State Advocacy and Representation at the U.S. Supreme Court

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The states are amongst the most active, important, and effective actors involved at the U.S. Supreme Court. While states can be directly involved in litigation that ends up before the Court, they more frequently and freely lobby the Court through the filing of amicus curiae briefs. Given both the unique position of the states in our federal system and their particularly high rates of participation at the Supreme Court, it has become evident to scholars that it is important to understand both the determinants and consequences of state involvement at the Court (e.g., Goelzhauser and Vouvalis 2015; Nolette 2014; Nicholson-Crotty 2007; Provost 2011).

These studies imply a spatial logic in which the ideological location of the states in the legal policy space in which the Court operates is of key importance. We are thus motivated by two goals here: 1) provide the first set of estimates of the expressed locations of the states in the Supreme Court's legal policy space, and 2) assess the extent to which these positions reflect the preferences of the populations of the states. By better understanding where the states are located in a given year, scholars will be able to improve models of state involvement at the Court (e.g., Provost 2011) and the potential constraints that the positions occupied by decision-implementing governments might place on Court decision making (see Carrubba and Zorn 2010). By examining the connection between state-level preferences and state advocacy at the Court, we will be able to test the strength of the representational linkage between constituents and the important expression of state preferences over important legal policy.

To estimate the locations of the states in the Supreme Court's policy space, we rely on their amicus curiae filings at the Court and treat the positions taken in these briefs as akin to the votes cast by the justices in these cases. Armed with data on these "votes" by the states and the justices, we utilize the approaches employed to create the most sophisticated measures of judicial ideology (Martin and Quinn 2002; Bailey 2007) and estimate item-response models that treat the

ideal points of these actors as a latent, unobservable trait to be estimated via Bayesian Markov chain Monte Carlo methods. Importantly, we employ a recent extension of the IRT ideal point estimation model designed to account for the fact that "voters," such as the states in this context, often choose not to "vote" due to indifference over the two options on the table (Rosas, Shomer, and Haptonstahl 2015).

In the context of describing and illustrating the resulting estimates of the ideal points of the states, we demonstrate two important features of these measures: 1) the states occupy a more conservative region of legal policy space than the justices do, and 2) there has been an increasing polarization of the positions expressed by the states as a function of the partisanship of the attorneys general representing them. We then turn to developing a simple model of the location of the states over time and find that, while there is evidence that a state's position is responsive to the preferences of its citizens, the partisanship of the attorney general has a much bigger effect. This calls into question the strength of the representational linkage between the public and the advocacy activities of their states.

Attorneys General and the Representation of States at the Supreme Court

The states are clearly affected by the policy choices made by the Federal Government, and this very much includes the decisions made by the U.S. Supreme Court. Having a substantial stake in much of the Court's jurisprudence, the states, like other interests, attempt to influence the Court's decisions and opinions by filing amicus curiae briefs. These briefs provide information about the availability, impact, and implementation of legal rules that could be adopted by the Court with the hope of moving the Court's legal policy in the direction of a state's ideal point, or at the least the ideal point of those advocating in the name of the state.

In addition to other duties associated with being its highest legal officer, a state's attorney general (AG) is responsible for filing amicus curiae briefs on behalf of the state and thus is the linkage, in theory, between state preferences and the representation of these preferences at the Court. Does the AG faithfully represent state preferences before the Court? Prior work on AGs suggests that they pursue three goals: influencing legal policy in a manner consistent with AG preferences, staying in office (typically through reelection), and seeking higher office (Provost 2010a, 2011). All three goals have implications for the positions that AGs will adopt when "lobbying" the Court through the filing of amicus curiae briefs.

The assumption that an AG is motivated by her legal policy preferences directly implies that when filing amicus briefs at the Court she will do so in a way that might shift the Court's legal policy in the direction of her preferences. In other words, an AG's advocacy activities will be aimed towards moving Supreme Court policy towards her ideal point. Existing research on AGs supports the contention that their preferences exert a substantial influence over their legal activities on behalf of their states (Nolette 2014; Provost 2011; Spill, Licari, and Ray 2001).

The motivation to remain in office, though, will also make the preferences of two other sets of actors relevant – state political elites and the public. Appointed AGs are presumably sensitive to the elites who have the appointment power (the governors, the legislature, or state supreme court) and elected AGs have a direct electoral connection with public preferences. Provost (2011), however, points out that this distinction is not necessarily clear and that the low information nature of AG elections means that elites can still play an important role in determining whether an elected AG wins reelection. Furthermore, AGs with progressive ambition may be concerned with both public and elite opinion, regardless of whether they have

been elected or appointed to their current office. We thus expect AGs to be responsive to both public and elite opinion when positioning the state in the Supreme Court's legal policy space.

It needs to be emphasized, though, that we can expect that voters and even elites will have little information about an AGs advocacy activities before the U.S. Supreme Court. Any electoral, appointment, or progressive ambition effects on AG advocacy before the Court may be modest in comparison to the AG's pursuit of her own legal policy preferences.

An IRT Model of State Ideal Points in Legal Policy Space

Despite the relative frequency and perhaps effectiveness with which states advocate before the Supreme Court, there exists no measure of the positions that the states occupy in the legal policy space within which the Court operates. Thus our first order of business is to measure the expressed locations of the states in this policy space. Put differently, we seek to estimate the ideal points of the states in the same policy space as the justices.

Following recent scholarship, we use the item response framework to estimate the ideal points of interest (see Bailey 2007; Clinton, Jackman, and Rivers 2004; Martin and Quinn 2002). This approach treats an actor's location in policy space (i.e., their ideal point) as a latent trait that manifests itself through observed votes on policy items. These votes are modeled as a function of the actor's ideal point, the location of the cut point presented by the item being voted on, and the extent to which this item differentiates actors based on their ideal points.

Here, the actors of interest are the states and their votes are the positions they express in their amicus curiae briefs. If Alabama, for example, files or cosigns an amicus brief arguing that the Court should reverse a lower court decision, we will treat this as akin to a vote to reverse cast by a justice. This allows us to also include the justices as actors, which means that we will be able to estimate the location of the states in the same legal policy space as the justices.

We need to recognize an important difference, though, between the votes of the justices and the amicus positions of the states. Sitting justices cast votes in essentially all Court cases heard, while the states pick and choose the cases in which to cast amicus-based votes. For the majority of cases, Alabama, for example, will not file an amicus brief and thus its vote will be missing.[1] It seems safe to assume that these votes are not missing at random and thus can bias our estimates of the ideal points of the states (Rosas, Shomer, and Haptonstahl 2015). Indeed, the spatial logic underlying the IRT model implies that these missing votes are not random. Because states are not expected to "vote" in all cases, they will likely opt not to vote if the utility of one outcome (e.g., reversal) is only slightly greater than that of the other (e.g., affirmance). That is, a state will "abstain" if, due to its ideal point, it is indifferent or sufficiently close to indifferent to the two possible outcomes in the case. This type of missing vote is not random as it is a function of the state's ideal point in the Court's legal policy space.

To address this problem, Rosas, Shomer, and Haptonstahl (2015) develop an IRT model in which a voter abstains if the difference in utility between the two outcomes (reversing or affirming the lower court, in our context) is within a range defined by $-\gamma_i$ and γ_i.[2] 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 vanishingly small difference between the two outcomes. Unlike the traditional IRT model, this model provides for three types of votes, which for our purposes are vote to reverse (2), abstain (1), and vote to affirm (0):

[1] Setting aside the occasional recusal, there are also a large number of missing votes for all the justices in the data in the sense that Justice Scalia, for example, did not vote in any of the cases prior to his appointment in 1986. This form of missingness is ignored in all IRT models of justice ideal points and we likewise ignore it here. Importantly, this form of missingness is not determined by any sort of indifference-generated abstention process.

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

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

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

where ε_{ij} is normally distributed with a mean of 0 and variance of σ_j^2, $\Phi(.)$ represents the standard normal distribution function, α_j is a case-specific "difficulty" parameter, β_j is a case-specific "discrimination" parameter, and x_i is the ideal point of voter *i* in unidimensional legal policy space.[3]

The probability for each of the three outcomes is then:

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

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

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

Note that if a voter has a gamma of zero, then they will never abstain (i.e., the probability of v_{ij} equaling one is zero).[4]

This modified IRT model is well-suited for estimating the states and justices in the Court's legal policy space. Abstentions by the states are not simply missing data and are instead

[3] We assume that the underlying policy space is unidimensional, which is consistent with spatial theories of courts and judging (e.g., Hammond, Bonneau, and Sheehan 2005; Owens 2010). With the exception of Lauderdale and Clark (2012), current work on ideal point estimation for justices (e.g., Clark and Lauderdale 2010; Martin and Quinn 2002), judges (e.g., Epstein et al. 2007), interest groups (e.g., Bonica 2013), legislators (Bailey 2007), and agencies (e.g., Clinton et al. 2012) typically assumes unidimensionality. This dimension is usually referred to as the typical left-right ideological dimension. For identification purposes, σ_1 is set to one.

[4] 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.

treated as informative. Justices will have gammas that approach zero, meaning that they effectively cast votes in all cases. States can have larger though varying gammas, allowing them to abstain at differing rates independent of their ideal point. This means that, holding the ideal point constant, this IRT model allows two different states to abstain at different rates due to non-spatial reasons, such as differences in the amount of resources available to the AGs (Gleason and Provost 2016).

The trade-off associated with 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. To allow a given state's ideal point to vary over time, we treat each state's AG as a separate actor. This means that a state's location in the Court's policy space is fixed for a given AG, but can change with each new AG. The same limitation also applies to the ideal points of the justices, which we must also assume to be fixed. The estimation 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 and the location of organized interests should be fairly fixed over time.

We estimate the IRT model 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] As is convention, these priors ultimately 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 states since these are the

[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. Their prior variances are set to 0.1. All other justices have diffuse priors with the prior mean set at 0 and the prior variance set at 1.0.

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 states.

Data

To construct the necessary dataset, we use the Supreme Court Database to both identify all of the orally argued Supreme Court cases from the 1953 through 2013 Court Terms and assemble the justices' votes in these cases.[7] The votes of the states are derived from their amicus curiae filings on the merits in this same set of cases. We gather the amicus curiae brief data through an exhaustive search of multiple sources; 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 state-filed amicus brief, we identify the names of all the states who signed the brief and the position taken by the brief. Each signer or cosigner of a brief is considered as voting on the case.

Since we are disaggregating a state's amicus votes by AG, we identify the AG in office when each of their state's briefs was filed. We then discard any AGs who filed/signed fewer than 10 amicus briefs in our data, which eliminates a few AGs at the beginning and end of our time span. This leaves us with a total of 328 AGs for which we will estimate ideal points in the Court's legal policy space.

As discussed above, we model abstentions as being driven by indifference instead of assuming them away as random. If an AG is in office in the term in which the Court hears a case but does not file an amicus brief in that case, then the AG is coded as abstaining in that case. If the AG is not in office during that term, then the AG's vote is treated as missing. This is the

[7] See http://scdb.wustl.edu/. We exclude cases that do not have a clear outcome (e.g., reverse in part and affirm in part).

same way that justices are handled when they fail to vote in a case due to the fact that they were not on the Court in the term in question.

Overview of State Ideal Point Estimates

Before turning to the assessment of the connection between state preferences and its estimated ideal point in the Supreme Court's legal policy space, we first provide an overview of these novel estimates. As an illustration, Figure 1 presents the estimated ideal points of the 50 states in the 2011 Court Term. This is the last term for which all 50 states are in the data, as there are a couple new AGs in 2012 and 2013 for whom we do not have enough amicus-based votes to estimate ideal points.

*** Figure 1 Here ***

The estimates both reveal a good deal of variation between the states and appear, on their face, to be quite reasonable. The states do not all occupy the same location in the Court's policy space and they are largely arrayed in a manner that appears consistent with ideological leanings. New York, California, and Maryland occupy the most liberal positions at the Court in this term while Alabama, South Dakota, and Texas occupy the most conservative. It is also noteworthy that states represented by a Democratic AG are mostly to the left of the states represented by a Republican AG.

To demonstrate how the ideal points for a state are estimated in a manner that allows them to vary by AG, Figure 2 shows the ideal point for California over time.[8] Again, we see both notable variation and a difference between the positions expressed by Democratic AGs as compared to those who are Republican. Furthermore, these estimates conform with conventional wisdom regarding the preferences of these AGs, with Jerry Brown and Kamala Harris, for

[8] This time series starts with the 1965 Court Term as there are not enough amicus-based votes (i.e., fewer than 10) to estimate the ideal points of the earlier California AGs.

example, moving California to a substantially more liberal location than it had been under the notably conservative Dan Lungren.[9] In short, a simple inspection of both a cross-section and time-series of these estimates suggests that they behave as one might expect.

*** Figure 2 Here ***

Structural Conservatism

Figure 3 provides a comparison of the states and the justices, whose ideal points were simultaneously estimated in the same space. The location of the median state and median justice are plotted over time, as is the full range of values for each type of actor. Here there are two important takeaways. First, the location of the median state's position in the Supreme Court's legal policy space is remarkably stable over time. Second, the states have significantly more conservative ideal points than the justices during this entire time span. For most Court terms, there is no overlap at all between the states and the justices, as all the states are to the right of the justices. Only in the most recent years are the most liberal state ideal points close to the location of the median justice.

*** Figure 3 Here ***

It is likely the case that there are structural reasons for the conservative positions staked out by the states in the Court's legal policy space. Federalism cases, for example, involve conflicts between state and federal power. States have an obvious and strong structural incentive to "vote" for state power in these cases, which places them on the conservative side of the spectrum.[10] More generally speaking, there has been a rise in the tension between the legal positions advocated by the states and those advocated by the federal government (Nolette 2014).

[9] Dan Lungren was subsequently elected to the House of Representatives and as a member of the House had a Common Space score that placed him to the right of the GOP average (which was quite conservative during his tenure).

[10] Though occasionally some states will support federal power in these situations (see Solimine 2012).

The current attorney general for Texas, Gregg Abbott, has described his job in the following terms: "'I go to the office. I sue the federal government. And then I go home'" (Nolette 2014, 451). While this may be a somewhat extreme view of the preferences of the states in legal policy space, the unique place that states occupy in U.S. government may help explain their apparently conservative positions.

Similarly, the sizable number of criminal justice cases on the Supreme Court's docket may also contribute the conservative position of the states. After all, most criminal justice cases at the Court involve a state and a criminal suspect, defendant, or convict. The states will generically tend towards supporting pro-law-and-order positions in these cases. It needs to be emphasized, though, that while there are perhaps strong structural forces leading states to take conservative positions in the Court's legal policy space there is substantial variation in state support for these positions and thus meaningful variation in these ideal points.

Polarization

Figures 1 and 2 suggest that there may be important differences between and within states based on the partisanship of their AGs. To further explore this, Figure 4 contains the mean ideal points of the states while separating them by the partisanship of their AGs.[11] This figure reveals that the stability of the median state over time shown in Figure 3 hides a good deal of important information. States represented by Democratic AGs typically occupy relatively more liberal positions in the Court's policy space than states represented by Republican AGs. This difference really begins to manifest itself around 1980 and then grows rapidly in the later 1990s and 2000s. Perhaps not coincidentally, the Republican Attorneys General Association forms in 1999 and its Democratic counterpart is created in 2002.

[11] This time series begins in 1960 as there are not enough AGs in the data in the 1950s to calculate meaningful means for each party.

*** Figure 4 Here ***

It thus appears that state advocacy at the Supreme Court, as performed by their AGs, follows same pattern of partisan polarization that has occurred elsewhere in American politics. McCarty, Poole, and Rosenthal (2006) demonstrate that Congress begins to polarize in the late 1970s and then continues to polarize further into the 2000s. At the Court, states follow the same pattern, though interestingly here it is Democratic AGs particularly moving leftward whereas in Congress it may be Republicans moving rightward that drives a majority of the partisan polarization.

Explaining the Locations of the States in the Court's Legal Policy Space

We now turn to examining the extent to which a state's ideal point in the Court's legal policy space is determined by AG preferences, as compared to the preferences of the public or political elites. The unit of analysis is the state-year and the dependent variable is the state's expressed position in the Court's policy space, as described above. We do not have a direct measure of an AG's policy preferences so we use AG Party (coded as one for Republicans and zero for Democrats) as the relevant independent variable in our model. We use Berry et al.'s (1998, 2010) measures for state-level Elite Preferences and Public Preferences.[12] To test whether Public Preferences matter more for elected AGs, we include Elected AG in a second model and interact it with Public Preferences.

To account for both state-specific and Court term-specific idiosyncrasies, we include both state and term fixed effects. This is a particularly conservative approach and thus constitutes a fairly strong test of the importance of AG, elite, and public preferences for the positioning of

[12] We specifically use their "NOMINATE measure of state government ideology" for elite preferences and "revised 1960-2013 citizen ideology series" for public preferences. For the purposes of consistency, we rescale both of these measures so that larger values correspond with conservative positions.

states at the Court. The results for both models (with and without the interaction term involving Elected AG) are presented in Table 1.

*** Table 1 Here ***

In both models, the coefficient estimate for AG Party is positive and statistically significant. This result reveals that when a state has a Republican AG it will advocate for more conservative outcomes at the Court than when it has a Democratic one. This is so even with elite and public preferences being accounted for in the model. Just switching the AG from one party to the other leads to a modest but meaningful change in the state's expressed ideal point at the Court. To put the change in context, an ideal point change of .1359 is nearly the difference between the ideal points of Justices Kennedy and Roberts.

The coefficient estimate for Elite Preferences is also positive and significant, indicating that as a state government becomes more conservative, so does the state's advocacy efforts at the Court. Perhaps the most important result, in representational terms, is that the estimate for Public Preferences is also positive and significant. This suggests that there is indeed a direct connection between a public and their state's efforts to shape legal policy at the Supreme Court. However, it should be noted that the substantive effect sizes for both Elite Preferences and Public Preferences are smaller than that for AG Party. It would take nearly a full shift from a public being minimally conservative to being maximally conservative to have the same effect on state's position in legal policy space as simply changing the partisanship of the AG.[13] It thus appears that the preferences of the AG matter more than the preferences of either other political elites or the public.

Model 2 includes the interaction term involving Public Preferences and Elected AG. Surprisingly, the estimate for this term is negative, which means that the preferences of the

[13] Both of the Berry et al. measures range from zero to 100.

public matter less in states where the AG is elected. As argued earlier, an AG's progressive ambition makes public opinion relevant, regardless of whether they are currently holding an elected position. Nonetheless, it is not clear why elected AGs should be less responsive to their publics.

Assessing Change over Time

To assess whether the coefficients in the Table 1 models are stable over the time period under analysis we estimate a separate model for each Supreme Court Term from the 1970 through 2013 Terms.[14] By disaggregating the data in this manner, we necessarily lose a great deal of efficiency and see the standard errors of the estimates increase considerably. Nonetheless, it is instructive to see whether these estimates are stable.

Figure 5 presents the term-specific estimates for AG Party and the pattern here is clear. AG Party exerts a positive effect on the ideal point of a state throughout the entire time period, though this effect is not statistically significant in the earlier terms. The size of this estimate increases dramatically with time, which is consistent with the aggregate data depicted in Figure 4. Again, this emphasizes the increasing partisan polarization associated with AGs and the positions they advocate at the Supreme Court. It is not clear, though, that we can infer that the preferences of AGs matter more now than they used to, as it could be the case that the party of AGs is now a better predictor of their preferences.

*** Figure 5 Here ***

The disaggregated results for Elite Preferences are much more mixed, as Figure 6 shows. The bulk of the coefficient estimates are positive, but there are several negative estimates and only one estimate is statistically distinguishable from zero. The estimates for Public Preferences,

[14] We exclude the 1960 through 1969 Terms here due to the small number of observations per term for this early period.

on the other hand, are uniformly positive and most are statistically significant. Interestingly, the trend is clearly towards larger effects for public opinion. This implies that AGs have become increasingly responsive to the preferences of the public and that, accordingly, state ideal points in legal policy space are more influenced by the public than they were in the past.

*** Figure 6 & 7 Here ***

Finally, Figure 8 contains the disaggregated estimates for the interaction between Public Preferences and Elected AG. These estimates generally range around zero, with the notable exception of the 1978-1980 Terms, for which the estimates are negative and significant. It thus appears that these three Court terms are driving the curious negative estimate discussed above.

*** Figure 8 Here ***

Conclusion

The states are especially active and important "interests" that seek to influence the legal policies established by the U.S. Supreme Court, but scholars lack measures of the location of ideal points of these actors and this limits their ability to explain both participation patterns and any consequences of state involvement at the Court (Goelzhauser and Vouvalis 2015; Nolette 2014; Nicholson-Crotty 2007; Provost 2011). Furthermore, recent research emphasizes the importance of better understanding the connection between state-level preferences and the positions adopted by state government (e.g., Berry et al. 1998; Lax and Phillips 2012; Shor and McCarty 2011), though these advances have not extended to examining whether states are representative of their publics when they engage in advocacy at the Supreme Court. We address both limitations by developing an IRT-based measure of the ideal points of the states as they advocate as amicus curiae at the Court and then assessing whether these ideal points are representative of state preferences.

Our results suggest that, first, the states consistently occupy a more conservative position in legal policy space than the justices do themselves. This is likely due to structural reasons, but nonetheless it implies that to the extent that states are effective in influencing the Court's legal policy they will typically be pushing it in a conservative direction. That said, there is a good deal of variation in these ideal points and there is increasing polarization in the positions held by Democratic AGs as compared to Republican AGs. In fact, the partisanship of the AG has the strongest effect on the how the state positions itself, even when preferences of elites and the public are accounted for (c.f., Gleason and Provost 2016; Provost 2010b). Public preferences matter too, though to a lesser extent. This latter result, though modest, is noteworthy as other studies of AG behavior find little evidence of public opinion being influential (e.g, Provost 2010b).

It therefore appears that the advocacy activities of a state at the Supreme Court are responsive to the preferences of its citizens, but this connection is not particularly strong and can be swamped by the partisanship and thus preferences of the AG. On the other hand, our results also imply that voters can generally rely on the partisanship of a candidate for AG as being informative as to their preferences and likely advocacy activities. Partisanship can thus serve as a highly effective heuristic for voting in these low information elections.

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Table 1. Explaining state ideal points in legal policy space, 1960-2013 Terms

	Model 1	Model 2
AG Party	.1359* (.0071)	.1364* (.0070)
Elite preferences	.0012* (.0002)	.0011* (.0002)
Public preferences	.0016* (.0004)	.0038* (.0008)
Public Preferences × Elected AG	---	-.0024* (.0008)
Elected AG	---	.1228* (.0476)
Constant	.5729* (.0440)	.4585* (.0613)
N	2,186	2,186
F	10.5*	10.3*
R^2	.333	.323

* $p \leq .05$ (two-tailed test). Models include fixed effects for state and Court term.

Figure 1. State ideal point estimates, 2011 Term

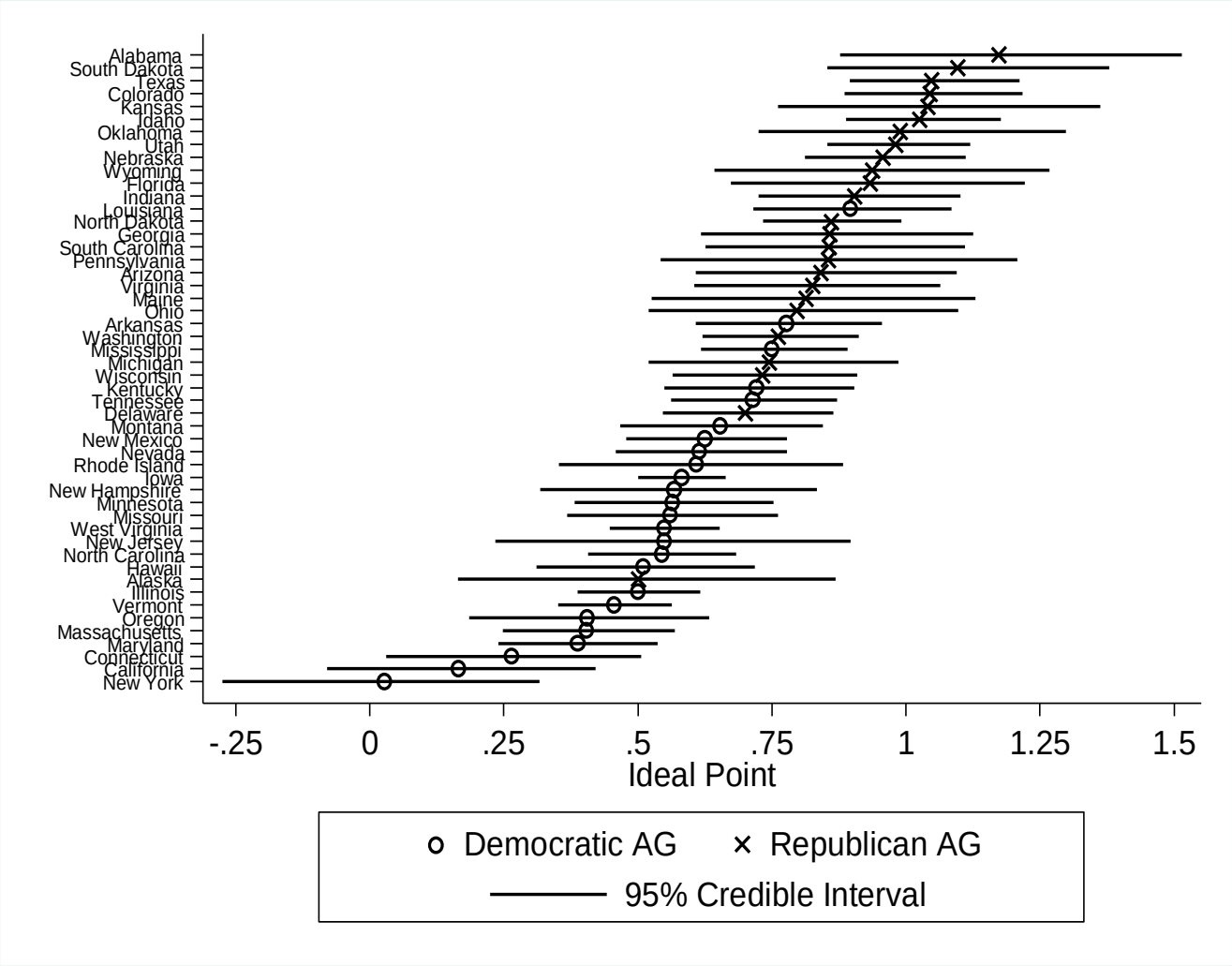


Figure 2. California's ideal point over time

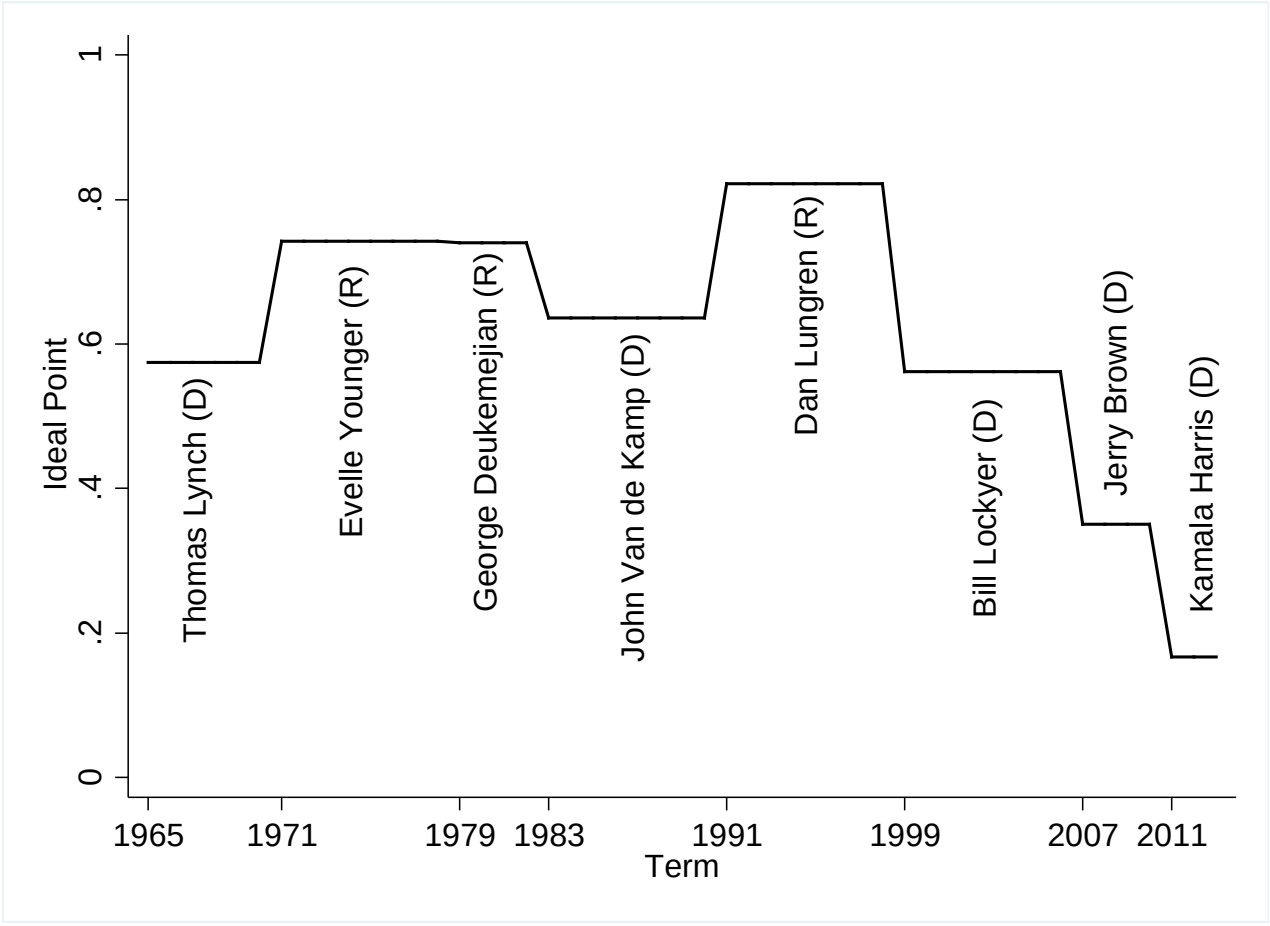
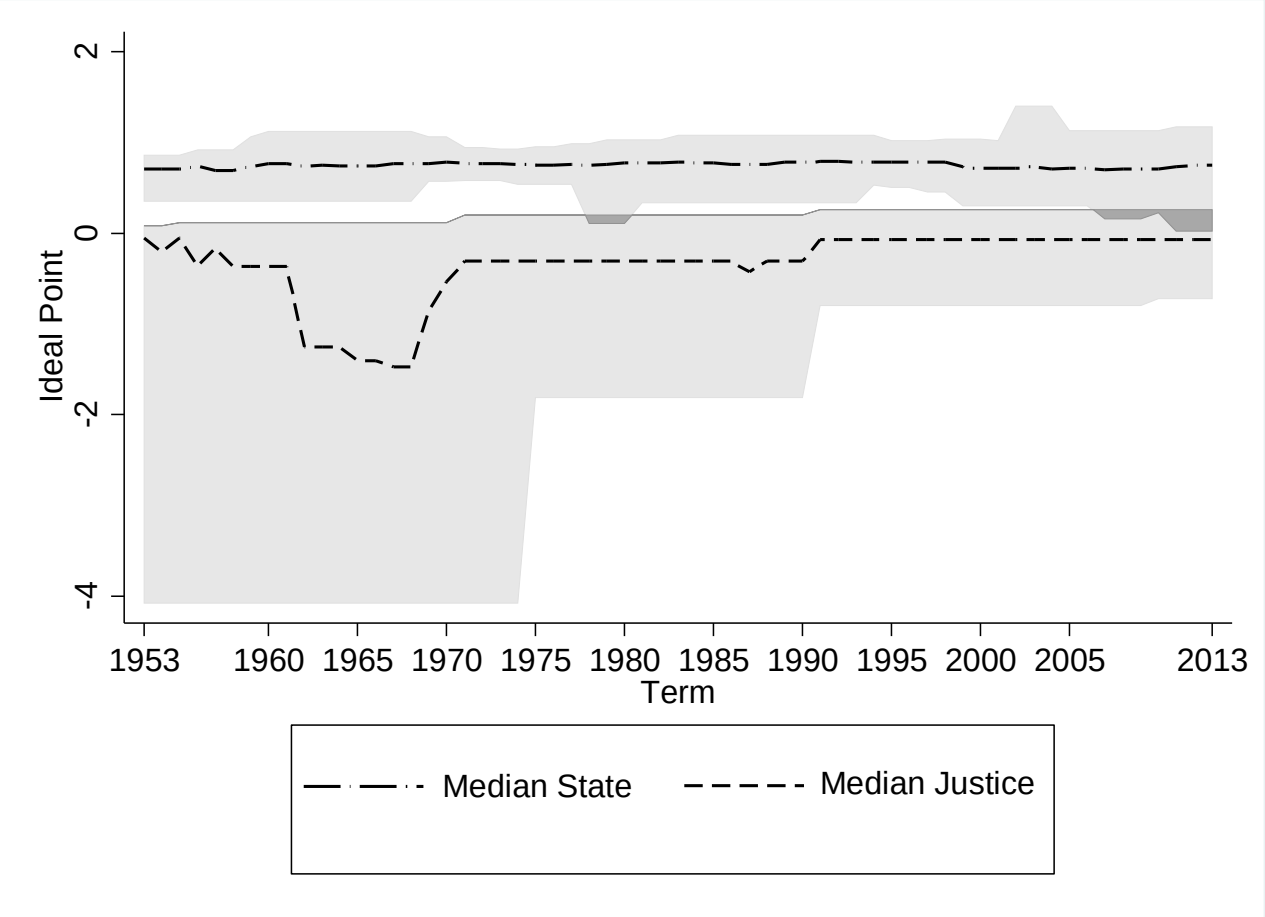
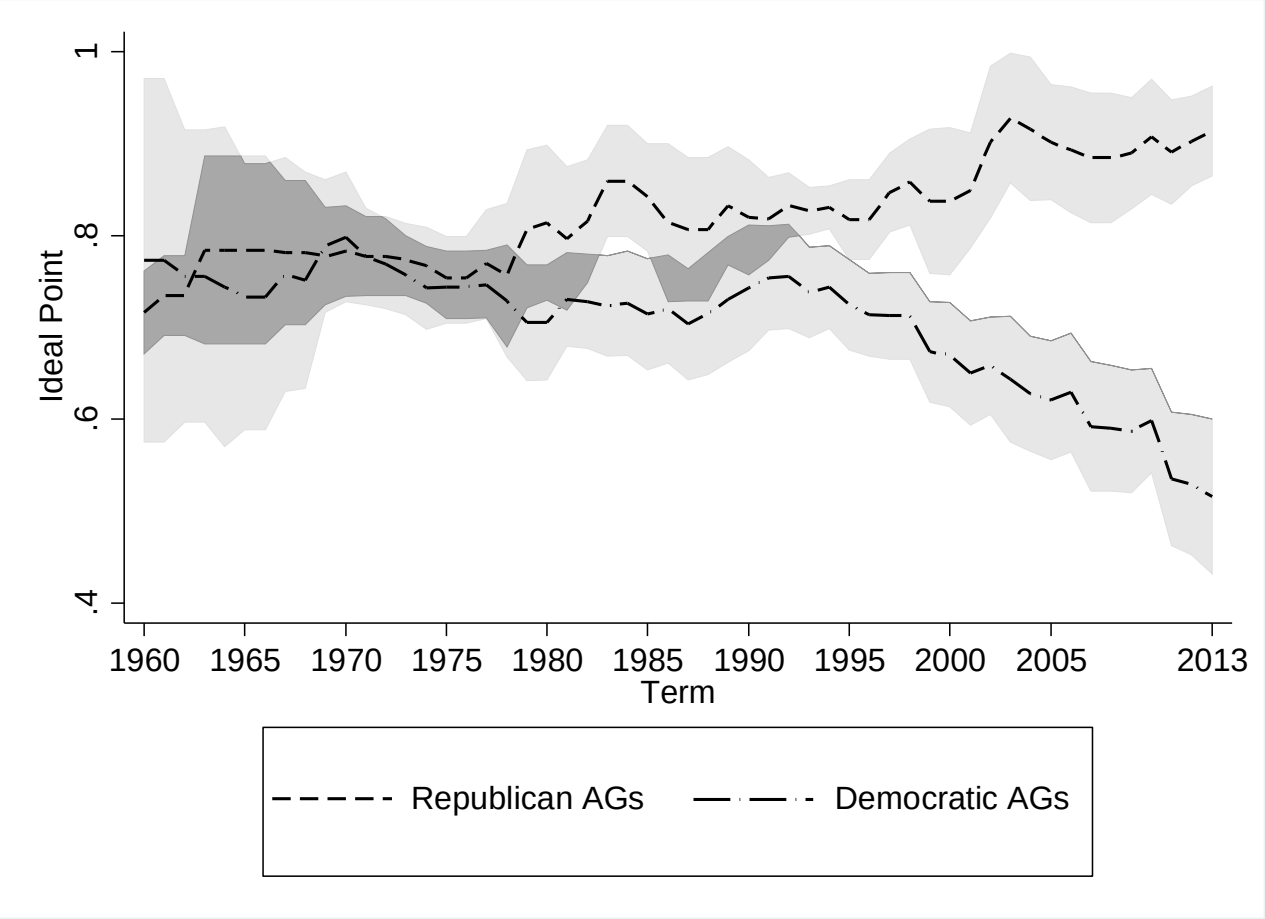


Figure 3. Median ideal points of states and justices



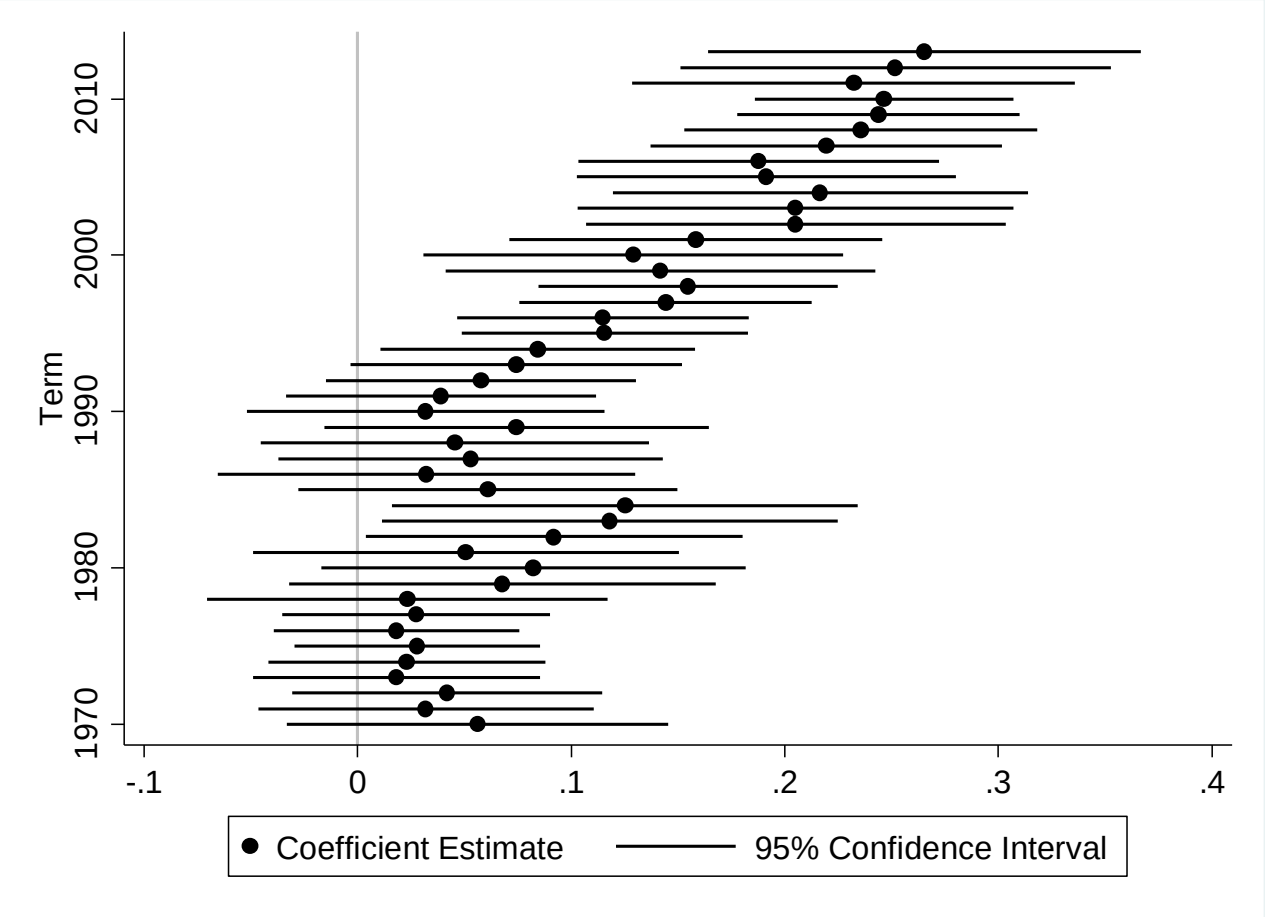
Note: The areas shaded in light gray show the full range of values (i.e., from minimum to maximum observed) for that type of actor in the given term. Dark gray regions reveal where these ranges overlap.

Figure 4. State ideal points by partisanship of attorneys general



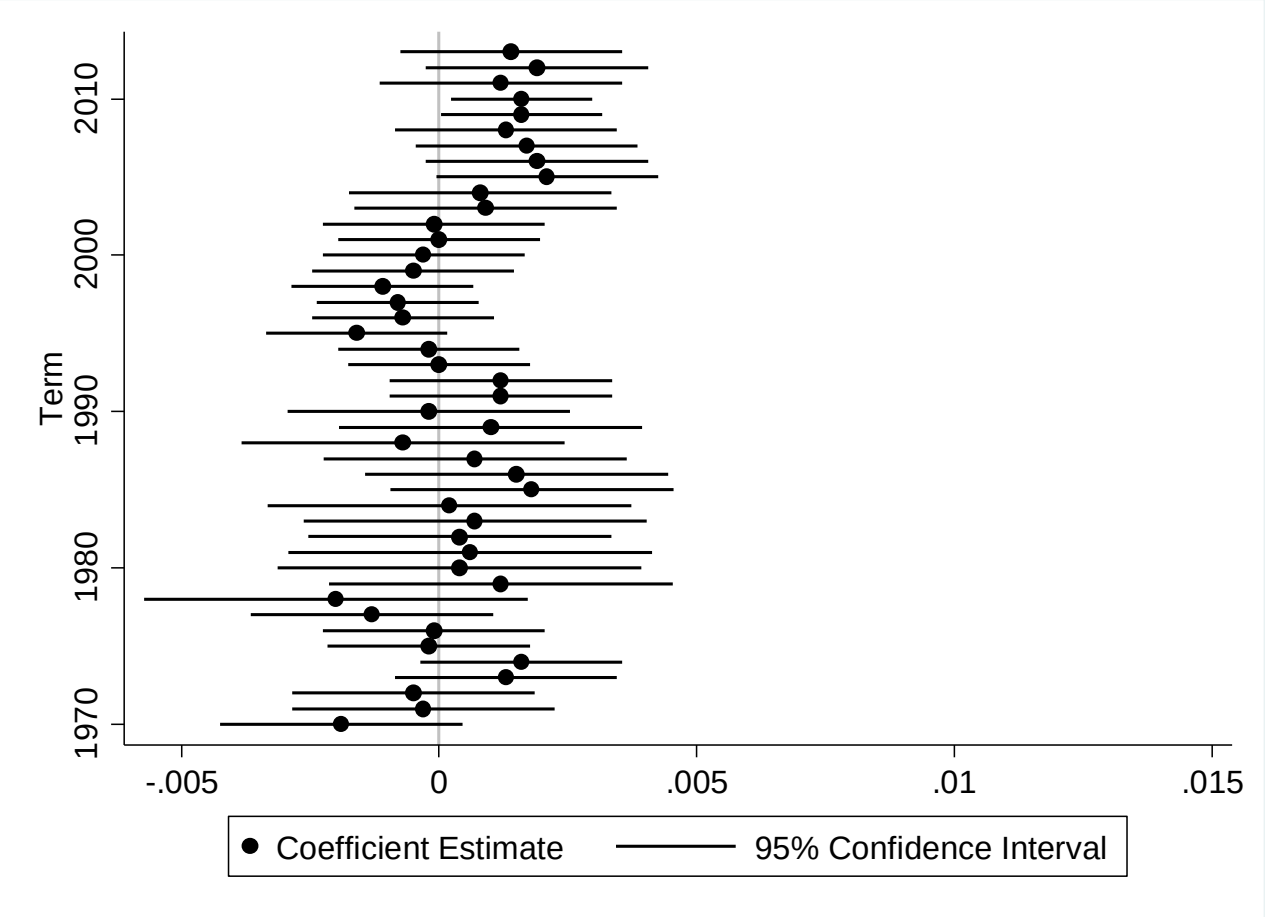
Note: The mean ideal point for Republican and Democratic AGs are plotted here. The areas shaded in light gray show the 95% confidence intervals around these means. Dark gray regions reveal where these intervals overlap.

Figure 5. Effect of attorney general party on state ideal point, by Court term



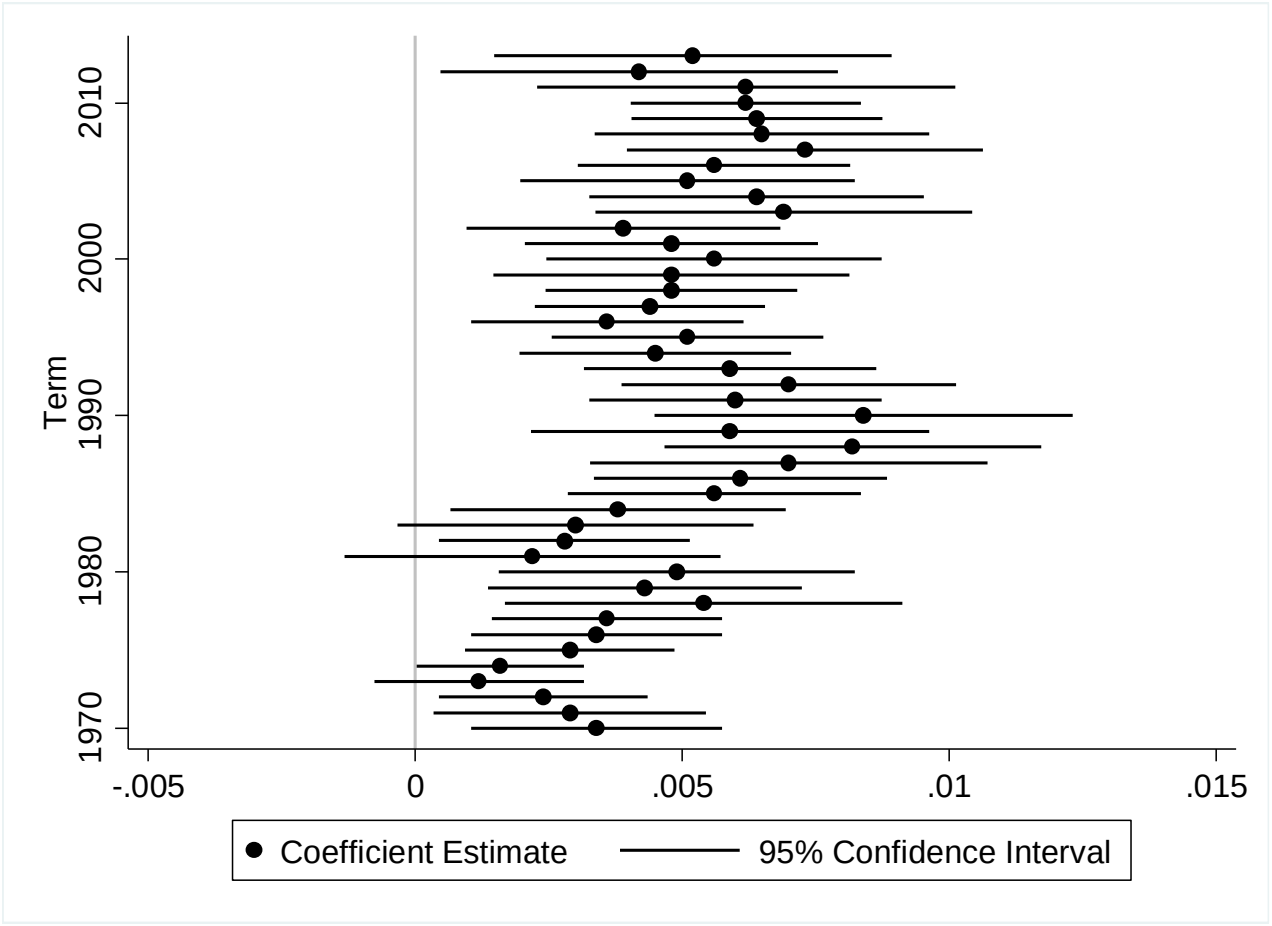
Note: These are coefficient estimates for AG Party, as estimated separately for each Court term.

Figure 6. Effect of elite preferences on state ideal point, by Court term



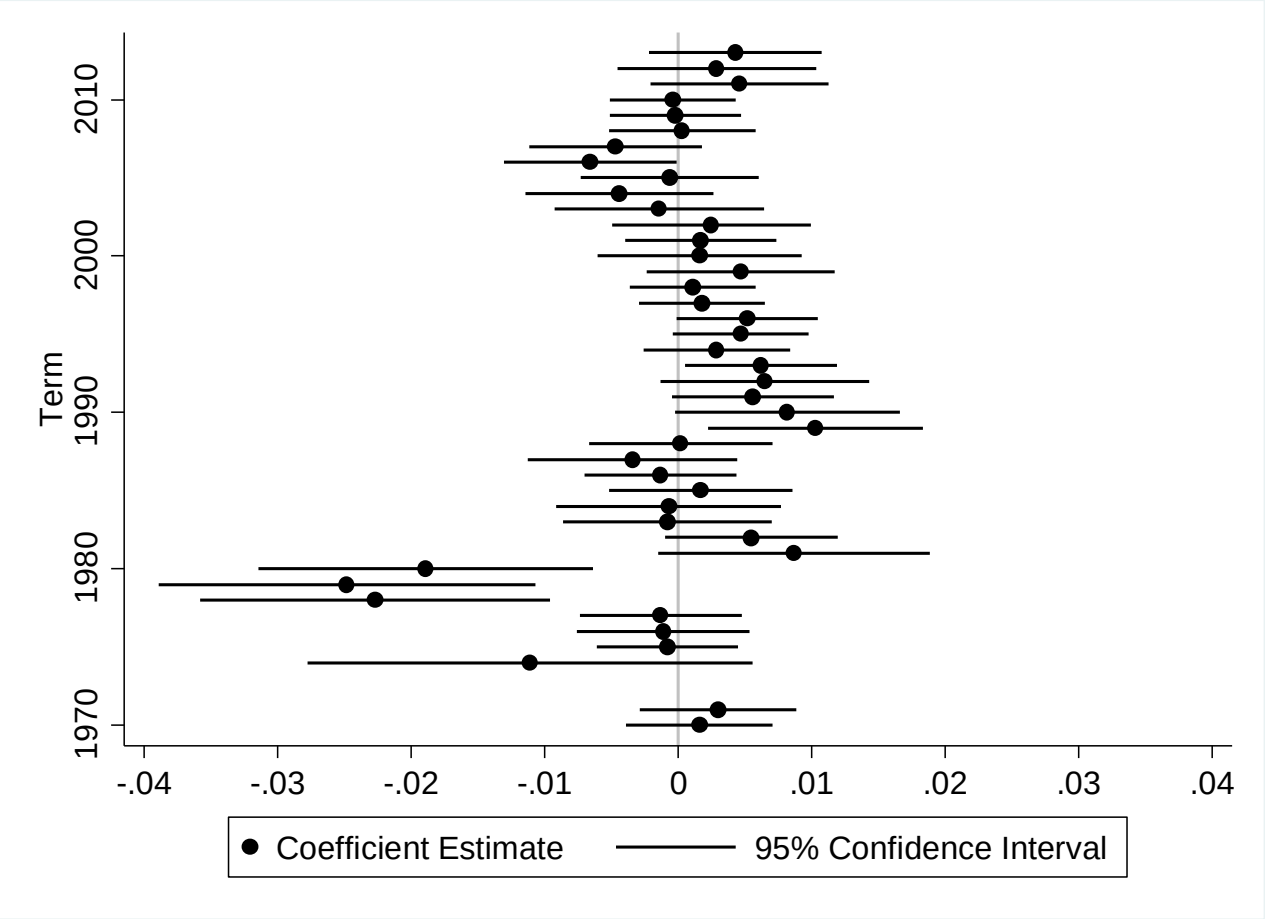
Note: These are coefficient estimates for elite preferences, as estimated separately for each Court term.

Figure 7. Effect of public preferences on state ideal point, by Court term



Note: These are coefficient estimates for public preferences, as estimated separately for each Court term.

Figure 8. Conditioning effect of elections for attorney general on effect of public preferences



Note: These are coefficient estimates for public preferences × elected AG, as estimated separately for each Court term.