

# Sample Pages

## III.

### Win/Loss Record of the ACLU in the U.S. Supreme Court by Vote and Decade

The following chart shows the Union's wins and losses in the 1,118 ACLU / U.S. Supreme Court cases in the Union's first 100 years.<sup>2</sup> The first case was decided by the Court on June 8, 1925, and the last on June 27, 2019. Those win and loss tallies may be the most *objective* presentation of data covering almost 100 years of the ACLU's actions in existence.<sup>3</sup> Many may draw different conclusions from the chart's data, but at least those conclusions will come from the same numbers.

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

- The ACLU was on the winning side 50.89% of the time in the Supreme Court's 1,118 Supreme Court decisions.
- The ACLU was on the winning side in 217 unanimous Court decisions, while on the unanimous losing side in 115 decisions.
- 289, 25.85% of the ACLU/ Supreme Court's 1,118 decisions, were 4-5 or 5-4.

Regardless of your interest in, fear of or talent with numbers, the following slicing and dicing of the votes might at least peak your interest in the Union's results at the Supreme Court over such an extended period.

<sup>2</sup> The 1,118 ACLU / Supreme Court cases in 94 years of the ACLU's first 100 years. Those 94 years of decisions encompassed powerful events in our country. Those events included 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, and 9/11.

<sup>3</sup> 56.86% of the Justices who voted on the 1,118 cases were appointed by Republican presidents (on page 1).

### Win / Loss Chart

From January 19, 1920, through January 19, 2020

Decade Ending Dec 31	WINS						Total Wins <sup>1</sup>	Total Cases	Total Losses <sup>2</sup>	LOSSES									
	Ties	5-4	4-3	4-2	6-1	6-0				0-6	1-6	2-4	3-4	4-5					
	3-3	5-3	5-2	7-1	7-0	0-7				1-7	2-5	3-5							
	4-4	6-3	6-2	8-1	8-0	0-8				1-8	2-6								
1929	0	0	0	0	0	0	0	2	2										
1939	0	1	0	3	1	3	8	8											
1949	0	6	7	5	5	12	35	48											
1959	0	3	5	3	6	12	29	47											
1969	0	13	13	9	13	22	70												
1979	0	16	11	14	12	20	73												
1989	2	24	17	12	11	52	117												
1999	0	19	12	12	6	43													
2000	0	1	4	2	0	5													
Sub-totals <sup>3</sup>	2	83	69	60	5	5													

2010	1	21																		40 84
2020 <sup>4</sup>	2																			47 69
Sub-totals <sup>5</sup>																				

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<sup>4</sup> Ties with outcomes on the side of the ACLU.  
<sup>5</sup> Ties with outcomes not on the side of the ACLU.

<sup>6</sup> Subtotal from the ACLU's first U.S. Supreme Court case in 1925 through the end of the 20th century.

<sup>7</sup> Subtotal for ACLU's cases in the 21st century, from February 28, 2001, to June 27, 2019.