

CONFRONTING THE COURT:

THE SUPREME COURT, THE CONFRONTATION
CLAUSE, AND THE WAYS THEY INTERACT

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BACKGROUND

“IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT . . . TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM.”

- 6TH AMENDMENT

HYPOTHESIS

- THE SUPREME COURT DEALS WITH CONFRONTATION IN MUCH THE SAME WAY AS ANY OTHER CASE.
- NO STATISTICAL DIFFERENCE BETWEEN CONFRONTATION AND OTHER KINDS OF CASES.



LITERATURE

- NO RESEARCH FOUND TO BE QUITE THE SAME AS MY IDEA.
- RESEARCH ON COURT LED ME TO EXAMINE LOWER COURT OPINION, CHIEF JUSTICE, AND TERM.



MODEL

- SUPREME COURT JUDICIAL DATABASE, 1953 - 1997
- INDEPENDENT VARIABLES:
 - LOWER COURT IDEOLOGICAL DIRECTION
 - CHIEF JUSTICE (WARREN, BURGER, REHNQUIST)
 - TERM
- DEPENDENT VARIABLE:
 - SUPREME COURT IDEOLOGICAL DIRECTION

FULL DATASET REGRESSION

- LOGISTIC REGRESSION OF LOWER COURT, WARREN, BURGER, AND TERM
 - LOWER COURT AND WARREN SIGNIFICANT
 - PSEUDO R^2 : 0.0446

FULL DATASET REGRESSION

Figure 9: Logistic Regression of newBIDIR by newBILCTDIR, WARCOURT, BURGCOURT, and TERM

newBIDIR	Odds Ratio	Standard Error	z value	P > z 	95% Confidence Interval	
newBILCTDIR	.7193641	.0288282	-8.22	0.000	.6650239	.7781446
WARCOURT	2.411229	.327409	6.48	0.000	1.847813	3.146436
BURGCOURT	1.094565	.0820158	1.21	0.228	.9450634	1.267716
TERM	.9922944	.0042875	-1.79	0.073	.9839265	1.000733
Constant	1.270163	.4977728	0.61	0.542	.5892184	2.738058

Observations: 11,410
LR Chi²(4): 701.94

Probability > Chi²: 0.0000
Pseudo R²: 0.0446

NON-CONFRONTATION RESULTS

- LARGELY SIMILAR TO FULL DATABASE RESULTS
 - LOWER COURT AND WARREN SIGNIFICANT
 - PSEUDO R^2 : 0.0439

NON-CONFRONTATION

Figure 10: Logistic Regression of newBIDIR by newBILCTDIR, WARCOURT, BURGCOURT, and TERM when sorted by newISSUE

Figure 10a: Not Confrontation

newBIDIR	Odds Ratio	Standard Error	z value	P > z 	95% Confidence Interval	
newBILCTDIR	.7264716	.029178	-7.96	0.000	.6714767	.7859707
WARCOURT	2.398651	.3273969	6.41	0.000	1.835628	3.134363
BURGCOURT	1.100657	.0828045	1.27	0.202	.9497613	1.275527
TERM	.992079	.0043041	-1.83	0.067	.983679	1.000551
Constant	1.286714	.5093706	0.64	0.522	.5949797	2.782672

Observations: 11,339
LR Chi²(4): 687.61

Probability > Chi²: 0.0000
Pseudo R²: 0.0439

CONFRONTATION ONLY RESULTS

- ONLY LOWER COURT DIRECTION SIGNIFICANT
- PSEUDO R^2 : 0.3983
- IMPLIES POSSIBLE POLITICAL DYNAMIC TO DECIDING CONFRONTATION CASES.

CONFRONTATION ONLY

Figure 10b: Confrontation

newBIDIR	Odds Ratio	Standard Error	z value	P > z 	95% Confidence Interval	
newBILCTDIR	.0222691	.0275983	-3.07	0.002	.0019625	.2527001
WARCOURT	1.77317	3.91643	0.26	0.795	.0233716	134.5282
BURGCOURT	.2054202	.3202058	-1.02	0.310	.0096784	4.359962
TERM	.1044201	.0995092	0.45	0.650	.8662981	1.258639
Constant	.0904936	.7572357	-0.29	0.774	6.82e-09	1200416

Observations: 71
LR Chi²(4): 38.25

Probability > Chi²: 0.0000
Pseudo R²: 0.3983

FUTURE RESEARCH

- LARGER SET OF CONFRONTATION CASES MAY DILUTE RESULTS.
- MULTIPLE AND VARIED MODELS REQUIRED.
- EXPLORING OTHER CONSTITUTIONAL ISSUES IN A SIMILAR WAY MAY REVEAL COURT'S OPERATIONAL BIASES.