APPENDIX

for

Does Legal Doctrine Matter? Unpacking Law and Ideology on the U.S. Supreme Court

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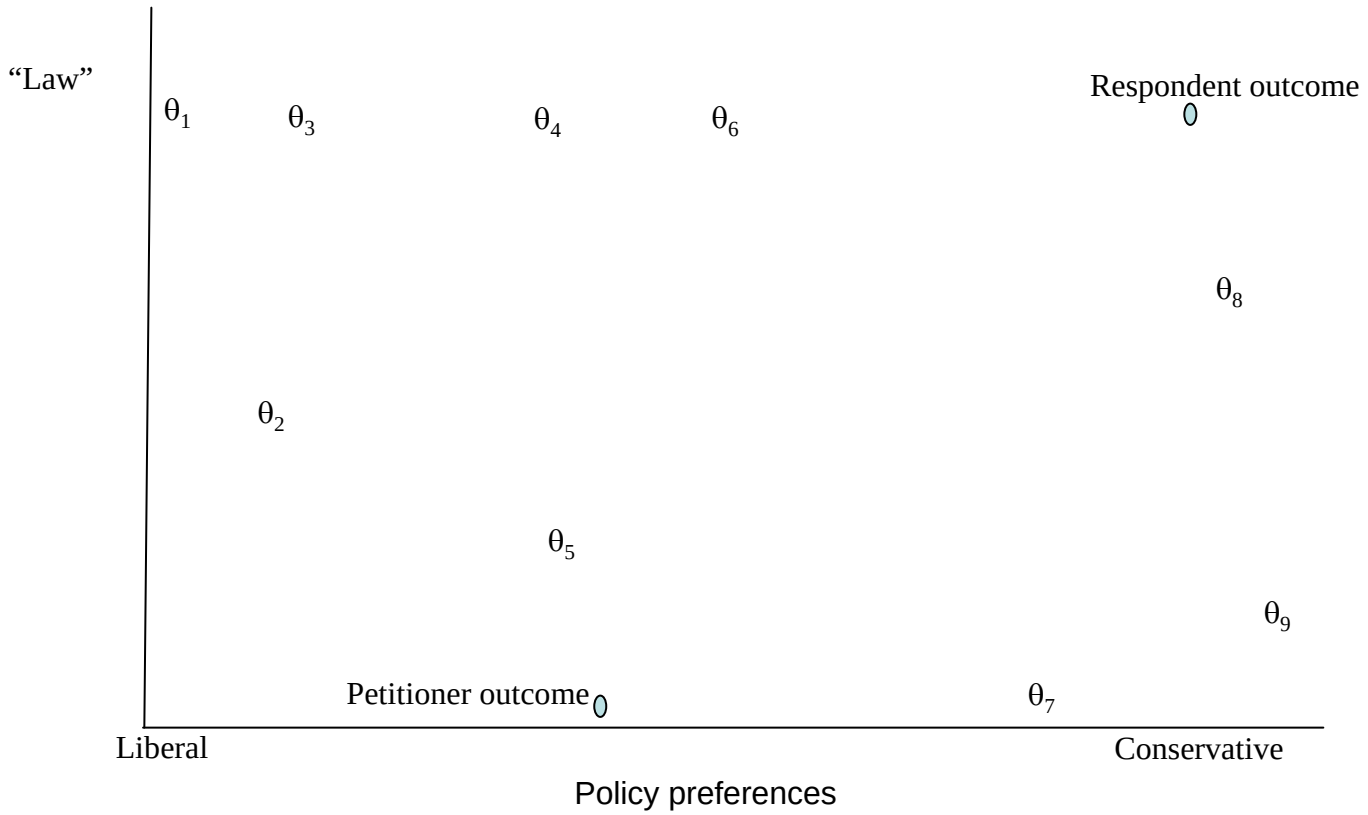

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1 Heterogeneous Legal Values

In order to keep the explanation simple, Figures 1 and 2 the main body of the paper illustrates the influence of law when all justices weight legal factors equally. Our estimation approach – and belief – is that justices vary in the extent to which they are moved by different legal concepts. In this section, illustrate a situation in which justices vary in the value they place on "law." Figure 1 depicts a situation in which Justices 1, 3, 4 and 6 place a high value on law, while the other justices place less value on it (where the number associated with each justice is his or her ranking from most liberal to most conservative). Justice 7 places the least weight on law. The court is faced with a case in which the petitioner outcome is relatively liberal, but poor on the legal scale while the respondent outcome is more conservative and high on the legal scale.

The dimension of conflict is no long the horizontal x-axis, as it would be for a purely policy-driven choice. Instead the dimension of conflict is defined by the line connecting the

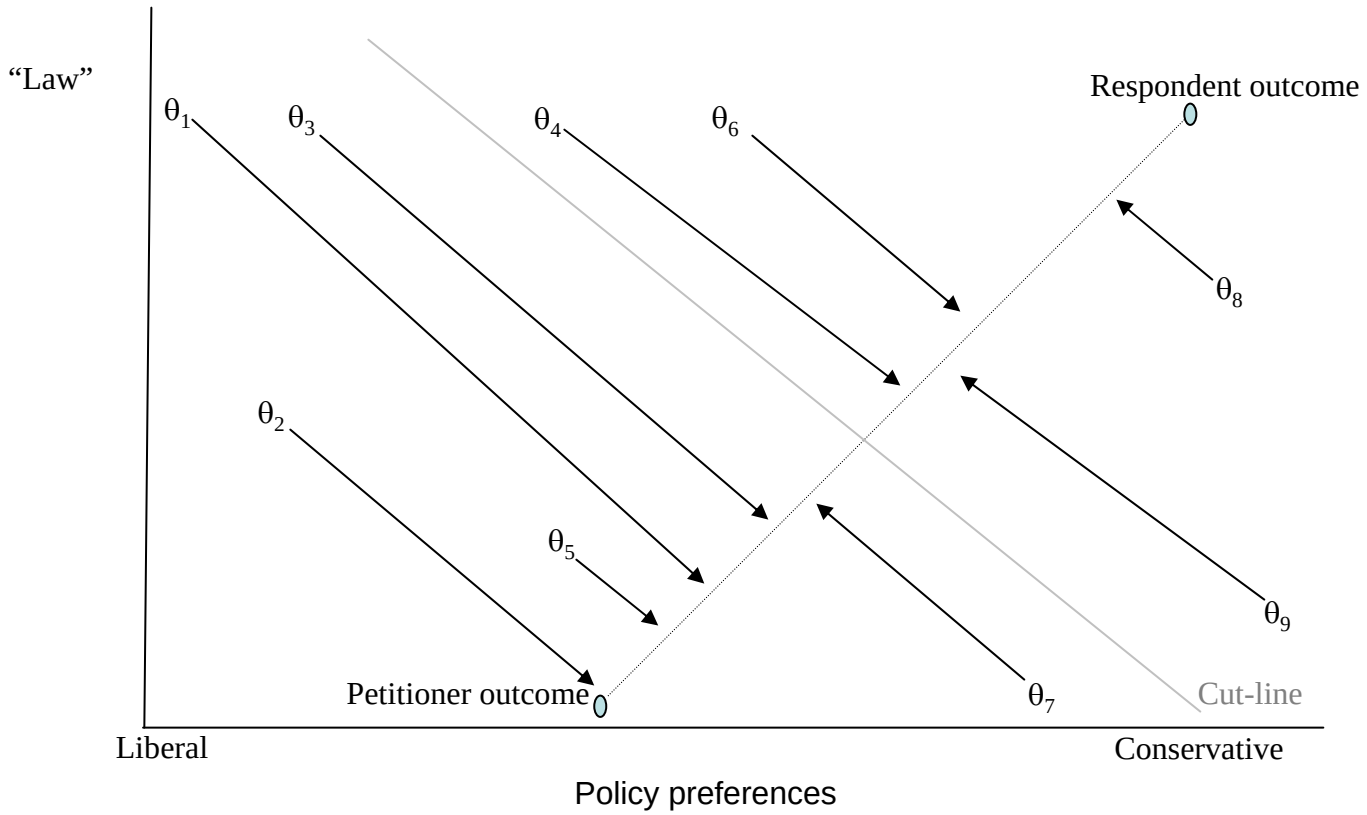

Figure 2: Two dimensional preferences with heterogeneous legal values

petitioner and respondent outcomes. How justices will vote will depend on where they line up in this dimension. To see where they line up in this dimension, we project their two dimensional preferences onto the line connecting the petitioner and respondent outcomes; this involves drawing the shortest possible line from each justice's ideal point to the line, as in Figure 2. We see here that adding the legal dimension not only changes votes, but it also creates an ideologically scrambled ordering and coalition. Ranking justices from most to least favorable to the petitioner in this case are justices 2, 5, 1, 3, 7, 4, 9, 6 and 8. The voting has justice 4 voting with the conservatives and justice 7 voting with the liberals.

2 Statistical Details

The latent variable specification in Equation 3 is derived from a random utility framework. Let i = 1,...,N index individuals and v = 1,...,V index votes. The utility of actor i of voting for the conservative alternative is

$$u_i(\lambda_t^C) \quad = \quad -(\theta_{it} - \lambda_v^C)^2 + \delta_i \hat{D}_v^C + \eta_{iv}^C \tag{1}$$

where λ_v^C is the spatial location of the conservative alternative, θ_{it} is the ideal point of the actor at the time of proposal t, $\hat{D}_v^C$ is the non-policy 'legal' value of voting for the conservative alternative, δ_i is the weight placed by i on non-policy values and η_{iv}^C is a random shock. The utility of voting for the liberal alternative with spatial location of λ_v^L is analogous.

Let $\tilde{y}^*_{itv}$ be the utility difference between the conservative and liberal alternatives. It is

$$\begin{aligned} y^*_{itv} &= -(\theta_{it} - \lambda^C_v)^2 + \delta_i \hat{D}^C_v + \eta^C_{iv} + (\theta_{it} - \lambda^L_v)^2 + \delta_i \hat{D}^L_v + \eta^L_{iv} \\ &= 2\theta_{it}(\lambda^C_v - \lambda^L_v) + \lambda^{L2}_v - \lambda^{C2}_v + \delta_i(\hat{D}^C_v - \hat{D}^L_v) + \eta^C_{iv} - \eta^L_{iv} \\ &= (\lambda^C_v - \lambda^L_v)(2\theta_{it} - (\lambda^L_v + \lambda^C_v)) + \delta_i(\hat{D}^C_v - \hat{D}^L_v) + \eta^C_{iv} - \eta^L_{iv} \end{aligned} \quad (2)$$

Let $\kappa_v = \frac{\lambda^L_v + \lambda^C_v}{2}$ be the vote "cutpoint," $\alpha_v = 2(\lambda^C_v - \lambda^L_v)$ be the vote "discrimination parameter,"[1] $D_v = (\hat{D}^C_v - \hat{D}^L_v)$ be an observed deference variable and $\epsilon_{iv} = \eta^C_{iv} - \eta^L_{iv}$ be a N(0, 1) random variable; then

$$y^*_{itv} = \alpha_v(\theta_{it} - \kappa_v) + \delta_i D_v + \epsilon_{iv} \quad (3)$$

Observed votes (as opposed to unobserved latent values above) are denoted by y_{itv}. To address rotational identification (e.g. liberals can have high values or low values) conservative votes are coded as $y_{itv} = 1$. The location and scale of ideal points is identified by assuming they have mean 0 and variance 1; this is equivalent to fixing two individuals at arbitrary points (see, e.g., Bafumi, Gelman, Park and Kaplan 2005).

The estimation process uses a Gibbs sampler algorithm. This algorithm allows us to draw samples from the posterior distribution of the parameters (Gelman, Carlin, Stern and Rubin 1995, 326; see also Johnson and Albert 1999, 194-197). After a "burn in" period, the following iterative procedure will produce random samples from the underlying posterior distribution.

1. Equation 3 implies that y^*_{itv} (where i indicates individual, t indicates term and v indicates vote) will be distributed according to one of the two truncated distributions (see e.g. Jackman 2000, 311)

$$y^*_{itv}|y_{itv} = 1 \sim N(\alpha_v(\theta_{it} - \kappa_v) + \delta_i D_v, I(y^*_{itv} > 0)) \quad (4)$$
$$y^*_{itv}|y_{itv} = 0 \sim N(\alpha_v(\theta_{it} - \kappa_v) + \delta_i D_v,)I(y^*_{itv} \leq 0) \quad (5)$$

   where I is an indicator function that serves to truncate distributions above or below zero.

2. Generate individual-specific preference parameters on an individual-by-individual basis. Let $\theta_{it} = T'_{it}\rho_i$ and substitute the equation for the time-path of policy preferences into Equation 3 yields

$$\begin{aligned} y^*_{itv} + \alpha_v\kappa_v &= \sum_{p=0}^{4} \alpha_v \rho_{pi} T^p_{it} + \sum_{m=1}^{3} \delta_{im} D_{mv} + \epsilon_{itv} \\ &= X'_i\gamma_i + \epsilon_{itv} \end{aligned}$$

   where X_i is a $V_i \times 8$ matrix of covariates for individual i and V_i the number of observations for individual i. The first column of X_i is a column of α_v for the votes for individual i. The second column of X_i is α_v multiplied by the time variable for individual i for

[1] This parameter is standard in ideal point estimation theory and its precursor, item response theory (Baker 1992). Votes for which the alternatives are relatively close (meaning $(\lambda^C_v - \lambda^L_v)$ is relatively small) will have a low discrimination parameter as the non-spatial error term will be more likely to induce actors with preferences higher than the cutpoint to vote liberally and vice versa.

each vote and so on for the third through fifth columns. The last three columns are the deference variables (deference to precedent, Congress and speech) for each of the votes for individual i. This is only relevant for justices as the δ, π and σ parameters for non-justices are constrained to zero.

The distribution of γ is therefore

$$\gamma_i \sim N((X_i'X_i)^{-1}X_i'\tilde{y}, (X_i'X_i)^{-1}) \quad (6)$$

where $\tilde{y} = y^*_{itv} + \alpha_v\kappa_v$. A N(0,$\Omega$) prior on γ identifies the preferences of individuals who vote conservatively or liberally all the time. Without this prior, their estimated ideal points could become unbounded. The implementation of the prior follows Gelman, Carlin, Stern and Rubin (1995, 260). The coefficients on the higher order elements of time (e.g. the coefficients on T^3 and T^4) are restricted to 0 for individuals who served relatively short periods of time. Specifically, $\rho_3 = \rho_4 = 0$ for all individuals who served 24 or fewer years, $\rho_2 = 0$ for all individuals who served 16 or fewer years and $\rho_1 = 0$ for all individuals who served eight or fewer years.

3. Generate $\alpha, \alpha\kappa$ on a vote-by-vote basis. If we let $\beta_v = [\alpha_v, \alpha_v\kappa_v]'$ and $\Theta_{it} = [\theta_{it}, -1]$ (indicating the preference parameter of individual i for vote v which occurred during term t)we can re-write Equation 3 as

$$y^*_{itv} - \delta_i D_v = \Theta_v\beta_v + \epsilon_{iv}. \quad (7)$$

By standard GLS results,

$$\beta_v \sim N((\Theta_{it}'\Theta_v)^{-1}\Theta_v'y_v^{**}, (\Theta_v'\Theta_v)^{-1})$$

where $y_v^{**} = y^*_{itv} - \delta_i D_v$ for all individuals who voted on vote v, Θ_v is a $N_v \times 2$ matrix of $\Theta_\rangle it$ and N_v is the number of votes cast on vote v.

The discrimination parameter is, in part, a measure of vote-specific variance and, as a variance parameter is subject to becoming unbounded as discussed above (see also Baker 1992, 97-98; Mislevy and Bock 1990, 8). Therefore there are normal priors and maximum values for α; the priors follow Gelman, Carlin, Stern and Rubin (1995, 254, 260); see also Johnson and Albert (1999, 192).

A model is unidentified "if the same likelihood function is obtained for more than one choice of the model parameters" (Gelman, Carlin, Stern and Rubin 1995, 422). For fixed-preference one-dimensional models, it is sufficient to fix polarity (meaning, for example, conservative preferences are high values and liberal preferences are low values) and two observations (which is equivalent to setting the mean $\theta = 0$ and variance of $\theta = 1$) (see discussions in Clinton, Jackman and Rivers (2004, 356) and Bafumi, Gelman, Park and Kaplan (2005)).

In order to facilitate convergence to the true conditional densities, the first 350,000 iterations (often referred to as the "burn in" period) are deleted and the sample is based on every 40th iteration produced thereafter until there were 1,000 MCMC samples.

3 Data

3.1 Sources for bridge observations

Data are from Bailey (2007) with some additions. The data on amicus filings come from Gibson (1997) for the period 1953 through 1987 and from Lexis-Nexis Academic Universe and the Solicitor General's website thereafter. Only amicus filings on merit are included. Comments in the Senate and House were taken from the *Congressional Record*. For 1989 to present, the Thomas.gov database was searched for entries with "Supreme Court." For years before that every entry under "Supreme Court" in the annual indices was researched. Some observations were found in other sources such as Eskridge (1991), *Congressional Almanac* and congressional actions that were ruled on in Supreme Court cases.

One must be careful when using roll call votes to ascertain members' of Congress positions on Supreme Court cases. First, provisions that address court cases are often embedded in broader legislation. This makes it impossible to know if the vote indicates an opinion on the court case or some other matter. An example is *Denver Area Educational Telecommunications Consortium v. Federal Communications Commission* (518 U.S. 727) (1996) which struck some elements and upheld other elements of the Cable Television Consumer Protection and Competition Act of 1992. This act was passed over the veto of President Bush with nearly universal support of Democrats and substantial support of Republicans (although 85 of the 114 votes against it in the House on October 5, 1992 came from Republicans). The court ruled only on one small part of the bill, a part that put various restraints on cable operators in the interest of controlling "indecent" programming. Using a vote on the overall bill as an indicator of congressional positions on the issue addressed by the Supreme Court would not be reasonable. However, it turns out that the Court explicitly addressed Sections 10 (a) and (b) of the law (upholding the first and striking the second) and that these were added in an amendment by Sen. Helms (R, NC) that passed 95-0. We use the vote on the amendment, but not a vote on passage. Section 10(c) of the law was also explicitly addressed by the court. There was no roll call vote on this, but the legislative history reveals that Sen. Fowler (D, GA) and Sen. Wirth (D, CO) sponsored this language, meaning that the position of these two on this section is clear.

3.2 Selection of Supreme Court cases

We use the Spaeth database and limit cases to those VALUE < 6 (criminal procedure, civil rights, First Amendment, due process and privacy). Citations are the unit of analysis (ANALU =0 in Spaeth's data set) and add split-vote decisions (ANALU = 4) when there are bridging observations. *Bakke* is a prominent example of a case with a split votes and many members of Congress taking positions on one or the other (or both) of the main holdings. We do not include memorandum cases and decrees (DEC TYPE = 3 or 4).

Selected cases are those for which at least one of the following is true: discussed directly in the *Harvard Law Review*'s annual court review, included as a landmark case in the Legal Information Institute's database of cases (see supct.law.cornell.edu/supct/cases/name.htm), coded as a salient case in Epstein and Segal (2000), included in the CQ's key cases list, a president or member of Congress or non-contemporaneous justice took a position on the case, the case has clear cutpoint relation to another case, the case implicates precedent, deference

or speech as coded.

There are a small number of instances in which we do not use Spaeth's coding of the liberal/conservative directionality of a decision. *Buckley* is one such instance, as Spaeth codes decisions to restrict campaign expenditures as conservative, when it is clear by the coalition on the court and in Congress that expenditure limits were a liberal reform targeting wealthy contributors.

3.3 Coding of precedent

To identify those cases where precedent was in play, we relied upon Segal and Howard (2001) for the 1984-1995 period. For the 1978 to the 1983 and the 1996-2003 period, we relied upon a three stage process. First, we identified phrases or words associated with overturning precedent based on reading the cases identified in Segal and Howard. Second, we searched for all such phrases in petitioner and respondent briefs in the appropriate times. Third, we read and manually coded each identified case. See the section on alternative specifications for results based on other coding approaches for precedent.

3.4 Deference to Congress

Our statistical approach identifies the effect of legal ideas of deference by looking for differences in Supreme Court behavior relative to congressional behavior. It is possible that members of Congress may also share the concept of legislative deference; that is, it is possible that members who vote against a law would want to the Supreme Court to uphold the law (despite their personal opposition to it) on the grounds that the issue is one for Congress, not the Courts to decide. As discussed in the paper, in this case, our approach is estimating any additional influence the logic of judicial restraint may have on justices. We suspect this issue may not arise very often. It is reasonable to expect, however, that members of Congress who oppose a law would like to see the Supreme Court overturn it. Senator McConnell (R, KY) is a case in point. One could imagine that he would fight for the court to uphold the McCain -Feingold campaign finance bill that he vigorously opposed in the Senate on the grounds that the Court should defer to Congress. In fact, however, he argued for the same substantive outcome before the court as he did in the Senate, opposing the legislation in both venues.

3.5 Additional data description

3.5.1 Case and roll call data

Figure 3 displays information about the number and type of congressional roll calls and Supreme Cases in the database. There are 842 cases in the Supreme Court and 761 roll calls in the House and Senate, selected in the issue areas described in the paper.

Key to the method is use of actors not subject to the legal principle in question to pin down the policy cutpoints of Supreme Court cases. We have 463 Supreme Court cases with such observations; 418 of them have positions taken by members of Congress or presidents and 104 of them have positions taken by non-contemporaneous justices (there are some cases with both).

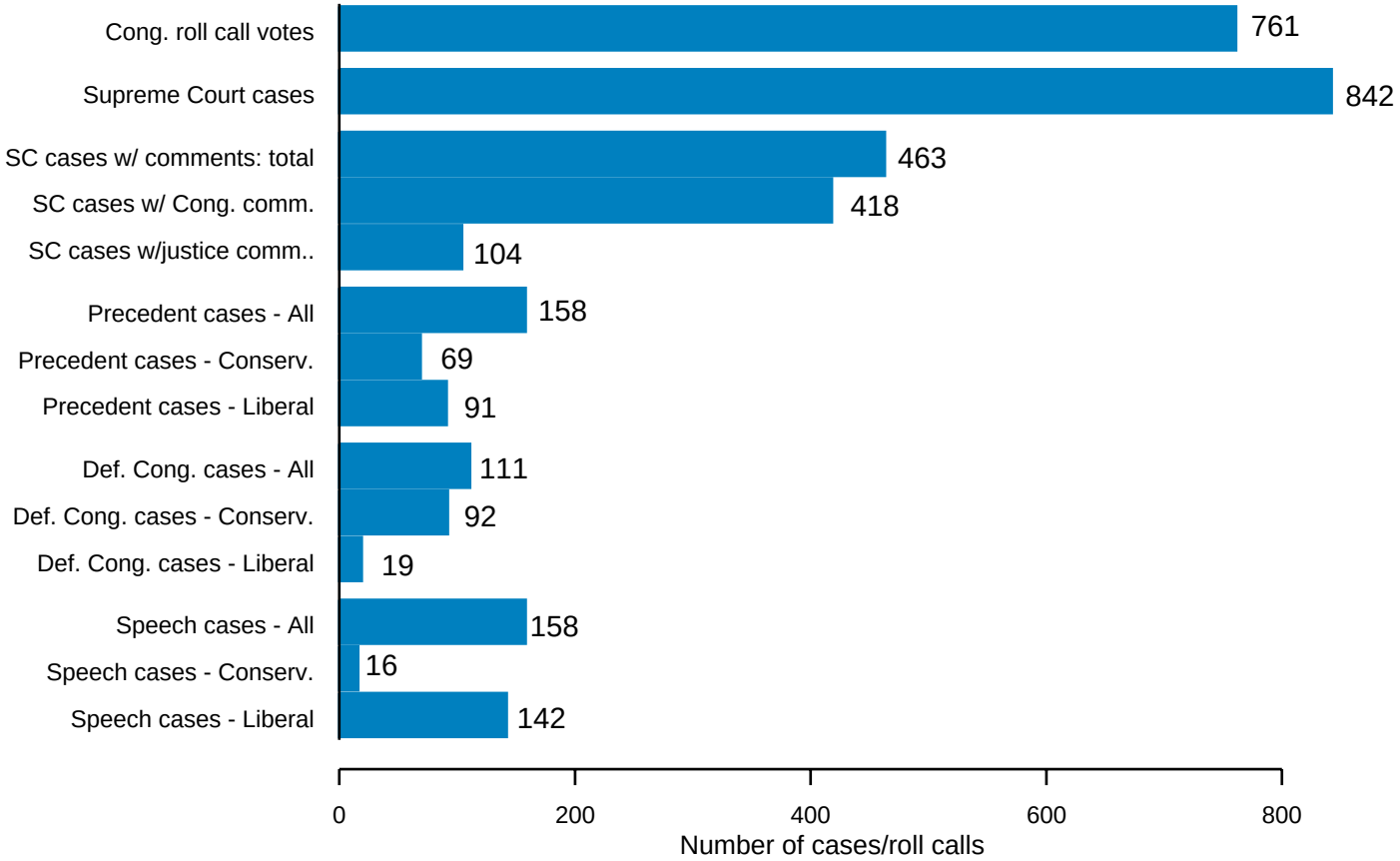

Figure 3: Supreme Court cases and Congressional roll calls by type

There are 158 cases in which precedent was coded as implying either a conservative (91 times) or liberal (69 times) vote on the court.[2] There are 111 cases in which deference to Congress was coded as implying either a conservative (92 times) or liberal (19 times) vote on the court. There are 158 cases in which deference to speech was coded as implying either a conservative (16 times) or liberal (142 times) vote on the court.[3]

While the precedent cases are divided reasonably equally across cases that support liberal and conservative outcomes, the deference to Congress cases tend to imply conservative outcomes and the speech cases tend to imply liberal outcomes. We do not think believe these distributions exert undue influence on our results. First, note we are not simply looking for justices to be more or less liberal on these cases, but to be moved in the direction law implies conditional on ideology (and, therefore, conditional on what co-policy ideologues in Congress want). Second, our results work across three types of legal variables (and the various re-codings discussed below) in a manner that defies simple categorization in terms of the model coding of the legal variable: some (but clearly not all) conservatives justices are estimated to have low regard for precedent and deference even as the precedent cases tend to be liberal and deference cases tend to be conservative. Meanwhile some Justices who span the ideological spectrum (e.g. Burger, Souter, Powell, White, Stevens) are estimated as being influenced by the legal variables in all three categories and some justices who are sometimes lumped together (e.g. Breyer and Ginsburg or Rehnquist and Scalia) differ in the influence of law in a manner that is consistent with some of the nuances of their judicial careers.

3.5.2 Bridging observations

The use of bridge observations across institutions and time raises issues that do not arise in conventional analyses of voting within single institutions. A first question is whether nonvoting may be less consequential than votes and thus provide less valid measures of preferences. There are three reasons to believe this is not a fundamental problem. First, these observations tend to reflect commitment to the positions stated. They are, in one way or another, based on official acts (ranging from amicus filings to bill cosponsorship to statements on the floor of Congress). In addition, the member publicly stated his or her position more than one time for more than 20% of the observations (although repeat observations in the analysis are omitted unless they are separated by more than five years). Second, public position taking on Supreme Court cases has clear electoral and political consequences. No contemporary politician would treat his or her position on Roe as a trivial act, nor would politicians in the 1950s and 60s treat their public pronouncements on Brown or busing cases as inconsequential. Even comments on less prominent cases can be politically relevant, as happened when Senator Santorum (R-PA) created a controversy with remarks on *Texas v. Lawrence* (2003; Loughlin 2003). Indeed, it is the importance of such statements

[2] The reason that the number of liberal precedent cases plus the number of conservative precedent cases do not sum to the number of total precedent cases is that there are a couple of cases for which the precedent variable took on different values depending on the time of the observation. For example, when Rust v. Sullivan was considered in 1991, the conservative side was seeking to overturn precedent, meaning the precedent variable was coded as -1. But when Justice Breyer took a position on the Rust v. Sullivan in 1995, the precedent was conservative (since the court decided in the conservative direction in 1991); hence, the value of precedent for the Breyer observation is 1. Below we discuss alternative approaches to coding precedent including one in which the Breyer observations (and ones like it) are dropped. The results do not change.

[3] These number include only direct comments (see below for a description of implicit comments). There are three precedent cases with implicit comments, five deference cases with implicit comments and three speech cases with implicit comments.

that have made the use of nonvoting data for the purpose of preference measurement routine. For example, presidential NOMINATE and ADA scores are partially based on presidential position taking. Likewise, Ansolabehere, Snyder, and Stewart (2001) use comment data from candidate surveys to identify legislators' preferences. Third, we must not overstate the consequences of most roll-call votes. Because most roll-call votes are decided by more than one vote, legislators have considerable leeway to vote based on position taking rather than substance. In addition, Poole and Rosenthal provide evidence that "roll call voting is concerned with position-taking rather than policy-making" (1997, 69).

There are a total of 20,495 observations of members of Congress and presidents taking positions on Supreme Court cases. Of these, 8,286 are direct comments, 9,973 are implicit comments and 2,236 are from roll call votes that directly correspond to a Supreme Court case. Below we provide more details on these observations.

Direct Comments

There are 8,702 "direct comments" on Supreme Court cases; 8,286 of these are by members of Congress and presidents and 416 are by justices. These are non-voting observations of individuals taking positions on Supreme Court cases as described in the text and above.

Figure 4 summarizes this data with respect to their support for the majority opinion on the court case and characteristics of the commenter and case. The top bar shows that the positions are reasonably evenly distributed across comments that support the court's majority opinion and those that oppose it.

Because the comments on cases with legal implications that we have coded are particularly interesting, we break down these subsets of congressional/presidential comments in the figure. The comments on cases that we have coded as having clear legal implications exhibit some more variation with regard to supporting the court majority. For liberal precedent cases, there are 1,548 observations, of which 60 percent supported the court's opinion. On conservative precedent cases, 14 percent of 212 comments supported the court's majority. For liberal deference cases 59 percent of the 548 comments supported the court's opinion. On conservative deference cases, percent 36 percent of 925 comments supported the court's majority. For liberal speech cases, 77 percent of 833 observations supported the court's opinion. On conservative speech cases, 23 percent of 128 comments supported the court's majority.

Even though the distribution of comments across our legal coding categories and support and opposition of the court majority, the fact that we find similar results across these various configurations of observations indicates to us that it is unlikely that the actual configuration of comments is biasing things one way or the other.

There are also 416 positions taken by Supreme Court justices in opinions on previous cases. On cases involving liberal precedent, 48 percent of the 224 observations supported the court's majority while 29 percent of the 192 observations involving conservative precedent supported the court's majority. There are a negligible number of observations of Supreme Court justices taking non-contemporaneous positions on cases that we coded as involving deference to Congress or speech.

Figure 5 summarizes this data with respect to whether the comment supported the liberal or conservative side. The top bar shows that 52 percent of the comments are in support of the liberal position. Going down the figures, the percent liberal of congressional comments

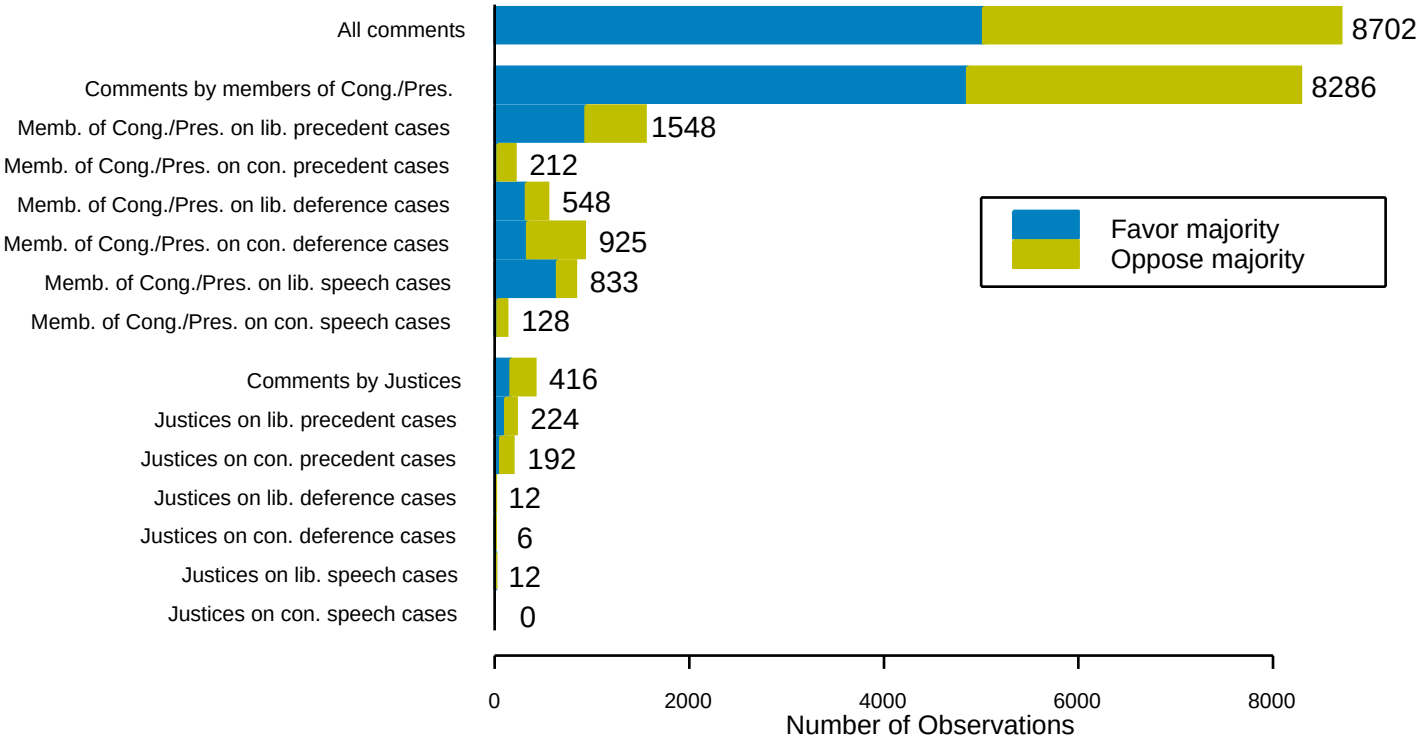

Figure 4: Direct comments on Supreme Court cases by support for Court majority

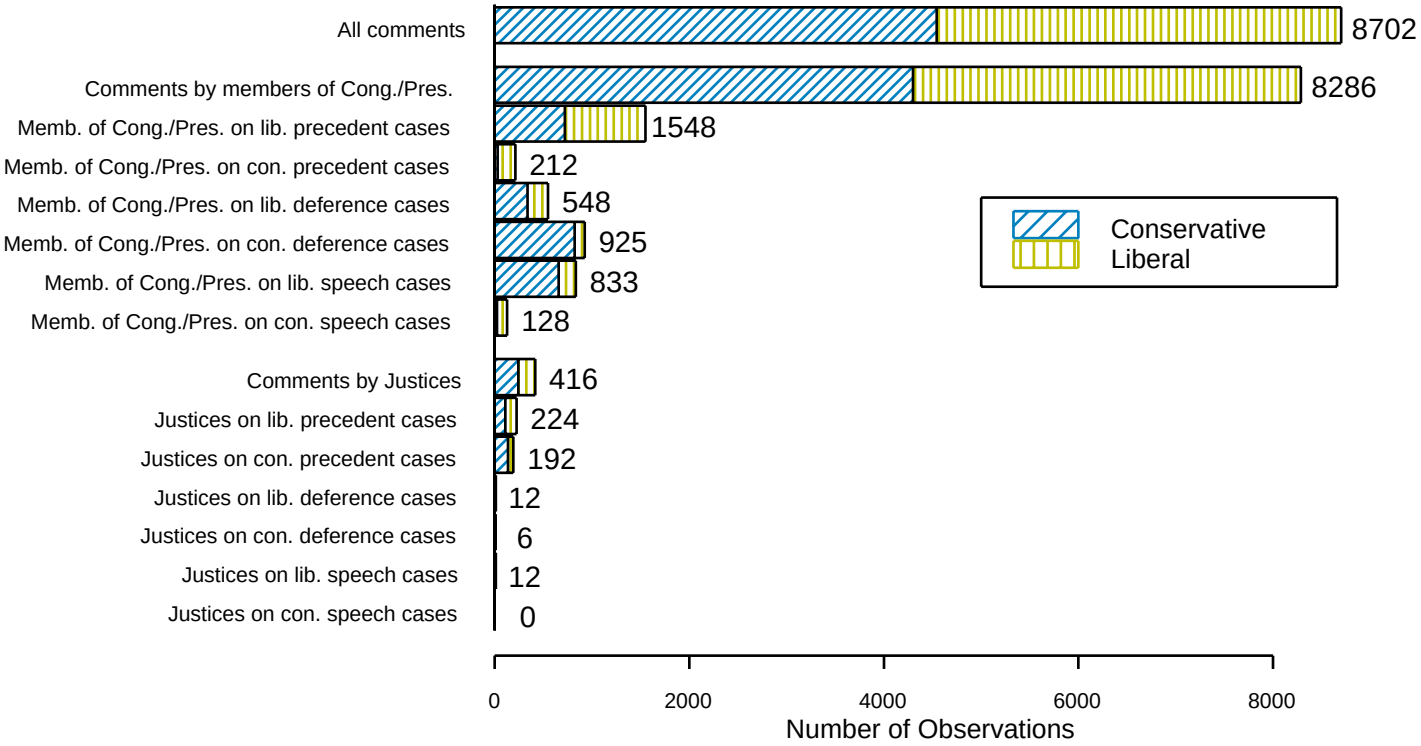

Figure 5: Direct comments on Supreme Court cases by support for liberal/conservative outcomes

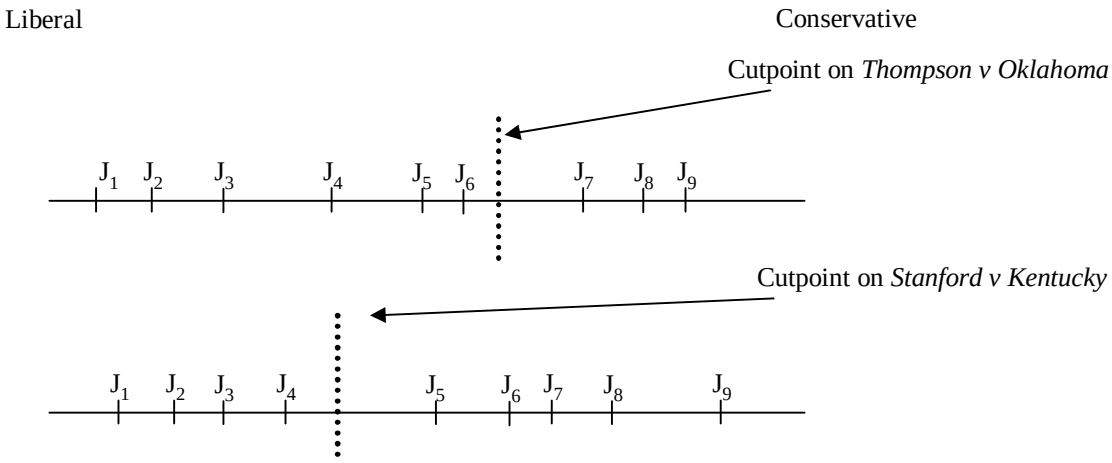

Figure 6: Identifying Relative Cutpoint Locations

is also 52 percent; 47 percent of comments on liberal precedent cases were liberal while 14 percent on conservative precedent cases were liberal. On deference cases, 61 percent of the 548 congressional comments on conservative deference cases were liberal and 88 percent of the 925 comments on liberal deference cases were liberal. Seventy-eight percent of the 833 congressional comments on liberal speech cases were liberal and 18 percent of the congressional comments on the conservative speech cases were liberal. Fifty-eight percent of all comments by justices were liberal, with 47 percent of the comments on liberal precedent cases being liberal and 70 percent of the comments on conservative precedent cases being liberal.

Implicit Comments As discussed in the main body of the paper, these are positions that can be inferred on a particular case or roll call based on a position on taken on another roll call or Supreme Court case. Bailey (2007) incorporated this information by imposing constraints on the cutpoints. In this paper, we use these as additional bridging observations. The underlying informational content is similar and as discussed below in Section 4.4, the results are virtually identical if we use the method from Bailey (2007).

Some additional examples may be helpful to illustrate the origin and use of implicit comments. Figure 6 depicts the relative position of cutpoints for *Thompson v. Oklahoma* (1988) and *Stanford v. Kentucky* (1989). In *Stanford*, the court assessed whether execution of people between 16 and 18 years old was permissible; in *Thompson*, the court assessed whether execution of people under 16 was permissible. Allowing execution of minors under 16 logically implies execution of individuals over 16 is acceptable. This means that we can infer from the substance of the cases that a justice who was conservative on the Thompson case would be conservative on the Stanford case which in turn implies that the cutpoint on *Thompson* is the right of the cutpoint for *Stanford*. Therefore, justices 1 and 2 are implicitly liberal on *Thompson* while justices 4 and 5 are implicitly conservative on *Stanford*.

Abortion provides a number of examples. For example, an April 28, 1976 vote a "right to life" amendment allowed senators to take a position that a fetus is a person with legal rights. This would imply not only that states could regulate abortion (which was at issue

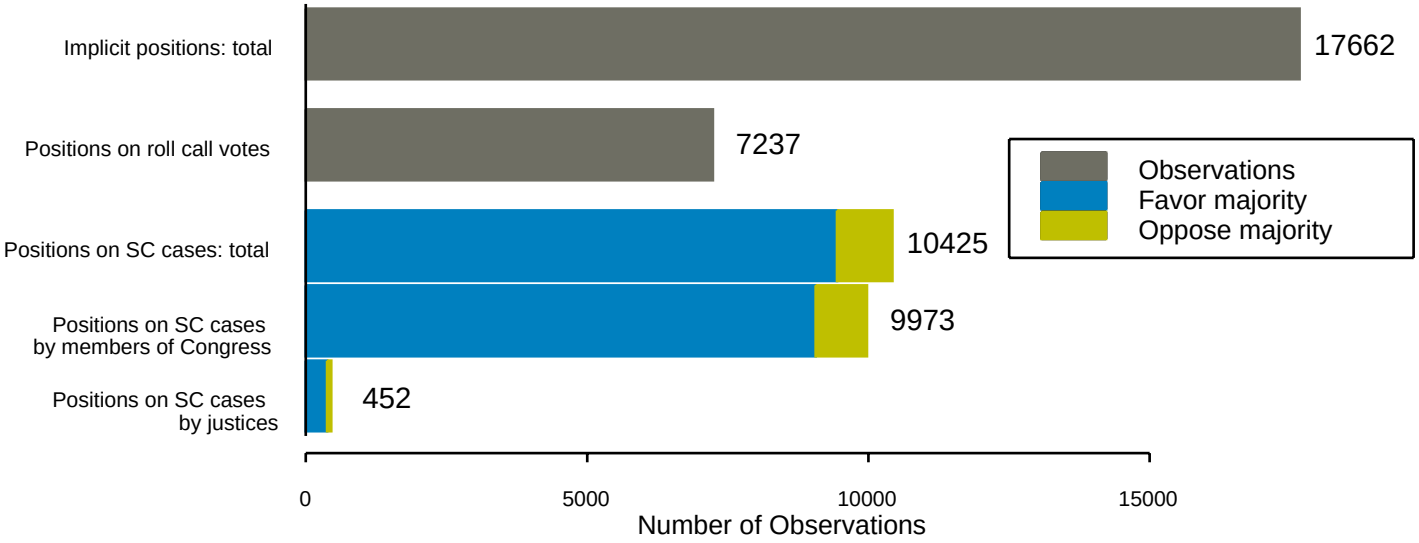

Figure 7: Implicit comment observations by type

in *Roe v. Wade*) but that they should ban it. Hence, conservatives on that vote provide implicit observations of opposing *Roe*.

A recent example is *Boy Scouts v. Dale* which dealt with whether or not the Boy Scouts could ban homosexuals. The House passed an amendment September 25, 2001 to ban federal or local money to implement by the district court requiring the Boy Scouts to reinstate homosexual scout leaders. Those who were conservative on the House amendment were not only in favor of allowing the Boy Scouts to ban homosexuals, but were also willing to overrule a lower court decision in this manner.

Figure 7 summarizes the implicit comment data. There are a total of $17,662$ implicit observations with $7,237$ of these on roll call votes and $10,425$ on Supreme Court cases. Ninety-one percent of congressional implicit comments on court cases were in support of the majority; 83 percent of the implicit comments by justices supported the majority. Many of these pro-majority implicit comments related to the death penalty (*Gregg*), loosening of the exclusionary rule (*Leon*) and abortion (*Roe*).

There are two points to keep in mind with regard to these data. First, the skew toward support for the majority among these data does not create a source of bias. As discussed in the paper and below, bias occurs if the policy preferences of members of Congress are systematically different when they take (implicitly) take positions on Supreme cases. Second, as discussed below, the results are very similar when these implicit observations are excluded and the only bridging observations are the direct comments which are balanced across support and opposition to the court majority.

A complete list of the source cases and roll calls is available from the authors.

Distributions of ideal points Figure 8 plots the distribution of ideal points for all members of Congress and those who provided either direct or implicit comments. Among the direct comment data there a skew to the right indicating that those providing comment data tended to be more conservative. The implicit data has a skew toward the extremes as liberals and, particularly, conservatives are more likely to provide implicit comments.

However, as discussed in the main body of the paper this does not create selection bias.

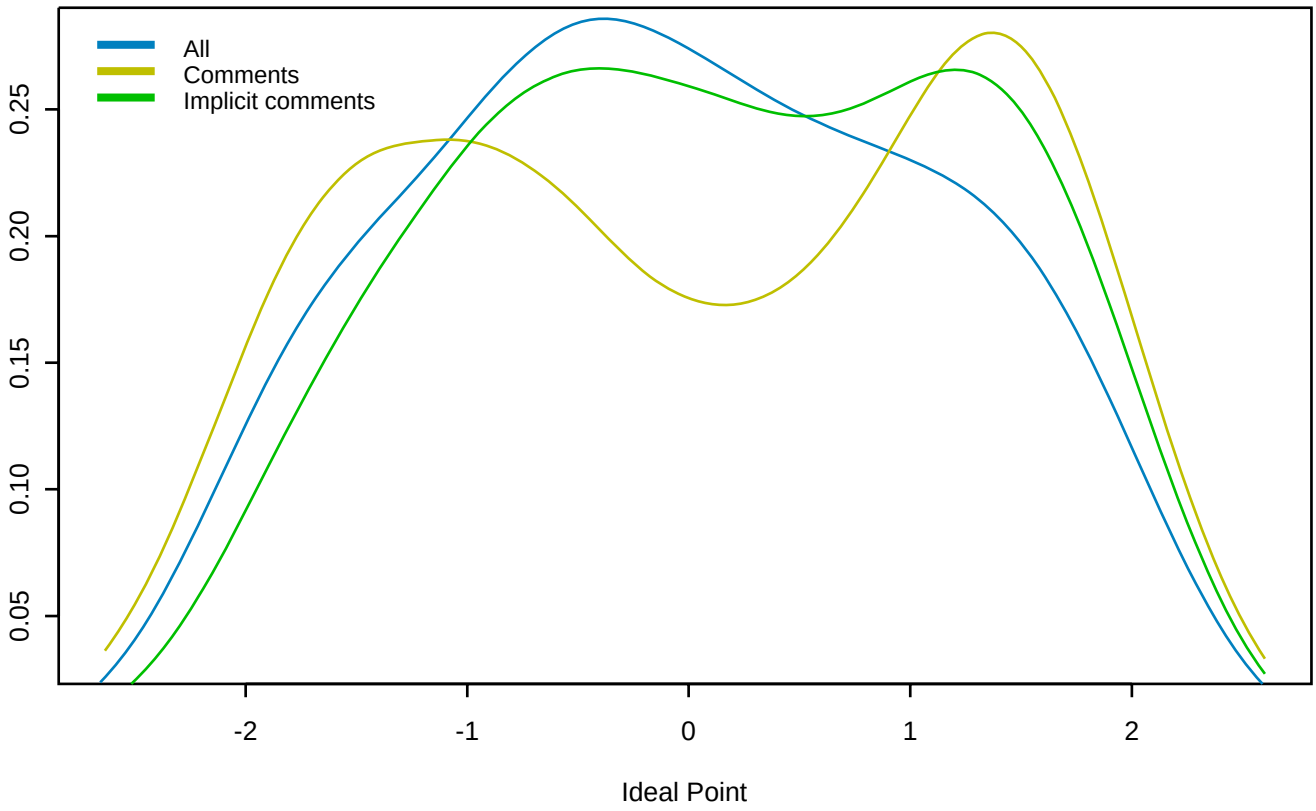

Figure 8: Distributions of ideal points

Selection bias occurs only if error in the selection equation is correlated with the error in the outcome equation (Greene 2000, 976), something that is not related to the skew in commenter ideal points (and, in fact, something that can occur ever were there no difference in distributions between commentators and all members of Congress).

While skew one way or the other does not indicate bias, it does affect the efficiency of the estimation. In the limit, a distribution of all conservatives or all liberals would not allow us to make meaningful distinctions about locations of cutpoints, one of the central pieces of this research design. There are two ways to increase efficiency: increase data or increase the representativeness of the data. The second option is not under our control, as the data is what it is. The first option is one we have pursued in using implicit data; even if the data is not representative, it will add information and help the precision of the estimates. (We also have run the model without the implicit data and find similar results, as discussed below.)

4 Additional specifications

In this section, we discuss a series of robustness checks of the results reported in the main body of the paper. The general conclusion from these additional specifications is that while there are some very minor differences in results, the pattern is similar to that reported in the paper. This indicates that the results do not rely exclusively on any one part of the model or coding but instead that various approaches all lead to the same general conclusions.

4.1 Alternative coding for precedent

In the results reported in the main body of the paper, a case is coded as implicating precedent if (a) a party to the case or a justice expressly supported overturning a specific precedent and (b) the votes divided justices into pro-precedent and anti-precedent camps (that is, we would not code precedent as being in play if some, but not all, of the majority expressed an interest in overturning precedent).

Here we provide results for three alternative codings of precedent.

1. *Prec-briefs*: we narrow the definition to code precedent only based on the petitioner and respondent briefs. Using this coding approach, precedent cases arise either from the coding of the briefs or from the justice comments on previous cases. There are 156 cases coded under this approach (68 where precedent implied a conservative outcome and 89 where precedent implied a liberal outcome).[4] The aggregate number of cases closely matches that for the main coding but it is somewhat of a coincidence; the correlation of *Prec-Briefs* with the main precedent variable is 0.804 for justices (it is zero for all non-justices so those individuals are not included in the correlation)

2. *Prec-NoJComments*: we narrow the definition to exclude all observations of justices taking positions on earlier court cases. This causes the largest drop in the number of precedent observations. There are 60 cases coded under this approach (18 where precedent implied a conservative outcome and 42 where precedent implied a liberal outcome).

3. *Prec-broad*: we broaden the definition to code precedent to allow cases to be coded as implicating precedent even if there was a split amongst the justices. For example, the baseline coding of a case in which three justices dissented but only one of the dissenters advocated overturning precedent would not indicate precedent is implicated. However, with this broadened definition of precedent, such a case would be coded as implicating precedent. There are 195 cases coded under this approach (79 where precedent implied a conservative outcome and 121 where precedent implied a liberal outcome). The correlation of *Prec-Broad* with the main precedent variable is 0.851 for justices.

Table 1 presents the results from these and other (discussed below) alternative specifications. The estimated precedent parameters (π) vary little across these approaches to coding precedent. The correlation of the π parameters with the results in the main body of the paper is *Prec-briefs*: 0.93, *Prec-NoJComments*: 0.91 and *Prec-broad*: 0.97. The correlation of the deference to Congress (δ) and speech (σ) parameters across the coding approaches is virtually 1, which is not a surprise given that only the precedent coding is varying across these specifications.

There are two changes in statistical significance at the 5 percent level: in the *Prec-briefs* specification the precedent parameter for Justice Stewart is significant and in the *Prec-NoJComments* specification the precedent parameter for Justice Brennan is insignificant. Both of these justices only served for part of the period in our data set and have relatively less data.

[4] See footnote 2 on why total cases is not the sum of liberal and conservative cases.

	Justice	Precedent			Exclude implicit	Limited intertemporal	Cutpoint
		Briefs only	No J. comments	Broad			
Precedent	Blackmun	0.53*	0.71*	0.38*	0.59*	0.70*	0.48*
	Brennan	0.61*	0.24	0.42*	0.48*	0.29	0.44*
	Breyer	0.94*	0.84*	0.65*	1.01*	0.83*	0.99*
	Burger	1.19*	0.93*	1.09*	1.12*	0.76*	1.15*
	Ginsburg	0.75*	1.16*	0.78*	1.04*	1.26*	1.05*
	Kennedy	0.22*	0.61*	0.20*	0.44*	0.75*	0.44*
	Marshall	0.61*	0.44*	0.50*	0.53*	0.37	0.51*
	O'Connor	0.57*	0.67*	0.42*	0.79*	0.67*	0.78*
	Powell	0.81*	0.78*	0.82*	0.92*	0.61*	0.87*
	Rehnquist	0.37*	0.51*	0.35*	0.44*	0.46*	0.46*
	Scalia	-0.08	0.03	-0.08	-0.16	-0.03	-0.15
	Souter	0.77*	0.99*	0.61*	1.02*	0.91*	0.99*
	Stevens	0.45*	0.68*	0.45*	0.65*	0.58*	0.62*
	Stewart	0.48*	0.10*	0.26*	0.08*	0.05	0.09*
	Thomas	-0.40	-0.19	-0.31	-0.39	-0.18	-0.35
	White	0.36*	0.82*	0.46*	0.70*	0.79*	0.70*
Deference to Congress	Blackmun	0.79*	0.78*	0.78*	0.81*	0.76*	0.78*
	Brennan	0.59*	0.61*	0.59*	0.55*	0.57*	0.55*
	Breyer	0.90*	0.85*	0.90*	0.94*	0.89*	0.89*
	Burger	1.15*	1.12*	1.18*	1.14*	1.04*	1.14*
	Ginsburg	0.18	0.18	0.19	0.28	0.21	0.21
	Kennedy	-0.14	-0.13	-0.12	-0.10	-0.11	-0.13
	Marshall	0.56*	0.58*	0.57*	0.53*	0.55*	0.54*
	O'Connor	0.31*	0.28*	0.31*	0.36*	0.29*	0.30*
	Powell	0.87*	0.89*	0.89*	0.85*	0.78*	0.85*
	Rehnquist	0.47*	0.48*	0.49*	0.53*	0.48*	0.49*
	Scalia	-0.04	-0.03	-0.02	0.03	0.00	-0.03
	Souter	0.8*	0.74*	0.80*	0.80*	0.75*	0.78*
	Stevens	0.69*	0.72*	0.68*	0.72*	0.73*	0.68*
	Stewart	0.65*	0.63*	0.66*	0.61*	0.53*	0.60*
	Thomas	0.01	-0.04	0.01	0.07	0.02	0.02
	White	0.80*	0.81*	0.80*	0.80*	0.74*	0.79*
Speech	Blackmun	0.50*	0.53*	0.51*	0.57*	0.55*	0.53*
	Brennan	0.54*	0.53*	0.52*	0.58*	0.55*	0.56*
	Breyer	0.22	0.20	0.21	0.37*	0.22	0.30
	Burger	0.68*	0.74*	0.69*	0.78*	0.79*	0.75*
	Ginsburg	0.85*	0.84*	0.88*	1.08*	0.87*	1.01*
	Kennedy	1.68*	1.74*	1.68*	1.75*	1.78*	1.71*
	Marshall	0.58*	0.57*	0.55*	0.59*	0.57*	0.58*
	O'Connor	0.64*	0.71*	0.65*	0.76*	0.73*	0.71*
	Powell	0.65*	0.71*	0.67*	0.79*	0.77*	0.76*
	Rehnquist	0.63*	0.63*	0.64*	0.67*	0.63*	0.64*
	Scalia	1.12*	1.09*	1.09*	1.13*	1.08*	1.10*
	Souter	1.19*	1.21*	1.22*	1.39*	1.27*	1.32*
	Stevens	0.49*	0.52*	0.49*	0.59*	0.55*	0.55*
	Stewart	1.22*	1.27*	1.21*	1.37*	1.31*	1.33*
	Thomas	1.30*	1.23*	1.26*	1.28*	1.25*	1.24*
	White	0.38*	0.41*	0.39*	0.46*	0.41*	0.43*
Correlations with main results							
All parameters		1.00	1.00	1.00	0.99	0.94	0.99
Precedent		0.93	0.91	0.97	0.98	0.85	0.99
Deference to Cong.		1.00	1.00	1.00	0.99	0.99	1.00
Speech		1.00	1.00	1.00	0.99	0.99	0.99
Differences in hypothesis tests from main results		Stewart precedent parameter is significant	Brennan precedent parameter is insignificant	No difference	Breyer speech parameter is significant	Brennan & Marshall precedent parameters are insignificant	No difference

* 95 % Bayesian confidence interval does not include 0.

Table 1: Results from other specifications

The fact that the results are very similar across coding alternatives makes it unlikely that the results are driven by the inevitable ambiguities of the coding process.

4.2 Alternative coding for deference to Congress and separation of powers

It is possible that deference to Congress depends on political factors such as control of Congress and the presidency. In order to test whether our results are robust to such concerns we estimated models that added two variables: one to allow for an interaction between the deference to Congress effect and control of Congress and another variable to allow for an effect of political control on all Supreme Court cases, even those not directly involving a law passed by Congress. The idea in the latter case is that it is possible, for example, that liberal control of Congress and the presidency could make justices more willing to support liberal outcomes in order to avoid the possibility that Congress would pass (and the president would sign) a law nullifying or modifying a more conservative court decision.

Specifically, we estimated the following model:

$$\begin{aligned} Pr(y_{itv} = 1) &= \Phi(\alpha_v(\theta_{it} - \kappa_v) + \pi_i PREC_v + \delta_{1i} DEF_v + \delta_{2i} DEF_v \times DEMCONTROL_v + \\ &\quad \delta_{3i} SOP_v + \sigma_i SPEECH_v) \end{aligned} \tag{8}$$

where α_v is the discrimination parameter for vote v, θ_{it} is the policy ideal point of actor i at time t, κ_v is the policy cutpoint, π_i is the weight of actor i on precedent, $PREC_v$ is the precedent variable (coded as described in the paper), σ_i is the weight on speech, $SPEECH_v$ is the speech variable (coded as described in the paper). The effect of congressional deference now are different than in the main results reported in the paper: δ_{1i} is the weight on DEF_v, δ_{2i} is the weight on an interaction between DEF_v and $DEMCONTROL_v$. $DEMCONTROL_v$ is -1 if the Democrats controlled both chambers of Congress (1977-1980 and 1993-1994), +1 if Republicans controlled both chambers of Congress (1995 through early 2001 and 2003); it is zero if there was divided control of Congress (1981-1986, mid 2001 through 2002). The coefficient on the interaction variable (δ_{2i}) captures the differential weight that justices place on deference to Congress when one or the other parties controls. If $\delta_{2i} > 0$, this means that the justice defers more when Republicans are in control (to see this, consider a case in which deference implies a conservative vote and the Republicans control Congress - the net deference effect would be $\delta_{1i} + \delta_{2i}$). The SOP_v is a variable that captures the separation of powers effect (tested, for example, in Segal (1998)); it is -1 if Democrats control Congress and the presidency (1977-1980 and 1993-1994) and +1 if Republicans control Congress and the presidency (early 2001 and all of 2003). Note that this variable is not interacted with deference to Congress, allowing it to capture effects that separation of powers concerns may apply across all cases, not just those dealing with congressional statutes.

This specification does not exhaust the possibilities with regard to testing separation of powers; in fact, there is a lively debate as to whether the constraints would be on statutory or constitutional interpretation (see, e.g. Segal 1997; Friedman and Harvey 2006). This specification captures some of the more obvious possibilities and the fact that the results on the legal variables do not change is consistent with the idea that the results we find are not an artifact of separation of powers effects (not that that is a major concern with regard to the precedent and speech variables).

We tried to include variable for enacting Congress, but found this variable extremely collinear with current Congress.

4.3 Limited use of intertemporal bridge observations

Many of the bridge observations are with regard to cases that occurred two or more years before the comment was made. This raises the possibility that the cut-points of the cases vary across time, reflecting for example new information revealed over time or changes in technology and context (Rogers 2001). This certainly could add noise to the institutional and cross-temporal linking process, although we expect this to cause bias only if there is a systematic pattern of movement (e.g. all case cutpoints moving to the left over time).

To examine if this issue affects our results, we ran a model in which we excluded all bridging observations made more than two years after a case was decided.The results are reported in the column labelled "Limited intertemporal" in Table 1. The results are quite similar to the main results reported in the paper; the correlation across all legal parameters is 0.94. The differences are in the precedent variable which tends to look like the results when all justice comments were dropped. (In this approach, we lose most justice comments as most justice comments were on cases more than two years previous; we also drop with this approach many congressional comments as well.) Two differences are that the Brennan and Marshall precedent parameters are no longer significant (or, more precisely, their Bayesian 95 percent confidence intervals contain zero). Brennan was marginally significant in the results in the main paper; Marshall has relatively little data and his parameters tend to be estimated imprecisely. It is not simply the case that precedent parameters get smaller; note, for example, that Kennedy's precedent parameter is the highest of all specifications.

4.4 Exclusion of implicit data

We also estimated a model in which the $17,662$ implicit observations were excluded from the analysis. This resulted in parameter estimates that were very similar to those reported in the main body of the paper; they are reported in the column of Table 1 labeled "Exclude implicit." The correlation of all legal parameters with those in reported in the paper is 0.99. The significance was unchanged except for one parameter: the coefficient on the speech variable for Breyer became (just barely) significant at the 95 percent level.

4.5 Alternative incorporation of implicit data

As discussed above in the section on implicit data, the analysis presented in the main body of the paper uses information about the relative location of case and roll call cutpoints to generate implicit observations, observations that are useful in pinning down preferences across time and institutions. This information is incorporated differently in Bailey (2007) which used information about the relative location of cutpoints to constrain the estimation process. We have estimated the model and data described in the paper using the method in Bailey (2007) and found the results to be extremely similar. The results correlate very highly – and do not differ substantively – across the two alternative approaches. We chose the implicit observation approach because it is allows for a more intuitive way to explain the nature of the information and it speeds up the estimation process.

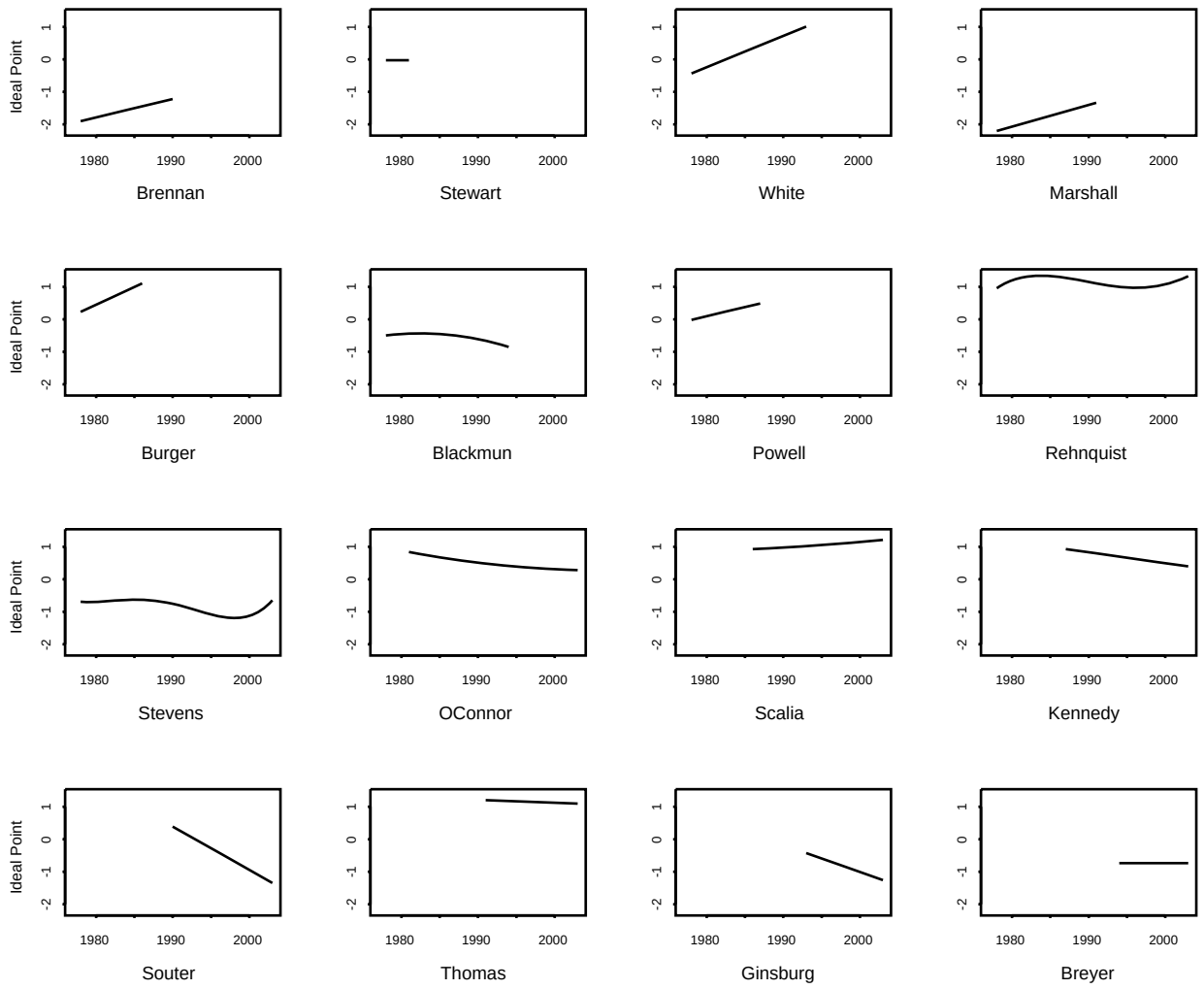

Figure 9: Estimated ideal points of Supreme Court Justices

The results are virtually the same; they are reported in the column of Table 1 labeled "Cutpoint." When the model is estimated using the cutpoint approach in Bailey (2007) the legal parameters correlate at 0.99 with the results provided in the main body of the paper (based on use of implicit comments). When broken down into δ, π, σ, the correlation is at 0.99 for each of these sets of parameters.

5 Additional information on results

Figure 9 plots the ideal points of the individual justices over time; the scale in each plot is the same. Figure 10 plots the median of the court, the medians of the House and Senate and the presidential ideal points.

Figure 11 presents a scatter plot of the estimated judicial ideal points for each individual justice and year against the dynamic Martin and Quinn (2002) scores. Despite the numerous differences between the methods (including that Martin and Quinn assume all court votes including economic cases and states rights cases etc are on the same dimension as the

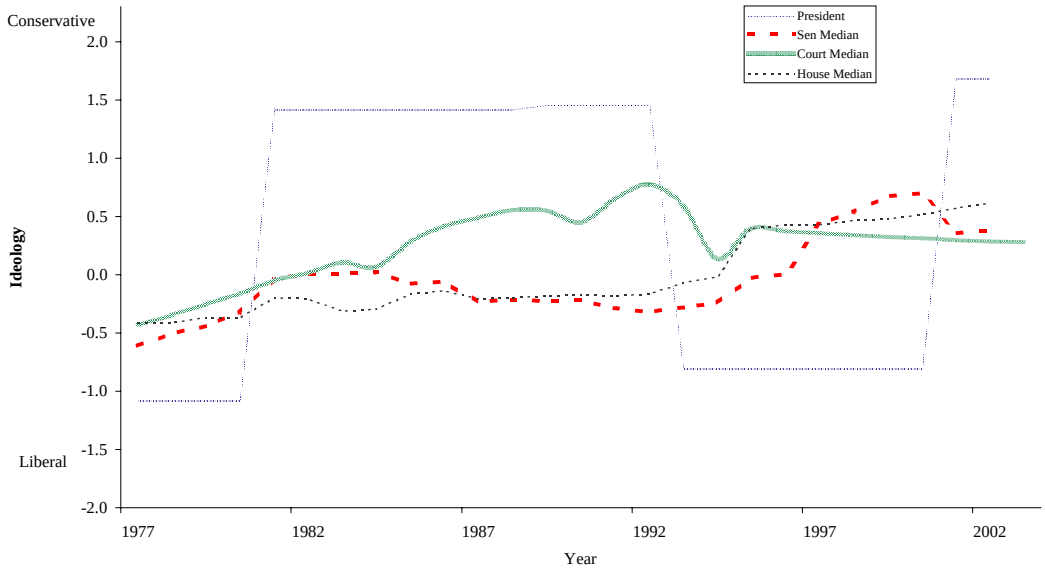

Figure 10: The president and the congressional and court medians

traditional social issues and that they do not have any comment or cutpoint data and do not make any claims about cross-institutional comparability), the correlation is 0.94. The correlation of the ideal points generated in this paper and those generated in Bailey (2007) is 0.98. The strong face validity of those two approaches is replicated here.

The high correlation does not mean that there are not important differences between the results in this paper and those in Martin and Quinn (2002) and Bailey (2007). The most important difference is the purpose of the model: those papers did not intend to unpack policy preferences and legal influences and therefore did not provide identification strategies or estimates in this regard. In addition, the Martin and Quinn scores were not designed to link court and congressional preferences, something at the heart of this paper.

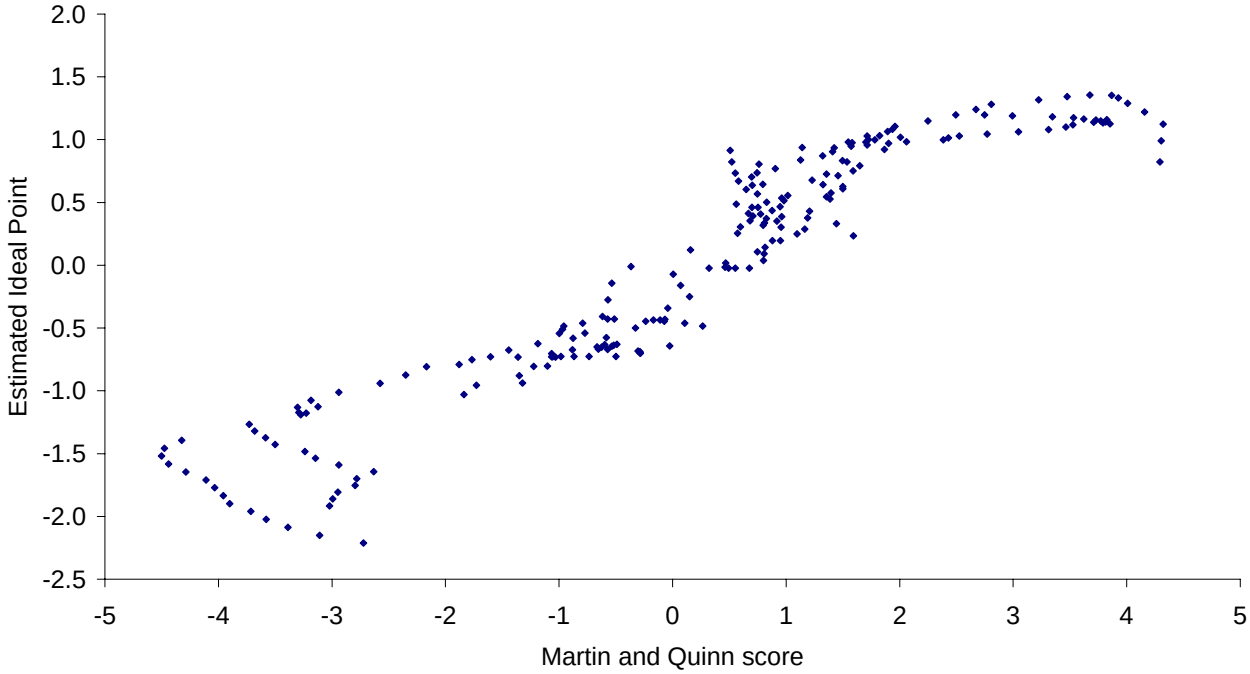

Figure 11: Comparison with Martin and Quinn scores

Cong.	Vote	Topic	Cong.	Vote	Topic	Cong.	Vote	Topic	Cong.	Vote	Topic
95	66	Vietnam amnesty	97	78	Legal services	100	505	Civil rights	102	485	Discimination
95	92	Assissinations by FBI/CIA	97	79	Legal services	100	543	Obscenity	102	503	Campaign finance
95	131	Vietnam amnesty	97	83	Legal services	100	623	Hate crimes	102	519	Family planning
95	190	Wiretapping	97	120	Military in war on drugs	100	682	Fair housing	102	525	Legal services
95	295	Hatch Act	97	171	Abortion	100	695	Fair housing	102	527	Legal services
95	326	Abortion	97	172	Private schools	100	744	Japanese reparations	102	539	Legal services and abortion
95	352	Legal services	97	180	Fair housing	100	779	Exclusionary rule	102	542	Legal services
95	354	Legal services	97	181	School prayer	100	785	Abortion	102	670	Drug abuse
95	357	Legal services	97	182	Legal services	100	797	Guns	102	714	NEA money
95	358	Legal services	97	214	D.C. crimes - sex related	100	801	AIDS	102	720	NEA money
95	437	Food stamps for strikers	97	217	D.C. crimes - sex related	100	810	AIDS	102	730	Bilingual ballots
95	550	Abortion	97	218	D.C. crimes - sex related	100	812	AIDS	102	732	Bilingual ballots
95	581	Appeals	97	223	VRA	100	814	AIDS	102	734	Bilingual ballots
95	603	Abortion	97	224	VRA	100	817	AIDS	102	735	Bilingual ballots
95	637	Minors and porn	97	225	VRA	100	818	AIDS	102	790	Family planning
95	696	Abortion	97	227	VRA	100	829	Pay equity	102	805	Family and medical leave
95	740	Additional judges	97	228	VRA	100	835	Abortion	102	834	Aid to unmarried
95	784	Voting rights DC	97	561	Former spouses - pensions	100	837	Pay equity	102	842	Death penalty
95	930	Civil rights of institutionalized	97	755	Busing	100	838	Pay equity	103	68	Aids and immigration
95	1030	Civil rights of institutionalized	97	756	Legal services	100	843	Pay equity	103	88	Family planning
95	1087	Abortion	97	801	D.C. appropriations	100	845	Pay equity	103	94	Family planning
95	1088	Abortion	98	210	NEA money	100	846	Pay equity	103	103	Family planning
95	1089	Quotas	98	289	Martin Luther Kind day	101	24	Hatch Act	103	297	Abortion
95	1196	Discrimination - pregnant women	98	325	School prayer	101	25	Martin Luther Kind day	103	301	Domestic partners
95	1243	Civil rights of institutionalized	98	334	Abortion	101	41	Martin Luther Kind day	103	363	Religion and national service
95	1245	Civil rights of handicapped	98	444	Judiciary	101	101	Hate crimes	103	445	Gays in military
95	1290	Abortion	98	447	Civil rights commission	101	109	Drug testing	103	446	Gays in military
95	1346	Foreign intelligence	98	469	ERA	101	122	NEA money	103	456	Gays in military
95	1347	Foreign intelligence	98	617	Religion at schools	101	170	Minority set asides	103	547	Guns
95	1352	Foreign intelligence	98	690	Drug abuse	101	186	Immigration	103	548	Guns
95	1444	Busing	98	692	Immigration	101	196	D.C. appropriations	103	563	Abortion
95	1516	Abortion	98	693	Immigration	101	269	HHS appropriations	103	578	D.C. representation
95	1526	Victims of Crime	98	694	Immigration	101	344	Civil rights commission	103	596	Guns
96	188	School prayer	98	701	Immigration	101	373	Voter registration	103	661	Abortion
96	190	Busing	98	708	Immigration	101	419	Religious discrimination	103	667	Bilingual education
96	195	Quotas	98	710	Immigration	101	466	Family and medical leave	103	670	Sex education
96	198	Bilingual education	98	712	Immigration	101	476	ADA	103	686	Gays in school
96	202	Civil rights enforcement	98	713	Immigration	101	478	ADA	103	700	Death penalty
96	288	Abortion	98	730	Abortion	101	481	ADA	103	702	Death penalty
96	298	Busing	98	770	Educationd	101	522	AIDS	103	730	Crime
96	312	Abortion	98	775	School prayer	101	548	Flag burning	103	736	Crime
96	315	Quotas	98	776	School prayer	101	610	Drug convictions	103	739	Crime
96	339	Busing	98	777	School prayer	101	660	Civil rights	103	750	Guns
96	340	Busing	98	839	Sanity defense	101	661	Civil rights	103	752	Abortion
96	341	Busing	98	842	Allow heroin	101	752	Immigration	103	847	Race and sentencing
96	476	Jurisdiction - magistrates	98	844	CIA	101	754	Immigration	103	868	Crime
96	487	Abortion	99	179	Drug war	101	756	Crime	103	907	Crime
96	550	Abortion	99	180	Drug war	101	758	Crime	103	932	Redlining
96	629	Abortion	99	181	Drug war	101	762	Crime	103	1015	School prayer
96	630	Abortion	99	182	Drug war	101	770	Race and death penalty	104	93	Exclusionary rule
96	633	Abortion	99	216	Abortion	101	771	Race and death penalty	104	94	Exclusionary rule
96	642	Domestic violence	99	286	NEA money	101	772	Crime	104	98	Exclusionary rule
96	643	Domestic violence	99	321	NEA money	101	775	Crime	104	120	Abortion
96	953	Fair housing	99	447	Legal services	101	792	NEA money	104	198	Civil rights
96	955	Fair housing	99	449	Legal services	101	873	Immigration	104	207	Securities litigation
96	957	Fair housing	99	480	Polygraph	102	78	Guns	104	372	Abortion
96	958	Fair housing	99	481	Polygraph	102	80	Guns	104	418	Flag burning
96	1043	Homosexuality	99	503	Guns	102	89	Drug testing	104	422	Abortion
96	1052	Legal services	99	505	Guns	102	123	Civil rights	104	561	Abortion
96	1074	Wheelchair lifts	99	507	Guns	102	124	Civil rights	104	605	Abortion
96	1088	Religious schools	99	762	Minority set asides	102	126	Civil rights	104	606	Abortion
96	1089	Abortion	99	782	Drug evidence	102	127	Civil rights	104	627	Abortion
96	1096	Hispanic affairs at HUD	99	783	Death penalty	102	242	D.C. appropriations	104	628	Abortion
96	1124	Abortion	99	855	Discimination	102	299	Crime	104	679	Judge
96	1138	Probation rules	99	857	Immigration	102	300	NEA money	104	708	Crack cocaine
96	1219	Domestic violence	100	59	Drug testing	102	304	Crime	104	739	Abortion
96	1240	Juvenile crime	100	282	AIDS	102	311	Race and death penalty	104	888	D.C. appropriations
96	1263	Handicapped funds	100	345	AIDS	102	313	Race and death penalty	104	889	D.C. appropriations
97	37	Abortion	100	387	Polygraph	102	328	NEA money	104	917	Abortion
97	72	Legal services	100	392	Polygraph	102	379	Family and medical leave	104	927	Terrorism
97	75	Legal services	100	394	Lie detectors	102	411	Campaign finance	104	931	Terrorism
97	76	Legal services	100	414	Hatch Act	102	426	Crime	104	932	Terrorism
97	77	Legal services	100	494	Dial-a-porn	102	427	Crime	104	941	Immigration

Figure 12: House roll call votes - I

Cong.	Vote	Topic
104	950	Immigration
104	951	Immigration
104	958	Guns
104	1166	Gay marriage
104	1170	Women's educational equity
104	1181	Gay marriage
104	1197	Welfare reform
104	1207	Legal services
104	1256	English as language
104	1257	English as language
104	1297	Immigration
104	1299	Immigration
105	63	Abortion
105	64	Abortion
105	110	Juvenile crime
105	111	Juvenile crime
105	115	Juvenile crime
105	116	Juvenile crime
105	165	Abortion
105	166	Abortion
105	373	Family planning
105	382	Abortion
105	494	Abortion
105	500	Abortion
105	563	Vouchers
105	650	Federal agency and court rulings
105	655	Federal agency and court rulings
105	731	Judicial tax increases
105	733	Prison releases
105	742	AIDS
105	747	Vouchers
105	761	Discrimination
105	792	Drug war
105	799	Abortion
105	828	Religious freedom
105	914	Abortion
105	970	Domestic partners
105	987	Bilingual ballots
105	1007	Abortion
105	1029	D.C. representation
105	1042	Bilingual education
105	1045	Starr Report
105	1063	Drug testing
105	1161	Clinton impeach
105	1162	Clinton impeach
105	1163	Clinton impeach
105	1164	Clinton impeach
105	1165	Clinton impeach
106	5	Clinton impeach
106	59	Oppose racism
106	171	Abortion
106	219	Juvenile crime (10 commandments)
106	232	Guns
106	233	Guns
106	299	Abortion
106	301	Abortion
106	344	Gay adoptions
106	352	Guns
106	368	Legal services
106	437	Guns
106	445	Guns
106	461	Unborn victims of violence
106	463	Unborn victims of violence
106	500	Guns
106	562	Education
106	583	Responsible fathers
106	658	Juvenile crime
106	711	Abortion
106	712	Abortion
106	723	Guns
106	900	Feedom of expression act
106	901	Feedom of expression act
106	924	Abortion
106	1002	Abortion
106	1074	Boy scouts and homosexuals
106	1077	Gays in military
106	1079	Needle exchange
107	87	Unborn victims of violence
107	134	School choice
107	183	NEA money
107	195	Brown v Board of Education
107	229	Flag burning
107	252	Charitable contributions
107	268	Cuba
107	269	Cuba
107	285	Drugs in public housing
107	300	Stem cell
107	302	Cloning
107	348	D.C. appropriations
107	350	Boy scouts and homosexuals
107	351	Boy scouts and homosexuals
107	375	Abstinence education
107	381	Terrorism
107	382	Terrorism
107	394	Terrorism
107	441	School prayer
107	562	Class action
107	566	Class action
107	569	Life sentence
107	570	Crime
107	602	Abortion - transporting minors
107	603	Abortion - transporting minors
107	670	Welfare reform
107	674	Welfare reform
107	675	Welfare reform
107	676	Welfare reform
107	837	Cuba
107	839	Cuba
107	848	Partial birth abortion
107	849	Partial birth abortion
107	870	FOIA
107	918	Abortion
107	971	drugs and alcohol
108	26	Welfare reform
108	28	Welfare reform
108	29	Welfare reform
108	36	Cloning
108	38	Cloning
108	91	Vaccine liability
108	123	Guns
108	153	Disabilities
108	219	Abortion
108	239	Abortion
108	240	Partial-Birth Abortion Ban Act
108	349	Fair labor standards
108	360	UN population fund
108	405	FCC ownership rules
108	439	Discimination
108	442	School readiness
108	481	Cuba
108	482	Cuba
108	497	Credit information
108	665	Credit information

Figure 13: House roll call votes - II

Cong.	Vote	Topic	Cong.	Vote	Topic	Cong.	Vote	Topic	Cong.	Vote	Topic
95	249	Affirmative action	97	879	Trials	101	450	Race and crime	103	646	Sentencing and race
95	250	Affirmative action	98	296	Government employee writing	101	452	Death penalty	103	690	Crime
95	253	Busing	98	301	Busing	101	455	Death penalty	103	716	Education
95	254	Busing	98	314	Press restrictions grenada	101	460	ADA	104	233	Emergency wiretaps
95	258	Abortion	98	350	Civil rights	101	464	ADA	104	237	Habeas
95	259	Abortion	98	376	Taping phone conversations	101	470	Civil rights act of 1990	104	238	Court appointed attorney
95	264	Civil rights	98	379	Crime	101	471	Civil rights act of 1990	104	240	Habeas
95	557	Legal services	98	381	Review constitutional cases	101	472	Civil rights act of 1990	104	242	Anti-terrorism
95	579	Busing	98	382	Habeas	101	473	Civil rights act of 1990	104	281	Shareholder lawsuits
95	610	Abortion	98	383	Search and seizure	101	546	Homosexuality	104	283	Shareholder lawsuits
95	615	Abortion	98	384	Death penalty	101	588	Civil rights act of 1990	104	589	Shareholder lawsuits
95	635	Abortion	98	385	Death penalty	101	616	Civil rights act of 1990	104	593	Abortion
95	640	Obscenity	98	405	School prayer	102	12	Death penalty	104	595	Abortion
95	641	Obscenity	98	530	Religion at schools	102	13	Death penalty	104	596	Abortion
95	645	Death penalty	98	588	Abortion	102	85	Campaign finance	104	600	Flag burning
95	649	Obscenity	98	633	Civil rights	102	103	Crime	104	612	Shareholder lawsuits
95	650	Obscenity	99	172	School prayer	102	104	Crime	104	613	Welfare reform
95	652	Obscenity	99	489	Busing	102	105	Crime	104	677	Guns
95	655	Obscenity	99	555	Discimination	102	106	Crime	104	678	Roving wiretaps
95	966	D.C. appropriations	99	644	Abortion	102	107	Crime	104	679	Habeas
95	986	D.C. representation	99	738	Immigration	102	108	Crime	104	680	Bomb making info
95	988	Busing	100	75	Broadcasters limitation	102	109	Crime	104	681	Wiretaps
95	1052	Busing	100	291	D.C. appropriations	102	110	Crime	104	684	Anti-terrorism
95	1055	Busing and abortion	100	395	Drug testing	102	111	Crime	104	845	Welfare reform
95	1072	ERA	100	423	TV/radio ownership	102	123	Crime	104	875	Welfare reform
95	1073	ERA	100	424	Religious institutions	102	187	Race and hiring	104	893	Same sex marriage
95	1075	ERA	100	425	Coverage to schools	102	238	Civil rights act of 1991	104	894	Discrimination - homosexuals
95	1076	ERA	100	427	Religious exemption	102	362	Campaign finance	104	914	Abortion
95	1077	ERA	100	429	Abortion	102	366	Motor voter	105	34	Judge
95	1078	ERA	100	430	Coverage to schools	102	378	Motor voter	105	69	Abortion
95	1086	ERA	100	431	Handicapped access	102	383	Crime	105	70	Abortion
95	1095	Circuit court judges	100	432	Civil rights	102	387	Crime	105	71	Abortion
96	36	School prayer	100	457	Lie detectors	102	444	Death penalty	105	190	Budget freeze
96	37	School prayer	100	459	Lie detectors	102	500	Abortion (military)	105	204	Divide circuit court
96	39	School prayer	100	460	Lie detectors	102	506	Motor voter	105	299	District judge
96	40	School prayer	100	463	Lie detectors	102	507	Boy scouts & homosexuals	105	309	District judge
96	114	Civil rights	100	487	Civil rights restoration	102	512	Family and medical leave	105	321	Minority set asides
96	117	Busing	100	562	Death penalty	102	534	Abortion	105	346	District judge
96	123	Busing	100	591	Death penalty	102	542	Crime	105	387	Same gender schools
96	202	Affirmative action	100	593	Lie detectors	103	11	Family and medical leave	105	464	District judge
96	203	HEW amendment	100	594	Death penalty	103	28	Motor voter	105	467	Education savings accounts
96	214	Busing	100	595	Death penalty	103	34	Motor voter	105	478	Same sex barracks
96	216	Justice appropriations	100	652	Abortion	103	36	Motor voter	105	516	Grand jury lawyers
96	552	Civil rights of institutionalized	100	653	Abortion	103	38	Motor voter	105	523	Taping phone conversations
96	601	Civil rights of institutionalized	100	655	Homosexuality	103	118	Motor voter	105	528	Death penalty
96	661	Civil rights	100	656	Homosexuality	103	129	Campaign finance	105	575	Abortion
96	731	Death penalty	100	700	School prayer	103	201	Hatch Act	105	593	District judge
96	899	Crime	100	758	Appropriations	103	249	Natlional Service	105	607	District judge
96	973	Busing	100	788	Death penalty	103	330	Religious rights	106	17	Clinton Impeach
96	979	Commerce appropriations	100	789	Death penalty and race	103	331	Religious freedom	106	18	Clinton Impeach
96	1005	Busing	100	790	Death penalty	103	353	Ssex crimes	106	46	Social promotion in schools
96	1006	State-Justice appropriations	101	173	ADA	103	356	Juvenile crime	106	89	Educational flex program
97	159	DOJ limits	101	224	Flag burning	103	358	Death penalty (under 18)	106	121	School prayer for victims
97	258	Busing	101	226	Flag burning	103	360	Juvenile crime	106	130	Racial disparity - crime
97	393	Freedom of religion	101	230	Drug traffickers	103	362	Death penalty	106	134	Guns
97	499	Busing	101	251	Flag burning	103	369	Abortion	106	138	Films and violence
97	518	Busing	101	274	Death penalty	103	373	Abortion	106	197	Abortion
97	520	Busing	101	275	Death penalty	103	374	Abortion	106	279	D.C. appropriations
97	523	Crime	101	324	Hate crimes	103	376	Prisons	106	307	District judge
97	535	Busing	101	383	Death penalty	103	377	Death penalty	106	309	District judge
97	550	Disclosure of foreign agent	101	402	Hatch Act	103	379	Death penalty	106	332	Abortion
97	669	VRA	101	417	Habeas	103	385	Guns - Brady bill	106	334	Gay adoptions
97	672	VRA	101	418	Habeas	103	386	Guns - Brady bill	106	336	Abortion
97	675	VRA	101	419	Death penalty	103	387	Guns - Brady bill	106	338	Abortion
97	677	VRA	101	420	Death penalty and race	103	390	Guns - Brady bill	106	340	Abortion
97	680	VRA	101	421	Death penalty	103	394	Guns - Brady bill	106	343	HHS appropriations
97	683	VRA	101	433	Hatch Act	103	481	Education	106	360	Drug war
97	684	VRA	101	437	Flag burning	103	501	Race and death penalty	106	376	Abortion
97	687	VRA	101	438	Flag burning	103	507	Abortion	106	412	District judge
97	831	Busing	101	445	Assault weapons	103	518	Sentencing	106	438	Juvenile crime
97	841	Abortion	101	446	Minors sentences	103	519	Sentencing	106	448	Guns
97	845	School prayer	101	448	Death penalty	103	521	Death penalty	106	483	District judge

Figure 14: Senate roll call votes - I

Cong.	Vote	Topic	Cong.	Vote	Topic	Cong.	Vote	Topic	Cong.	Vote	Topic
106	484	District judge	107	54	Contribution limits	108	44	Contraceptive availability	108	315	Judicial nomination
106	485	District judge	107	167	Ted Olson nomination	108	47	Roe v. Wade	108	347	Media ownership
106	486	District judge	107	174	Educational testing	108	52	Estrada nomination	108	401	Partial birth abortion ban
106	510	Hate crimes	107	179	School choice	108	53	Judicial nomination	108	402	Class action
106	538	Genetic discrimination	107	184	Educational testing	108	112	Judicial nomination	108	418	Judicial nomination
106	543	Abortion	107	189	Boy scouts & homosexuals	108	131	Crime	108	440	Judicial nomination
106	600	Marriage penalty	107	191	Boy scouts & homosexuals	108	133	Budget resolution	108	449	Judicial nomination
106	658	Background checks	107	328	Needle exchange	108	143	Judicial nomination	108	450	Judicial nomination
107	8	Ashcroft nomination	107	411	Voting rights/felons	108	176	Aids	108	451	Judicial nomination
107	37	Contribution limits	107	418	Voting	108	264	Judicial nomination			
107	38	Contribution limits	107	488	Judicial nomination	108	266	Abortion			
107	51	Contribution limits	107	582	Judicial nomination	108	307	Judicial nomination			
107	53	Contribution limits	107	630	Judicial nomination	108	311	Estrada nomination			

Figure 15: Senate roll call votes - II

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