

The Legal Model

Decisions of courts are based upon:

1. The facts of the case
2. The plain meaning of statutes and constitutional provisions
3. The intent of the framers
4. Precedent

Article I, Section 2.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

14th Amendment, Section 1

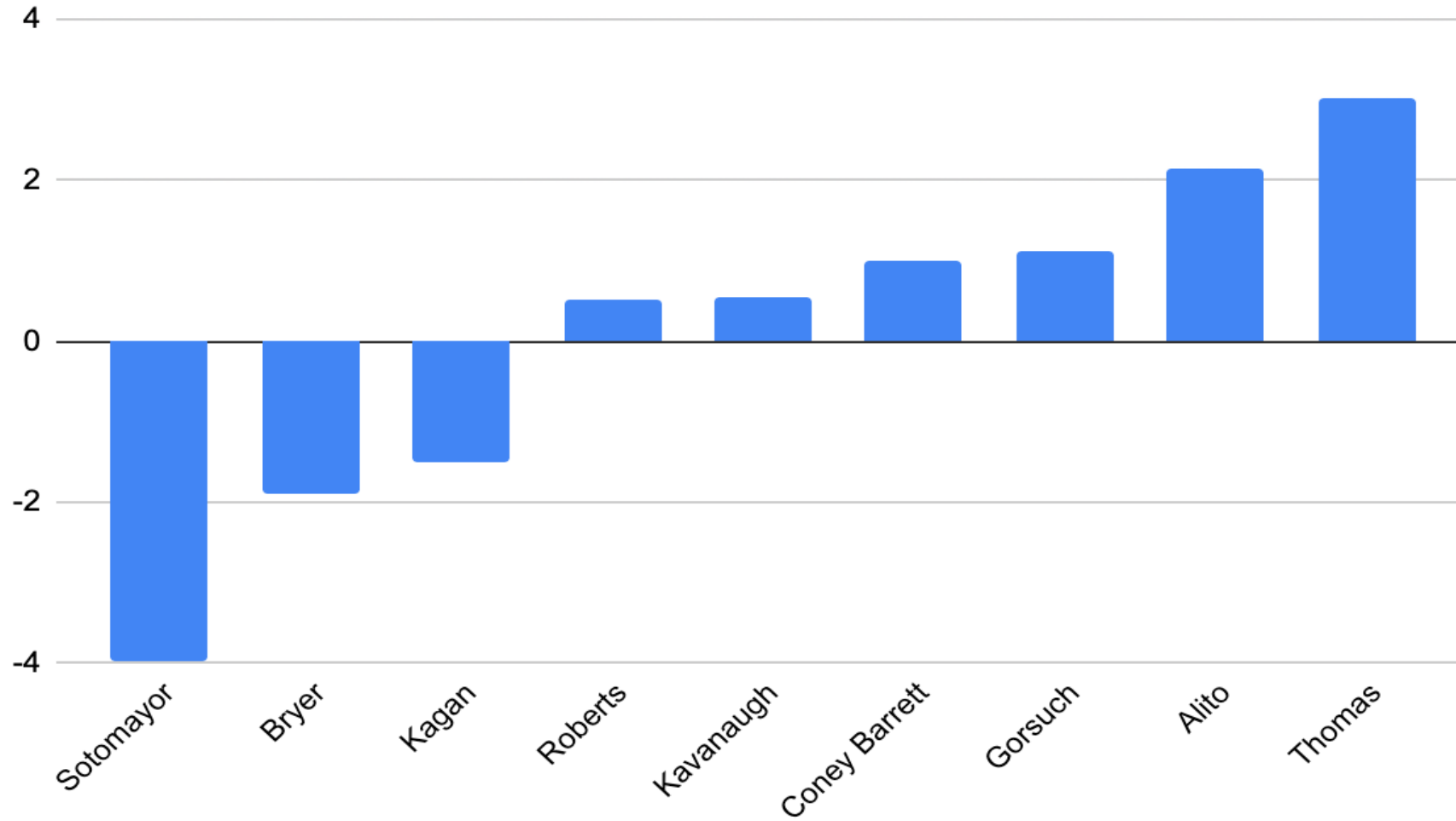
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Attitudinal Model

This model holds that the Supreme Court decides disputes in light of the facts of the case vis-a-vis the ideological attitudes and values of the justices. (Segal and Spaeth, p. 86.)

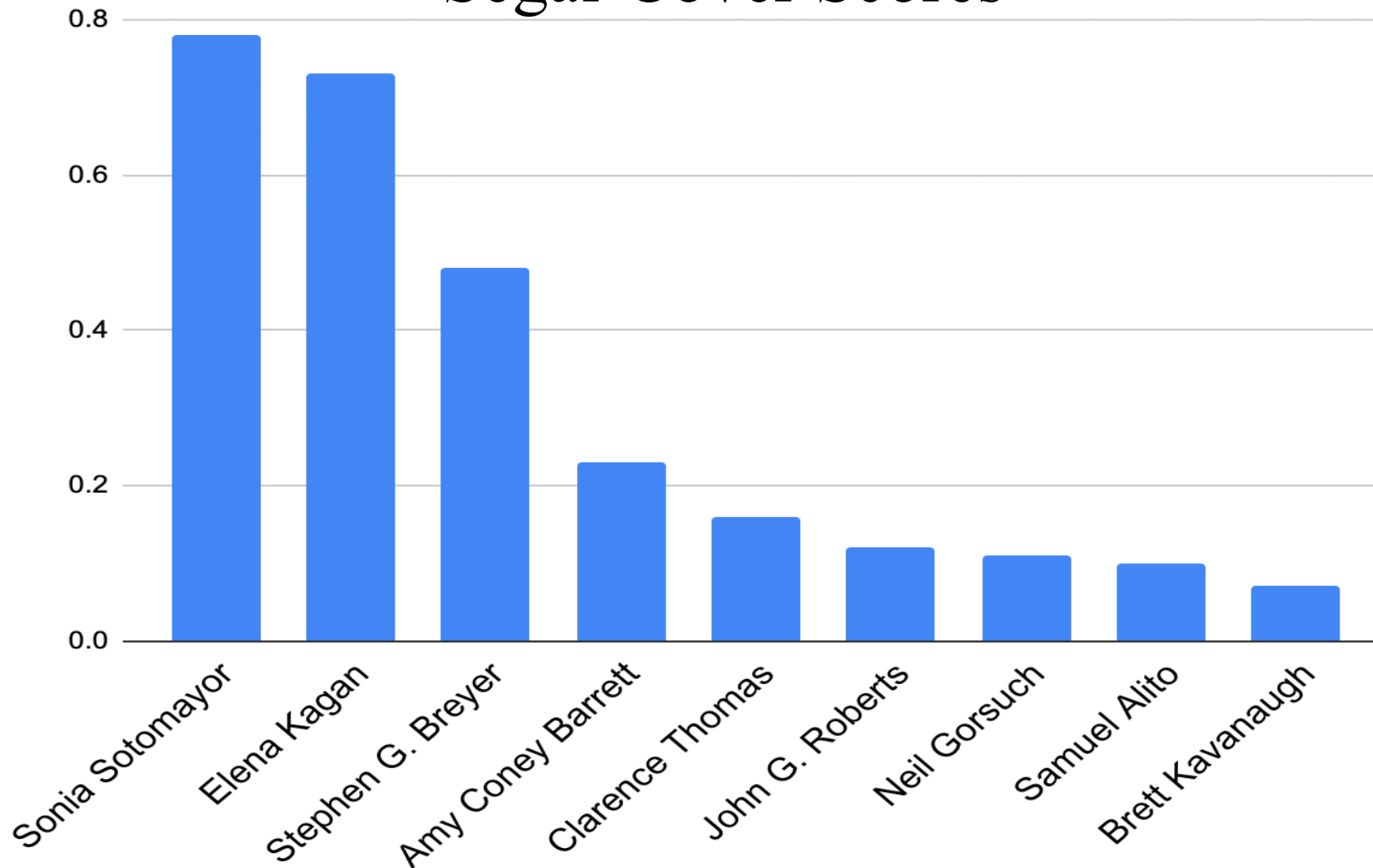
The Attitudinal Model holds that justices make legal decisions based on their own “ideological attitudes and values” (Segal and Spaeth, 1993:73) without the constraints of law and precedent.

Ideology of the Current Court



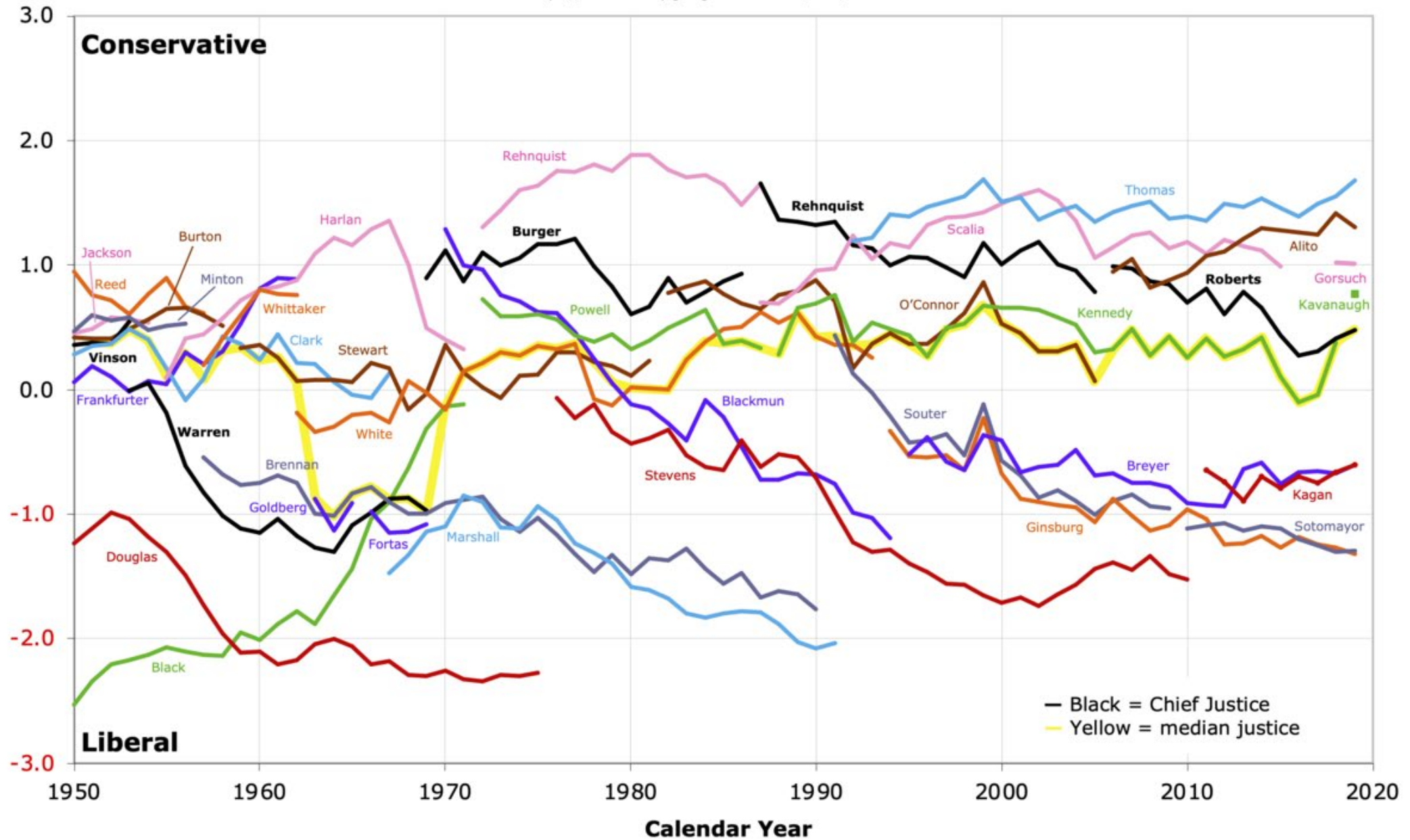
Ideology of the Current Court

Segal-Cover Scores

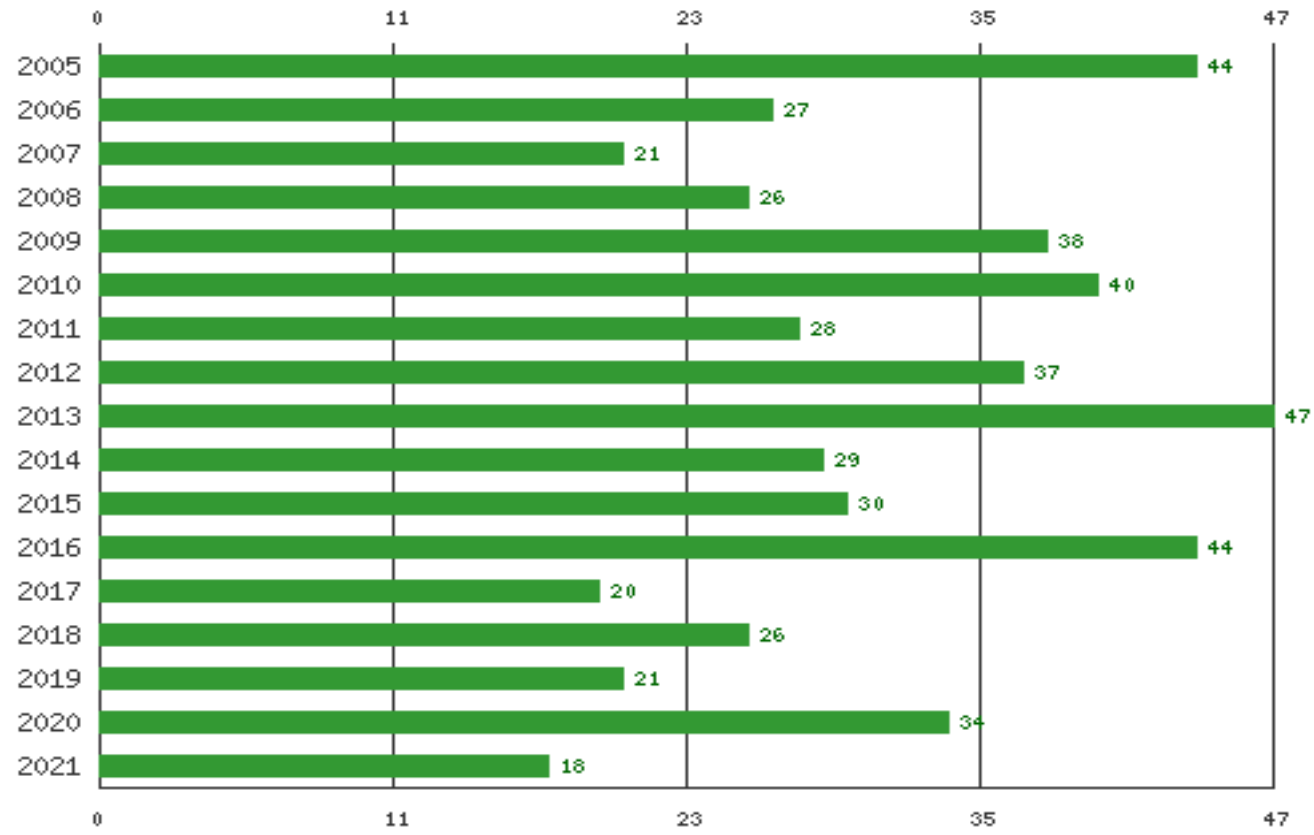


Ideological Leanings of Supreme Court Justices

Source Data: Michael A. Bailey, Georgetown University, 2021
<https://michaelbailey.georgetown.domains/data/>



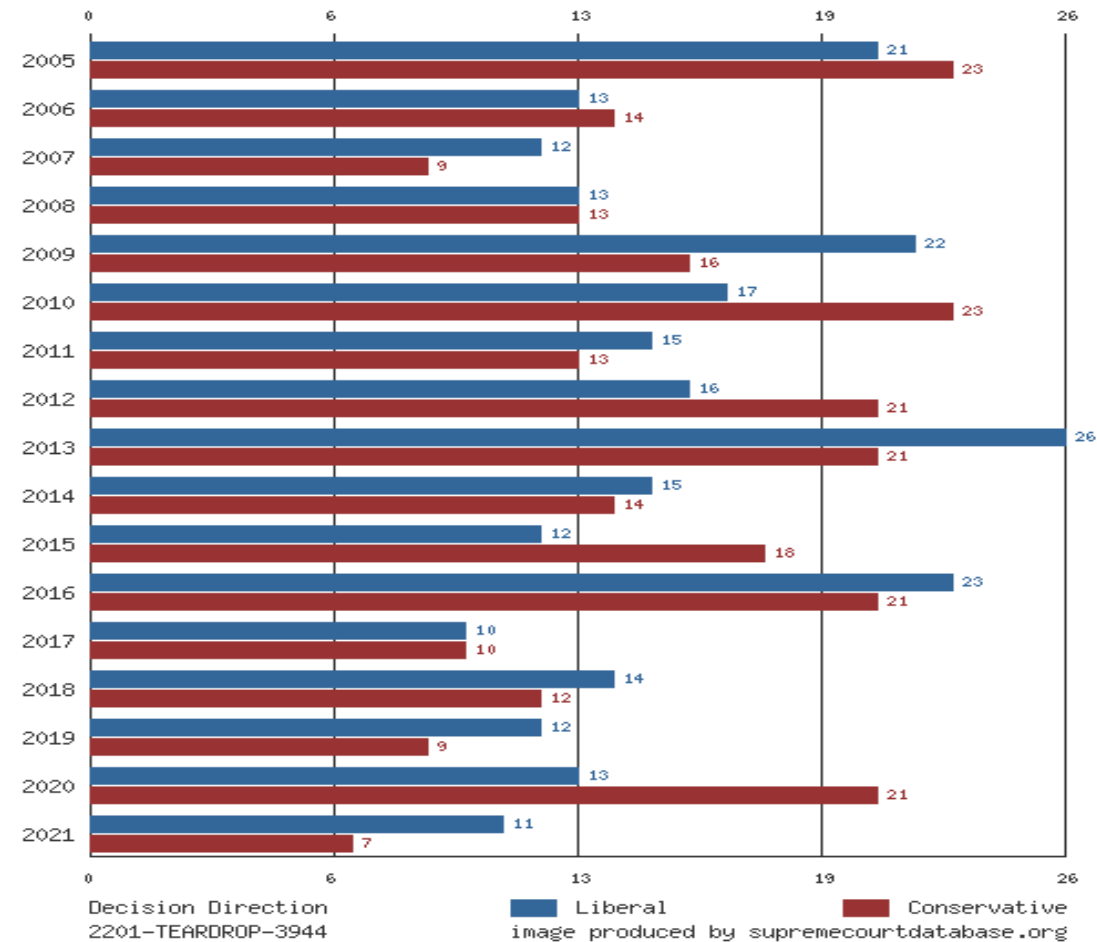
Unanimous decisions-Roberts Court



Case Frequency
2201-TEARDROP-3944

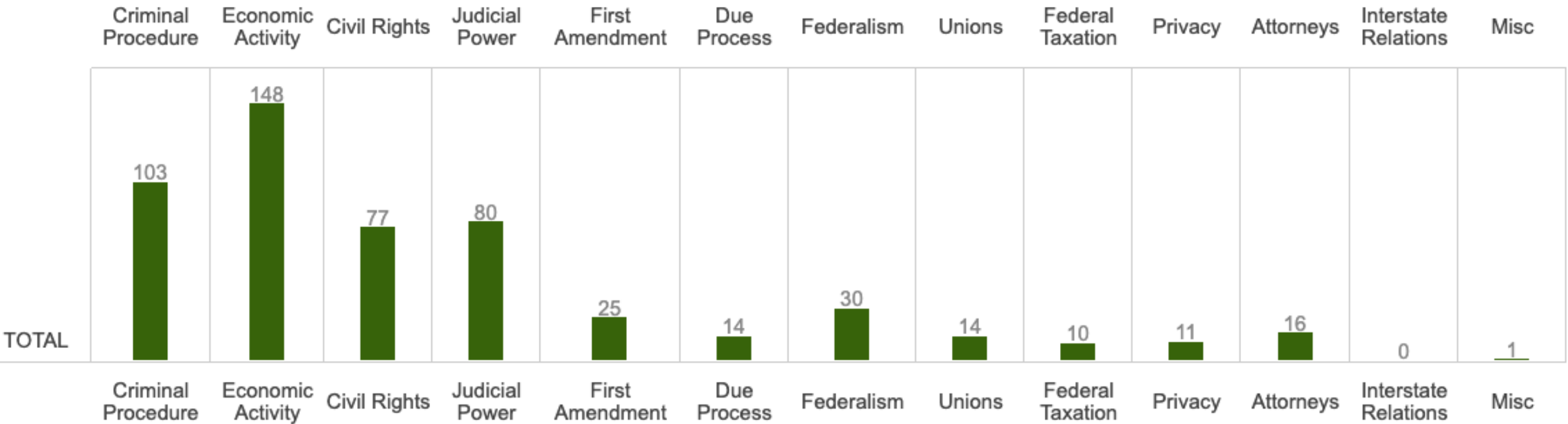
image produced by supremecourtdatabase.org

Ideological Direction of Unanimous Decisions- Roberts Court



Issues Decided by Unanimous Decision- Roberts Court

Issue Frequency & Distribution (Totals)



The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment

When the First Amendment was drafted, it applied only to the U.S. Congress. As such, state and local governments could abridge the Free Exercise Clause as long as there was no similar provision in the state constitution. In 1940, the Supreme Court held in *Cantwell v. Connecticut* that, due to the Fourteenth Amendment, the Free Exercise Clause is enforceable against state and local governments (this act of using the Fourteenth Amendment as the vehicle through which the Court applies the Bill of Rights to the states is also known as the [Incorporation Doctrine](#)).

Lemon Test for Establishment Cases

First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion, ... finally, the statute must not foster 'an excessive government entanglement with religion.' ...