

*Pages 113 & 114 shown as a sample
(the chart is 118 pages in the Handbook, but the information
and data are the same in both the volumes and handbook)*

V.

Votes of Each Justice on Each ACLU SCOTUS Case from 1925 to 2019 (by Date)

The following 117-page chart shows the individual votes of the 51 Supreme Court justices involved in deciding the 1,193 cases. This brought out some interesting facts and information.

For example, in assembling this work I learned about *per curiam* cases, which translated from Latin means *by the Court*. Many *per curiam* decisions do not show how the justices voted on those cases. However, in unanimous *per curiam* decisions, or when there is a concurring or dissenting *per curiam* opinion, it's generally easy to see which justice voted which way.

Per curiam tie votes, 3–3 and 4–4, are published by the Court without disclosing how the justices voted (see Methodology on page 271). In such tie votes, the Court does, however, usually include the name(s) of the justice(s) not voting on such cases and publishes which prior justice's seat may be vacant at that time.

In part because it is not clear which justices voted on which side of the 3–3 and 4–4 *per curiam* decisions, and in part because the split decisions are inconclusive of the Court's mind, the nine such cases¹¹—one 3–3 vote and eight 4–4 votes—are not included in this work.

¹¹ Those nine cases are 1. *Hyun v. Landon* (350 U.S. 990); 2. *School Board of the City of Richmond, Virginia v. State Board of Education* (412 U.S. 92); 3. *Common Cause v. Schmitt* (455 U.S. 129); 4. *Reagan v. Abourezk* (484 U.S. 1), the only 3–3 *per curiam* vote located; 5. *Tompkins v. Texas* (490 U.S. 754); 6. *Flores-Villar v. United States* (564 U.S. 210); 7. *Friedrichs v. California Teachers Ass'n* (136 S.Ct. 1083; 578 U.S. _); 8. *Dollar General Corp. v. Mississippi Band of Choctaw Indians* (136 S.Ct. 2159; 579 U.S. _); and 9. *United States v. Texas* (136 S.Ct. 2271; 579 U.S. _).

Chart: Votes of Each Justice on Each ACLU SCOTUS Case from 1925 to 2019 (by Date)¹²

A	Case Name	Date Decided	Case #	Justices and Their Votes									
				(W = ACLU Win; L = ACLU Loss)									
B	C	D	E	F	G	H	I	J	K	L	M		
			Holmes	Brandeis	Sanford	Taft	Van Devanter	McReynolds	Sutherland	Butler	Stone		
1	Gitlow v. New York	June 8, 1925	268 U.S. 652	W	W	L	L	L	L	L	L		
2	Whitney v. California	May 16, 1927	274 U.S. 357	L	L	L	L	L	L	L	L		
3	Stromberg v. California	May 18, 1931	283 U.S. 359	W	W	Roberts, O. W	Hughes W	W	L	W	L	W	
4	Powell v. Alabama	November 7, 1932	287 U.S. 45	Cardozo W	W	W	W	W	W	L	W	L	W
5	Patterson v. Alabama	April 1, 1935	294 U.S. 600	W	W	W	W	W	W	Took no part in the decision	W	W	W
6	De Jonge v. Oregon	January 4, 1937	299 U.S. 353	W	W	W	W	W	W	W	W	W	Took no part in the decision
7	Senn v. Tile Layers Protective Union	May 24, 1937	301 U.S. 468	W	W	W	W	L	L	L	L	L	W

¹² These cases are listed in "Date Decided" order in Column C, with the earliest cases first. If there are cases with the same date, then they will be listed by Case number in Column D, from lowest to highest case number.