUTCOME FOR THE PETITIONER  
[WINNER]

35. Did the petitioning party (plaintiff, appellant) receive a favorable disposition from the Supreme Court?

-----

blank	0. Petitioning party did <u>not</u> receive a favorable disposition
W	1. Petitioning party received a favorable disposition

Coding Instructions: Enter a W in this field (WIN) if the petitioning party (plaintiff, appellant) receives a favorable disposition from the Supreme Court. This will normally -- but not necessarily -- be any disposition (see fields 28 and 29) other than affirmed, denied, or dismissed. Be very careful, in cases containing multiple docket numbers, because not every petitioning party will necessarily receive the same disposition.

.....

VAR 0036      VOTE IN THE CASE  
[VOTE]

36. What was the vote of the Supreme Court?

NOTE: The largest number of votes is entered first.

-----

- 33.
- 40.
- 41.
- 42.
- 43.
- 44.
- 50.
- 51.
- 52.

53.  
54.  
60.  
61.  
62.  
63.  
70.  
71.  
72.  
80.  
81.  
90.

Coding Instructions: Identify the vote by reference to the official syllabus -- the summary -- which appears on the title page of the case. Unfortunately, the syllabi for decisions antedating volume 400 of the United States Reports do not provide vote information. Consequently, you will need to initially determine who is on the Court for all of these earlier decisions. The volume in which the case appears lists the Justices on p. iii. Footnotes on this page or its successor indicate the date any of the Justices left or entered the Court. Although cases in which a Justice failed to participate are identified in the body of the case, this is not true for Justices who have not yet taken their seats. Hence, if a case was decided on a date prior to a new Justice taking his seat, said Justice did not participate in that decision. To determine how the participating Justices voted will require paging through the opinion(s) contained in the case, noting how many Justices joined each of the separate opinions and subtracting those who dissented from those who did not. Beginning with volume 400, how each Justice voted is specified at the end of the syllabus.

Note that six justices are required for a quorum for decisions on the merits. For the Court to take jurisdiction of a case, the votes of as few as three justices may be sufficient [when only seven justices participate].

Note that the specified vote pertains to the number of justices who agree with the disposition made by the majority (see fields 28 and 29) and not to how the justices voted on any particular issue in the case. Thus, for example, in Bates v. Arizona State Bar, 433 U.S. 350 (1977), the vote in the case was 5 to 4, even though all participants agreed that the disciplinary rule prohibiting attorney advertising did not violate the Sherman Act. Unlike the majority, the dissenters disagreed that the rule violated the First Amendment.

Jurisdictional dissents and dissents from the denial of certiorari (see the discussion of these votes in fields 35-57) are treated as though the justice did not participate in the case. Hence, only dissents on the merits are specified in this field.

.....  
VAR 0037 VOTE NOT CLEARLY SPECIFIED  
[VOTEQ]



37. Did one of more of the participating justice fail to clearly identify whether or not they agreed with the disposition made by the majority?

-----

Alpha	Numeric
blank	0. Vote was clearly specified
*	1. Vote note clearly specified

Coding Instructions: In the vast majority of cases, the individual justices clearly identify whether they agree or not with the disposition made by the majority. Sometimes, however, clarity is lacking, as when a justice "concur in part and dissents in part." A justice typically uses this or equivalent language to indicate agreement with a portion of the reasoning in the majority opinion while disagreeing with the majority's disposition of the case, or vice-versa. Agreement with the majority's disposition establishes a vote as a concurrence while disagreement is a dissent. A reading of the justice's opinion usually indicates whether or not he or she has concurred or dissented. In those cases where a justice concurring and dissenting in part does not clearly indicate which it is, enter an asterisk in this field.

.....

VAR 0038 CLAIM OF FORMAL ALTERATION OF PRECEDENT?  
[ALTPREC]

38. Did the majority opinion say in so many words -- either in the case at hand or in a subsequent case -- that the decision "overruled" one or more of the Court's own precedents?

-----

Alpha	Numeric
blank	0. No formal alteration of precedent clearly indicated.
*	1. The alteration of precedent is expressed by a word or phrase other than "overruled," (e.g., "disapproved").
0	2. The majority opinion says in so many words that the decision in this case "overruled" one or more of the Court's own precedents.

Coding Instructions: Enter an "0" here if the majority opinion says in so many words -- either in the case at hand or in a subsequent case (e.g., Patterson v. McLean Credit Union, 99 L ed 2d 879 [1988], in which the majority said that Braden v. 30th Judicial Circuit of Kentucky, 410 U.S. 484, 35 L ed 2d 443 [1973] overruled a 1949 decision) -- that the decision "overruled" one or more of the Court's own precedents. If the formal alteration of precedent is expressed by a word or phrase other than "overruled," (e.g., "disapproved"), enter an "\*."

.....  
VAR 0039 CLAIM OF DECLARATION OF UNCONSTITUTIONALITY?  
[UNCON]

39. Did the Court render a declaration of unconstitutionality?

-----

Alpha	Numeric
blank	0 None
U	1. u = act of congress declared unconstitutional
S	2. s = state or territorial statute, regulation, or constitutional provision declared unconstitutional
M	3. m = municipal or other local ordinance declared unconstitutional

Coding Instructions: The syllabus frequently, though not invariably, will indicate such action in its statement of the Court's holdings. Hence, where such action may have occurred, it may be necessary to read carefully the opinion of the Court to determine whether an entry should be made in this field.

Where federal law pre-empts a state statute or a local ordinance, unconstitutionality does not result unless the Court's opinion so states.

A "U" should appear in the record that lists the law declared unconstitutional. A "U", "S", or "M" should also appear in the record containing the constitutional provision that served as the basis for the declaration of unconstitutionality. None will appear when the Court merely cites a previous decision as authority for its declaration of unconstitutionality: e.g., Grisham v. Hagan, 361 U.S. 278, 4 L Ed 2d 279, and McElroy v. Guagliardo, 361 U.S. 281, 4 L Ed 2d 282 (1960).

.....  
VAR 0040 NATURE OF JUSTICE BLACK'S VOTE  
[J2VOTE]

40. What was the nature of Justice Black's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari

8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

Coding Instructions: Specification of a justice's vote as a dissent or a concurrence is based upon agreement with the disposition the majority made of the case. In a rare case, a justice may label his or her special opinion independently of his or her agreement or disagreement with the majority's disposition.

Determination of how a given justice voted and whether or not he or she wrote an opinion is by no means a simple matter of culling the Reports. The justices do not always make their actions clear. Therefore, decision rules must be formulated. Furthermore, notwithstanding resort to the decision rules presented below, a judgment -- not necessarily bright line -- needs be made as to how the justices voted and whether or not an opinion was written.

A judgment of the Court occurs when less than a majority of the participants agree with an opinion. Consequently, a "61" must of necessity contain a "4" (special concurrence) in the first column of one or more of the justice's fields. The difference between a special concurrence and a regular concurrence (= 3) is that the former agrees only with the result reached by the majority (or plurality, in the case of a judgment of the Court), whereas a regular concurrence agrees with the result as well as the opinion of the Court.

The functional difference between dissents (= 2) and jurisdictional dissents (= 8) is that a dissent disagrees with the result reached by the majority or plurality, whereas the jurisdictional dissent disagrees with the Court's refusal or acceptance of the case under review, and, as such, does not address the merits of the controversy. The jurisdictional dissent, therefore, is akin to a justice's non-participation (= 5) and is functionally scored as such insofar as the vote in the case is concerned (field 31). The jurisdictional dissent differs from nonparticipation, however, in that an opinion may be written in association with a jurisdictional dissent, whereas nonparticipation is a formal recusal; consequently, the other cells in a nonparticipating justice's field are of necessity empty.

Two problems afflict efforts to specify votes: 1) whether the vote is a regular or special concurrence, and 2) the treatment to be accorded a vote "concurring in part and dissenting in part." The former typically manifests itself, when a justice joins the opinion of the Court "except for . . ." Because such exceptions typically tend to approach de minimis status, I treat them as regular concurrences. For example, Chief Justice Burger concurred in the opinion of the Court in New York Gaslight Club, Inc. v. Carey, except for "footnote 6 thereof." 447 U.S. 54, at 71. Similarly, Blackmun's agreement with the Court in Pruneyard Shopping Center v. Robins, except for "that sentence thereof . . . which reads . . ." 447 U.S. 74, at 88. In general, then, when the Reports identify a justice as "concurring" or "concurring in part," said justice is treated as a member of the majority opinion coalition (i.e., as = 3), rather than as merely concurring in the result (i.e., as = 4).

Whereas the preceding problem pertains to determining which type of concurrence a vote is, the problem with votes concurring and dissenting in part is whether they are special concurrences (= 4) or dissents (= 2). This matter was addressed

previously in connection with unclearly specified votes. (See field 32, supra.) A vote concurring and dissenting in part is listed as a special concurrence if the justice(s) doing so does not disagree with the majority's disposition of the case. This may occur when 1) the justice concurring and dissenting in part voices disagreement with some or all of the majority's reasoning; 2) when said justice disapproves of the majority's deciding or refusing to decide additional issues involved in the case; or 3) when in a case in which dissent has been voiced, the justice(s) concurring and dissenting in part vote to dispose of the case in a manner more closely approximating that of the majority than that of the dissenter(s).

In cases where determination of whether a vote concurring and dissenting in part is the former or the latter is not beyond cavil, an asterisk will appear in field 27 of the affected case to allow users of the data base to make an independent judgment, if they are so minded. Note, however, that listing such votes as dissents (= 2) or special concurrence (= 4) has no effect on whether or not an opinion is written. A "1" (sole author) or "2" (co-author) will appear in the second column of the pertinent justice's field regardless of whether a "2" (dissent) or "4" (special concurrence) appears in the first column of his or her field.

.....  
VAR 0041 DID JUSTICE BLACK AUTHOR AN OPINION  
[J2OPIN]

41. Did Justice Black author an opinion?

-----  
Alpha            Numeric  
  
blank            0. the justice wrote no opinion  
1                1. the justice wrote an opinion  
2                2. the justice co-authored an opinion

Coding Instructions: For the purpose of determining which option a justice chose, the following decision rules apply:

1) Where a justice specifies that the opinion applies to an additional case or cases, the opinion is counted as so many separate ones. Thus, the opinions of Brennan and Marshall in Mobile v. Bolden, 446 U.S. 55, also apply to Williams v. Brown, 446 U.S. 236. Hence, each of these opinions is counted as though it were two separate opinions.

2) A justice authors no opinion unless he or she specifies a reason for his or her vote. A bare citation to a previously decided case or a simple statement that the author concurs or dissents because of agreement with a lower court's opinion suffices as an opinion.

3) When a justice joins the substance of another justice's opinion, without any personal expression of views, that justice is listed as joining the other's opinion and not as an author. Thus, in United States v. Havens, 446 U.S. 620, Justices Stewart and Stevens are listed as joining Brennan's dissenting opinion not-

withstanding that the pertinent language reads: "Mr. Justice Brennan, joined by Mr. Justice Marshall and joined in Part I by Mr. Justice Stewart and Mr. Justice Stevens, dissenting." 446 U.S. at 629. The opinion contains two parts of roughly equal length. Failure to list the latter pair as joiners would have required that they appear as dissenting without opinion, a manifestly inaccurate result. Similarly, Justice White's language in Parratt v. Taylor, 451 U.S. 527, at 545: "I join the opinion of the Court but with the reservations stated by my Brother Blackmun in his concurring opinion," is not listed as as opinion by White. He rather appears as joining Blackmun's concurrence. Conversely, where a justice, in his own words only partially agrees with one or more opinions authored by others, he or she is listed as an author. Two examples of Justice Stewart illustrate: "Mr. Justice Stewart dissents for the reasons expressed in Part I of the dissenting opinion of Mr. Justice Powell." (Dougherty County Board of Education v. White, 439 U.S. 32, at 47) "Mr. Justice Stewart concurs in the judgment, agreeing with all but Part II of the opinion of the Court, and with Part I of the concurring opinion of Mr. Justice Stevens." (Jenkins v. Anderson, 447 U.S. 231, at 241)

4) When two or more justices jointly author an opinion, a "2" will appear in opinion writing variable of each of the justices. Joint authorship, however, does not include per curiam opinions. Hence, a jointly authored opinion can only be a dissent or a concurrence.

.....  
VAR 0042 DID JUSTICE BLACK JOIN ANOTHER OPINION -- 1ST OPINION  
[J2JOIN1]

42. With which other justice did Justice Black join in concurrence or dissent  
(first justice)?

-----

Alpha	Numeric
	00. the justice agreed with the opinion or judgment of the Court only.
B	01. Agreed with Justice Black
Y	02. Agreed with Justice Reed
V	03. Agreed with Justice Frankfurter
C	04. Agreed with Justice Douglas
S	05. Agreed with Justice Jackson
X	06. Agreed with Justice Burton
U	07. Agreed with Justice Clark
R	08. Agreed with Justice Minton
T	09. Agreed with Justice Warren
A	10. Agreed with Justice Harlan
F	11. Agreed with Justice Brennan
W	12. Agreed with Justice Whittaker
D	13. Agreed with Justice Stewart
G	14. Agreed with Justice White
Q	15. Agreed with Justice Goldberg
P	16. Agreed with Justice Fortas
E	17. Agreed with Justice Marshall
H	18. Agreed with Justice Burger
I	19. Agreed with Justice Blackmun
J	20. Agreed with Justice Powell
K	21. Agreed with Justice Rehnquist
M	22. Agreed with Justice Stevens
N	23. Agreed with Justice O'Connor
*	97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
	98. Not ascertainable
	99. Not applicable

Coding Instructions: See instructions for next variable.

.....  
VAR 0043      DID JUSTICE BLACK JOIN ANOTHER OPINION -- 2ND OPINION  
[J2JOIN2]

43. With which other justice did Justice Black join in concurrence or dissent  
(second justice)?  
-----

Alpha	Numeric
	00. the justice agreed with the opinion or judgment of the Court only.
B	01. Agreed with Justice Black
Y	02. Agreed with Justice Reed
V	03. Agreed with Justice Frankfurter
C	04. Agreed with Justice Douglas
S	05. Agreed with Justice Jackson
X	06. Agreed with Justice Burton
U	07. Agreed with Justice Clark
R	08. Agreed with Justice Minton
T	09. Agreed with Justice Warren
A	10. Agreed with Justice Harlan
F	11. Agreed with Justice Brennan
W	12. Agreed with Justice Whittaker
D	13. Agreed with Justice Stewart
G	14. Agreed with Justice White
Q	15. Agreed with Justice Goldberg
P	16. Agreed with Justice Fortas
E	17. Agreed with Justice Marshall
H	18. Agreed with Justice Burger
I	19. Agreed with Justice Blackmun
J	20. Agreed with Justice Powell
K	21. Agreed with Justice Rehnquist
M	22. Agreed with Justice Stevens
N	23. Agreed with Justice O'Connor
*	97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
	98. Not ascertainable
	99. Not applicable

Coding Instructions: Mnemonic characters, corresponding to letters of the alphabet, are used to identify the concurring and dissenting opinions with which the subject justice agreed. Justices whose fields occupy the left-most columns of the data base begin the alphabetic sequencing, as indicated above. Thus, Harlan is identified by an "A"; Justice Black, by a "B"; and so forth. No justice's field has been identified by an "L" or an "O" because some mainframe computers list alphanumeric characters in lower-case type. Thus, for purposes of visual readability, it was deemed best to exclude "L" which, if it appeared in lower case, too closely resembles the number "1." The letter "O" was excluded because of its similarity to the zero, which some mainframes print in place of a blank.

Accordingly, the appearance of a letter here indicates that said justice agreed with a dissenting or concurring opinion written by the justice whose letter appears. If a second letter appears in the fourth column of a justice's field, that means that said justice agreed with the opinion of two different justices. A second join does not occur very frequently.

Still less frequent are cases in which a justice joins three other justices' opinions. Of the thousands of cases decided between the 1953 and 1983 Terms of the Court, in only nine instances did a justice do so. An asterisk in the third column of the joining justice's field specifies these situations. An asterisk in this same column also identifies the six instances when a justice wrote two opinions in a single case. Whether the asterisked justice wrote two opinions or joined the opinions of three other justices is clear from the behavior of the other justices. Users need not consult the Reports. Two of these exceptional situations occurred during the 1981 Term at 455 U.S. 422 and 457 U.S. 800. In the former case, Justice Blackmun, in addition to writing the Court's opinion (which is indicated by the "1" in the second column of his field), also wrote a regular concurrence. This is evidenced by the "3" and the "I" appearing in the first and third columns of Marshall's, Brennan's, and O'Connor's fields. The "I" identifies Blackmun and indicates that these three justices joined a regular concurrence (= 3) authored by Blackmun. The same analysis applied to 457 U.S. 800 indicates that Brennan also wrote a regular concurrence in addition to his co-authorship of the joint concurring opinion (which is identified by the "2" in his second column). The presence of an "F," denoting Brennan, in the third columns of Marshall's and Blackmun's fields indicates that this must necessarily be the case.

.....

VAR 0044      NATURE OF JUSTICE BLACKMUN'S VOTE  
[J9VOTE]

44. What was the nature of Justice Blackmun's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable



.....

VAR 0045      DID JUSTICE BLACKMUN AUTHOR AN OPINION  
[J9OPIN]

45. Did Justice Blackmun author an opinion?

-----

Alpha	Numeric
blank	0. the justice wrote no opinion
1	1. the justice wrote an opinion
2	2. the justice co-authored an opinion

.....

VAR 0046      DID JUSTICE BLACKMUN JOIN ANOTHER OPINION -- 1ST OPINION  
[J9JOIN1]

46. With which other justice did Justice Blackmun join in concurrence or dissent (first justice)?

-----

Alpha	Numeric
	00. the justice agreed with the opinion or judgment of the Court only.
B	01. Agreed with Justice Black
Y	02. Agreed with Justice Reed
V	03. Agreed with Justice Frankfurter
C	04. Agreed with Justice Douglas
S	05. Agreed with Justice Jackson
X	06. Agreed with Justice Burton
U	07. Agreed with Justice Clark
R	08. Agreed with Justice Minton
T	09. Agreed with Justice Warren
A	10. Agreed with Justice Harlan
F	11. Agreed with Justice Brennan
W	12. Agreed with Justice Whittaker
D	13. Agreed with Justice Stewart
G	14. Agreed with Justice White
Q	15. Agreed with Justice Goldberg
P	16. Agreed with Justice Fortas
E	17. Agreed with Justice Marshall
H	18. Agreed with Justice Burger
I	19. Agreed with Justice Blackmun
J	20. Agreed with Justice Powell
K	21. Agreed with Justice Rehnquist
M	22. Agreed with Justice Stevens
N	23. Agreed with Justice O'Connor
*	97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.

- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0047      DID JUSTICE BLACKMUN JOIN ANOTHER OPINION -- 2ND OPINION  
[J9JOIN2]

47. With which other justice did Justice Blackmun join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0048      NATURE OF JUSTICE BRENNAN'S VOTE  
[J6VOTE]

48. What was the nature of Justice Brennan's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....

VAR 0049      DID JUSTICE BRENNAN AUTHOR AN OPINION  
[J6OPIN]

49. Did Justice Brennan author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0050      DID JUSTICE BRENNAN JOIN ANOTHER OPINION -- 1ST OPINION  
[J6JOIN1]

50. With which other justice did Justice Brennan join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0051 DID JUSTICE BRENNAN JOIN ANOTHER OPINION -- 2ND OPINION  
[J6JOIN2]

51. With which other justice did Justice Brennan join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0052      NATURE OF JUSTICE BURGER'S VOTE  
[J8VOTE]

52. What was the nature of Justice Burger's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0053      DID JUSTICE BURGER AUTHOR AN OPINION  
[J8OPIN]

53. Did Justice Burger author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0054      DID JUSTICE BURGER JOIN ANOTHER OPINION -- 1ST OPINION  
[J8JOIN1]

54. With which other justice did Justice Burger join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0055     DID JUSTICE BURGER JOIN ANOTHER OPINION -- 2ND OPINION  
[J8JOIN2]

55. With which other justice did Justice Burger join in concurrence or dissent  
(second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable



.....

VAR 0056      NATURE OF JUSTICE BURTON'S VOTE  
[J22VOTE]

56. What was the nature of Justice Burton's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0057      DID JUSTICE BURTON AUTHOR AN OPINION  
[J22OPIN]

57. Did Justice Burton author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0058 DID JUSTICE BURTON JOIN ANOTHER OPINION -- 1ST OPINION  
[J22JOIN1]

58. With which other justice did Justice Burton join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0059 DID JUSTICE BURTON JOIN ANOTHER OPINION -- 2ND OPINION  
[J22JOIN2]

59. With which other justice did Justice Burton join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0060      NATURE OF JUSTICE CLARK'S VOTE  
[J19VOTE]

60. What was the nature of Justice Clark's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....  
VAR 0061      DID JUSTICE CLARK AUTHOR AN OPINION  
[J19OPIN]

61. Did Justice Clark author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0062 DID JUSTICE CLARK JOIN ANOTHER OPINION -- 1ST OPINION  
[J19JOIN1]

62. With which other justice did Justice Clark join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0063 DID JUSTICE CLARK JOIN ANOTHER OPINION -- 2ND OPINION  
[J19JOIN2]

63. With which other justice did Justice Clark join in concurrence or dissent  
(second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0064      NATURE OF JUSTICE DOUGLAS'S VOTE  
[J3VOTE]

64. What was the nature of Justice Douglas's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0065      DID JUSTICE DOUGLAS AUTHOR AN OPINION  
[J3OPIN]

65. Did Justice Douglas author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....

VAR 0066      DID JUSTICE DOUGLAS JOIN ANOTHER OPINION -- 1ST OPINION  
[J3JOIN1]

66. With which other justice did Justice Douglas join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable



.....  
VAR 0067 DID JUSTICE DOUGLAS JOIN ANOTHER OPINION -- 2ND OPINION  
[J3JOIN2]

67. With which other justice did Justice Douglas join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0068      NATURE OF JUSTICE FORTAS'S VOTE  
[J14VOTE]

68. What was the nature of Justice Fortas's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....  
VAR 0069      DID JUSTICE FORTAS AUTHOR AN OPINION  
[J14OPIN]

69. Did Justice Fortas author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0070 DID JUSTICE FORTAS JOIN ANOTHER OPINION -- 1ST OPINION  
[J14JOIN1]

70. With which other justice did Justice Fortas join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0071 DID JUSTICE FORTAS JOIN ANOTHER OPINION -- 2ND OPINION  
[J14JOIN2]

71. With which other justice did Justice Fortas join in concurrence or dissent  
(second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0072      NATURE OF JUSTICE FRANKFURTER'S VOTE  
[J20VOTE]

72. What was the nature of Justice Frankfurter's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....

VAR 0073      DID JUSTICE FRANKFURTER AUTHOR AN OPINION  
[J20OPIN]

73. Did Justice Frankfurter author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0074 DID JUSTICE FRANKFURTER JOIN ANOTHER OPINION--1ST OPINION  
[J20JOIN1]

74. With which other justice did Justice Frankfurter join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0075      DID JUSTICE FRANKFURTER JOIN ANOTHER OPINION--2ND OPINION  
[J20JOIN2]

75. With which other justice did Justice Frankfurter join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0076      NATURE OF JUSTICE GOLDBERG'S VOTE  
[J15VOTE]

76. What was the nature of Justice Goldberg's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0077      DID JUSTICE GOLDBERG AUTHOR AN OPINION  
[J15OPIN]

77. Did Justice Goldberg author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable



.....  
VAR 0078 DID JUSTICE GOLDBERG JOIN ANOTHER OPINION -- 1ST OPINION  
[J15JOIN1]

78. With which other justice did Justice Goldberg join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0079 DID JUSTICE GOLDBERG JOIN ANOTHER OPINION -- 2ND OPINION  
[J15JOIN2]

79. With which other justice did Justice Goldberg join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0080      NATURE OF JUSTICE HARLAN'S VOTE  
[J1VOTE]

80. What was the nature of Justice Harlan's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....

VAR 0081      DID JUSTICE HARLAN AUTHOR AN OPINION  
[J1OPIN]

81. Did Justice Harlan author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0082 DID JUSTICE HARLAN JOIN ANOTHER OPINION -- 1ST OPINION  
[J1JOIN1]

82. With which other justice did Justice Harlan join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0083 DID JUSTICE HARLAN JOIN ANOTHER OPINION -- 2ND OPINION  
[J1JOIN2]

83. With which other justice did Justice Harlan join in concurrence or dissent  
(second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0084      NATURE OF JUSTICE JACKSON'S VOTE  
[J17VOTE]

84. What was the nature of Justice Jackson's vote in the case?

- 
1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0085      DID JUSTICE JACKSON AUTHOR AN OPINION  
[J17OPIN]

85. Did Justice Jackson author an opinion?

- 
1. the justice wrote an opinion
  2. the justice co-authored an opinion
  0. the justice wrote no opinion
  9. not applicable

.....  
VAR 0086 DID JUSTICE JACKSON JOIN ANOTHER OPINION -- 1ST OPINION  
[J17JOIN1]

86. With which other justice did Justice Jackson join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0087 DID JUSTICE JACKSON JOIN ANOTHER OPINION -- 2ND OPINION  
[J17JOIN2]

87. With which other justice did Justice Jackson join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable



.....  
VAR 0088      NATURE OF JUSTICE MARSHALL'S VOTE  
[J5VOTE]

88. What was the nature of Justice Marshall's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) (signature on majority opinion)
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0089      DID JUSTICE MARSHALL AUTHOR AN OPINION  
[J5OPIN]

89. Did Justice Marshall author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0090 DID JUSTICE MARSHALL JOIN ANOTHER OPINION -- 1ST OPINION  
[J5JOIN1]

90. With which other justice did Justice Marshall join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0091 DID JUSTICE MARSHALL JOIN ANOTHER OPINION -- 2ND OPINION  
[J5JOIN2]

91. With which other justice did Justice Marshall join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0092      NATURE OF JUSTICE MINTON'S VOTE  
[J16VOTE]

92. What was the nature of Justice Minton's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0093      DID JUSTICE MINTON AUTHOR AN OPINION  
[J16OPIN]

93. Did Justice Minton author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0094 DID JUSTICE MINTON JOIN ANOTHER OPINION -- 1ST OPINION  
[J16JOIN1]

94. With which other justice did Justice Minton join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0095 DID JUSTICE MINTON JOIN ANOTHER OPINION -- 2ND OPINION  
[J16JOIN2]

95. With which other justice did Justice Minton join in concurrence or dissent  
(second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0096      NATURE OF JUSTICE O'CONNOR'S VOTE  
[J13VOTE]

96. What was the nature of Justice O'Connor's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....  
VAR 0097      DID JUSTICE O'CONNOR AUTHOR AN OPINION  
[J13OPIN]

97. Did Justice O'Connor author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0098 DID JUSTICE O'CONNOR JOIN ANOTHER OPINION -- 1ST OPINION  
[J13JOIN1]

98. With which other justice did Justice O'Connor join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable



.....  
VAR 0099 DID JUSTICE O'CONNOR JOIN ANOTHER OPINION -- 2ND OPINION  
[J13JOIN2]

99. With which other justice did Justice O'Connor join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0100      NATURE OF JUSTICE POWELL'S VOTE  
[J10VOTE]

100. What was the nature of Justice Powell's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0101      DID JUSTICE POWELL AUTHOR AN OPINION  
[J10OPIN]

101. Did Justice Powell author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0102      DID JUSTICE POWELL JOIN ANOTHER OPINION -- 1ST OPINION  
[J10JOIN1]

102. With which other justice did Justice Powell join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0103 DID JUSTICE POWELL JOIN ANOTHER OPINION -- 2ND OPINION  
[J10JOIN2]

103. With which other justice did Justice Powell join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0104      NATURE OF JUSTICE REED'S VOTE  
[J23VOTE]

104. What was the nature of Justice Reed's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....  
VAR 0105      DID JUSTICE REED AUTHOR AN OPINION  
[J23OPIN]

105. Did Justice Reed author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0106 DID JUSTICE REED JOIN ANOTHER OPINION -- 1ST OPINION  
[J23JOIN1]

106. With which other justice did Justice Reed join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0107 DID JUSTICE REED JOIN ANOTHER OPINION -- 2ND OPINION  
[J23JOIN2]

107. With which other justice did Justice Reed join in concurrence or dissent  
(second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the {concurring or dissenting} opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0108      NATURE OF JUSTICE REHNQUIST'S VOTE  
[J11VOTE]

108. What was the nature of Justice Rehnquist's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....

VAR 0109      DID JUSTICE REHNQUIST AUTHOR AN OPINION  
[J11OPIN]

109. Did Justice Rehnquist author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable



.....  
VAR 0110 DID JUSTICE REHNQUIST JOIN ANOTHER OPINION -- 1ST OPINION  
[J11JOIN1]

110. With which other justice did Justice Rehnquist join in concurrence or dissent (first justice)?

- 
- 00. the justice agreed with the opinion or judgment of the Court only.
  - 01. Agreed with Justice Black
  - 02. Agreed with Justice Reed
  - 03. Agreed with Justice Frankfurter
  - 04. Agreed with Justice Douglas
  - 05. Agreed with Justice Jackson
  - 06. Agreed with Justice Burton
  - 07. Agreed with Justice Clark
  - 08. Agreed with Justice Minton
  - 09. Agreed with Justice Warren
  - 10. Agreed with Justice Harlan
  - 11. Agreed with Justice Brennan
  - 12. Agreed with Justice Whittaker
  - 13. Agreed with Justice Stewart
  - 14. Agreed with Justice White
  - 15. Agreed with Justice Goldberg
  - 16. Agreed with Justice Fortas
  - 17. Agreed with Justice Marshall
  - 18. Agreed with Justice Burger
  - 19. Agreed with Justice Blackmun
  - 20. Agreed with Justice Powell
  - 21. Agreed with Justice Rehnquist
  - 22. Agreed with Justice Stevens
  - 23. Agreed with Justice O'Connor
  - 96. the justice wrote the [concurring or dissenting] opinion
  - 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
  - 98. Not ascertainable
  - 99. Not applicable

.....  
VAR 0111 DID JUSTICE REHNQUIST JOIN ANOTHER OPINION -- 2ND OPINION  
[J11JOIN2]

111. With which other justice did Justice Rehnquist join in concurrence or dissent (second justice)?

- 
- 00. the justice agreed with the opinion or judgment of the Court only.
  - 01. Agreed with Justice Black
  - 02. Agreed with Justice Reed
  - 03. Agreed with Justice Frankfurter
  - 04. Agreed with Justice Douglas
  - 05. Agreed with Justice Jackson
  - 06. Agreed with Justice Burton
  - 07. Agreed with Justice Clark
  - 08. Agreed with Justice Minton
  - 09. Agreed with Justice Warren
  - 10. Agreed with Justice Harlan
  - 11. Agreed with Justice Brennan
  - 12. Agreed with Justice Whittaker
  - 13. Agreed with Justice Stewart
  - 14. Agreed with Justice White
  - 15. Agreed with Justice Goldberg
  - 16. Agreed with Justice Fortas
  - 17. Agreed with Justice Marshall
  - 18. Agreed with Justice Burger
  - 19. Agreed with Justice Blackmun
  - 20. Agreed with Justice Powell
  - 21. Agreed with Justice Rehnquist
  - 22. Agreed with Justice Stevens
  - 23. Agreed with Justice O'Connor
  - 96. the justice wrote the [concurring or dissenting] opinion
  - 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
  - 98. Not ascertainable
  - 99. Not applicable

.....  
VAR 0112      NATURE OF JUSTICE STEVENS'S VOTE  
[J12VOTE]

112. What was the nature of Justice Stevens's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....  
VAR 0113      DID JUSTICE STEVENS AUTHOR AN OPINION  
[J12OPIN]

113. Did Justice Stevens author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0114 DID JUSTICE STEVENS JOIN ANOTHER OPINION -- 1ST OPINION  
[J12JOIN1]

114. With which other justice did Justice Stevens join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0115 DID JUSTICE STEVENS JOIN ANOTHER OPINION -- 2ND OPINION  
[J12JOIN2]

115. With which other justice did Justice Stevens join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....

VAR 0116      NATURE OF JUSTICE STEWART'S VOTE  
[J4VOTE]

116. What was the nature of Justice Stewart's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....

VAR 0117      DID JUSTICE STEWART AUTHOR AN OPINION  
[J4OPIN]

117. Did Justice Stewart author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0118 DID JUSTICE STEWART JOIN ANOTHER OPINION -- 1ST OPINION  
[J4JOIN1]

118. With which other justice did Justice Stewart join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0119      DID JUSTICE STEWART JOIN ANOTHER OPINION -- 2ND OPINION  
[J4JOIN2]

119. With which other justice did Justice Stewart join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable



.....  
VAR 0120      NATURE OF JUSTICE WARREN'S VOTE  
[J18VOTE]

120. What was the nature of Justice Warren's vote in the case?

-----

1. voted with majority
2. dissent
3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
4. special concurrence (agreement with the Court's disposition but not its opinion)
5. nonparticipation
6. judgment of the Court
7. dissent from a denial of certiorari
8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
9. not applicable/not ascertainable

.....  
VAR 0121      DID JUSTICE WARREN AUTHOR AN OPINION  
[J18OPIN]

121. Did Justice Warren author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0122     DID JUSTICE WARREN JOIN ANOTHER OPINION -- 1ST OPINION  
[J18JOIN1]

122. With which other justice did Justice Warren join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0123      DID JUSTICE WARREN JOIN ANOTHER OPINION -- 2ND OPINION  
[J18JOIN2]

123. With which other justice did Justice Warren join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
    a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0124      NATURE OF JUSTICE WHITE'S VOTE  
[J7VOTE]

124. What was the nature of Justice White's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0125      DID JUSTICE WHITE AUTHOR AN OPINION  
[J7OPIN]

125. Did Justice White author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0126 DID JUSTICE WHITE JOIN ANOTHER OPINION -- 1ST OPINION  
[J7JOIN1]

126. With which other justice did Justice White join in concurrence or dissent  
(first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0127 DID JUSTICE WHITE JOIN ANOTHER OPINION -- 2ND OPINION  
[J7JOIN2]

127. With which other justice did Justice White join in concurrence or dissent  
(second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

.....  
VAR 0128      NATURE OF JUSTICE WHITTAKER'S VOTE  
[J21VOTE]

128. What was the nature of Justice Whittaker's vote in the case?

-----

1. voted with majority
  2. dissent
  3. regular concurrence (agreement with the Court's opinion as well as its disposition) [signature on majority opinion]
  4. special concurrence (agreement with the Court's disposition but not its opinion)
  5. nonparticipation
  6. judgment of the Court
  7. dissent from a denial of certiorari
  8. jurisdictional dissent (disagreement with the Court's assertion of jurisdiction without addressing the merits)
  9. not applicable/not ascertainable
- .....

VAR 0129      DID JUSTICE WHITTAKER AUTHOR AN OPINION  
[J21OPIN]

129. Did Justice Whittaker author an opinion?

-----

1. the justice wrote an opinion
2. the justice co-authored an opinion
0. the justice wrote no opinion
9. not applicable

.....  
VAR 0130 DID JUSTICE WHITTAKER JOIN ANOTHER OPINION -- 1ST OPINION  
[J21JOIN1]

130. With which other justice did Justice Whittaker join in concurrence or dissent (first justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable



.....  
VAR 0131 DID JUSTICE WHITTAKER JOIN ANOTHER OPINION -- 2ND OPINION  
[J21JOIN2]

131. With which other justice did Justice Whittaker join in concurrence or dissent (second justice)?

-----

- 00. the justice agreed with the opinion or judgment of the Court only.
- 01. Agreed with Justice Black
- 02. Agreed with Justice Reed
- 03. Agreed with Justice Frankfurter
- 04. Agreed with Justice Douglas
- 05. Agreed with Justice Jackson
- 06. Agreed with Justice Burton
- 07. Agreed with Justice Clark
- 08. Agreed with Justice Minton
- 09. Agreed with Justice Warren
- 10. Agreed with Justice Harlan
- 11. Agreed with Justice Brennan
- 12. Agreed with Justice Whittaker
- 13. Agreed with Justice Stewart
- 14. Agreed with Justice White
- 15. Agreed with Justice Goldberg
- 16. Agreed with Justice Fortas
- 17. Agreed with Justice Marshall
- 18. Agreed with Justice Burger
- 19. Agreed with Justice Blackmun
- 20. Agreed with Justice Powell
- 21. Agreed with Justice Rehnquist
- 22. Agreed with Justice Stevens
- 23. Agreed with Justice O'Connor
- 96. the justice wrote the [concurring or dissenting] opinion
- 97. Agreed with 3 or more justices, or authorship of 2 opinions in  
a single case.
- 98. Not ascertainable
- 99. Not applicable

