CODEBOOK: The Swing Justice

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Abstract

This Codebook includes all information necessary to replicate the analyses in:

> Enns, Peter K. and Patrick C. Wohlfarth. 2013. "The Swing Justice." *Journal of Politics* 75(4): pp-pp.

If you utilize these data, in addition to citing Enns & Wohlfarth (2013), please cite the original sources of the data as appropriate.

The replication files are available for download at `http://dvn.iq.harvard.edu/dvn/dv/Enns`. These files include a Stata data file (`swingJustice_jopFINpub.dta`) and four Stata do files (described below).

`jopFINAL_analysis.do`: Replicates the results reported in the article.

`SubstantiveEffectsCIs.do`: Replicates the predicted probabilities and corresponding 95 percent confidence intervals reported in the text for the *all justices* analyses, following the methods recommended by Hanmer & Kalkan (2013).

`SubstantiveEffectsCIsMedSwingJustice.do`: Replicates the predicted probabilities and corresponding 95 percent confidence intervals reported in the text for the *swing justice* analyses, following the methods recommended by Hanmer & Kalkan (2013).

`jopFINALsuppappendix_analysis.do`: Replicates the results reported in the Supplementary Online Appendix.

The following variables come from the Supreme Court Database's Justice Centered data organized by docket (2011 Release 01). The data are available at: `http://scdb.wustl.edu/`. The variable definitions come from the Supreme Court Database Codebook (`http://scdb.wustl.edu/documentation.php?s=2`).

1. **docketId:** Unique identification number. The first four digits represent the Supreme Court term. The next four represent the SCDB unique case citation within each term (starting at 001 and counting up). The last two digits reflect the unique SCDB docket identifier within each case citation (starting at 01 and counting up).

2. **term:** The Supreme Court term (1953 to 2009).

3. **issueArea:** Identifies the issues for each Supreme Court decision based on the following categories: criminal procedure (1), civil rights (2), First Amendment (3), due process (4), privacy (5), attorneys (6), unions (7), economic activity (8), judicial power (9), federalism (10), interstate relations (11), federal taxation (12), and miscellaneous (13).

4. **majVotes:** Indicates the number of justices voting in the majority.

5. **minVotes:** Indicates the number of justices voting in dissent.

6. **justiceName:** A string variable indicating the first initial for the five justices with a common surname (Harlan, Johnson, Marshall, Roberts, and White) and last name of each justice.

7. **direction:** Indicates whether the justice cast a liberal (2) or conservative (1) vote. For the definitions of liberal and conservative, see variable "decisionDirection" (in the Supreme Court Database Codebook). A missing value code indicates that the "decisionDirection" was unspecifiable or that that justice did not participate.

8. **authorityDecision1:** Specifies the bases on which the Supreme Court rested its decision with regard to each legal provision that the Court considered in the case. For a code of 1: The majority determined the constitutionality of some action taken by some unit or official of the federal government, including an interstate compact.

9. **authorityDecision2:** Specifies the bases on which the Supreme Court rested its decision with regard to each legal provision that the Court considered in the case. For a code of 1: The majority determined the constitutionality of some action taken by some unit or official of the federal government, including an interstate compact.

The following variables were generated using data from the Supreme Court Database's Justice Centered data organized by docket (2011 Release 01).

10. **reversal:** Indicates whether the Supreme Court reversed the lower court's ruling. Coded 0 if ruled against the petitioning party (partyWinning == 0) and 1 if ruled in favor of the petitioning party (partyWinning == 1).

11. **libvote:** Indicates whether the justice cast a liberal or conservative vote. Coded 0 if the justice cast a conservative vote (i.e., direction==1) and 1 if the justice cast a liberal vote (i.e., direction==2).

12. **totalVotes:** Number of votes cast in each decision (Equals majVotes plus minVotes).

13. **judpower:** Indicator for cases that relate to Judicial Power (1 if issueArea == 9, 0 otherwise).

14. **economics:** Indicator for cases that relate to Economics (1 if issueArea == 7, 8, or 12, 0 otherwise).

15. **civillib:** Indicator for cases that relate to Civil Liberties (1 if issueArea == 1–6, 0 otherwise).

16. **sgconslib:** Indicates whether the Solicitor General filed a voluntary Amicus Brief that supports a liberal position (1), a conservative position (-1), or did not participate as voluntary amicus curiae (0).

17. **mqEight_civilRights:** Issue-specific Martin-Quinn Scores that correspond with Civil Rights Cases (issueArea == 2). These scores offer a dynamic measure of each justice's revealed preferences on Civil Rights Cases. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

18. **mqEight_crimProcedure:** Issue-specific Martin-Quinn Scores that correspond with Criminal Procedure Cases (issueArea == 1). These scores offer a dynamic measure of each justice's revealed preferences on Criminal Procedure Cases. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

19. **mqEight_firstAmend:** Issue-specific Martin-Quinn Scores that correspond with First Amendment Cases (issueArea == 3). These scores offer a dynamic measure of each justice's revealed preferences on First Amendment Cases. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

20. **mqEight_otherCivilLib:** Issue-specific Martin-Quinn Scores that correspond with Civil Liberty Cases (issueArea == 4, 5, or 6). These scores offer a dynamic measure of each justice's revealed preferences on Civil Liberty Cases. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

21. **mqEight_Economic:** Issue-specific Martin-Quinn Scores that correspond with Economic Cases (issueArea == 8). These scores offer a dynamic measure of each justice's revealed preferences on Economic Cases Cases. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

22. **mqEight_Unions:** Issue-specific Martin-Quinn Scores that correspond with Cases that relate to Unions (issueArea == 7). These scores offer a dynamic measure of each justice's revealed preferences on Cases that relate to Unions. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

23. **mqEight_federalismTaxation:** Issue-specific Martin-Quinn Scores that correspond with Federalism and Taxation Cases (issueArea == 10, 11, 12, or 13). These scores offer a dynamic measure of each justice's revealed preferences on Federalism and Taxation Cases. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

24. **mqEight_judicialPower:** Issue-specific Martin-Quinn Scores that correspond with Judicial Power Cases (issueArea == 9). These scores offer a dynamic measure of each justice's revealed preferences on Judicial Power Cases. We follow the same procedure as in Martin & Quinn (2002), but the scores are based on the specified subset of cases (see, e.g., Martin & Quinn 2005).

25. **mqEight:** Issue-specific Martin-Quinn Scores based on the eight categories described above.

26. **mq8_order:** This variable orders the justices from most liberal (1) to most conservative (9) based on the issue-specific Martin-Quinn score (mqEight) described above. Thus, the ordinal positioning of the justices can vary across these eight issue categories and across terms.

27. **sw_medmq8:** Indicator for the Median Swing Justice. This variable is coded as a 1 if the justice was the term-specific (and issue-specific) median on the Court based on the issue-specific Martin-Quinn Score (i.e., mq8_order == 5) *and* was the fifth-most conservative justice in a conservative majority or the fifth-most liberal justice in a liberal majority (based on the issue-specific Martin-Quinn Scores).

28. **sw_notmedmq8:** Indicator for the Ideological Swing Justice. This variable is coded as a 1 if the justice was *not* the term-specific (and issue-specific) median on the Court based on the issue-specific Martin-Quinn Score (i.e., mq8_order != 5) *and* was the fifth-most conservative justice in a conservative majority or the fifth-most liberal justice in a liberal majority (based on the issue-specific Martin-Quinn Scores).

29. **pos4mq8:** Indicates the two justices who were adjacent to the term-specific (and issue-specific) median on the Court based on the issue-specific Martin-Quinn Scores (does not include ideological swing justices).

30. **pos3mq8:** Indicates the two justices who were two positions from the term-specific (and issue-specific) median on the Court based on the issue-specific Martin-Quinn Scores (does not include ideological swing justices).

31. **pos2mq8:** Indicates the two justices who were three positions from the term-specific (and issue-specific) median on the Court based on the issue-specific Martin-Quinn Scores (does not include ideological swing justices).

32. **pos1mq8:** Indicates the two justices who were farthest from the term-specific (and issue-specific) median on the Court based on the issue-specific Martin-Quinn Scores (does not include ideological swing justices).

33. **mq11_order:** This variable orders the justices from most liberal (1) to most conservative (9) based on an 11-category issue-specific Martin-Quinn score. Thus, the ordinal positioning of the justices can vary across eleven issue categories and across terms.

34. **sw_medmq11:** Indicator for the Median Swing Justice (11-category). This variable is coded as a 1 if the justice was the term-specific (and issue-specific) median on the Court based on the 11-category issue-specific Martin-Quinn Score (i.e., mq11_order == 5) *and* was the fifth-most conservative justice in a conservative majority or the fifth-most liberal justice in a liberal majority (based on the issue-specific Martin-Quinn Scores).

35. **sw_notmedmq11:** Indicator for the Ideological Swing Justice (11-category). This variable is coded as a 1 if the justice was *not* the term-specific (and issue-specific) median on the Court based on the 11-category issue-specific Martin-Quinn Score (i.e., mq8_order != 5) *and* was the fifth-most conservative justice in a conservative majority or the fifth-most liberal justice in a liberal majority (based on the issue-specific Martin-Quinn Scores).

The original source for each of the following variables is listed after each variable description. Please cite these original sources if you use these data.

36. **segalcover:** Segal & Cover's (1989) updated scores, which measure a Supreme Court Nominee's political ideology. The updated data are available here: `http://www.stonybrook.edu/polsci/jsegal/`.

37. **cp_reclib:** Cameron & Park's (2009) NSP Scores, which measure a Supreme Court Nominee's political ideology. We multiplied the scores by -1, so higher values correspond with more liberal ideology. The original data are available here: `http://www.princeton.edu/~ccameron/papers.html`.

38. **mood5208:** The public's policy mood (Stimson 1991), obtained from `http://www.unc.edu/~jstimson/Data.html` (Release 2, 5-29-2009).

39. **zsop_phmsm:** An over time measure of separation-of-powers constraint based on Bailey's (2007) ideological preference estimates for the Supreme Court, Congress, and the Presidency. A negative value (based on the absolute value of the distance between the justice and nearest institutional pivot) was assigned if the justice's ideal point was more liberal than the President, the House Median, and the Senate Median. A positive value (based on the absolute value of the distance between the justice and nearest institutional pivot) was assigned if the justice's ideal point was more conservative than the President, the House Median, and the Senate Median. A 0 was assigned if the justice's ideal point was not more extreme than all key actors in the other institutions. Higher values indicate the justice would be constrained in a liberal direction if the justice considered other branches' preferences. We standardized each justice's score to a mean of zero (retaining the original over time variance) to ensure that these SOP variables do not capture differences in the justices' ideology but rather measure over time shifts in the distance between the ideal point of each justice and the ideal point of the key actors in the other branches of government. The original data are available here: `http://www9.georgetown.edu/faculty/baileyma/Data_AJPSIdealPoints_Oct2009.htm`.

40. **zsop_pfp:** This separation-of-powers variable is coded the same as above except the coding is based on the President's ideological preference and the ideological preference of the filibuster pivot in the Senate.

41. **zsop_phpsp:** This separation-of-powers variable is coded the same as above except the coding is based on the President's ideological preference, the median of the controlling party in the House (instead of the median position in the House), and the median of the controlling party in the Senate (instead of the median position in the Senate).

42. **timetomaj:** The Number of days to join the majority opinion from the date the first draft opinion was first circulated. This variable was generated using the data from Wahlbeck, Spriggs & Maltzman (2009). For each justice who joined the majority and stayed in the majority, we subtracted the date the opinion was first circulated (CIRC1) from the date the justice joined the majority (J), joined part of the majority (JP), or joined the majority and did something else (J&). Because we only analyze the "time to majority" in 5-4 decisions, this variable is coded as missing for all other cases.[1] The original data correspond with the Burger Court (1969-1985) and are available here: `http://supremecourtopinions.wustl.edu/`.

[1] 3.9 percent of the observations were also coded as missing because they were negative values.

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