Measuring the Conservatism of the Roberts Court

Under Chief Justice John G. Roberts Jr., the Supreme Court has moved to the right. Below, some ways to measure the shift.

How Often the Court Reaches Conservative Results

The Roberts Court has issued conservative decisions at a slightly higher rate than the Rehnquist or the Burger Courts. It has overturned precedent or struck down laws — two measures of activism — less often than previous courts, but those decisions have been predominantly conservative.

The Justice at the Court’s Center
The lines at right rate the ideology of each justice’s decisions over time, based on a comparison of all of the justices’ voting records. The dark line shows the ideology of the median justice, who is often the swing voter in 5-to-4 decisions.

In later years Justice O’Connor became more liberal than Justice Kennedy is now. The space between them is relatively modest, but the shift most likely changed the outcome in some cases. For example, Justice O’Connor has spoken unfavorably about the Citizens United decision, which held that the government cannot limit corporate political spending.