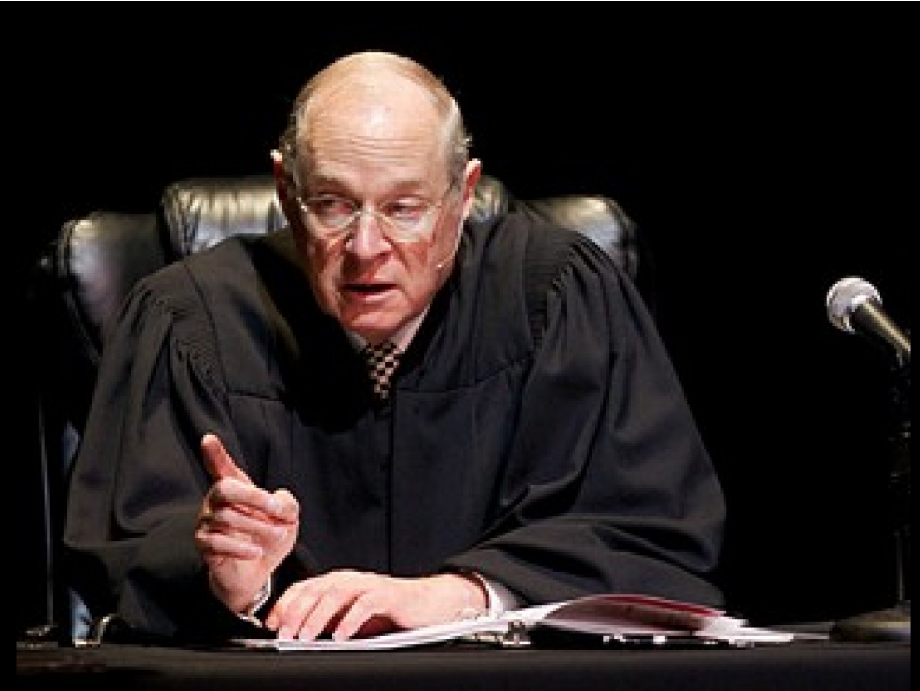




The Swing Vote and the Attitudinal Model of the Supreme Court: Explaining the ideological shift of the Court over time

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Outline

- .Review of the Literature
- .The Swing Vote and the Attitudinal Model: Question & Argument
- .Methodology & Data Collection
- .Results & Conclusion

Literature

Swing Vote

- There have been multiple definitions of the swing vote
 - Edelman and Chen – Each justice could be the swing vote.
 - Blasecki – Swing vote divides votes equally between sides.
 - My own definition



2/16/15

Literature



Question & Argument



Methodology



Results



Literature

Voting Fluidity

- There have been studies of voting patterns of Supreme Court Justices
 - Epstein 1998 – Ideological drift is likely.
 - Hagle & Spaeth – Justices do not often switch from majority to minority after initial votes have been cast.



Literature



Question & Argument



Methodology



Results



Literature

Judicial Behavior

- There are different models that describe judicial behavior.
 - Legal model – Justices rely on precedent when making decisions
 - Richards and Kritzer (2002) – Jurisprudential Regimes
 - Fowler (2008) – On precedent.
 - Attitudinal model – Justices rely on political preferences when making decisions.



2/16/15

Literature



Question & Argument



Methodology



Results



Question & Argument

How does the swing vote justice affect the ideology of the Supreme Court over time?

Question & Argument

Argument

- If the attitudinal model of judicial behavior is correct, then the justice who is identified as the swing vote will have more power than has previously been thought.

Literature



Question & Argument



Methodology



Results



Question & Argument

Hypothesis

- H1: Justice Sandra Day O'Connor will be in the majority of 5-4 decisions more frequently than other justices on the Court.
- As a result of O'Connor's prevalence in the majority, the ideology of the Court as a whole will be significantly influenced by Justice O'Connor's ideology.



2/16/15

Literature



Question & Argument



Methodology



Results



Question & Argument

Hypothesis

- H2: Justice Anthony Kennedy will be in the majority of 5-4 decisions more frequently than other justices on the Court.
- As a result of Kennedy's prevalence in the majority, the ideology of the Court as a whole will be significantly influenced by Justice Kennedy's ideology.



Literature



Question & Argument



Methodology



Results



Methodology

Data Collection

- Used oyez.org to compile an original data set.
- Catalogued the votes of each justice in every 5-4 Supreme Court decision starting with the 1981 term.



Literature



Question & Argument



Methodology



Results



Methodology

Data Collection

- Data set consisted of 29 variables, 669 cases.
- 19,401 Observations
- Accounted for circumstances such as split votes, opinion authorship, authorship of concurrence or dissent, and issue surrounding the case.



Literature



Question & Argument



Methodology



Results



Methodology

Data Collection

- Used SPSS to analyze all of the data.



Literature



Question & Argument



Methodology



Results



Results

Table 1:

Justice	Percent
O'Connor	66.0%
Kennedy	74.6%

Literature
□□□

Question & Argument
□□□□

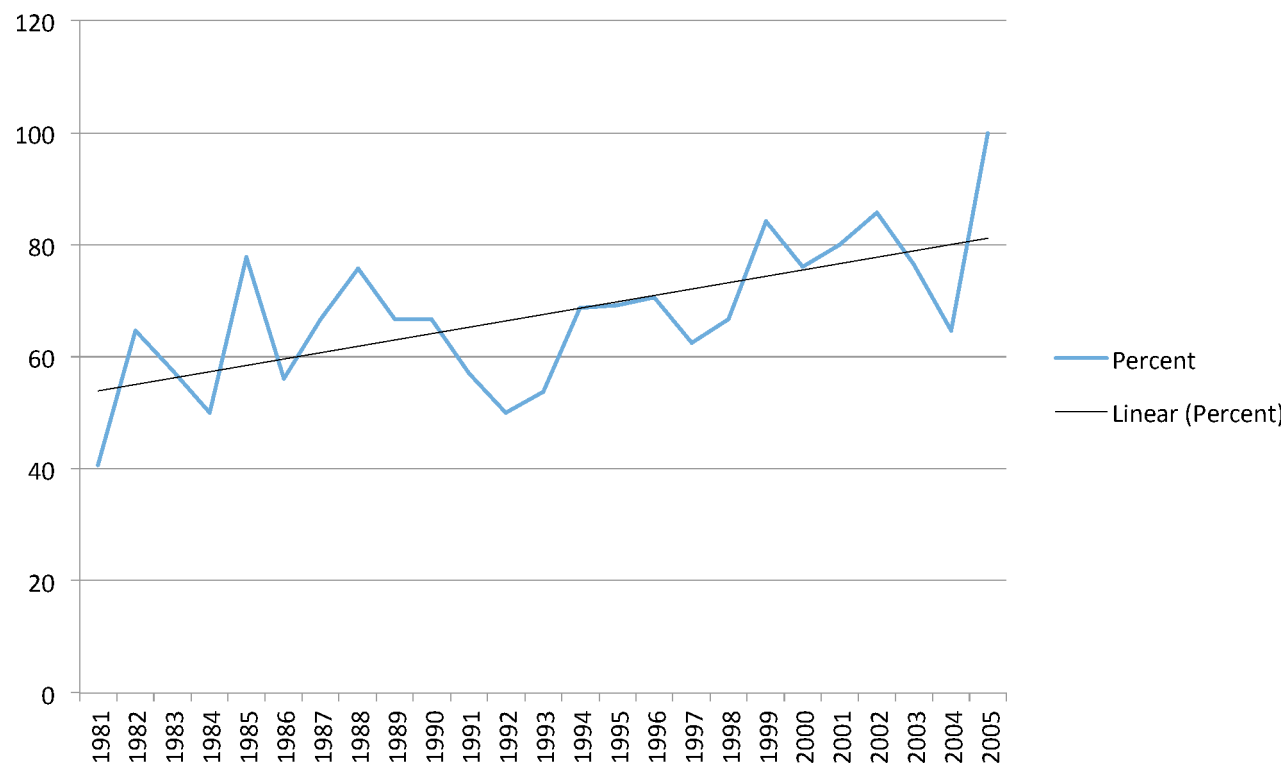
Methodology
□□□

Results
■□□

Results

Table 2:

O'Connor Majority Presence



Literature



Question & Argument



Methodology



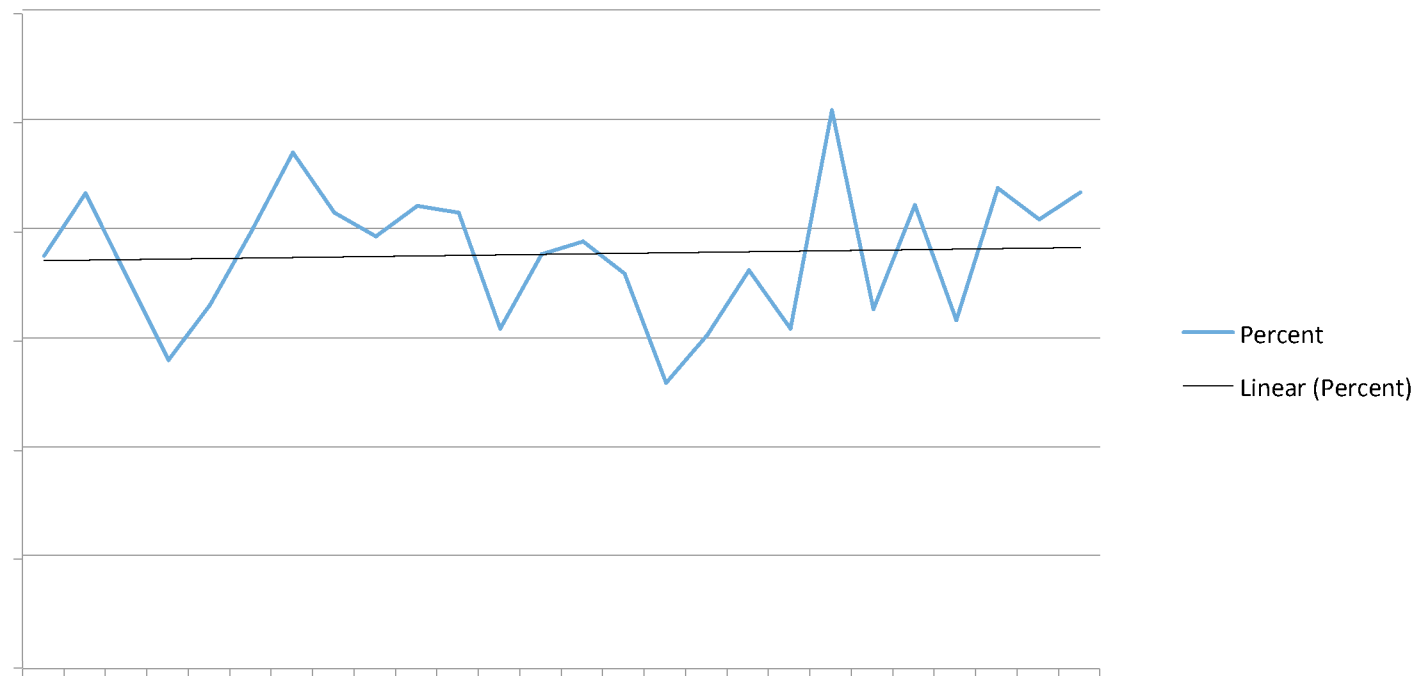
Results



Results

Table 3:

Kennedy Majority Presence



Literature



Question & Argument



Methodology



Results

