

## The First Assignment

The first assignment for the course has two parts. First, you need to find the Supreme Court case *Screws v United States* on Lexis-Nexis and read all the opinions in the case. Then you must complete a quiz about the case. The Quiz is due at the beginning of class on January 6.

### FINDING THE CASE

The first reading assignment is a Supreme Court case, *Screws et al. v. United States*. You must read all the written opinions produced by the justices in the case.

To give you practice using electronic resources, you need to find the case yourself in the *Lexis-Nexis Academic Universe*. Lexis-Nexis is a huge Web based source of information on law and public affairs. As a student at the University of Washington, you have access to Lexis-Nexis through the library's website.

The case was decided in 1945. The official citation is 325 U.S. 91 (1945). That citation means that the case was reported starting on page 91 of volume 325 of the *United States Reports*, the official reporter that publishes decisions of the Supreme Court.

To get to the **Lexis-Nexis Academic Universe**, find the link to Research Databases on the libraries home page and then find the correct Lexis link. (There are several Lexis products available.) You may be asked to verify that you are an authorized user. If you are accessing the database from off campus, you need first to sign in for off-campus access on the library home page with your user-ID.

Once you get to the Lexis Academic Universe front page, click on the **Legal** tab, and then (on the right side of the legal page) on **Federal and State Cases**. You will then be on a page that allows you to search through titles or the full text of all the reported cases decided by federal courts in U.S. History. You will be able to find *Screws* by entering the right search terms on these pages.

The greatest strength of Lexis Nexis, its enormous size and comprehensiveness, sometimes makes it difficult to find the source you are looking for. If, for example, you go the **Federal Case Law**, enter in "Screws v. United States", and search Supreme Court decisions for all available dates, you will find not only the original case, but also all subsequent cases where federal courts have cited *Screws*.

Thus, you will need to come up with search parameters and search terms that will lead you to the right case. You can narrow your search by putting the names into the case search feature, and also by limiting your search to the right dates.

Each time you do a search on Lexis that produces at least one hit, you will get a *documents page*. You can click on any document on that page and see the full text of the case or article on your screen.

You may find more than one hit titled *Screws v United States*. Some of these are opinions issued in the same case by lower federal courts. One of them is a 1944 ruling by the Supreme Court that consists of a one-sentence statement announcing that the Supreme Court would issue a *writ of certiorari* in the case. Translated into English, this means that the Court announced that it would hear the appeal in the case. (The Court rejects the overwhelming majority of requests for appeals that it re-

ceives.) You need to find the 1945 case where the court made a decision on the case and issued several written opinions.

Once you have the right document, you should print it by going to **Print/Save Options** and using the **Print** commands on your browser. [If you try to read the case on the computer screen without printing you will a) not understand it at all, and b) go insane.] The format that Lexis displays and prints in is somewhat confusing (footnotes often show up in the middle of the page) but you will get used to it. On my browser, the case prints out at 38 pages. If you want to print the case on a website that produces a more printer friendly version, you can do that. But do try to find the case on Lexis/Nexis first. And make sure you print the right case and that you also have the footnotes.

On Lexis, cases often include a syllabus and other summary material at the beginning. I don't think the syllabus will be very helpful. The supporting material on Lexis is always confusing and often useless. You can give it a try if you believe it will help.

I strongly recommend that you write up a written summary or brief of the case. At a minimum, you should write a sketch or outline of the position taken in each of the written opinions. Highlighter pens are wonderful for some things, but are counterproductive when reading Supreme Court opinions. Useful information about cases and how to brief them can be found at:  
<http://www.lib.jjay.cuny.edu/research/brief.html>.

**Note:** This is an exceptionally confusing case, in part because the justices could not reach agreement on how to decide. Most Supreme Court cases produce an "Opinion of the Court" that announces the outcome of the case and the reasoning that the justices used to reach that outcome. Often, there is disagreement among the justices, and justices in the minority will write *dissenting opinions* announcing their reasons for disagreement. In some cases, a justice in the majority will write a *concurring opinion* explaining that he or she agrees with the outcome the majority produced but not with the reasoning that they used. However, even when there is disagreement, there is usually one opinion that a majority of five justices will sign onto as an "opinion of the Court".

In a very small number of cases, the justices are so divided that they cannot produce an opinion of the Court. *Screws* is one such case. In *Screws*, no group of five justices could agree on any outcome, so there is no opinion of the Court. Instead of splitting between two possible outcomes for the case, the nine justices divided among three outcomes. None of those three outcomes could get the five votes needed to produce a majority. As one of the justices explains in his opinion, a justice decided to switch his vote in order to break a deadlock and dispose of the case.

