
LAW AND COURTS

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From the Section Chair

Samuel Krislov, *University of Minnesota*

Our section has been asked to help bring the endowment and annual award of the Edward Corwin prize of the American Political Science Association up to the level of similar prizes. The Corwin Award for the best dissertation written annually in public law antedates the existence of APSA sections and is administered and controlled by the Association rather than by our Law and Courts organized section. Still it is part of the law and courts heritage of APSA and of great symbolic importance to us and newly minted Ph.D.s in the field.

Because it is one of the very earliest prizes established by the association, the \$250 award is also one of the lowest. The APSA council has decided on a \$500 minimum for any prize awarded at the association level. The gap between the current endowment and the amount needed to meet the council's standard is not high at all and we should be able to achieve it without difficulty.

Our section's executive committee has endorsed this effort. On p. 31 of *Law and Courts*, you will find a tear out certificate if you wish to contribute. We would like to get some credit as a section for our effort, so I suggest you mail it to me and I will transmit the thousands of checks made out to "The Corwin APSA Award" to appropriate figures at the Association in the name of the section. If you prefer, you can send a check to them directly.

As a Princetonian who did his graduate work while Corwin, though retired, taught an occasional class and cast a giant shadow on campus, I am particularly anxious to make this effort succeed. I am also writing a personal appeal to a handful of colleagues still around who are personally indebted to Corwin. But this effort is really for our graduate students and our future and I urge you all to help. The prize has been around for a quarter of a century without new appeals for funds and I imagine this round

should raise enough for a similar period.

This is the first *Law and Courts* in my one-year stint so I want to express written thanks to Martin Shapiro, Bev Cook and Sue Davis whose terms have expired. We also are especially in debt to Lee Epstein, who will be editing *Law and Courts* for the last time. She came as successor to a series of devoted editors who have made this a valuable means of communication. *Law and Courts* has come out on time, a rarity in these days, so that the information has allowed us to plan for conventions and learn of events in a timely fashion. We have been lucky to secure the services of Sue Davis as the new editor of *Law and Courts* so there should be no break in continuity and its service to you. (A selection committee consisting of Lee, herself, Ron Kahn, and Sue Olson, the section council, and our chair-elect Tom Walker participated in arranging this smooth transition.)

Let me keep this particular commentary organizational. (I plan one soon on problems of research funding and one later on current legal developments.)

The Section serves its members through *Law and Courts*, Herb Jacob's electronic book review, our annual APSA meeting and reception, and an occasional publication of a directory. This is not a bad return for our minimal section dues.

(Continued on page 28)

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Instructions to Contributors

General Information

Law and Courts publishes articles, notes, news items, announcements, commentaries, and features of interest to members of the Law and Courts Section of the APSA. **Law and Courts** is published three times a year in Winter, Spring, and Summer issues. Deadlines for submission of materials are: November 1 (Winter), March 1 (Spring), and July 1 (Summer). Contributions to **Law and Courts** should be sent to:

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Articles, Notes, and Commentary

Brief articles and notes describing matters of interest to the field will be published subject to review by the editor. Authors are encouraged to share research findings, teaching innovations, or commentary on developments in the field, which would interest members of the Section.

Footnote and reference style should follow that of the *American Political Science Review*. Please submit two copies of the manuscript. If possible, also enclose a diskette containing the contents of the submission. In a cover letter, provide a description of the disk's format (for example, DOS, MAC) and of the word processing package used (for example, WORD, Wordperfect).

Symposia

Collections of related articles or notes are encouraged. Please contact the editor if you have ideas for symposia or if you are interested in editing a collection of common articles. Symposia submissions should follow the guidelines for other manuscripts

Announcements

Announcements and section news will be included in **Law and Courts**, as well as information regarding upcoming conferences. Organizers of panels are encouraged to inform the editor so that papers and participants may be reported. Developments in the field such as

fellowships, grants, and awards will be announced if there is sufficient time for submission of materials to the granting or awarding body. Finally, authors of judicial books should inform **Law and Courts** of their manuscript's publication.

Data and Analysis Information

Law and Courts wishes to keep the Section informed about the availability of datasets of interest to the field. Special analysis and data problems or queries of interest to the field will also be published. Send suggestions or information to the editor.

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When the Court Hits Close to Home: The Supreme Court's Impact on Local Public Opinion

Valerie J. Hobstra, Washington University in St. Louis

Editor's Note: This article received the CQ Press Award for the Best Paper by a Graduate Student in the Field of Law and Courts. The Selection Committee's citation is reprinted on page 26 of Law and Courts.

Although new insight has been gained by the research of the past few years, we are still a long way from a clear understanding of the Supreme Court's influence on public opinion. Researchers have harbored a belief that the Court does indeed have an effect on public opinion, even though there has been less than overwhelming empirical support. While evidence of such an effect has been weak, there are strong reasons to suspect that it may indeed exist. The Court is typically evaluated more positively than are the other branches of government (see Caldeira 1990), it benefits from enduring favorable attitudes among the mass public (Caldeira and Gibson 1990), socialization of the virtues of the Court as an institution begins at an early age (Easton 1965), and it is perceived as procedurally fair (Gibson 1989). This suggests that the Court should have the ability to convince the public that its decisions are correct, thereby influencing attitudes on those issues.

However well-grounded theoretically, the standard survey research has failed in its effort to detect much of a persuasive effect of the Court on public opinion (Marshall 1989, Caldeira 1990, Rosenberg 1991). Typically, these studies rely on national cross-sectional survey data to look for public opinion shifts on issues related to Court decisions following these decisions. Little effect has been found (but see Franklin and Kosaki 1989). However, we should not be too surprised by this finding. While the national public seems to think rather highly of the Court, it has little specific knowledge of the Court's activities (Franklin, Kosaki and Kritzer 1993). Therefore, looking for a specific decision's impact on public opinion might appear to be a futile, even irrelevant task. But this may not be the case. Just because a typical case does not raise much national interest, does not mean that it does not raise interest and attention in the local communities where the conflict first began. In these communities, citizens may stand a better chance of hearing about the case, opening-up the possibility for the Court to have an impact. One obvious source of such information is the media.

While the typical Supreme Court case is not likely to receive broad national coverage in the media (Slotnick and Segal 1992; Slotnick, Segal and Compoli 1994; Gates and Vermeer 1992), issues of concern to the immediate media market may be more likely to receive attention since the vast majority of media markets are defined geographically. The national network news programs aside, most of the news is concerned with issues of a more local nature (see Graber 1992). Therefore, we might naturally expect a Supreme Court case of local concern to be quite heavily covered in the local media, not necessarily because of the issue content, but because the case and individuals involved are from the community. Since it seems natural for information about Supreme Court cases to be better disseminated in

local communities, it is these local communities which would serve as the logical testing ground for the impact of Supreme Court decisions.

Such an effect, though regionally confined may still have broad, even national impact. Since the Court hears approximately 150 cases every year, the cumulative impact of the Court's influence in each of these communities may add up to a national impact. This is especially true if we accept the Court as being an ideologically motivated institution with an interest in specific issue areas. Another important implication regards implementation. Once the Court makes a decision, local officials are usually charged with implementing the decision. If the Court can convince the local public of the correctness of its decision, the job of these officials is made easier.

This study is designed to examine how the local salience and issue content of Supreme Court cases effects levels of awareness of the case, attitude change on the issue involved, and evaluation of the Court following the decision.¹ At issue in the case studied here, *Kiryas Joel School District v. Grumet*, was whether New York's creation of a special school district for a Hasidic Jewish community violates the First Amendment's prohibition on establishment of religion. The Hasidic community involved educates the majority of its children in private schools, paid for and run by the Hasidic community members. However, the community does have a number of handicapped children in need of special education, a service the community was not able to provide. The community was opposed to sending their children to the public schools intended to educate special needs children fearing they would be traumatized by interactions with children from outside of their community. In 1989 the New York State Legislature established a special school district for the community, paid for by the state of New York. In 1993, the New York Court of Appeals decided that the creation of the school district violated the First Amendment. The school district appealed to the U. S. Supreme Court, which agreed to hear the case and heard oral arguments in February 1994. In June of 1994, the Court decided, by a six to three vote that the school district was an impermissible violation of the First Amendment. The study reported here examines the impact of this Court decision on the attitudes of people who reside in and around the community where the case began.

Previous Literature

The Persuasive Appeal of the Supreme Court

Recently, a number of scholars have questioned whether or not the Court has any influence on public opinion (Rosenberg 1991; Marshall 1989). Others suggest that the typically low levels of

knowledge about the Court's activities preclude any influence, or that the influence occurs in a non-systematic fashion (Franklin and Kosaki 1988). At the same time, many of these researchers recognize that the failure to detect the Court's influence may be due to how, when and where researchers have looked for such an influence (Caldeira 1990; Franklin and Kosaki 1988; Marshall 1989).

The roots of nearly all the research which looks at the relationship between the Court and public opinion dates back to the work of Dahl (1957). In his classic study of the Court's role in the democratic process, Dahl argues that the presidential appointment process keeps the Court in line with prevailing public opinion and the preferences of the dominant law-making majority. Hence, the Court rarely strikes down the policies emanating from other branches of government. According to Dahl, the Court merely serves to "legitimize" the policies of the other branches of the national government. While many have challenged Dahl's conclusions about the frequency with which legislation is struck down by the Court (see Casper 1976), few have challenged the assumption of the Court's ability to confer legitimacy upon policies by granting its approval. In fact, this assumption is clearly evident in nearly all the related research.

With Dahl's work in mind, a number of researchers have attempted to disentangle the various sources of support for the Court since it does not have traditional political mechanisms of institutional legitimacy (*i.e.*, periodic elections and/or limited tenure in office). Much of this research is founded on the notion that the most plausible explanation the Court's apparent legitimacy is its association with the Constitution (Casey 1974; Adamany 1973; Baas and Thomas 1984; Jaros and Roper 1980). Essentially, this research argues that the public is willing to accept what is essentially an undemocratic institution since it is perceived as the sole legitimate interpreter and protector of the Constitution. Related research also suggests that the Court fulfills psychological needs for security and stability (Adamany 1973). More recent research suggests that the Court is perceived as more procedurally fair than are other institutions (Gibson 1989), or that the Court's authority rests on a store of (limited) "political capital" (Mondak 1992). Whatever the validity of such theories, little empirical research has been able to show that the Court's "special place" enables it to act as a persuasive source of policy. In fact, the most thorough analysis to date found virtually no effect of Court decisions on public opinion (Marshall 1989). In this study, Marshall found the average shift in national public opinion following a Court decision was less than one percent, and this study spans a 45 year period.

As mentioned above, we should not be too surprised by such lack of findings. For one thing, the national public has very little information about the Court and its activities (see Franklin, Kosaki and Kritzer 1993). Secondly, the structure of opinion following a Court decision may not be a simple overall shift in the direction of the Court's ruling. This criticism is supported by the research of Franklin and Kosaki (1989). They find evidence that the structure of opinion following a Court decision (*Roe v. Wade*²) was not the same for all individuals. Instead, they find evidence of *polarization* not persuasion. Such a pattern would be easily overlooked by examining aggregate level opinion shifts. While most issues do not come close to the level of controversy inherent in an abortion case, their research suggests the need to look for patterns of reaction more complex

than the "old-fashioned" simple persuasion model.

The final set of reasons why we should not be too surprised by the lack of findings in the bulk of past research is more mechanical. As Caldeira (1990, p. 305) notes, "pollsters seldom pose questions to the public on cases before the Court." When they do, the questions only haphazardly match the issue of the case. The usually long lags between the Court decision and measurement of opinion are typically ill-suited for claiming the Court has anything to do with attitudes on the issues. Finally, such studies are typically cross-sections. As such, we have little information about individual level factors that may affect the impact of a Court decision.

In attempts to overcome these obstacles, some researchers have taken the question into the lab. These studies have been more successful in providing evidence that, under certain conditions, the Court acts as a persuasive source of policy (Mondak 1991, 1992, 1993; Hoekstra 1995; but see Baas and Thomas 1984). When the experimental subjects of these studies are provided with information about a Court decision, the Court appears to exert a persuasive influence on attitudes toward the issues involved. While these studies overcome many of the flaws inherent in the previous survey research, the tradeoff has been the inability to properly account for the conditions where these findings might occur in the ever popular "real world." Specifically, these experimental studies fail to explain when the public will become well-enough informed about court decisions for there to be any impact.

Evaluation of the Court

Like the research on the persuasive appeal of the Court, the research on evaluation of the Court dates back to Dahl (1957). If the Court is popular enough to cast legitimacy on the policies of the other branches of government as Dahl suggests, why does the Court possess such power? Is it because of the wisdom of its decisions, or is its popularity based on more enduring and deeply held images of the Court? The literature on this topic has continued to receive much scholarly attention. The basic aim of this line research is to examine which type of information is used in citizens' evaluation of the Court: specific information about the Court's activities or long standing attitudes about the Court's role in the system of government.

Specific support refers to a "set of attitudes toward an object based upon the fulfillment of demands for particular policies or actions" (Caldeira 1990). In other words, it is similar to the notion of issue voting in research on electoral behavior. An individual evaluates an institution based on a set of tangible goods it provides and the individual's attitude toward this set of goods. As the output of the institution changes, so should the evaluation. On the other hand, diffuse support refers to "generalized and firm attachments" or a "reservoir of favorable attitudes" (Caldeira 1986). Diffuse support is a more enduring evaluation and lacks much connection between outcomes and attitudes. In terms of the voter analogy, we might think of the party voter who does not necessarily gather and process all the relevant issue positions of the various candidates, but rather relies on long-standing partisan ties to determine for whom to cast his or her vote.

Caldeira and Gibson (1992) suggest that as long as the Court keeps a "low profile" and is basically in line with prevailing

political values, the mass public may not be very critical of the policies generated by the Court. This is also what Mondak (1992) refers to as the Court's store of "political capital." The Court's store of political capital may carry it through some controversial decisions, but can not do so indefinitely. When the Court's activities become more out of line with dominant political values, enduring favorable attitudes may give way to a more critical public.

Much of the literature in this area is concerned with questions of measurement. Theoretically, specific and diffuse support are two distinct concepts. Practically, they have been difficult to disentangle (Caldeira 1986; Caldeira and Gibson 1992; Murphy and Tanenhaus 1970). Aside from questions of measurement, more relevant to this research is a better understanding of *who* uses *what* information in evaluating the Court. Generally researchers distinguish between the mass public and elites. Caldeira and Gibson's (1992) research suggests that among the mass public there appears to be little connection between specific policies of the Court and attitudes toward the Court. Elites, on the other hand, show a greater tendency to base their attitudes toward the Court on their (dis)agreement with Court decisions. In sum, specific support appears more among elites and diffuse support among the mass public.³

While providing insight into how the public evaluates the Court, it is unclear whether the same pattern would be found among a highly informed sample of the mass public. In other words, knowledge about the Court's activities may be the critical factor. When people have information about the Court's activities they may behave more like elites, *i.e.* using specific information in their evaluation of the Court. As such, when a Supreme Court case is well-enough covered in the local media, it may be possible for long-standing attitudes toward the Court (diffuse support) to give way to short-term attitudes toward the Court's decision.

The Elaboration Likelihood Model of Persuasion

Research in social psychology has long been concerned with the broad topic of attitude change, and the conditions where such change is more or less likely (for a general review see Fiske and Taylor 1991). The research presented in this article is guided by that literature. Especially relevant here is the issue

of personal saliency and its mediating effect upon a persuasive message's ability to bring about attitude change. Specifically, I rely upon the findings and insight provided by the Elaboration Likelihood Model (ELM) of persuasion (Petty and Cacioppo 1986). This model of persuasion provides well-tested expectations about how personal saliency effects an individual's motivation to seek out information, what this individual is likely to do with this information once received, and how these cognitive processes ultimately effect an individual's opinion (*i. e.*, whether it remains stable, or undergoes change). Furthermore, it provides insight into the effect of variations in the strength of the persuasive message, the credibility of the source of the message, and evaluations of the source of the message. In sum, the ELM deals with all the potentially relevant aspects and factors of the process of attitude change: characteristics of the source, message, and recipient.

One basic assumption of the ELM is that personal saliency effects how much topic relevant information an individual is likely to seek out, and how much time and effort he or she is likely to expend in elaborating upon (*i.e.* thinking about) the issue. For example, if an issue impacts upon an individual's life, or more importantly if he *perceives* it to impact directly, then he should be motivated to seek out and critically evaluate the claims presented in a potentially persuasive message. Another individual, one for whom the issue has little or no bearing, or perceives the issue to have little or no bearing, is not likely to actively seek out information. Although she may not actively seek out information, the environment may provide passive exposure. An environment that does not provide passive exposure to a persuasive message precludes the potential for any impact. On the other hand, an environment that provides plenty of information for these low salient individuals to passively absorb might allow a persuasive message to have some impact.

High salience individuals, those expected to actively seek out and evaluate information, are not likely to be persuaded by a persuasive message. Though they have the information, the process of elaboration enables them to generate competing arguments, and the salience motivates them to do so. On the other end of the continuum are those individuals for whom the issue is less salient (low motivation to elaborate upon a persuasive message). These individuals, when exposed to only one side of an issue, know only that side of an issue, and hence, are

Figure 1. Susceptibility to Persuasion by Awareness and Saliency

AWARENESS	PERSONAL SALIENCY	
	HIGH	LOW
HIGH	Resistant to Persuasion	Susceptible to Persuasion
LOW	Not Exposed to Message	Not Exposed to Message

more likely to be persuaded. The expectations regarding information level and personal saliency upon the potential for attitude change are diagrammed in Figure 1. The top row are those individuals exposed to a potentially persuasive message. However, they differ in how relevant the subject of the message is to them. High relevance individuals are in the upper-left cell of the figure. These are less likely to be persuaded than the low salient individuals in the adjacent cell (upper-right). Though they may have roughly equivalent levels of information, the level of salience of the issue is a critical difference between them.

This figure diagrams the effect of a one-sided message, and implicates only the salience of the issue to the individual (a recipient characteristic). The message quality and the source credibility are constant across both groups of individuals. The expectations diagrammed in Figure 1 may be different when message or source characteristics vary, such as when the other side of the issue is presented. In the case of a Supreme Court decision, a publicized dissenting opinion may provide some access to another side of the issue. Such is the situation in both cases presented below. The pattern found in such a situation would depend on the relative strengths of both sides of the argument presented (message characteristic), the credibility of the sources of the message (a source characteristic) and the degree of salience of the issue for the individual (a recipient characteristic). In such a situation, we may expect something other than the relatively simple persuasion model to hold. Instead, we may find evidence of polarization, or at the very least, an attenuated persuasion effect.⁴

Finally, the literature on attitude change suggests how this new information impacts evaluation of the source of the message. High salience individuals should accord this new information greater weight compared to other information they may have about the source. In other words, they may base their evaluation of the Court on this new specific information (i.e. specific support). Those for whom the issue is *important* and *agree* with the message contained in a persuasive message should be more likely to evaluate the source more favorably following the persuasive message. By the same token, those for whom the issue is *important* but *disagree* with the position advocated by the source, should be more likely to evaluate the source less favorably following the message. The expectations are somewhat different for those who find the issue less salient. These individuals are more likely to discount the new information about the source, and hence, not evince much change in their evaluation of the Court. Their evaluation of the Court should not undergo much change, rather it is based on more long-term or enduring predispositions to the Court (i.e. diffuse support).

Hypotheses

1. Awareness: The first basic hypothesis of this study is that the geographic proximity of a case increases an individual's awareness of the case. Therefore, I expect the levels of awareness of the samples to be high, relative to figures found in national studies. Furthermore, there should not be much, if any difference between the two samples in terms of their awareness of the Court's decision.

2. Attitude Change: Secondly, I expect greater levels of change in opinion among those for whom the issue is relatively less salient, at both aggregate and individual levels.

3. Evaluation of the Court: Finally, I expect that individuals will use information about the Court's decision in their evaluation of the Court, especially when the issue is relatively salient. Those individuals who expressed disagreement with how the Court decided the case (at the time of the first-wave of the study) should become less favorable toward the Court. Vice-versa for those who expressed agreement with the Court's ultimate decision. On the other hand, those for whom the case is relatively less salient may not be as motivated to change their evaluation of the Court, whether they initially agree, or disagree.

Research Design

The research presented in the following pages is obtained from a two-wave panel-study conducted in the Spring and Summer of 1994. The basic format follows that of a study conducted the previous year and reported separately (see Hoekstra and Segal 1996). (The questionnaire is available from the author.) Since the primary interest of this study is the effect of personal salience (defined here as geographic proximity), two random samples were generated, one sample from the town directly implicated in the case (Monroe) and the other of the surrounding county (Orange County, NY). Both samples were generated and contacted at two points; before and after the Court handed down its decision. The interviews for the first wave of the study were conducted between March and June of 1994. During this time frame, 166 individuals were contacted and completed the interview, for a response rate of 55.7%. The second wave of the study was conducted for approximately two weeks following the Court's decision.⁵ Of the 166 respondents who participated in the first wave of the study, 123 were successfully recontacted to complete the second wave.

Since comparisons are made between samples, it is important to know how the samples compare to one another. Random sampling usually ensures samples which are representative of the populations of interest. However, two populations are being sampled in this study. On the majority of measures obtained, the samples are statistically similar. Briefly, the sample from Orange County is slightly more educated and politically knowledgeable than is the sample from Monroe. However, since both of these characteristics are typically negatively associated with attitude change, this works against the hypothesis that the sample of Orange County (less salient group) should undergo attitude change. The sample from Orange County also has significantly less Jewish and male respondents than the sample from Monroe. The oversampling of females is typical of survey research, and found in many surveys (Brehm 1992). The difference in the number of Jewish respondents does have implications for the substantive issue of the case examined here. However, the proportion of Jews is higher in the population of Monroe than of Orange County in general, and the overall number included in the study is still small. Other than these differences, the samples are similar on all other measures.⁶

Results

Awareness

The first and foremost measure of interest is the level of awareness of the Court's decision. Also important is that people are

correctly informed of how the Court decided the case. For there to be any impact of the Court's decision on public opinion, or for the decision to subsequently impact evaluations of the Court, the public must be aware of the Court's decision. The results, presented in Table 1 confirm the first hypothesis that residing in the immediate and/or surrounding community increases awareness of the Court's decision. Eighty-six of the respondent's from Monroe were not only aware of the Court decision, but were also able to correctly identify how the Court decided the case. Almost as many respondents (72.3%) from the surrounding communities were also able to identify how the Court decided the case. Compared to levels of awareness found in national studies, this result is no less than astounding. Both measures are uncued recall questions.

Table 1. Awareness of Court's Decision

	Monroe	Orange County
Aware	86.5%	72.3%
N=	(53)	(68)

Note: Awareness indicates correct knowledge of how the Court decided the case following an uncued recall question asking the respondent whether they heard anything about the issue.

Both samples exhibit high levels of information about the Court's involvement in this case. As mentioned previously, national samples rarely show similar figures above the twenty percent mark (Franklin, Kosaki and Kritzer 1993). There does appear to be a difference between the two samples, however. Those respondents from Monroe (high salience group) show somewhat higher levels of awareness than those from the County at large (low salience group). This should not be too surprising, those in the surrounding town should only be passive recipients of information. What is more surprising, is that even as passive recipients of the information, the vast majority did have the information. The Court's decision was covered quite heavily in the local media, as expected. The local papers gave the story front-page coverage following the decision. Since such high levels of information are found, it seems logical to determine the effect this knowledge has upon the recipients of this information.

Table 2. Mean Opinion Change on the Issue by Region

	Monroe	Orange County
Pre	4.58	4.69
Post	4.70	5.74
Change	.12	1.05*
N=	53	68

Note: Opinion change is measured as the difference between opinion on the issue at the time of the first-wave of the study and at the time of the second-wave. The opinion measures are seven point Likert-type scales, the change score has a potential range of -6 to 6.

*p < .05

Attitude Change

The first measure of the effect of the Court's decision on the two samples is how the Court's decision affected attitudes on the issue in the case. The most basic expectation is that the two samples should react differently. Before turning to the results, Figure 2 portrays the expectations for attitude for the two samples in terms of the theoretical expectations set out in Figure 1. The high salience group (Monroe) should not show much, if any, change in opinion in the direction of the Court's decision. The low salience group (Orange County), on the other hand, is expected to exhibit change in the direction of the Court's decision. This is exactly what is found.

Table 2 reports the difference in opinion change between the two samples. At the aggregate level, the simple persuasion hypothesis is confirmed. The mean change for the respondent's from Monroe is a meager (and statistically insignificant) .12. Those from the rest of the County, on the other hand appear to have been persuaded. The mean change for this group is a substantial (and statistically significant) 1.05.

While the simpler persuasion model appears to be supported by these results, it is impossible to determine, via mean changes, whether or not any polarization occurs. The results for the high

Figure 2. Susceptibility to Persuasion by Awareness and Salience for the Two Samples

AWARENESS	PERSONAL SALIENCY	
	HIGH	LOW
HIGH	Resistant to Persuasion <i>Monroe</i>	Susceptible to Persuasion <i>Orange County</i>
LOW	Not Exposed to Message	Not Exposed to Message

Table 3. Frequency of Opinion Change (Evidence of Polarization or Persuasion)

Change	Total Sample		Monroe		Orange County		Initially Opposed		Jewish	
	%	N	%	N	%	N	%	N	%	N
6	---	---	---	---	---	---	---	---	---	---
5	3.3	4	1.9	1	4.3	3	9.3	4	---	---
4	6.5	8	1.9	1	10.1	7	18.6	8	---	---
3	4.1	5	1.9	1	5.8	4	9.3	4	---	---
2	4.9	6	5.6	3	4.3	3	4.7	2	---	---
1	27.6	34	24.1	13	30.4	21	23.3	10	35.3	6
0	42.3	52	48.1	26	37.7	26	25.6	11	52.9	9
-1	8.1	10	13.0	7	4.3	3	7.0	3	5.9	1
-2	1.6	2	1.9	1	1.4	1	2.3	1	5.9	1
-3	---	---	---	---	---	---	---	---	---	---
-4	.8	1	1.9	1	---	---	---	---	---	---
-5	.8	1	---	---	1.4	1	---	---	---	---
-6	---	---	---	---	---	---	---	---	---	---
N		123		54		69		43		17

Note: Change is measured as the difference from respondent's opinion on the issue between the first wave of the study, and the second wave of the study. Postive change scores indicate change in the direction of the Court's decision, negative change scores indicate change in the opposite direction of the Court's decision, and 0 indicates no change.

salience group could be especially misleading, since differences in movement away from and toward the Court's decision would cancel each other out (see Franklin and Kosaki 1991). In order to get a better idea of whether or not either of these two samples exhibit signs of polarization, a simple frequency of change scores is presented in Table 3. The table presents change in opinion, again as the difference between opinion on the issue between the first and second waves of the study. The possible range of movement is six points on the scales (from 7 "strongly disagree" to 1 "strongly agree" and vice-versa). If polarization is evident we would expect a sizable portion of the study to move away from the Court's position, (*i. e.* a negative change score). There is some slight evidence of polarization, but it is unclear whether this is much more than the random measurement error attitude measures typically suffer from. Of the combined sample (the first column) only fourteen respondents exhibit any signs of polarization.

In order to better understand which individuals are most likely to have changed their opinion in the direction of the Court's decision, the results of a regression analysis are presented in Table 4. The dependent variable in the analysis is change in opinion in the direction of the Court's decision. Theoretically, the variable ranges from a possible 6 (change from believing strongly that the creation of the school district was alright to believing strongly that the school district was not alright) to -6 (change from believing strongly that the creation of the school district was not alright to believing strongly that the school district was alright). Therefore, positive scores indicate change in the direction of the Court's decision and negative scores indicate change against the Court's decision.

Included as independent variables in the analysis are the respondent's town of residence, level of education, evaluation of the Supreme Court, attention to the media, the respondent's ideology, and the strength that the respondent holds his or her initial opinion. The residents of Monroe should be less influenced by the Court's decision. Since the variable is Coded 1 for residents of Monroe, and 0 to represent the county, the sign of the coefficient should be negative. The Court's decision should have a stronger impact on those who have not been "forced" to give the issue as much thought to how the outcome will effect their lives.

Since the Court ultimately decided the case in what is considered a liberal direction, the more liberal respondent's should be more receptive to the Court's decision than the more conservative respondents. The coefficient should be negative. Education is generally associated with increased ability to generate counterarguments to persuasive messages (Converse 1964; Feldman and Zaller 1992). The more education an individual has achieved, the greater store of political knowledge available from which to generate these arguments. Less well educated individuals will have been exposed to political issues less frequently, and so will be less able to understand or generate the other side of a given issue. Therefore, the coefficient for the education variable should be negative.

Whether or not an individual believes the Supreme Court is doing a good job should be positively associated with that individual's susceptibility to the Court's message. This expectation is rather straightforward. A message emanating from a well-liked source is more likely to have a persuasive impact

than from a disliked source. The coefficient on evaluation of the Court should be negative.

Since members of the Court, unlike members of Congress, do not communicate directly to their constituents, virtually all knowledge of the Court's activities must be filtered by the media. Therefore, exposure to the Court's decision is largely a function of how often an individual pays attention to the media. Finally, more weakly held opinions should be more susceptible to change than firmly held opinions. The variable indicating how strongly an individual holds an opinion is coded 1=very strongly, 2=strongly, 3=not so strongly. Therefore, the coefficient on this variable should be positive. The weaker the attitude, the more likely it will change.

As Table 4 shows, all the variables are in the expected direction (except education), however only two variables, town of residence and the strength of the initial opinion prove statistically significant at $p < .05$. The results support the hypotheses, and conform with previous research. Focusing on the two significant variables (town of residence and strength of initial

opinion), the results of the model suggests that, holding all other variables constant, a resident of Monroe's difference in opinion on the school district issue is, on average, nearly two-thirds of a point less than a resident of the rest of the county following the Court's decision. For example, two individuals who differ only with respect to where they live, but are similar on all other variables in the model, will differ by .60 in how they feel about the issue after the Court decided. A resident from outside of Monroe, holding all other variables constant, changes their opinion on the issue by .60 more than the "same resident from Monroe. Furthermore, those with less strongly held attitudes will, on average, change their opinion on the issue more than those whose opinion is more strongly held. On average an individual with a moderately strong opinion ("2" on the three-point scale) will change their opinion on the issue by .41 points more than someone who holds a "strong" attitude ("1" on the three point scale). The difference is even greater between those who have the "weakest" attitudes on the issue ("3" on the three-point scale), and those who have strong attitude ("1"). Holding all other variables constant, the difference between the amount of change of these two groups is nearly one full point (.82).

Evaluation of the Court

Similar to the discussion on the individual-level explanation of attitude change on the issue, personal salience of the issue ought to predict whether an individual uses their (dis)agreement with the Court's decision as a basis for subsequent evaluation of the Court. While previous research suggest that the Court benefits from relatively favorable and enduring attitudes among the public (Caldeira 1990), other research suggests that the Court's store of these warm feelings may not be limitless (Mondak 1992). Other research suggests that elites (those more politically knowledgeable) will use specific information when evaluating the Court than will non-elites (Caldeira and Gibson 1989). The study designed here provides a good opportunity to test these somewhat competing hypotheses. If non-elites do not use specific information about Court activities, the effect should remain even when the non-elite respondent has access to specific information, as do the respondent's in this sample.

To test whether or not the respondents in the samples appear to use specific information about the Court in their evaluation of the Court, it would first be useful to see if there is evidence of any change in attitude about the Court. If all the sample changed their opinion in the direction of the Court's decision we should not really expect much change in how they feel about the Court. Although the preceding discussion suggests that the Court does have the ability to change opinion in the direction of the Court's decision, there is still a substantial number of people who did not change their opinion, and a few who actually reacted against the Court's decision.

Those whose initial opinion is different than the Court's decision should be among those likely to become less favorably disposed to the Court. On the other hand, those who were initially supportive of how the Court decided might be expected to become more supportive of the Court. These effects should be dependent upon how salient the issue is to the individual. Those for whom the issue is relatively more salient ought to accord this specific information about the Court greater weight, and those for whom the decision is relatively less salient might be expected to accord the decision less weight.

Table 4. Regression Analysis of Change in Opinion Following Court's Decision

	Estimate	Standard Error
Town of Residence	-.60*	.32
Strength of Initial Opinion	.41*	.21
Ideology	-.10	.09
Evaluation of Court	-.14	.10
Education	.02	.14
Attention to Media	.01	.03
Intercept	.81	.91

F= 2.02
 Probability of F= .06
 Adjusted R²= .05
 N= 123

Note: Change in opinion is measured as the difference between the respondent's attitude toward the issue at the time of the first wave and the time of the second wave. It ranges from a possible 6 to -6. Postive values indicate change in opinion in the direction of the Court's decision.

Town of residence is coded 1=Monroe, 0= County; Strength of Opinion is coded 1=very strongly, 2=strongly, 3=not so strongly; Ideology ranges from 1=strong liberal to 7=strong conservative; Evaluation of the Supreme Court ranges from 1=approve very strongly to 7=disapprove very strongly; Education is measured as a five-level variable where 1=less than high school and 5=beyond college"; and Attention to Media is a composite measure of how many times the respondent 1) read a daily newspaper, 2) watched the news on television, and 3) discussed political events with friends and family members. It is measured at the second wave of the study.

* $p < .05$ for one-tailed hypothesis test.

Table 5. Evaluation of the Supreme Court

	Monroe	Orange County	Initially Opposed	Initially Supportive
Before Decision	2.87	2.91	2.88	2.81
Following Decision	3.21	3.00	3.43	2.88
Change	.34*	.09	.55*	.07
N=	62	69	42	65

*difference is significant at $p < .05$

In order to determine whether or not these expectations warrant further investigation, I first examine mean differences in support for the Court for various members of the samples. Table 5 presents mean levels of support for the Court for those who are initially opposed to how the Court decided, those who are initially supportive, residents of Monroe, residents of Orange County. On average, the residents of Monroe and those who were initially opposed, became less supportive of the Court following the Court's decision. There are no significant differences in the average level of support for those from Orange County and those who were initially supportive of how the Court ultimately decided. This evidence suggests that further analysis, at the individual-level, may be worthwhile.

Similar to the analysis on change in opinion, the dependent variable for this analysis is the change in evaluation of the Court following its decision. The variable ranges from 6 (from strongly disapprove of the Court to strongly approve of the Court) to -6 (from strongly approve of the Court to strongly disapprove of the Court). Therefore, positive scores indicate a more favorable evaluation of the Court, and negative scores indicate a less favorable evaluation of the Court.

A fairly simple model is suggested by the previous discussion. The independent variables in the analysis include the respondent's initial opinion on the issue of specially created school districts, the respondent's town of residence, and an interactive variable of the respondent's town of residence and their initial opinion on the issue. As discussed above, the impact of the Court's decision on subsequent evaluation of the Court should be moderated by how salient the issue is to the individual. The basic measure of salience used throughout the study has been the respondent's town of residence. Since this proved to be a significant predictor of attitude change in the analysis of attitude change on the school district, it is carried over to this analysis.

If having specific information about the Court motivates individuals to use this information to evaluate the Court (specific support), thereby overriding their long-term evaluation of the Court (diffuse support) we should expect an individual's opinion on the issue to have a significant effect on how they feel about the Court. Those who initially believed that the creation of the school district was reasonable (contrary to what the Court ultimately decided) should adjust their evaluation of the Court accordingly. They should become less supportive of the Court. The opposite would be true of those whose initial opinion was

similar to how the Court decided the case. This expectation is also supported by the results of the aggregate analysis presented above that shows those who were initially opposed to how the Court ultimately decided did, on average, lower their evaluation of the Court. The same is true of the resident's on Monroe, they also became less supportive of the Court, on average. Furthermore, an interaction between the two variables is also suggested. Residents of Monroe (those for whom the issue is relatively more salient) ought to accord this new information greater weight. For these individuals, the outcome of the case is more important. It should be more difficult for these individuals to simply rely on their past attitude about the Court without letting this new information factor into their evaluation. The opposite would be true for the residents of the rest of the county. Since the issue is less important to them, it need not be given that much weight in their evaluation of the Court. The simple additive model, without the interaction of the two variables, would not necessarily provide insight into whether or not individuals from these two regions accorded different "weights to this new information. It would only tell us whether or not people changed their evaluation of the Court based on their initial position regarding the school district issue, and whether or not individuals changed their evaluation based on where they live.

Table 6. Regression Analysis of Change in Evaluation of Court

	Estimate	Standard Error
Town of Residence	.05	.45
Opinion on Issue	-.06	.07
Town*Opinion	-.09	.10
Intercept	.14	.31
F= 2.08		
Probability of F= .11		
Adjusted R ² = .03		
N= 116		

The discussion above suggests that residents of Monroe should, on average, become less favorable than residents of the rest of the County. It also suggests that those whose initial opinion was at odds with the Court's decision should, on average, become less favorable toward the Court. But we might also expect those from Monroe who disagree with the Court's decision to change their evaluation more so than residents from the

rest of the County who disagree with the Court's decision. This is the information that the interactive variable will provide. In sum, the interaction suggests that not only should the intercept of the model be lower for residents of Monroe, as opposed to residents of the county, but that the slope coefficient should be different as well. Here we would expect a "steeper" slope for residents of Monroe.

The results of the analysis are presented in Table 6. While the model as a whole is nearly significant ($F=2.08$, $p=.11$), none of the three variables is even marginally significant. Granted, this is a fairly simple model and the pattern may be more complex than specified here. However, we would expect these variables to show some significant effect, either statistically or substantively. Clearly, they do not. The people included in this study, though highly aware of the decision, do not appear to use this new-found information about the Court when called upon to register an opinion about the Court. This result conforms to prior research, particularly of Caldeira and Gibson (1992), that suggests that the mass public does base its evaluation of the Court on specific information. We should also keep in mind that a sizable number of individuals did change their opinion on the issue, the majority of whom changed in favor of the Court's decision. This fact may cloud analysis of the entire sample. It is possible that the effect may only be found among those who registered some level of support for the school district but not among those who opposed the district. The results presented in Table 5 suggests that this may be the case.

To test this, the same analysis is conducted, this time limited to those who expressed some level of support for the school district. Again, the dependent variable is the amount of change in evaluation of the Court. This is measured as the difference in level of support for the Court before and after the Court's decision. The independent variables are the town of residence, and opinion on the issue at the time of the first wave of the study, and an interactive term between these two variables. Though the general expectations are discussed above, they should be clarified here. Since only those whose initial opinion disagrees with the Court's decision are included, the variable is now a three level variable. Here the measure ranges from those who "very strongly support the school district" (3), those who "strongly support the school district" (2) and those who "somewhat support the school district" (1). As the level of the variable increases, so does the intensity with which the opinion is held. Therefore, the coefficient is expected to be negative. The variable indicating town of residence is coded 1 for Monroe, and 0 for outside of Monroe. Therefore, the coefficient on the variable should also be negative. Residents of Monroe, who appear to have been less persuaded by the Court's decision, should show less support, on average, than do residents outside of Monroe.

Since this analysis is conducted on only those whose initial opinion disagreed with how the Court ultimately decided, the simple variable representing town of residence takes on some of the substantive significance of the interactive variable in the previous analysis. It signifies whether or not the residents of Monroe gave more weight to the fact that they disagree with the Court than residents outside of Monroe. For example, we might expect a resident of Monroe (someone for whom the case is relatively more salient) and who supported the existence of the school district to decrease their evaluation of the Court more so than an individual from somewhere else in the

County (someone for whom the case is relatively less salient) who also supported the existence of the school district. The interactive variable in this analysis takes on a somewhat different substantive meaning than in the analysis presented above. In the earlier analysis all of the respondent's are included, and here only those who initially supported the school district are included. In effect, the simple dummy variable for town of residence "absorbs" some of the meaning of the interactive variable presented earlier. The interaction is still included in this model because it provides additional information about whether the relationship between the *magnitude* of discrepancy between the individual's opinion and the Court's decision and the salience of the issue to that individual has an effect above and beyond that provided by the simpler additive model. The coefficient on the variable should also be negative. This would indicate that the average change in evaluation of the Court depends not only on the degree of discrepancy between the individual's opinion and the Court decision, and the salience of the issue to the individual, but that the effect of each is moderated by the effect of the other. As the dissimilarity between the individual's attitude and the Court's decision increases, the average change in evaluation for Court should decrease, regardless of salience. However, the magnitude of this change in evaluation should be greater between the levels of support for the school district in Monroe than in Orange County. In statistical terms, the intercept of the regression line should not only be at a lower level for those from Monroe, but the overall slope of the regression line should be steeper. In other words, the rate of decline in the Court's approval rating should be greater among those from Monroe than from the rest of the County. The coefficient should be negative.

Table 7. Regression Analysis of Change in Evaluation of Court for those Initially Supportive of School District

	Estimate	Standard Error
Town of Residence	-1.95*	1.18
Opinion on Issue	-1.08*	.38
Town*Opinion	.63	.51
Intercept	2.08*	.85

F= 4.46
 Probability of F= .0088
 Adjusted R²= .20
 N= 42

*p < .05 for one-tailed hypothesis test.

The results of the analysis are presented in Table 7. The two additive variables (town of residence and level of support for the school district) prove significant and in the expected direction. The overall model explains a substantial portion in the variance of change in evaluation of the Court among those who expressed some measure of support for the school district. However, the interactive variable failed to reach significance, and is in the direction opposite of prediction. Individuals from Monroe became substantially less favorable toward the Court after they learned of the Court's decision. Furthermore, as the strength with which an individual holds his or her opinion increases by one point on the three point scale, they become more than one point (-1.08) less favorable toward the

Court, holding all other variables constant. The difference between those who held their opinion very strongly (3) and those who held their opinion less strongly (1) is over two points (-2.16). However, the relationship between the two variables and the dependent variable is not dependent upon an interaction between the two variables. On average, residents from Monroe became less favorable toward the Court, and so did people who held their initial opinion strongly, but there does not appear to be an effect above and beyond the simple additive effect of these two variables. Keep in mind, however, that this analysis includes only those who originally supported the school district, so a type of "interaction" is implicit in the model. Those who supported the school district (the 42 included in the analysis) and are from Monroe evaluated the Court significantly less favorably than did the residents from elsewhere in the county who initially supported the school district. The failure of the interaction to reach statistical significance suggests that the average change in evaluation of the Court is not dependent upon an interaction between how different the individual's opinion was from the Court's ultimate decision and the individual's town of residence.

Discussion and Conclusions

This study examined the Court's ability to influence public opinion in a community where a case began. Consistent with similar research (Hoekstra and Segal 1996) and the Elaboration Likelihood Model of persuasion, the more relevant an issue is to an individual's personal life, the less likely they are to be persuaded by a Supreme Court decision. However, when the issue is relatively less salient, yet information levels relatively high, the potential for the Court's persuasive ability is quite strong. Because the issue has more bearing on the lives of those who reside in the immediate community, there is greater motivation to think about and critically evaluate the argument contained in the persuasive message contained in a Court decision. Those who reside outside the immediate community, but who have access to the same media information, are more susceptible to persuasion since they do not have the same motivation to give serious thought to both sides of the issue.

The significance of these findings do have broad implications. Many researchers view that positive public reaction to Court decisions is vital to implementation of Court decisions (see Rosenberg [1992] for the implications of public reaction on abortion, affirmative action and desegregation cases; Berkson [1968] for a discussion of different occupational groups, and Muir [1967] for local response to a school prayer decision). Positive public reaction to a Court decision lessens potential problems of noncompliance with the decision. Furthermore, the evidence that individuals use this newly acquired information about the Court's decision is used in subsequent evaluations of the Court is rather limited. The majority of the sample showed no change in their evaluation of the Court following the Court's decision. Only when those individuals who initially registered some support for the district were treated separately did the newly acquired information show any effect. But it is these individuals who may be most important to consider. If the Court's power to persuade is founded upon its esteem among the public, than the Court may indeed have a limited store of "political capital" (see Mondak 1992). For the most part, specific information about the Court's decision does not tend to change an individual's perception of how well the Court is doing its job. But it may be this small, but potentially vocal

group of individuals that prevent the Court from straying too far from public opinion.

In terms of a broader impact on public opinion, we need only consider the fact that the Court hears roughly 150 cases per year, many of which also have roots in some community, somewhere in the nation. The effect of each of these cases in the various communities where they began may add up to an influence on national public opinion. If we accept the fact that the Court has an ideological bent, the net effect of all these cases may be to pull national public opinion in a certain direction. This might be especially true for those issue areas where the Court has a particular agenda or interest. While this study examines only one Court decision, it does examine an area for which individuals might be thought to hold well crystallized opinions (*i.e.* religion). While this study reports the results of only one study, they are nearly identical to a similar study reported earlier with Jeffrey A. Segal (Hoekstra and Segal 1994). These two studies taken together suggest the need to reevaluate claims of prior research that the Court exerts little, if any, impact on public opinion.

Notes

¹This study follows the same format as a study previously conducted with Jeffrey A. Segal (Hoekstra and Segal 1996). This previous study also examined the impact of a Supreme Court decision in the community of Center Moriches, New York and the surrounding community of Suffolk county, New York.

²410 U.S. 113 (1973)

³However, they also find higher levels of diffuse support among elites than nonwhites. They suggest that this is a function of higher levels of political involvement and efficacy found among the typically more politically involved elites.

⁴In the situation where a Court decision also contains a dissenting opinion, both message and source characteristics might be implicated. No longer is there a straightforward one-sided message being presented. Furthermore, there are technically two sources, one presenting the majority opinion, one presenting the minority opinion. Unfortunately, these effects cannot be disentangled since they are constant in this study.

⁵Some of the interviews for the second wave were conducted following the two-week period. In previous research, we (Hoekstra and Segal 1996) found the two-week time-frame seriously limited our ability to contact a substantial portion of those who participated in the first wave. The trade-off involves a relatively low response rate uniting the time frame) versus confounds with time (not limiting). Either way, the effect should work against the central findings. A low response rate increases the standard errors. Increasing the time frame of the second wave increases the likelihood that some of the respondents may forget about the case.

⁶Except the attitude toward the issue in the case following the Court's decision. However, this is what is expected as a result of differing levels of salience of the issue for the two samples. It does not reflect upon the sampling procedure, but rather the differential impact of the Court decision between the two samples.

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The Year in Review, 1994-1995

*Over the 1994-95 academic year, students of law and courts published a large number of books and journal articles. We devote several pages in this issue of **Law and Courts** to lists of those works, as well as grant proposals supported by the Law and Social Science Program of National Science Foundation and doctoral dissertations.*

*A few words are in order about the criteria for inclusion on these lists. For Books, we sought to include every **new** work published in 1994 and 1995, which has not been previously listed in **Law and Courts**. We began with a list of books reviewed in The Law and Politics Book Review, graciously provided by Herbert Jacob, editor of The Review. We supplemented Professor Jacob's list with books—related to issues of law and courts—reviewed in other journals, advertised in scholarly publications, and recorded in electronic data bases. Inevitably, we failed to locate every work published in 1994-95. Readers should send the titles and authors of books inadvertently omitted to the editor. An updated list will be published in a future issue of **Law and Courts**.*

The Article list presented a different kind of challenge, for there are many journals publishing works of interest to our readership. Given space limitations, we decided to list articles—again on topics related to law and courts—published in the American Political Science Review, and in the regional journals of the major associations: American Journal of Political Science (Midwest Political Science Association), Journal of Politics (Southern Political Science Association), Political Research Quarterly (Western Political Science Association), and Polity (Northeastern Political Science Association).

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The Doctoral Dissertation list is from PS: Political Science, 28 (1995): 850-851.

The Year in Books

Editor's Note: Asteriks indicate books reviewed in The Law and Politics Book Review

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The Law and Politics Book Review Column . . .

The *Law & Politics Book Review* has had a very successful year thanks to a great many diligent reviewers. I get a steady stream of compliments about the quality of the reviews; I think it is fair to say that we have set the standard for internet publication of book reviews. In 1995, we have already published a record number of 75 reviews and another dozen will probably appear before the end of the year. Our subscription list has approximately 900 addresses and many reviews are redistributed on other lists so that our readership is close to 2,000 scholars across the world.

Michael McCann was responsible for a superb series of reviews on judicial process texts that appeared in February and March. Instructors planning to teach a judicial process course or a constitutional law course may now find the reviews we have published of textbooks and case books by pointing their gopher to: polisci.nwu.edu. All other reviews are also available at that

site. We plan to convert it to a web site by January 1997.

Thanks also go to the Editorial Board (presently Judith Baer, Lee Epstein, Sheldon Goldman, Herbert Kritzer, Sally Kenney, Michael McCann, and Susan Silbey) who meet each year over a Dutch Treat breakfast at the APSA meetings and brainstorm over how to improve the Review. They also help me find reviewers for books.

Anyone knowing of a new book that should be reviewed can help us by writing me (or better yet, the publisher) so that we can get a review copy. Those wishing to serve as a reviewer should send their vita including their current research and teaching areas to me at Department of Political Science, Northwestern University, Evanston, IL 60208 (or e-mail: MZLTOV@NWU.EDU).

—Herb Jacob

The Year in the Journals

- Boucher, Robert L., Jr. and Jeffrey A. Segal. 1995. "Supreme Court Justices as Strategic Decision Makers: Aggressive Grants and Defensive Denials on the Vinson Court." *Journal of Politics* 57: 824-837.
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- Spriggs, James F., II and Paul J. Wahlbeck. 1995. "Calling It Quits: Strategic Retirement on the Federal Courts of Appeals, 1893-1991." *Political Research Quarterly* 48:573-597.

The Year in NSF Grants

- Bernstein, Lisa. *Boston University/School of Law*. "The Newest Law Merchant: Private Commercial Law in the U.S."
- Bjorklund, David F. *Florida Atlantic University/Psychology Department*. "Age Differences in the Effects of Repeated Questions on Eyewitness Memory."
- Ceci, Stephen J. *Cornell University*. "Interviewing Preschoolers: Empirical and Theoretical Issues."
- Cohn, Ellen. *University of New Hampshire/Department of Psychology and Political Science*. "Orientations Toward Law and Normative Ordering: Rights and Duties."
- Comaroff, Jean and Kari Robinson, *University of Chicago/Anthropology Department*. "Doctoral Dissertation Research: Coming to Terms: Negotiating a New Abortion Law in Unified Germany."
- Coutin, Susan B. *North Adams State College/Sociology, Anthropology and Social Work*. "The Negotiation of Legal Identity Among Salvadoran Immigrants in Los Angeles, California."
- Daugherty, Andrew F. and Jennifer F. Reinganum, *University of Iowa/Department of Economics*. "Market Structure, Information and Litigation with Application to Product Safety and Environmental Quality."
- DeMallie, Raymond J. and Paula L. Wagoner, *Indiana University/Anthropology Department*. "Doctoral Dissertation Research: Land, Kinship, and Federal Policy: Ambivalent Identities."
- Edelman, Lauren B. and Mia L. Cahill, *University of Wisconsin/Sociology Department*. "Doctoral Dissertation Research: The Social Construction of Sexual Harassment Law—A Cross-National Proposal for Research."
- Edelman, Lauren B. *University of Wisconsin/Sociology Department*. "The Internal Legal Culture of Organizations" (Collaborative with Fuller).
- Engel, David M. and Frank W. Munger, *SUNY at Buffalo/School of Law*. "The Use of the 'Americans with Disabilities Act in Employment."
- Epstein, Lee, *Washington University/Department of Political Science* and Gregory A. Caldeira, *Ohio State University/Department of Political Science*. "Annual Conferences on the Scientific Study of Judicial Politics."
- Fischer, Eric A. John R. Tucker, and Lee Paulson. *National Academy of Sciences*. "Mathematical Sciences: DNA Forensic Science: An Update."
- Fuller, Sally Riggs. *University of Washington/Department of Management & Organization*. "The Internal Legal Culture of Organizations" (Collaborative with Edelman).
- Garth, Bryant G. and Yves Dezalay. *American Bar Foundation*. "Internationalization of Legal Practice: Human Rights, Trade, and Transformation of the State."
- Gibson, James L. *University of Houston/Department of Political Science*. "An Investigation into the Socio-Legal and Cultural Bases of Democracy in South Africa."
- Gibson, James L. *University of Houston/Department of Political Science*. "REU: An Investigation into the Socio-Legal and Cultural Bases of Democracy in South Africa."
- Gilliam, Frank D. Jr. and Shanto Iyengar. *University of California, Los Angeles/Institute for Social Science Research*. "Race, Violence and Television News: Why Americans are Getting Tough on Crime."
- Greenberg, Judith. *National Institutes of Health/Department of Health and Human Services*. "Evaluation of Human Genome Diversity Project."
- Guterk, Barbara A. and Maureen O'Conner. *University of Arizona/Management and Policy Department*. "An Empirical Examination of the Legal Standard for Hostile Environment Sexual Harassment Claims."
- Haber, Stephen H. and Edward N. Beatty. *Stanford University/Department of History*. "Doctoral Dissertation Research: Between Property and Privilege: The State, Property Rights, and Business in Porfirian Mexico."
- Heinz, John P., Robert L. Nelson, and Paul S. Schnorr. *American Bar Foundation*. "REU: The Changing Social Structure of the Urban Legal Services Industry."
- Heinz, John P. Robert L. Nelson, and Paul S. Schnorr. *American Bar Foundation*. "The Changing Social Structure of the Urban Legal Services Industry."
- Hirschi, Travis and Michael R. Gottfredson. *University of Arizona/Sociology*. "A Measurement Study of Control Theory Explanations of Deviant and Delinquent Behavior."
- Holdren, John P. and Brent M. Haddad. *University of California/Energy and Resources Group*. "The Role of Water Markets in Helping California Meet its Future Water Needs: A Comparative Analysis."
- Horowitz, Irwin A. *Oregon State University/Department of Psychology*. "When Juries Disobey the Law: Jury Nullification in Civil and Criminal Trials."

- In, James Riding and Alice E. Feldman. *Arizona State University/School of Justice Studies*. "Doctoral Dissertation Research: The Second Coming of First Nations: The Reassertion of Indigenous Voices Through International and Human Rights Law."
- Jackson, Kenneth T. and John T. Metzger. *Columbia University/Program in Urban Planning*. "Doctoral Dissertation Research: Capital for Communities Financial Institutions and Inner-city Neighborhood Development."
- Johnson, Eric. *Central Michigan University/Department of History*. "RUI: Compliance with and Opposition to Totalitarianism."
- Kohfeld, Carol W. and Richard Rosenfeld. *University of Missouri-St. Louis/Department of Political Science*. "Spatial and Temporal Dynamics of Urban Homicide" (Collaborative with Sprague).
- Korenman, Stanley G., Richard A. Berk, and Neil S. Wenger. *University of California-LA/Department of Medicine*. "The Professional Norm of Researchers in Cellular and Molecular Biology."
- Levitt, Steven D. *Harvard University/Economics Department*. "Economic Approaches to Crime Policy."
- Lind, E. Allan *American Bar Foundation*. "Legal Authority in a Diverse Society: The Psychology of Cross-Ethnic Authority" (Collaborative with Tyler).
- Lutz, Nancy M. and Mary L. Russell. *University of Oregon/Department of Anthropology*. "Doctoral Dissertation Research: Pacific Northwest Forest Dispute Processes."
- Milun, Kathryn. *William Marsh Rice University/Anthropology*. "The Legal Mediation of Scientific and Cultural Values in the North Dakota Indian Reburial Dispute."
- Monkkonen, Eric H. *University of California-LA/Institute for Social Science Research*. "Homicide in Historical Perspective."
- Moore, Sally Falk and Sarah P. Robinson. *Harvard University/Anthropology Department*. "Doctoral Dissertation Research: Managing Conservation: An Ethnography of Law in the New England Fishing Industry in 1995."
- Musheno, Michael and Aogan Mulcahy. *Arizona State University/Department of Justice Studies*. "Doctoral Dissertation Research: Policing in Transition: Relations between the Royal Ulster Constabulary and Nationalist Communities in Northern Ireland."
- Norberg, Arthur L. and John P. Jackson. *University of Minnesota-Twin Cities/Department of History of Science and Technology*. "Doctoral Dissertation Research: Social Science, School Desegregation, and the Courts."
- Peluso, Nancy L. and Emily Harwell. *Yale University/School of Forestry*. "Doctoral Dissertation Research: The Politics of Inclusion: Natural Resource Rules and Conflict in Indonesian Borneo."
- Peluso, Nancy L. and Amity A. Doolittle. *Yale University/School of Forestry*. "Doctoral Dissertation Research: Property Rights and Land Use in Changing Rights, Changing Forests: Sabah, Malaysia."
- Peluso, Nancy L. and Peter Vandergeest. *Yale University/Department of Forestry*. "Property, Resources, and Globalization of Legal Systems."
- Poole, Debra A. and D.S. Lindsay. *Central Michigan State University/Department of Psychology*. "Parental Coaching and Children's Reports of Nonexperienced Events: The Contributions of Forgetting, Source Monitoring, and Acquiescence."
- Ruggiero, Kristin. *Individual Award*. "Transnational Diffusion of Legal Concepts."
- Saks, Michael J., Roselle L. Wissler, and Allen J. Hart. *University of Iowa/College of Law*. "Deciding Compensation for Non-Economic Damages."
- Sarat, Austin, Marianne Constable, David Engle, Valerie P. Hans, and Susan E. Lawrence. *Amherst College/Department of Law, Jurisprudence and Social Thought*. "Crossing Boundaries: Summer Training Institute in Law and Social Science."
- Scheppele, Kim Lane and Vivian Loyola Dames. *University of Michigan/Institute of Public Policy Studies*. "Doctoral Dissertation Research: Constructions of Citizenship and Peoplehood in Guam's Quest for Commonwealth."
- Segal, Jeffrey A. and Valerie J. Hoekstra. *SUNY at Stony Brook/Department of Political Science*. "Doctoral Dissertation Research: The Supreme Court and Grass Roots Politics: The Impact of Supreme Court Decisions on Local Public Opinion."
- Sheldon, Charles H. *Washington State University/Department of Political Science*. "SGER: A Political History of the Washington State Court of Appeals."
- Silbey, Susan S. *Wellesley College/Sociology*. "RUI/REU: Collaborative Research on Varieties of Legal Consciousness."
- Slovic, Paul and Donald G. MacGregor. *Decision Science Research Institute, Inc.* "Robustness of Scale Effects in Judged Probabilities of Violence."
- Sprague, John. *Washington University/Department of Political Science*. "Spatial and Temporal Dynamics of Urban Homicide" (Collaborative with Kohfeld).
- Steffensmeier, Darell J. and Edward S. Shihadeh. *The Pennsylvania State University/Sociology Department*. "Community-Risk Factors for Urban Violence: Effects of Economic Hardship, Family Structure, and School Process on Race- and Age-Specific Violence Rates."
- Tyler, Tom. *University of California/Institute of Personality and Social Research*. "Legal Authority in a Diverse Society: The Psychology of Cross-Ethnic Authority" (Collaborative with Lind).

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- Weiss, Edith Brown. *The American Society of International Law*. "Global Changes and Nonbinding Legal Accords."
- Weitzer, Ronald. *The George Washington University/Department of Sociology*. "Police-Community Relations in Washington, D.C."
- Wells, Gary L. *Iowa State University/Department of Psychology*. "Eyewitness Identification: Confidence and Ecphoric Judgments."
- Wiener, Richard L. *St. Louis University/Department of Psychology*. "Empirical Distinctions between the 'Reasonable Person' Standard and the 'Reasonable Woman' Standard in Sexual Harassment Cases."
- Yngvesson, Barbara. *Hampshire College/School of Social Science*. "RUI: Adoption as a Global Sociolegal Practice."
- Zuk, Gary and Gerard S. Gryski. *Auburn University/Department of Political Science*. "The Construction of a Multi-User Data Base on the Attributes of U.S. Courts of Appeals Judges, 1891-1992."
- Zuk, Gary and Gerard S. Gryski. *Auburn University/Department of Political Science*. "REU: The Construction of a Multi-User Data Base on the Attributes of U.S. Courts of Appeals Judges, 1891-1992."
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ANNOUNCEMENT OF VACANCY

NATIONAL SCIENCE FOUNDATION PROGRAM DIRECTOR, LAW AND SOCIAL SCIENCE

The Law and Social Science Program is searching for a new Program Director. The position is for a visiting scientist from an academic or research setting who is challenged by the opportunity to advance the field of sociolegal studies and to help shape future research policy in the Division of Social, Behavioral, and Economic Sciences. The term would start in the summer of 1996. Responsibilities include evaluating and recommending funding for research proposals, representing this multi-disciplinary field within the National Science Foundation, and representing the National Science Foundation in the law and social science community and other relevant settings.

The position requires broad knowledge of the field, a Ph.D. or the equivalent, at least six years of research experience, administrative skill, an interest in working with others, and the ability to communicate effectively. Appointments are for one year and are renewable for not more than two years.

For more information, please contact current Program Director C. Neal Tate (telephone: 703-306-1762, e-mail: CTATE@NSF.GOV) or Division Director William P. Butz (telephone: 703-306-1731, e-mail: WBUTZ@NSF.GOV). Both may be reached by mail at: Division of Social, Behavioral and Economic Research, National Science Foundation - Room 995, 4201 Wilson Boulevard, Arlington, VA 22230. Qualified persons who are women, ethnic/racial minorities, and persons with disabilities are strongly encouraged to apply. The National Science Foundation is an Equal Opportunity Employer committed to employing highly qualified staff that reflects the diversity of our nation.

The Year in Dissertations

- Bierman, Luke. "Identify and the Limits of Institutional Reform: The New York Court of Appeals in the Judicial Process." *SUNY/Albany*.
- Coglianesse, Cary J. "Challenging the Rules: Litigation and Bargaining in the Administrative Process." *University of Michigan*.
- Dugan, Deena P. "The Politics of Medical Malpractice Reform in the American States." *Johns Hopkins University*.
- Epp, Charles Robert. "Constitutional Courts and the Rights Agenda in Comparative Perspective." *University of Wisconsin-Madison*.
- Harris, Luke C. "The Meaning of Constitutional Difference in America." *Princeton University*.
- King, Kimi L. "An Empirical Analysis of Judicial and Administrative Decision-Making, 1970-89." *SUNY-Buffalo*.
- Kronebusch, Philip T. "The Use of Moral Philosophy in 20th Century Legal Theory." *Johns Hopkins University*.
- Morrison, Trudi Michelle. "Clash of Titans: Congressional and Executive Information Disputes and Negotiations." *University of Michigan*.
- Ostberg, Cynthia L. "A Tale of Two Courts: A Comparison of U.S. and Canadian Supreme Court Decisions After the Addition of the Charter of Rights and Freedoms to the Canadian Constitution." *Northern Illinois University*.
- Smith, Kevin H. "Supreme Court Agenda-Setting for Equal Protection Cases: An Empirical Analysis." *University of Iowa*.
- Spriggs, James F., II. "The Impact of the Supreme Court and the Court of Appeals for the District of Columbia on Federal Administrative Agencies, 1954-1990." *Washington University in St. Louis*.
- Stronks, Julia K. "Religion Defined." *University of Maryland at College Park*.

Using the Expanded Version of the Database

Harold J. Spaeth, *Michigan State University*

As this will be my last column under the editorship of Lee Epstein, I deem it appropriate to provide users with a checklist of the major considerations that should affect your use of the expanded database. It was completed this year and should be ready for release to researchers at institutions who are members of the Inter-University Consortium for Political and Social Research. The major difference between the original and expanded databases is that the latter contains the conference voting of the Vinson and Warren Court justices. I provide this checklist because of the markedly greater complexity that unfortunately—but necessarily—characterizes the expanded database as compared with the original one which contains only the justices' final vote. Because the greater complexity results from the multiplicity of votes, the listing below focuses on this feature of the expanded database as it applies to all but the Court's informally decided cases.

1. The database contains two versions of the justices' report votes. By no means are they redundant. See the discussion of the vote in the case (field 42 of the Documentation) for a specification of these differences. To access the report vote as specified by my co-compiler, Jan Palmer, suffix a '3' to the standard abbreviation of each of the justices' names whose votes are of interest. To access the report vote as I have compiled it, suffix an '8'. Failure to include a suffix between 1 and 8 in your command file is not a serious matter; the program simply will not run because a justice's name abbreviation without such a suffix does not compute.

2. The vote field for each justice suffixed with an '8' not only specifies the justice's report vote but also any opinion he may have written, as well as any justices whose opinions he may have joined. Congruently with the original database, this field has been segmented into four separate fields for those who wish to focus independently on the voting, opinion, and interagreement behavior of the various justices. Field 47 provides the coding commands. Note again that the selected justices' name abbreviations must be suffixed with an '8' to access this information.

3. Justices' name abbreviations ending in a '1' indicate the final preliminary vote cast by the specified justice in the case; a '2', the final conference vote on the merits. Votes suffixed with a '4' through '7' identify non-final votes of various kinds. To ascertain the specific kind of votes the justices cast in any case or set of cases the VOTETYP1 - VOTETYP7 variables have been constructed. (See field 43.) No VOTETYP8 exists; this would be redundant because the justices' name abbreviations suffixed with an '8' invariably pertain to my specification of that justice's report vote.

4. So that users may readily ascertain the presence of multiple preliminary, merits, and report votes, the sequence of each type of vote is provided. (See field 44.) Thus, if it is pertinent for you to know how many cert or merits votes a case contains, simply consult the SEQ1 or SEQ2 fields, which specify respectively whether the final preliminary vote (SEQ1) or the final merits vote (SEQ2) is the only one in the case. If the entry in

either of these fields exceeds 1, the nonfinal votes and their chronological sequence to the final one will be found in VOTETYP4 - 7 and SEQ4 - 7. Rarely does a case have more than a single report vote.

5. Because of the variety of options a justice has when casting a vote, the voting codes (see field 48) may be more detailed than a user desires. Hence, all votes except for the final report vote as I have compiled it have been collapsed into mutually exclusive and exhaustive groups: grant/reverse, deny/affirm, and nonparticipation. The use of this option is described in field 49. It obviously enhances comparison of different votes across cases or of the same vote in a set of cases. Note that the coding needed to access these votes simply extends the pattern employed for the other votes: the justice's name abbreviation (e.g., MAR, FORT . . . VIN), followed by the specific vote of interest (e.g., MAR1, MAR2, MAR3 . . . MAR7), and the addition of an 'R' (e.g., MAR1R, MAR2R, etc.).

6. Each vote contains associated fields in which the number of justices voting to grant/deny, affirm/reverse as the case may be is specified (see field 45) and the date the vote was cast (see field 26). For all nonpreliminary votes, separate fields identify the direction of the vote (see field 32) and whether or not the petitioning party won (see field 37).

7. The NOVOTE field allows users to include or eliminate multiple dockets decided by a single vote in which no separate votes were cast. Be sure to make a conscious choice either to include or exclude such dockets. (See Field 7.) Note further that the field governing your unit of analysis (Field 6) does not address this matter.

8. Paralleling the original database are two fields that recode my identification of the justices final report votes as majority or minority (see field 50) and the direction of each of the justice's final report votes (see field 51).

9. Although the original database allowed users to infer who assigned the Court's prevailing opinion, we have used the chief justice's assignment sheets to identify assigner(s) (see field 40). A parallel field (41) identifies assignees. While we cannot vouch for the accuracy of the chief justice's assignment sheets, they are more accurate than the inferential process on which one would otherwise depend. Beyond accuracy, the assignment sheets identify multiple assignments, which is not possible otherwise. An associated field (25) indicates the dates of assignment.

With the exception of three new identification variables, the remaining fields in the two databases are identical. The new fields overcome the duplication of docket numbers from one term to another (see field 3), and provide a citation history (see field 4). Field 5 contains the name of the case, albeit nonstandardly in many instances. Finally, I will continue to remain accessible to those who have questions or comments about either of the databases or their use. Feel completely free to do so.

*CQ Press
Award
for the
Best Paper
Written by
a Graduate
Student*

Section News

The 1994-95 Winner...

Valerie Hoekstra, *Washington University in St. Louis*, was the winner of the 1994-95 CQ Press Award. Her paper, "When the Court Hits Close to Home: The Supreme Court's Impact on Local Public Opinion," was submitted by Jeffrey A. Segal, *SUNY-Stony Brook*. What follows is the award citation, read by the chair of the award committee, Bradley Canon (*University of Kentucky*), at the 1995 Section meeting.

Using a panel design, Hoekstra looks at public awareness and opinion about the Supreme Court in the town immediately affected by the Court's 1994 *Kiryas Joel School District* case and compared it with awareness and opinion in surrounding areas of the county not so affected. (*Kiryas Joel* struck down the creation of a special school district for handicapped Hasidic Jewish children on establishment clause grounds.) Her paper is impressive both for a new approach to the interaction between the Court and public awareness of its decisions, and for its use of a quasi-experimental design to explore the Court's power to persuade.

Hoekstra is among the first scholars to measure the effect of the geographical immediacy of a Court decision on public awareness of and opinion about the Court. As expected, the *Kiryas Joel* decision was extremely salient in the town and less so in the surrounding county (although county residents were much more aware than the national average). She also

found that town's high salience respondents did not change their attitudes about the issue after the decision, while many in the county changed their attitude in the direction of the Court's decision. Finally, Hoekstra found that town residents who favored the special district became significantly less supportive of the Court in general while other respondents' support levels for the Court were unchanged.

Scholarly findings about the factors that affect both the public's specific and diffuse support for the Supreme Court have relied largely on national cross-sectional surveys. With considerable personal research effort, Hoekstra shows that us that geographical immediacy can affect public evaluation of the Court. We would expect her findings to apply to other types of immediacy as well. Her work helps open the door to more sophisticated research efforts about public support for the Court—a relationship that has both intrigued and frustrated researchers.

The 1995-96 Award...

Each year the Law and Courts section of the American Political Science Association sponsors a competition for the best paper written by a graduate student. If you have a graduate student who has recently completed a paper of particularly high quality, consider nominating the paper for this year's competition, the award includes a \$200 prize.

The rules for the competition are as follows: the paper must have been written by a full-time graduate student. Co-authored papers are eligible, but each author must have been a full-time graduate student when the paper was written. The paper must have been completed between January 1, 1995 and July 1, 1996. The subject matter should fall within the area of law and courts, broadly defined with respect to subject matter and methods of inquiry. The paper may have been produced for a course, presented at a conference, or written for some other purpose. Submissions should be of normal paper length; this is not a dissertation competition.

To be considered, three copies of the paper should be submitted by July 1, 1996 to Professor Harold Spaeth, Department of Political Science, *Michigan State University*, East Lansing, Michigan 48824. Other members of the award committee are Professor Lauren Bowen of *John Carroll University* and Professor Issac Unah, Department of Political Science, *University of North Carolina*, Chapel Hill.

The 1994-95 Winner...

Michael McCann's (*University of Washington*) *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (University of Chicago Press, 1994), was the winner of the 1994-95 Pritchett Award. James Gibson (*University of Houston*), chair of the committee, read the following citation at the 1995 Section meeting.

The committee charged with determining the best book published in 1994 in the field of law and courts has selected *Rights at Work*, by Michael W. McCann. The committee found several attributes of this book distinctive and worthy of recognition.

First, McCann addresses a problem of considerable importance for our field, and does so within a broad theoretical framework. The book concentrates on the interconnections between law and social change, using the comparable worth movement as a case study. Rather than adopting the "top-down" approach so common in studies of this sort—an approach invariably connected with the conclusion that law has little to do with social change—McCann analyzes the attitudes and actions of the front-line troops in the battles over comparable worth. The issue of pay equity is an important public policy topic; the question of the ability of law to bring about broad social change is perhaps one of the central questions of our field.

McCann's book, with its focus on strategies and motivations of activists, is also a welcome corrective to much contemporary research that restricts itself to examination of court output and major policy changes. For instance, McCann argues that many analyses of law and social change have misunderstood the importance of law because they looked for its effects too narrowly. Law is not a monolithic and single-minded institution; nor does it have an unflagging ideological grip on the down-trodden masses. Instead, law is a pluralistic institution, and the struggle over which interests gain political advantage from law is neither foreordained nor the product of simple relative power calculations. Because law is

pluralistic, its uses must be understood within particularized contexts.

The book is also an example of rigorous qualitative analysis. Though certainly exploratory in many important aspects, McCann's analysis is logically consistent and is grounded in empirically-based hypothesis testing. Although there can be little doubt that the author would resist his book being labeled as exemplar of the power and utility of positivism, certainly the agency that funded this inquiry—the National Science Foundation—will no doubt view the work as making an important contribution to the scientific study of law.

Finally, the book reaches some conclusions that are at odds with much previous research. His analysis challenges both critics and liberals, in part, we suspect, because McCann was able to put aside his own ideological commitments and let the "data speak for themselves." Legal rights do not automatically or inevitably empower people; but nor are they necessarily a sham and a hoax, a means of creating false consciousness and obedience. Instead, rights can be vested with meaning by the participants in disputes over social change, and it is possible -- not inevitable -- that rights are a means of challenging established authority and power. Whether they are used in this fashion is contingent upon a variety of contextual factors. The delineation of these factors is perhaps the next step in the research agenda McCann has helped to define.

In short, we view this book as an exemplary piece of research and we strongly recommend that you take some time to read it.

The 1995-96 Award...

The Law and Courts organized section invites submissions for the C. Herman Pritchett award. Any book authored by a political scientist in the field of law and courts (except casebooks and edited volumes), and published in 1995, is eligible for this award. Copies of the book being nominated should be sent to each of this year's selection committee members: Professor Phillip J. Cooper, Director, MPA Program, PO Box 5-4370, *University of Vermont*, Burlington, Vermont 05405-4379; Professor Christine Harrington, Department of Politics, *New York University*, 715 Broadway, New York, NY 10003; and Professor C. Neal Tate, *North Texas State University* (whose current address is: Law and Social Science Program, National Science Foundation, Room 995, 4201 Wilson Blvd., Arlington, VA 22230).

C. Herman Pritchett Award for the Best Law and Courts Book

*American
Judicature
Society
Award
for the Best
Paper
Written by
a Faculty
Member*

The 1994-95 Winner...

The winners of the 1994-95 Judicature award were Jeffrey A. Segal, *SUNY-Stony Brook* and Harold J. Spaeth, *Michigan State University*. Their paper, "The Influence of *Stare Decisis* on the Votes of U.S. Supreme Court Justices," will appear in the *American Journal of Political Science*. What follows is the abstract.

Theory: We test arguments from the legal model claiming that U.S. Supreme Court Justices will follow previously established legal rules even when they disagree with them; *i.e.*, that they are influenced by *stare decisis*.

Hypothesis: Because of the institutional features facing Supreme Court justices, we argue that justices who dissent from or otherwise disagree with Supreme Court precedents established in landmark cases are free not to support those decisions in subsequent cases.

Methods: A systematic content analysis of the votes and opinions of dissenting Supreme Court justices in a random sample of landmark decisions and their progeny.

Results: Overwhelmingly, Supreme Court justices are not influenced by landmark precedents with which they disagree. We replicate the research for nonlandmark decisions and find similar results. Alone among the justices studied, only Potter Stewart and Lewis Powell show any systematic support for *stare decisis* at all.

The 1995-96 Award...

The Law and Courts organized section invites nominations for the American Judicature Society Award given for the best faculty paper in the general area of law and courts presented at the American Political Science Association convention in 1995. The award includes a \$100 prize. Panel chairs and any member of the section may nominate. Nominations should be sent to Professor James Eisenstein, Department of Political Science, *Penn State University*, 107 Burrowes Bldg., University Park, PA 16801. Other members of the committee include Professor Melinda Gann Hall, *University of Wisconsin-Milwaukee* and Professor Theodore Pedeliski, *University of North Dakota*.

*From the
Section
Chair*

(continued from p. 1)

Not enough of us take advantage of *The Law and Politics Book Review*. This is a shame because it is a no-cost to you publication and is as close as your computer. The reviews are published on line almost as soon as the author gets it to Herb, gaining six months to a year over most journals. Reviewers do not have any real space limitation, so whatever the reviewer feels should be said can be said. One may access *The Review* through internet by subscribing to LPBR-L by sending the command, SUBSCRIBE LPBR-L [YOURNAME], to LISTSERV@LISTSERV.ACNS.NWU.EDU

We are working on standardizing a directory that will not be costly beyond its utility. A committee is pursuing the possibility of getting more

on-line information from APSA so that we do not have to duplicate questionnaire costs and downloading. The use of the directory is mainly in indicating subfields and research concentrations and this may be too specific for APSA purposes.

Finally, a word about our numbers. We continue to be one of the largest two or three sub-fields in the association the current print-out of our members shows considerable growth in recent years and the turnout at our San Francisco panels has entitled us to add a new panel next year. All of these are positive developments.

Conference Schedule, 1996

Western Political Science Association	San Francisco, CA	March 14-16, 1996
Southwestern Political Science Association	Houston, TX	March 20-23, 1996
Midwest Political Science Association	Chicago, IL	April 18-20, 1996
Law and Society Association	Glasgow, Scotland	July 10-13, 1996
American Political Science Association	San Francisco, CA	August 29- September 1, 1996
Southern Political Science Association	Atlanta, GA	November 7-9, 1996
Northeastern Political Science Association	Boston, MA	November 14-16, 1996

Conferences/Calls for Papers

Special Issue of Studies in Law, Politics & Society on Law and Popular Culture

Volume 17 of *Studies in Law, Politics & Society* will be devoted to the exploration of the complex connections of law and so called "popular culture," to the ways legal forms map and maintain forms of representation that are available in culture more generally, to an examination of the way images circulate in and between legal and cultural settings, as well as to the description of the meaning and significance of globalization for cultural representations of law. Articles might address themselves to historical examples of law in popular culture, to readings of particular representations of law in film, on television, or in other popular media, to assessments of changes in the form and content of law as a reaction to its popularization, and/or to the creation of legal consciousness associated with that phenomenon.

For this special issue of Law and Popular Culture we are seeking broad representation of disciplines, theories, and methods. We would be pleased to answer any questions concerning the issue or possible submissions. Papers should be submitted for review by July 1, 1996 to Professor Austin Sarat/Susan Silbey, Editors, *Studies in Law, Politics & Society*, c/o Department of Law, Jurisprudence & Social Thought, Box 2259, Amherst College, Amherst MA 01002.

Law and Society Association

The Program Committee of the Law and Society Association and the Research Committee on the Sociology of Law (ISA) has issued a Call for Participation for its International Conference on Law and Society which will be held July 10- 13, 1996 at the University of Strathclyde in Glasgow, Scotland. The theme of the meeting is "Globalization and the Quest for Justice." Proposals are invited for paper, panel, and roundtable participations. Due date: January 4, 1996 (later submissions considered on space available basis). For a copy of the Call contact: Executive Offices, Law and Society Association, Hampshire House, University of Massachusetts, Amherst, MA 01003 (ph. 413-545-4617; fax 413-545-1640, e-mail: LSA@LEGAL.UMASS.EDU), or download from WWW-UNIX.OIT.UMASS.EDU/~LSAPG/GLASGOW.HTML.

Research Committee on the Scientific Study of Judicial Politics

The Research Committee on the Scientific Study of Judicial Politics will hold its first annual conference on November 14-16, 1996 at Washington University in St. Louis, Missouri. The theme of the conference is "Preferences, Institutions, and the Study of Judicial Politics."

Those wishing to participate, as paper presenters or discussants, should contact Jeffrey A. Segal at: Department of Political Science, SUNY/Stony Brook, Stony Brook NY 11796 (e-mail: JSEGAL@DATALAB2.SBS.SUNYSB.EDU). Graduate students interested in presenting their dissertation research or in simply participating at the meeting, are especially welcome. All letters of inquiry should provide a brief summary of research interests and an abstract of the paper to be presented, if applicable. Deadline for submissions is March 1, 1996.

Travel and other expenses will be provided for a limited number of participants. For information on registration or the conference more generally, contact Lee Epstein (e-mail to: EPSTEIN@WUECON.WUSTL.EDU) or Gregory A. Caldeira (e-mail to: GCALDEIR@MAGNUS.ACS.OHIO-STATE.EDU)

The Law and Social Science Program of the National Science Foundation wishes to remind interested social scientists of its regular and special grant competitions, and to call special attention to a set of SPECIAL FUNDING opportunities that may be relevant to their research interests.

Types of Proposals

In addition to standard research proposals, the Law and Social Science program welcomes planning grant proposals, travel support, requests for conferences and other activities to lay the foundation for research, and proposals for improving doctoral dissertation research. The types of proposals desired by the special competitions are indicated in the descriptions of these programs, given below.

Regular Competition

The regular grant competition supports social scientific studies of law and law-like systems of rules. These can include, but are not limited to, research designed to enhance the scientific understanding of the impact of law; human behavior and interactions as these relate to law; the dynamics of legal decision making; and the nature, sources, and consequences of variations and changes in legal institutions. The primary consideration is that the research shows promise of advancing a scientific understanding of law and legal process. Within this framework, the Program has an "open window" for diverse theoretical perspectives, methods, and contexts for study. For example, research on social control, crime causation, violence, victimization, legal, social and political change, patterns of discretion, procedural justice, compliance and deterrence, and regulatory enforcement are among the many areas that have recently received program support. The target dates for the submission of proposals in the regular competition are January 15 for proposals to be funded as early as July and August 15 for proposals to be funded in or after January.

Global Perspectives Competition

The Program is also continuing its special competition for research dealing with global perspectives on sociolegal studies. The aim of this initiative is to support research on law and law-related processes and behaviors in light of the growing interdependence and interconnectedness of the world. The competition seeks to encourage examination of both global dimensions of sociolegal phenomena (e.g., disputing, law and social change, legal pluralism, legal system development, social control, crime causation) and sociolegal dimensions of global phenomena (e.g., democratization, economic and commercial transactions, immigration and population shifts, social and ethnic conflict, regulation of the environment, public and private governance). Proposals are welcome that advance fundamental knowledge about legal interactions, processes, relations, and diffusions that extend beyond any single nation as well as about how local and national legal institutions, systems, and cultures affect or are affected by transnational or international phenomena. Thus, proposals may locate the research within a single nation or between or across legal systems or regimes as long as they illuminate or are informed by global perspectives. Proposals submitted to the global perspectives competition must be received at NSF by February 1.

Special Competitions

In addition to the two Law and Social Science Program competitions, researchers should be aware of several special competitions in the social, behavioral and economic sciences: (1) the Human Capital Initiative, (2) Democratization, and (3) Human Dimensions of Global Change research opportunities, and (4) the Social Science Instrumentation competitions. Finally, Law and Social Science researchers may be interested in "cross-directorate" competitions in the NSF Environment/Global Change Research Program. Among these are (5) Methods and Models of Integrated Assessment, (6) Socioeconomic Driving Forces Affecting Water and Watersheds and (7) Decision Making and Valuation (both in the NSF/EPA Interagency Announcement of Opportunity/NSF EPA Partnership for Environmental Research and (9) Civil Infrastructure Systems.

Application Procedures

There will be specially designated application points and review procedures for the instrumentation competitions and the cross-directorate competitions. Details on these will be given in the relevant program announcements. For all the other competitions discussed here, sociolegal proposals may be submitted to the Law and Social Science program. Proposals should be prepared in strict accordance with the guidelines in NSF's Grant Proposal Guide (NSF 94-2). Proposals that do not conform to these guidelines may not be considered. The review process for the Law and Social Science Program requires approximately six months. It includes appraisal of proposals by ad hoc reviewers selected for their expertise from throughout the social scientific community and by an advisory panel that meets two to three months after the target/closing date for the competition. For further information on other programs or application procedures, write, call, or e-mail: C. Neal Tate or Patricia White, Program Officers, Law and Social Science Program - Room 995, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Phone: (703) 306-1762; e-mail: CTATE@NSF.GOV or PWHITE@NSF.GOV (Internet); Fax: (703) 306-0485/6.

**Announcement
from NSF**

The Corwin Award Needs More Endowment

The Corwin Dissertation Award is one of the very oldest given by the American Political Science Association. It is also one of the most underfunded and the amount awarded is among the very lowest given for an APSA prize. The Association's Council has decided that prizes must be for \$500 or more. Fortunately, past surpluses mean that a small increase will permit this.

The Corwin Prize is an APSA-controlled distinction, not one granted by the Law and Courts group, but the Law and Courts Section should support this prize as symbol of our sub-field's heritage and contribution to the development of political science both in the past and future.

Last year's Corwin Award Committee (chaired by Barbara Luck Graham, *University of Missouri, St. Louis*) presented the prize to:

Cary Coglianese, *Harvard University*, "Challenging the Rules: Litigation and Bargaining in the Administrative Process" (Dissertation Chair: Kim Lane Scheppele, *University of Michigan*).

James F. Spriggs II, *University of California-Davis*, "The Impact of the Supreme Court and the Court of Appeals for the District of Columbia on Federal Administrative Agencies, 1954-1990" (Dissertation Chair: Lee Epstein, *Washington University in St. Louis*).

Please send a check to support the Corwin Award made out to:

The Edward Corwin APSA Dissertation Award

And mail it to:

Samuel Krislov
Department of Political Science
1414 Social Sciences Building
University of Minnesota
Minneapolis, Minnesota 55455

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Subscriptions of **Law and Courts** are free to members of the APSA's Law and Courts section. Please contact the APSA to join the Section.

Submissions to **Law and Courts** are welcome. The deadline for submissions for the next issue is March 1, 1996.

Law and Courts

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