

Determining the Impact of Pivotal Actors in the Confirmation of Supreme Court Nominations



Senior Honors Presentation
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The United States Supreme Court

- What does the Court do?
 - The United States Supreme Court is the highest court in the nation, responsible for hearing cases and issuing decisions.
 - As the Supreme Court hears only a small percentage of the cases appealed to them, the cases deal with important issues.
 - The decisions issued by the Court are the “law of the land.”

The United States Supreme Court

- Why is it important?
 - Article III of the United States Constitution
 - Unique Institutional Features
 - Life Tenure
 - Judicial Hierarchy
 - Docket Control
 - Court of Last Resort

The Members:

- The US Supreme Court currently has 9 sitting justices responsible for all decision making.
- Justices are appointed by the President and confirmed with the advice and consent of the Senate (Article 2, Section 1).

The Project at Hand:

- As nominees may not sit on the Supreme Court without confirmation of the US Senate, the President *must* take into consideration those serving in the Senate when selecting individuals to fill the vacancy on the Court if he is sure to win confirmation.

Specific Research Questions:

- Research Question: Given such considerations, which individuals involved in the confirmation stages are most pivotal in the process and what is their impact on the entirety of the process?
- Which pivotal actor in the Senate best predicts a successful confirmation of nominees to the US Supreme Court?

Literature on Confirmation:

- Confirmation is political
- Qualifications are a must
- Presidential considerations

Legislative Theories of Organization

- Committee Based Models:
 - The Distributive Theory
 - The Informational Theory
- Party Based Models:
 - The Legislative Cartel Theory
 - The Conditional Party Government Theory

Data/Methods:

- Dependent Variable:
 - Percentage of vote for the Nominee
- Independent Variables:
 - Ideologies of:
 - Senate Chamber Median
 - Senate Majority Party Median
 - Senate Judiciary Committee Median
 - Filibuster Pivot

Ideologies:

- DW-Nominate Scores
 - Based upon votes on the Senate floor
- Segal/Cover Scores
 - Based upon newspaper editorials

Hypotheses:

- H_1 : The percentage of the Senate voting in favor of a nominee and the ideological distance between the nominee and the Senate median should be *negatively* correlated.
- H_2 : The percentage of the Senate voting in favor of a nominee and the ideological distance between the nominee and the Senate's majority party median should be *negatively* correlated.

Hypotheses Continued:

- H_3 : The percentage of the Senate voting in favor of a nominee and the ideological distance between the nominee and the Senate Judiciary Committee median should be *negatively* correlated.

Hypotheses Continued:

- H_4 : The percentage of the Senate voting in favor of a nominee and the ideological distance between the nominee and the Senate majority leader should be *negatively* correlated.
- H_5 : The percentage of the Senate voting in favor of a nominee and the ideological distance between the nominee and the filibuster pivot in the Senate should be *negatively* correlated.

Hypotheses Continued:

- H_6 : The percentage of the Senate voting in favor of a nominee and the percentage of the President's co-partisans in the Senate should be *positively* correlated.
- * Similar research conducted on Circuit Court providing similar pivotal actors.

Results:

- Correlation Coefficients: Dependent Variable= Percentage of Vote for Nominee:
 - Ideological Distance from Senate Median: -0.397
 - Ideological Distance from Majority Party Median: -0.365
 - Ideological Distance from Judiciary Committee Median: -0.395
 - Ideological Distance from Senate Majority Leader: -0.284
 - Ideological Distance from Filibuster Pivot: -0.429
 - Percentage of the President's Co-Partisans in the Senate: 0.259

- * Note: The correlation coefficients provided were calculated using STATA 11.0 statistical software.

The Future of the Supreme Court

- What will happen given the recent announcement that Justice Stevens will be retiring?