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SCOTUS Justices' Voting Habits Regarding Privacy

Overview and Hypothesis

Privacy has always been a "hot topic" when it comes to American politics. However, now, in the era of social media and technology, privacy has become an even more publicized topic of discussion. In this research module, I will investigate the voting behaviors of United States Supreme Court (SCOTUS) judges when it comes to the topic of privacy.

Following United States political culture, it seems as if those individuals who are ideologically liberal advocate for less privacy in return for protection. Their conservative counterparts advocate for more privacy in return for freedom. My hypothesis is that this political culture will reflect on the SCOTUS judges through their voting behavior on issues involving privacy. More specifically, I expect judges who are ideologically liberal to vote against privacy and judges who are ideologically conservative to vote in favor of privacy.

Data and Measurement

I use two datasets for my analysis. The first dataset that I employ is the U.S. Supreme Court Database[1] containing all the decisions made by the SCOTUS by each judge between the 1946 to 2019 terms. The second dataset I use for this analysis is the Segal-Cover database[2] containing Segal-Cover scores for each judge. These two datasets were merged for analysis.

[1] Available at http://scdb.wustl.edu/data.php
[2] Available at https://raw.githubusercontent.com/PrisonRodeo/PLSC476-SP2021-git/master/Data/Segal-Cover.csv

There are three variables that are important during this analysis. The first variable (*issueArea*) tells us what issue for each decision. Since we are discussing decisions regarding privacy, we will limit our analysis to when the variable is coded as "5." The second variable (*decisionDirection*) tells us the outcome of a judge's vote whether it was liberal (= *2*) or conservative (= *1*). The final variable of interest (*Ideology*) tells us the Segal-Cover ideology score of the judge making the decision. Segal-Cover scores are interval-level of measurements that tell us whether a judge is most conservative (= *0*) or most liberal (= *1*).

Analysis and Findings

Figure 1 gives us an overview of the number of votes cast either in favor or against privacy. Overall, more SCOTUS judges have made decisions that are against privacy than for privacy. Around 880 decisions have been made against privacy while only about 400 decisions have been made in favor of privacy.

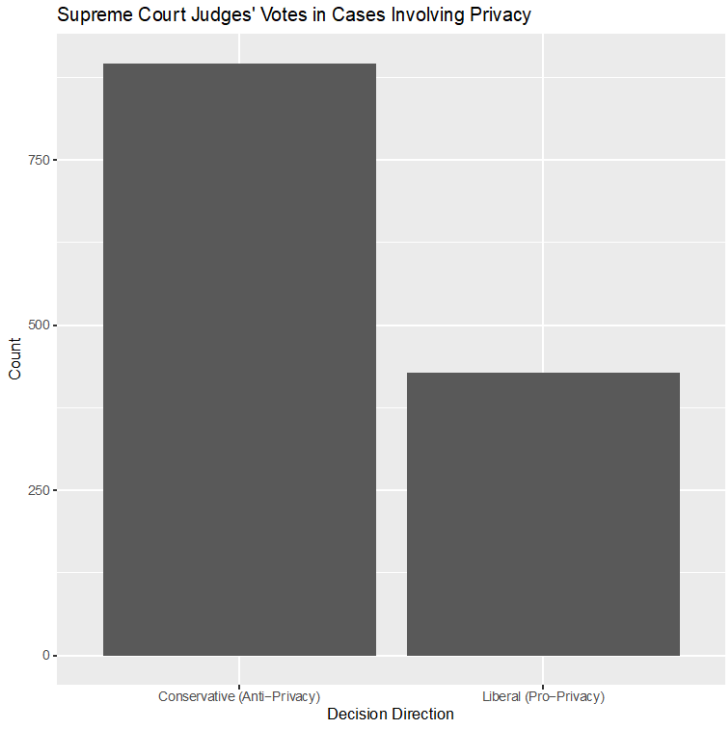

Figure 1. Supreme Court Judges' Votes in Cases Involving Privacy

Figure 2 shows the distribution of votes for or against privacy based on ideology. We can see that even though there are more votes against privacy the distribution of votes is strikingly similar.

The medians are largely identical for votes for or against privacy. This tells us that for all SCOTUS judges' votes cast for or against privacy, the average judges (in regards to the median) have an ideology of 0.35 on the Segal-Cover scale. A 0.35 tells us that a judge is fairly conservative.

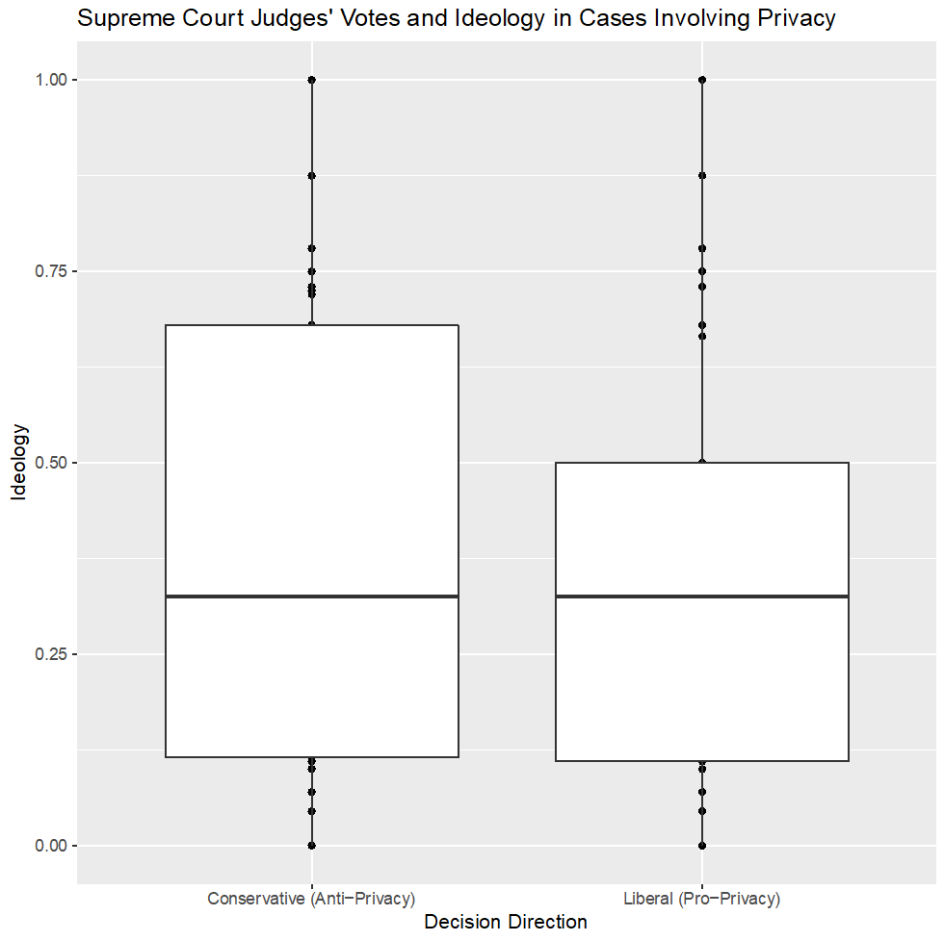

Figure 2. Supreme Court Judges' Votes and Ideology in Cases Involving Privacy

Figure 2 showed us similar medians between the ideology of SCOTUS judges who voted in favor of and against privacy. Figure 3 gives us another visual representation of central tendency, the means.

The blue horizontal line represents the average ideology of a SCOTUS judge voting in favor of privacy which is 0.37. The red horizontal line shows the average ideology of a judge voting against privacy which is 0.39. Again, it seems as if the average judge to vote either for or against privacy is fairly conservative. The difference between the means is 0.02 which may or may not be statistically significant.

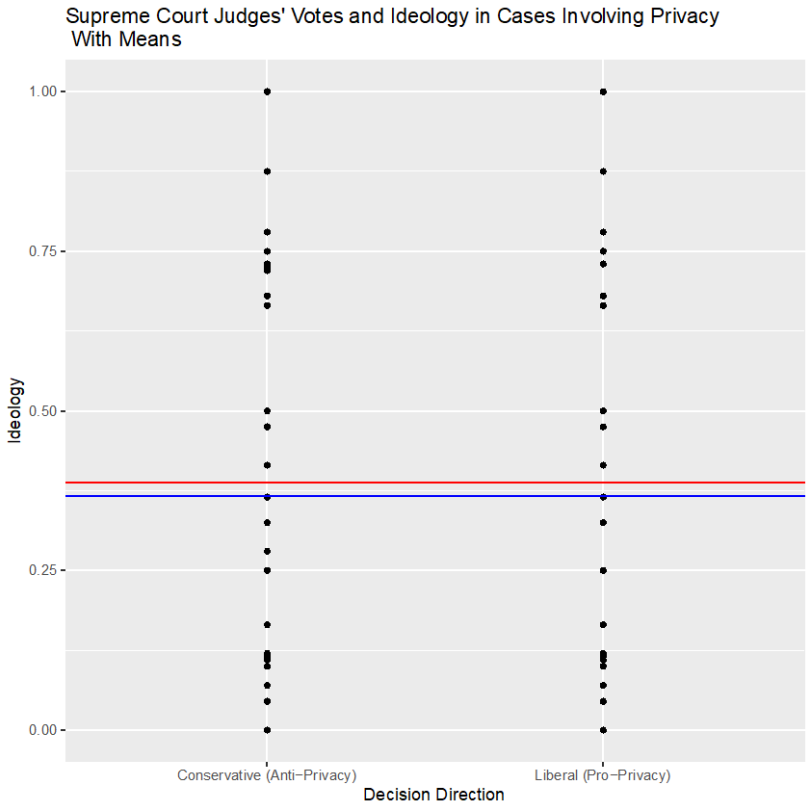

Figure 3. Supreme Court Judges' Votes and Ideology in Cases Involving Privacy with Means

Test statistic	df	P value	Alternative hypothesis	mean of x	mean of y
-1.046	827.4	0.2957	two.sided	0.367	0.3872

Figure 4. Welch Two Sample t-test

Summary

The table in figure 4 is the result of a difference of means test (t-test) between the ideology of SCOTUS judges voting in favor of privacy and against privacy. The test tells us there is no statistically significant difference between the means judging by the p-value ($p = 0.2957$) which is not less than or equal to 0.05.

My hypothesis that judges who are ideologically liberal will vote against privacy and judges who are ideologically conservative will vote in favor of privacy can be rejected. There is no statistically significant difference in the ideology of those judges who voted in favor or against privacy. Although not conclusive, my analysis suggests that ideology is not an indicator for how a SCOTUS judge will cast their vote on issues involving privacy.