

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



Peter A. Hook, J.D., M.S.L.I.S.
 Electronic Services Librarian, Indiana University
 School of Law--Bloomington
<http://ella.slis.indiana.edu/~pahook>
 May 22, 2007, NetSci 07
 New York Hall of Science, Queens, NYC



Harvard Law Review Supreme Court Statistics

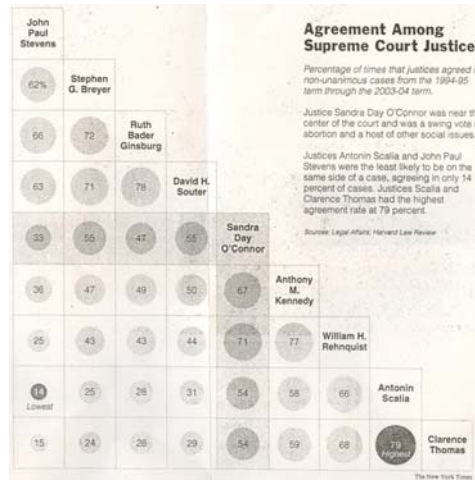
500

[Vol. 118:497

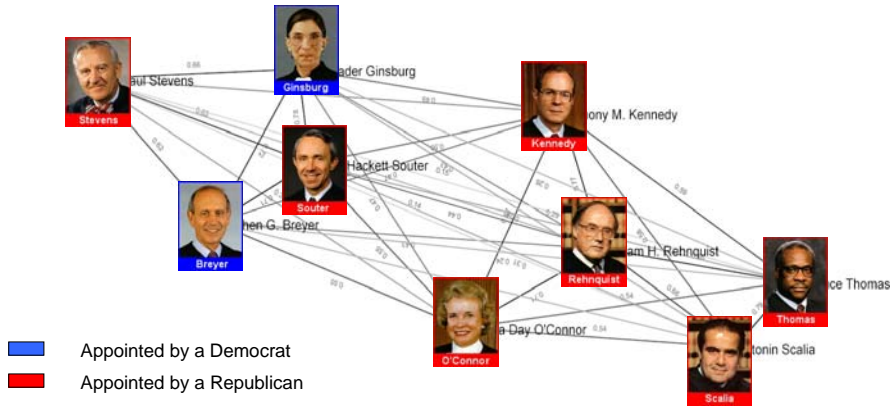
TABLE I (continued)
 (B2) VOTING ALIGNMENTS — NON-UNANIMOUS CASES*

	Rehnquist	Stevens	O'Connor	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer
O	17	36	22	33	20	24	24	24	26
S	0	6	8	8	0	10	0	2	2
D	17	42	30	41	20	34	24	28	28
N	55	53	54	55	55	55	55	54	54
P	30.9	79.2	55.6	74.5	36.4	61.8	43.6	51.9	
O	17	—	22	6	20	8	29	26	26
S	0	—	0	1	2	14	1	12	9
D	17	—	22	7	22	42	9	40	35
N	55	—	53	54	55	55	55	55	54
P	30.9	—	41.5	13.0	40.0	76.4	16.4	72.7	64.8
O	36	22	—	22	32	26	21	28	32
S	6	0	—	3	4	0	2	0	2
D	42	22	—	25	35	26	23	28	34
N	53	53	—	52	53	53	53	52	52
P	79.2	41.5	—	48.1	66.0	49.1	43.4	52.8	65.4
O	22	6	22	—	19	10	20	12	12
S	1	1	—	—	5	1	15	1	0
D	30	7	25	—	25	11	35	13	12
N	54	54	52	—	54	54	54	54	53
P	55.6	13.0	48.1	—	42.6	20.4	64.5	24.1	22.6
O	33	20	32	19	—	21	21	23	24
S	8	2	4	5	—	2	6	0	1
D	41	22	35	23	—	25	27	23	25
N	55	55	53	54	—	55	55	53	54
P	74.5	40.0	66.0	42.6	—	45.3	49.1	41.8	46.3
O	10	28	26	10	23	—	12	32	28
S	0	14	0	1	2	—	1	15	10
D	20	42	26	11	25	—	13	45	35
N	55	55	53	54	55	—	55	55	54
P	36.4	76.4	49.1	20.4	45.5	—	23.6	81.8	64.8
O	24	8	21	20	21	12	—	14	12
S	10	1	2	15	6	1	—	0	1
D	34	9	23	35	27	13	—	14	13
N	53	55	53	54	55	55	—	55	54
P	61.8	16.4	43.4	64.8	49.1	23.6	—	25.5	24.1
O	24	29	28	12	23	14	—	33	33
S	0	12	0	1	0	15	0	—	12
D	24	40	28	13	23	45	14	—	44
N	55	55	53	54	55	55	54	—	54
P	43.6	72.7	52.8	24.1	41.8	81.8	25.5	—	81.5
O	26	26	32	12	24	28	12	33	—
S	2	9	2	0	1	10	1	12	—
D	28	35	34	12	25	35	13	44	—
N	54	54	52	53	54	54	54	54	—
P	51.9	64.8	65.4	22.6	46.3	64.8	26.1	81.5	—

July 2, 2005 *New York Times*

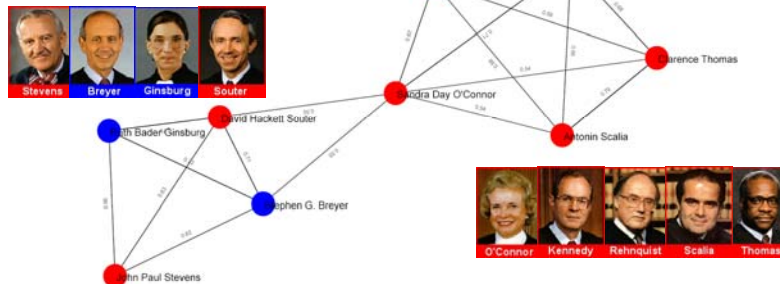


Ideological Landscape of the Justices (1994 – 2003)

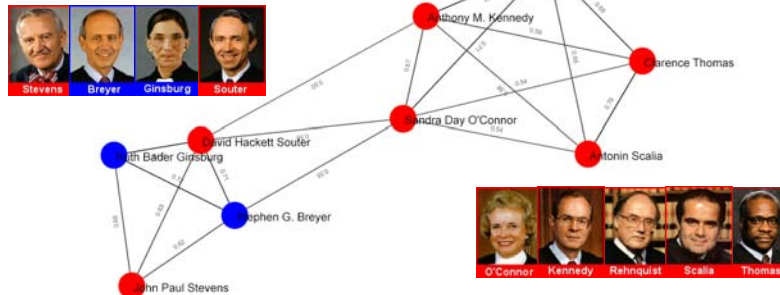


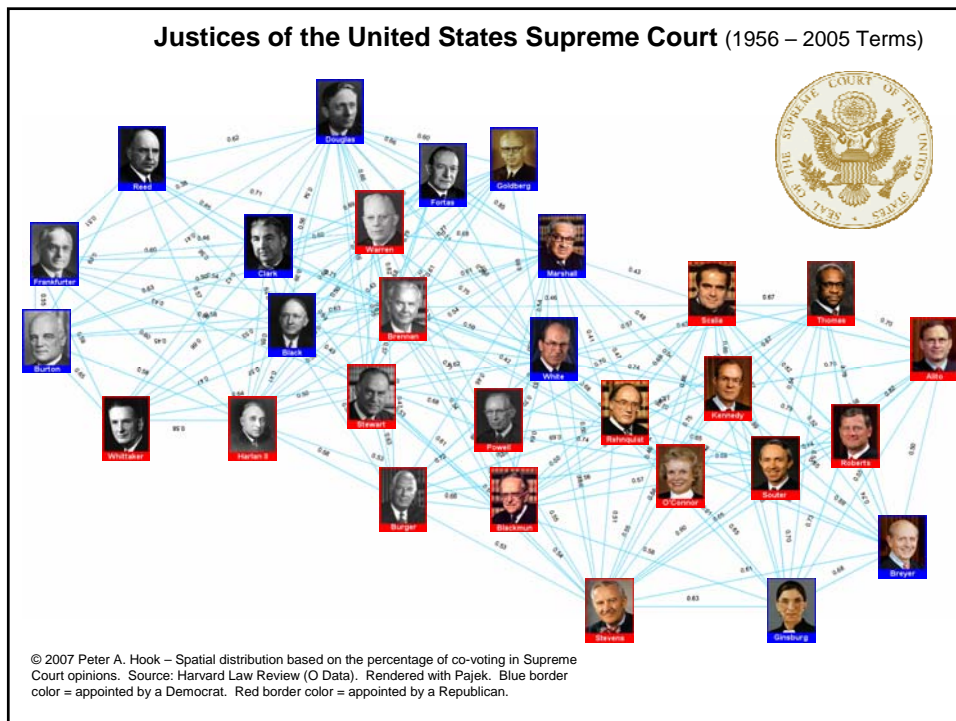
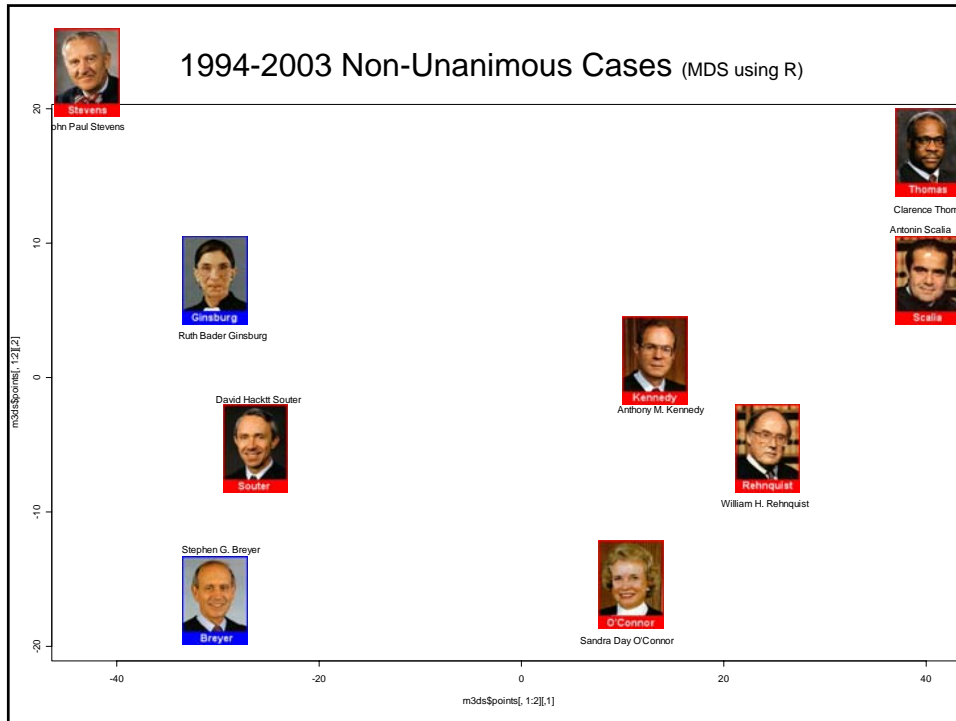
Voting frequencies represented as the edge weight between nodes and presented visually as a graph. (Rendered with Pajek using a stochastic, spring force algorithm.)

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

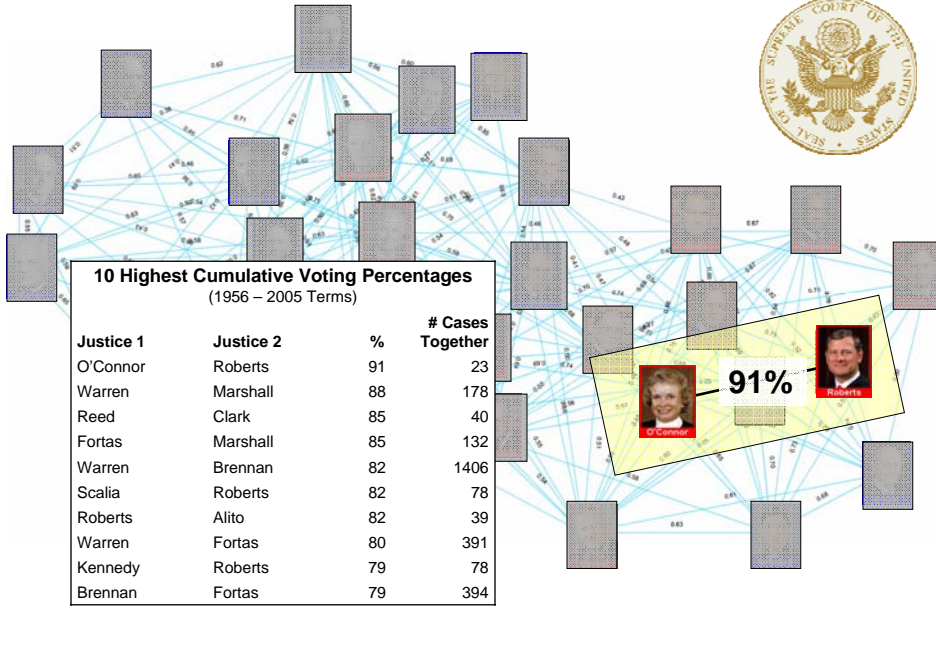


Voting Together > 49% (Non-Unanimous Cases 1994 -2003 Supreme Court Terms)





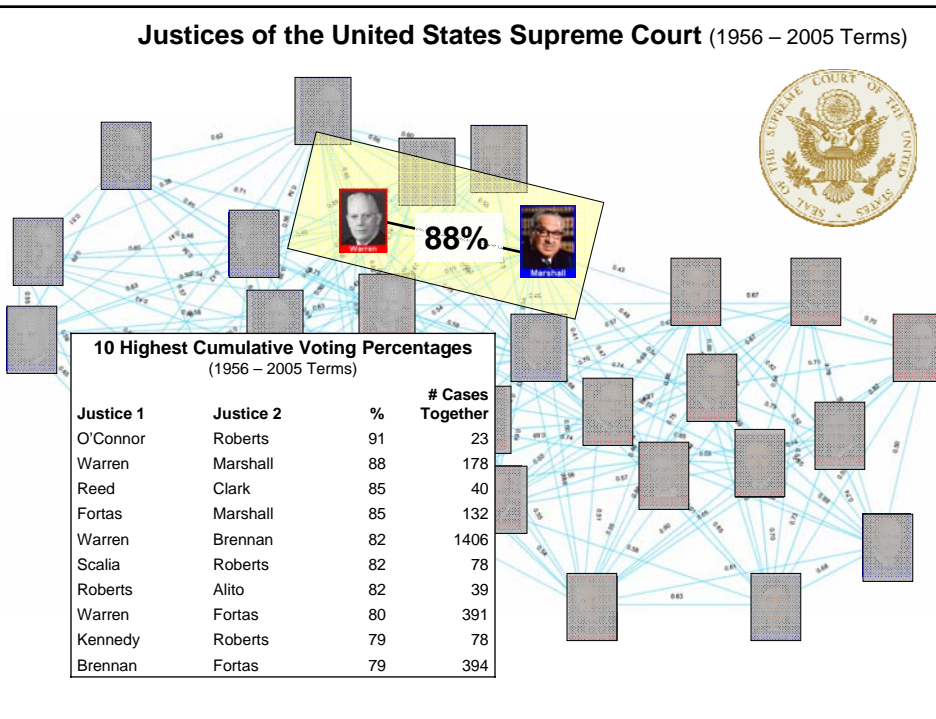
Justices of the United States Supreme Court (1956 – 2005 Terms)



10 Highest Cumulative Voting Percentages
(1956 – 2005 Terms)

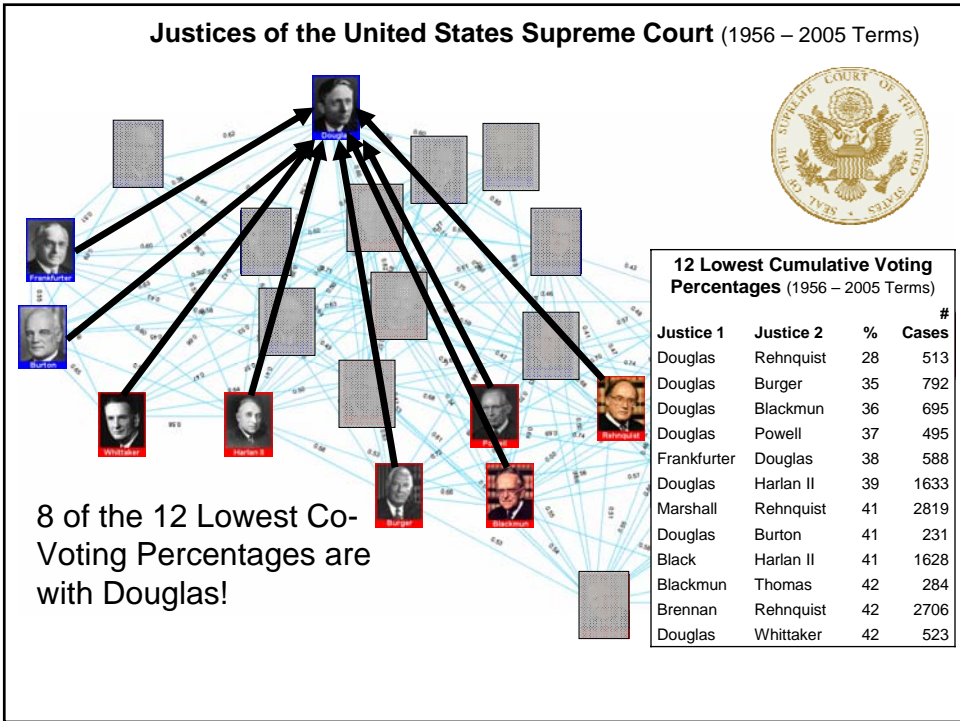
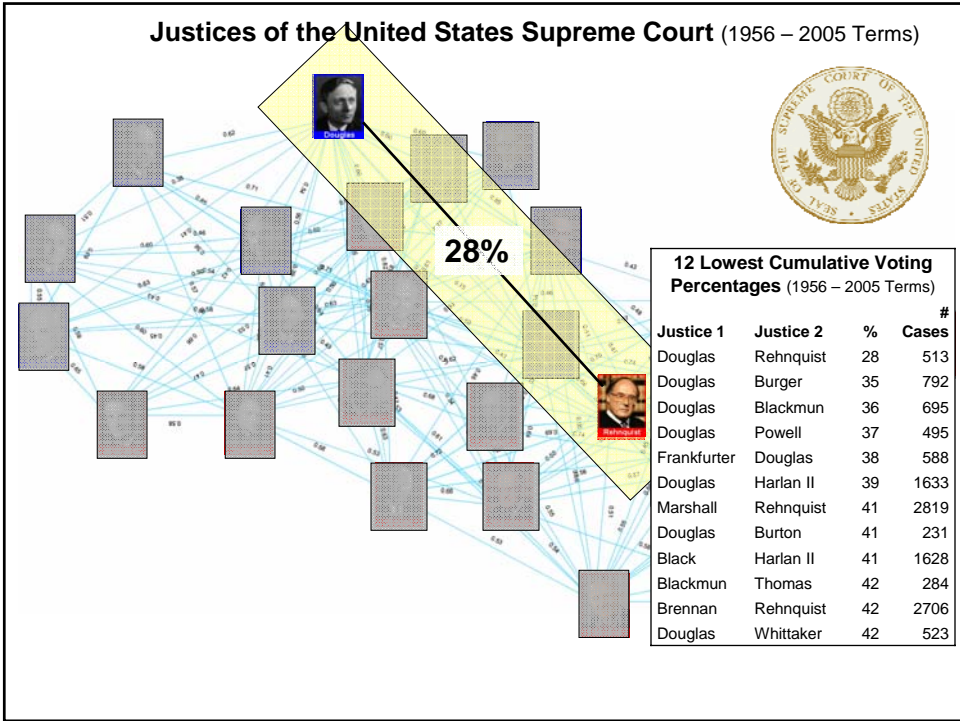
Justice 1	Justice 2	%	# Cases Together
O'Connor	Roberts	91	23
Warren	Marshall	88	178
Reed	Clark	85	40
Fortas	Marshall	85	132
Warren	Brennan	82	1406
Scalia	Roberts	82	78
Roberts	Alito	82	39
Warren	Fortas	80	391
Kennedy	Roberts	79	78
Brennan	Fortas	79	394

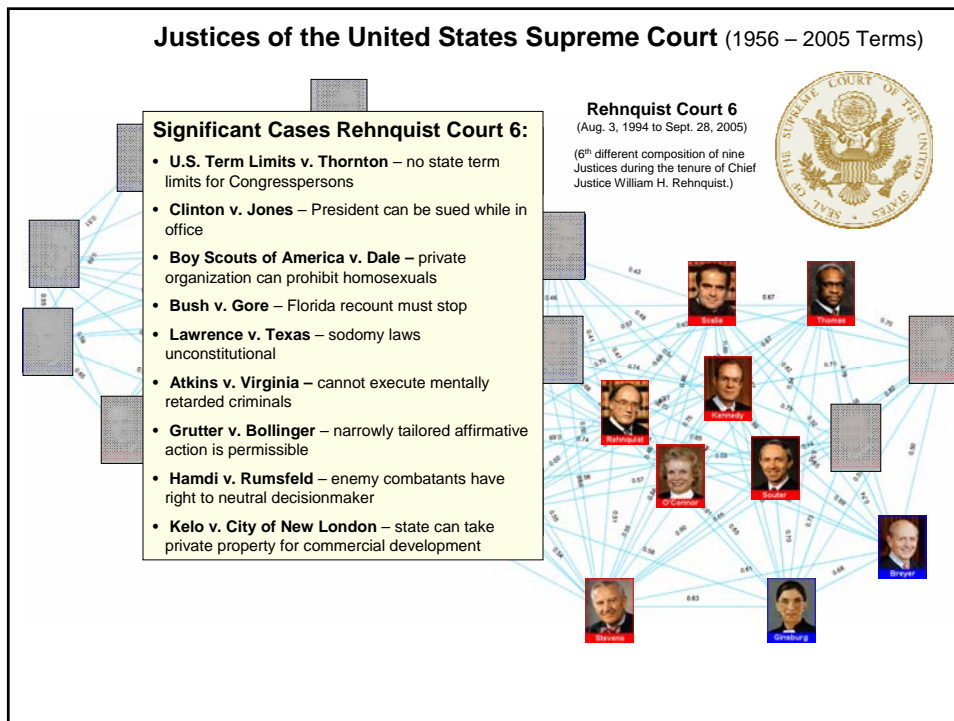
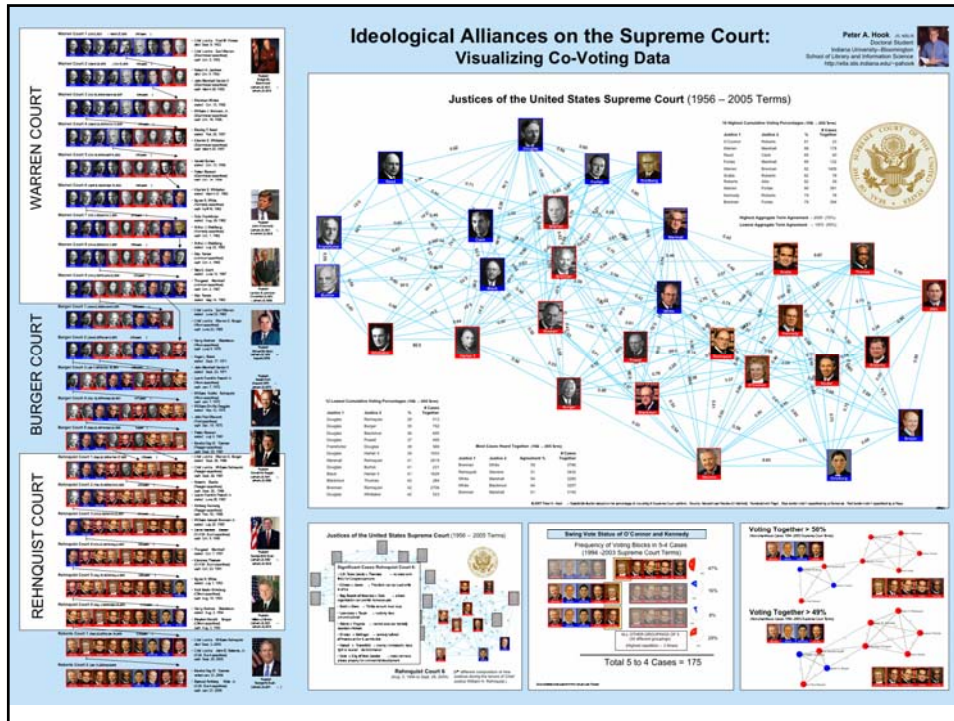
Justices of the United States Supreme Court (1956 – 2005 Terms)



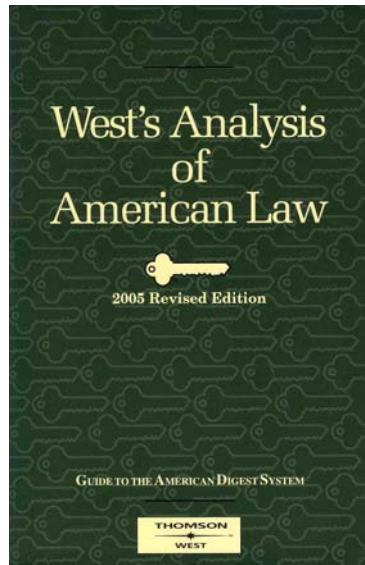
10 Highest Cumulative Voting Percentages
(1956 – 2005 Terms)

Justice 1	Justice 2	%	# Cases Together
O'Connor	Roberts	91	23
Warren	Marshall	88	178
Reed	Clark	85	40
Fortas	Marshall	85	132
Warren	Brennan	82	1406
Scalia	Roberts	82	78
Roberts	Alito	82	39
Warren	Fortas	80	391
Kennedy	Roberts	79	78
Brennan	Fortas	79	394

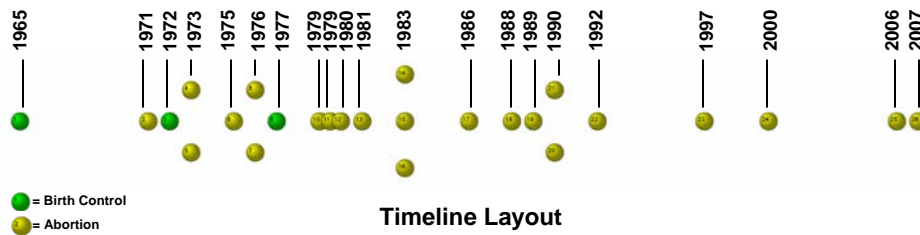




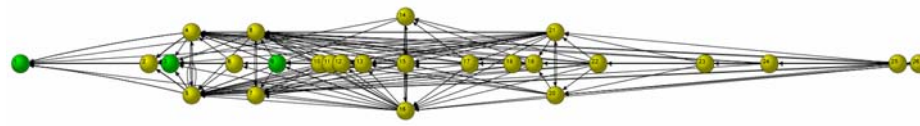
Relational Infrastructure of the Law (Topic Assignment)



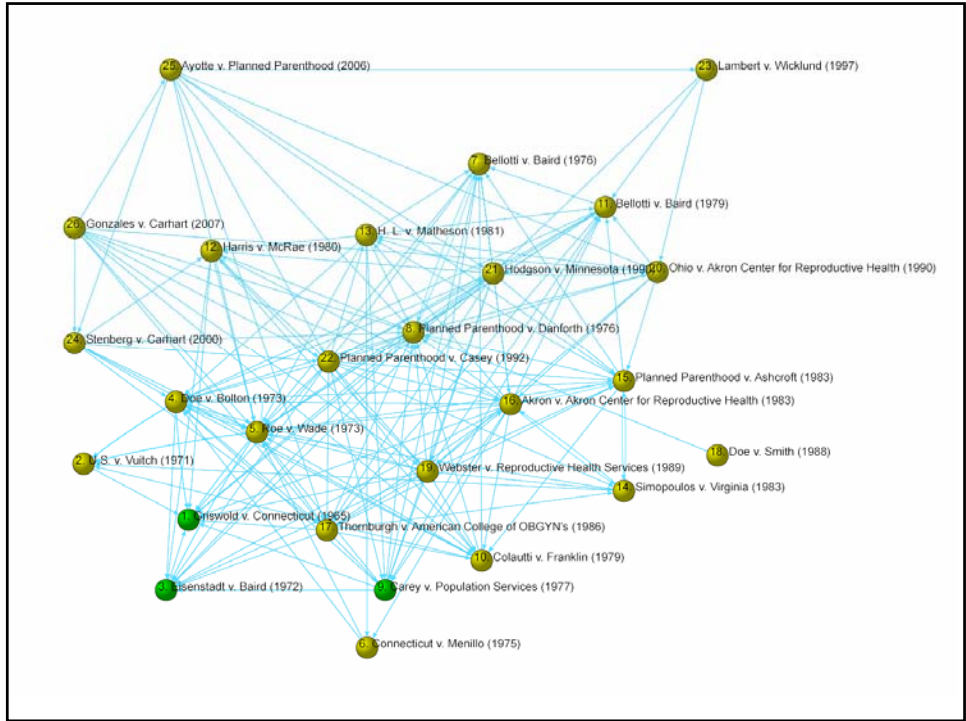
26 "Abortion and Birth Control" Cases in the S.Ct.



Timeline Layout



Timeline Layout with Citation Inter-linkages



Relational Infrastructure of the Law (Depth of Treatment)

KeyCite

Roe v. Wade
410 U.S. 113, 93 S.Ct. 705
U.S.Tex. 1972,
January 22, 1973

First Part | Next Part >>

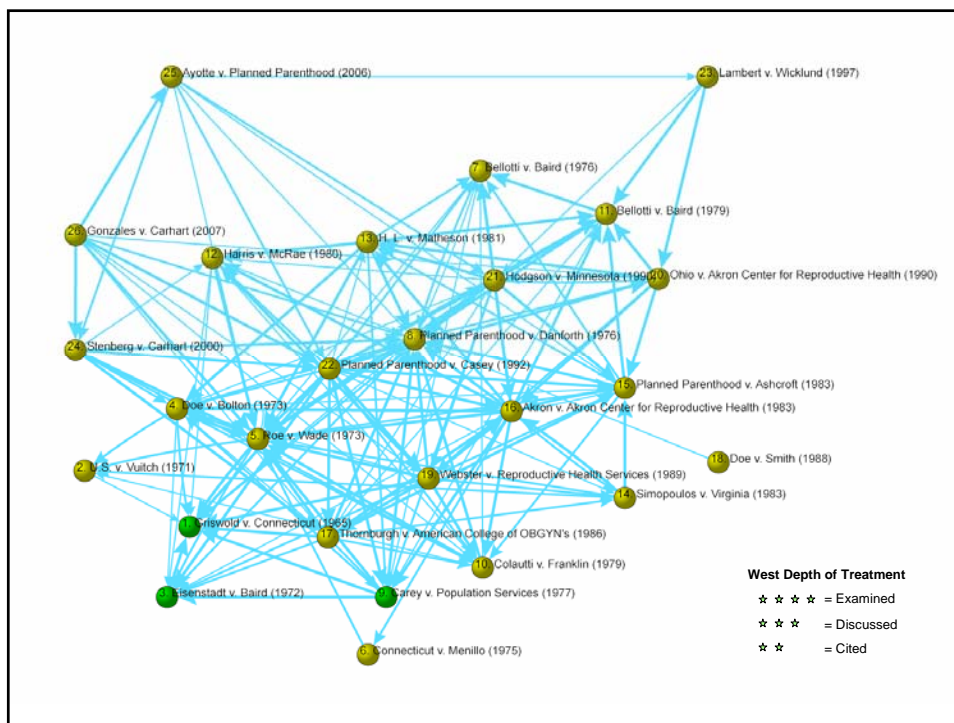
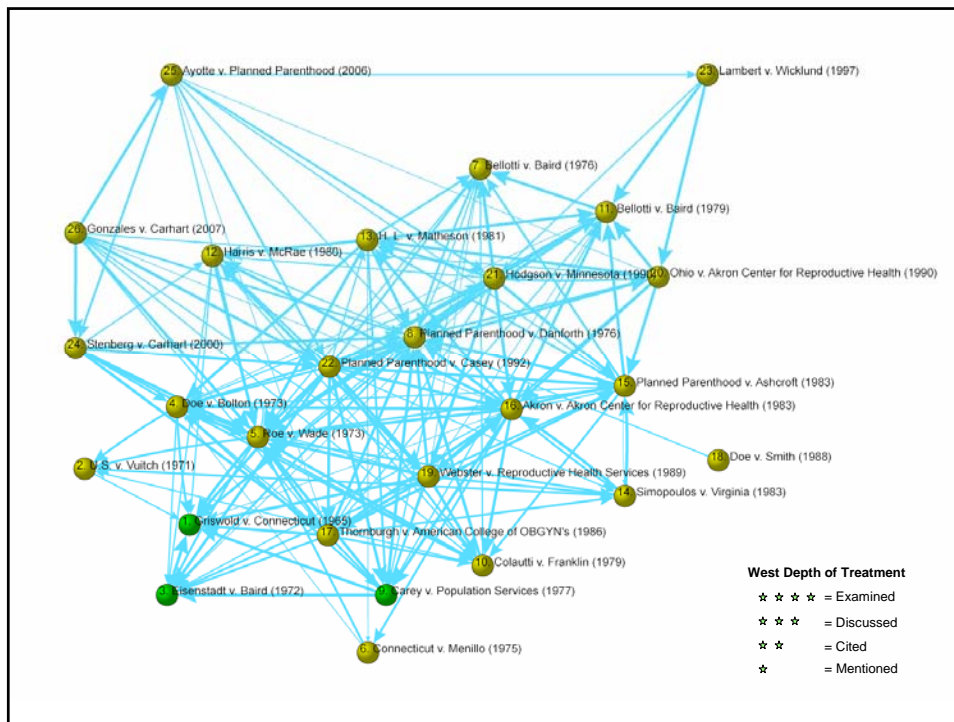
125 Cases Cited in Roe v. Wade

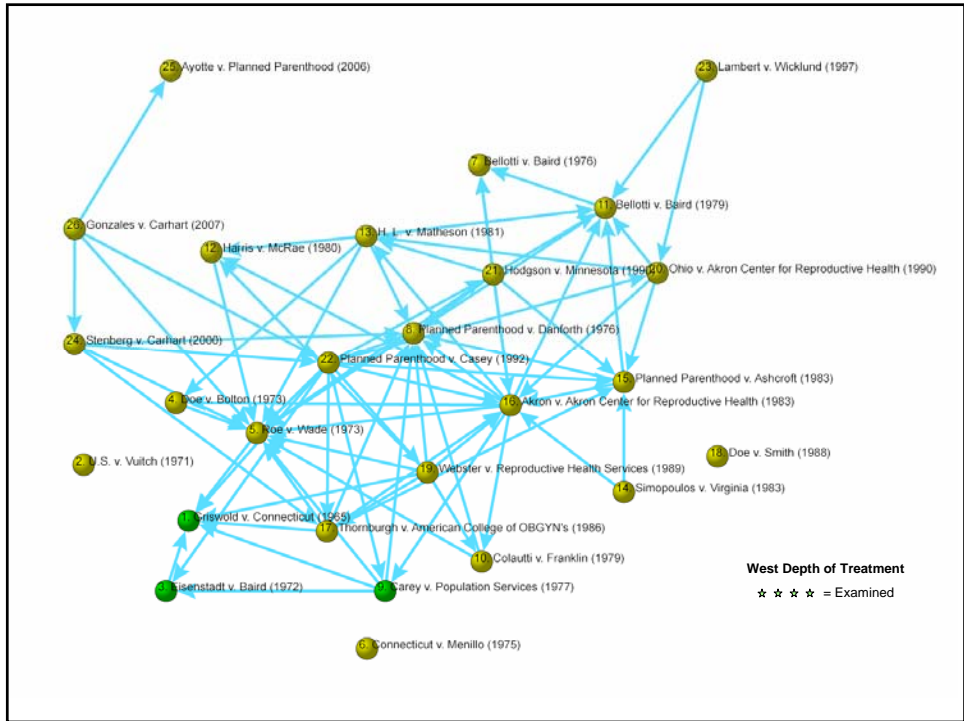
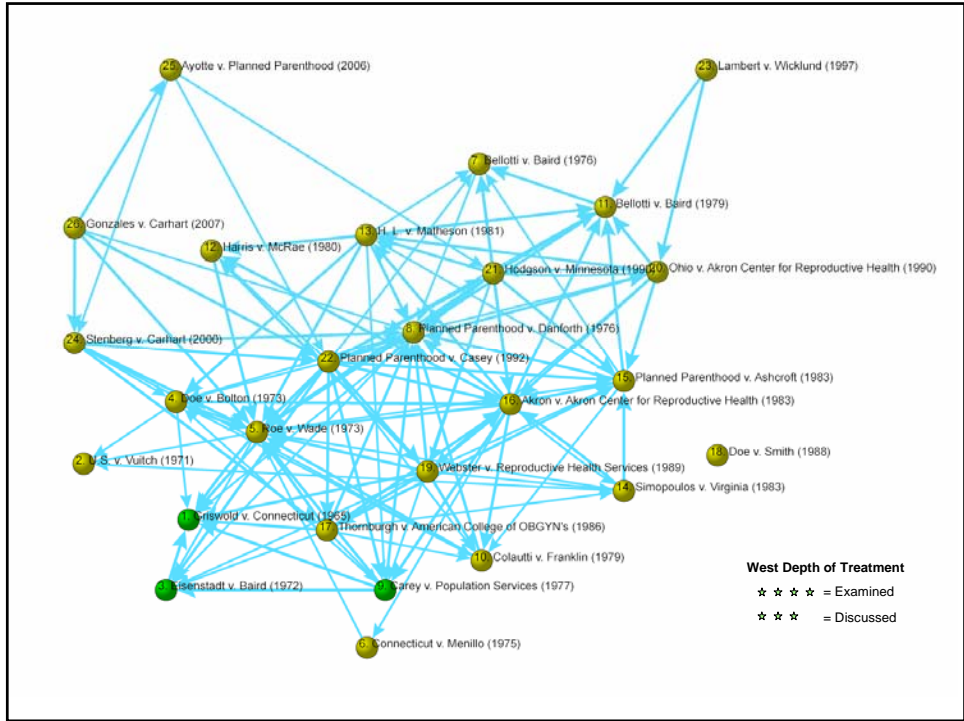
51	Griswold v. Connecticut, 85 S.Ct. 1678 (U.S.Conn. 1965)	715+
52	U.S. v. Guest, 86 S.Ct. 1170 (U.S.Ga. 1966)	734
53	Gunn v. University Committee to End War in Viet Nam, 90 S.Ct. 2013 (U.S.Tex. 1970)	711
54	Hammitt v. State, 209 S.W. 661 (Tex.Crim.App. 1919)	726
55	Investment Co. Institute v. Camp, 91 S.Ct. 1091 (U.S.Dist.Col. 1971)	714
56	Jackson v. State, 115 S.W. 262 (Tex.Crim.App. 1908)	710
57	Jacobson v. Commonwealth of Massachusetts, 25	
58	Katz v. U.S., 88 S.Ct. 507 (U.S.Cal. 1967)	
59	Keeler v. Superior Court, 470 P.2d 617 (Cal. 1970)	

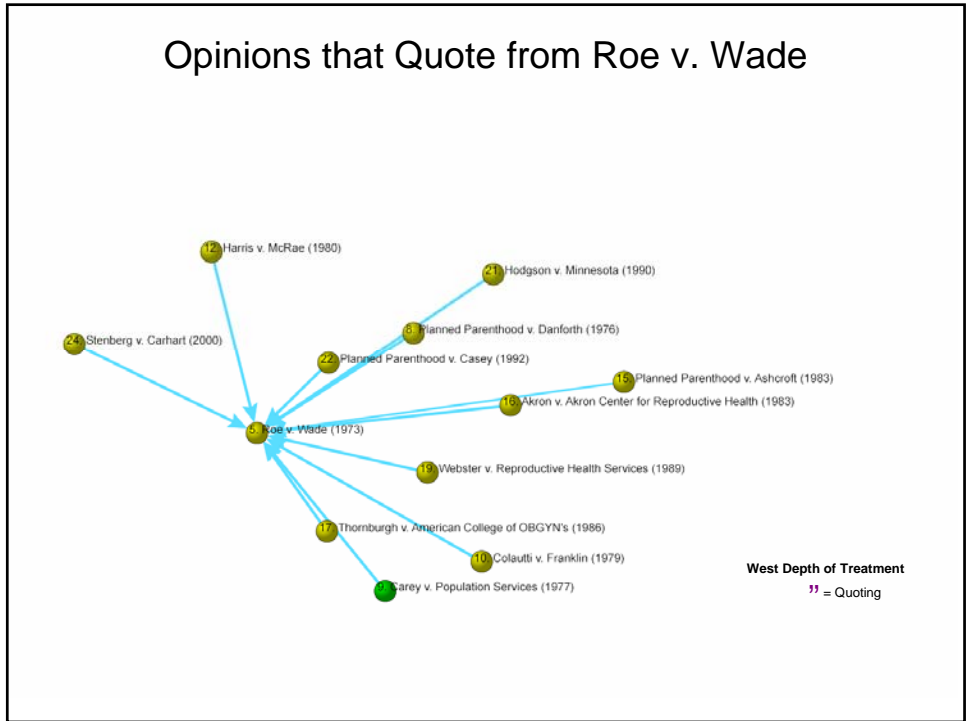
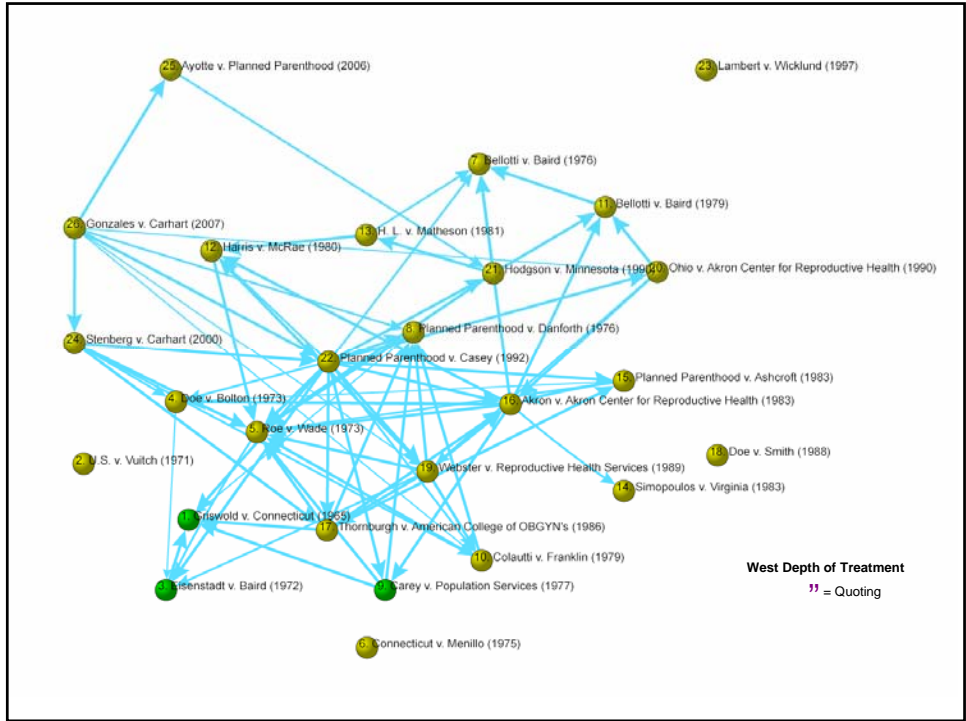
KeyCite Depth of Treatment Stars

KeyCite depth of treatment stars indicate the extent to which a citing case, administrative decision, or brief discusses the cited case.

- ★★★★ **Examined** The citing case, administrative decision, or brief contains an extended discussion of the cited case, usually more than a printed page of text.
- ★★★ **Discussed** The citing case, administrative decision, or brief contains a substantial discussion of the cited case, usually more than a paragraph but less than a printed page.
- ★★ **Cited** The citing case, administrative decision, or brief contains some discussion of the cited case, usually less than a paragraph.
- ★ **Mentioned** The citing case, administrative decision, or brief contains a brief reference to the cited case, usually in a string citation.







Relational Infrastructure of the Law (Case Status)

Roe v. Wade
410 U.S. 113, 93 S.Ct. 709
U.S. Sup. Ct. 1973
January 22, 1973

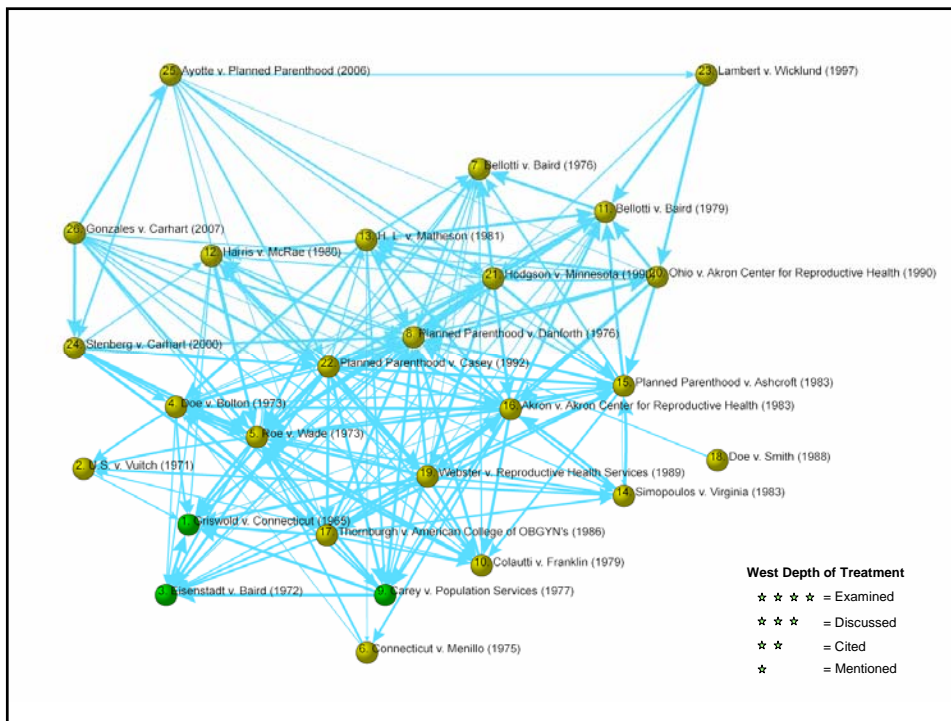
125 Cases Cited in Roe v. Wade

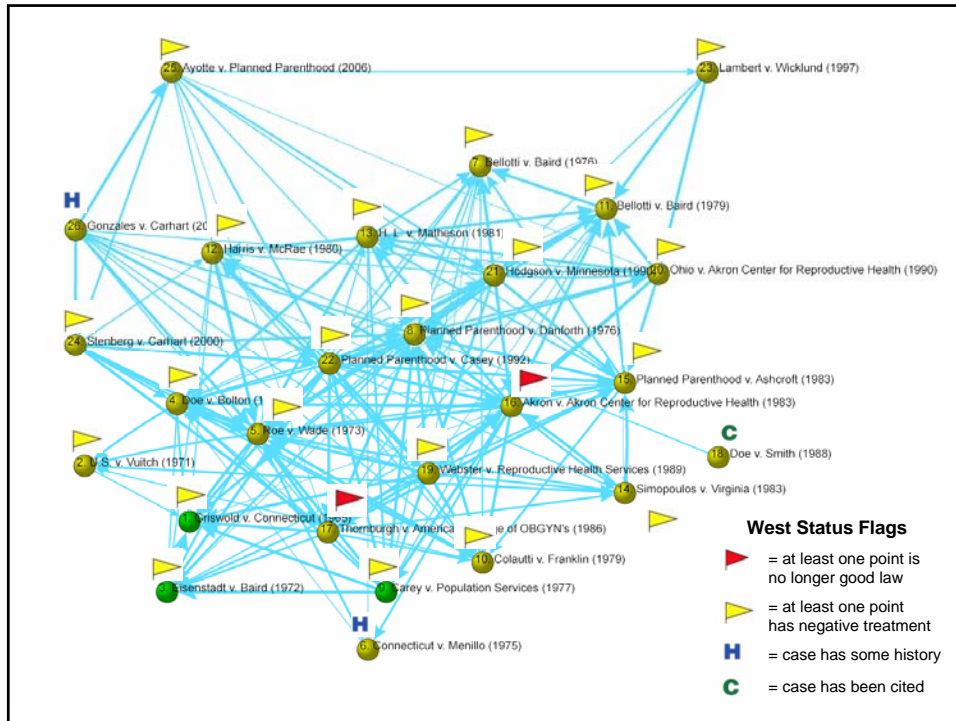
- ▶ 51 Griswold v. Connecticut, 85 S.Ct. 1678 (U.S. Conn. 1965) ★★★★★
- ▶ 52 U.S. v. Guest, 86 S.Ct. 1170 (U.S. Ga. 1966) ★
- 53 Gunn v. University Committee to End War in Viet Nam, 90 S.Ct. 2013 (U.S. Tex. 1970) ★
- 54 Hammett v. State, 209 S.W. 661 (Tex. Crim. App. 1919) ★★
- ▶ 55 Investment Co. Institute v. Camp, 91 S.Ct. 1091 (U.S. Dist. Col. 1971) ★★
- 56 Jackson v. State, 115 S.W. 262 (Tex. Crim. App. 1908) ★★
- ▶ 57 Jacobson v. Commonwealth of Massachusetts, 25 S.Ct. 358 (U.S. Mass. 1905) ★★
- ▶ 58 Katz v. U.S., 88 S.Ct. 507 (U.S. Cal. 1967) ★★
- ▶ 59 Keeler v. Superior Court, 470 P.2d 617 (Cal. 1970) ★

▶ ▶ H C

- ▶ A red flag indicates that a case or administrative decision is no longer good law for at least one of the points of law it contains or that the statute or regulation has been amended by a recent session law or rule, 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 statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available (statutes merely referenced, i.e., mentioned, are not marked with a yellow flag); that the regulation has been reinstated, 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.
- H A blue H indicates that a case or administrative decision has some history.
- C A green C indicates that a case or administrative decision has citing references but no direct history or negative citing references or that the statute or regulation has citing references.

continued on next page ... 27

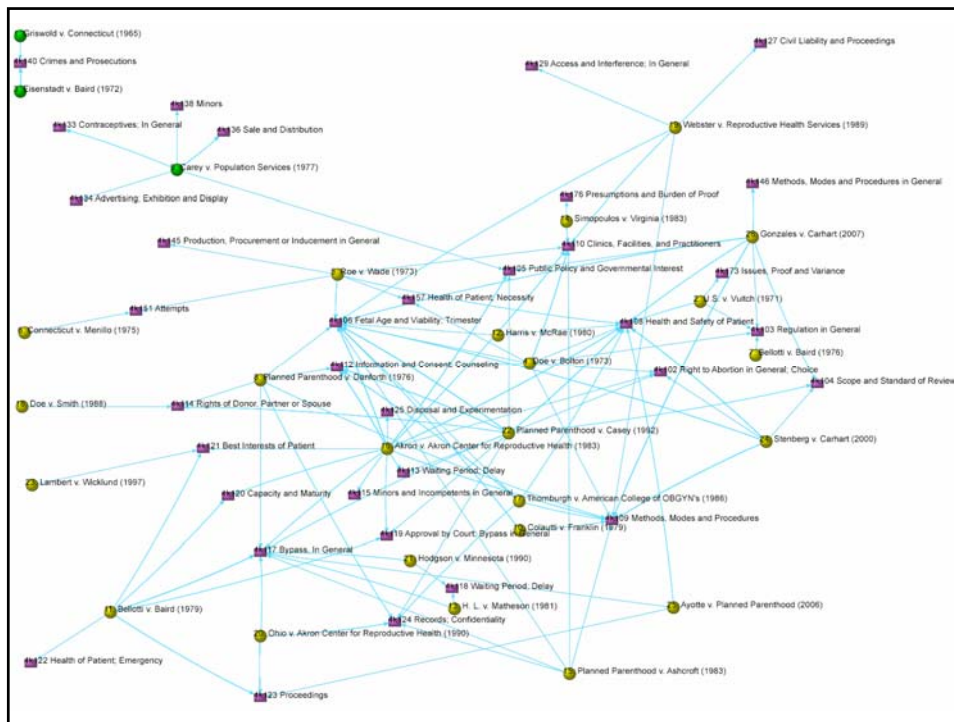




22. *Planned Parenthood of SE Penn. v. Casey*, 492 U.S. 490 (June 29, 1992)

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)

92k82(7) Constitutional Law, Privacy In General

1 Griswold v. Connecticut (1965)

4k140 Crimes and Prosecutions

“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

1675 80 SUPREME COURT REPORTER 381 U.S. 479

These further questions should await an appropriate case. The Court should proceed only step by step in this important field. The opinion of the Court accordingly goes no further, for only the few members of the majority who expressly join the Court's opinion would answer these questions now." *Id.*, p. 485. (Emphasis supplied.)

These today's decision is not a blanket constitutional prohibition against the advertising of state-licensed birth control.

While I join the dissenters of my Brother STEWART and WHITE, I do so on the understanding that their use of the expression "the Court's opinion" or "the opinion of the Court" refers only to those views of our four Brothers which my Brother HARLAN explicitly states he shares.

1. **Constitutional Law 494g**
Planned Parenthood League's executive director and medical director who had been convicted as accessories for giving information, instruction, and medical advice to married persons, as to means of preventing conception had standing to question constitutionality of Connecticut law forbidding use of non-sterile contraceptives. *C.G.S.A. §§ 53-38, 54-104; U.S.C.A. Const. art. I, § 1 et seq.*

2. **Constitutional Law 494g(3)**
The Supreme Court does not sit as a superlegislature to determine the wisdom, merit, and propriety of laws that touch economic interests, business affairs, or social conditions.

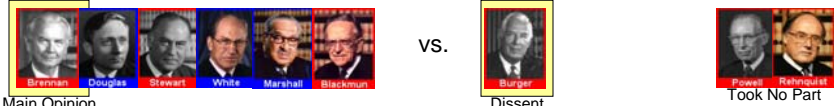
3. **Constitutional Law 494g**
The state may act, consistently with the spirit of the First Amendment, to limit the quantity of available knowledge. *U.S.C.A. Const. Amend. I.*

4. **Constitutional Law 494g**
The right of freedom of speech and press includes not only right to utter or to print, but right to distribute, right to receive, right to read and freedom of inquiry, freedom of thought, and freedom to teach. *U.S.C.A. Const. Amend. I.*

5. **Constitutional Law 494g**
The First Amendment has a penumbra where privacy is protected from governmental intrusion. *U.S.C.A. Const. Amend. I.*

6. **Constitutional Law 494g**
The right of assembly extends to all irrespective of their race or ideology. *U.S.C.A. Const. Amend. I.*

3. ***Eisenstadt v. Baird***, 405 U.S. 438 (March 22, 1972)




4k140 Crimes and Prosecutions

“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

1 Griswold v. Connecticut (1965)

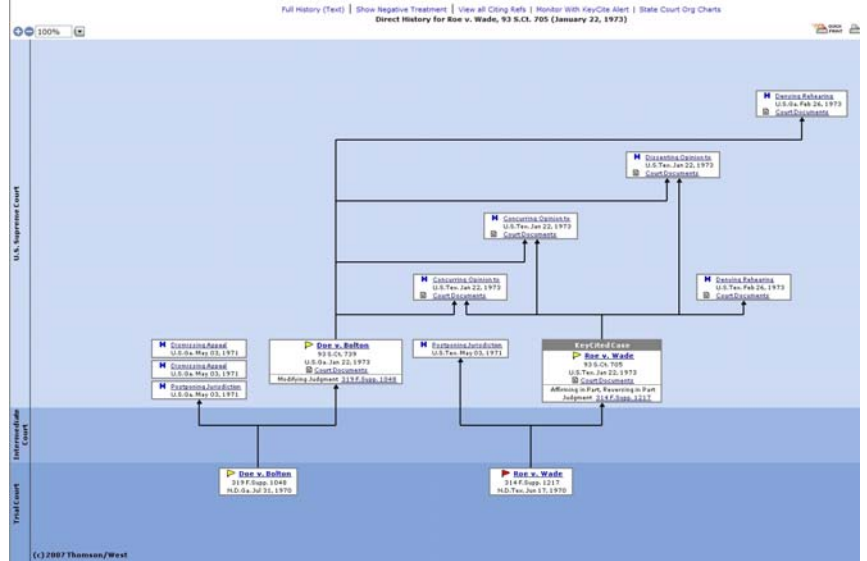
92k82(10) Constitutional Law, Privacy In General

“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



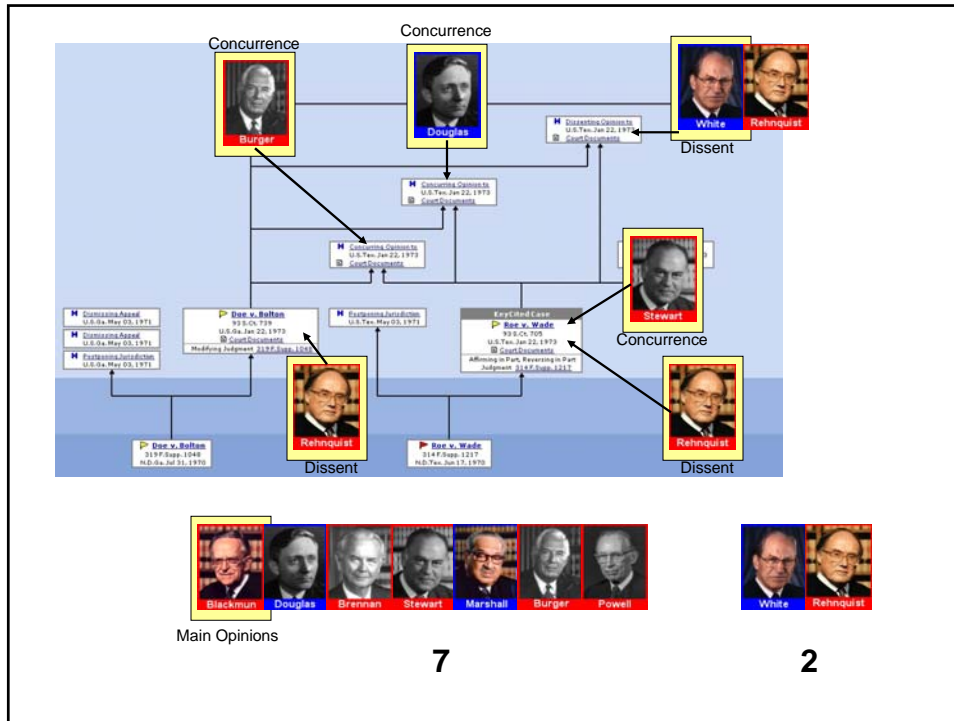
4. ***Doe v. Bolton***, 410 U.S. 179 (Jan. 22, 1973)

5. ***Roe v. Wade***, 410 U.S. 113 (Jan. 22, 1973)



Full History (Text) | Show Negative Treatment | View All Citing Facts | Monitor With KeyCite Alert | State Court Org Charts
Direct History for *Roe v. Wade*, 93 S.Ct. 705 (January 22, 1973)

(c) 2007 Thomson/West



5. *Roe v. Wade*, 410 U.S. 113 (Jan. 22, 1973)

4k145 Production, Procurement or Inducement in General

4k110 Clinics, Facilities, and Practitioners

4k151 Attempts

4k157 Health of Patient; Necessity

4k106 Fetal Age and Viability; Trimester

4k108 Health and Safety of Patient

4k106 Fetal Age and Viability: Trimester

- “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.”

– West Publishing

19. *Webster v. Reproductive Health Services*, 492 U.S. 490 (July 03, 1989)



VS.



2088 108 SUPREME COURT REPORTS 492 U.S. 490

492 U.S. 490, 112 S.Ct. 1021, 107 L.Ed.2d 1309
 William L. WEBSTER, Attorney General of Missouri, et al., Appellants.
 v.
 REPRODUCTIVE HEALTH SERVICES, et al., Appellees.
 No. 88-068.
 Argued April 26, 1989.
 Decided July 3, 1989.

State-employed health care professionals and facilities offering abortion counseling and services sought these writs seeking declaratory and injunctive relief challenging constitutionality of state statute regulating abortions. The United States District Court for the Western District of Missouri, Scott D. Wright, Chief Justice, 852 F.2d 1051, declared several portions of statute unconstitutional and permanently enjoined their enforcement. On appeal, the Court of Appeals, Jay, Chief Judge, 855 F.2d 1051, affirmed in part and reversed in part. On appeal, the Supreme Court, Chief Justice Blackmun, held that: (1) Court need not pass on constitutionality of statute's provisions; (2) necessary law on use of public employees and facilities for performance of abortions is unconstitutional; (3) limitation on use of public facilities for abortions is unconstitutional; and (4) issue of constitutionality of statute's provisions on use of public facilities for abortions or related issues is not ripe for adjudication in this case.

Reversed.

Justice O'Connor and Justice White filed opinions concurring in part and dissenting in part.

Justice Blackmun filed opinion concurring in part and dissenting in part, in which Justice Brennan and Marshall joined.

Justice Stevens filed opinion concurring in part and dissenting in part.



"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.)."



"Today, *Roe v. Wade*, and the fundamental constitutional right of women to decide whether to terminate a pregnancy, survive but are not secure."
 "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."

22. *Planned Parenthood of SE Penn. v. Casey*, 492 U.S. 490 (June 29, 1992)

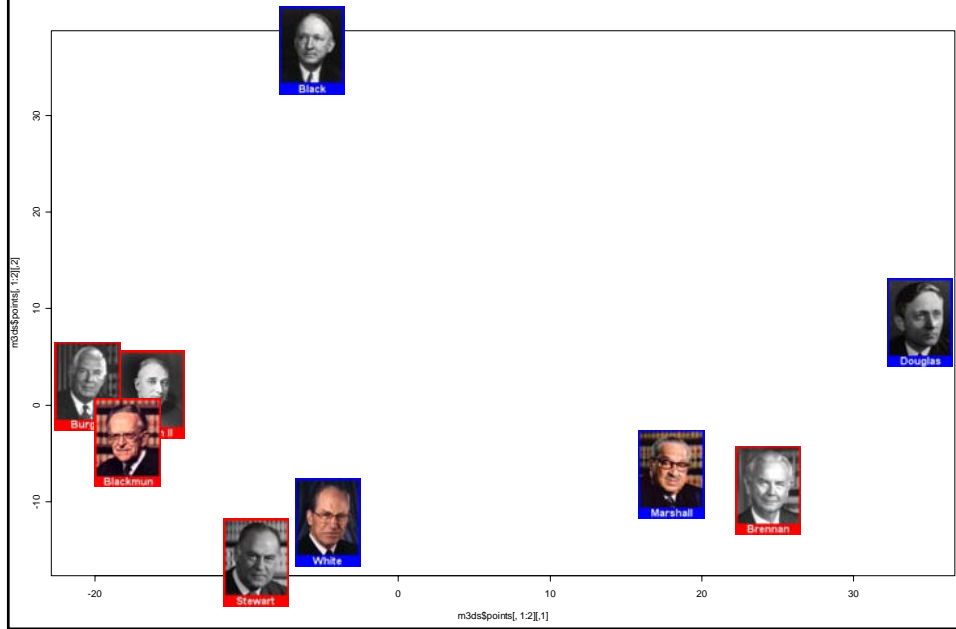


VS.

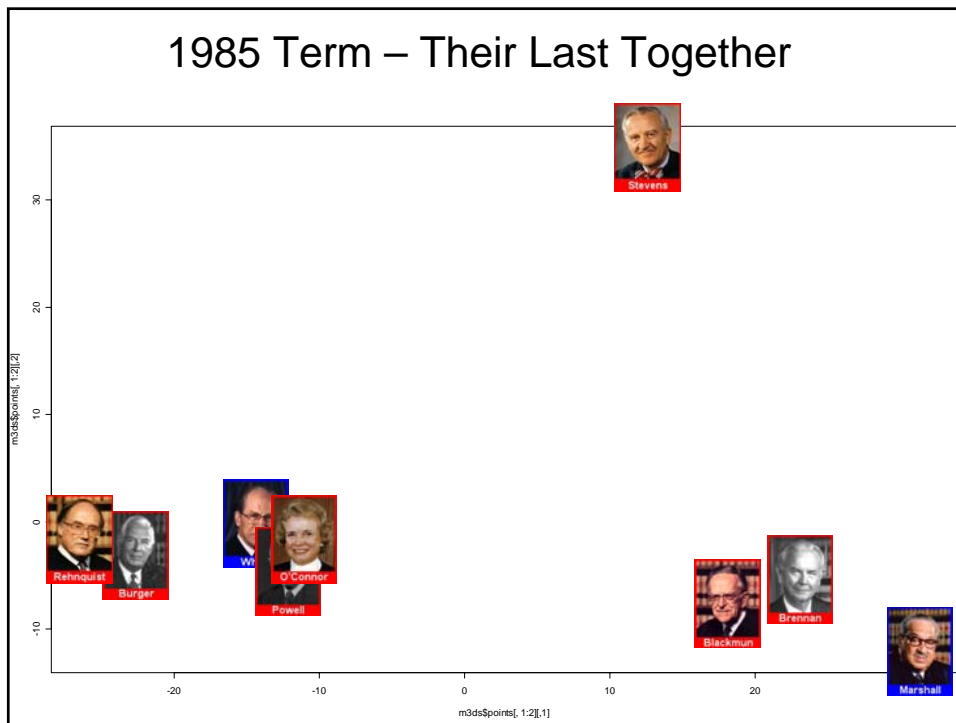


"Reliance on *Roe v. Wade* rule's limitation on state power required reaffirmance of *Roe*'s essential holding under doctrine of stare decisis; for two decades of economic and social developments, people organized intimate relationships and made choices that defined their views of themselves and their 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