

Locating U.S. Solicitors General in the Supreme Court's Policy Space

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The U.S. Solicitor General (SG) is widely viewed as a particularly consequential legal and political actor and is the most direct link between the executive branch and the Court. Spatial approaches to understanding the involvement and influence of the SG at the Supreme Court make it necessary to locate the SG in the same policy space as the justices. We treat the SG's positions advocated in her *amicus curiae* briefs as equivalent to votes in these cases and employ an item response model that yields facially valid estimates of the location of the SGs serving during the Eisenhower through Obama administrations. Ideal points for the justices are simultaneously estimated, meaning that we provide directly comparable ideal points for the justices and "tenth justices" in the same policy space. An examination of the location of the SGs reveals that the ideological orientation of the appointing president has a strong effect. We find mixed evidence of SGs orienting themselves toward the median justice on the Court, implying that SGs might also serve a second principal in some cases.

The U.S. Solicitor General (SG) is widely viewed as a particularly consequential legal and political actor as she is believed to be both influential over the Supreme Court's decisions and the most direct link between the executive branch and the Court (Black and Owens 2012a). Interest in the SG is further sparked by her unique role as a "tenth justice" who serves both the president and, some argue, the justices (Caplan 1987; Pacelle 2003). Scholars thus seek to better understand the magnitude and qualifiers of Court deference to the SG and often do so, at least implicitly, through the application of spatial models of Court decision making (e.g., Black and Owens 2012a). Bailey, Kamoie, and Maltzman (2005), for instance, argue that an SG will be most likely to influence a justice's approach to a case when the SG is ideologically proximate to the justice or advocates a position that is distant from the SG's ideal point.

These spatial approaches necessitate locating the SG in the same space as the justices. Current measures of the SG's positioning in the Court's policy space are based on the appointing president's party or ideal point in a policy space other than the Court's. These relatively coarse quantitative measures gloss over the within-presidency differences in the positioning of the SG that are suggested by qualitative accounts. For example, it is reported that Reagan's first SG, Rex Lee, pursued a relatively moderate agenda while his successor, also appointed by Reagan, was notably much more conservative (Caplan 1987). Any president-based measure of the expressed policy preferences of these SGs would miss this reported distinction.

To better understand the positioning of the SG at the Court, we develop a new measure of the SG's expressed ideal point in the Court's policy space. We treat the SG's positions advocated in her *amicus curiae* briefs as equivalent to votes in these cases. Using these SG "votes" as well as the votes of the justices, we employ an item response model designed to allow for the fact that the SG can (and frequently does) choose not to vote. This novel approach yields

facially valid estimates of the location of the SGs serving during the Eisenhower through Obama administrations. The locations of the justices are simultaneously estimated, meaning that we provide comparable ideal points for the justices and “tenth justices” in the same policy space. These ideal point estimates contribute to our understanding of the modern history of the SG and reveal, for example, substantial between and within-presidency variation in how the SG’s position themselves.

After presenting these ideal points, we model the location of the SGs and find that the ideology of the appointing president has a strong effect on the location of an SG. While this is not a surprising result, it is arguably the strongest piece of evidence to date that the SG faithfully represents the president’s preferences at the Court. Interestingly, this type of appointment effect is the same size for both justices and SGs, despite important differences in the institutional context for these two types of actors. Finally, we find also find tentative evidence of SGs orienting themselves toward the median justice on the Court in the issue area of civil rights and liberties, implying that SGs might serve two principals, or at least exhibit Court-induced constraint, in some cases.

Approaches to Measuring the Ideological Position of the Solicitor General

Most efforts to measure the ideal point of the SG involve determining the ideological position of the president who appointed the SG and then using the president’s position as a proxy for that of the SG. Some researchers use the partisanship of the president as a measure for the SG’s position (Wohlfarth 2009) while others use a finer-grained measure of the president’s ideal

point (e.g., Common Space scores – see Black and Owens 2012a; Nicholson and Collins 2008).¹ There are limitations, though, to using the president’s partisanship or ideal point as a measure of the SG’s operative ideal point in the Court’s policy space. First, this approach assumes that SG’s are perfect agents of the president, which is not necessarily supported by the literature (e.g., Pacelle 2003). Furthermore, this approach only allows SG ideal points to vary between appointing presidents, which glosses over possibly important differences such as the reported distinction between Reagan’s SGs (Caplan 1987). It is also not clear that there is a consensus as to how to best locate the president in the Court’s policy space, which might be problematic for this method of measuring the SG’s position.

A second approach is to code a given SG’s positions before the Court as liberal or conservative and then aggregate these positions (e.g., Meinhold and Shull 1998; Segal 1988).² These measures do not make the assumption that SGs perfectly represent the president’s positions and allow for within-president variation in the ideological location of the SG. Modern measures of the ideal points of the justices (e.g., Martin and Quinn 2002), however, have moved on from using simply percentages of, say, liberal voting, which makes these percentages for SGs incompatible and thus problematic for testing spatially-derived hypotheses that involve both the SGs and the justices.

¹ Bailey, Kamoie, and Maltzman (2005) estimate the president’s location in the Court’s policy space and then use the president’s ideal point to measure an SG’s ideal point.

² Wohlfarth (2009) uses a similar strategy when measuring the politicization of the SG.

An IRT Model of the SG’s Position in the Court’s Policy Space

To measure the ideal points of SGs in the same space as the justices without assuming that SGs are perfect agents of their appointing president, we treat the positions expressed by SGs in their amicus curiae briefs as equivalent to votes in these cases. We then combine these amicus “votes” with the votes of the justices in the same cases and use an item response (IRT) model to simultaneously estimate the ideal points of the SGs and justices in the same space.³

There is a potentially important difference, though, between the votes of the justices and the amicus positions of the SGs. Barring recusal, sitting justices cast votes in all the cases the

³ Like all ideal point estimation endeavors, our approach assumes that the votes cast in a case by the justices and the SG are independent of each other. This independence assumption may not always be true for the justices, though this has not hampered the development and use of IRT-based ideal points of the justices (Bailey 2007; Martin and Quinn 2002). Similarly, the SG’s “votes” might not be fully independent of the votes of the justices. We believe it is not overly problematic as it is not likely that the “votes” of any one SG have a substantial influence on the ideal points of the justices. Our estimates for the justices’ ideal points are static and thus, if anything, would be responsive to the entire set of SGs that any given justice encounters over her tenure on the Court (an average of 5.8 SGs), not any one particular SG. Second, the estimates for the justices are informed by their votes in the many cases in which the SG is not expressing any position in an amicus brief. Is the ideal point of an SG influenced by the votes of the justices? The literature suggests that while the SG’s amicus briefs are generally not driven by concerns of whether the position will prevail (Salokar 1992, 136-137), more generally the SG may be constrained by the preferences of the justices. We examine this possibility below.

Court hears while the SG can pick the cases in which to cast amicus-based votes. As shown by Nicholson and Collins (2008), the SG does not randomly select the cases in which to file an amicus brief and thus the SG's abstentions cannot be treated as votes that are missing-at-random (MAR).

Mistakenly treating the SG's missing votes as MAR may bias estimates of the ideal points of the SGs (Rosas, Shomer, and Haptonstahl 2015). Indeed, the very spatial logic underlying the IRT model of ideal point estimation implies that these missing votes are not random, as the SG is likely to abstain when, due to her ideal point, the SG is sufficiently close to indifferent to the two possible outcomes in the case (i.e., reverse or affirm). This type of missing vote is not random as it is directly a function of the SG's ideal point in the Court's legal policy space. It is also likely that there are over-time changes in the role of the SG and the resources at her disposal that might influence her propensity to file amicus briefs.

To address this issue, we employ the IRT model developed by Rosas, Shomer, and Haptonstahl (2015; referred to as the RSH model from this point forward), which explicitly allows for voters to abstain (i.e., not vote) if the difference in utility between the two outcomes is insufficiently large. The model includes a voter-specific abstention parameter which determines how large the difference in utility needs to be and thus effectively allows each voter to have their own baseline probability of abstention. Abstentions are thus modeled as a function of both relative spatial indifference and a voter specific propensity for abstention. Details regarding the

IRT model, its treatment of abstention, and other estimation details can be found in the Supplemental Material.⁴

The main limitation of this approach is that it does not allow for dynamic ideal points, though this should not be of particular concern for the SGs as they serve fairly short terms in office. If a researcher needs dynamic estimates for the justices and is willing to make the MAR assumption for the SGs, then the Martin and Quinn (2002) model can be employed. Due to the relatively small number of their votes per Court term, the delta parameter in this model needs to be set to zero for SGs, which means that while the ideal points for the justices can change over time those for the SGs will again be static.⁵ An alternative approach with the Martin and Quinn model is to treat all the SGs as a single actor and allow this actor's ideal point to change over time in the same manner that the justices' ideal points can. The main drawback to this approach is that it "over smooths" the ideal points by treating SG ideal points for sequential Court terms as

⁴ We also estimated the ideal points of the SGs and the justices with a traditional IRT model in which it is assumed that all missing votes are missing-at-random (MAR). These MAR-based ideal points are listed in Table S2 of the Supplemental Material. While for the reasons articulated above we prefer the RSH model that does not make the MAR assumption, the MAR-based ideal points for the SGs are quite similar and the two sets of estimates correlate very highly ($r = .965$). Table S6 of the Supplemental Information replicates the core results of Tables 1 and 2 while using the MAR-based ideal points and the inferences remain the same.

⁵ A graphical presentation of these ideal point estimates can be found in the Supplemental Material (Figure S1). The estimates for the SGs obtained by this approach correlate with the estimates obtained with the RSH (2015) model very highly ($r = .957$).

being connected, even if there is a change in the occupant of the office. Nonetheless, the estimates obtained with this approach generally reflect what we find when using the RSH model.⁶

To assemble data on the votes, we use the Supreme Court Database to identify the orally argued Supreme Court cases from the 1953 through 2013 Court Terms and the justices' votes in these cases. The votes of the SGs are derived from their amicus filings on the merits in this same set of cases.⁷ Amicus data were collected through an exhaustive search of Lexis, *Briefs and Records of the United States Supreme Court*, and Gale's *The Making of Modern Law: U.S. Supreme Court Records and Briefs, 1832-1978*. For each SG-filed amicus brief, we identify the explicit position taken by the brief as to whether the Court should reverse or affirm the lower court and treat these positions as equivalent to the justices' votes to reverse or affirm in the same

⁶ See Figure S2 in the Supplemental Material.

⁷ The Court sometimes invites the SG to file an amicus brief and these invited briefs cannot be considered discretionary in the same sense that typical amicus filings are. While these invitations to file are at the certiorari (i.e., case selection) stage of the Court's decision-making process, these invitations are typically viewed as obligating the SG to file an amicus brief on the merits if the Court grants certiorari in the case (see Black and Owens 2012b). While it seems likely that the SG would have submitted an amicus brief on the merits in some of these cases even without certiorari-stage invitation, these "CVSGs" (calls for the views of the solicitor general) may lead to cases in which the SG could not have abstained.

case.⁸ The SG's vote is coded as an abstention for every time the SG did not file an amicus brief.⁹

⁸ The average number of amicus-based votes is 72.9 for the 17 regularly appointed SGs and 12.7 for the seven acting SGs. The inclusion of acting SGs is not particularly consequential for the estimates in the regression models we later present. For example, if the acting SGs are excluded from the analyses in Tables 1 and 2 the inferences remain the same (see Table S5 in the Supplemental Material). We exclude SG amicus briefs that do not expressly advocate for a clear, directional outcome (e.g. reverse in part and affirm in part or briefs not in favor of either party).

⁹ We do not treat the SG's involvement as a litigant as a form of vote. The decision to file an amicus brief and position taken in the brief is almost entirely discretionary and thus is a clear manifestation of the SG's expressed preferences in the Court's policy space. Much of the SG's involvement at the Court as a litigant, on the other hand, is not discretionary. When the U.S. is the respondent in a Court case, the SG's position is to defend the government's action and this involvement is "well beyond the control of the solicitor general" (Salokar 1992, 18). Even when the SG is the petitioner, there is not always much discretion in terms of the type of position that can be advocated (Salokar 1992, 160). When filing amicus briefs "the solicitor general feels more comfortable in advancing positions that are not likely to prevail on the merits," as compared to participating as a litigant (Salokar 1992, 136-137). All of the above leads scholars to view the SG's amicus activity as being a truer expression of SG/Executive Branch preferences (Salokar 1992), and thus we rely on just the amicus-based "votes." For cases in which the SG is a litigant we treat the SG's vote as missing, not an abstention.

Figure 1 depicts the estimated ideal points for the 17 SGs who served during the 1953 through 2013 Court Terms.¹⁰ To provide useful reference points, the ideal points of six of the 33 justices who served during this time span and thus are included in our estimation are also presented. Following Martin and Quinn's (2002) lead, our estimation incorporates informative priors for a handful of the justices that orient the resulting ideal point estimates so that lower values are associated with liberal positions and larger values indicate those that are more conservative.

*** Figure 1 Here ***

There are several interesting features of these ideal point estimates. To begin, there is significant variation in the location of the SGs in the Supreme Court's policy space. Five of the SGs are located to the left of Justice Ginsburg and four are to the right of Justice O'Connor. While there may be a surprise or two, most of the ideal points align with conventional wisdom and qualitative accounts. For example, Charles Fried (located near Justice Rehnquist) is to the right of Rex Lee (located near Justice Powell).¹¹ This comports with Caplan's (1987) account of Lee's moderation and Fried's more controversial, ideological approach to the office, and also illustrates the usefulness of a measurement strategy that allows SG ideal points to vary for a given appointing president. The ideal point for Robert Bork is worth noting, as it indicates that he was quite moderate in his role as SG; his ideal point is only just to the right of SG Kagan's.

¹⁰ The Supplemental Material lists all the ideal points (Table S1) and compares these ideal points with previous measures (Table S3).

¹¹ Note that Fried's relatively large credible interval is not due to him casting a small number of amicus-based votes. In fact, Fried filed more amicus briefs (129) than any other SG in our data.

Interestingly, Salokar (1992) reports that Bork felt he had been unfairly portrayed as a particularly ideological SG (perhaps as a result of his controversial role as acting attorney general during the Watergate scandal) and our estimate for him supports his claim to relative moderation. Also of note is the existence of two SGs who subsequently were appointed to the Court; and it is interesting to see that SG Kagan is located at virtually the same position as Justice Kagan while SG Marshall was more moderate than Justice Marshall. It is perhaps not surprising that SG Marshall positioned himself differently than Justice Marshall, as he was serving a relatively moderate president Johnson when he was SG.¹²

As discussed above, the RSH model explicitly accounts for the fact that SGs do not cast votes (i.e., file amicus briefs) in most cases. The model includes a voter-specific abstention parameter that defines how large the difference in utility between reversal and affirmance needs to be in order for the voter to cast a vote in a case. The larger the size of this parameter, the more likely the voter is to “abstain” unless there is a strong preference for one outcome over the other. Figure 2 presents the abstention parameter estimates for the SGs.¹³

*** Figure 2 Here ***

An examination of these estimates reveals that there is no apparent partisan component to abstention, but there is clearly a decrease in the size of this parameter over our time span. Recent

¹² President Johnson’s Common Space score is the most moderate of the Democratic presidents during our time span.

¹³ The model also produces abstention parameter estimates for the justices, but these estimates are uninteresting as they approach zero. The justices on the bench cast votes in virtually all the cases that come before them.

SGs have much smaller abstention estimates than SGs from the previous decades. Substantively, this means that SGs are now quicker to express the position of the executive branch through the filing of amicus curiae briefs than they were in the past. While it is beyond the scope of this paper to determine the reason for this change, it could be due to changing conceptions of the role of the SG or increases in the resources available to the SG's office.

Figure 3 provides the mean and range of estimated ideal points for the SGs appointed by each of the presidents. Here we include information on all the SG ideal points, including those for SGs who were acting and not regularly appointed. There are three takeaways from this data visualization. First, the mean locations of the SGs appointed by Democratic presidents are all more liberal than the mean ideal points of the SGs appointed by Republicans. Second, there is significant variation in the range of ideal points of the SGs within some of the presidents, though one should be very careful reading much into this given the very small sample sizes. Third, these estimates are not necessarily consistent with the conventional wisdom that SGs have become more political/ideological over time (Wohlfarth 2009), though as discussed earlier there is clear evidence that SGs are quicker to “vote” now than they were in the past.

*** Figure 3 Here ***

The Positioning of the Solicitor General

Our ideal point estimates reveal where an SG locates herself in the Court's policy space. What explains this location? The literature suggests that there are three possible influences on the positioning of an SG. First, there is near unanimous agreement that the SG, as an agent and representative of the executive branch, ought to advocate on behalf of the president's policy objectives (e.g., Bailey, Kamoie, and Maltzman 2005; Meinhold and Shull 1998; Segal 1988). Whether this is due to the selection of an SG that shares the president's preferences or there are

incentives and expectations for her to pursue the president's agenda is not clear. Regardless, the literature points towards the hypothesis that an SG's expressed position at the Court will be a function of presidential policy preferences. We use the appointing president's Common Space score (Poole 1998) as a measure of his ideal point (*Appointing President*). As with our ideal point estimates, the Common Space scores for presidents increase with conservatism.¹⁴

Most scholars also suggest that the SG is constrained by the preferences and expectations of the Supreme Court and may even view the Court as a second principal (e.g., Caplan 1987; Pacelle 2003).¹⁵ The Court extends tangible privileges and possibly deference to the SG with the expectation that the SG not fully pursue a highly political, presidentially-driven agenda before the Court. There is qualitative (Caplan 1987) and quantitative (Wohlfarth 2009) evidence that the SG can expect less in the way of privileges and deference if she fails to consider the Court's preferences. Thus, a second hypothesis is that the location of the Court will exert a positive effect on the location of the SG. To measure *Supreme Court*, we use our ideal point estimates for the justices to determine the location of the median justice for each Court term. We then take

¹⁴ See the Supplemental Material for a scatterplot of SG and presidential ideal points (Figure S3).

¹⁵ The principal-agent terminology does not fit perfectly here, as the Court plays no role in the selection of the SG and selection is typically viewed as a key part of a principal-agent relationship. Nonetheless, the literature's claims about how the SG may serve or be influenced by the interests of the Court is often couched in principal-agent terms: "Many scholars argue that the S.G. considers the Court's legal interests and acts as an agent of those on the bench (Caldeira and Wright 1988; Caplan 1987; Pacelle 2003; Puro 1981; Salokar 1992; Scigliano 1971; Segal 1988)" (Wohlfarth 2009, 225).

the average of these medians for the terms in which an SG serves and expect that as this average becomes more conservative SGs will adopt more conservative positions.¹⁶

Pacelle (2003) contends that the SG may also view Congress as a third principal or influence, as Congress can exert oversight of the SG through committee hearings. Furthermore, the SG may desire to avoid having members of Congress file their own amicus briefs, which could muddy the waters as to the position of the government. One way for the SG to prevent congressional briefs is to consider Congress' position when advocating before the Court (Pacelle 2003). To test this hypothesis, we measure the location of *Congress* as the midpoint between the two chamber medians (in Common Space) and take the average of this midpoint for the SG's time in office. If Congress is a third principal, then the SG's position should increase in conservatism as Congress moves rightward.

We test these three hypothesized influences on how SGs position themselves in the Court's policy space by estimating a series of regression models in which the SG's ideal point is the dependent variable. *Appointing President*, *Supreme Court*, and *Congress* are the three independent variables, included separately in the first three models and then jointly in the fourth.¹⁷ Table 1 presents these results.

¹⁶ As discussed in footnote 3, we think it is less likely that the location of a specific SG will move the location of the median justice (i.e., reverse causation), since the estimates for the justices' ideal points are static and informed by their votes in the many, many other cases in which a given SG did not file an amicus brief.

¹⁷ We include the bivariate specifications due to the small sample sizes and the possibility of multicollinearity.

*** Table 1 Here ***

The coefficient estimates for *Appointing President* are positive and statistically significant, revealing that the ideological position of the president is associated with the positioning of the SG at the Court.¹⁸ Whether it is because the president is good at selecting a like-minded SG or because the SG is responsive to the preferences of the president, the relationship between the ideological orientation of the president and the location of the SG in the Court's policy space implies that the SG is clearly an agent of the president.¹⁹ While this is not a

¹⁸ Typically, an SG serves a single president. In our data, there are three SGs (Cox, Griswold, and Bork) and one acting SG (Kneedler) whose tenure bled over to a second presidency. To assess whether the second, non-appointing president exerts influence over the location of the SG in the Court's policy space, we estimate alternative versions of the models in Table 1 and find that the ideal point of the non-appointing president does not exert a significant effect on the location of these SGs (see Table S4 in the Supplemental Material). Griswold may be a special case here as he was appointed by a Democratic President Johnson and then kept on for the entirety of a Republican President Nixon's first term. If we exclude Griswold from the models including *Appointing President* as an independent variable we find that the coefficient estimates for this variable increase somewhat (to .683 for the model in the first column and .745 for the model in the last column), which suggests that the inclusion of Griswold may slightly depress this coefficient estimate.

¹⁹ It should be noted that the SG's amicus-based position might be more discretionary, and thus more a function of presidential preferences, than the SG's decisions as a litigant. The literature

surprising result, it is arguably the strongest piece of evidence to date that the SG actually does represent the president's preferences at the Court.

The estimates for *Supreme Court* are in the correct direction but are not significantly distinguishable from zero. There are issues with statistical power here, to be sure. Even including those who were acting, the number of SGs in our data is fairly small (N = 24). At a minimum, though, it seems fairly safe to conclude that the ideological orientation of the Supreme Court is not as influential on the SG as is the orientation of the president, at least when we estimate SG ideal points using all the Court's cases across all issue areas. The estimates for *Congress* are not consistent with Pacelle's (2003) suggestion that Congress might influence the SG.

It is also expected that justices have ideal points that reflect the preferences of their appointing presidents. To compare the two appointment effects, the Table 2 presents an analysis in which the ideal points of both SGs and justices are included in the dependent variable.²⁰ We include *SG* (equals one if the actor is an SG and zero if it is a justice) and its interaction with *Appointing President* and *Congress*. This allows us to estimate differences between the effects of these two independent variables on the two types of actors.

*** Table 2 Here ***

suggests that the SG's decision to appeal a case to the Court can be constrained by the SG's perceptions of the Court's interest (e.g., Pacelle 2003; Salokar 1992).

²⁰ *Supreme Court* is not included as an independent variable in this model, as it is partly a function of the dependent variable here.

The estimate for *Appointing President* is positive and significant, meaning that the ideal points of the justices are, not surprisingly, a function of the ideological location of the presidents who appointed them. The estimate for $SG \times \textit{Appointing President}$ is negative but not significant, which implies that there is no statistically discernible difference in the ideological connection between a president and his SGs and a president and his justices. On the one hand, presidential appointment effects for both types of actor are to be expected. On the other, it is surprising to see that the size of this effect is similar, if not larger for justices than SGs. The institutional context would seem to suggest that there should be a tighter linkage between an appointing president and an SG than between a president and a justice. Our results do not show this. It is also interesting to note that the results suggest that justices might be associated with the preferences of Congress while the SG is clearly not.

Issue-Specific Estimates

The ideal point estimates discussed thus far are generated with all the “votes” cast by justices and SGs in all the Court’s cases. And, as is true with the Martin and Quinn (2002) scores, our ideal point estimates are generated by an IRT model that assumes a unidimensional policy space. It may be useful, though, to consider how the SGs position themselves in issue-specific subsets of Court cases. We therefore use the RSH model with three subsets of votes: 1) votes in all civil rights and liberties cases, 2) votes in all economics cases, and 3) votes in federalism cases (Tables S7, S8, and S9 of the Supplemental Information present these ideal points).²¹

²¹ We consider civil rights and liberties cases to be all cases coded as being in Issue Area 1, 2, 3, 4, or 5 in the Supreme Court Database. Economics cases are those coded as being in Issue Area

Because the smaller number of cases used here means a smaller number of amicus-based votes for the SGs, only 16 SGs meet our 10-vote threshold for the civil rights and liberties cases and even fewer (12) meet this threshold for economics cases. Due to there being even fewer federalism cases, we lower the minimum number of votes for inclusion to 5 for this issue area which allows to us to estimate ideal points for 12 SGs (and all the justices). We thus encourage caution when considering a comparison of these estimates with the all-issue areas ideal point estimates discussed above. That said, the estimated SG ideal points in the Court's civil rights/liberties space and federalism space correlate highly with their overall ideal point estimates ($r = .862$ and $.736$, respectively) while the SG ideal points in economics are only modestly associated with the overall ideal points ($r = .358$). This implies that the SG's positioning in economics cases is somewhat distinct from positioning in other, perhaps more ideological, issue areas. Table 3 presents our model of the location of the SGs for these three issue-specific sets of ideal point estimates.²²

*** Table 3 Here ***

As with the all-issue SG ideal points, SG ideal points in the domains of civil rights/liberties and federalism are associated with the ideal point of the appointing president.

7 or 8 and federalism cases are coded as being in Issue Area 10. It would also be interesting to estimate ideal points in the issue area of executive power, but there are simply too few Court cases and far too few amicus votes by SGs in this issue area.

²² For our measure of the location of the Supreme Court, we use mean location of the median justice in the issue area in question during the SG's tenure. The locations of the Court and the SG are thus still in the same policy space.

Interestingly, however, the estimate for *Supreme Court* is also positive and significant in the rights and liberties model. This result tentatively suggests that the Court may act as either a second principal or at least a constraint of some sort on the SG in this issue area. It is important to point out that the civil rights and civil liberties cases make up a large component of the Court's agenda during this time period as 52.7% of the Court's cases fall into this broad issue area. Thus, while this evidence of Court influence on the SG's position taking is limited in the sense that it is based on an inference made from a model with a small N , it is not particularly limited in terms of importance on the Court's docket. Interestingly, accounts of the SG's deference to the Court often focus in the area of civil rights and civil liberties (e.g., Pacelle 2003) and our result here is consistent with these accounts. The results for the other two issue areas, though, might reveal the boundaries of this relationship that are not otherwise made evident in the literature.

Neither the location of the president nor the Court are statistically significant predictors of the expressed ideal point of SGs in the domain of economics cases. The estimates are all in the expected direction, though, and the very small number of observations leaves us with little statistical power. That said, it is interesting to note that the estimate for the effect of the appointing president is considerably smaller in size for this issue area as compared to the other two issue areas. It is possible that economic cases are less ideological and thus do not have a clear spatial dimension to them. The economics-only estimates for the justices correlate very highly with their overall ideal points ($r = .940$) and are clearly predicted by their appointing

president's ideal point, which seems to indicate that economic cases are not less ideological.²³ Perhaps an alternative explanation is that economic cases are less salient to the president and attorney general, and thus the SG has fewer political constraints on her positions in these cases.

Conclusion

Martin and Quinn (2002) greatly advanced the study of judicial politics by applying the IRT approach to the votes of the justices and thus estimating their ideal points. We further this innovation by estimating the ideal points of the “tenth justice” – the SG – in the Court's policy space. Our approach provides important advantages over existing measures. First, we are able to place SGs in the same policy space as the justices, allowing scholars to test spatially-derived hypotheses without relying on the President's ideal point and thus assuming SGs are a perfect agent of their appointing President. Further, our approach of treating missing votes as abstentions, rather than missing at random, allows us to produce unbiased estimates by accounting for the important distinction between justices, who vote in nearly all cases, and SGs who can choose not to “vote” (i.e., file an amicus brief).

Our ideal point estimates for SGs have a good deal of face validity as they comport with expectations (e.g., Democratic SGs and Republican SGs differ in predictable ways). Consistent with existing theory and qualitative accounts, we show that SGs are agents of the president at the Court. But, there can be interesting variation between the SGs who serve a given president (e.g., Rex Lee and Charles Fried). There is also evidence that SGs may be responsive to the ideological nature of the justices with whom they interact, but only in the important area of civil

²³ If we regress the justices' economics ideal points on *Appointing President*, the coefficient estimate is .999 and is highly significant ($t = 3.95$).

rights and liberties. The literature on the SG highlights the SG's special relationship with the Court, often characterized in terms of being akin to a principal-agent relationship (e.g., Caplan 1987; Pacelle 2003; Salokar 1992). Our analyses here suggest that this relationship may be conditional on issue area, though inferences made here are subject to the caveat that the sample sizes are very small.

Scholars of judicial politics have long studied the SG both because she represents a fundamental linkage between the executive branch and the Court and because she is a highly effective advocate. Whether ideological distance between the SG and a justice is the primary explanatory variable (Bailey, Kamoie, and Maltzman 2005; Nicholson and Collins 2008), important control (Black and Owens 2012a), or potential confound, an improvement in the measure of the positioning of the SG vis-à-vis the justices should allow scholars to better test the various theories of SG involvement and influence at the Court and thus further illuminate this unique relationship. For example, the SG has been shown to influence factors such as agenda setting, the treatment of precedent, and opinion content (Black and Owens 2012a). These ideal point estimates can help determine whether this influence wanes when an SG is ideologically distant from the Court median, the median of the majority coalition, or the opinion author; thus providing a better picture of the nature of the executive-judicial relationship.

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Table 1. Explaining the location of solicitors general in the Court's legal policy space

Independent Variable	Model 1.1	Model 1.2	Model 1.3	Model 1.4
Appointing President	.673* (.191)	---	---	.734* (.194)
Supreme Court	---	.220 (.309)	---	.174 (.272)
Congress	---	---	-.712 (1.08)	-1.80 (.941)
Constant	.108 (.104)	.106 (.156)	.128 (.143)	-.059 (.151)
N	24	24	24	24
F-test	12.4*	0.51	0.43	5.67*
R ²	.361	.023	.019	.460

* $p \leq .05$ (two-tailed). Cell entries are OLS regression estimates (and standard errors).

Table 2. Explaining the location of solicitors general and justices in the Court's legal policy space

Independent Variable	Model 2.1
Appointing President	.979* (.194)
Supreme Court	---
Congress	5.89* (1.45)
SG	-.284 (.165)
SG × Appointing President	-.221 (.284)
SG × Congress	-7.45* (1.73)
Constant	.289* (.107)
N	57
F-test	10.6*
R ²	.509

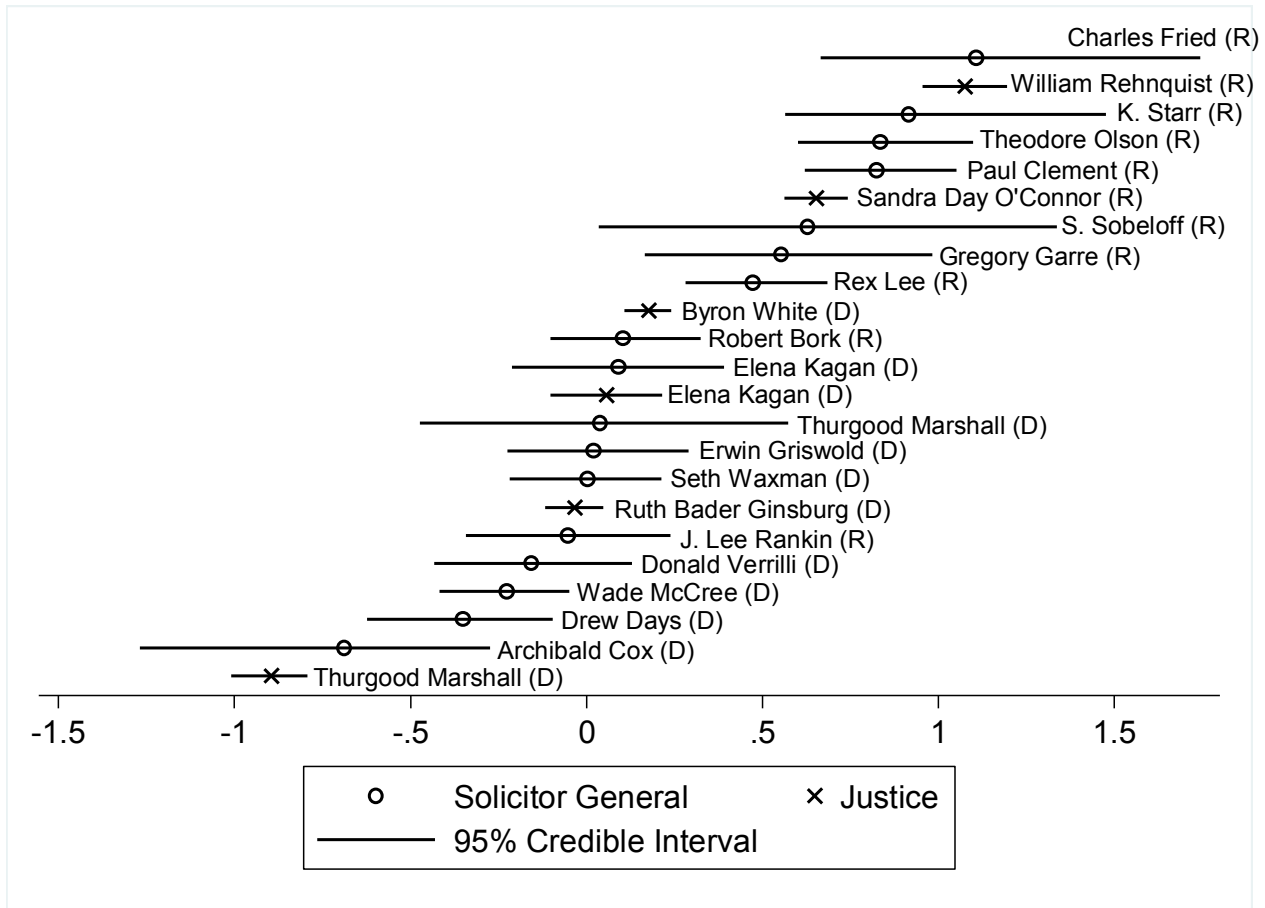
* $p \leq .05$ (two-tailed). Cell entries are OLS regression estimates (and standard errors).

Table 3. Explaining the location of solicitors general in the Court’s legal policy space, by issue area

Independent Variable	Model 3.1 (Rights and Liberties)	Model 3.2 (Economics)	Model 3.3 (Federalism)
Appointing President	.569* (.130)	.256 (.233)	.778* (.232)
Supreme Court	.455* (.190)	.151 (.256)	.008 (.324)
Congress	.421 (.649)	.041 (1.26)	1.01 (1.41)
Constant	.158 (.0964)	.108 (.157)	.135 (.175)
N	16	12	12
F-test	13.0*	0.61	4.86*
R ²	.764	.185	.646

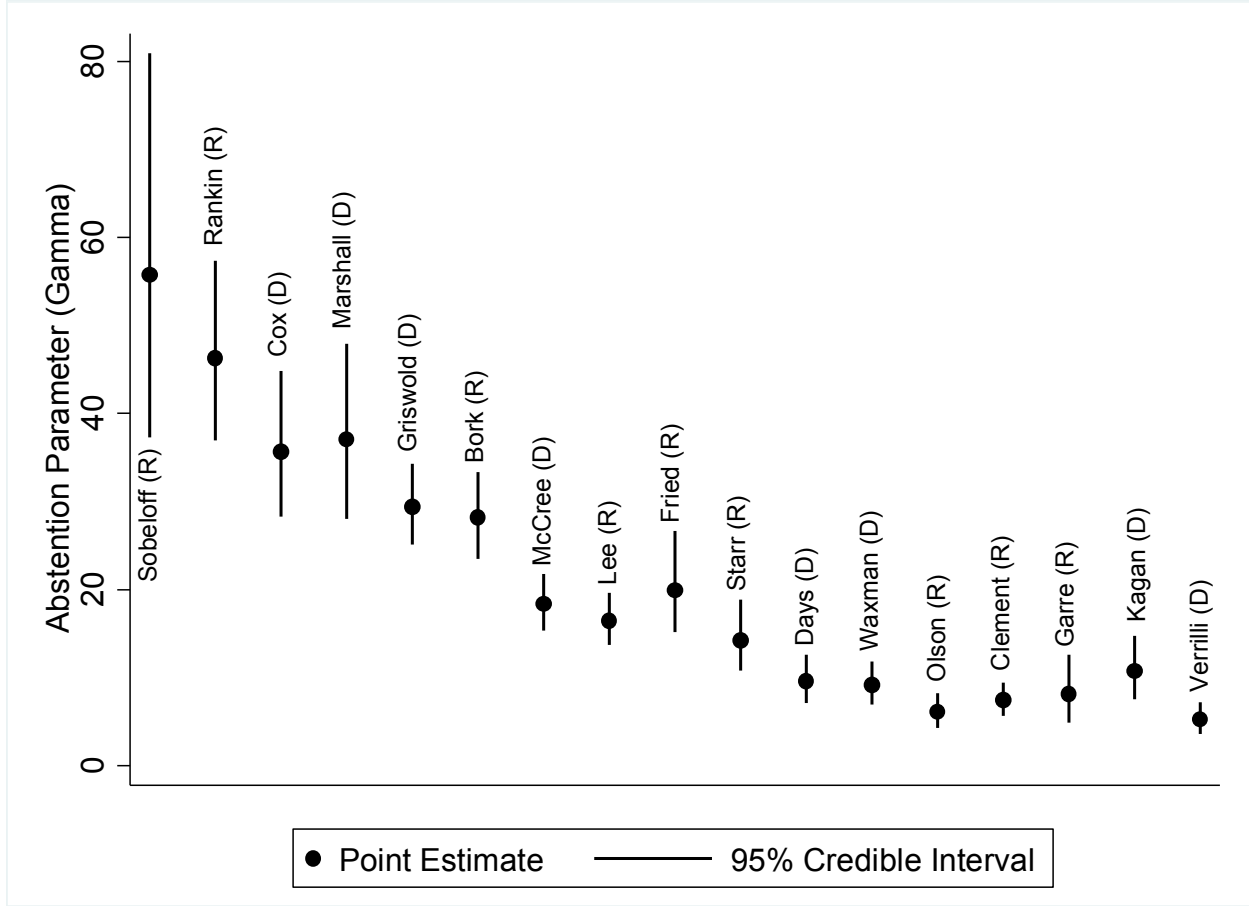
* $p \leq .05$ (two-tailed). Cell entries are OLS regression estimates (and standard errors).

Figure 1. Ideal point estimates for solicitors general and select justices, 1953 to 2013 terms



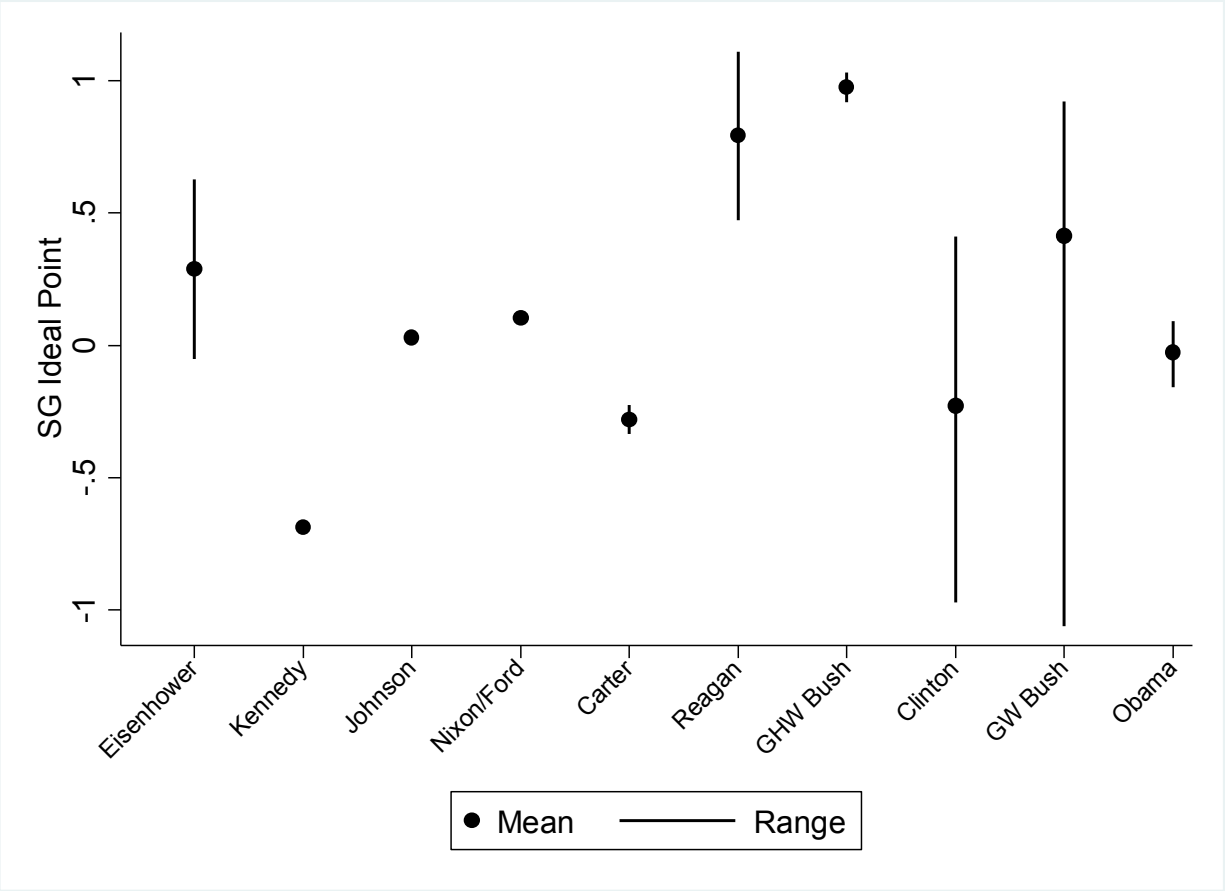
Note: This figure presents ideal points estimated by the Rosas, Shomer, and Haptonstahl (2015) model. The party of the appointing president is indicated for each of the solicitors general and justices. For purposes of clarity, acting solicitors general are not presented. All ideal points are provided in the Supplemental Material.

Figure 2. Abstention parameter estimates for solicitors general



Note: This figure presents the abstention parameters (gammas) estimated by the Rosas, Shomer, and Haptonstahl (2015) model. Larger values indicate a greater propensity to abstain from voting, holding spatially-motivated indifference constant. Solicitors general are ordered on the x-axis based on the order in which they served, with the Sobeloff's tenure being the most distant and Verrilli's being the most recent. The party of the appointing president is indicated for each of the solicitors general.

Figure 3. Solicitor general ideal points by appointing president



Locating U.S. Solicitors General in the Supreme Court's Policy Space Supplemental Material

Forthcoming, *Presidential Studies Quarterly*

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Sarah Depaoli
Kayla S. Canelo

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IRT Model Details

The spatial logic underlying the traditional item response theory model of ideal point estimation suggests that the SG's missing votes (i.e., cases in which the SG does not file an amicus curiae brief) are not random. The SG will likely not "vote" if the utility of one outcome (e.g., reversal of the lower court) is only slightly greater than that of the other (e.g., affirmance). Put differently, an SG will "abstain" if, due to the location of her ideal point she is sufficiently close to indifferent to the two possible outcomes in the case. Importantly, this type of missing vote is not random as it is a function of the SG's ideal point in the Court's legal policy space.

To address this this exact type of problem, Rosas, Shomer, and Haptonstahl (2015) develop an IRT model (which we will refer to as the RSH model) in which a voter abstains if the difference in utility between the two outcomes (e.g., reversing or affirming the lower court) is within a range defined by $-\gamma_i$ and γ_i .¹ This gamma parameter varies from voter to voter, meaning that some voters are quick to abstain while others will vote even if there is a very small difference between the two outcomes. Unlike the traditional IRT model, this model allows for three types of votes, which for us are vote to reverse (2), abstain (1), and vote to affirm (0):

$$v_{ij} = \begin{cases} 2 & \text{if } v_{ij}^* \geq \gamma_i \\ 1 & \text{if } \gamma_i > v_{ij}^* \geq -\gamma_i \\ 0 & \text{if } -\gamma_i > v_{ij}^* \end{cases}$$

$$v_{ij}^* = \alpha_j + \beta_j x_i + \varepsilon_{ij}$$

where ε_{ij} is normally distributed with a mean of 0 and variance of σ_j^2 , $\Phi(\cdot)$ represents the standard normal distribution function, α_j is a case-specific "difficulty" parameter, β_j is a case-

¹ This specific model is developed in the Supplemental Information for Rosas, Shomer, and Haptonstahl (2015).

specific “discrimination” parameter, and x_i is the ideal point of voter i in unidimensional legal policy space.²

The probability for each of the three outcomes is then:

$$Pr(v_{ij} = 2) = \Phi\left(\alpha_j + \beta_j x_i - \frac{\gamma_i}{\sigma_j}\right)$$

$$Pr(v_{ij} = 1) = \Phi\left(\frac{\gamma_i}{\sigma_j} - (\alpha_j + \beta_j x_i)\right) - \Phi\left(-\frac{\gamma_i}{\sigma_j} - (\alpha_j + \beta_j x_i)\right)$$

$$Pr(v_{ij} = 0) = 1 - \Phi\left(\alpha_j + \beta_j x_i + \frac{\gamma_i}{\sigma_j}\right)$$

Voters with a gamma of zero (i.e., justices) will never abstain (i.e., the probability of v_{ij} equaling one is zero).³

This modified IRT model is well-suited for estimating the locations of the SGs and justices in the Court’s legal policy space. Abstentions by the SGs are not simply missing data and are instead treated as informative of their ideal points. Justices will have gammas that approach zero, meaning that they effectively cast votes in all cases. SGs can have varying non-zero gammas, allowing them to abstain at differing baseline rates independent of their ideal point.

The limitation of using this modified IRT model is that it does not allow for dynamic ideal points, which means that each actor is assumed to have a fixed ideal point. The estimation

² We assume that the underlying policy space is unidimensional, which is consistent with spatial theories of the Supreme Court (e.g., Hammond, Bonneau, and Sheehan 2005) and existing work on ideal point estimation for justices (e.g., Clark and Lauderdale 2010; Martin and Quinn 2002). This dimension is typically portrayed in left-right ideological terms. For identification purposes, σ_1 is set to one.

³ These probabilities are taken from Rosas, Shomer, and Haptonstahl’s (2015) Supplemental Information. Note, however, that to keep the notation consistent with traditional IRT models we switch the sign for α_j , which simply means that the difficulty parameters have the opposite sign in our notation than they do for Rosas, Shomer, and Haptonstahl.

of static ideal points for the justices should not be viewed as too limiting, however, since Martin and Quinn (2002) show that the static model fits the justices quite well. It should be even less of a concern for the SGs, as they serve much shorter terms than the justices, on average, and thus should not be expected to exhibit much change in their locations. If a researcher needs dynamic estimates for the justices and is willing to make the MAR assumption for the SGs, then the Martin and Quinn (2002) model can be employed. Due to the relatively small number of their votes per Court term, the delta parameter in this model needs to be set to zero for SGs, which means that while the ideal points for the justices can change over time those for the SGs will again be static (see Figure S1).⁴ An alternative approach with the Martin and Quinn model is to treat all the SGs as a single actor and allow this actor's ideal point to change over time in the same manner that the justices' ideal points can. The main drawback to this approach is that it "over smooths" the ideal points by treating SG ideal points for sequential Court terms as being connected, even if there is a change in the occupant of the office. Nonetheless, the estimates obtained with this approach reflect what we find when using the RSH model (see Figure S2).

For the sake of comparison, we also estimate the ideal points of the solicitors general and the justices with the traditional IRT ideal point model in which missing votes are simply treated as missing-at-random (MAR). Here, we are essentially using the Martin and Quinn (2002) static model while including both the votes of the justices and the amicus-based votes of the SGs. These MAR ideal point estimates are presented in Table S2. We also then use these MAR-based estimates in models of the location of these ideal points (analogous to the models 1.4 and 2.1 in the paper) and present these alternative though highly similar results in Table S6.

⁴ The estimates for the SGs obtained by this approach correlate with the estimates obtained with the RSH (2015) model very highly ($r = .957$).

We estimate the IRT models with a standard Bayesian Markov chain Monte Carlo (MCMC) approach.⁵ We use the same priors for the justices as those used by Martin and Quinn (2002, 147).⁶ These priors orient the resulting estimates so that lower values of x correspond with more liberal ideal points and higher values correspond with those that are conservative. We use diffuse priors (i.e., $N(0,1.0)$) for the SGs since these are the actors of interest here. Thus, other than by orienting and scaling the policy dimension, the informative priors used are in no way driving the posterior estimates for the SGs.

⁵ We use Rosas, Shomer, and Haptonstahl's (2015) JAGS code from their Supplemental Information.

⁶ Harlan, Douglas, Marshall, Brennan, Frankfurter, Fortas, Rehnquist, Scalia, and Thomas have prior means of 1.0, -3.0, -2.0, -2.0, 1.0, -1.0, 2.0, 2.5, and 2.5, respectively. Prior variances are set to 0.1. All other justices have diffuse priors with the prior mean set at 0 and prior variance set at 1.0.

Table S1. SG and justice ideal points, RSH model

Solicitor General		Justice	
Simon Sobeloff	.628	Hugo Black	-.949
Lee Rankin	-.052	Stanley Reed	.379
Archibald Cox	-.687	Felix Frankfurter	.357
Thurgood Marshall	.040	William Douglas	-1.949
Erwin Griswold	.020	Robert Jackson	.313
Robert Bork	.104	Harold Burton	.413
Daniel Friedman*	-.334	Tom Clark	-.021
Wade McCree	-.226	Sherman Minton	.252
Rex Lee	.474	Earl Warren	-.851
Charles Fried	1.108	John Marshall Harlan II	.499
William Bryson*†	1.032	William Brennan	-.817
Kenneth Starr	.917	Charles Whittaker	.367
William Bryson*‡	.410	Potter Stewart	.115
Drew Days	-.350	Byron White	.176
Walter Dellinger*	-.971	Arthur Goldberg	-.725
Seth Waxman	.002	Abe Fortas	-.998
Barbara Underwood*	-1.062	Thurgood Marshall	-.896
Theodore Olson	.834	Warren Burger	.626
Paul Clement	.825	Harry Blackmun	-.035
Gregory Garre	.554	Lewis Powell	.365
Edwin Kneedler*	.920	William Rehnquist	1.075
Elena Kagan	.091	John Paul Stevens	-.241
Neal Katyal*	-.010	Sandra Day O'Connor	.653
Donald Verrilli	-.157	Antonin Scalia	1.384
		Anthony Kennedy	.765
		David Souter	.109
		Clarence Thomas	1.824
		Ruth Bader Ginsburg	-.034
		Stephen Breyer	.023
		John Roberts	1.214
		Samuel Alito	1.384
		Sonia Sotomayor	-.001
		Elena Kagan	.057

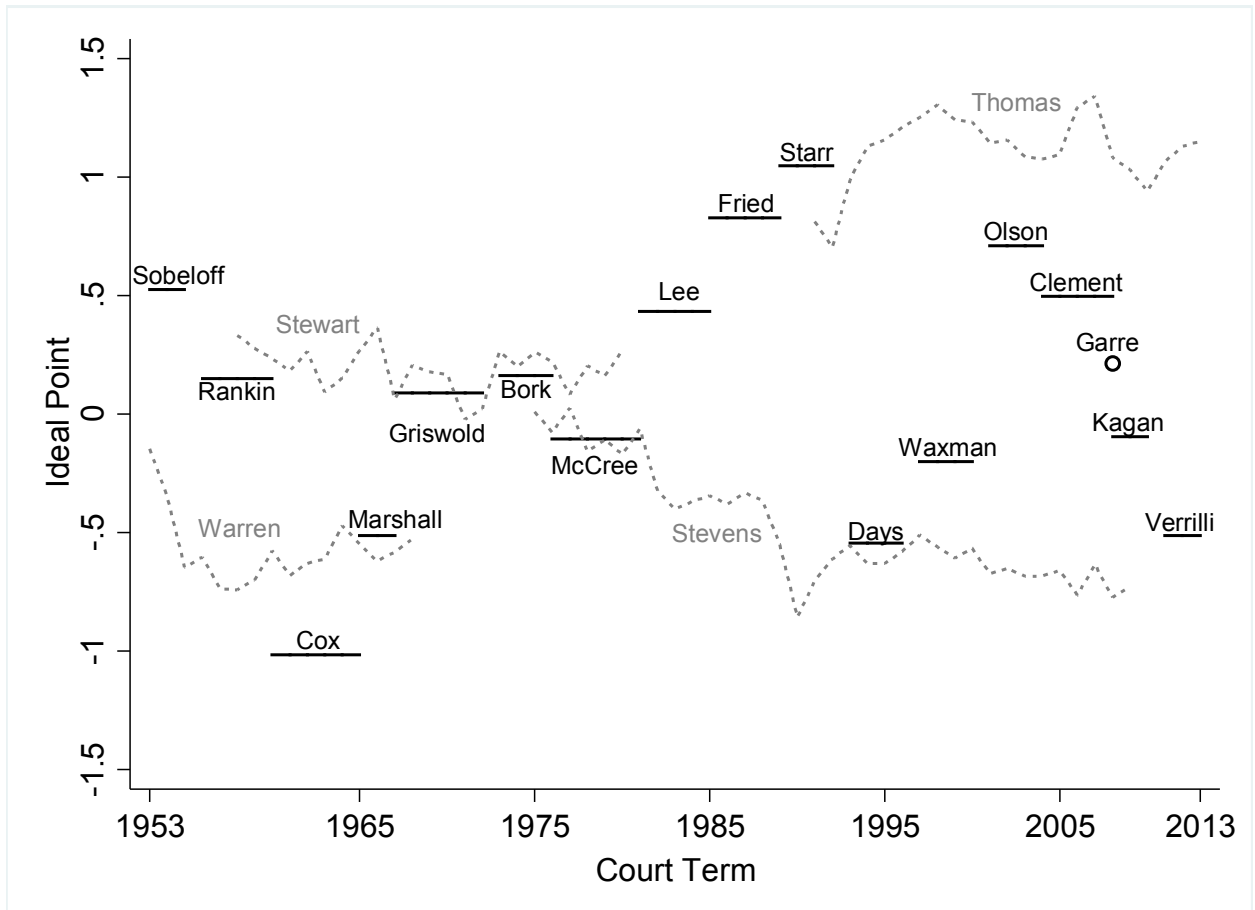
Notes: * Acting solicitor general. † William Bryson's appointment by President George H.W. Bush. ‡ Bryson's appointment by President Bill Clinton. Unless otherwise noted, these are the ideal points employed in the paper.

Table S2. SG and justice ideal points, missing-at-random model

Solicitor General		Justice	
Simon Sobeloff	.928	Hugo Black	-.920
Lee Rankin	.055	Stanley Reed	.409
Archibald Cox	-1.216	Felix Frankfurter	.390
Thurgood Marshall	-.589	William Douglas	-1.870
Erwin Griswold	.334	Robert Jackson	.338
Robert Bork	.058	Harold Burton	.446
Daniel Friedman*	-.579	Tom Clark	.009
Wade McCree	-.139	Sherman Minton	.279
Rex Lee	.571	Earl Warren	-.816
Charles Fried	1.478	John Marshall Harlan II	.541
William Bryson*†	1.134	William Brennan	-.776
Kenneth Starr	1.618	Charles Whittaker	.399
William Bryson*‡	.529	Potter Stewart	.147
Drew Days	-.346	Byron White	.212
Walter Dellinger*	-1.158	Arthur Goldberg	-.689
Seth Waxman	.065	Abe Fortas	-.962
Barbara Underwood*	-1.078	Thurgood Marshall	-.842
Theodore Olson	1.165	Warren Burger	.688
Paul Clement	.938	Harry Blackmun	-.000
Gregory Garre	.730	Lewis Powell	.408
Edwin Kneedler*	1.359	William Rehnquist	1.191
Elena Kagan	.157	John Paul Stevens	-.213
Neal Katyal*	.087	Sandra Day O'Connor	.723
Donald Verrilli	-.331	Antonin Scalia	1.538
		Anthony Kennedy	.837
		David Souter	.149
		Clarence Thomas	1.989
		Ruth Bader Ginsburg	.001
		Stephen Breyer	.060
		John Roberts	1.319
		Samuel Alito	1.500
		Sonia Sotomayor	.032
		Elena Kagan	.098

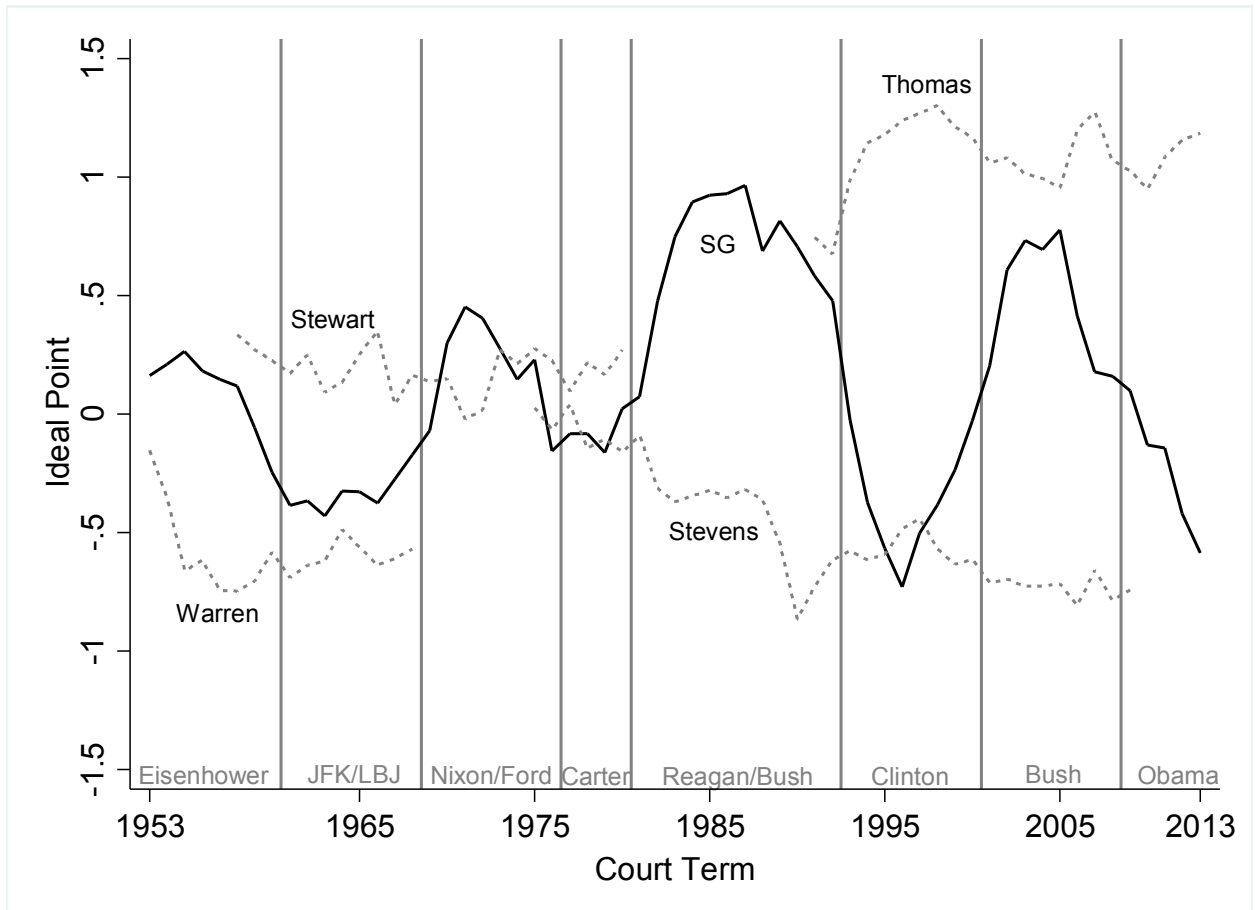
Notes: * Acting solicitor general. † William Bryson's appointment by President George H.W. Bush. ‡ Bryson's appointment by President Bill Clinton.

Figure S1. Ideal points of SGs and select justices, estimated with Martin and Quinn’s dynamic model



Notes. Ideal points estimated with Martin and Quinn’s (2002) dynamic item response model. Due to data limitations, the delta parameters are set to zero for the solicitors general, which means that the ideal points for the justices can change over time while those for the solicitors general are static. The estimate for Solicitor General Garre is represented as a circle as he only served in one Court term.

Figure S2. Ideal points of the SG and select justices, estimated with Martin and Quinn’s dynamic model while treating the SG as a single actor



Notes. Ideal points estimated with Martin and Quinn’s (2002) dynamic item response model. The SG is treated here as a single actor whose ideal point can change over time.

Table S3. Comparison of SG ideal points with existing measures of ideology

A. Indifference-allowing ideal points

Existing Measure	Correlation with Ideal Point Estimate (Including Acting SGs)	Correlation with Ideal Point Estimate (Excluding Acting SGs)
% Conservative Briefs (N = 8)	.309	.309
President's Party – Republican	.588*	.773*
President's Common Space	.601*	.829*
N	24	17

B. MAR-based ideal points

Existing Measure	Correlation with Ideal Point Estimate (Including Acting SGs)	Correlation with Ideal Point Estimate (Excluding Acting SGs)
% Conservative Briefs (N = 8)	.298	.298
President's Party – Republican	.623*	.743*
President's Common Space	.629*	.772*
N	24	17

* $p \leq .05$. Cell entries are correlation coefficients. The % Conservative Briefs measure is from Segal (1988).

Figure S3. Ideal points of SGs and their appointing presidents

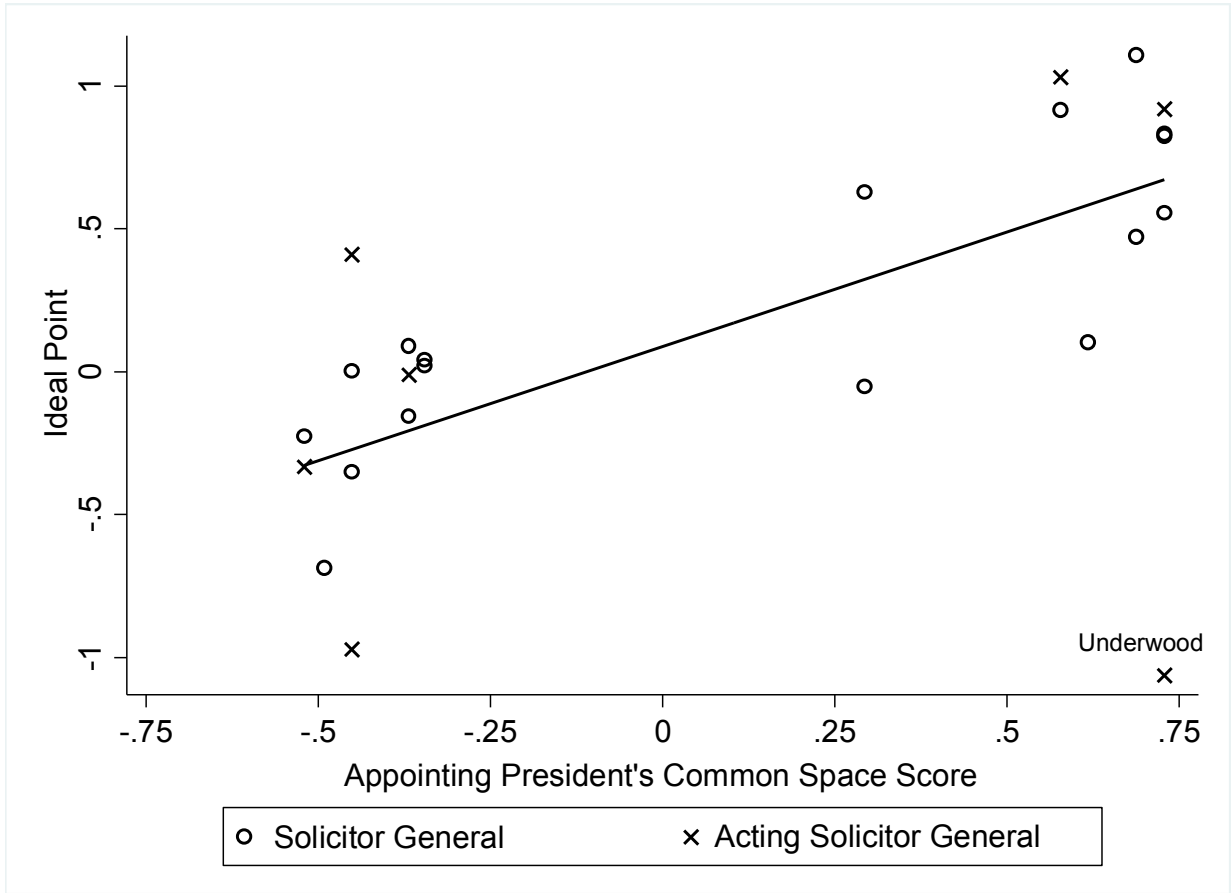


Table S4. Explaining the location of SGs in the Court’s legal policy space, including non-appointing presidents

Independent Variable	SGs
Appointing President	.754* (.204)
Non-Appointing President	-.030 (.551)
Served One President	.204 (.298)
Supreme Court	.111 (.299)
Congress	-1.86 (.984)
Constant	-.011 (.172)
N	24
F-test	3.24*
R ²	.474

* $p \leq .05$ (two-tailed). Cell entries are OLS regression estimates (and standard errors). *Non-Appointing President* is the Common Space Score for a second president under which an SG served. If an SG served under only one president, *Non-Appointing President* is set to zero and *Served One President* is set to one.

Table S5. Explaining the location of SGs in the Court’s legal policy space, excluding acting SGs

Independent Variable	SGs	SGs and Justices
Appointing President	.737* (.152)	.979* (.181)
Supreme Court	.111 (.204)	---
Congress	.168 (.787)	5.89* (1.35)
SG	---	-.116 (.172)
SG × Appointing President	---	-.218 (.296)
SG × Congress	---	-5.52* (1.76)
Constant	.141 (.104)	.289* (.100)
N	17	50
F-test	10.2*	11.4*
R ²	.701	.564

* $p \leq .05$ (two-tailed). Cell entries are OLS regression estimates (and standard errors).

Table S6. Explaining the location of SGs in the Court’s legal policy space, using MAR-based ideal point estimates

Independent Variable	SGs	SGs and Justices
Appointing President	.982* (.253)	1.02* (.221)
Supreme Court	.469 (.344)	---
Congress	-2.34 (1.23)	6.00* (1.66)
SG	---	-.303 (.189)
SG × Appointing President	---	.023 (.324)
SG × Congress	---	-7.68* (1.98)
Constant	-.157 (.209)	.343* (.122)
N	24	57
F-test	6.6*	10.4*
R ²	.498	.504

* $p \leq .05$ (two-tailed). Cell entries are OLS regression estimates (and standard errors).

Table S7. SG and justice ideal points, civil rights and liberties

Solicitor General		Justice	
Simon Sobeloff	---	Hugo Black	-1.042
Lee Rankin	---	Stanley Reed	1.139
Archibald Cox	-.857	Felix Frankfurter	.242
Thurgood Marshall	---	William Douglas	-2.879
Erwin Griswold	-.083	Robert Jackson	.129
Robert Bork	.034	Harold Burton	.656
Daniel Friedman*	---	Tom Clark	.355
Wade McCree	-.023	Sherman Minton	1.065
Rex Lee	.508	Earl Warren	-1.231
Charles Fried	.997	John Marshall Harlan II	.485
William Bryson*†	---	William Brennan	-1.355
Kenneth Starr	.801	Charles Whittaker	.237
William Bryson*‡	---	Potter Stewart	-.045
Drew Days	.024	Byron White	.213
Walter Dellinger*	-.045	Arthur Goldberg	-1.558
Seth Waxman	.158	Abe Fortas	-1.542
Barbara Underwood*	----	Thurgood Marshall	-1.659
Theodore Olson	1.025	Warren Burger	.663
Paul Clement	.898	Harry Blackmun	-.114
Gregory Garre	.592	Lewis Powell	.304
Edwin Kneedler*	---	William Rehnquist	1.271
Elena Kagan	.025	John Paul Stevens	-.400
Neal Katyal*	.037	Sandra Day O'Connor	.585
Donald Verrilli	.488	Antonin Scalia	1.508
		Anthony Kennedy	.746
		David Souter	-.054
		Clarence Thomas	2.204
		Ruth Bader Ginsburg	-.203
		Stephen Breyer	-.066
		John Roberts	1.231
		Samuel Alito	1.611
		Sonia Sotomayor	-.159
		Elena Kagan	-.097

Notes: * Acting solicitor general. † William Bryson's appointment by President George H.W. Bush. ‡ Bryson's appointment by President Bill Clinton. Ideal points are not estimated for the SGs who filed fewer than 10 amicus curiae briefs in this issue area.

Table S8. SG and justice ideal points, economics

Solicitor General		Justice	
Simon Sobeloff	---	Hugo Black	-1.351
Lee Rankin	.020	Stanley Reed	.200
Archibald Cox	-.125	Felix Frankfurter	.784
Thurgood Marshall	---	William Douglas	-1.744
Erwin Griswold	---	Robert Jackson	.596
Robert Bork	---	Harold Burton	.347
Daniel Friedman*	---	Tom Clark	-.460
Wade McCree	-.592	Sherman Minton	-.188
Rex Lee	-.330	Earl Warren	-.855
Charles Fried	-.422	John Marshall Harlan II	.773
William Bryson*†	---	William Brennan	-.497
Kenneth Starr	.072	Charles Whittaker	.913
William Bryson*‡	---	Potter Stewart	.445
Drew Days	-.459	Byron White	-.020
Walter Dellinger*	---	Arthur Goldberg	-.173
Seth Waxman	.107	Abe Fortas	-.371
Barbara Underwood*	---	Thurgood Marshall	-.326
Theodore Olson	.162	Warren Burger	.661
Paul Clement	.419	Harry Blackmun	.020
Gregory Garre	---	Lewis Powell	.502
Edwin Kneedler*	---	William Rehnquist	1.110
Elena Kagan	.215	John Paul Stevens	-.064
Neal Katyal*	---	Sandra Day O'Connor	1.039
Donald Verrilli	-.929	Antonin Scalia	1.845
		Anthony Kennedy	.959
		David Souter	.506
		Clarence Thomas	2.166
		Ruth Bader Ginsburg	.337
		Stephen Breyer	.280
		John Roberts	1.428
		Samuel Alito	1.347
		Sonia Sotomayor	.333
		Elena Kagan	.250

Notes: * Acting solicitor general. † William Bryson's appointment by President George H.W. Bush. ‡ Bryson's appointment by President Bill Clinton. Ideal points are not estimated for the SGs who filed fewer than 10 amicus curiae briefs in this issue area.

Table S9. SG and justice ideal points, federalism

Solicitor General		Justice	
Simon Sobeloff	---	Hugo Black	-1.537
Lee Rankin	---	Stanley Reed	-.038
Archibald Cox	.160	Felix Frankfurter	.331
Thurgood Marshall	---	William Douglas	-2.694
Erwin Griswold	---	Robert Jackson	-.348
Robert Bork	.474	Harold Burton	.660
Daniel Friedman*	---	Tom Clark	-.063
Wade McCree	-.873	Sherman Minton	-.257
Rex Lee	-.047	Earl Warren	-1.069
Charles Fried	.873	John Marshall Harlan II	.262
William Bryson*†	---	William Brennan	-1.035
Kenneth Starr	.826	Charles Whittaker	-.127
William Bryson*‡	---	Potter Stewart	.202
Drew Days	-.517	Byron White	-.364
Walter Dellinger*	---	Arthur Goldberg	-.559
Seth Waxman	-.055	Abe Fortas	-1.080
Barbara Underwood*	---	Thurgood Marshall	-1.261
Theodore Olson	.538	Warren Burger	-.158
Paul Clement	1.108	Harry Blackmun	-.427
Gregory Garre	---	Lewis Powell	-.181
Edwin Kneedler*	---	William Rehnquist	1.096
Elena Kagan	---	John Paul Stevens	-.506
Neal Katyal*	-.482	Sandra Day O'Connor	.727
Donald Verrilli	.131	Antonin Scalia	1.794
		Anthony Kennedy	.947
		David Souter	-.327
		Clarence Thomas	2.207
		Ruth Bader Ginsburg	-.607
		Stephen Breyer	-.517
		John Roberts	1.600
		Samuel Alito	1.334
		Sonia Sotomayor	-.479
		Elena Kagan	-.026

Notes: * Acting solicitor general. † William Bryson's appointment by President George H.W. Bush. ‡ Bryson's appointment by President Bill Clinton. Ideal points are not estimated for the SGs who filed fewer than 5 amicus curiae briefs in this issue area.

Figure S4. Ideal points of SGs and their appointing presidents, civil liberties and rights

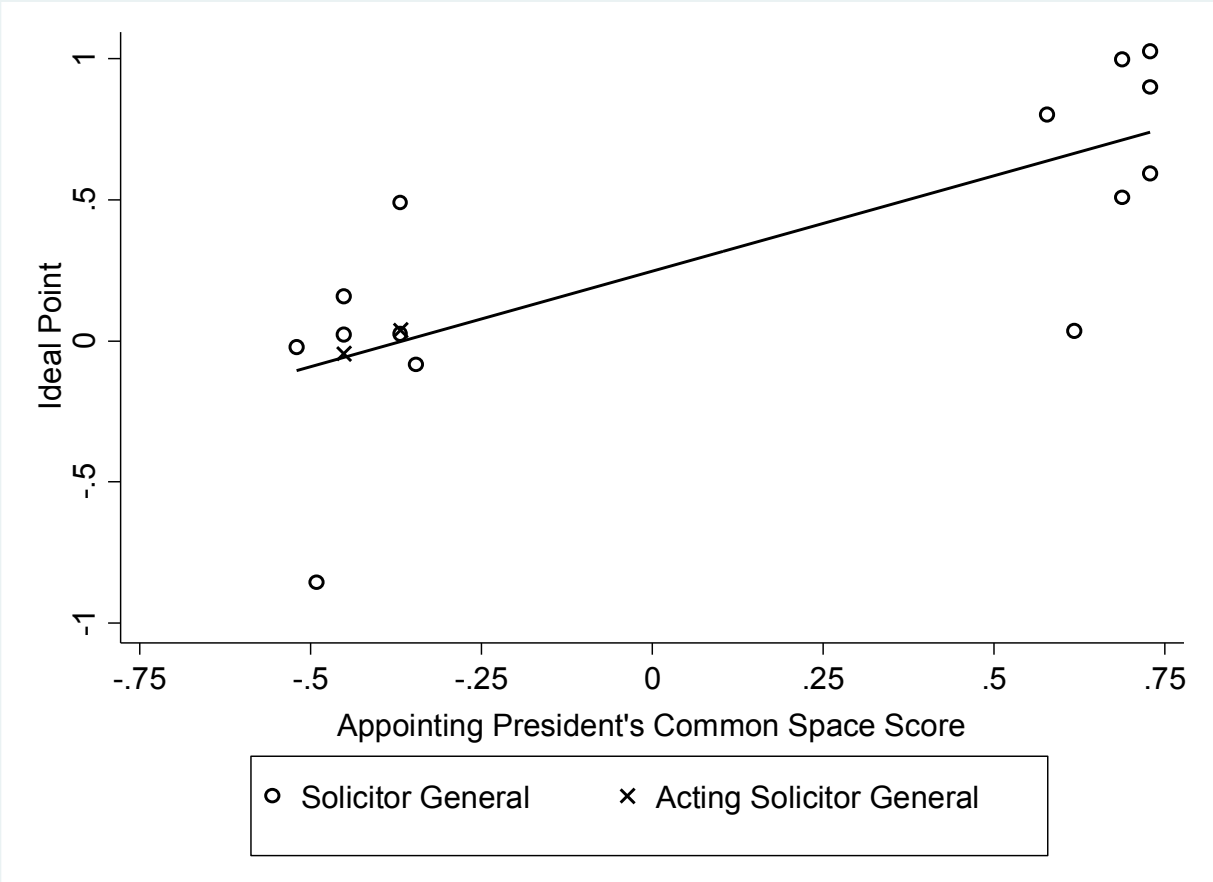


Figure S5. Ideal points of SGs and their appointing presidents, economics

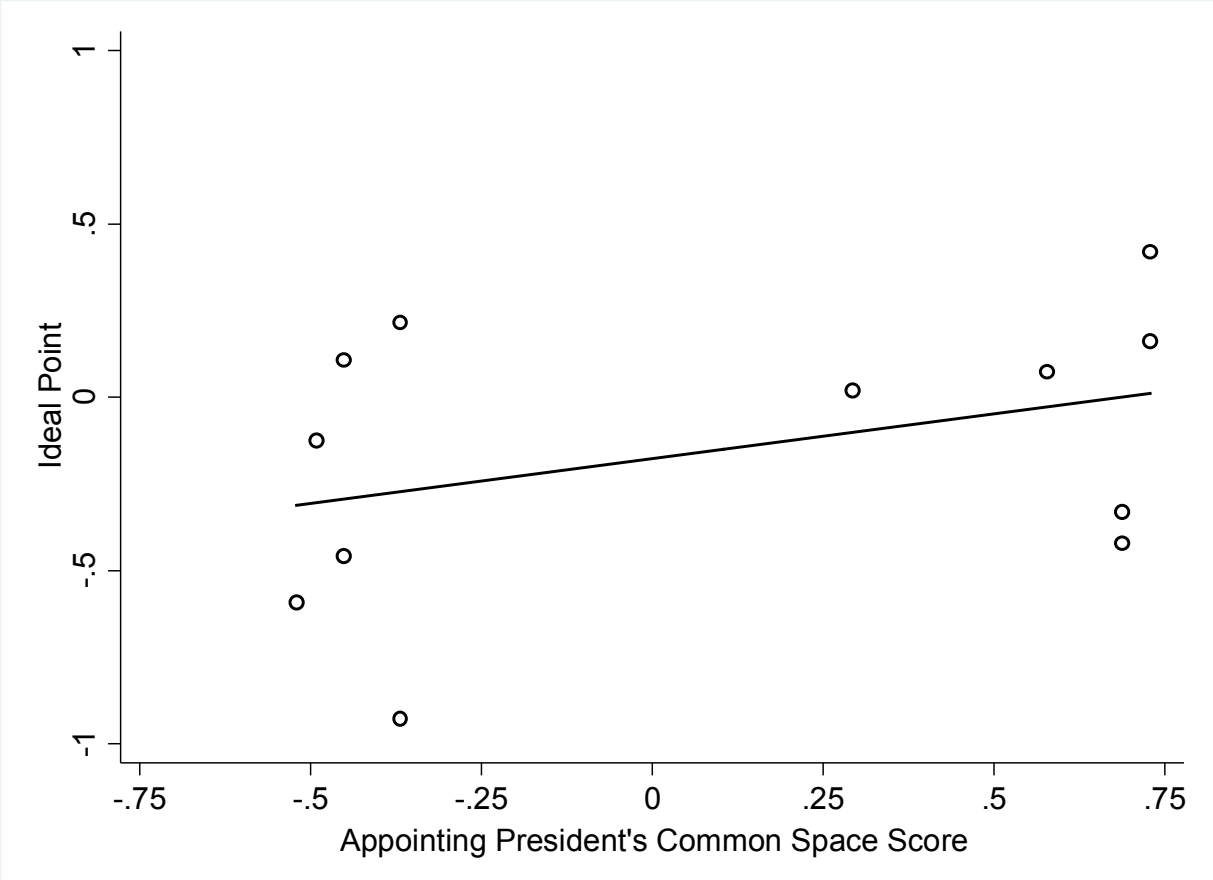
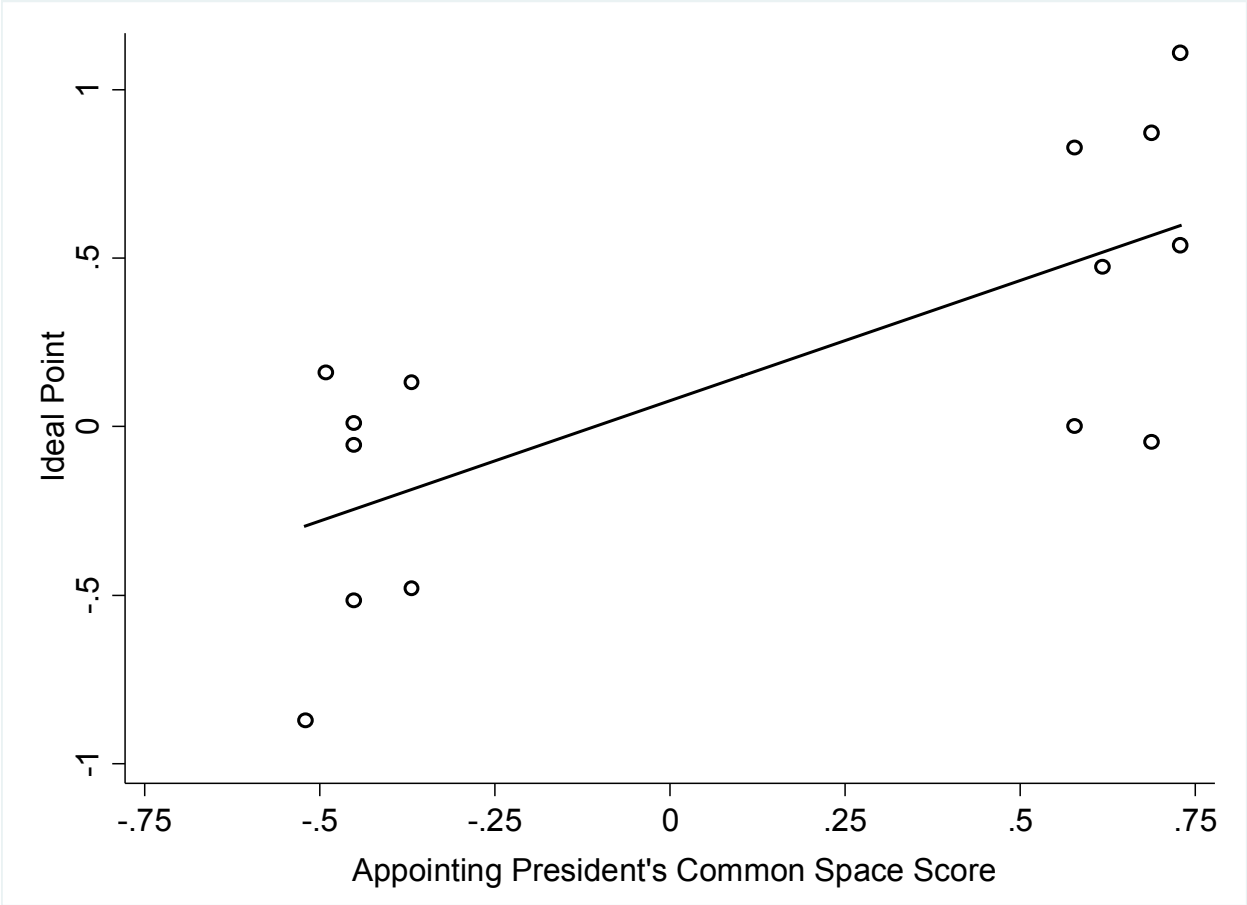


Figure S6. Ideal points of SGs and their appointing presidents, federalism



Supplemental Material References

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