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

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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 th
  swing vote
  - Edelman and Chen – Each justice coul
    the swing vote.
  - Blasecki – Swing vote divides votes
    equally between sides.
  - My own definition

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Literature	Question & Argument	Methodology	Re
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ing Fluidity

- There have been studies of voting pattern
  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 | Re

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cial Behavior

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

Literature

Question & Argument

Methodology

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w does the swing vote justice affect the ideology of the reme Court over time?

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

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othesis

- H1: Justice Sandra Day O'Connor will be in the majority of 5-4 decisions more freque 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.

Literature Question & Argument Methodology Re

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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.

Literature   Question & Argument   Methodology   Re

ethodology

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.

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Literature   Question & Argument   Methodology   Re

ethodology

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.

Literature
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Question & Argument
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Methodology
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Methodology

Data Collection

- Used SPSS to analyze all of the data.

Literature
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Justice	Percent
O'Connor	66.0%
Kennedy	74.6%

Literature ☐☐☐   Question & Argument ☐☐☐☐   Methodology ☐☐☐   Re

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O'Connor Majority Presence

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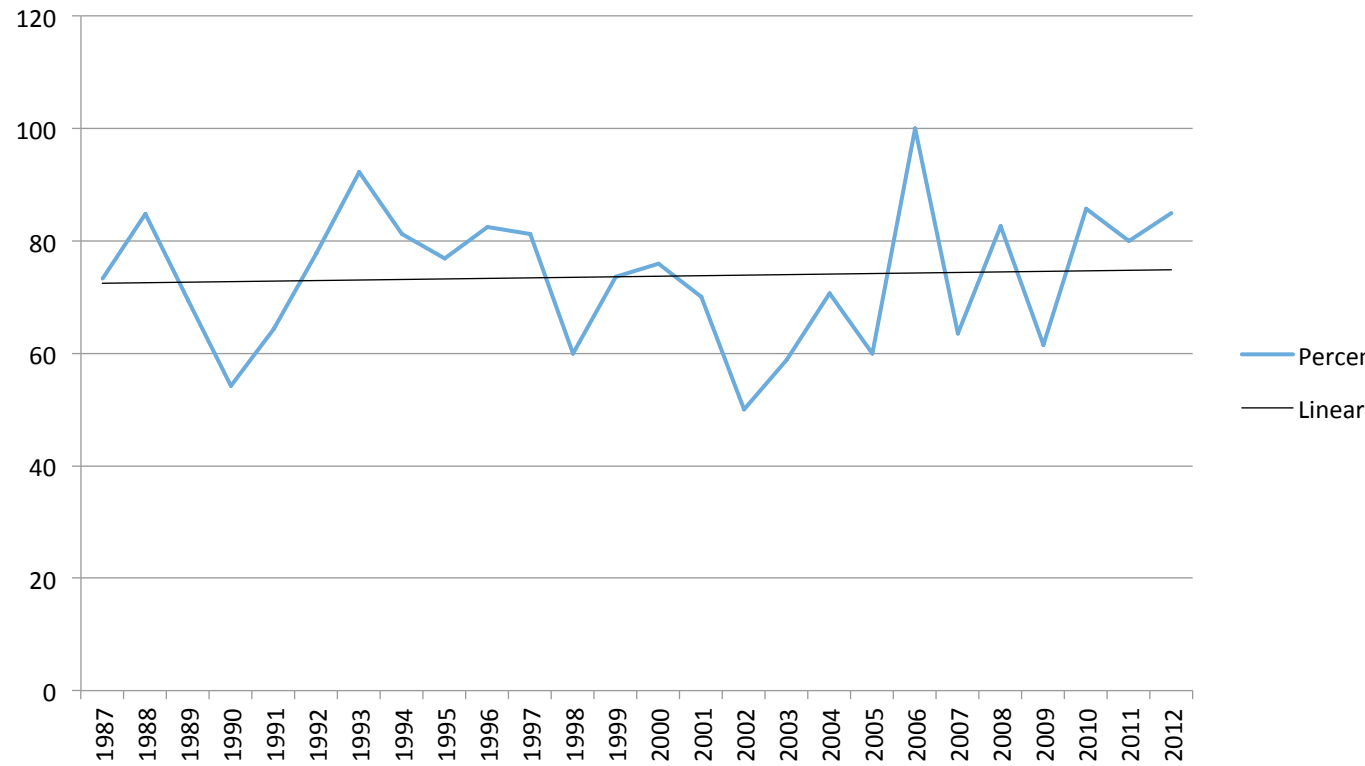Literature   Question & Argument   Methodology   Re

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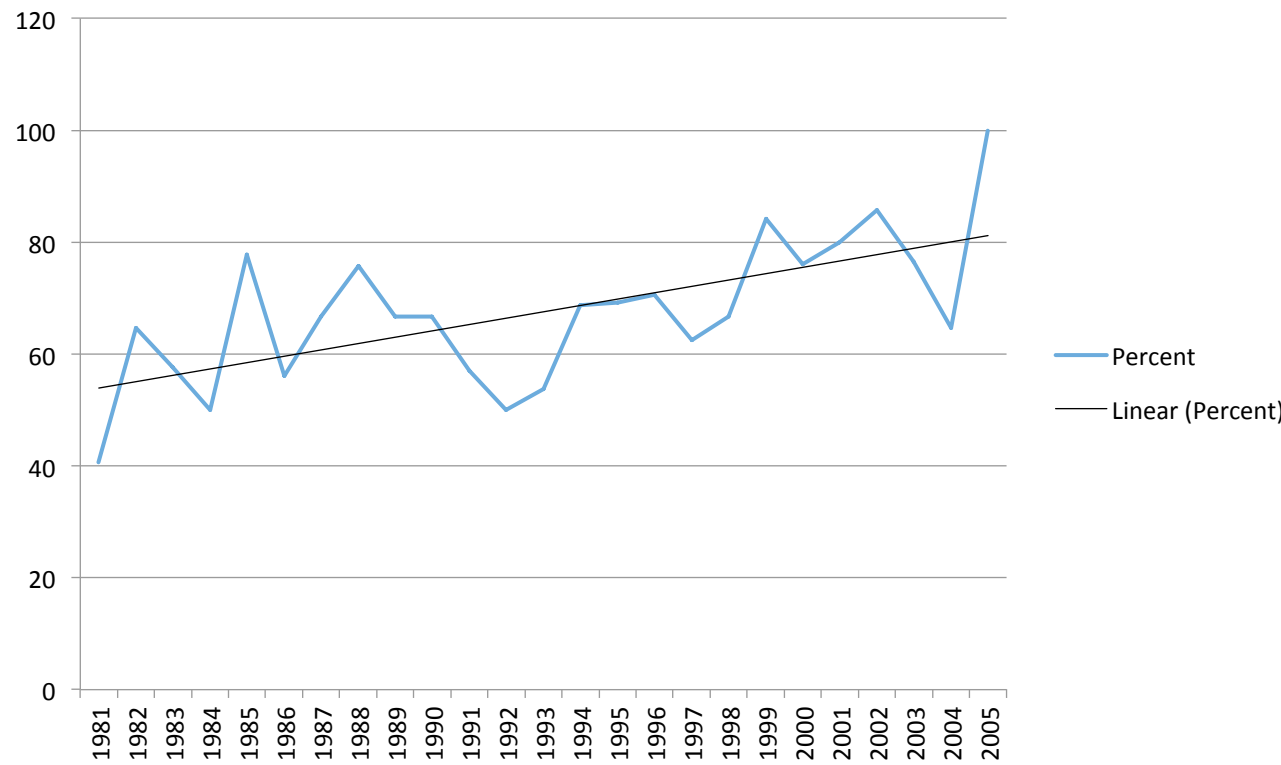
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Kennedy Majority Presence

Literature

Question & Argument

Methodology