Network Derived Domain Maps of the United States Supreme Court:
50 years of Co-Voting Data and a Case Study on Abortion

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Harvard Law Review Supreme Court Statistics

July 2, 2005 New York Times
Appointed by a Democrat

Appointed by a Republican

Voting frequencies represented as the edge weight between nodes and presented visually as a graph. (Rendered with Pajek using a stochastic, spring force algorithm.)

**Ideological Landscape of the Justices (1994 – 2003)**

**Voting Together > 50%**
(Non-Unanimous Cases 1994 -2003 Supreme Court Terms)

**Voting Together > 49%**
(Non-Unanimous Cases 1994 -2003 Supreme Court Terms)
1994-2003 Non-Unanimous Cases (MDS using R)

Justices of the United States Supreme Court (1956 – 2005 Terms)

### Justices of the United States Supreme Court (1956 – 2005 Terms)

#### 10 Highest Cumulative Voting Percentages (1956 – 2005 Terms)

<table>
<thead>
<tr>
<th>Justice 1</th>
<th>Justice 2</th>
<th>% Together</th>
<th># Cases Together</th>
</tr>
</thead>
<tbody>
<tr>
<td>O'Connor</td>
<td>Roberts</td>
<td>91%</td>
<td>33 inequality</td>
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<tr>
<td>Warren</td>
<td>Marshall</td>
<td>88%</td>
<td>178</td>
</tr>
<tr>
<td>Reed</td>
<td>Clark</td>
<td>85%</td>
<td>40</td>
</tr>
<tr>
<td>Fortas</td>
<td>Marshall</td>
<td>85%</td>
<td>132</td>
</tr>
<tr>
<td>Warren</td>
<td>Brennan</td>
<td>82%</td>
<td>1406</td>
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<tr>
<td>Scalia</td>
<td>Roberts</td>
<td>82%</td>
<td>78</td>
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<tr>
<td>Roberts</td>
<td>Alito</td>
<td>82%</td>
<td>39</td>
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<tr>
<td>Warren</td>
<td>Fortas</td>
<td>80%</td>
<td>391</td>
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<td>Kennedy</td>
<td>Roberts</td>
<td>79%</td>
<td>78</td>
</tr>
<tr>
<td>Brennan</td>
<td>Fortas</td>
<td>79%</td>
<td>384</td>
</tr>
</tbody>
</table>
8 of the 12 Lowest Co-Voting Percentages are with Douglas!
Significant Cases Rehnquist Court 6:

- U.S. Term Limits v. Thornton – no state term limits for Congresspersons
- Clinton v. Jones – President can be sued while in office
- Boy Scouts of America v. Dale – private organization can prohibit homosexuals
- Bush v. Gore – Florida recount must stop
- Lawrence v. Texas – sodomy laws unconstitutional
- Atkins v. Virginia – cannot execute mentally retarded criminals
- Grutter v. Bollinger – narrowly tailored affirmative action is permissible
- Hamdi v. Rumsfeld – enemy combatants have right to neutral decisionmaker
- Kelo v. City of New London – state can take private property for commercial development
Relational Infrastructure of the Law (Topic Assignment)

26 “Abortion and Birth Control” Cases in the S.Ct.

Timeline Layout

Timeline Layout with Citation Inter-linkages
West Depth of Treatment

- = Examined
- = Discussed
- = Cited
- = Mentioned
Opinions that Quote from Roe v. Wade

West Depth of Treatment

 imprisonment v. McRae (1985)

 Planned Parenthood v. Danforth (1976)

 Planned Parenthood v. Ashcroft (1992)

 Planned Parenthood v. Casey (1992)

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Relational Infrastructure of the Law (Case Status)

A red flag indicates that a case or administrative decision is no longer good law for at least one of the reasons of law it contains or that the statute or regulation has been amended by a recent session law, or it has been repealed, superseded, or held unconstitutional or preempted in whole or in part.

A yellow flag indicates that a case or administrative decision has some negative history but hasn't been reversed or overruled, the decision has been remanded or transferred by a recent session law, that an amended session law or proposed legislation affecting the statute is available, or it has been mentioned, i.e., referenced, not marked with a yellow flag that the regulation has been reversed, corrected, or confirmed, that the statute or regulation was limited on constitutional or preemption grounds or its validity was otherwise called into doubt, or that a prior version of the statute or regulation received negative treatment from a court.

A blue H indicates that a case or administrative decision has some history.

A green C indicates that a case or administrative decision has use references but no direct history or negative citing references or that the statute or regulation has citing references.
Informed consent provisions of Pennsylvania’s abortion statute that require giving of truthful, nonmisleading information about nature of abortion procedure, about attendant health risks of abortion and of childbirth, and about probable gestational age of fetus do not impose undue burden on woman’s right to choose to terminate her pregnancy.

– West Publishing

1. **Griswold v. Connecticut**, 381 U.S. 479 (June 07, 1965)

   "The First Amendment has a penumbra where privacy is protected from governmental intrusion."
   – West Publishing

   "Connecticut law forbidding use of contraceptives unconstitutionally intrudes upon the right of marital privacy."
   – West Publishing

"Massachusetts statute permitting married persons to obtain contraceptives to prevent pregnancy but prohibiting distribution of contraceptives to single persons for that purpose violates equal protection clause."

– West Publishing

"Under right of privacy, individual, married or single, has right to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as decision whether to bear or beget a child."

– West Publishing


- "Prior to approximately the end of the first trimester of pregnancy, the attending physician in consultation with his patient is free to determine, without regulation by state, that in his medical judgment the patient's pregnancy should be terminated, and if that decision is reached such judgment may be effectuated by an abortion without interference by the state."

- "From and after approximately the end of the first trimester of pregnancy, a state may regulate abortion procedure to extent that the regulation reasonably relates to preservation and protection of maternal health."

- "If state is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period except when necessary to preserve the life or the health of the mother."

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"West Publishing"

“State’s interest in protecting potential human life does not come into existence only at point of viability and thus, there should not be rigid line allowing state regulation of abortion after viability but prohibiting regulation before viability. (Per Chief Justice with two Justices concurring.).”

“I fear for the future. I fear for the liberty and equality of the millions of women who have lived and come of age in the 16 years since *Roe* was decided. I fear for the integrity of, and public esteem for, this Court.”


“Reliance on *Roe v. Wade* rule’s limitation on state power required reaffirmation of *Roe’s* essential holding under doctrine of stare decisis; for two decades of economic and social developments, people organized intimate relationships and made choices that defined their views of themselves and their places in society in reliance on availability of abortion in event of contraceptive failure.”

– West Publishing
1970 Term – Blackmun / Burger First Together

1985 Term – Their Last Together
THE END