

PLSC 473: American Judicial Behavior

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Separation of Powers

Two questions:

- Are changes in the President's / Senate's ideology associated with changes in the justices' voting behavior?
- Are those associations stronger in statutory cases than in constitutional ones?

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Need:

- Data on SCOTUS votes (and legal basis)
- Measures of presidential and Senate ideology (liberalism / conservatism)



DW-NOMINATE Scores With Bootstrapped Standard Errors

Royce Carroll, Jeff Lewis, James Lo, Nolan McCarty, Keith Poole, and Howard Rosenthal

Updated 17 September 2015

This updated release of the DW-NOMINATE scores for the 1st to the 113th Congresses (1789 - 2014) contains *parametric bootstrapped standard errors*. For an explanation of the basic theory of the parametric bootstrap see:

"Measuring Bias and Uncertainty in Ideal Point Estimates via the Parametric Bootstrap." *Political Analysis*, 12:105-127, 2004, [Jeffrey B. Lewis](#) and [Keith T. Poole](#).

"Measuring Bias and Uncertainty in DW-NOMINATE Ideal Point Estimates via the Parametric Bootstrap." *Political Analysis* 17:261-27, 2009, Royce Carroll, Jeffrey B. Lewis, James Lo, Keith T. Poole, and Howard Rosenthal.

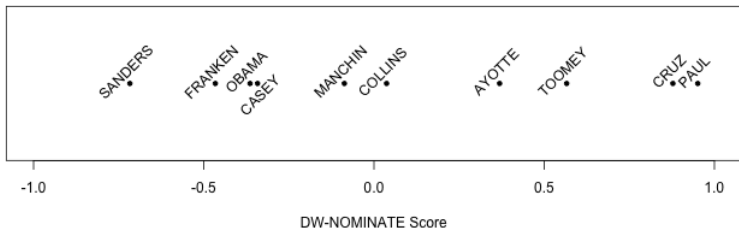
This research was made possible by NSF Grant 0611880 to [Jeffrey B. Lewis](#), [Keith T. Poole](#), and [Howard Rosenthal](#). This work was also supported in part by the Rice Terascale Cluster funded by NSF under Grant EIA-0216467, and a partnership between Rice University, Intel, and HP. We thank the National Science Foundation, Rice University, and the San Diego Supercomputer Center for their support. The files below contain DW-NOMINATE scores for the 1st to the 113th Congresses (1789 - 2014). For an explanation of how the data is organized and formatted [read this text file](#).

As Poole and Rosenthal explain in [Ideology & Congress](#) (the 2nd edition of [Congress: A Political-Economic History of Roll Call Voting](#)), the first dimension can be interpreted in most periods as government intervention in the economy or liberal-conservative in the modern era. The 2nd dimension picks up the conflict between North and South on Slavery before the Civil War and from the late 1930s through the mid-1970s, civil rights for African-Americans. After 1980 there is considerable evidence that the South realigns and the 2nd dimension is no longer important. See our discussion of this period in our monograph: [Income Redistribution and the Realignment of American Politics](#) (joint with Nolan McCarty, 1997, AEI Press). Further discussion can also be found in [Spatial Models of Parliamentary Voting](#) by Keith Poole and in [Polarized America](#) (joint with Nolan McCarty).

Presidential / Median Senate DW-NOMINATE

- Based on “scaling” all Congressional roll call votes.
- Generates liberalism / conservatism scores for every roll call, and for every representative and senator, 1789-2014.
- Two “dimensions;” the first is standard liberalism/conservatism.
- “Middle point” is zero; higher scores denote greater conservatism.

113th Senate:





FiveThirtyEight

Nate Silver's Political Calculus

How Liberal Is President Obama?

By NATE SILVER APRIL 29, 2011 5:48 PM

Earlier this week, Ezra Klein of The Washington Post published a [column](#) titled “Obama Revealed: A Moderate Republican.”

Mr. Klein argued that the president's policy preferences in some key areas, including health care, resemble those of a Republican from the early 1990s:

President Obama, if you look closely at his positions, is a moderate Republican of the early 1990s. And the Republican Party he's facing has abandoned many of its best ideas in its effort to oppose him.

Analysis: Preliminaries

```
url <- getURL("https://raw.githubusercontent.com/PrisonRodeo/PLSC473-git/master  
Votes <- read.csv(text = url) # read the "votes" data
```

```
url <- getURL("https://raw.githubusercontent.com/PrisonRodeo/PLSC473-git/master  
Justices <- read.csv(text = url) # read the "justices" data
```

```
url <- getURL("https://raw.githubusercontent.com/PrisonRodeo/PLSC473-git/master  
DWNOM <- read.csv(text = url) # read the DW-NOMINATE data
```

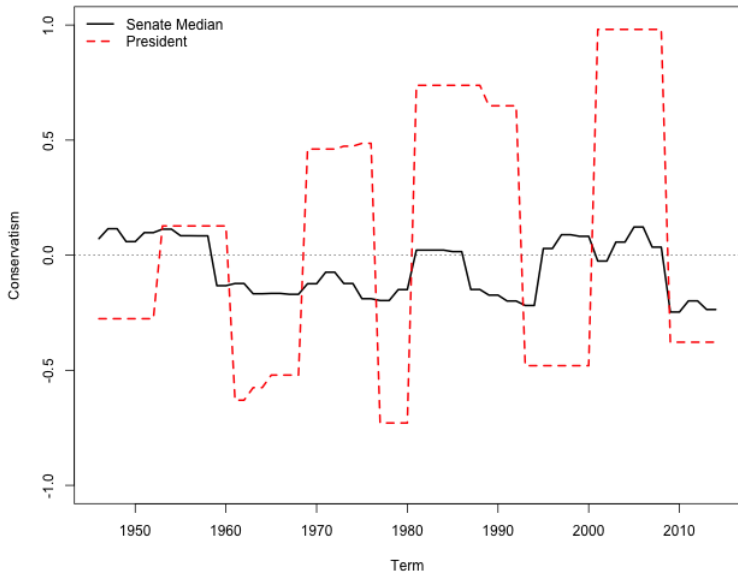
```
# Merge:
```

```
VotesPlus <- merge(Votes,Justices,by=c("JID"))  
AllData <- merge(VotesPlus,DWNOM,by=c("term"))
```

```
# Liberal vote indicator:
```

```
AllData$LiberalVote <- AllData$direction - 1
```


DW-NOMINATE Over Time



Analysis: T-tests

```
> with(AllData, t.test(SenMedian~LiberalVote))
```

Welch Two Sample t-test

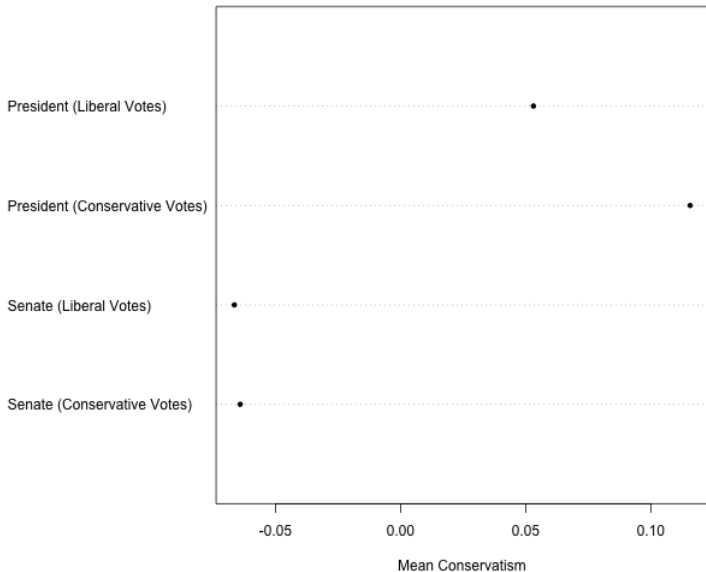
```
data: SenMedian by LiberalVote
t = 2.8971, df = 84015, p-value = 0.003768
alternative hypothesis: true difference in means is not equal to 0
95 percent confidence interval:
 0.0007574422 0.0039259643
sample estimates:
mean in group 0 mean in group 1
-0.06409182      -0.06643353
```

```
> with(AllData, t.test(Prez~LiberalVote))
```

Welch Two Sample t-test

```
data: Prez by LiberalVote
t = 16.025, df = 83687, p-value < 2.2e-16
alternative hypothesis: true difference in means is not equal to 0
95 percent confidence interval:
 0.05492823 0.07023659
sample estimates:
mean in group 0 mean in group 1
 0.11561484      0.05303243
```

Presidential/Senate Ideology by Votes



Statutory vs. Constitutional Decisions

```
AllData$Const <- 0
AllData$Const <- ifelse(AllData$lawType==1,1,AllData$Const)
AllData$Const <- ifelse(AllData$lawType==2,1,AllData$Const)
ConstCases <- AllData[AllData$Const==1,]
```

```
AllData$Stat <- 0
AllData$Stat <- ifelse(AllData$lawType==3,1,AllData$Stat)
AllData$Stat <- ifelse(AllData$lawType==6,1,AllData$Stat)
StatCases <- AllData[AllData$Stat==1,]
```

Constitutional Cases

```
> with(ConstCases, t.test(SenMedian~LiberalVote))
```

Welch Two Sample t-test

data: SenMedian by LiberalVote

t = 4.1431, df = 25429, p-value = 3.437e-05

alternative hypothesis: true difference in means is not equal to 0

95 percent confidence interval:

0.003058991 0.008552013

sample estimates:

mean in group 0 mean in group 1
-0.07211823 -0.07792373

```
> with(ConstCases, t.test(Prez~LiberalVote))
```

Welch Two Sample t-test

data: Prez by LiberalVote

t = 12.461, df = 25537, p-value < 2.2e-16

alternative hypothesis: true difference in means is not equal to 0

95 percent confidence interval:

0.07490349 0.10286622

sample estimates:

mean in group 0 mean in group 1
0.18150920 0.09262434

Statutory Cases

```
> with(StatCases, t.test(SenMedian~LiberalVote))
```

Welch Two Sample t-test

```
data: SenMedian by LiberalVote
t = -1.0845, df = 41064, p-value = 0.2781
alternative hypothesis: true difference in means is not equal to 0
95 percent confidence interval:
 -0.003591967  0.001032951
sample estimates:
mean in group 0 mean in group 1
 -0.05815162    -0.05687211
```

```
> with(StatCases, t.test(Prez~LiberalVote))
```

Welch Two Sample t-test

```
data: Prez by LiberalVote
t = 4.805, df = 40693, p-value = 1.553e-06
alternative hypothesis: true difference in means is not equal to 0
95 percent confidence interval:
 0.01595521 0.03793994
sample estimates:
mean in group 0 mean in group 1
 0.09060027    0.06365270
```

Separation of Powers: Summary

- Changes in both presidential and Senate ideology are positively associated with shifts in the Court's ideological voting patterns.
- For cases of all types, the association between votes and presidential ideology is stronger than for votes and Senate ideology.
- The associations in question are stronger in constitutional cases than in statutory ones.
- The association between Senate ideology and Supreme Court votes disappears entirely in statutory cases.