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A Summary of the Voting Record of Each U.S. Supreme Court Justice in ACLU Cases From 1925 to 2019

The following chart ranks the 51 U.S. Supreme Court justices in accordance with the percentage that each voted in favor of the position taken by the ACLU in the cases before them, with the caveat that such listed percentages should be considered given the total number of cases each justice voted on. Some examples:

- While Justice William J. Brennan, Jr. voted in favor of the ACLU position in 83.36% of the 607 cases he voted on. Justice Benjamin Nathan Cardozo voted with the ACLU 100%, but only voted on four cases.
- 28 of the justices voted in favor of the ACLU positions more than 50% of the time; 22 of the justices voted with the ACLU less than 50% of the time (Justice Fred Moore Vinson was not included in the 50 justices because he voted with the ACLU 50% of the time).
- Of the 28 justices who sided with the ACLU in more than 50% of the cases, 57.14% were nominated by

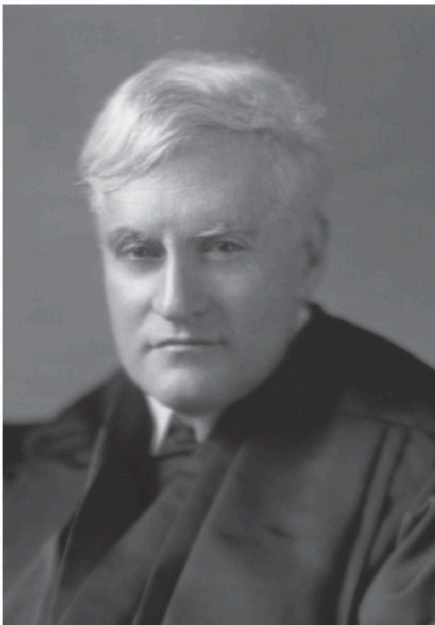
Democratic presidents and 42.86% by Republican presidents. Of the 22 justices who sided with the ACLU in less than 50% of the cases, 22.73% were nominated by Democratic presidents, 77.27% by Republican presidents.

- Of the justices voting in at least 10 ACLU cases, Justice Arthur Joseph Goldberg was the most supportive of the ACLU's side, voting 97.14% with them in 35 cases, while Justice James Clark McReynolds was the least supportive, voting with the ACLU 18.18% of the time in 11 cases.

In addition, 29 or 56.86% of the 51 justices were nominated by Republican presidents, while 22 or 43.14% were nominated by Democratic presidents.

Chart: The 51 U.S. Supreme Court Justices from 1925 to 2019; Their Terms; Votes on the ACLU's Cases; Related Information

Justices Listed in Order of the Percentage of Their Votes on the Same Side as the ACLU



1. Benjamin Nathan Cardozo

Years Served: 1932–1938

Votes on ACLU cases: 4

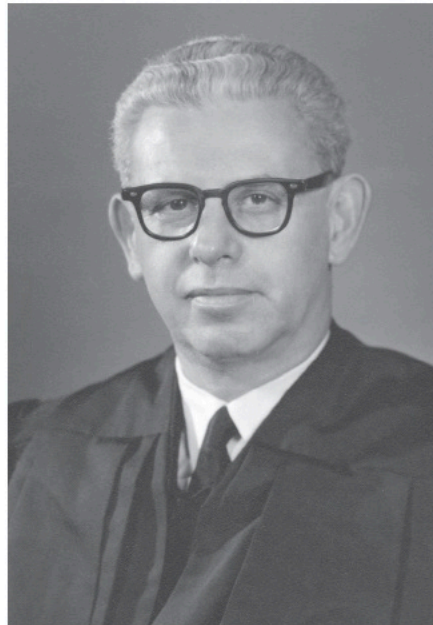
Votes for ACLU's side: 4

Percentage of votes on ACLU's side: 100%

Political party of nominating president:

Republican

Nominating president: Herbert Hoover



2. Arthur Joseph Goldberg

Years Served: 1962–1965

Votes on ACLU cases: 35

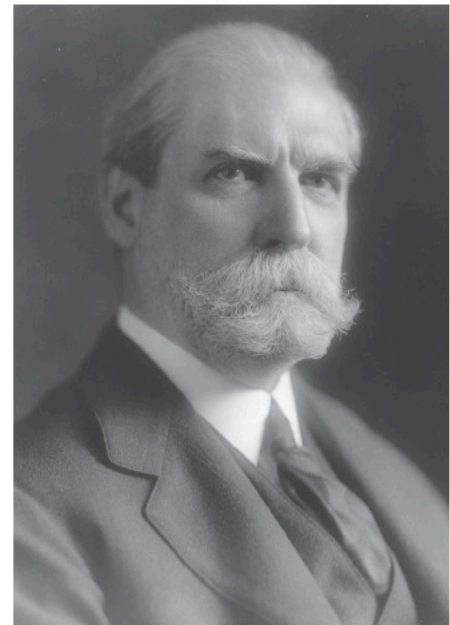
Votes for ACLU's side: 34

Percentage of votes on ACLU's side: 97.14%

Political party of nominating president:

Democratic

Nominating president: John F. Kennedy



3. Charles Evans Hughes¹

Years Served: 1930–1941

Votes on ACLU cases: 10

Votes for ACLU's side: 9

Percentage of votes on ACLU's side: 90.00%

Political party of nominating president:

Republican

Nominating president: Herbert Hoover

¹ "On April 25, 1910, President William H. Taft nominated Hughes to the Supreme Court of the United States, and the Senate confirmed the appointment on May 2, 1910. Hughes resigned from the court (as an associate justice) on June 10, 1916 ... On February 3, 1930, President Herbert Hoover nominated Hughes Chief Justice of the United States, and the Senate confirmed the appointment on February 13, 1930." Associate Justice: 1910–1916, Chief Justice: 1930–1941. ("The History of the Courts" The Supreme Court Historical Society. Accessed January 7, 2021. <https://supremecourthistory.org/history-of-the-courts/>.)

* (The names of the justices are as shown on the [supremecourt.gov](https://www.supremecourt.gov) page "Justices 1789 to Present: Chief Justices." The spelling of presidents' names are from [whitehouse.gov](https://www.whitehouse.gov) "Presidents" page.