

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 / US Supreme Court cases in the Union's first 100 years.⁵ 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. 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 love or hatred of statistics, the vote analysis in this work might at least pique your interest in the Union's Supreme Court record, over such an extended period.

⁵ Those 1,193 cases were decided from 1925 to 2019. The ACLU had no Supreme Court cases in its first five years and none in 2020. Those 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, 9/11 and much of the Donald J. Trump presidency.

Win / Loss Chart

From January 19, 1920, through January 19, 2020

WINS						LOSSES						N.		
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.		M.	
	5-4	5-3	4-2	5-1	6-0	Total Wins	Total Cases	Total Losses	0-6	1-5	2-4	3-5	4-5	ACLU Decade Win %
	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			
Decade Ending Dec. 31			7-2	8-1	9-0				0-9	1-8	2-7			
1929	0												0	
1939	0												0	
1949	0												3	
1959	0												5	
1969	1												6	
1979	1												7	
1989	1												8	
1999	2												5	
2009	2												6	
2019	2												2	
Total – 100 years ⁶	11												9	

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⁶ The first ACLU/SCOTUS case was decided on June 8, 1925. The last ACLU/SCOTUS case was decided on June 27, 2019. There were no ACLU/SCOTUS cases decided in 2020.

⁷ 29 of the 51 justices (56.86%) who voted on the 1,193 cases were appointed by Republican presidents (on page 233).