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## Appendix B: Methodology

The following methodology has been used in compiling this book:

1. The criteria for inclusion of an ACLU / U.S. Supreme Court case is when the ACLU was involved in the case when it went before the U.S. Supreme Court and the Court issued an opinion between January 19, 1920, and January 19, 2020, the first 100 years of the ACLU.<sup>13</sup>

The ACLU involvement in a U.S. Supreme Court case includes when the ACLU was a party, filed (or is on) an amicus brief, and/or when an ACLU attorney was Counsel of Record or involved in the U.S. Supreme Court case. An ACLU attorney involvement includes an ACLU attorney being listed on a party's brief, whether or not the attorney's affiliation with the ACLU is noted on the brief itself.<sup>14</sup>

Such involvement of an ACLU attorney also includes instances where the ACLU partnered with one or more outside attorneys not necessarily employed by the ACLU, but who worked with the ACLU on the case. Involvement also includes cases where the ACLU has made public statements referencing the case as an ACLU case (because the ACLU has deeper records of their involvement in cases than is often available through Court documents and other public records).

This criterion excludes cases where the ACLU was only involved when the case was before a lower court, and cases where the writ of

<sup>13</sup> Samuel Walker's book *In Defense of American Liberties: A History of the ACLU*.

<sup>14</sup> Attorney *involvement* includes an ACLU attorney who was noted in the U.S. Supreme Court brief but who may not have been noted as being affiliated with the ACLU. For example, Osmond K. Fraenkel, ACLU chief counsel 1954 to 1977; Melvin Wulf, ACLU legal director 1962 to 1977; or Steven R. Shapiro, ACLU associate legal director 1987 to 1993 and legal director 1993 to 2016, were listed on a party's brief before the U.S. Supreme Court, even though their ACLU affiliation was not always mentioned on the brief itself.