Antitrust enforcement: SCT analysis - Final

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Reading and cleaning data

Calculations

Creating scores

Judge level

Court level

Court level by justice

Court level by cases

Merging list of antitrust cases with justice votes cases

Creating + clean dataset of antitrust cases

Calculating judge-level scores

Court level - by justice

Court level - by justice (without Gorsuch and Kavanaugh)

Court level - by justice (anti-scores)

Court level - by case

Combing all scores into 1 df

Names, term dates of SCT justices

Judge level

Court level - justice

Court level - cases

Avg ae and plb of top 5 by year

Summary mean of overall business friendliness score (bf) and business friendliness score of business-related cases appearing in the NYT (nyt)

All statistics only include justices appointed post-1945.

Inclusive of all cases:

Type of score	Democrats		Republicans					Confidence
	Mean (D)	SD (D)	Mean (R)	SD (R)	T	df	Significance	Lower
Business-friendliness	0.40	0.10	0.52	0.12	-3.18	33.62	0.00	-0.19
Business-friendliness (NYT cases)	0.35	0.15	0.50	0.20	-2.45	33.06	0.02	-0.26
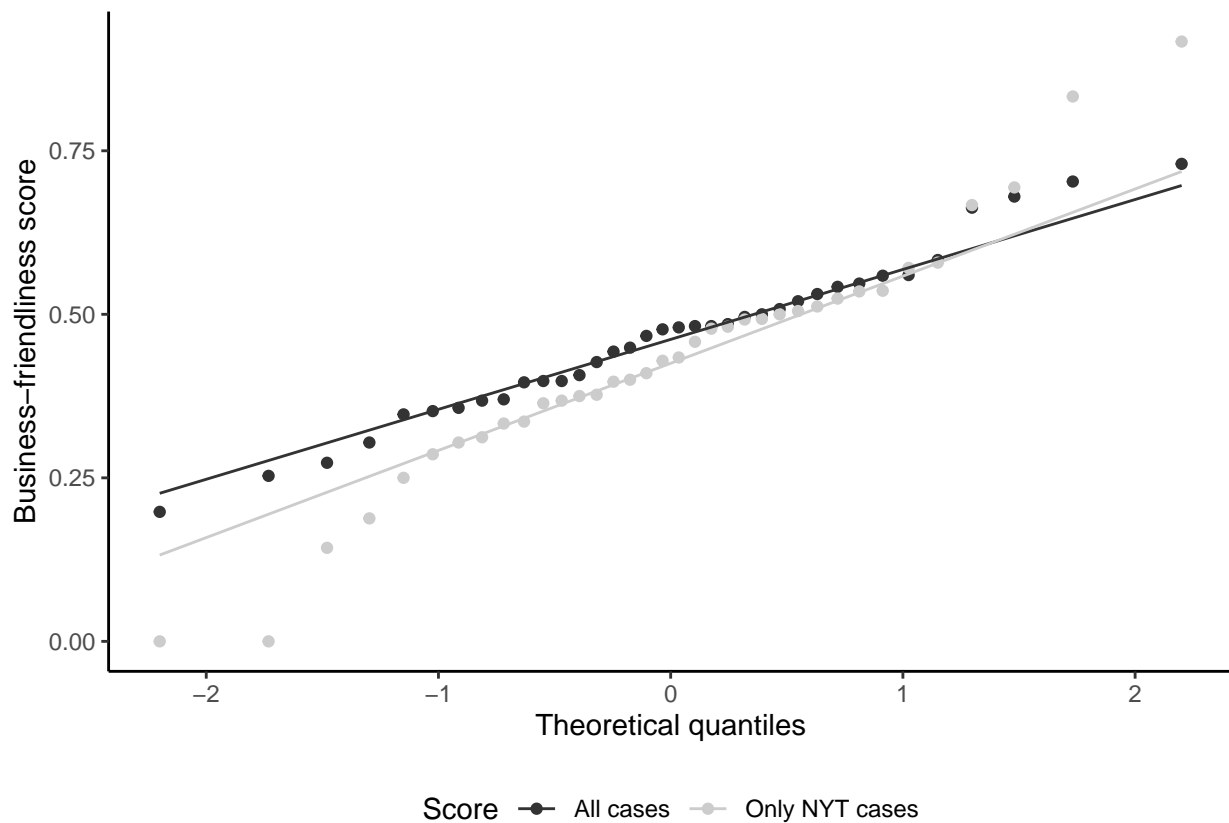
Grouped by era:

High enforcement: 1945-1975. Low enforcement: 1976-2019.

Type of score	Democrats		Republicans		T-test			Co
	Mean (high)	SD (high)	Mean (low)	SD (low)	T	df	Significance	Lo
Business-friendliness	0.41	0.09	0.57	0.10	-4.88	23.73	0.00	-0
Business-friendliness (NYT cases)	0.37	0.13	0.54	0.22	-2.62	16.86	0.02	-0

Grouped by era and party:

Party	Era	Business-friendliness	Business-friendliness (NYT cases)
D	High enforcement	0.378	0.319
D	Low enforcement	0.490	0.470
R	High enforcement	0.443	0.426
R	Low enforcement	0.604	0.577

Court scores over time

Business–friendliness score of SCT by Chief Era
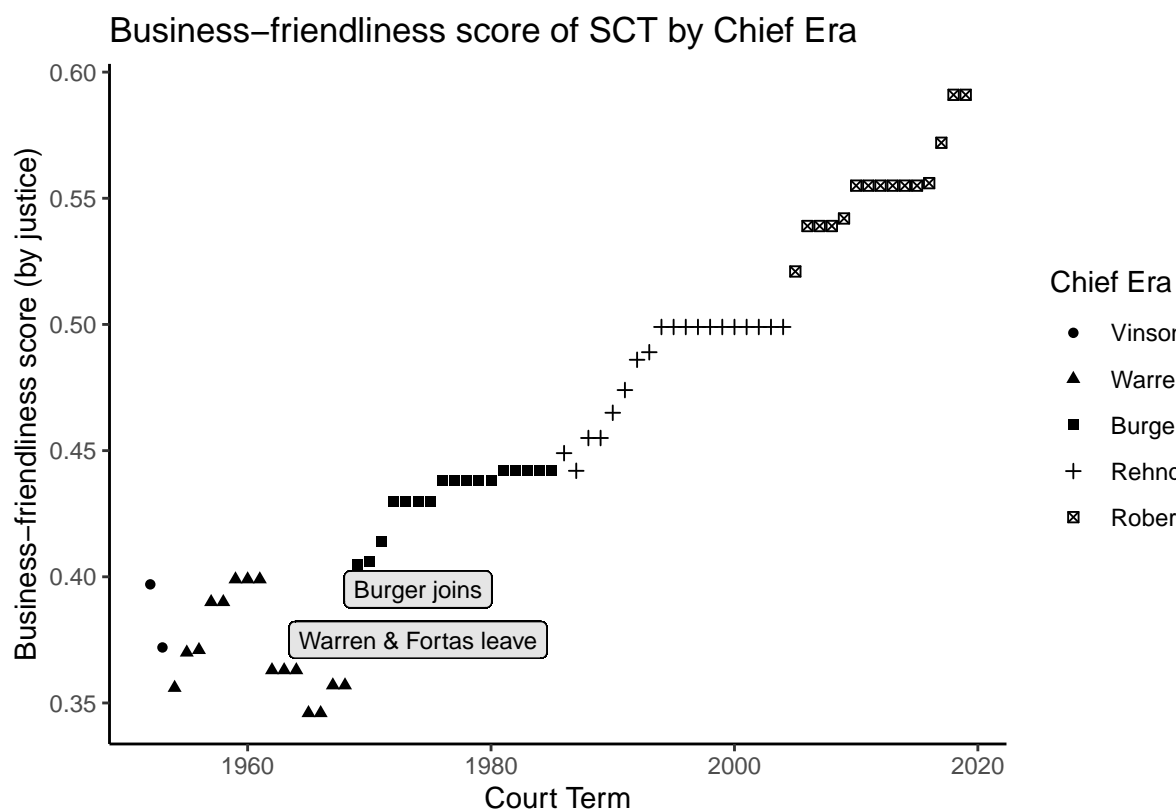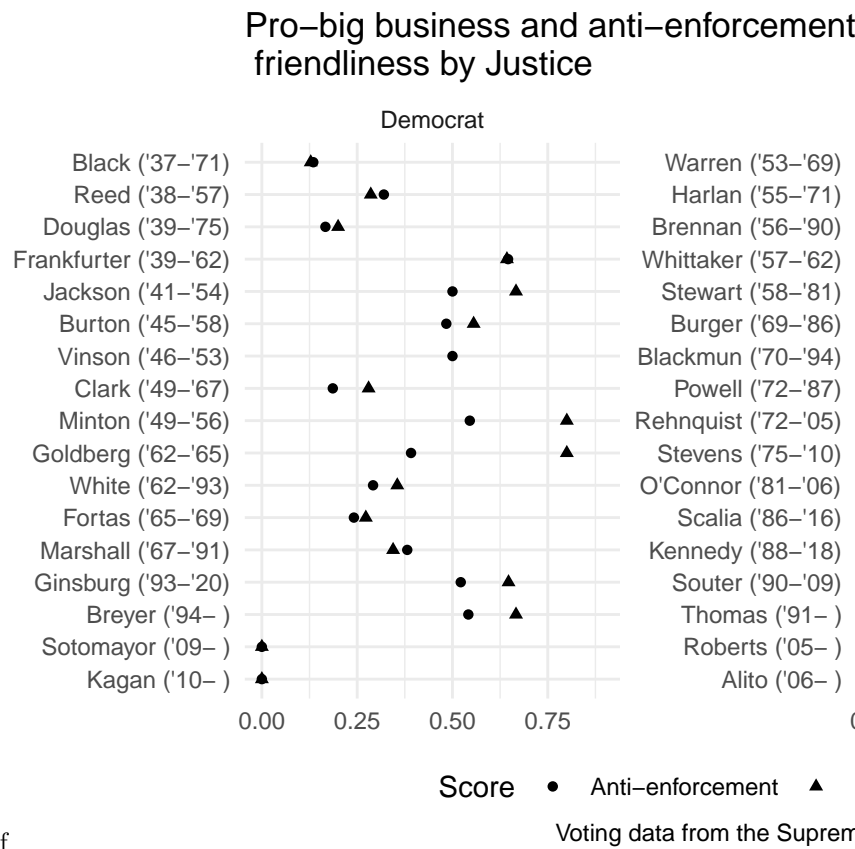
bf score over time-1.pdf

Data from Epstein, Landes, and Posner (2013) and updated in 2020

Compare justice scores

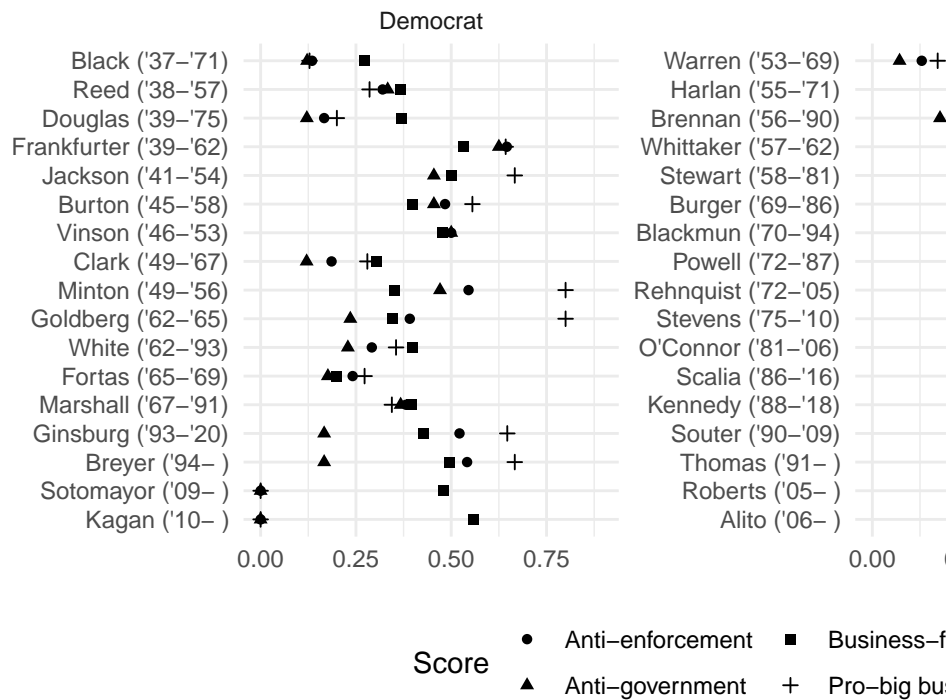## Pro−big business and anti−enforcement friendliness by Justice

Democrat

Black ('37–'71)	Warren ('53–'69)
Reed ('38–'57)	Harlan ('55–'71)
Douglas ('39–'75)	Brennan ('56–'90)
Frankfurter ('39–'62)	Whittaker ('57–'62)
Jackson ('41–'54)	Stewart ('58–'81)
Burton ('45–'58)	Burger ('69–'86)
Vinson ('46–'53)	Blackmun ('70–'94)
Clark ('49–'67)	Powell ('72–'87)
Minton ('49–'56)	Rehnquist ('72–'05)
Goldberg ('62–'65)	Stevens ('75–'10)
White ('62–'93)	O'Connor ('81–'06)
Fortas ('65–'69)	Scalia ('86–'16)
Marshall ('67–'91)	Kennedy ('88–'18)
Ginsburg ('93–'20)	Souter ('90–'09)
Breyer ('94–)	Thomas ('91–)
Sotomayor ('09–)	Roberts ('05–)
Kagan ('10–)	Alito ('06–)

0.00   0.25   0.50   0.75

Score   ● Anti−enforcement   ▲

justice scores (pe and psb) comparison by party-1.pdf

Voting data from the Suprem

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Business−friendliness and anti−enforcer
scores by Justice

Democrat

Justice		Justice
Black ('37−'71)		Warren ('53−'69)
Reed ('38−'57)		Harlan ('55−'71)
Frankfurter ('39−'62)		Brennan ('56−'90)
Douglas ('39−'75)		Whittaker ('57−'62)
Jackson ('41−'54)		Stewart ('58−'81)
Burton ('45−'58)		Burger ('69−'86)
Vinson ('46−'53)		Blackmun ('70−'94)
Minton ('49−'56)		Powell ('72−'87)
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Sotomayor ('09−)		Roberts ('05−)
Kagan ('10−)		Alito ('06−)

0.00 0.25 0.50 0.75

Score   ● Anti−enforcement   ▲ Bu

Business−friendliness data from Epstein, Landes, and P
Voting data from the Suprem

justice scores (gov and bf) comparison by party-1.pdf

All scores by Justice

Democrat

Justice		Justice
Black ('37−'71)		Warren ('53−'69)
Reed ('38−'57)		Harlan ('55−'71)
Douglas ('39−'75)		Brennan ('56−'90)
Frankfurter ('39−'62)		Whittaker ('57−'62)
Jackson ('41−'54)		Stewart ('58−'81)
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Vinson ('46−'53)		Blackmun ('70−'94)
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Breyer ('94−)		Thomas ('91−)
Sotomayor ('09−)		Roberts ('05−)
Kagan ('10−)		Alito ('06−)

0.00 0.25 0.50 0.75

0.00

	● Anti−enforcement	■ Business−f
Score	▲ Anti−government	+ Pro−big bus

Business−friendliness data from Epstein, Landes, and Posner (2
Voting data from the Supreme Court

justice scores (all) comparison by party-1.pdf

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Comparing court scores over time

Moving average measure
anti−government, and pr
time (by justice profile)
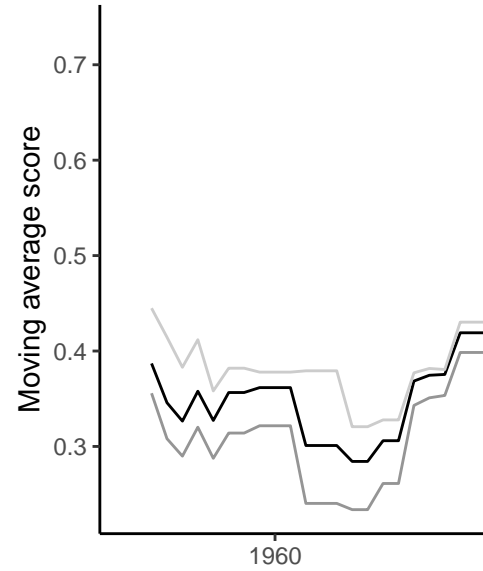
0.7

0.6

0.5

Moving average score

0.4

0.3

1960

Score ── Anti−en

Moving average measures of the Court'
and pro−small company bias over time

0.7

0.6

Moving average score

0.5

0.4

0.3

1960   1980

Court Te
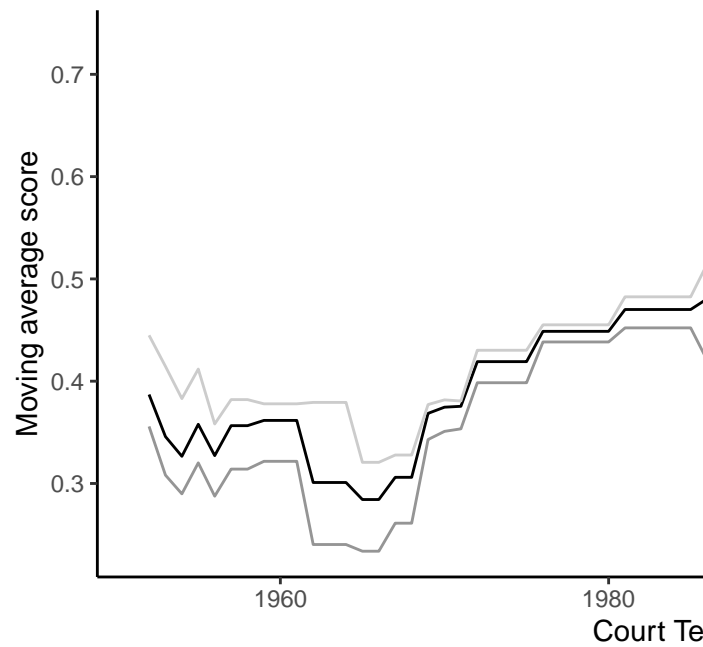
Score ── Anti−enforcement ── Anti−

Voting data fr

Moving average of the top five anti-enforcement and company scores over SCT terms

Mean

0.8

0.7

0.6

0.5

0.4

1960   1980   20

Court Term

Score —— Anti-enforcement —— Pro-big co

Voting data from the Supreme C
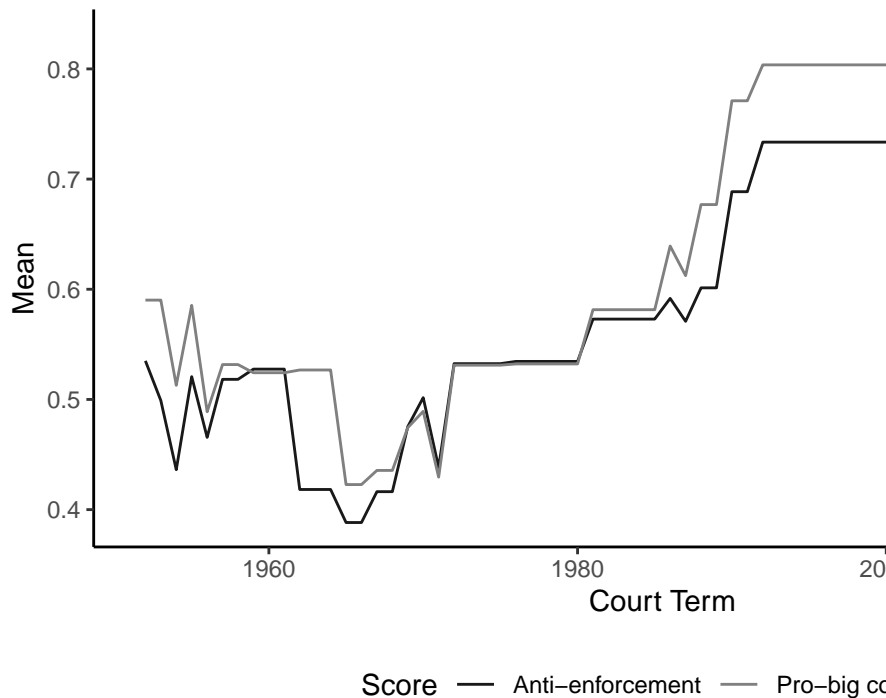
average of top 5 graphs (w/out NM and BK)-1.pdf

## Moving average of top five anti-enforcement and pro-b company scores over SCT terms

Mean

0.8

0.7

0.6

0.5

0.4

1960   1980   20

Court Term

Score —— Anti-enforcement —— Pro-big compa

Voting data from the Supreme Cour
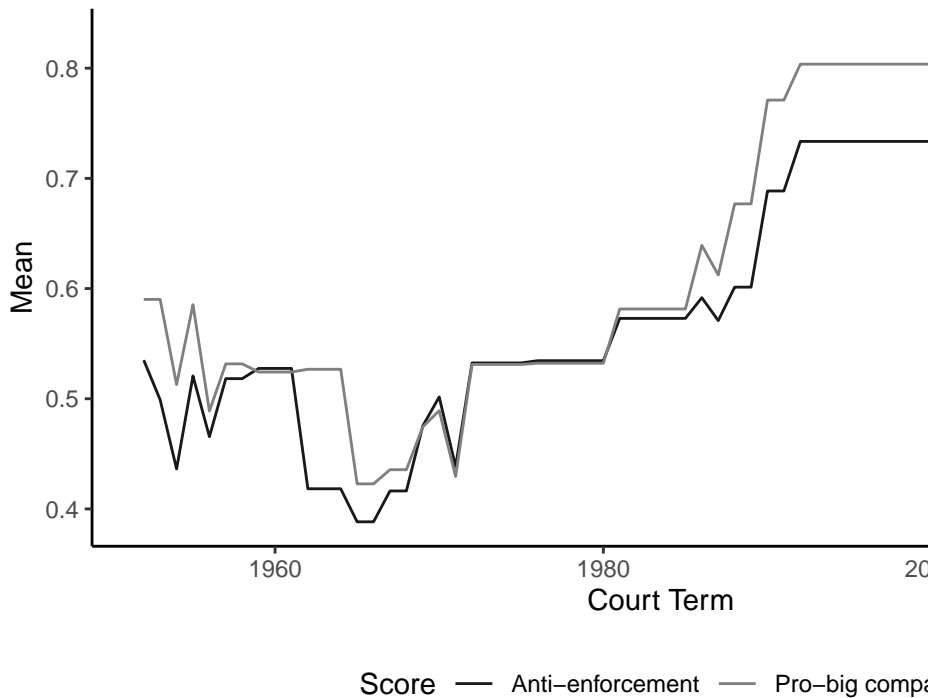
average of top 5 graphs (ends after 2015)-1.pdf

Expanding to diminishing enforcement ratio (win-loss) graphs

Expanding to diminishing enforcement ratio of Supreme Court antitrust cases
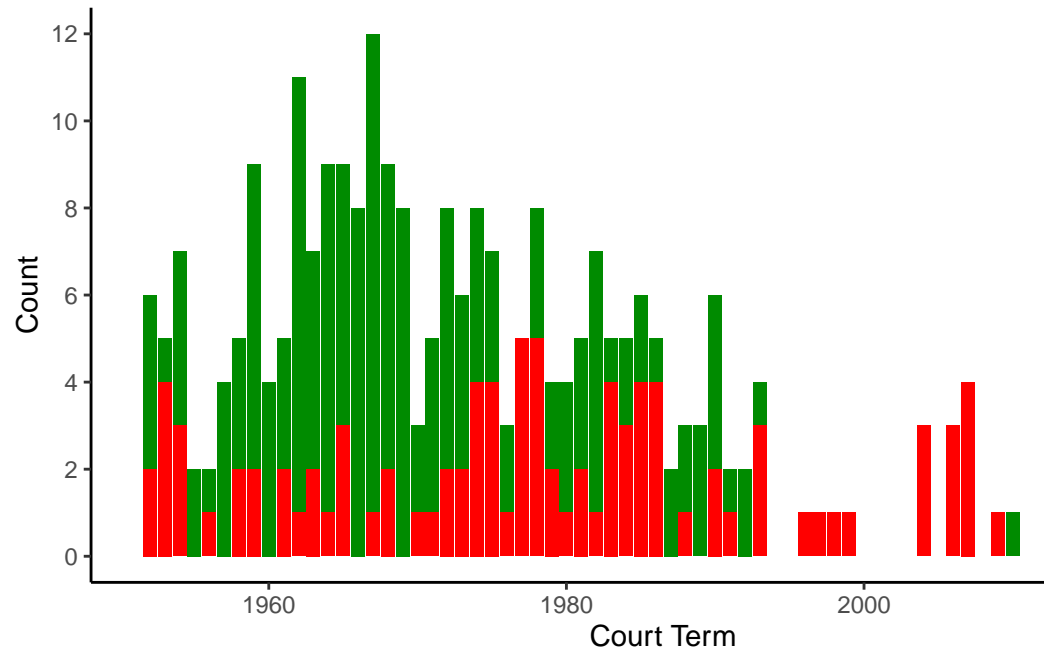
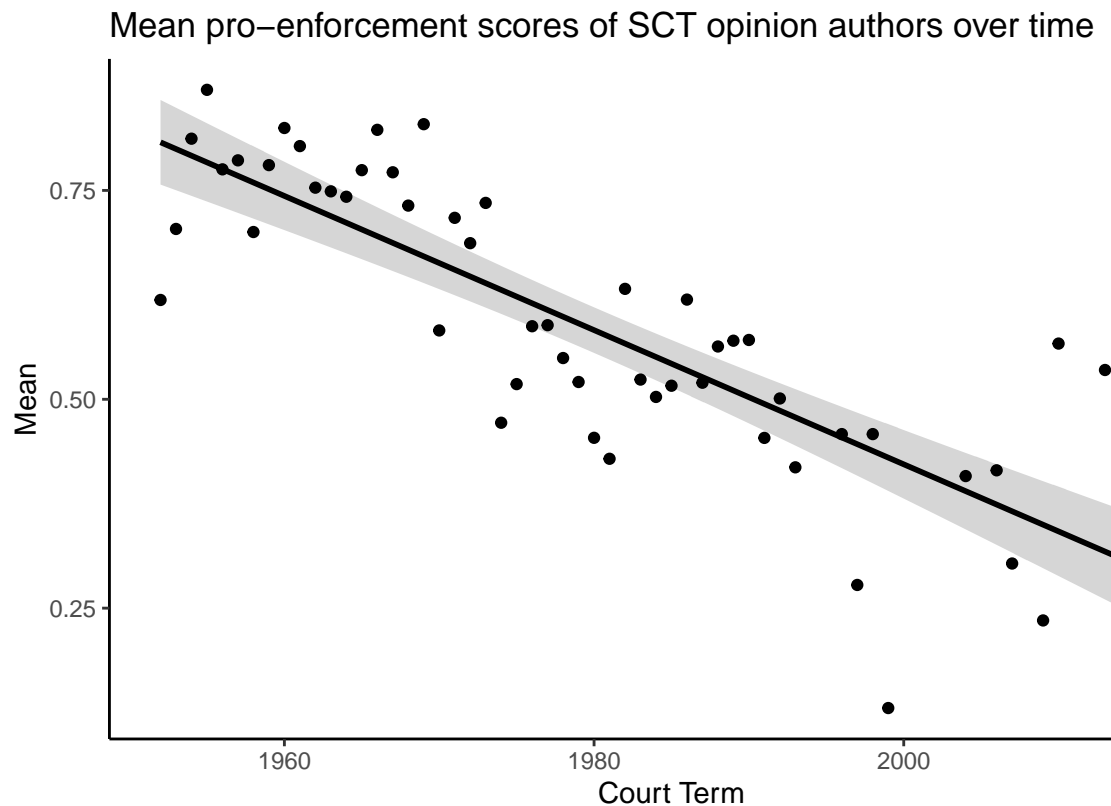antitrust enforcement all cases-1.pdf

Pro-enforcement score of majority opinion authors

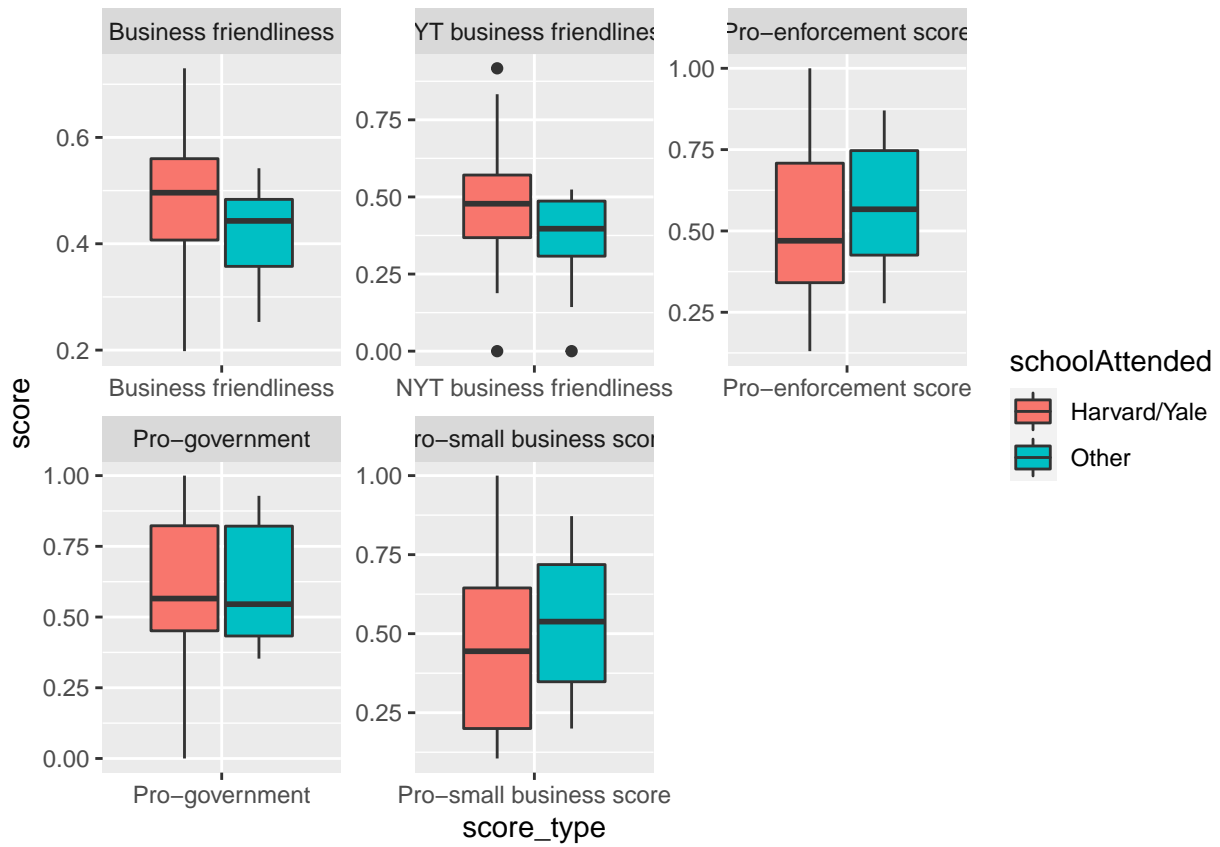Mean pro–enforcement scores of SCT opinion authors over time

pe of majOpinWriter-1.pdf

Authorship and voting data from the Supreme Court Database (2021 Ve

School attended and average justice scores

```
## # A tibble: 10 x 3
## # Groups:   score_type [5]
##    score_type              schoolAttended score
##    <chr>                   <chr>          <dbl>
##  1 Business friendliness   Harvard/Yale   0.5
##  2 Business friendliness   Other          0.415
##  3 NYT business friendliness Harvard/Yale 0.475
##  4 NYT business friendliness Other        0.367
##  5 Pro-enforcement score   Harvard/Yale   0.518
##  6 Pro-enforcement score   Other          0.584
##  7 Pro-government          Harvard/Yale   0.591
##  8 Pro-government          Other          0.612
##  9 Pro-small business score Harvard/Yale  0.469
## 10 Pro-small business score Other         0.545
```

Flourish data prep