

Agenda Setting on the Warren Court

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The paper that follows is one of a series of papers I have written regarding agenda setting on the Warren Court. The papers on Warren Court agenda setting follow the pattern and topics of those I wrote on the Vinson Court's agenda setting. As each paper was completed updates and corrections sometimes changed a few of the specific numbers presented in papers that came earlier in the series. Even so, the general results for each paper did not change. The papers for the Vinson Court were eventually combined into a book titled, *Supreme Court Agenda Setting: The Vinson Court* (available on [Amazon.com](https://www.amazon.com)). The papers for the Warren Court will also be combined in a book to be titled *Supreme Court Agenda Setting: The Warren Court*. It will be available on Amazon.com in the summer of 2023. The book will use the final numbers after all the corrections and updates.

**Agenda Setting on the Warren Court
Paper 15: Case Types and Issue Areas**

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Abstract

Prior papers in this series focused specifically on the Court's decision to grant review. Although some of those factors were related to the substantive issues presented in the cases, this paper takes a closer look at case types and issue areas in the cases filed.

Drawing from an ongoing database project this paper examines the case types and substantive issue areas of all cases during the Warren Court (1953 to 1968 Terms) on its appellate docket. Examination of case types and issue distribution of the Warren Court's appellate docket provides background and context for prior examinations of the factors related to agenda setting on the Warren Court as well as for examinations of the Vinson and Burger Court agendas.

The examination here is descriptive, meaning no statistical tests are performed. The results show a consistency in the types of cases filed even as the number of cases on the Court's docket grew. There was also a consistency in the types of issues presented to the Court. On the other hand, the Court took higher percentages of some types of cases for review than others, possibly due to its ideological preferences.

Agenda Setting on the Warren Court Paper 15: Case Types and Issue Areas

This is the fifteenth in a series of papers examining agenda setting on the Warren Court (1953-1968 Terms). This series of papers will follow the structure and topics contained in the series of papers I wrote examining agenda setting on the Vinson Court (1946-1952 Terms). As such, certain elements of the Vinson Court papers will be repeated in the corresponding papers for the Warren Court. The papers for the Vinson Court were eventually combined in a book titled, *Supreme Court Agenda Setting: The Vinson Court 1946 to 1952 Terms*, which is available in electronic form from [Amazon.com](https://www.amazon.com).

Most of the prior 14 papers in the series examined whether a particular factor or set of factors was related to the Court's decision to grant review. As such, those papers contained information on the basic theoretical framework underlying that type of examination. A few of those papers dealt with particular issue areas either directly or indirectly by looking at particular types of parties. For example, the eighth paper in the series examined whether law enforcement parties were a factor in the Court's review decision.¹ Correspondingly, the ninth paper examined the extent to which criminal defendants were a factor in the Court's review decision.² Not surprisingly, most of the cases in which law enforcement or criminal defendants were parties were cases involving criminal justice issues. Similarly, in the tenth and eleventh papers I examined whether administrative parties or administrative action were factors in the Court's review decision.³ The administrative focus of these papers meant that many issues concerned economic activity.

¹ The paper is titled, "Agenda Setting on the Warren Court, Paper 8: Law Enforcement Parties as a Factor."

² The paper is titled, "Agenda Setting on the Warren Court, Paper 9: Criminal Defendants as a Factor."

³ The papers are titled, "Agenda Setting on the Warren Court, Paper 10: Administrative Parties as a Factor" and "Agenda Setting on the Warren Court, Paper 11: Administrative Action as a Factor."

In this paper I take a closer look at certain case types and broad issue areas as part of the pool of cases from which the Court made its review decisions each term. This examination will be purely descriptive, which means that unlike prior papers I will not perform statistical tests. Although there are times when one could reasonably argue that certain issues are of greater interest to the Court, for some issue areas such interest can be short-lived rather than enduring.

Data

Data for this study were drawn from an ongoing database project involving all cases on the Supreme Court's appellate docket since the 1946 Term. Data are complete for the Warren Court (1953 through 1968 Terms) and provide a relatively stable period in which to examine the Court's docket.

Information on the cases was drawn from several sources including the *United States Law Week*, various reporters for the state and federal courts, LEXIS (now called NexisUNI), and other online sources. Every case filed on the Court's appellate docket during the 1953-1968 Terms is included in the dataset. This results in 15,858 cases. Unlike the examinations of the Vinson Court, not included in this number are any cases filed before the 1953 Term that were held over and received a 1953 Term or later docket number.⁴ Included in this number are 308 cases that originally appeared on the Court's miscellaneous docket and were moved to the appellate docket.⁵ Because of the differing criteria used for the figures to follow, the number of cases included for any given comparison will vary from that total number.

⁴ Prior to the 1971 Term held over cases were renumbered at the start of each term and there was no two-digit term indicator. For example, *Brown v. Board of Education* was initially filed during the Court's 1951 Term and given the docket number 436. It was held over to the 1952 Term with the new docket number 8, and again for the 1953 Term with the docket number 1.

⁵ Through the Vinson and Warren Courts, cases originating on the miscellaneous docket (sometimes referred to as the "pauper's docket") that were granted review were usually moved to the appellate docket (sometimes referred to

As was the case for prior papers, an additional note on the coding for this examination is worthwhile before proceeding. The coding for issue areas primarily follows Spaeth's coding for the United States Supreme Court Judicial Database. Of course, Spaeth's database mainly consists of cases granted review by the Court. There are, however, many issues heard by the lower courts that the Supreme Court chooses not to review. In addition, there are some differences in what the lower court saw as the issue in a case and the issue on which the Supreme Court decided a case. A simple example here might be the Supreme Court deciding a case on a procedural issue (e.g., mootness) rather than the substantive one determined by the lower court.

In terms of coding, although Spaeth's database usually codes only one issue per case, the database I use allows for up to six issues to be coded for each case, though the average was around three or four. The initial issue coding was "generous" to allow for the ability to retrieve cases having even a remote connection to a particular issue. For example, if a railroad was involved in a bankruptcy case one of the six issues would still be coded for railroads to be able to retrieve all cases involving railroads even if the primary substantive issue did not involve railroad regulation.

One of the issues coded for a case was selected as the Primary Issue Code. This was the issue that seemed to dominate in terms of the lower court's decision or the issue the petitioner is seeking to have addressed by the Supreme Court. For example, a criminal case involving firearms and a questionable search might have codes for general criminal cases, firearms, and

as the "paid docket") and given a new docket number. The Expanded United States Supreme Court Judicial Database, Harold J. Spaeth principal investigator, lists 191 cases with a miscellaneous docket number (with an "M" in the DOCKET field, meaning they were not transferred to the appellate docket) during the 1953-1968 Terms. There are also three cases from the Miscellaneous Docket after the numbering changed. Of these 194 cases, 133 were granted some form of review (usually a short per curiam vacating or reversing), but are not included here. On the other hand, this dataset includes 107 cases initially filed on the appellate docket for which the Court granted *in forma pauperis* status to one of the parties (45 of which were granted review). (For this study I made use of an older version of the Supreme Court Database before it was moved online, which, as of this writing, can be viewed at <http://scdb.wustl.edu>.)

search and seizure. Based on the source materials for the lower court decision and the filings before the Supreme Court, one of those three would be chosen and coded as the primary issue.

Given the complexity of many cases there were times when two issues seemed to be particularly important. When that occurred a second issue was identified as the Secondary Issue Code. Although still secondary to the primary issue, it was of sufficient importance to distinguish it from any other issues listed. In addition, the secondary issue became important for judicial power and federalism issues. Cases involving judicial power or federalism issues would often also involve a substantive issue. If the determination of whether the substantive issue or the judicial power or federalism issue was the more important, the substantive issue would usually be coded as primary and the judicial power or federalism issue as secondary.

Results

The second paper in the series examined differences between cases filed as petitions for a writ of certiorari and those filed as appeals.⁶ That paper only examined the entire Warren Court period as a whole and did not consider the distribution of certiorari and appeals cases for each term. For this paper I want to look at the distribution of cases each term. Thus, Figure 1 shows the distribution of cases on certiorari and appeal for each of the 16 terms of the Warren Court.⁷

FIGURE 1 ABOUT HERE

As noted in some prior papers in the series, the number of cases filed during the first two terms of the Warren Court (1953 and 1954) was similar to those of the Vinson Court at about 700 cases each with roughly 11% of them on appeal and the rest on certiorari. The next two

⁶ The paper is titled, “Agenda Setting on the Warren Court, Paper 2: Certiorari and Appeal on the Warren Court Agenda.”

⁷ Left out of this figure are four cases certified to the Supreme Court during this period: two for the 1955 Term and one each for the 1956 and 1962 Terms.

terms (1955 and 1956) saw a substantial increase in filings, with the 1956 Term going above 1,000 cases for the first time. From the 1957 to 1961 Terms the number of filings was fairly steady in the 900 range. There was another increase for the 1962 to 1964 Terms with the latter two topping 1,000 again. Another substantial increase for the 1965 and 1966 Terms saw the filings go over 1,200. Another increase in the final two terms (1967 and 1968) saw the filings go over 1,300.

The number of cases filed nearly doubled between the 1953 and 1968 Terms but the proportion of cases on appeal remained roughly the same throughout the period. The number of cases on certiorari nearly doubled and those on appeal a bit more than doubled to increase their percentage of the filings to about 12% and 13% in the final two terms.

FIGURE 2 ABOUT HERE

Turning to a consideration of how many cases of each type the Court accepted for review, Figure 2 shows the distribution of each type of case, certiorari or appeal, and how many were accepted or denied review each term.⁸

While the number of cases on certiorari and appeal approximately doubled during the period, the number of cases accepted for review did not. The low in the number of certiorari cases accepted for review actually came in the 1959 Term at 107. The high was 172 a few terms before that for the 1955 Term. Even so, the percentage of certiorari cases granted review generally decreased during the period. The average acceptance rate for cases on certiorari for the entire period was 15.18%. The percentage during the first eight terms was 16.75%, but during the last eight terms it was 14.00%. This is not surprising. Even to the extent the Court was

⁸ The total numbers here are a bit lower than those shown in Figure 1 as they do not include cases that were rule dismissals, including those dismissed on a motion by the petitioner, made before the Court made a review decision. For purposes of Figures 2, 4, and 6, “granted review” includes those cases initially granted review, those initially denied review but later granted review, and those granted review but then dismissed by rule, including those dismissed on a motion by petitioner.

accepting more certiorari cases for review, it probably could not keep up with the increasing demand.

As shown in prior papers, cases on appeal have had a much higher acceptance rate than cases on certiorari. The average for the 16 terms was 52.55%. Like the cases on certiorari, the number of cases on appeal filed increased during the period. The smallest number filed, 81, occurred during the Warren Court's second term and the largest number filed, 188, during its last. Unlike the cases on certiorari, however, the acceptance rate was higher in the last half of the period. For the first eight terms the acceptance rate for cases on appeal was 48.95%. During the final eight terms it was 54.72%. Thus, even with the increasing numbers of cases on appeal the Court increased the percentage of those cases it accepted for review.

As noted above, the second paper in the series took a closer look at the Court's treatment of cases on certiorari and appeal. From Figures 1 and 2 we see that although there was a generally increasing number of cases filed during the period, the split between those on certiorari and on appeal was relatively stable. Given this consistency regarding filing types, we can move on to an examination of issue areas.

FIGURE 3 ABOUT HERE

Figure 3 shows the cases divided into seven broad issue areas plus an Other group. Again, these categories follow the grouping noted in the United States Supreme Court Judicial Database. The cases are placed into one of the categories based on the primary issue for that case. The Criminal category includes a variety of statutory specific (e.g. Hobbs Act), constitutional (e.g., search and seizure), and procedural (e.g., Federal Rules of Criminal Procedure) issues. The Civil Rights category includes issues such as voting rights, discrimination, immigration, various First

Amendment rights, and so on. Economic Activity is also broad in that it includes issues such as anti-trust, liability, transportation, public utilities, intellectual property, etc.

Judicial Power issues often fall into those concerning federal court reaction to state or state court actions or to the general willingness of federal courts to act. There is an element of federalism to many cases involving judicial power issues, but Federalism is a separate category. As one would expect, cases in the Federalism category usually involve situations where state and federal law seem to be in conflict.

The category Federal Taxation is fairly straightforward and mostly involves income taxes of individuals or businesses. As its label suggests, the Other category includes any cases not included in one of the other categories.

The bottom row in the figure shows the number of criminal cases. Over the course of the Warren Court the number of these cases filed more than tripled going from 119 in the 1953 Term to 373 for the 1968 Term. Growth in this category was relatively slow through the 1964 Term by which point it had doubled, but there was a large increase in the final four terms. To some extent this coincides with the increased liberalism of the Warren Court toward the end of the period.

Like the Criminal cases, the number of Civil Rights cases filed also more than tripled during the period. The pattern of increase was similar to the criminal cases in that the growth was steady until a surge during the final few terms.

Cases involving Unions and Labor activity were a fairly small portion of the cases filed at the start of the period and only increased by about the same as the total number of cases filed. Related to cases involving Unions and Labor issues, those involving other Economic Activity also grew slowly during the period. Unlike the Unions and Labor cases the Economic Activity

cases were a fairly large portion of the cases filed during the 1953 Term (40.4%). Although those cases were the most numerous for every term, the number of them did not grow as fast as those in the Criminal and Civil Rights categories. By the 1968 Term they were only 27.9% of the cases filed.

None of the remaining three categories increased by a large margin during the period. The Judicial power cases were the most numerous of these three and grew by about half again over the period. Federal Taxation was the next most numerous and did not seem to increase much at all. The high of 90 for these cases actually occurred for the 1958 Term and the 1968 Term's 48 was the second lowest of the period. Federalism cases were the smallest category and did not seem to increase at all during the period despite varying from a low of 13 (1954) to a high of 34 (1962).

Given these results, we can now turn to an examination of the distribution of cases the Court accepted for review.

FIGURE 4 ABOUT HERE

Figure 4 shows the distribution of cases granted review by the Court by the same broad issue areas as indicated in Figure 3. The number of cases filed is out of the Court's direct control, but we might expect a fair amount of consistency in how many cases they decide to review. One of the first things to notice about Figure 4 is that the total number of cases granted review, as indicated by the combined height of each term's column, does not increase as much as the number of cases filed did. Again, in Figure 3 we saw that the number of cases filed from the start to the end of the Warren Court era basically doubled. In Figure 4 we do see a general increase, but not quite a doubling.

It is true, however, that a few terms had more than twice the number of accepted cases as the 1953 Term, but there was much more variation in the number of accepted cases. Following the low of 120 for the 1953 Term there was a substantial increase to 155 for the 1954 Term. There was another increase for the 1955 Term and then a larger increase to 246 for the 1956 Term. The number of accepted cases then dropped off and seemed relatively stable for the next eight terms until there was a sharp increase to 247 for the 1965 Term. An up and down pattern then appeared for the next three terms, with a high of 260 reached for the 1967 Term.

Turning to the broad issue areas we again see variations from term to term among the issue areas. Given what we know about Criminal cases, it is not surprising that despite the large number of these cases that were filed the Court did not grant review to a correspondingly large number of them. The number of Criminal cases did double from the beginning to the end of the Warren Court period, but that was a smaller increase than the increase in the number of cases filed.

The number of Civil Rights cases granted review more than doubled during the period. That did not quite match the increase in the number of these cases filed, but the number accepted was larger than the number of Criminal cases accepted in every term from 1959 on except the 1966 Term when the two categories were tied.

The Unions and Labor cases grew somewhat in terms of the number filed, but the Court accepted a fairly consistent number of them of a bit over a dozen per term. Like the Unions and Labor cases, those involving Economic Activity grew somewhat slowly and the Court accepted a fairly steady number of them for review. The low was 42 for both the 1960 and 1968 Terms and the high was 84 for the 1966 Term with an average of about 58 per term.

For the remaining three categories, the number of Judicial Power cases accepted seemed to grow about in line with the number of such cases filed. The number of Federalism and Federal Taxation cases filed did not grow that much and the Court did not particularly increase the number of these cases accepted. In fact, for both these areas the Court averaged fewer of them in the last eight terms than the first eight.

In Figure 3 we saw that the number of Economic Activity cases filed grew moderately. In Figure 4 we saw that the number of cases granted review in this category did not grow by the same margin. Although the Economic Activity category does not dominate the cases granted review as it did for the cases filed, the number in this category is still the largest for 11 of the 16 terms. As such, it is worth taking a closer look at this category.

FIGURE 5 ABOUT HERE

Figure 5 shows the number of cases filed in five select areas of Economic Activity plus an Other category for economic cases that did not fall into one of the five subareas. Again the subareas are basically grouped as indicated in the United States Supreme Court Judicial Database. The Transportation subarea includes cases involving railroads, shipping, airlines, trucking, and pipelines. The Intellectual Property subarea includes cases involving trademarks, patents, copyrights, and computer processes. The Public Utilities subarea includes cases involving gas, oil, electric, and nuclear regulation, but also media such as radio, television, and telephone regulation. The Liability subarea includes cases where an individual or entity, including the government, is being sued for injuries of various sorts. The Liability subarea also includes issues involving the choice of remedies and punitive damages. Finally, the State Regulation subarea includes cases involving state taxes, state business regulation, or local zoning ordinances.

In looking at the distribution of the Economic Activity cases it is interesting that although there is variation for any given subarea across the 16 terms the subareas tended to maintain their size ordering. More specifically, the Liability subarea was consistently the largest of the five. The State Regulation subarea had the second largest number of case filings for every term. The Public Utilities subarea consistently had the fewest number of cases filed. Between the final two subareas, Intellectual Property had a higher average than Transportation across the 16 terms (33 versus 23), but Transportation did have more filed cases in three terms and the same number in a fourth.

Of note within the subareas, it is somewhat surprising how few cases were filed in the Transportation and Public Utilities subareas. In later terms during the Burger Court it seemed that there were many more cases filed involving these issue areas. The apparent increase might be related to new legislation or a greater willingness on the part of the entities involved to use the courts to resolve conflicts. This will be something to investigate when later terms are examined. It is also interesting to see how the number of State Regulation cases was fairly consistent throughout the period.

The Other subarea is larger than any of the specified subareas for 12 of the terms. Although cases in the Other category were not in one of the specified subareas, many of these cases certainly include important areas of Economic Activity. These include issues such as anti-trust, mergers, bankruptcy, environmental protection, consumer protection, and so on.

FIGURE 6 ABOUT HERE

Figure 6 shows the distribution of cases accepted for review involving economic issues during the Warren Court era. The first thing to note is the great variation in the total number of economic cases granted review. These numbers were included in Figure 4, but looking

specifically at economic cases better shows the extent of the variation. We might expect an increase in economic cases granted review given the increased number filed in the first few terms and this is what we see for the 1953 through 1956 Terms, but there was a decreased number of economic cases granted review for the next four terms. There was a slight increase with a bit of variation over the next five terms, then a large increase for the 1966 Term followed by decreases in each of the final two terms.

Unlike the subareas in case filings shown in Figure 5, there was less consistency in the number of cases from each subarea accepted by the Court over the 16 terms. The Transportation subarea, which had a fairly small number of cases filed, had the most accepted in 13 of the terms. The Liability subarea did well in terms of cases accepted during the first six terms then had a smaller number accepted for the remaining 10 terms. The State Regulation subarea began the period with a smaller number of cases accepted, but it also had its numbers reduced in later terms. The Intellectual Property subarea usually had more cases filed than the Transportation subarea, but had the fewest cases accepted of the subareas at only 24, which included being shutout in five terms.

The only other subarea to get shutout was Public Utilities which occurred twice in the 1955 and 1968 Terms. Even so, that subarea did relatively well overall as it had the second highest acceptance rate of the subareas at 32.49%. Transportation cases had the highest acceptance rate at 66.67%. The other three subareas all had acceptance rates below 10 percent with Intellectual Property the lowest at only 4.55%.

The Other category had the most cases filed during the period at 1,815 and had 359 of them accepted for a rate of 19.78%.

Discussion

The purpose of this paper was purely descriptive. Although no statistical tests were performed the results nevertheless proved interesting and provided some additional context to the various factors examined in the prior papers in the series.

To the extent that the factors examined in prior papers provided cues or signals to the Court regarding the worthiness of reviewing a particular type of case, those cues are certainly not independent of the substantive aspects of the cases. Although not dealt with directly in this paper, clearly whether a case comes to the Court via a petition for a writ of certiorari or on an appeal makes a difference in whether it is granted review. Of course, the choice of whether to bring a case on certiorari or on appeal is not an arbitrary one but is based on particular legal criteria of which the Court is well aware. Similarly, certain types of substantive cases are closely related to the factors previously examined. For example, in the Transportation subarea there were 151 cases dealing specifically with railroads. In 118 of those cases the lower court was a federal district court. The Court granted review to 115 of those 118 cases (97.5%). That percentage for the railroad cases accounts for the much higher acceptance rate for the transportation cases and is consistent with the findings of the twelfth paper in the series.⁹ Thus, one must take care to keep in mind the relationship between cues or signals and the substantive aspects of the cases.

On a related point, it was also interesting to see to what extent the distribution of the types of cases changed over this period in the Court's history, both in terms of the cases filed as well as those granted review. Court decisions as well as external factors (e.g., new legislation) can produce additional filings and new issues worthy of Supreme Court review. Even so, the results

⁹ The paper is titled, "Agenda Setting on the Warren Court, Paper 12: Only a Single Lower Court as a Factor."

presented in the figures made it clear that there was no percentage requirement in terms of how many cases of any given type the Court accepted from its appellate docket.

Vinson Court Comparison

Although no statistical tests were performed for this paper, for either the Vinson or Warren Court, there were nevertheless some interesting differences between the two. One in particular was the way the 1946 Term was an outlier for several aspects of the Vinson Court's cases. The number of cases filed during the 1946 Term was nearly double the average for the remaining six terms of the Vinson Court. In contrast, although the cases filed at the start of the Warren Court were similar to those at the end of the Vinson Court, by the 1968 Term the number had nearly reached that of the 1946 Term.

The growth was primarily in the number of certiorari cases, but the number of cases on appeal also increased and was much larger during the last half of the Warren Court than any term of the Vinson Court.

The increased number of cases filed during the Warren Court resulted in a larger number of cases granted review. Although the Warren Court granted review to the same number of cases on certiorari in its first term as the Vinson Court did in its last (114), the number quickly increased and averaged nearly 150 certiorari cases in its last four terms. The number of cases on appeal granted review also increased during the Warren Court, but the change did not occur until later in the period. The number of accepted cases on appeal was similar to the Vinson Court for the Warren Court's first eight terms. There was a slight increase over the next four terms, then a more substantial one for the final four.

Turning to the issue areas, the 1946 Term again proved to be an outlier for the Vinson Court given an exceptionally large number of criminal cases filed. For the other six terms Economic Activity cases dominated more than they did for the Warren Court. Criminal cases were the second most numerous category for the Vinson Court as they were for the Warren Court, but their numbers steadily increased. This was particularly so during the final four terms of the Warren Court. Judicial Power issues were a larger percentage of the cases filed during the Vinson Court, but still grew in number for the Warren Court. Federalism and Federal Taxation were the two areas that grew the least despite the overall increase in the number of cases filed during the Warren Court period.

In terms of the types of cases granted review, for both Courts Economic Activity cases were most numerous. Both Courts also granted review to a sizable portion of Criminal and Civil Rights cases. The Vinson Court had a larger portion of Judicial Power cases than the Warren Court, though the raw numbers were not too different. The number of Federalism and Federal Taxation cases were about the same for both Courts, but the larger number of cases granted review for the Warren Court meant they were a smaller portion.

Among the subareas of Economic Activity, Liability cases were the most numerous for both Courts. State Regulation cases were the second most numerous for both Courts. Intellectual Property cases were the smallest category for the Vinson Court, averaging fewer than 10 for the seven terms. In contrast, the per term average for the Warren Court was 33. Public Utilities cases also became more numerous during the Warren Court period. Transportation cases only grew a small amount during the Warren Court.

The cases granted review among the Economic Activity subareas showed a few differences between the two Courts. Liability cases had the most during the Vinson Court followed by

Transportation cases. For the Warren Court, Transportation cases were most numerous followed by those involving Liability. For both Courts the Intellectual Property cases were the smallest subgroup granted review: 17 for the Vinson Court and only 24 for the Warren Court. Public Utilities cases did a bit better during the Warren Court, but State Regulation did a bit worse.

Conclusion

The descriptive material presented here showed some consistencies with the findings of prior papers. One was the increasing number of cases filed during the Warren Court, particularly in the final four terms. As much as the Warren Court granted review to an increased number of cases that number did not increase to the same extent as the number filed. That meant that the Court likely had to make harder choices in terms of the cases to review.

Part of those choices certainly involved the changing priorities of the Court as it moved to a more liberal position in its final terms. Relatedly, to the extent the Court seemed to prioritize certain types of cases it may have been a signal for those willing to file cases involving those issues. A prime example of this was the Warren Court's liberalism in the area of criminal justice. Increasing liberalism in this area seemed to result in more of such cases being filed.

The number of cases filed before the Court continued to rise during the Burger Court. It will be interesting to see how that Court handled the increased numbers. It will also be interesting to see how the mix of cases changed based on a different mix of cases or the Court's move to the middle ideologically.

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Figure 1: Cases Filed by Type and Term on the Warren Court

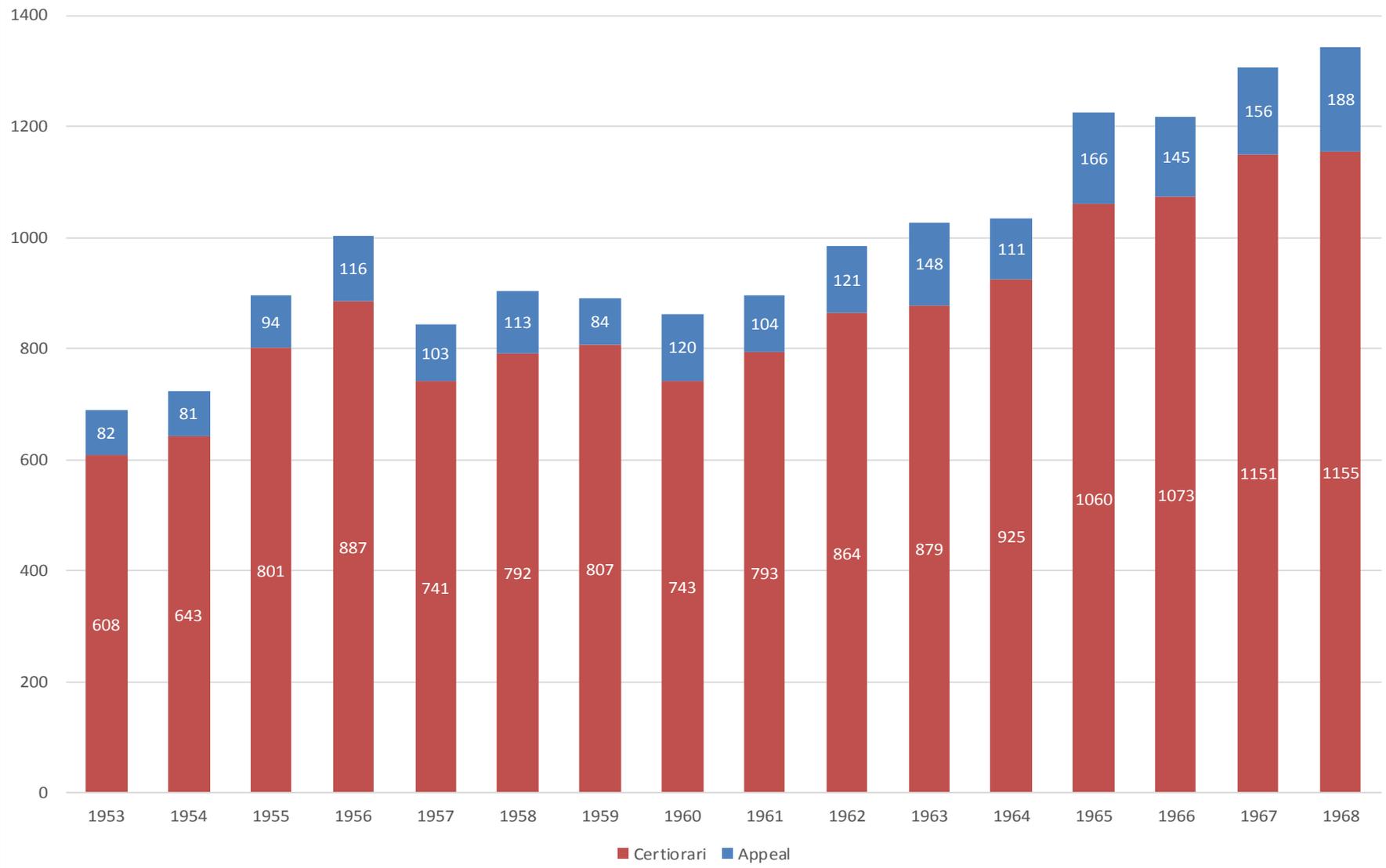


Figure 2: Cases Filed by Type, Whether Accepted for Review, and by Term on the Warren Court

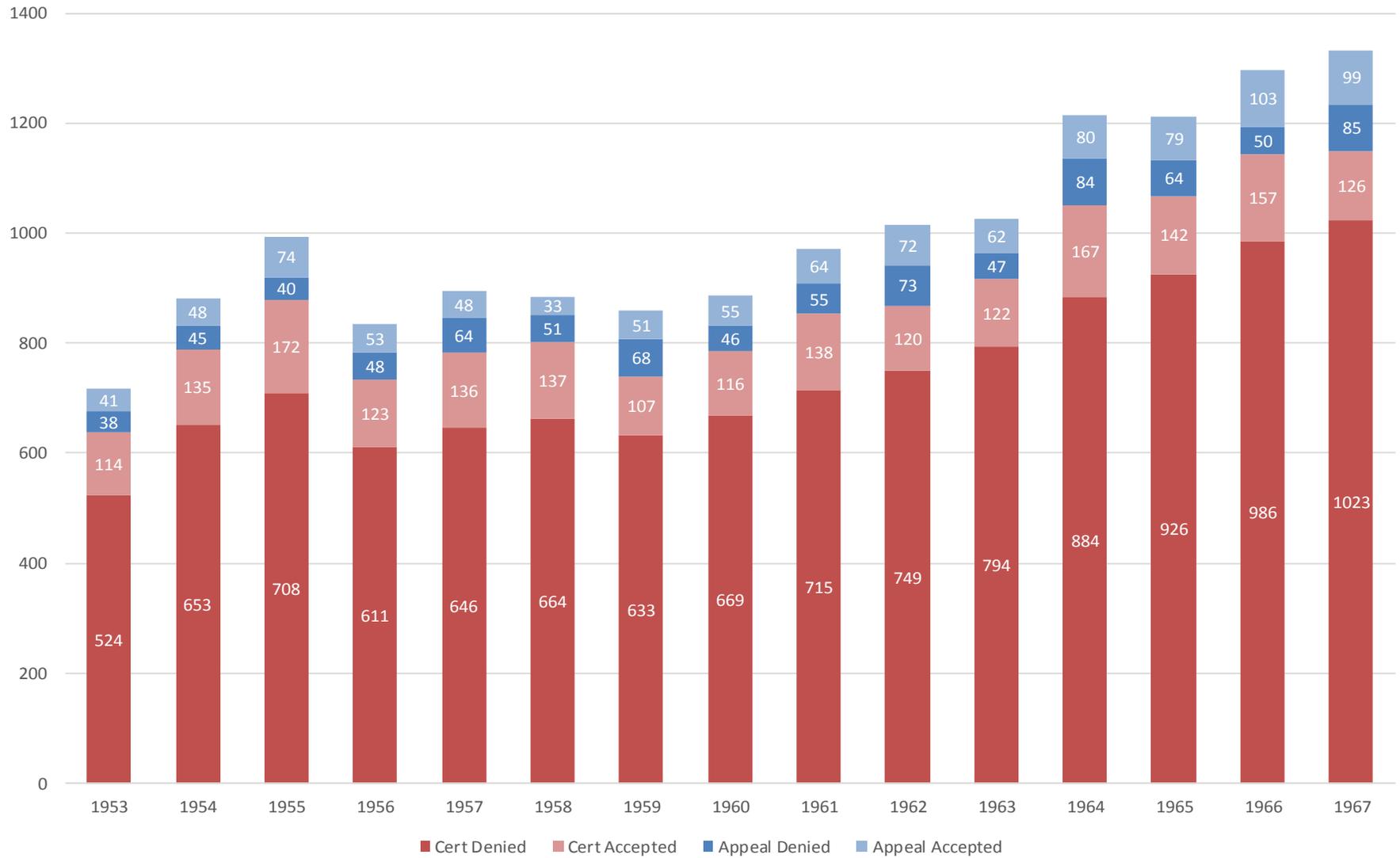


Figure 3: Distribution of Cases Filed by Broad Issue Area and by Term on the Warren Court

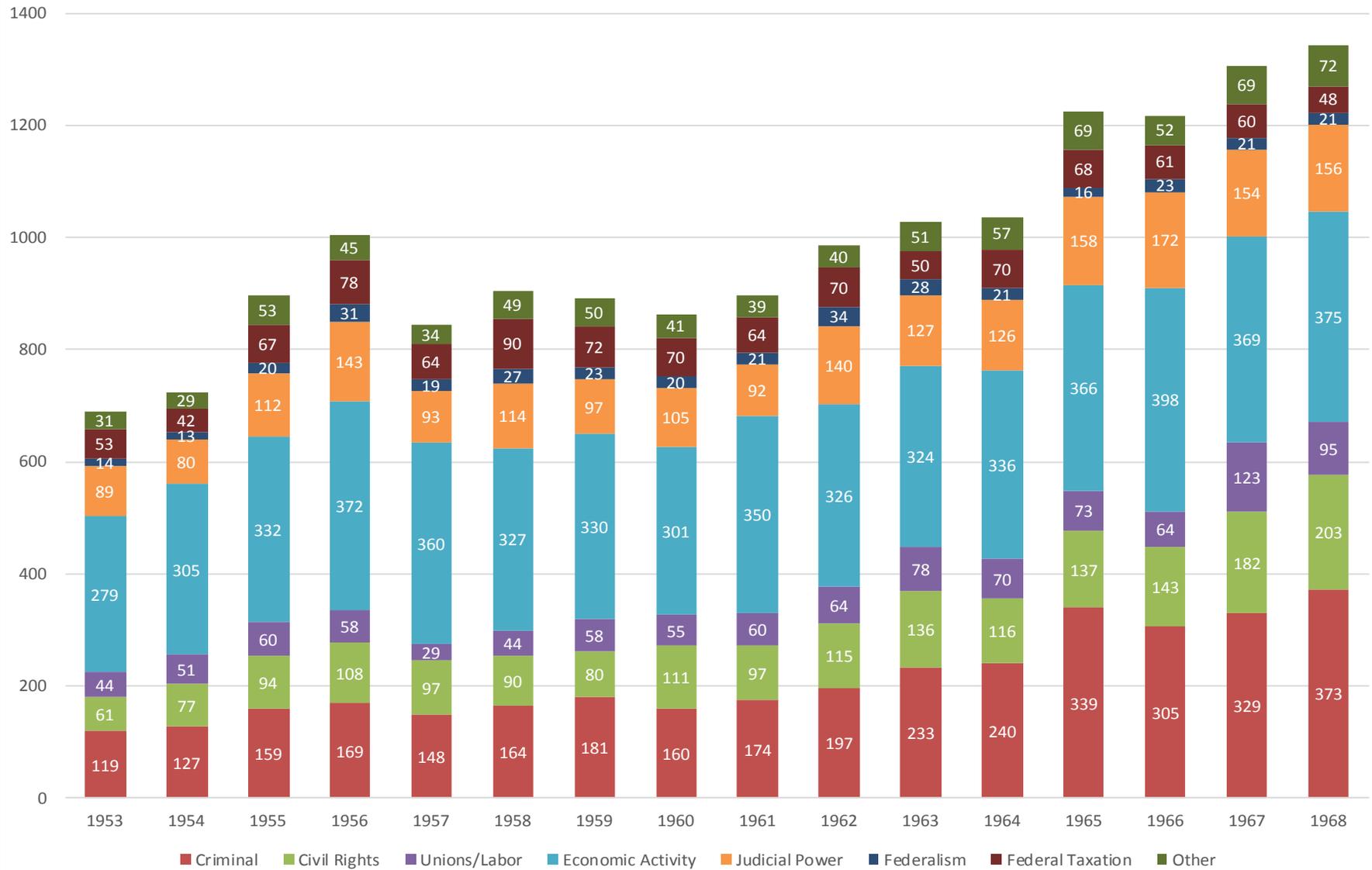


Figure 4: Distribution of Cases Granted Review by Broad Issue Area and by Term on the Warren Court

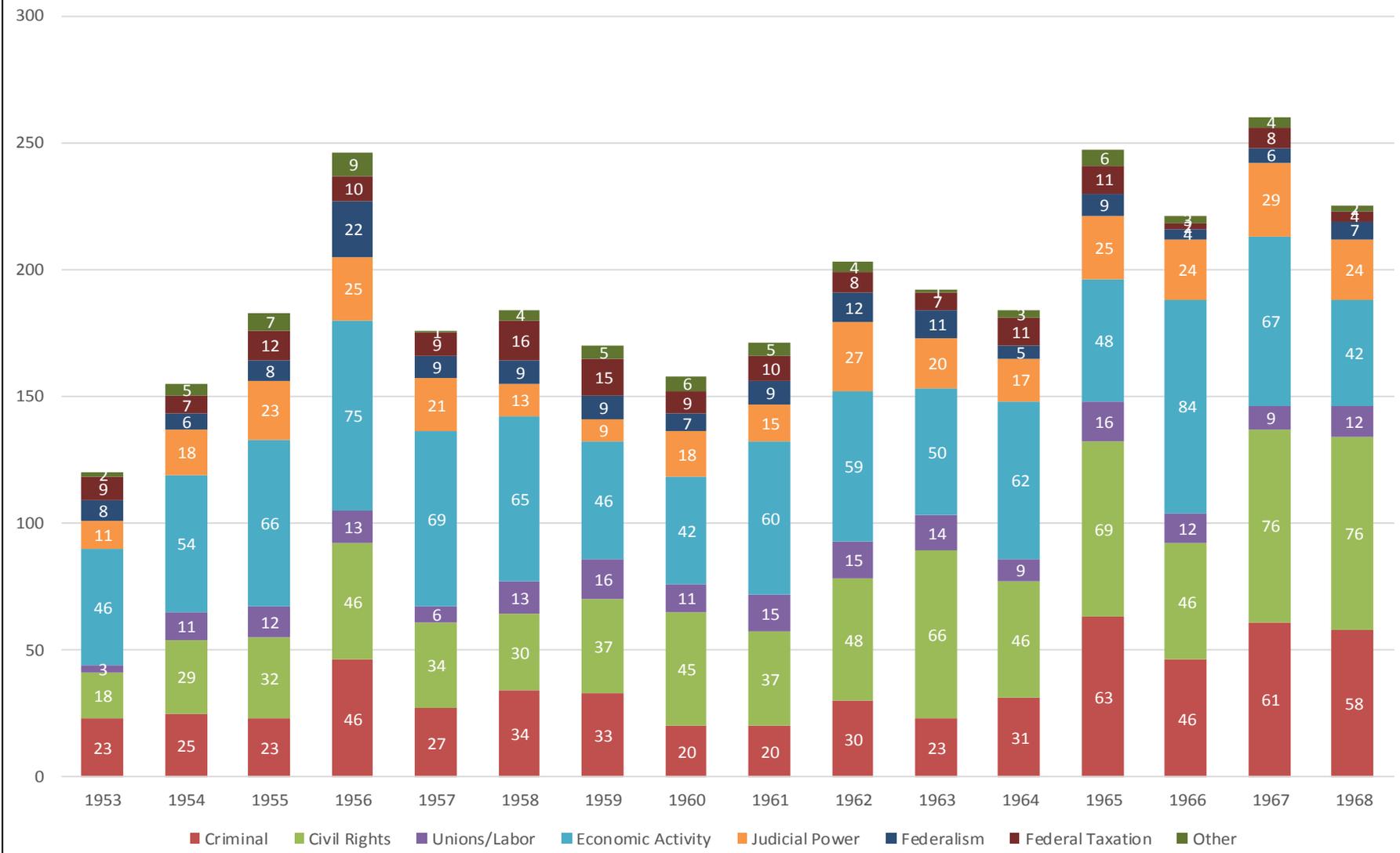


Figure 5: Distribution of Cases Filed in Select Economic Areas by Term on the Warren Court

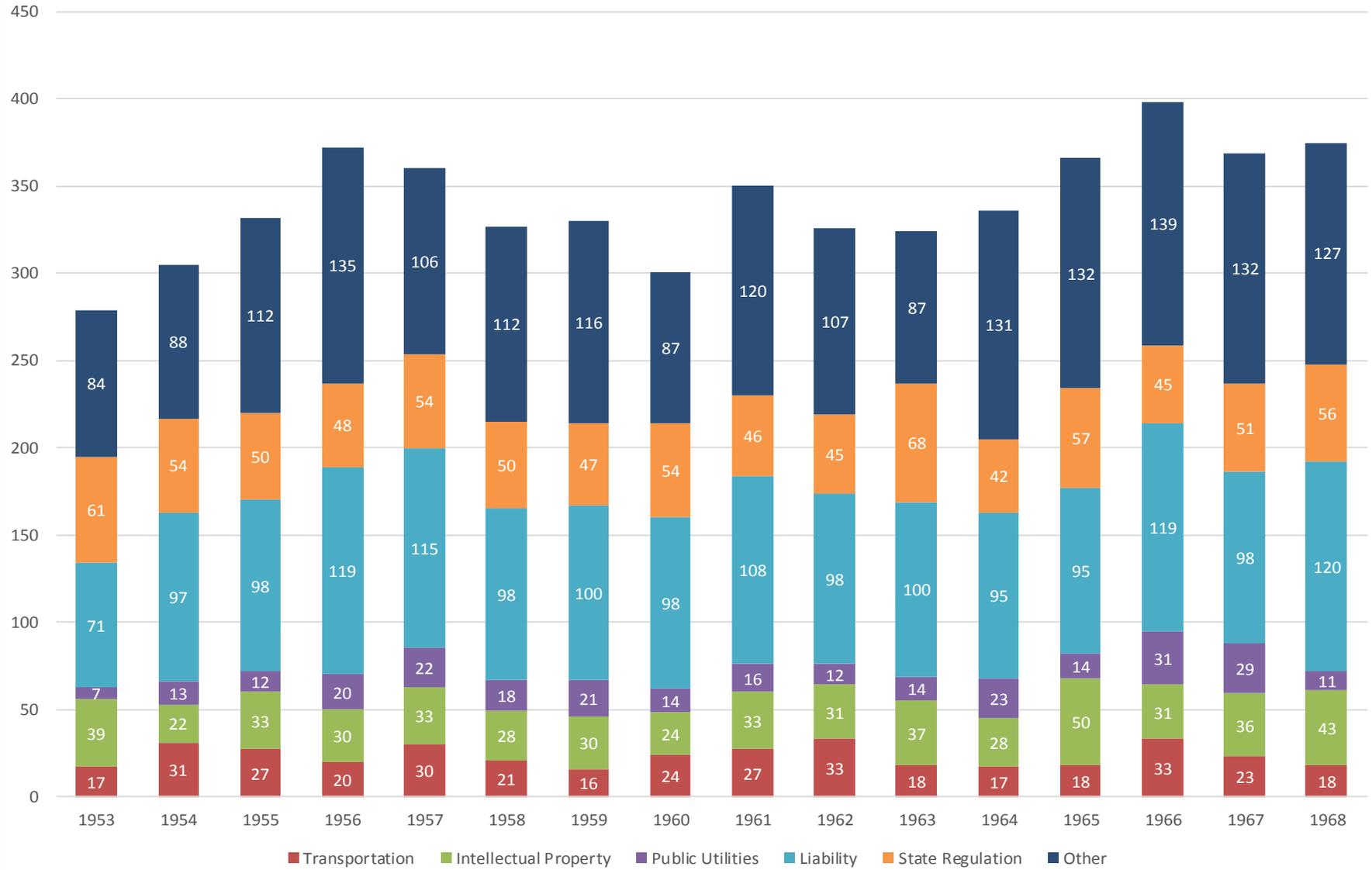


Figure 6: Distribution of Cases Granted Review in Select Economic Areas by Term on the Warren Court

