Oral Arguments and Coalition Formation on the U.S. Supreme Court: A Deliberate Dialogue

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Summary:

This book addresses a major question in political science – namely what determines whether political actors join majority coalitions when engaged in decision-making processes. To answer this question we examine why Supreme Court justices join coalitions when deciding the legal and policy merits of cases they hear. The Court provides a good environment for analyzing this puzzle because of the controlled and highly institutionalized nature of its decision making process. That is, because the institutional structure is constant we have an excellent means to uncover how the justices’ interactions with one another affect who joins a majority coalition. More specifically, we posit that oral arguments allow justices to gather information about their colleagues because these proceedings provide opportunities to gauge the ideological position or preferences of other justices which can, in turn, be used advantageously to form winning coalitions. To test this claim we use unique archival data as well as data drawn directly from oral argument transcripts over the past decade.

Our findings add a key piece of the puzzle to the specific process that leads the U.S. Supreme Court to decide some of the most salient and controversial legal issues in our nation. Additionally, they translate to the process through which members of Congress and bureaucrats use hearings to gather information before they make decisions. Thus, we believe that while we are speaking about one institution with our analysis, our theoretical argument is broad based and will be useful to many areas of political science.