

III

Win/Loss Record of the ACLU at SCOTUS by Count and Decade

The following chart shows the Union's wins and losses in the 1,193 decided ACLU/SCOTUS cases in the Union's first 100 years.¹ The first case was decided by the U.S. Supreme Court on June 8, 1925, and the last on June 27, 2019.

The win and loss tallies of those 1,193 cases may be the most objective presentation of data covering the actions of the ACLU during its first 100 years of existence. Different people will surely draw different conclusions from the data from those cases, but at least those conclusions will be based on the same data and statistics.

A few numbers from the chart that seem particularly worthy of notice:

- The ACLU was on the winning side 53.65% of the time in the 1,193 ACLU/SCOTUS decisions.
- The ACLU was on the winning side in 238 unanimous U.S. Supreme Court decisions while on the losing side in 122 unanimous decisions.
- 310 or 25.98% of the ACLU/SCOTUS's 1,193 decisions were 4-5 or 5-4, or 3-4 or 4-3.

¹ Those 1,193 cases were decided from 1925 to 2019. The ACLU had no SCOTUS cases in its first five years and none in 2020. Those cases, therefore, occurred during 94 years of the ACLU's first 100 years. Those years included powerful events in our country such as the beginning of our country's labor unions, the Great Depression, World War II, the hunt for communists in the 1950s, the Korean War, Vietnam, the civil rights upheavals of the 1960s, the Iraq wars of 1991 and 2003, 9/11, and much of the Donald J. Trump presidency.

Decade Ending Dec. 31	WINS					Total Wins	Total Cases	Total Losses	LOSSES					ACLU Decade Win %
	A.	B.	C.	D.	E.				I.	J.	K.	L.	M.	
	5-4	5-3	4-2	5-1	6-0				0-6	1-5	2-4	3-5	4-5	
	4-3	6-3	5-2	6-1	7-0				0-7	1-6	2-5	3-6	3-4	
			6-2	7-1	8-0				0-8	1-7	2-6			
			7-2	8-1	9-0				0-9	1-8	2-7			
1929	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
1939	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
1949	6	7	5	4	12	34	48	14	6	3	0	3	2	70.83
1959	4	5	5	7	14	35	53	18	2	2	0	6	8	66.04
1969	13	16	10	15	30	84	114	30	2	4	3	9	12	73.68
1979	10	25	15	20	30	100	135	35	11	11	15	20	20	59.87
1989	28	14	12	11	57	122	245	123	25	9	11	39	39	49.80
1999	20	11	12	8	11	62	102	39	22	7	11	10	21	61.76
2009	21	19	5	9	23	77	177	100	29	6	10	19	36	43.50
2019	20	14	6	6	23	69	144	75	24	2	11	7	31	47.92
Total – 100 years ¹	102	111	77	75	233	340	1,193	303	122	47	33	111	173	53.65
	35.43%							25.43%						

¹ The first ACLU/SCOTUS case (*Gitlow v. New York*) was decided on June 8, 1925. The last ACLU/SCOTUS case (*Dep't of Commerce v. New York*) was decided on June 27, 2019. There were no ACLU/SCOTUS cases decided in 2020.

² 29 of the 51 justices (56.86%) who voted on the 1,193 cases were appointed by Republican presidents (on page 89).

The complete statistics will be included in the published work.