

### III.

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

The following chart shows the Union's wins and losses in the 1,193 decided ACLU / U.S. Supreme Court cases in the Union's first 100 years.<sup>1</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 the actions of the ACLU during its first 100 years of existence.<sup>2</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 **53.39%** of the time in the **1,193** ACLU / Supreme Court decisions.
- The ACLU was on the winning side in **237** unanimous Court decisions, while on the losing side in **120** unanimous decisions.
- **24.73%** of the ACLU/ Supreme Court's **1,193** 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 pique your interest in the Union's results at the Supreme Court over such an extended period of time.

<sup>1</sup> Those cases were decided from 1925 to 2019. The ACLU had no Supreme Court cases in their first five years and none in 2020. Those **1,193** ACLU / Supreme Court cases therefore occurred over 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, and 9/11.

<sup>2</sup> **29** or **56.86%** of the Justices who voted on the **1,193** cases were appointed by Republican presidents (on page 213).

### Win / Loss Chart

From January 19, 1920, through January 19, 2020

Decade Ending Dec. 31	WINS						LOSSES						ACLU Decade Win %			
	Ties	5-4	4-3	4-2	5-1	6-0	Total Wins <sup>3</sup>	Total Cases	Total Losses <sup>4</sup>	0-6	1-5	2-4		3-4	4-5	Ties
	3-3		5-3	5-2	6-1	7-0				0-7	1-6	2-5		3-5		3-3
	4-4		6-3	6-2	7-1	8-0				0-8	1-7	2-6		3-6		4-4
			7-2	8-1	9-0				0-9	1-8	2-7					
1929	0														0	
1939	0														10.00	
1949	0														0.83	
1959	0														4.15	
1969	0														4.56	
1979	0														2.97	
1989	0														8.98	
1999	0														2.75	
2009	0														0.76	
2019	0														7.22	
Total - 100 years <sup>5</sup>	0														3.39	

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<sup>3</sup> Includes ties with outcomes on the side of the ACLU.

<sup>4</sup> Includes ties with outcomes not on the side of the ACLU.

<sup>5</sup> There were no ACLU/U.S. Supreme Court cases decided in 2020. The last ACLU/U.S. Supreme Court case was decided on June 27, 2019.