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A Well-Traveled Lot: A Research Note on Judicial Travel by U.S. Supreme Court Justices

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ABSTRACT

Today’s Supreme Court justices are said to be a “well-traveled lot,” with some scholars and policymakers wondering whether to curtail judicial travel. Absent from much of this debate, however, are data. Relying on justices’ financial disclosure statements from 2002–2012, we examine which justices travel, how often, and for what purpose. We discover that justices are indeed well traveled and that their travel patterns are not random. Certain justices have a greater propensity to travel. What is more, personal, legal, and political factors predict travel. These findings assist the normative discussion about the role of judicial travel and aim to raise broader questions about judicial motivations.

KEYWORDS

Supreme Court; judicial behavior; judicial travel

In February 2012, Justice Stephen Breyer was robbed in his Caribbean vacation home by a machete-wielding intruder. The crime, of course, made national news; but so, too, did Breyer’s travels—and those of his colleagues on the U.S. Supreme Court. News outlets across the country looked into the justices’ travel habits and determined today’s justices are “a well-traveled lot” (Savage and Duncan 2012; Liptak 2015). Whereas 60 years ago, justices quietly recessed to their summer homes at the end of the Court’s session, and often did not return to Washington until the fall, today’s justices busy themselves with travels throughout the year—and across the globe. While some Court watchers applaud these travels as an effort by justices to reach out and enhance the Court’s support, others have been less charitable, especially toward judicial travel that private interests fund. In fact, the normative debate over privately funded judicial travel even saw Chief Justice Rehnquist square off against Senators Feingold and Kerry over whether Congress should enact legislation to limit such trips (Remarks at the American Law Institute Annual Meeting, May 14, 2001).

Our goal here is to provide meaningful data that can be applied to the normative debate over judicial travel, and to raise questions about what such travel means for our understanding of judicial motivations. Is it true, for example, that justices are “well traveled”? Relative to whom? If it is correct, as Adam Liptak argues, that “Justices get out more, but calendars aren’t open to just anyone” (2015), to whom are their calendars open?

To answer these questions, we analyze which justices travel, where they go, and their stated purposes for their trips. More specifically, we examine the financial disclosure statements of all justices between 2002 and 2012. These annual reports show all justice travels for which they were reimbursed, as well as the general purpose of such travels. The data show that, during the time period analyzed, justices took 902 domestic trips and covered 800,000 miles. Yet, unlike Johnny Cash, they cannot claim to have been everywhere. They traveled “only” to 47 states. And some states are more popular than others. Justices had little reason to travel to Delaware (they went there once), but made 146 trips to Delaware. The choice of states visited may be random; however, we find that there is a greater propensity for some justices to travel than others. What is more, personal, legal, and political factors predict travel. These findings assist the normative discussion about the role of judicial travel and aim to raise broader questions about judicial motivations.
New York. We also discover that travel to a particular state is not random, but can be predicted by personal, legal, and political factors.

This note unfolds in three parts. Part one discusses how we collected our data and offers descriptive findings on justices’ travel behavior. Part two discusses the measurement of certain illustrative characteristics and presents an exploratory model that makes a modest first attempt to examine why justices travel to particular locations. Part three discusses the broader implications of judicial travel, such as the potential reasons for trips and why the number of trips may be increasing (Hasen 2015).

Data Collection and Descriptive Findings

To examine the domestic locations to which justices travel and their reasons for such trips, we obtained the yearly financial disclosure reports filed by every justice between 2002 and 2012. We accessed these reports through the Judicial Financial Disclosure Project. While there are other sources of data, such as www.scotusmap.com and Hasen (2015), the use of social media and news reports, respectively, may not systematically discover all trips. For example, Adam Liptak reports that “Not all appearances give rise to news reports, and not all news reports, especially ones before the digital era, are easy to find” (Liptak 2015). The same can be said of appearances garnering social media attention, particularly if the audience is less social media savvy.

The Ethics in Government Act of 1978 declares that each year judicial officers (which includes the Chief Justice and Associate Justices) must file a report on the reimbursements they received to cover travel-related expenses (i.e., transportation, food, lodging, or entertainment). Justices must identify the source of the funding, the dates of travel, the location of the trip, the trip’s general purpose, and the items paid or provided. As an example, Justice Sotomayor traveled to the Vermont Women’s Economic Opportunity Conference in 2011. Her disclosure report shows the source of her reimbursement was the “Vermont Women’s Economic Opportunity Conference.” The dates traveled were “12/9–12/10/11.” The location was listed as “Randolph, Vermont.” The purpose of the trip was “Question and Answer Presentation.” Finally, the items paid or provided were “Transportation, lodging, and meals.”

These financial reports data identified a total of 902 recorded, reimbursed justice trips.

Figure 1 portrays both the average number of domestic trips per year (left panel), as well as the total number of miles traveled per year (right panel). As a unit, Supreme Court justices take about 80 trips per year. Their travels reached a minimum of 70 trips in 2010 and a maximum of 105 in 2008. In terms of distance, the justices traveled, on average, about 72,000 miles per year. Their flight patterns reached a 90,000-mile peak in 2008, but a scant 48,000 miles in 2005.

While these are interesting aggregate data, we seek to explain the nuance among justices and location. Which justices travel the most? How often do they travel? How far do they travel? It is to these questions we now turn.

Who Travels, How Often, and How Far?

Some justices travel more than others. Figure 2 displays each justice’s average number of domestic trips per year as well as the distances each of them traveled per year. Looking, first, at the number of trips each justice took, Justice Scalia clearly traveled the most. He took roughly 17 trips per year (a total of 197 trips). Justice Breyer, the next most frequent traveler, wayfared about 13 times per year (a total of 144 trips). Justices Kennedy, Ginsburg, and O’Connor each traveled the country about 10 times per year. The two Chief Justices in the sample seem to have

1 http://www.judicialwatch.org/judicial-financial-disclosure/.
2 We were unable to find any systematic travel records for the full complement of sitting justices prior to 2000. And while we uncovered a significant amount of material from 2000–2001, we were unconvinced that it was exhaustive.
3 These reports tend to be relatively vague, with stated purposes such as “speech” and “community meetings.”
4 The trip need only be reimbursed to be included in the financial report data. This includes official trips to legal conferences (the rarer category) and so-called private trips sponsored by organizations.
preferred the confines of Washington, DC, departing, on average, between five and six times per year. Unsurprisingly, Justice Souter—known to be something of a recluse—engaged in reimbursable travel fewer than once a year, filing disclosure forms for only four such trips between 2002 and his retirement in 2009.

Figure 1. The left panel displays the number of domestic trips taken each year by that year’s justice cohort. The right panel shows how many thousands of miles the justices traveled each year.

Figure 2. The upper plot is a bar chart of average trips per year by justice. The lower plot displays whether a justice traveled in a year; the size of dot indicates how far the justice traveled, with larger dots indicating a greater distance traveled in that year. Justices in the lower panel are sorted from the greatest to least overall distance traveled.
Looking, next, at the number of miles covered, it is unsurprising that justices who travel more frequently cover more miles. Justices Kennedy, Scalia, and O’Connor each traveled over 25,000 miles in a given year. At the other extreme, in both 2005 and 2009 Justice Souter traveled a meager 398 miles—both trips to his birth state, Massachusetts. Other than Justice Souter, who only traveled in three of his eight years in the sample, only Justices Breyer (2002), Stevens (2007), and Chief Justice Roberts (2012) failed to travel in a full year on the bench.

Location, Location, Location

The justices are more likely to travel to some states than others. Figure 3 displays the total trips made by justices to each state between 2002 and 2012. Darker colors indicate a larger number of trips to that state. Clearly, the travel destination winners are New York (146 trips), California (118), and Illinois (52). Justices went less often to Texas (26 trips), Georgia (22), and Ohio (15). They rarely visited Oregon (6 trips), Alaska (4), and West Virginia (2). And they never traveled to Washington state, North Dakota, or Maine.

Justices Kennedy and Ginsburg tied for the most trips to a single state. Ginsburg may be a fan of the Jay-Z and Alicia Keys hit “Empire State of Mind” and, like the song suggests, may have been inspired by the big lights of the concrete jungle, having visited New York 32 times between 2002 and 2012. For his part, Kennedy visited California 45 times. Justice Thomas enjoys Florida. He traveled to the Sunshine State 14 times from 2002–2012. Additionally, perhaps because he is a fan of Cornhusker football, Thomas also reported travel for 11 trips to Nebraska, the most of any justice on the Court. Justice Breyer, who, as noted, is the second-most traveled justice, was reimbursed for 35 trips to New York and 17 to Massachusetts, California, and Washington, DC; Justice Scalia, the most recurrent traveler, made repeated trips to New York (30 trips), California (21), Illinois (17), and Pennsylvania and Louisiana (10).

Figure 3. Choropleth map of the total number of trips by Supreme Court justices to each state from 2002–2012. Darker colors indicate more trips to that state. White indicates no trips to that state.

Several justices do not travel in their inaugural or ultimate years; Justice O’Connor did not record any reimbursable travel in 2006, her final calendar year on the bench, nor did Chief Justice Rehnquist travel in 2005 when he was in ill health; similarly, Justices Alito, Sotomayor, Kagan, and Chief Justice Roberts did not file any disclosure forms in their first year on the Court.

A figure displaying the distribution of trips per state appears in the Appendix.

Justice Thomas supervised the eighth circuit—the circuit that oversees Nebraska—but Justice Alito took over those duties in 2006. Seven of Thomas’ 11 trips to Nebraska came after 2006.
What Is the Purpose?

Each disclosure form must indicate the general purpose of a reimbursed trip. The results here point to one overall purpose: to deliver speeches. To be sure, several justices still teach the occasional legal course, and others attend continuing legal education classes or conferences; still others preside over moot court proceedings. Figure 4 displays the relative frequencies of these trips in somewhat condensed form. (For instance, “teach,” “teaching,” “class,” etc. have been condensed into “Class.”) Clearly, speeches are overwhelmingly the modal purpose for a trip, comprising just over 75 percent of all trips. Class, the next most indicated trip purpose, makes up only 10 percent of justice travel.

Figure 5 breaks down the number of times each justice took a trip for particular purpose. Each box contains information regarding the travel purposes of an individual justice. Given the dominance of speeches, as well as knowing who is prone to travel, it is no surprise that Justices Scalia, Ginsburg, Breyer, and Kennedy are familiar faces on the speechnifying circuit. Justice Scalia delivered 159 speeches from 2002–2012 (in addition to nine lectures). Even the quieter and less traveled justices such as Souter and Stevens traveled to give speeches rather than for other purposes. Some of the frequent jetsetters, such as Justices Kennedy, Scalia, and Thomas, often depart Washington to teach classes. Justice Breyer, on the other hand, travels for conferences and book-related events. Put simply, the justices seem to enjoy controlling the content of their public appearances, favoring controlled speeches and classes over less controlled events such as interviews. We offer some thoughts on the meaning of this later.

Placing Judicial Travel in Context

Justices surely appear to be a “well-traveled lot,” but how do their travels compare with other political elites? Although Justice Kennedy managed to rack up 28,000 miles in 2006 (the largest single-year total in our data), his travels pale in comparison to presidential travel. As reported by the Washington Post, President Obama traveled an estimated 188,000 miles in 2014. Indeed, in 2014, Obama traveled more miles in November alone than Kennedy did in an entire year.

Of course, it may be unfair to compare judicial travel with the head of state. A more appropriate comparison might be between justices and members of Congress. To that end, we collected travel disclosure reports for members of Congress from January 2000–May 2015. To be clear, these are disclosure forms for privately funded travel, which is slightly different than the disclosure forms used to

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9 For ease of visualization, we condensed meeting, debate, dedication, dinner, moot court, community meaning, miscellaneous, and question-and-answer into the “Other” category.


11 We accessed these reports through Legistorm. See http://www.legistorm.com/trip. These forms cover both international and domestic travel.
gather information on Supreme Court justices. Given that members of Congress must travel to their home districts—via taxpayer-funded travel—we believe privately funded travel for members of Congress is a more accurate comparison to justice travel.

The results are telling. The average number of trips per justice per year is just shy of 9. Members of Congress take about 4.6 trips per year. In other words, on average, Supreme Court justices travel more domestically each year than a member of Congress travels domestically and abroad.12

Again, different individuals have different propensities to travel. Some members of Congress are more inclined to travel than others. So we look at the 10 most-traveled members of Congress from 2000–2015 and compare them to the justices. As Figure 6 confirms, justices travel more frequently than members of Congress. Recall the most traveled justices—Scalia and Breyer—took about 17 and 13 trips, respectively, per year. Stephanie Tubbs-Jones (D-OH), the member of Congress who traveled most frequently took about 10 trips per year, which is on par with the upper third of justices. Most well-traveled members traveled between five and seven times per year, which is about how often Chief Justices Roberts and Rehnquist traveled—and they were both below the Court median. Put simply, the justices are indeed a well-traveled bunch.

So justices travel regularly, and to certain states. And they appear to travel even more than members of Congress. Are there features that seem to explain why they travel where they do? Are their travels for personal reasons? Professional reasons? In what follows, we search for evidence of systematic patterns associated with the trips justices take.

Figure 5. Each box displays information pertaining to an individual justice’s stated purposes for reimbursed trips from 2002–2012. The bars represent the number of trips for the purpose stated along the y-axis. Values adjacent to bars correspond to the raw number of such trips.

12 Congress, as a whole, takes a higher number of trips per year, on average. Where the Supreme Court, as a whole, takes about 80 trips per year, that figure for Congress is 2,475. Of course, there are several hundred more members of Congress than the Court.
Explaining Judicial Travel

We estimate a model that analyzes whether the number of visits by a justice to a state in a given year is a function of several variables. Our dependent variable, *Trips*, is a count of the number of trips each justice takes to a given state each year. The number of trips by an individual justice/state/year combination ranges from a minimum of 0 to a maximum of 8. As an example, the dependent variable takes on a value of 8 for Justice Breyer’s trips to New York in 2006; in 2007 this value is 5, as Justice Breyer traveled to New York five times in 2007.

We first account for whether the justice was the “circuit justice” with jurisdiction over the state. Under federal law (and the Court’s own rules), each Supreme Court justice is responsible for deciding various applications to the Court. Most often, these are applications for stays (such as stays of execution), applications for extensions of time for filing, or applications for temporary injunctions (Stern et al. 2002, 754). As Justice O’Connor once stated: “Today, individual Justices, acting alone, have the power to grant stays or injunctions in both civil and criminal cases, to arrange bail before and after convictions, and to provide other ancillary relief, such as extensions of time for various filings and other procedural variances” (O’Connor 1986, 524). Because of these oversight responsibilities, the justice must have some familiarity with that circuit and the states within. Indeed, O’Connor divulged: “As Justice for the Sixth Circuit, I follow its many and varied activities with great interest” (526). Because justices must have a connection with the states within the circuits they oversee, and it is in their interest to retain links with judges and other legal elites in those states, we might expect that when justices travel, they go to states in circuits over which they have some responsibility. So we include *Circuit Head*, which equals 1 if the state contains the headquarters for the circuit (e.g., the headquarters for the Ninth Circuit is in California), to address the possibility that a justice is visiting the actual circuit. We also include *Circuit Supervision*, which is coded as the proportion of the year in which a justice was the justice overseeing the circuit within which the state resides. This is included as a proportion in order to capture reassignments that occur when a new justice joins the Court (e.g., after Justice O’Connor retired in January 2006, Justice Kennedy was assigned to the Ninth Circuit).13

![Figure 6. Dots correspond to the average number of trips per year for both Supreme Court justices from 2002–2012 and the ten most-traveled Congresspersons from 2000–2015.](image)

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13 It could also be that a justice with a personal history in a circuit is more likely to be assigned as circuit justice to it. By including past experiences with states in a circuit in our model, we address this meaningful possibility.
Justices also travel for personal reasons. We include three dichotomous variables that measure a justice’s personal ties to a state. Home State is coded 1 when a state is the justice’s childhood home; Alma Mater is coded 1 when a state contains a school that a justice attended for either her undergraduate or law degree; Circuit Alumnus is coded 1 if a justice previously served as a federal circuit court judge for the circuit that included that state.

We also account for the fact that modern justices write books and go on tours to sell them. During the time period we study, five justices combined to write 12 books. If justices derive utility from things such as wealth and esteem—and we have reason to believe they do (Epstein, Landes, and Posner 2013)—some of their travels will be devoted to selling these books. So we include a binary variable, Published Book, which is coded 1 if the justice published a book that year (and might therefore undertake a book tour).

It is also possible justices simply like to travel to popular destinations. Indeed, the frequency with which justices travel to California, New York, and Massachusetts suggest justices may be drawn to tourist or major metropolitan locations. To account for this, we include Airport Traffic, which measures, according to the Federal Aviation Administration, the (logged) yearly airport passenger traffic in each state.

The aforementioned are factors we believe will increase the rate of travel to a specific state. There are also, of course, things that might make travel less likely. In that vein, we identified both justice age and distance as being two such variables. Our expectation is that as either of these factors increase (i.e., a justice gets older or the distance gets longer), a justice will be less likely to make a trip to that state. Justice Age is a justice’s age in each given year. And Travel Distance is the (logged) number of miles between Washington, DC and the capital of each state.

Justices may also travel to particular states (or avoid particular states) for political reasons. Justices may seek to avoid states whose politics disagree with their own. To tap into this potential, we interact Justice Ideology, which is a justice’s Judicial Common Space (JCS) score (Epstein et al. 2007), with Citizen Ideology, which we obtain from Berry et al. (2010).14 Our parameterization includes both the interaction term (i.e., Justice x Citizen Ideology) and its two constitutive parts.

Beyond general ideological congruence with a state, we also examine specific (dis)agreement with legal actors in a state. In that vein, we measure Justice Reverses State, which is the proportion of cases appealed from a particular state that an individual justice voted to reverse in the previous year. Justices may perceive the legal community of a state that they have continually reversed to be less than pleased with them and may therefore avoid travel to that state.15

Finally, some individuals simply travel more frequently than others, and this may certainly be true of Supreme Court justices. Thus we include justice fixed effects for each justice in the sample.16

Because our dependent variable is a count, we estimate a negative binomial regression model.17 What accounts for a justice’s decision to travel to a state? As Table 1 shows, we recover a number of factors that help predict judicial travel. Justices visit states where they grew up, attended school, or covered in a circuit before promotion. There is suggestive evidence that older justices travel less frequently

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14 JCS scores are based primarily upon the revealed policy preferences of justices as captured by their merits voting behavior. Berry’s ideology scores are calculated for each year by averaging ideology scores of electoral candidates by their estimated ideology scores; the procedure adds the product of the proportion of incumbent support and incumbent ideology to the product of the proportion of challenger support and challenger ideology. Because there are no estimates for citizen ideology in the District of Columbia, trips to Washington, DC are omitted from our statistical analysis.

15 We do not suspect that justices are able to discern whether or not a state’s legal community is objectively upset with their positions. Indeed, it may be the case that a state’s legal community is pleased with a particular justice if, for example, they rule against a case in which a three-judge circuit court panel ruled against a state, but that the justice merely assumes they “overturned” the state. We include this variable as an approximation of a justice’s subjective belief of the level of state legal disagreement that he or she may face.

16 See the Appendix for expected numbers of trips per justice, as well as information on which justices are significantly more or less likely to travel than others.

17 The negative binomial is preferred to the Poisson model given the presence of overdispersion in our dependent variable. We opt for the standard negative binomial over its zero-inflated variation given the structure of our data and, as recommended by others (Gilthorpe et al. 2009), our beliefs about the underlying data-generating process. As they take on a panel format, we do not believe it substantively plausible that a separate data-generating process exists to determine if each justice travels at all to each state in each year, which is exactly what the zero-inflated variant would imply. Justices, of course, vary in their propensity travel, but the appropriate way to capture this is through the use of fixed effects, which we include in our model.
than their younger colleagues. Those who have professional duties in a circuit travel more often to the states within that circuit. Likewise, those who pen books go on tour and visit states. Justices also seem to be attracted to states that host many non-judicial visitors each year, with the amount of airport traffic predicting an increase in visits. They do not appear to enjoy long trips, with travel distance predicting fewer trips to a state in a given year. We also find a number of systematic differences in baseline travel propensity among the various justices, which we capture via the fixed effects.18

Perhaps most interestingly, we find some mixed evidence for the impact of policy considerations on judicial travel patterns. The coefficient on our Justice Reverses State variable is, as expected, negative but does not approach standard levels of statistical significance ($p = 0.41$, two-tailed test).19 Outside of the specific legal community, we also conjectured that justices might avoid states whose general political orientation clashes with their own. Our parameterization for this argument involved an interaction, so we follow the advice of others (e.g., Brambor, Clark, and Golder 2006) and focus on examining the substantive effects of the interaction, which we present in Figure 7 below. The x-axis of the figure shows a justice’s ideology (as measured through her JCS score). Along the y-axis we show the liberalism of a state, with higher values indicating that a state is more liberal. The area within the plot shows the expected number of trips we estimate a justice will take, conditional on the values of her ideology and the liberalism of the state. Darker shading denotes more trips. Lighter indicates fewer.

Starting with the most liberal justices (i.e., the far left portion of the figure), we see that they are not expected to visit conservative states, still exhibit some hesitance to travel to moderate states, but are

Table 1. Negative binomial regression of a justice’s decision to travel to a state.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>(Std. Err.)</th>
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</thead>
<tbody>
<tr>
<td>Home State</td>
<td>0.645*</td>
<td>(0.162)</td>
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<tr>
<td>Alma Mater</td>
<td>0.472*</td>
<td>(0.172)</td>
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<tr>
<td>Circuit Alumnus</td>
<td>0.358*</td>
<td>(0.173)</td>
</tr>
<tr>
<td>Airport Traffic (log)</td>
<td>0.428*</td>
<td>(0.048)</td>
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<tr>
<td>Justice Age</td>
<td>−0.032</td>
<td>(0.018)</td>
</tr>
<tr>
<td>Travel Distance (log)</td>
<td>−0.135*</td>
<td>(0.038)</td>
</tr>
<tr>
<td>Published Books</td>
<td>0.690*</td>
<td>(0.140)</td>
</tr>
<tr>
<td>Circuit Head</td>
<td>0.881*</td>
<td>(0.094)</td>
</tr>
<tr>
<td>Circuit Supervision</td>
<td>0.633*</td>
<td>(0.119)</td>
</tr>
<tr>
<td>Justice Reverses State</td>
<td>−0.093</td>
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<tr>
<td>Justice Ideology</td>
<td>2.414*</td>
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<tr>
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</tr>
<tr>
<td>Justice x Citizen Ideo.</td>
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<td>(0.007)</td>
</tr>
<tr>
<td>Kennedy</td>
<td>0.641</td>
<td>(0.340)</td>
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<tr>
<td>Scalia</td>
<td>1.238*</td>
<td>(0.384)</td>
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<tr>
<td>Thomas</td>
<td>0.054</td>
<td>(0.589)</td>
</tr>
<tr>
<td>Souter</td>
<td>−2.136*</td>
<td>(0.735)</td>
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<tr>
<td>Kagan</td>
<td>−0.386</td>
<td>(0.612)</td>
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<tr>
<td>Roberts</td>
<td>−0.291</td>
<td>(0.612)</td>
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<tr>
<td>Stevens</td>
<td>0.148</td>
<td>(0.667)</td>
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<tr>
<td>Ginsburg</td>
<td>1.060*</td>
<td>(0.434)</td>
</tr>
<tr>
<td>Alito</td>
<td>0.002</td>
<td>(0.547)</td>
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<tr>
<td>O’Connor</td>
<td>1.355*</td>
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<td>Breyer</td>
<td>0.875*</td>
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<td>Sotomayor</td>
<td>0.089</td>
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<tr>
<td>Constant</td>
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<td>Dispersion Parameter</td>
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<td>Log $\gamma$</td>
<td>−1864.95</td>
<td></td>
</tr>
</tbody>
</table>

$^{p < 0.05}$ (two-tailed test).

Note: Robust standard errors in parentheses. Chief Justice Rehnquist is excluded as the reference category.

18 For example, Justice Scalia takes significantly more trips than all other justices, as does Justice Kennedy (save for Scalia and O’Connor). See the Appendix for additional figures of these results.

19 We also estimated models with longer windows for a justice’s reversal of a specific state. Our results are unchanged for all of these alternative specifications.
expected to travel to liberal states more than any other combination of justice and citizen ideology. Take, for instance, Justice Ginsburg, who is expected to take 0.02 trips in a specific year to conservative Kentucky (state liberalism ≈ 8). When we consider a liberal state, such as Vermont (state liberalism ≈ 93), we estimate that she will take about 0.44 trips in a given year. Stated a bit differently, when we use these same estimates to consider the probability of no travel to states under these two hypotheticals, there is a 98.3 percent chance Ginsburg would avoid Kentucky but only a 79 percent chance that she would skip out on a chance to journey to Vermont (perhaps to lobby personally for the Change.org petition for Ben & Jerry’s Ice Cream to create a “Ruth Bader Ginger” flavor).

State liberalism, by contrast, appears to have a much weaker impact on conservative justices. Justice Thomas, with a JCS score of about 0.79, is expected to take 0.29 trips to Kentucky and 0.16 trips to Vermont in a given year. These differences, in addition to being rather small substantively, are statistically insignificant (p = 0.9). This non-result holds for Thomas’s somewhat less conservative brethren such as Justice Scalia (0.71) and Chief Justice Roberts (0.59), as well.

Finally, situated in the middle, ideological moderates avoid the most conservative states, but not nearly to the degree that liberals do. Moderate justice travel appears to mostly mimic that of liberal justices, rather than conservatives, with an increasing propensity to travel as a state’s liberalism increases. Justice Breyer, with a JCS score of 0, is expected to travel to Kentucky and Vermont 0.06 and 0.29 times each year. The same holds true for the newest member of the Court, Justice Sotomayor (JCS ≈ 0.02). Moderates make more trips to liberal states than their conservative colleagues, but fewer than their liberal counterparts.

Returning to our other significant variables, Figure 8 displays the substantive effects of these variables. The black circles represent point estimates. The horizontal bars are 95 percent confidence intervals. The reader should remember the dependent variable is trips to a state by a justice in a year. As such, even though there were over 900 trips in the sample, the modal number of trips to a state in a year by a justice is 0, which is why the baseline is relatively low.

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20 — 0.51 JCS score; Judicial Common Space scores change over time. Ginsburg’s ideology score reaches as far as .03. The JCS scores used in the calculation of these expected values represent justices only in a particular year and are chosen to demonstrate the effect of this interaction across the range of justice ideology.

21 These differences also hold for less liberal justices, such as Souter (— 0.39), though we are doubtful Souter has ever tried Ben & Jerry’s Ice Cream.
Justices who oversee particular circuits take more trips to the states within that circuit. A supervising justice is expected to take 0.28 trips to the supervised states, with non-supervisor justices making only 0.15. This represents an 88 percent change in expected trips owing to circuit supervision. States containing circuit headquarters host 0.26 justice trips per year, while the other states can expect justices only 0.11 times per year. A justice who previously served on a circuit court is expected to take 0.23 trips to the states covered by that circuit; those who are not circuit alumni make only 0.16 trips to those states.

Justices are expected to make 0.15 trips to states they did not call home as youths, yet those who did are homeward bound 0.29 times a year, which is a 90 percent change in the effect of home state on the expected number of trips. Similarly, justices may be drawn to university homecoming events about 0.22 times per year, with those lacking alumnus status making only 0.15 trips. Regarding book publications, those not on book tours venture to the average state only 0.15 times each year. Those on book tours take 0.28 trips a year.

As expected, justices enjoy the same places other travel enthusiasts visit. In that vein, we expect a meager 0.0001 instances in which justices will be magically whisked away to Delaware, the state that experiences the least airport traffic each year, compared to 0.38 visits to the California, whose airports receive many visitors, some of whom know how to party. Justices, despite enjoying travel, seem to dislike travel to distant locations. A justice is expected to make 0.40 reimbursable trips when the distance between Washington and the location is minimal. On the other hand, when they are leaving on a jet plane for a longer distance, they are only expected to make 0.13 trips, which represents a 216 percent change in the propensity to travel to a location based on distance.

**Motivations for Judicial Travel**

It is clear justices are a well-traveled lot—but why they travel is less clear. There are a host of possibilities for traveling, including policy motivations, institutional power motivations, personal motivations, or responses to a changing media environment. We examine each in turn and discuss future research that may help answer the “why” of judicial travel.

![Figure 8. Substantive effects of variables on justice's decision to travel to a state. All other variables held at their observed values. The black circles represent point estimates and the horizontal lines are 95 percent confidence intervals around those point estimates.](image-url)
Policy Motivations

One possibility is that justices use their platforms to lobby for their judicial philosophies. In his insightful book on judicial motivations, Baum (2006) states: “[e]xpressions outside court can also be used to win support for judges’ conceptions of good judicial policy” (40). Justices have limited tools to extend their jurisprudential reach. They decide cases and write opinions (and sometimes books and law reviews), and they hope others adhere to their philosophies. But these may not be enough. Travel and speeches may serve as a less official way for them to extend their reach.

Indeed, traveling and discussing their judicial philosophies can allow justices to network with up-and-coming legal stars who can help expand their visions. Justices might build a network of jurisprudential followers who can take their philosophies into courts across the country and advocate for them (Paik, Heinz, and Southworth 2011; Heinz 2011; Paik, Heinz, and Southworth 2010). Travel may be a way to gain jurisprudential influence.

Along the same lines, travel may be a way for justices to find compelling jurisprudential rationalizations. Justices are known to seek external sources of law to interpret the doctrines that come before them (Black, Owens, and Brookhart 2014). They may seek interaction with legal professionals who can provide interesting, unique, or alternative interpretations of law justices can use later to defend their policy (or other) goals.

It is likewise possible justices reach out to circuits or states with which they agree, perhaps in an effort to pick up those ideologically friendly courts the Supreme Court has recently knocked down. That is, perhaps judicial travel is an extension of an olive branch to resuscitate a beleaguered lower court.

One potential future study may content analyze speeches given by justices, where available, and determine if there is some type of increase in judicial proceedings that invoke a particular judicial philosophy espoused by a justice. Speeches given by justices are a form of judicial expression that has not been negotiated, bargained, or altered in any way to achieve a majority. If justices attempt to set their agenda using their written opinions (Baird 2006), researchers may discover other extra-judicial mechanisms by which they may do the same, and speeches present a prime opportunity for just that.

Institutional Power Motivations

Justices may also travel to enhance the Court’s (and, indirectly, their own) institutional power. Without the powers of purse or sword, the Supreme Court must rely on goodwill in order to expect compliance with its rulings. Studies find greater public awareness of the Court’s activities can build legitimacy (e.g., Caldeira and Gibson 1992; Gibson, Caldeira, and Spence 2003). These findings are based on the premise that many citizens perceive the Court as different from a typical political institution. Greater knowledge of the Court’s activities enhances the average citizen’s “understanding of the distinctive role of the judiciary in the American political system” (Gibson and Caldeira 2009). As Gibson and Caldeira (2009) explain, the public generally holds a “positivity bias” toward the Court, based on perceptions of judicial symbols and impartiality that result from greater awareness of the Court. By making public speeches or other appearances that accompany travel, justices might enhance public awareness of and support for the Court.

Future studies may attempt to determine how travel varies following major Court events, such as highly salient rulings, demographic change, or some other such event. Justices may fill their calendars following tumultuous or publicly visible events in an attempt to maintain and build positivity toward the institution; conversely, they may retreat from the public eye and weather any storm comfortable in the knowledge that their reservoir of goodwill tends to protect them from short-term displeasure. Understanding such changes in travel patterns following Court or other political events may help scholars understand why justices travel.

Personal Motivations

Finally, it is quite plausible justices hit the road for personal motivations, to maximize goals such as approbation and celebrity (Epstein, Landes, and Posner 2013). Many justices pursue prestige both on
(e.g., Georgakopoulos 2000) and off the Court (e.g., Epstein and Knight 2013). Some justices may receive a great deal of utility from the prestige or reputation that comes from travel. Indeed, pontificating on the law without pesky things such as facts or precedent may provide justices a platform to cultivate reputation and celebrity.

Justices have taken on increased popularity in political, legal, and even popular circles. Whereas they once could walk through Washington, DC without being noticed, some of today’s justices have become “rock stars” (Turley 2011) who seem eager to enhance their popularity. There is evidence that judges respond to reputational considerations. For example, looking at local public opinion in the aftermath of Brown v. Board (1954), Peltason (1971) states:

> a judge who makes rulings adverse to segregation is not so likely to be honored by testimonial dinners, or to read flattering editorials in the local press, or to partake in the fellowship at the club. He will no longer be invited to certain homes; former friends will avoid him when they meet him on the street. (Peltason 1971, 9)

Similarly, Chief Judge of the Fifth Circuit Court of Appeals John R. Brown once stated: “lifetime tenure insulates judges from anxiety over worldly cares for body and home and family. But it does not protect them from the unconscious urge for the approbation of their fellow men” (cited in Giles and Walker 1975, 920). Giles and Walker (1975) examine how a judge’s geographical distance to the public school influenced his votes on desegregation. They find judges were more reluctant to desegregate schools closer to their courts. Put simply, reputation within a relevant community can influence a judge, and it is possible that judicial travel is a function of those personal motivations.

Future studies may examine if the amount, type, and location of travel for a particular justice correlates with ideological drift or ideological placement on the Court. Do justices make travel—and potentially make judicial decisions—based upon social circles in which they are, would like to remain, or would like to become a part? It is possible that as a justice drifts, say to the left, so, too, do their travel locations drift to the ideological left.

**Responses to Media Changes**

The increase in judicial travel seems to coincide with an increase in the media coverage afforded to the Supreme Court (Davis 2011). It is possible, then, that travel is simply a response to the changes in types and amounts of media coverage, and it is now a normal feature of being a Supreme Court justice.

According to Davis (2011), between 1968 and 2007, an increasing amount of the coverage on the Court focused on either an individual justice or individual case, as opposed to the anonymous institution. Similarly, changes in the public’s capacity to know what justices look like may have made anonymity harder, leading to an “if you can’t beat them” mentality.

Along these same lines, judicial travel may have a path dependence quality to it. As he neared retirement, Justice Blackmun gave a number of speeches and made a series of appearances (Davis 2011). Individually, Blackmun was covered in 27 percent of all New York Times cases relating to the Supreme Court. Even before this period, Blackmun enjoyed a somewhat uncommon popularity, something some attribute to his relationship with New York Times Supreme Court reporter Linda Greenhouse. It is possible that the other justices noticed some benefit to Blackmun’s popularity and, perhaps, influence and determined to cultivate a popularity of their own. Traveling for speeches and other events presents itself as a particularly viable method of doing just that.

**Conclusion**

While we cannot say with complete confidence why justices travel, our analysis provides a thorough accounting of who travels and where they go. Justices Scalia, Breyer, Kennedy, and Ginsburg travel the most. Justices travel to a handful of states the most. And they almost always deliver speeches when they travel. It appears, in short, that justices travel selectively. More systematically, the data show justices travel to their home states, to the states of their alma maters, to popular and close locations, and when they are selling books. On a more professional level, they travel to circuits they oversee. Perhaps
most intriguing, they avoid states whose ideology conflicts with their own, especially the most liberal members of the Court.

We hope to aid the normative discussion about the role of travel and judicial behavior today. Without knowing how often justices travel, and where, the normative debates about controlling such travel seems incomplete. We hope to have added some context to those discussions. Finally, we hope to push empirical scholarship on the Court further. Future scholarship could, for example, look at whether judicial travel has a positive or negative influence on the Court’s legitimacy. Other scholarship might use these data to identify justices’ specific audiences in an effort to determine whether those audiences influence justices’ behaviors (Baum 2006). Justices may be utilizing unofficial tools to try to secure their goals. We should investigate these and other possibilities more thoroughly.

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References


**Appendix**

![Figure A1](image)

*Figure A1.* Dots correspond to the number of trips to each state by all justices from 2002–2012.
Figure A2. Dots correspond to the number of trips to each state by all justices from 2002–2012. States are nested within their circuit.

Figure A3. Expected number of trips to a state by each justice. The black circles are point estimates and the horizontal lines are 95 percent confidence intervals around those point estimates.
Figure A4. “+” indicates a statistically significant difference between the justices, and that the justice along the y-axis is expected to take more trips than the corresponding justice along the x-axis. “−” also indicates statistically significant differences, and that the justice along the y-axis is expected to take fewer trips than the corresponding justice along the x-axis.

Figure A5. The marginal effect of justice ideology across values of state liberalism. The dashed line is the marginal effect for conservative justices and the solid line is the marginal effect for liberal justices.
Figure A6. Differences in point estimates between liberal and conservative justices across values of state liberalism. Solid points indicate that the difference between liberal and conservative justices is significantly different from zero. Open points indicate that the difference between liberal and conservative justices is not significantly different from zero.