

Unequal Checks: A Systematic Analysis of Elite Political Reaction to Supreme Court Decisions

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Introduction

How do political elites react to Supreme Court decisions concerning their policy interests?

We do not yet fully understand how Republican and Democratic political elites interact with the Court.

Materials and methods

	Democrat	Republican
UPHELD	Hill v. Colorado	Zelman v. Simmons-Harris
	Grutter v. Bollinger	Town of Greece v. Galloway
STRUCK	DC v. Heller	Roe v. Wade
	Burwell v. Hobby Lobby	Lawrence v. Texas

Content Analysis of over 15,000 news publications' – print and online – looking for articles covering the decision and subsequent political reaction.

Limit the search for each respective decision to 3 months following the Court's announcement.

Results

Democrat Reaction When...

Policy Upheld:

Few political figures praise the decision publicly, very limited evidence of attempts at policy advancement

Policy Struck Down:

In one case, Democrats split in opposition/support of the decision. Extremely limited evidence of attempts at policy change

In the other, strong consensus opposing the decision, followed by considerable attempts at policy changes, but rapid concession to Court's decision

Republican Reaction When...

Policy Upheld:

Few political figures praise the decision, no evidence of attempts at policy advancement

Policy Struck Down:

Many political figures publicly criticize the decision, coordination at various levels of government, substantial evidence of attempts at policy changes and constitutional amendments

Conclusions

When either party's policy is upheld, they do not seem to make attempts at expanding the policy's use. In that way, D and R political elites behave similarly.

In the instances where the party's policy was struck down, the decision **radicalized Republican politics surrounding the policy issue**. Republican political elites make no attempt at compromise.

On the other hand, Democratic reaction clearly lacked the radicalized element. In the two cases, they either failed to react at all or conceded.

Literature cited

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