

# V

## Votes of Each Justice on Each ACLU/SCOTUS Case from 1925 to 2019 (by Date)

The following 45-page chart shows how each of the 51 U.S. Supreme Court justices voted on each of the 1,193 cases. Their votes brought out some interesting facts and information.

In addition, in assembling this work I learned about *per curiam* cases, which translated from Latin means *by the Court*. Many *per curiam* decisions do not show how the justices voted on those cases. However, in unanimous *per curiam* decisions, or when there is a concurring or dissenting *per curiam* opinion, it's generally easy to see which justice voted which way.

*Per curiam* tie votes, 3–3 and 4–4, are published by the U.S. Supreme Court without disclosing how the justices voted (see

Methodology on page 109). In such tie votes, the U.S. Supreme Court does, however, usually include the name(s) of the justice(s) not voting on such cases and publishes which prior justice's seat may be vacant at that time.

In part because it is not clear which justices voted on which side of the 3–3 and 4–4 *per curiam* decisions, and in part because the split decisions are inconclusive of the U.S. Supreme Court's mind, the nine such cases<sup>1</sup>—one 3–3 vote and eight 4–4 votes—are not included in this work.

**Chart: Votes of Each Justice on Each ACLU/SCOTUS Case from 1925 to 2019 (by Date)**<sup>2</sup>

- 1 Those nine cases are 1. *Hyun v. Landon* (350 U.S. 990); 2. *School Board of the City of Richmond, Virginia v. State Board of Education* (412 U.S. 92); 3. *Common Cause v. Schmitt* (455 U.S. 129); 4. *Reagan v. Abourezk* (484 U.S. 1), the only 3–3 *per curiam* vote located; 5. *Tompkins v. Texas* (490 U.S. 754); 6. *Flores-Villar v. United States* (564 U.S. 210); 7. *Friedrichs v. California Teachers Ass'n* (136 S.Ct. 1083; 578 U.S. \_); 8. *Dollar General Corp. v. Mississippi Band of Choctaw Indians* (136 S.Ct. 2159; 579 U.S. \_); and 9. *United States v. Texas* (136 S.Ct. 2271; 579 U.S. \_).
- 2 These cases are listed in "Date Decided" order in Column C, with the earliest cases first. If there are cases with the same date, then they will be listed by Case number in Column D, from lowest to highest case number.

A	Case Name	Date of Decision	Case No.	Justices and Their Votes (W = ACLU Win; L = ACLU Loss; NP = Justice took no part in the decision)								
				E	F	G	H	I	J	K	L	M
				Holmes	Brandeis	Sanford	Taft	Van Devanter	McReynolds	Sutherland	Butler	Stone
1	Gitlow v. New York	6/8/1925	268 U.S. 652	W	W	L	L	L	L	L	L	L
2	Whitney v. California	5/16/1927	274 U.S. 357	L	L	L	L	L	L	L	L	L
3	Stromberg v. California	5/18/1931	283 U.S. 359	W	W	Roberts, O. W	Hughes W	W	L	W	L	W
4	Powell v. Alabama	11/7/1932	287 U.S. 45	Cardozo W	W	W	W	W	L	W	L	W
5	Patterson v. Alabama	4/1/1935	294 U.S. 600	W	W	W	W	W	NP	W	W	W
6	De Jonge v. Oregon	1/4/1937	299 U.S. 353	W	W	W	W	W	W	W	W	NP
7	Senn v. Tile Layers Protective Union	5/24/1937	301 U.S. 468	W	W	W	W	L	L	L	L	W
8	Lovell v. City of Griffin	3/28/1938	303 U.S. 444	NP	W	W	W	Black W	W	Reed W	W	W
9	Hague v. Committee for Industrial Organization	6/5/1939	307 U.S. 496	Frankfurter NP	Douglas NP	W	W	W	L	W	L	W
10	Schneider v. New Jersey	11/22/1939	308 U.S. 147	W	W	W	W	W	L	W	VACANT SEAT	W
11	Carlson v. California	4/22/1940	310 U.S. 106	W	W	W	W	W	L	W	Murphy W	W