



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

terature

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



terature

ing 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.



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cial Behavior

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



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



Re



Question & Argument

othesis

- 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.



Question & Argument

othesis

- 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.



Methodology

a Collection

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



Methodology

a Collection

- Data set consisted of 29 variables, 66 cases.
- 19,401 Observations
- Accounted for circumstances such as split votes, opinion authorship, authorship of concurrence or dissent and issue surrounding the case.



Methodology

a Collection

- Used SPSS to analyze all of the data.



Results

Table 1:

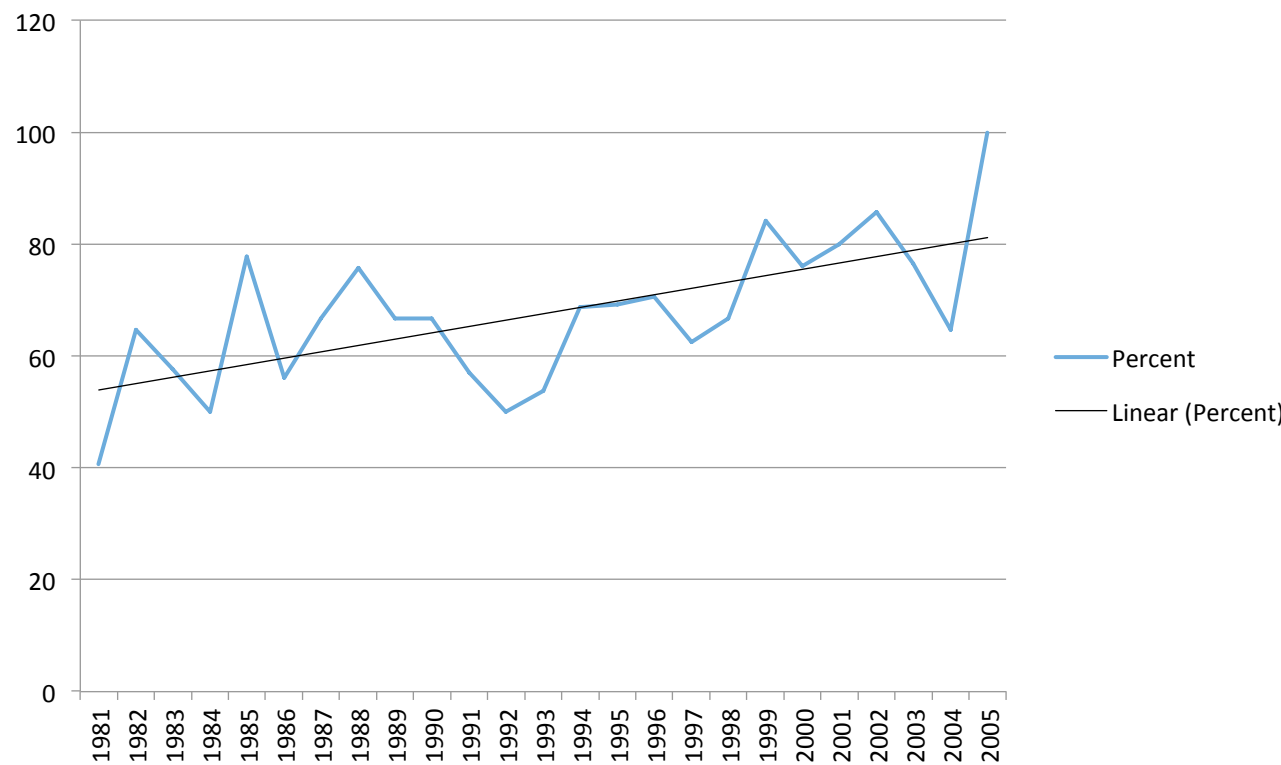
Justice	Percent
O'Connor	66.0%
Kennedy	74.6%

Literature	Question & Argument	Methodology	Re
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Results

le 2:

O'Connor Majority Presence



Literature



Question & Argument



Methodology



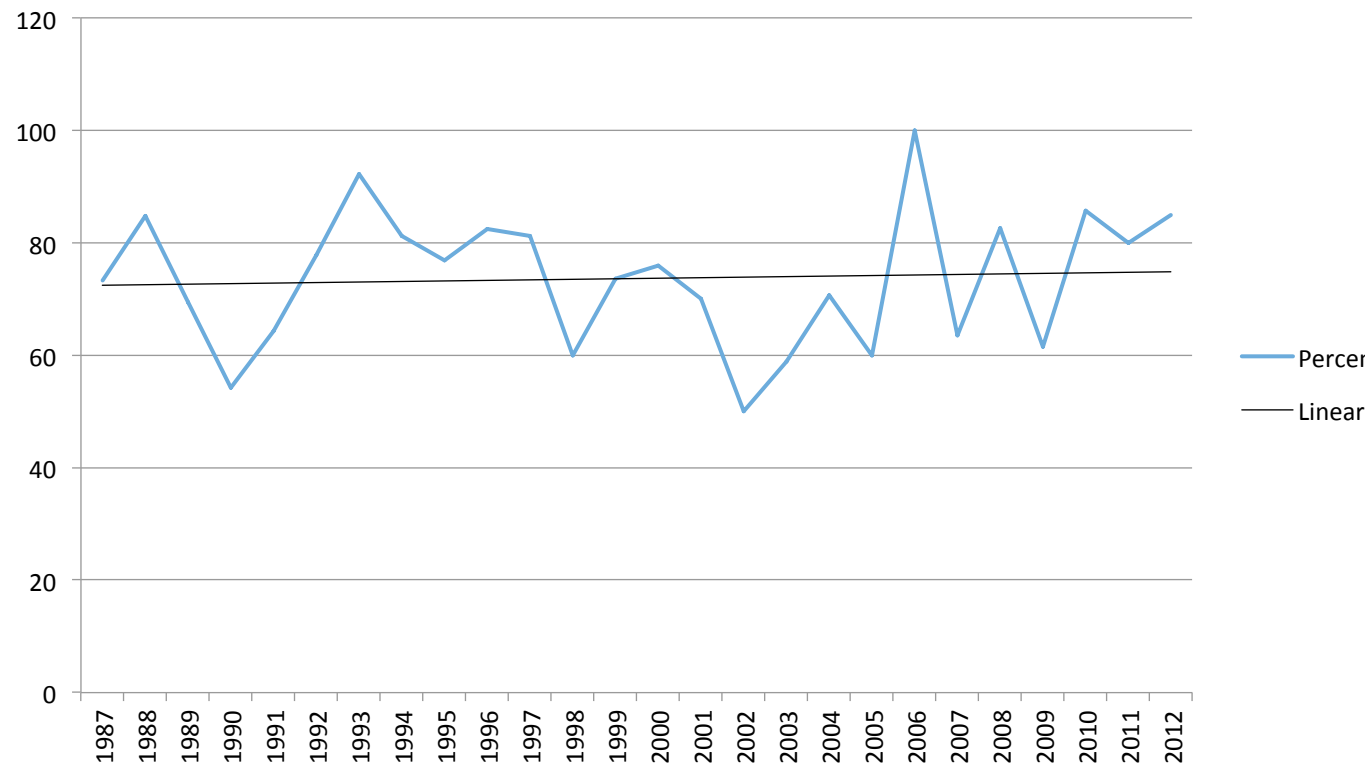
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Results

le 3:

Kennedy Majority Presence



Literature



Question & Argument



Methodology



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