Online Supplement
Solicitor General Influence and Agenda Setting on the United States Supreme Court

Ryan C. Black
rcblack@msu.edu

Ryan J. Owens
rjowens@wisc.edu

Contents

1 Case Importance

To gain empirical leverage on the question of SG influence – and eliminate the damage posed by selection effects where the SG makes the discretionary decision to participate in a case (see Nicholson and Collins 2008), we focus primarily upon instances where the SG participation is forced by the Court via the justices voting to "Call for the Views of the Solicitor General" (CVSG). As we discuss in the paper, our results suggest that the SG can motivate to depart from their policy preferences, a finding we deem as evidence of the SG's influential power. An alternative explanation for these results is that invited cases are simply unimportant and neither justices nor SGs care significantly about them. Thus, our finding of SG influence might simply be the result of justices acting on some other non-ideological consideration.

Given the potential for this claim to undermine the inferences we make in the paper, we have assembled an exhaustive and multifaceted body of empirical evidence that strongly suggests that invited cases are just as important as non-invited cases. In what follows, we describe these data and discuss how they support our belief that invited cases are important to both the justices and the SG.

1.1 Justices' CVSG Voting Behavior

To show that invited cases are important to justices, we begin by analyzing the conditions under which justices vote to CVSG. Because the following analysis examines justices' votes, we believe it represents a careful and critical test of whether justices themselves believe invited cases are important. If invited cases are important, factors related to case importance will increase the probability that a justice will CVSG. Conversely, if justices vote to CVSG in unimportant cases, factors related to a case's importance will depress the probability that a justice votes to CVSG. Again, since this test examines CVSG behavior from the justice's point of view, it provides the most direct test of case importance.

To examine the conditions under which justices CVSG, we began by visually examining the docket sheet in every paid, non-death penalty petition originating from a federal court of appeals that made the discuss list during the Court's 1986-1993 term (N = 1227).[1] We obtained our docket sheets from Epstein, Segal, and Spaeth (2007). Because of the overall infrequency of CVSG votes, we

[1]We exclude capital petitions because during the time period of our study, they were treated differently than their non-capital counterparts (Woodward and Armstrong 1979). We examine only petitions from federal courts of appeals because there are no measures that map state supreme court justices on the same ideological scale as U.S. Supreme Court justices (part of a related project not reported here). We sample petitions from the Court's discuss list because these are petitions that have a non-zero probability of being granted, since at least one justice deemed it worthy of some discussion. We excluded those cases where the U.S. was a party or where it already filed an amicus brief, since justices have no option to CVSG in them. As we the note in manuscript, the number of voluntary amicus submission at the agenda-setting stage is far outnumbered by the number where the SG is invited to participate (see footnote 4 in the paper).

followed the advice of King and Zeng (2001a, 2001b) and utilized a rare events sampling approach to our data. In so doing, we automatically included a case in our analysis if it contained at least one justice vote to CVSG. This process revealed a total of 839 CVSG votes cast across 197 petitions. We then supplemented these petitions with a random sample of 208 petitions in which no justice voted to CVSG. This is roughly 20% of the remaining population of interest (i.e., 1227 minus 197). The results we report below use the appropriate weights to adjust the estimates given our sampling procedures. Our unit of analysis is the justice vote and our dependent variable is coded as 1 if a justice voted to CVSG and 0 otherwise. In sum, our data include 405 petitions and 3582 justice votes.[2]

Our motivation is to determine whether justices vote to CVSG in important cases. Accordingly, we regress each justice's agenda vote (i.e., to CVSG or not) on a host of independent variables (which we discuss below) that tap into case importance/salience.

1. *Amicus Participation.* The submission of amicus curiae briefs at the agenda-setting stage provides a valuable cue for justices as to a petition's salience (Caldeira and Wright 1988; Caldeira and Wright 1998; Caldeira and Wright 2009; Black and Owens 2009).[3] Accordingly, we counted the total number of amicus briefs filed in support of or opposition to the grant of certiorari prior to the CVSG vote.

2. *Media Coverage.* Following the general approach suggested by Epstein and Segal (2000), we turn to the legal periodical U.S. Law Week, which "provides current and comprehensive reporting and analysis on the most significant federal and state cases" and "[alerts] the legal profession to the most important cases and why they are important" (Source Information, LexisNexis). We counted the total number of words U.S. Law Week dedicated to each case after it was decided in the lower court but before a cert petition was filed in the Supreme Court. To account for the fact that coverage is unlikely to be linear (i.e., going from zero words to 100 is more important than going from 500 words to 600 words), we transformed the variable by taking (one plus) the natural logarithm of the number of words.

3. *Lower Court Opinion Characteristics.* A long line of research on agenda setting suggests that various aspects of lower court opinions provide justices with evidence as to the overall importance of a petition (e.g., Tanenhaus et al. 1964; Ulmer et al. 1972; Brenner 1979; Songer 1979; Caldeira, Wright, and Zorn 1999; Black and Owens 2009). Among the cues that suggest a petition is important are: whether it was decided en banc (i.e., with all judges

[2]We have 63 fewer observations than the theoretically full complement of 3645 votes (i.e., 383 x 9) due to missing data (i.e., discretionary recusals by the justices) and votes that were unclear.

[3]Note we refer specifically to the importance-based role of amicus briefs at the agenda-setting stage and not at the merits stage. While previous research has argued for using amicus briefs as an indicator of salience at the merits stage (e.g., Maltzman, Spriggs, and Wahlbeck 2000), a recent book by Collins (2008) suggests that, at the merits stage, amicus participation is a better indicator of a case's complexity and not its salience. Importantly, however, Collins suggests that its continued usage as a measure of salience at the agenda-setting stage remains appropriate (Collins 2008, 133 n120).

presiding in the circuit court below), whether the circuit court reversed the trial court, and whether the opinion observed a dissent. Conversely, if the lower court elected not to publish the opinion, it generally is deemed non-precedential and less important. Using the discussion contained in the cert pool memos written in each case, we coded dummy variables for each of these characteristics (1 equals the attribute was present; 0 equals it was not).

4. *Legal Conflict.* Finally, justices might simply CVSG to determine how much conflict exists among the lower courts in a given petition, and that such a determination of legal conflict might swamp policy importance. Alternatively, legal conflict might be correlated with our case importance variables. For example, lower court decisions might generate heightened media coverage when they produce circuit splits. Accordingly, we include Weak Conflict and Strong Conflict in our model. We code Weak Conflict as 1 if the petitioner alleges the existence of conflict and the pool clerk notes that while some tension exists, the conflict is otherwise tolerable (e.g., is shallow, has not sufficiently percolated, will resolve itself, etc.). We code Strong Conflict as 1 if the petitioner alleges the existence of conflict and the pool clerk notes such conflict and does not discount it.

In sum, we are going to fit a statistical model to determine whether justices invite the SG to participate in important cases or whether they only invite the SG to participate in unimportant cases. If they invite SGs to participate in important cases, the coefficients on all of our covariates but Lower Court Unpublished will be positive and statistically significant, while the coefficient on Lower Court Unpublished will be negative and statistically significant. What is more, these coefficients should take on significance even while controlling for legal conflict.

As the parameter estimates for our logistic regression model in Table 1 show, justices invite the SG in important cases. The coefficients on nearly every variable are signed in the expected direction and are statistically significant. Note, further, the third column in Table 1, which provides the substantive magnitude for each variable's effect. These magnitudes are the difference between the baseline hypothetical (i.e., all dummy variables are set at their modal value of 0) and a hypothetical where the dummy variable is set at a value of 1. For Amicus Briefs, the substantive effect is the difference between a case with zero amicus briefs and one brief. For Media Coverage, the difference is between a case with no media coverage (the mode) and a case with the maximum value of media coverage.

	Coefficient (Robust S.E.)	Baseline Pred. Prob. 0.04 [0.03, 0.05]
Amicus Briefs	0.387*	+0.02
	(0.054)	[0.01,0.03]
USLW Coverage	0.053*	+0.02
	(0.013)	[0.01, 0.03]
Lower Opinion Unpublished	-0.657*	-0.02
	(0.203)	[-0.03,-0.01]
Lower Opinion En Banc	-0.851*	-0.02
	(0.211)	[-0.03, -0.02]
Lower Opinion Reverses Trial Court	0.224*	+0.01
	(0.088)	[0.00, 0.02]
Lower Opinion Contains Dissent	0.246*	+0.01
	(0.108)	[0.00, 0.02]
Weak Conflict	0.706*	+0.04
	(0.100)	[0.03,0.05]
Strong Conflict	0.445*	+0.02
	(0.109)	[0.01, 0.03]
Constant	-3.150*	
	(0.091)	
Observations	3582	
Log Likelihood	-2801.188	

Table 1: Logistic regression model of a justice's decision to CVSG (Call for the Views of the Solicitor General). Parameter estimates in the second column are maximum likelihood. The third column contains the substantive effect of each variable on the baseline probability (i.e., 0.04) that a justice votes to CVSG, holding all else constant (calculated using the prvalue command in Stata 11). See response memo text for description of data and variable measurement. * denotes $p < 0.05$ (two-tailed test).

The results show, first, that justices are more likely to CVSG in cases with an amicus brief than those without such a brief. A justice's CVSG probability increases by 0.02 when an organized interest has filed a brief at the agenda stage. We also find, as expected, that pre-cert coverage in the media is positively related with a justice's CVSG probability. Additionally, a justice is less likely to CVSG in cases disposed of in the circuit below with an unpublished opinion than in cases that were published. Similarly, a justice is more likely to CVSG when the lower court reverses the trial court and when the lower court opinion contained a dissenting opinion. While the raw size of these substantive effects is not especially large, neither is the baseline probability that a justice votes to CVSG (i.e., 0.04). Viewed as relative differences, then, the effect sizes are quite sizeable (e.g., justices are 50% more likely to CVSG when there is an amicus brief than when there is none).

Somewhat surprisingly, our findings suggest that justices are actually less likely to CVSG when the lower court decision was rendered en banc. While we are at somewhat of a loss as to explaining

why this relationship appears to exist, we are ultimately unfazed by it, as existing studies on agenda setting more broadly find little evidence to suggest that justices are any more likely to grant review to cases that were decided en banc by the lower court (Black and Owens 2009). More broadly, we have no reason to believe that this single discrepant result impeaches the otherwise clear results from the other five indicators of case importance that perform as expected, even after controlling for legal conflict. That is, viewing the results as a whole, we believe there is more than sufficient systematic evidence to show that justices vote to CVSG in important cases and, therefore, invited cases are important.

1.2 Front Page Coverage by the New York Times

Epstein and Segal (2000) argue that front-page coverage of a decision by the New York Times serves as a reliable proxy for case salience. The measure is frequently used in judicial research (e.g., McAtee and McGuire 2007) and has been called the "standard measure of case salience for judicial scholars" (Maltzman and Wahlbeck 2003). We employ this measure to examine, from another perspective, whether invited cases are important. If invited cases are substantially less important than non-invited cases, then we should observe significantly fewer invited cases making the cover of the Times. We do not.

To examine the extent to which the Times covered invited and non-invited cases, we began by obtaining the data Rich Pacelle used in his 2006 Judicature article on the Solicitor General. We updated these data and merged them with data available in Epstein et al. (2007) concerning whether a case received coverage by the Times. Of the 223 cases where the SG was invited to participate between 1953-2007, 18.4% ultimately received front-page treatment by the Times. Of the 736 cases where the SG was not invited, 21.2% were covered by the Times. This difference in proportions is neither statistically ($p = 0.36$) nor substantively significant.[4] In short, the Times reported on invited cases to the same degree as it did non-invited cases.

1.3 Final Merits Coalition Sizes

If invited cases are easier cases, or cases in which justices do not operate pursuant to their ideological preferences, we would expect to see a significantly higher percentage of invited cases decided unanimously than other cases. Accordingly, we examined all cases decided between 1953 and

[4]If we look at the entire population of cases, there are four case types: (1) SG invited participation, (2) SG voluntary participation, (3) U.S. as direct party, and (4) U.S. not involved. From 1953-2000, the percentage of cases receiving coverage by the Times are as follows: SG invited = 20.6%, SG voluntary = 23.5, U.S. direct party = 13.8%, and U.S. uninvolved = 15.0%. Viewed as an entire population, invited cases actually receive significantly more coverage than both cases where the U.S. is a direct party ($p = 0.01$) and where the U.S. isn't involved at all ($p = 0.04$). If we substitute the Times measure for the list of cases created by Congressional Quarterly, we obtain similar results. The percentages are as follows: SG invited = 9.0%, SG voluntary = 10.8, U.S. direct party = 4.2%, and U.S. uninvolved = 5.2%. We focus on the Times measure as Epstein and Segal (2000, 69) note several important limitations with the CQ measure.

2000 to see if invited cases were significantly more "consensual" than other cases decided by the Court. As the table below shows, there are few differences among coalition sizes, and what differences do exist are generally quite small. Indeed, the high p-value for the chi-square statistic shows that we cannot reject the null hypothesis of no relationship between the Case Type and Number of Dissenting Votes variables. That is, we cannot claim from these data that there are systematic coalitional differences between invited cases and non-invited cases.

Case Type	Average Dissent Votes	0 Votes	1 Vote	2 Votes	3 Votes	4 Votes
SG Invited	1.48	40.74	12.17	17.99	16.93	12.17
SG Voluntary	1.69	39.09	8.8	14.55	18.95	18.61
US Party	1.65	36.75	12.19	15.9	19.53	15.63
US Uninvolved	1.61	38.5	11.77	15.06	19.28	15.38

Pearson Chi-Square Statistic (12 d.f.) = 13.59; p = 0.33

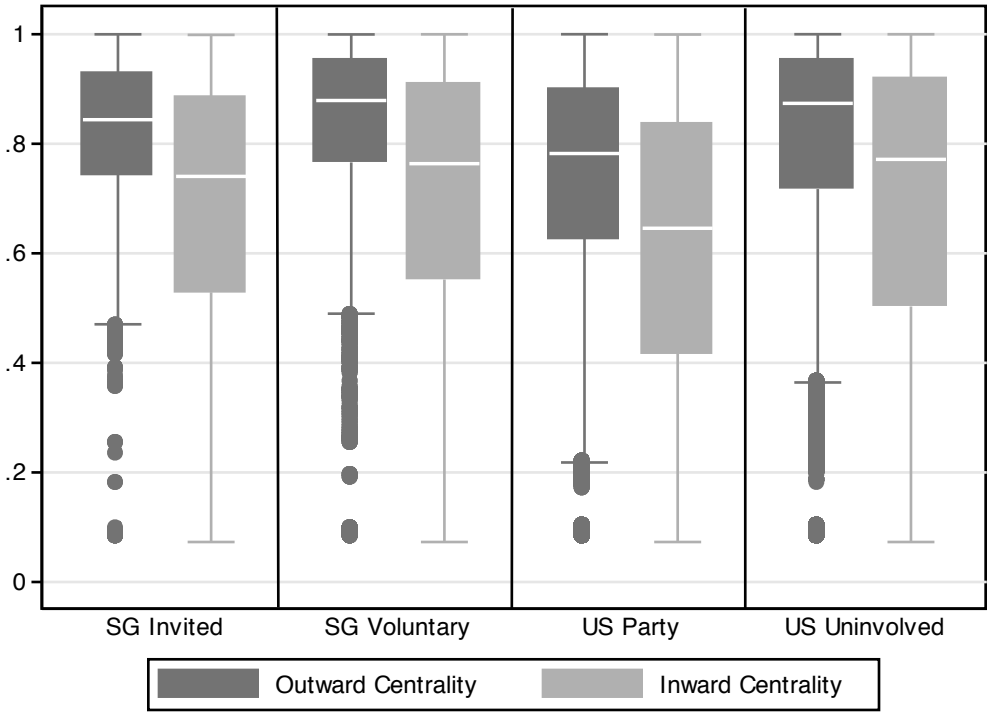
If we simply count the average number of dissenting votes for each of the values of Case Type (second column of the above table), we find that while invited cases appear to have a slightly lower number of dissenting votes than, for example, voluntary cases, neither the statistical (p = 0.11) nor substantive strength of the difference is overpowering. In short, here, too, we fail to find significant evidence that would corroborate the claim that invited cases are less important than non-invited cases.

1.4 Case Centrality in the Legal Citation Network

While contemporaneous variables such as coverage by the New York Times or size of the overall voting coalition can provide a useful indicator of a case's importance, such indicators are just a brief snapshot in a case's overall history. An alternative way to examine legal impact is to employ network analysis to scrutinize how a decision stands up over time. Accordingly, we follow Fowler et al. (2007) and compare the inward and outward centrality of invited (and other) cases. Critically, the inward and outward centrality of cases can go a long way toward explaining their importance to the legal community. As Fowler and his colleagues note:

> An outwardly relevant case is one that cites many other relevant decisions, thereby helping to define which decisions are pertinent to a given legal question. Such cases can also be seen as resolving a larger number of legal questions (Post and Eisen 2000, 570) or at least engaging in a greater effort to ground a policy choice in prior rulings. An inwardly relevant case is one that is widely cited by other prestigious decisions, meaning that judges see it as an integral part of the law (2007, 330).

We merged the aforementioned data obtained from Pacelle with Fowler et al.'s centrality data, which estimate year-by-year inward and outward centrality scores for every Supreme Court opinion. For ease of exposition, we present these results visually using the box plots in the figure below.



The x-axis of the figure presents the four case types in our data (SG invited, SG voluntary, US a direct party, and US not involved), spanning from 1953-2000. Within each case type, we display both the outward and inward centrality measures. The darker box plot represents the distribution of that type of case's outward centrality (i.e., opinion breadth) and the lighter box plot represents the distribution of that type of case's inward centrality (i.e., opinion importance). Both inward and outward centrality can range between 0 and 1, with higher values indicating that an opinion is more central in the legal network.

After comparing median values (i.e., the white horizontal bars within each box plot) across all four case types, we find, once again, that invited cases decided on the merits are just as important as non-invited cases decided on the merits. The median outward centrality score for invited cases is 0.84. For voluntary cases, the same quantity is 0.88. In terms of inward centrality, the median scores for invited and voluntary cases are 0.74 and 0.76, respectively. Once again, this is hardly a difference at all. That is, while there are some distributional differences across cases, we fail to see evidence that, by our viewing, could lead anyone to conclude that invited cases are unimportant.

Nevertheless, to check the robustness of these results, we estimated two OLS models where the dependent variables were a case's outward centrality score and the case's inward centrality score and the independent variables were dummies for each of the four case types reported above (SG invited, SG voluntary, US direct party, and US not involved).

Variable	Outward Centrality	Inward Centrality
SG Voluntary	0.0245 (0.0145)	0.0161 (0.0197)
US Party	-0.0743* (0.0133)	-0.0722* (0.0178)
US Uninvolved	-0.0181 (0.0133)	-0.0023 (0.0178)
Constant	0.8115* (0.0124)	0.6728* (0.0169)
R2	0.024	0.015
Root MSE	0.211	0.288
Observations	158713	

Because we want to compare invited cases to all others, we used invited cases as the omitted baseline category in the models. Parameter estimates are ordinary least squares. To account for the presence of multiple observations for each case,[5] we cluster our standard errors on each of the 5677 unique opinions included in the data. Because the baseline value is an invited case, the parameter estimates for each of the three remaining dummy variables represent whether those cases enjoy systematically different levels of centrality than invited cases. Looking, first, at outward centrality, we find that invited cases are significantly more outwardly central than those in which the U.S. is a party. We also find some limited evidence to suggest that voluntary cases are more outwardly central than invited cases (p = 0.09). However, the effect size – a 0.02 increase – is less than one-tenth of a single standard deviation in terms of the dependent variable.

As it taps into subsequent citation by judges in other cases, the more meaningful test of case importance is whether the case is inwardly central and on this score, invited cases clearly show themselves to be just as important as other cases. Here, too, invited cases are significantly more inwardly central than those where the U.S. is a party. What is more, we find no evidence to suggest that invited cases are less inwardly central than either voluntary cases (p = 0.41) or cases where the U.S. is not involved at all (p = 0.90). Simply put, one of the most cutting edge measures of case importance provides no evidence that invited cases are less important than non-invited cases. Indeed, some measures of centrality even suggest that invited cases may hold more importance than non-invited cases.

1.5 Archival Evidence

Analysis of the archival materials shows that SGs tell the Court that invited cases are important. Indeed, in one case, Matsushita Electrical Co. v. Zenith Radio Corp., 475 U.S. 574 (1986), in

[5]The unit of analysis for these data is the opinion-year, which is to say that an opinion released in 1990 would have a separate observation for each of the subsequent years in which it exists in the network.

which the SG urged review because of (in his words) the "significant practical implications for both antitrust policy and the conduct of the nation's foreign trade policy."

Consider further the SG's recommendation in Airline Pilot's Association v. O'Neill, 499 U.S. 65 (1991). After the Court invited the SG's views on whether to grant review to the case, the SG stated that the case presented "an excellent opportunity to clarify the standards for determining whether a union has acted arbitrarily... the standards circumscribing a union's [actions] are an important element of federal labor law. The problems of labor disputes in interstate transportation industries is a recurring one..."

Justices' law clerks also discuss the importance of invited cases. Take, for example, Puerto Rico Dept. of Consumer Affairs v. Isla Petroleum Corp., 485 U.S. 495 (1988), in which the cert pool memo writer stated:

"[This case] presents important pre-emption issues as well as questions on the statutory interpretation [of] EPAA and the ongoing authority of TECA [Temporary Emergency Court of Appeals] to consider pre-emption claims...Because the case concerns the interpretation of a federal statute, the Court might wish to seek the views of the Solicitor General, but I am inclined to recommend an outright grant."

It is worth pointing out that the case involved preemption issues, a federalism dispute that often split conservatives and liberals.

Consider, further, Lorance v. AT&T, 490 U.S. 900 (1989) in which the cert pool writer noted: "This case involves a seemingly significant question of federal anti-discrimination law..." Indeed, Justice Blackmun's clerk stated: "The recommendation to obtain the SG's views seems wise, although this looks like a grant to me. Perhaps the SG may have some perspective not flushed out by the parties." These and other comments by clerks suggest that invited cases are not systematically unimportant.

1.6 Additional Considerations

If these cases are important, then why does the SG not file amicus briefs voluntarily at the agenda-setting stage in them? While there are likely a host of reasons, appearances and workload considerations are likely among them. There is a norm in the SG's office not to file briefs in too many cases. As Johnson (2003) states, the government voluntarily files amicus briefs in only 8% of all cases that can be considered presidential priorities. Indeed, Johnson cites former Solicitor General Rex Lee, who explained that "[i]t is a mistake to file in too many [cases]" because "the ability of the Solicitor General to serve any of the president's objectives would suffer" as a result (Lee 1986, 599-600). Salokar also suggests SGs cannot "become involved in so many cases that the Court should begin to expect the government's views, and as a result, give them less weight" (Salokar 1992, 141).

We think it is further likely that the workload of preparing their own cert petitions, responding to CVSGs, and authoring merits briefs makes authoring all but the smallest number of voluntary

agenda-setting amicus briefs difficult for the SG. In short, that the SG does not file an amicus brief voluntarily in a case does not mean that the petition is unimportant. If it did, one would have to accept the conclusion that out of the tens of thousands of petitions filed between the Court's 1984 and 1993 terms, the SG's office found important only 19 – a remarkable assumption indeed.

2 References

Bailey, Michael A., Brian Kamoie, and Forrest Maltzman. 2005. "Signals from the Tenth Justice: The Political Role of the Solicitor General in Supreme Court Decision Making." *American Journal of Political Science* 49 (1):72–85.

Black, Ryan C., and Ryan J. Owens. 2009*a*. "Agenda-Setting in the Supreme Court: The Collision of Policy and Jurisprudence." *Journal of Politics* 71 (3):1062–1075.

Black, Ryan C., and Ryan J. Owens. 2009*b*. "Analyzing the Reliability of Supreme Court Justices' Agenda Setting Records." *Justice System Journal* 30(3):254–264.

Brenner, Saul. 1979. "The New Certiorari Game." *Journal of Politics* 41 (2):649–655.

Caldeira, Gregory A., and John R. Wright. 1988. "Organized Interests and Agenda Setting in the U.S. Supreme Court." *American Political Science Review* 82 (4):1109–1127.

Caldeira, Gregory A., and John R. Wright. 1998. "Organized Interests Before the Supreme Court: Setting the Agenda." Unpublished Paper delivered at the annual meeting of the American Political Science Association.

Caldeira, Gregory A., John R. Wright, and Christopher J.W. Zorn. 1999. "Sophisticated Voting and Gate-Keeping in the Supreme Court." *Journal of Law, Economics, & Organization* 15 (3):549–572.

Collins, Jr., Paul M. 2008. *Friends of the Court: Interest Groups and Judical Decision Making*. New York: Oxford University Press.

Deen, Rebecca E., Joseph Ignagni, and James Meernik. 2005. "Individual Justices and the Solicitor General: The Amicus Curiae Cases 1953-2000." *Judicature* 89(2):68–77.

Epstein, Lee, and Jeffrey A. Segal. 2000. "Measuring Issue Salience." *American Journal of Political Science* 44 (1):66–83.

Epstein, Lee, Jeffrey A. Segal, and Harold J. Spaeth. 2007. "Digital Archive of the Papers of Harry A. Blackmun." Available online at http://epstein.law.northwestern.edu/research/BlackmunArchive/.

Fowler, James H., Timothy R. Johnson, James F. Spriggs, II, Sangick Jeon, and Paul J. Wahlbeck. 2007. "Network Analysis and the Law: Measuring the Legal Importance of Supreme Court Precedents." *Political Analysis* 15(3):324–346.

Johnson, Timothy R. 2003. "The Supreme Court, the Solicitor General, and the Separation of Powers." *American Politics Research* 31 (4):426–451.

King, Gary, and Langche Zeng. 2001*a*. "Explaining Rare Events in International Relations." *International Organization* 55 (3):693–715.

King, Gary, and Langche Zeng. 2001*b*. "Logistic Regression in Rare Events Data." *Political Analysis* 9 (2):137–163.

Lee, Rex. 1986. "Lawyering for the Government: Politics, Polemics, and Principle." *Ohio State Law Journal* 47(3):595–601.

Maltzman, Forrest, James F. Spriggs, II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: The Collegial Game*. New York: Cambridge University Press.

Maltzman, Forrest, and Paul J. Wahlbeck. 2003. "Salience or Politics: *New York Times* Coverage of the Supreme Court." Presented at the 2003 Annual Meeting of the Midwest Political Science Association.

McAtee, Andrea, and Kevin T. McGuire. 2007. "Lawyers, Justices, and Issue Salience: When and How Do Legal Arguments Affect the U.S. Supreme Court?" *Law & Society Review* 41 (2):259–278.

Meinhold, Stephen S., and Steven A. Shull. 1998. "Policy Congruence Between the President and Solicitor General." *Political Research Quarterly* 51:527–537.

Nicholson, Chris, and Paul M. Collins, Jr. 2008. "The Solicitor General's Amicus Curiae Strategies in the Supreme Court." *American Politics Research* 36 (3):382–415.

Pacelle, Richard. 2006. "Amicus Curiae or Amicus Praesidentis-Reexamining the Role of the Solicitor General in Filing Amici." *Judicature* 89(6):317–325.

Salokar, Rebecca Mae. 1992. *The Solicitor General: The Politics of Law*. Temple University Press.

Songer, Donald R. 1979. "Concern for Policy Outputs as a Cue for Supreme Court Decisions of Certiorari." *Journal of Politics* 41 (4):1185–1194.

Tanenhaus, Joseph, Marvin Schick, and David Rosen. 1963. The Supreme Court's Certiorari Jurisdiction: Cue Theory. In *Judicial Decision-Making*, ed. Glendon A. Schubert. New York: Free Press pp. 111–132.

Ulmer, S. Sidney, William Hintz, and Louise Kirklosky. 1972. "The Decision to Grant or Deny Certiorari: Further Considerations of Cue Theory." *Law & Society Review* 6 (4):637–644.

Wohlfarth, Patrick C. 2009. "The Tenth Justice? Consequences of Politicization in the Solicitor General's Office." *Journal of Politics* 70 (1):224–237.

Woodward, Bob, and Scott Armstrong. 1979. *The Brethern: Inside the Supreme Court*. New York: Simon & Schuster.