



Interest Group Composition and Dissensus on the U.S. Supreme Court

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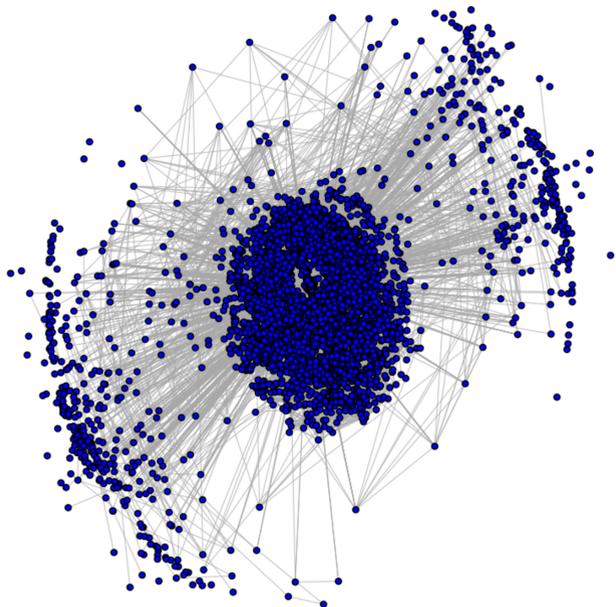
Research Questions

- ▶ Is there a relationship between the composition of interest groups as cosigners of Supreme Court amicus briefs and judicial behavior?
- ▶ What kind of signals does the composition of interest groups send to Supreme Court Justices?
- ▶ Is there a tangible difference between the coalitional strategies of interest groups supporting the petitioners versus respondent litigants?

Summary

- ▶ Research of amicus curiae briefs on Supreme Court cases has been instrumental in explaining litigation outcomes and judicial behavior (Collins 2008, Caldeira and Wright 1988).
- ▶ Moreover, research into the coalitional strategies of interest groups shows a strong correlation between the presence of powerful groups as cosigners of amicus briefs and its impact on judicial behavior (Box-Steffensmeier et al. 2013).
- ▶ Hence, the composition of Supreme Court amici has a representational value that impacts judicial behavior.
- ▶ Through network analysis, this study aims to contribute to our understanding of the relationship between interest groups' coalitional strategies and judicial behavior.

Data



- ▶ US interest groups activity based on their cosigner status to United States Supreme Court amicus briefs.
- ▶ 503 US Supreme Court Cases decided between 2000 and 2010.
- ▶ 5,349 interest groups that signed onto 4,980 amicus briefs.

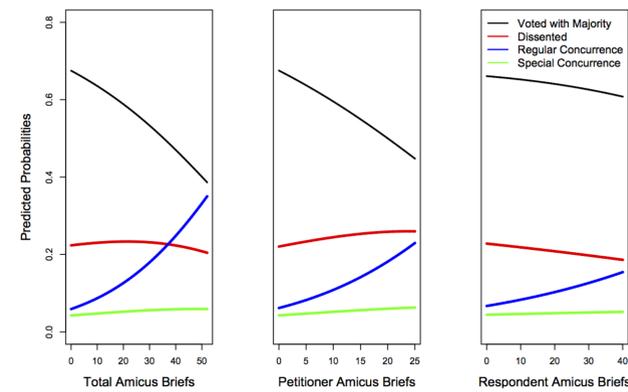
Why Does this Matter?

- ▶ Break the court into its constituent parts, the Justices.
- ▶ Move beyond purely ideological explanations of judicial behavior.
- ▶ Revealing any differences between respondents and petitioner briefs, allows us to identify which aspects of group composition impact judicial behavior.

References

- Box-Steffensmeier, S., D. Christenson and M. Hitt. (2013). American Political Science Review 107(3):446-460;
- Collins, P.M. 2008. Journal of Empirical Legal Studies 5(1):143-170;
- Caldeira, G.A. and J.R. Wright. (1988). American Political Science Review 82(4):1109-1127;
- Bonacich, P. 1987. American Journal of Sociology 92(5):1170-1182.

Initial Observations



- ▶ Previous research into the impact of amicus briefs on judicial behavior finds that an increase in the number of briefs filed by each side is correlated with the likelihood that a justice will decide to write a separate opinion (Collins 2008).
- ▶ Disaggregating the number of briefs between petitioners and respondents shows a differential effect on judicial behavior for each side.

Measuring Group Composition

Heterogeneity Measure



Standard score of the raw count of groups' unique Standard Industrial Classification aggregated per case

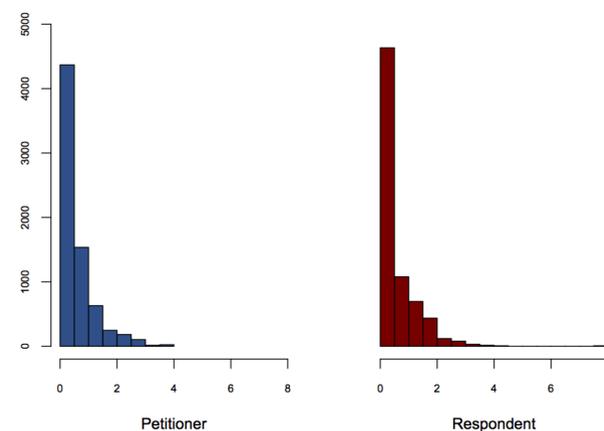
Power Measure

$$c_i(\alpha, \beta) = \sum_j (\alpha - \beta c_j) R_{i,j}$$

Bonacich's Centrality Measure: maximum centrality score for each case.

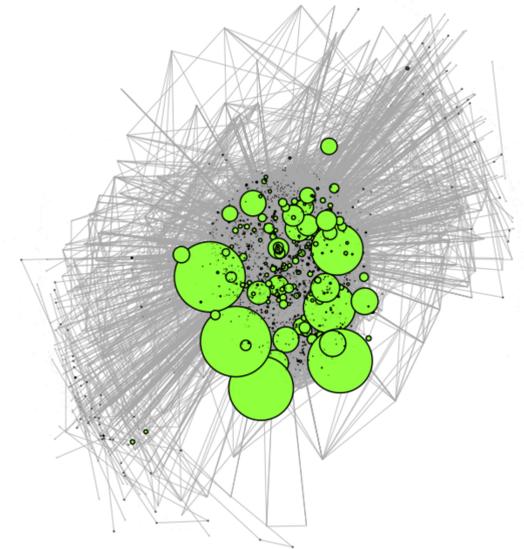
- ▶ **Petitioner and Respondent Heterogeneity**, are standardized measures of the unique count of SICs per case for each side.
- ▶ A higher value for these variables means greater group heterogeneity, which is expected to increase the likelihood of a Justice's decision to write or join a separate opinion.
- ▶ **Petitioner and Respondent Power** are Bonacich measures with a positive decay rate ($\beta = 0.6$), which acts as a relative centrality measure.
- ▶ Network statistics allow us to create a composition measures that capture endogenous attributes based on how interest groups interact.

Heterogeneity Measure

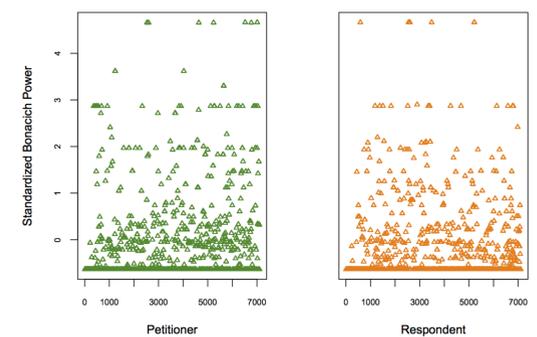


- ▶ Petitioners are more concentrated at lower heterogeneity values, and have a range between 0-4.
- ▶ Respondents are more widely distributed, within a greater range of values, 0-8.

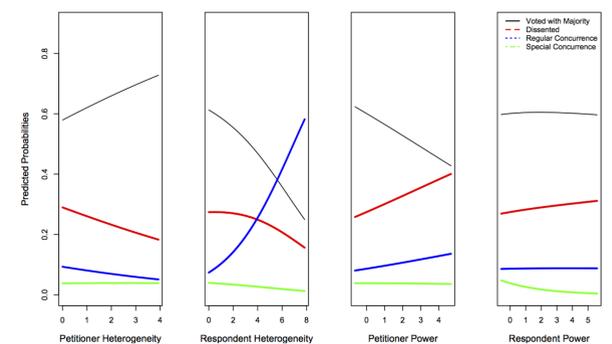
Power Measure



- ▶ **Petitioners versus respondents**: there is a greater concentration of powerful groups on the petitioner side.



Preliminary Results



Conclusions

- ▶ All groups do not send the same signals to the Justices.
- ▶ The signal is different depending on which side of the case it is coming from.
- ▶ For **respondents**, a higher heterogeneity score increases the likelihood of non-consensual behavior.
- ▶ For **petitioners**, groups that are particularly well connected and powerful within their networks have a greater influence on a Justice's decision to write or join a separate opinion.

Next Steps

- ▶ Further explore endogenous differences in composition between petitioner and respondents through network analysis.
- ▶ Isolate differences in judicial behavior based on issue area, and major actors such as the Solicitor General.

Acknowledgements

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