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Title

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Permalink

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Journal

UC Merced Undergraduate Research Journal, 14(1)

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Publication Date

2022

DOI

10.5070/M414157329

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**Existence of Ideological Drift within the United States Supreme Court: An Analysis of
Conservative Majority Votes**

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Abstract

Ideological drift is the phenomenon in which an actor shifts their original political stance to the left or right of the political spectrum. Previous literature suggests that a liberal-inclined ideological shift occurs in the Supreme Court. However, there has been an absence of research confirming the presence of liberal ideological drift. The focus of this paper determines whether liberal ideological drift is prevalent in liberal justices and also perhaps the most surprising population: Conservative justices on the Supreme Court of the Modern Era (1946- present). We postulated that if a justice serves at least 10 terms, then a decreased frequency of majority conservative votes will be made evident, thus proving a liberal ideological drift. Our empirical findings support our postulation: a majority of conservative justices of the Modern Era have fewer conservative majority votes with the passage of 10 terms or more, therefore indicating an ideological shift to the left. There exist important caveats to our results, these include justices undergoing the acclimation or “freshman” effect (a phenomenon in which a justice will vote in accordance with the appointing president’s ideology). Our findings may provide useful information for the litigant community, advocates and opponents of Supreme Court term limits, and the general public.

Keywords: *Supreme Court, Supreme Court Justice, Ideological Drift, Liberal Justice, Conservative Justice, Bloc, Majority Opinion, Acclimation Effect, Freshman Effect*

Background

The United States Supreme Court may be the most impactful branch of government. The precedents and interpretations of both law and constitution have everlasting effects on the United States. Laws dictate all aspects of our life. The individuals responsible for the interpretation of laws, the Justices of the United States Supreme Court, have enormous power invested in them. Therefore, by analyzing their behavior and voting records, we may shed some light on future rulings. A justice's ideology is a crucial indicator to voting behavior.

Ideological drift is the phenomenon in which an actor shifts their original political stance to the left or right of the political spectrum. Previous literature suggests that a liberal-inclined ideological shift occurs in the Supreme Court (Epstein et al., 2007). However, there has been an absence of research confirming the presence of liberal ideological drift. The focus of this paper determines whether liberal ideological drift is prevalent in liberal justices and also in perhaps the most surprising population: Conservative justices on the Supreme Court of the Modern Era (1946- present). We postulated that if a justice serves at least 10 terms, then a decreased frequency of majority conservative votes will be made evident, thus proving a liberal ideological drift. Our empirical findings support our postulation: a majority of Conservative justices of the Modern Era have fewer conservative majority votes with the passage of 10 terms or more, therefore indicating an ideological shift to the left. There exist important caveats to our results, these include justices undergoing the acclimation or "freshman" effect (a phenomenon in which a justice will vote in accordance with the appointing president's ideology). Our findings may provide useful information for the litigant community, advocates and opponents of Supreme Court term limits, and the general public.

Literature Review

Previous literature was reviewed to determine the feasibility of the aforementioned topic. The literature indicates that justices diverge from their perceived ideological position. This divergent relationship becomes stronger as justices serve more time on the Supreme Court. Most justices tend to gradually drift to the left (Epstein et al., 2007). Incoming justices' ideological behaviors will remain consistent; however, this does not remain long term (Collins, 2008; Epstein et al., 2007; Epstein et al., 2015; Segal, 2000). Political scientists have disagreed with the findings found above. Farnsworth argues that the results merely indicate judicial behavioral changes; they do not demonstrate how these changes are important. Specifically, the importance of behavioral alterations providing advice to appointing justices (Farnsworth, 2007). Other research has yielded similar results and have found that two justices with identical ideology, when presented with different cases facts, may focus on different ideological preferences (Bustos & Jacob, 2014). Therefore, nuance does exist.

Owens and Wedeking examine cognitive inconsistency and ideological drift (2012). Cognitive inconsistency (cognitive complexity) refers to justice interpretation of worldly systems. For example, the least complex justices interpret the world on rigid rules and their ideology is consistent. High complexity justices determine their decision on numerous variables including behavioral ideology. Therefore, these justices are more likely to pursue ideological lines. Preliminary research indicates that justices that have cognitive inconsistency before nomination will drift more ideologically than justices with cognitive consistency. However, there has been no conclusive results linking cognitive complexity to ideological drift (Owens and Wedeking, 2012). For the purposes of this paper, we focus instead on the quantity of conservative majority votes to indicate the presence of ideological drift. Additional literature

indicates that justices will respond to public opinion in approximately one term after initial cue. Therefore, as the public becomes more liberal throughout time, justices mimic the current ideology (leaning left) in order to resemble the public (Flemming & Wood, 1997; Malhotra & Jessee, 2014; Epstein et al., 2015). A prime example would be Justice Rehnquist becoming less conservative once he became Chief Justice. The results are intriguing and may provide indication of justices' tendency to gradually drift to the left, and therefore corroborate the findings substantiated by (Epstein et al., 2007). However, more research must be conducted to confirm the validity of the claim.

Our objective is to examine conservative majority votes of the Modern Era of the Supreme Court in order to explore the possibility of ideological drift; furthermore, we will dissect the possible impacts of ideological drift. Previous researchers have developed models to estimate the ideology of Supreme Court Justices after each official vote and provide greater indication of the level of uncertainty for the perceived ideology (Jessee & Tank, 2011). These models compare the perceived ideological preferences of justices with their actual preferences by examining each official vote. Additional literature regarding the Segal-Cover scores revealed Supreme Court nominees' base ideology before Senate confirmations by utilizing newspaper editorials free from judicial bias (Segal & Cover, 1989; Segal et al., 1995). These cross-sectional studies are useful for singular instances of voting behavior and to establish an initial ideological stance. However, our model utilizes the longitudinal approach to determine voting trends over longer periods of time, this will reveal potential ideological drift.

If there is indeed ideological drift, then it is crucial to analyze the potential effects ideology may have on decision procedures. For example, justices can influence the docket by encouraging the litigant community to bring cases matching their ideological

behavior/preferences (Jacobi, 2008; Malhotra & Jessee, 2014; Epstein et al., 2015). The ideological interests of justices and the litigant community are intertwined. Justices seek mechanisms to alter law: through opinions or providing an opportunity for an issue to gain public awareness (Jacobi, 2008).

Theory

Assumption #1: The Supreme Court Justices have ideological preferences. The Supreme Court is often considered to be independent from political preferences, however the Supreme Court is more political than the average American's public perception of it. It is widely accepted that Supreme Court Justices have ideological preferences (Segal et al., 1995). Supreme Court Justice decision making on major cases align with the appointing president's party (Johnstone, 2018) early in their tenure. Ideological preferences underlie Senate confirmations of Supreme Court nominees (Ringhand, 2009).

Assumption #2: The President nominates Supreme Court Justices based on their preferences. The President nominates Supreme Court Justices based on ideology because justices have lifetime tenure as long as they conduct themselves with "good behavior" (lawful conduct). Presidents have an incentive to appoint Supreme Court Justices that have a similar ideological stance, this is because justices serve for a long period of time; this ensures that policies which support the president's party are secured and reinforced through case decisions. Also, ideology becomes an important factor the higher the level of the court (Bonica & Sen, 2017). Presidents seek effective and safe appointments for justices who demonstrate loyalty to the executive branch (Johnstone, 2018; Owens & Simon, 2012). Presidents are more likely to appoint Supreme Court Justices in order to formulate an ideological "bloc" that can exist for future generations (Johnstone, 2018). An extreme example of this behavior is court-packing, in which President

Roosevelt attempted to add a large quantity of justices aligned with his ideology to offset the ideological composition of the Supreme Court (Law, 2011).

Assumption #3: In the early years of their tenure, justices will be faithful (restricted) to the President's preferences. Incoming justices' ideological behavior will initially remain consistent from appointment; however, this will evolve over time (Epstein et al., 2007; Epstein et al., 2015; Hagle, 1993; Segal et al., 2000). Research indicates that justices with executive branch experience (held positions of power within the administration) will remain loyal longer than justices without the experience (Robinson, 2012).

Assumption #4: However, over the course of tenure, a Supreme Court Justice will be influenced by their individual experiences within the court. The Justice will then begin to shift ideologically from initial political preferences. Ideological drift among Supreme Court Justices occurs over their tenure (Epstein et al., 2007; Hurwitz & Stefko, 2004; Sharma & Glennon, 2013). Other research indicates that external actors (e.g., the public body) contribute to the court's legitimacy. This may correspond with ideological drift, as justices may drift to resemble the public's political preferences (Flemming & Wood, 1997; Malhotra & Jessee, 2014; Epstein et al., 2015). Indeed, public opinion has strong ties with public perception of Court ideology (Bartels & Johnston, 2013; Malhotra & Jessee, 2014). New literature suggests that justice voting behavior and policy formation are influenced by personal ("home state") interests and partisan affiliations (Yates et al., 2013; Johnstone, 2018). More than half of justices since 1937 have drifted away from the ideology of the president that appointed them, more to the liberal basis than conservative (Johnstone, 2018). Further evidence supports the notion that all justices since Rehnquist's appointment have experienced ideological drift (Ringhand, 2009; Wilson, 2014). A high frequency of justices has voted against the appointing president's policies over time in

accordance with ideological drift (Chabot & Chabot, 2011), key examples include Justice Blackmun, Justice O'Connor, and Justice Kennedy (Wilson, 2014).

Therefore, we expect that a Justice's initial/future ideological preference differentiations will be reflected in the majority voting decisions. As ideological drift tends to support the notion of right to left transformation (rather than the inverse) we believe that justices will begin their tenure with a significant number of conservative voting directions in majority voting. This applies to both conservative and liberal justices. Conservative justices will shift closer to moderate liberalism and liberal justices will shift farther to the left of the political spectrum. Throughout a justice's tenure, we anticipate a downward declining trend of conservative voting decisions in majority opinion votes.

We hypothesize that if a justice serves more terms (at least 10 or more), then a decreased frequency of majority conservative votes will be made evident in comparison to their previous terms. Our primary argument for our hypothesis is if there is ideological drift, as the previous literature established, then justice ideological drift should be reflected in majority voting. We postulate that moderately conservative justices will drift to moderate-liberal preferences and therefore vote less conservatively. The left-leaning trend may also be evident in extremely conservative justices. Therefore, we shall analyze justice's conservative decision making in majority decisions; we expect to see a decrease in conservative voting as justices begin to drift ideologically to the left.

Methods

The unit of analysis is the individual justices. We are studying each justice that served in the Modern Era of the Supreme Court from 1946-2018. There are approximately 40 justices that served in the Court during this period. There is a high degree of variation with tenure: some justices have considerable quantities of terms, others do not. The independent variable is the

justice's time served; the quantitative terms justices served in the Supreme Court. For reference, a "term" is from the first Monday in October to the next first Monday of October in the following year, although it is important to note that the Court takes a recess in late June/early July until the first Monday of October. The dependent variable is the number of conservative majority votes in that term. After analyzing each justice conservative decision in each term and combining all the data, we expect to see a decrease in conservative majority votes that indicate ideological drift. We also expect the decrease in conservative votes to support the literature of ideological shift towards liberal-leaning ideology. Our expectation consists of witnessing more justices shift ideologically to the left of the political spectrum rather than remain consistent or shift to the right. The results could yield potential outliers of justices that break with our expected trend pattern; these outliers will be explained in the results. The dataset we decided to use includes all Supreme Court Justice conservative majority voting decisions throughout their tenure. The data source is from the Supreme Court Database, and we used the modern database which fully encompasses the Era of 1946-2018.

With our paper, we intend to prove that ideological drift exists, but also to establish that ideological drift is evident in the majority voting of each justice. Therefore, we shall extrapolate ideological drift from the dataset. The dataset will be on majority voting and the dataset will include Supreme Court Justices from 1946-2018. There are approximately 40 justices and with the data we will have 40 observations (each justice's tenure will serve as an observation in this study). Our data will be displayed as line graphs (please review Figures 1-8 in the Appendix) with the y-axis representing the amount of conservative majority votes and the x-axis representing years (terms) of justice's tenure.

The reason we are observing conservative vote directions is because we expect to

discover fewer conservative decisions over the course of a justice's tenure. Therefore, this model could prove that Supreme Court Justices (regardless of initial political preferences) are subject to ideological drift. We shall base this on the number of conservative decisions. The number of conservative decisions will decrease overtime time according to our hypothesis. Our study aims to prove that Supreme Court Justices have ideological drift and that ideological drift is present in decision making . At the end of this research paper, we will discuss the possible impacts a left-leaning ideological drift may have on decision making. Furthermore, we shall postulate whether ideological drift has lasting impacts on the ideological composition of the Supreme Court. However, our data will be focused primarily on individual ideological drift in majority voting decisions.

The Supreme Court Case Issues used for this database are attorneys, civil rights, criminal procedures, due process, economic activity, federal taxation, Federalism, First Amendment, Interstate relations, judicial power, miscellaneous issues, privacy, private action, and union issues. The issues above best represent the case issues the Supreme Court Justices have decided for the modern Supreme Court. To reduce omission bias with our datasets, we decided to include all 13 issues within the Supreme Court database, as the types of cases fluctuate with the passing decades. Political and social movements often correspond to the types of cases seen within the Supreme Court. For example, a justice in the 1960s may have reviewed more civil rights cases than a justice in the 1990s. Therefore, it is crucial to have all the issues included to prevent any confounding variables that may affect our results.

To eliminate bias in the dataset, various measures were implemented to prevent misleading representation of data. For instance, we curtailed omission bias (a form of selection/sampling bias) by including all justices from 1946-2018. We did not want to select

justices that would only support our hypothesis as we strived to ensure that our hypothesis is falsifiable. We utilized the Modern Era 1946-2018 data, because the legacy data may have discrepancies. Furthermore, liberal/conservative policies of the 1800-1900s were not clearly defined as contemporary standards. Finally, we included all 13 major issues when examining court cases, we did not wish to only select court cases in which the entire composition of the Supreme Court (both conservative and liberal) would always unanimously agree, nor choose cases that would clearly favor less conservative decision making. We curtailed inclusive bias (a form of selection/sampling bias) by not omitting any justice from 1946-2018 nor any case type for the same reasons of eliminating omission bias. Also, we prevent respondent bias by utilizing datasets from an existing reliable database; we eliminate the potential for respondent biases including acquiescence bias, sponsor bias, and social desirability bias.

Results

Our empirical results of the Supreme Court Justices majority conservative voting records support our primary hypothesis. The number of conservative decisions does decline for many of the justices throughout the course of their tenure. Various justices support our hypothesis of ideological drift. Furthermore, we note a decline in the conservative majority votes after 10 terms. These justices include Blackmun, Harlan II, Ginsburg, Minton, Marshall, Kennedy, Reed, Rehnquist, Stevens, Thomas, Scalia, and Souter (Figures. 1, 3, 4, 5, 6 respectively). These justices show a significant decrease in the number of conservative decisions throughout their careers, especially notable after ten terms (10 years), this is corroborated by additional research (Sharma and Glennon, 2013). A prime example may be viewed in Figure 1, Justice Blackmun, considered a conservative according to the Segal-Cover score and by President Nixon that appointed him (Segal & Clover, 1989; Segal et al., 1995). In the 1970s, he had an average of 70

conservative majority votes, but in the mid-1980s onwards, the number of conservative votes dropped dramatically to 40-20 votes per term, respectively. Figure 3 highlights Justice Ginsburg's decrease in the number of conservative majority votes throughout the course of her tenure. Justice Marshall (Figure 4) and Justice Kennedy (Figure 4) had long tenures and both justices had a dramatic decrease in the number of conservative decisions. Additionally, conservative justices such as Reed, Souter, Scalia, Thomas, and Rehnquist (Figures. 5, 6, and 7 respectively) had a decrease in the number of conservative voting alignment after the 10-term mark as well.

Other justices had a minor decrease in the number of conservative majority votes, but still have significance for our study. Justices such as: Burger, Frankfurter, Brennan, Breyer, Clark, Douglas, Jackson, Sotomayor, Black, Warren, Alito, Burton, White, and Powell (Figures. 1-8) had decreased in the number of conservative majority voting. Justice Brennan's (Figure 1) conservative voting record stays within a range of high 30s to low 40s throughout his tenure. However, at the halfway point of his tenure (after 10 terms), Brennan's total number of conservative decisions are in the low 30s and he ends his career in the low 20s. While the number of conservative votes is not as dramatic as other justices, the decrease in conservative decisions is still present. Other justices such as Burger (Figure 2), Frankfurter (Figure 3), Breyer (Figure 1), Clark (Figure 2), Douglas (Figure 2), Jackson (Figure 4), Powell (Figure 5), Alito (Figure 1), Burton (Figure 2), and White (Figure 8) have decreases but are minor compared to other justices. An important finding is that these justices show a decrease in the number of conservative votes towards the end of their careers. This is an incredible finding as Burger, Jackson, Powell, Alito, Burton, and White are considered conservative justices based on the Segal-Cover score (Segal & Clover, 1989; Segal et al., 1995). The conservative vote does

fluctuate throughout their tenures, but there is an overall decrease in the total number of conservative decisions each year following the ten-year mark. Another interesting result was that the majority of liberal (moderate to liberal leaning) justices tested (Frankfurter, Brennan, Breyer, Clark, Douglas, and Sotomayor) showcased a minor decline in conservative votes throughout their tenure. It is important to note that because they are liberal, their conservative vote numbers are mostly low and stable throughout their tenures. This demonstrates that liberal justices are not subject to increased polarizing ideological drift in their career. They remain consistent with their voting patterns of low conservative voting.

There was a bloc of justices that did not contribute to our hypothesis. However, we argue that these justices are subject to the acclimation or “freshman” effect (Arledge & Heck, 1992; Brenner, 1983; Dudley, 1993; Hagle, 1993). This effect has a duration of 1-10 years (Hagle, 1993) and indicates that justices will vote in accordance with the appointing president’s ideology (Sharma & Glennon, 2013). Freshman justices often rely on veteran justices and external actors such as the solicitor general for information due to a sensation of disorientation (Bailey et al., 2005; Hagle, 1993). Furthermore, many justices may form moderate/centrist blocs with other justices to assist with opinion writing and learn the structural elements of the Supreme Court; indeed, some justices may feel more experienced in economic matters than civil rights and vice versa (Arledge & Heck, 1992; Brenner, 1983; Hagle, 1993; Melone, 1990). The acclimation period deteriorates as the justices become more comfortable in their role and opinion writing (Hurwitz & Stefko, 2004). There are opponents of the acclimation/freshman effect who believe it is non-existent or has minimal effect on judicial decision making (Bowen & Scheb, 1993; Heck & Hall, 1981). However, our results prove otherwise.

The acclimation/freshman effect phenomenon is corroborated by our results, in which we

see a decline in conservative majority votes in conservative justices after they have served 10 terms or more. These include Justices Fortas, Goldberg, Gorsuch, Kavanaugh, Kagan, Minton, Murphy, Rutledge, Vinson, and Whitaker, (Figures. 2-6). We do not see a decline because their tenures were short. This is compounded by the fact that Justices Fortas, Goldberg, Murphy, Rutledge, Vinson, Minton, and Kagan are classified as liberal-leaning justices. As seen in the previous results of liberal justices who have served 10 terms or more, liberal justices tend to have only minimal declines in conservative majority votes, as their conservative voting overall is low and stable throughout their career. A further discrepancy within the results that may affect our data pertains to Justices Jackson, Murphy, and Rutledge (Figures. 4-6). These justices have terms within the legacy data (prior to 1946) and thus their complete graphs are not charted. We chose not to include terms prior to 1946, as contemporary forms of liberalism and conservatism did not arise until post 1940's. This may be a limitation to our study, as it would be insightful to determine if pre-1940's justices would yield comparable results. Finally, the current serving conservative Justices Gorsuch and Kavanaugh may experience ideological drift after the 10-term mark, time may only tell. It would be an interesting discovery as the average length of tenure for Supreme Court Justices has increased in current years (Stras & Scott, 2007).

There were a few notable justices that served as outliers. For example, Justice Black (Figure 1) made fewer conservative decisions but in the 1960s his number of conservative decisions began to increase. This result is odd because the Court was quite liberal during the 1960s. Indeed, Justice Black tends to be classified as a liberal-leaning justice. We see this pattern in Chief Justice Warren (Figure 8) as well, another justice classified as liberal-leaning. Although it is important to note that both justices had consistently high liberal votes throughout their tenure. Therefore, we may see an extreme version of the phenomenon we witnessed with the

other liberal justices. Rather than a minimal decline in conservative majority votes, we see both a climb in conservative and liberal majority votes. It is important to note that we did not showcase a chart pertaining to the quantity of liberal majority votes each justice had, because the focus of this study was conservative majority votes (we noted an absence of research on this form of majority votes). An exciting potential research opportunity would be to cross-reference the research conducted by this study with future research pertaining to liberal majority votes. Finally, an interesting observation is the potential of an entire Court political dynamic shift. Although we focus on individual justices, further research on the Court experiencing group or era ideological shifts would be fascinating; this may reveal a further causation for ideological shifts. For example, Justice Jackson has a decreased number of conservative decisions. However, the results may not indicate a drift in ideology but the number of conservative decisions may be a product of the time period. For instance, Minton has a similar trend in the number of conservative decisions during the 1950s. This may be an example of the Court becoming more liberal during this time period. Both justices may have ideological shifts toward liberalism and voted similarly in the cases presented to the court. An important caveat to Minton and Jackson is the potential of the “freshman” effect, however, further research is required for a conclusive analysis on group ideological shift.

Discussion

Our empirical results support the notion of ideological drift. However, what may be the causation? Public opinion often affects judicial decision making in non-salient cases, but ideology plays an important part in salient cases (Casillas et al., 2011; Collins, 2008). The empirical results found in our study support the freshman/acclimation effect. This research might inform the public of ideological behaviors and may encourage interest groups to pursue litigation

with specific cases when they know justices are experiencing the “freshman effect”. Public opinion is vital to the Supreme Court as it represents legitimacy invested within the institutional power of the Court. Therefore, the Court has an incentive to respond ideologically to public opinion (Casillas et al., 2011; McGuire & James, 2004; Mishler & Sheehan, 1993). This may be a potential causation for ideological drift.

Furthermore, as previous literature has mentioned, there is a considerable amount of Congressional constraint on the Supreme Court, in which court curbing (or congressional overrides/laws designed to limit judicial power) is utilized to showcase dissatisfaction with Court rulings (Clark, 2009; Uribe et al., 2014). Therefore, the role of ideology is important in Court rulings. The more ideologically distant a Court ruling is from the Congress majority ideology, the more likely it is to implement Congressional overrides on Court rulings (Clark, 2009; Uribe et al., 2014). An important caveat is that this is rare, as Congress often respects the Court’s interpretation of law. Indeed, congressional overrides often have electoral motivations behind them: a congressional override to showcase disdain for a Court ruling in order to appeal to specific demographics of voters (Uribe et al., 2014).

As with most academic literature, there exists both limitations and confounding variables within our research study. Potential confounding variables that were difficult to control for include the raw number of cases in each justice’s term. Although the measure of time served is the independent variable of this study, we cannot ignore the quantity of cases, and the role that quantity serves as a potential confounding variable. If the number of cases is significant in one year, then justices have a greater propensity to ideologically drift. The inverse can be seen in years with minimal cases, in which the propensity may be drastically reduced.

Another confounding variable that may have affected our results is deeply personal

beliefs. Although ideology is an excellent indicator for the voting type of a justice, it is difficult to unearth personal beliefs that may affect a justice's decision. A classic example is the First Amendment protection of flag burning established in *Texas v. Johnson* in which Justice Stevens (a moderate liberal) broke partisan lines and voted with the conservative justices. It is speculated that his previous military service may have influenced this decision, however this has not been corroborated (Smith, 2015). It is these types of factors that may confound a decision, as a vote may not be based on a political mentality, but rather a non-related personal belief.

Another confounding variable may be political dynamic change. For example, as the standards of conservative and liberal ideology are eternally evolving, it is imperative we understand that these standards may differ in future years. The era of Civil Rights of the 1960s serves as a classic watershed example of contributing to the modern components of liberal/conservative ideology. A final potential confounding variable is voting decisions affected from previous occupational experiences. This may not be so much as a confounding factor but more so a limitation of this study: Voting records of justices from their time in lower circuits (if applicable) may provide additional information to the origins of their ideological drift.

Finally, conflicting literature suggests that unanimous opinions negate the effects of ideology on decision making. However, it has been postulated that unanimous decisions are the result of dissent aversion and minimal ideological stakes at play; justices do not compromise their ideological behavior/outcome by voting in favor of unanimous decisions (Epstein et al., 2012; 2015). These types of decisions often aim to correct technical errors of the lower courts.

Conclusion

In the age of increased political polarization, the Supreme Court (widely regarded as the most neutral branch of government) is not free from political identities. The Supreme Court is

the most popular of the three branches of government (Gibson & Nelson, 2015; Malhotra & Jessee, 2014) and public opinion has strong ties with public perception of Court ideology (Malhotra & Jessee, 2014; Bartels & Johnston, 2013). This may be a causation for the ideological drift of Court Justices in response to public opinion waning; to increase support of Court and ensure Court's legitimacy (Malhotra & Jessee, 2014). Interestingly, justices vote along ideological lines with salient cases covered by the *New York Times* or *Congressional Quarterly* (Collins, 2008; Epstein et al., 2015). We have found that liberal ideological shifts are prevalent in the Supreme Court, especially for conservative justices who experience 10 terms or more. The effect is less pronounced for liberal justices. This is a finding that is supported by established academic literature (Segal et al., 2000; Sharma & Glennon, 2013). It is an important finding because ideology is a crucial component to opinion writing and case deliberation within the Supreme Court (Bergara et al., 2013). Our research may provide context to political actors who believe that ideological drift is detrimental to democracy and that term limits should be implemented through a constitutional amendment (Calabresi & Lindgren, 2006). Inversely, this may assist other external political actors that believe democracy is intact, and it is merely the result of acclimation that justices' voting behavior differ (Sharma & Glennon, 2013).

Ideology is a crucial predictor of voting behavior. Ideological drift directly affects justices' ideologies over time. Therefore, the phenomenon of ideological drift may be an indicator for future voting behaviors of justices. Interestingly, extremely ideological justices vote more consistently than moderate justices (Collins, 2008). Therefore, as a justice shifts ideologically to the left, this may provide clues to the litigant community. This may provide direction for submitters of amicus briefs on different cases. Amicus briefs have been demonstrated to influence judicial outcomes in the Supreme Court (Collins, 2008). Our findings

may prove useful to the litigant community when developing strategies of when to encourage specific types of cases tailored to the ideological composition of the Supreme Court, especially liberal issues such as civil rights/liberties, pro-labor unions, zoning regulations, etc.

The Court, through numerous decades compounded by ideological drift, may experience a liberal revitalization (even with conservative justices) that parallels the rulings of *Brown v. Board of Education of Topeka*.

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Appendix

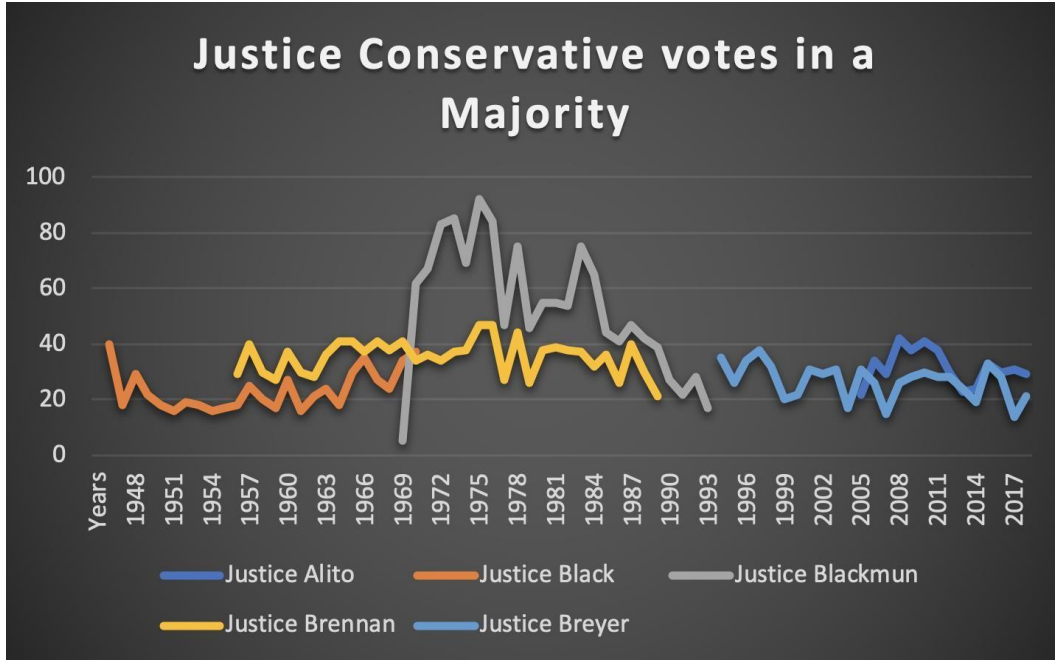


Figure 1: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Alito, Justice Black, Justice Blackmun, Justice Brennan, and Justice Breyer

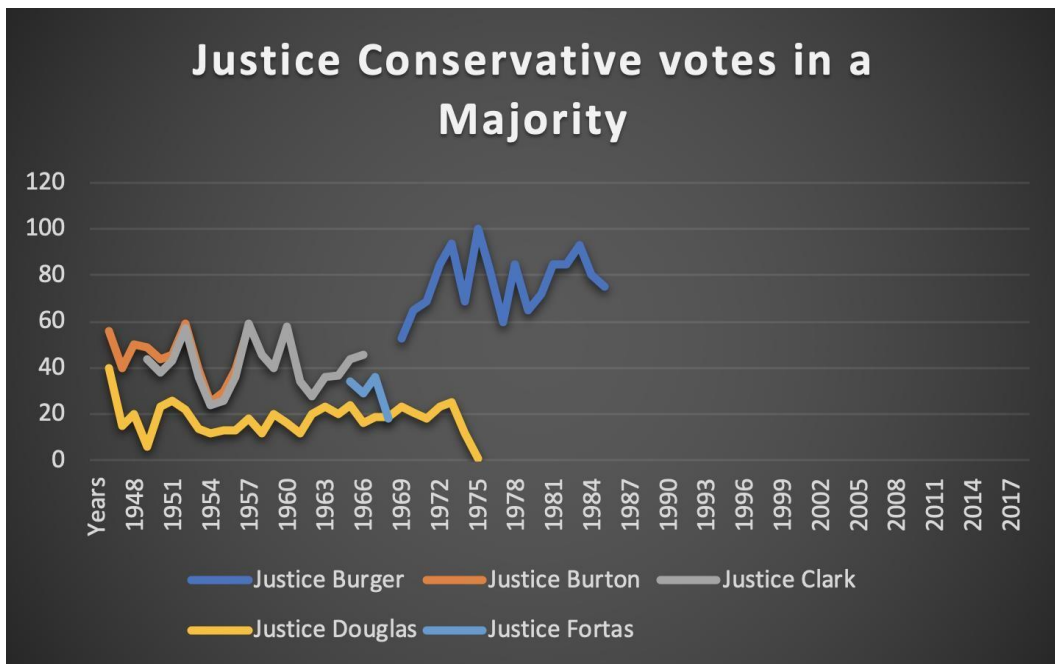


Figure 2: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Burger, Justice Burton, Justice Clark, Justice Douglas, and Justice Fortas

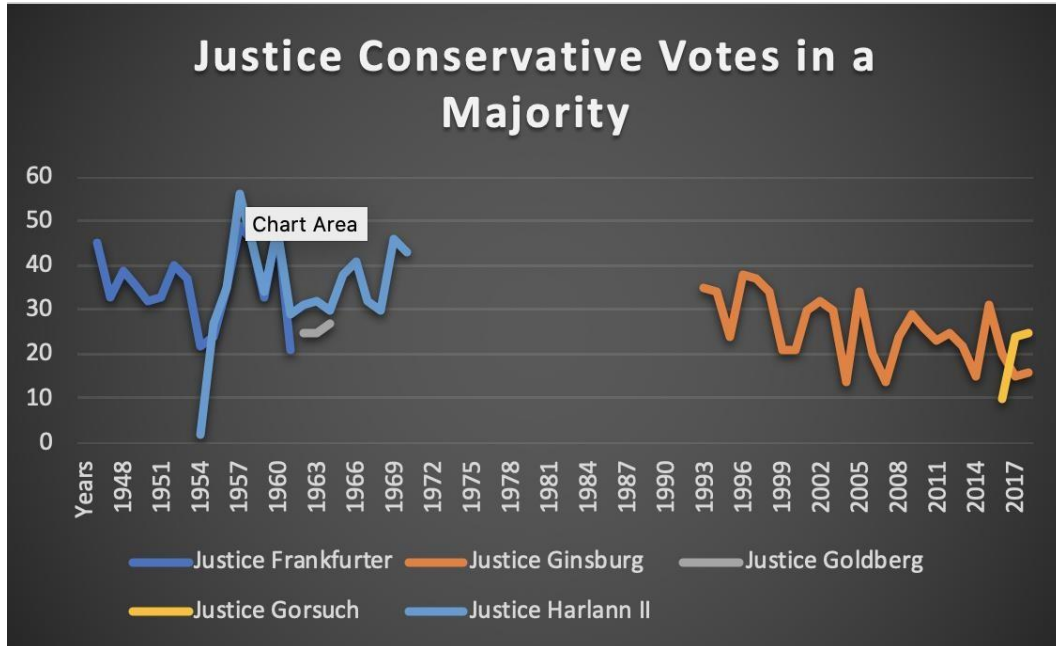


Figure 3: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Frankfurter, Justice Ginsburg, Justice Goldberg, Justice Gorsuch, and Justice Harlan II

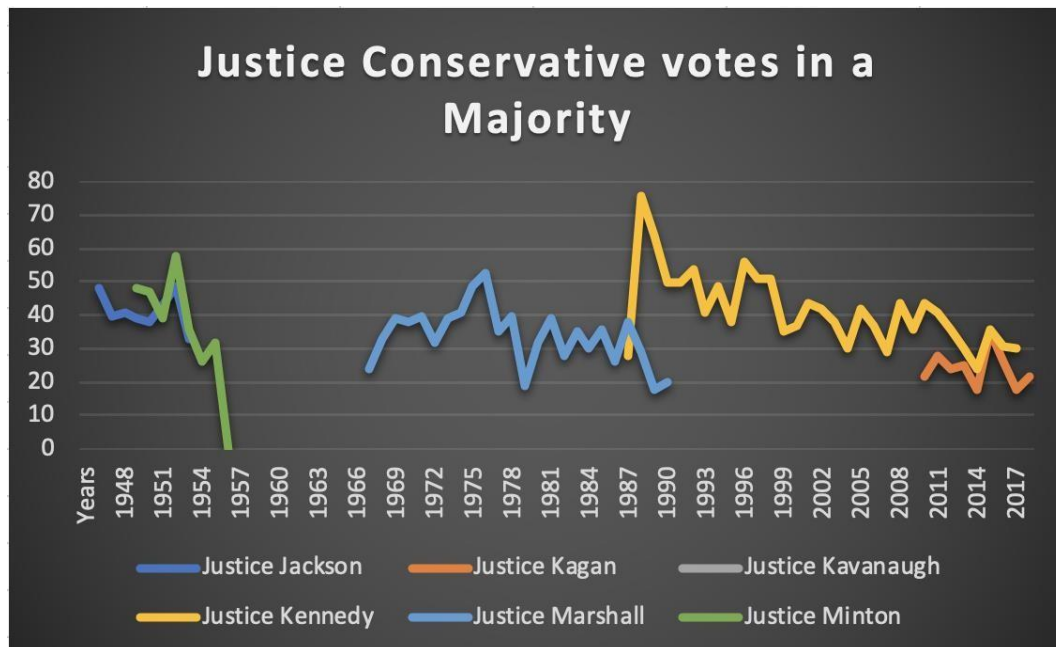


Figure 4: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Jackson, Justice Kagan, Justice Kavanaugh, Justice Kennedy, Justice Marshall, and Justice Minton

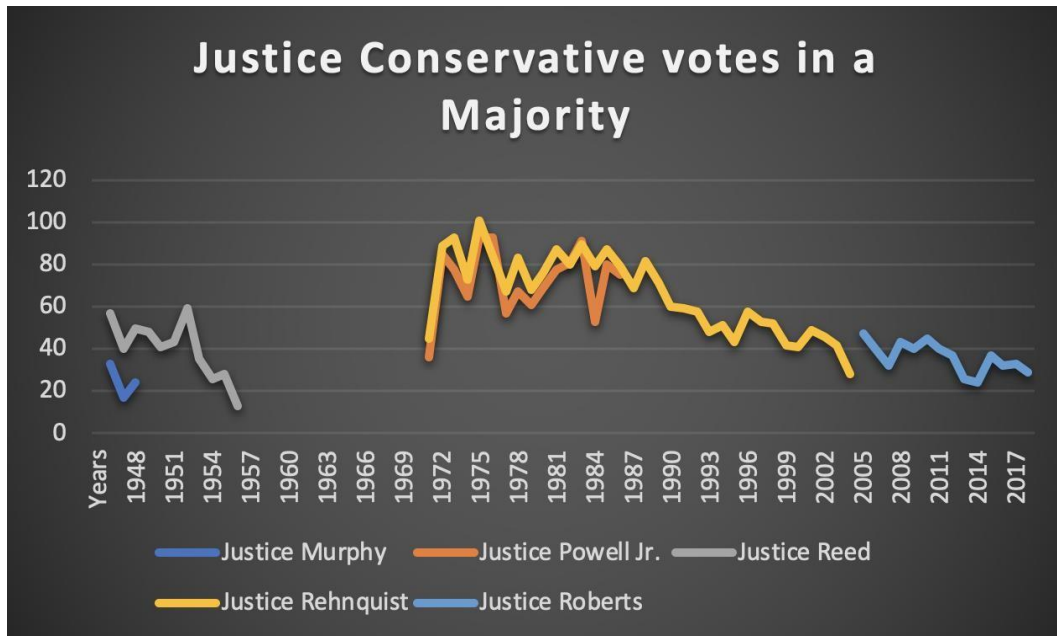


Figure 5: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Murphy, Justice Powell Jr., Justice Reed, Justice Rehnquist, and Justice Roberts

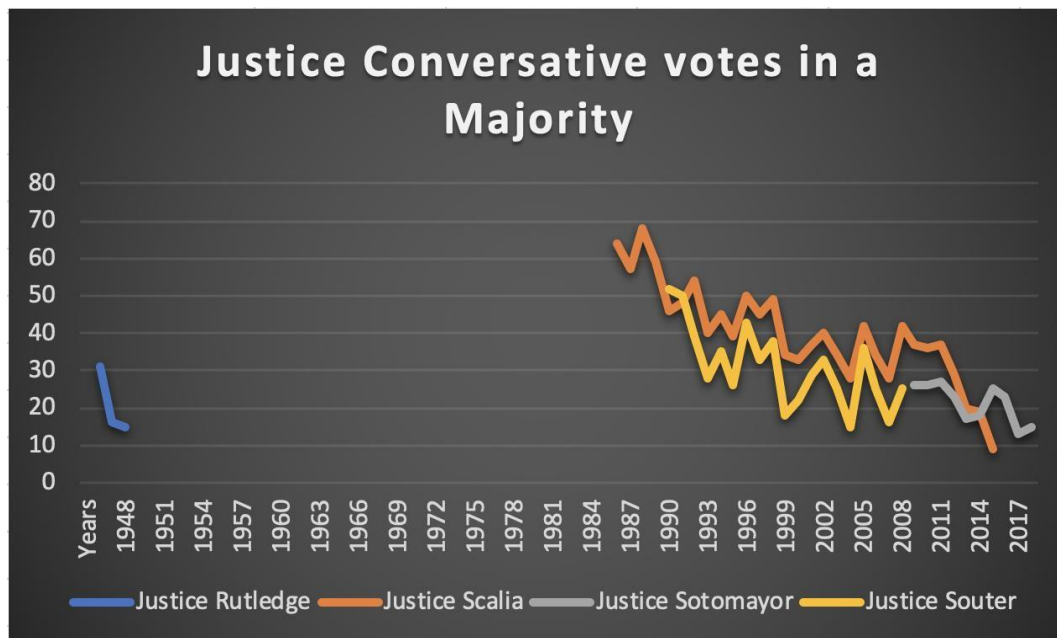


Figure 6: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Rutledge, Justice Scalia, Justice Sotomayor, and Justice Souter

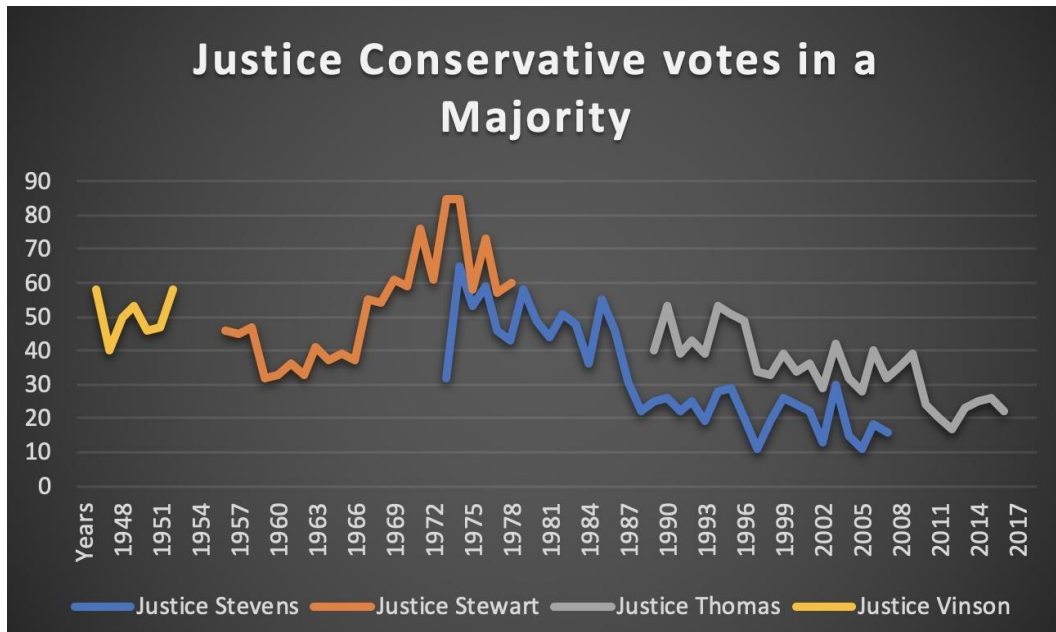


Figure 7: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Stevens, Justice Stewart, Justice Thomas, and Justice Vinson

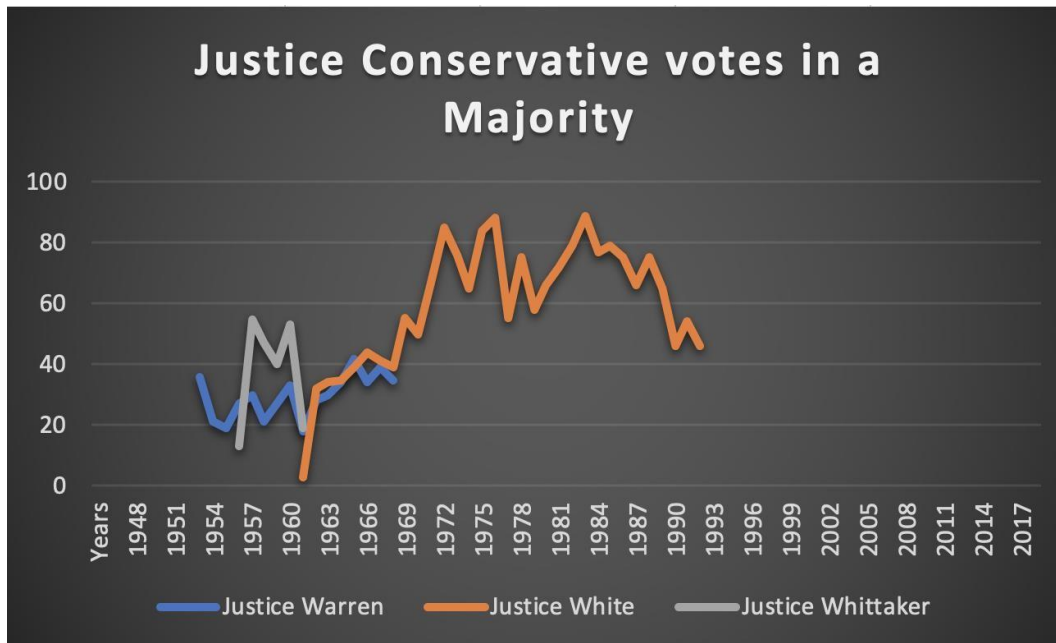


Figure 8: Number of Conservative Majority votes between the Supreme Court Terms 1946- 2017 for Justice Warren, Justice White, and Justice Whittaker