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Kirsten Widner , Anna Gunderson

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THE HAVES AND HAVE-NOTS IN SUPREME COURT REPRESENTATION AND PARTICIPATION, 2016 TO 2021

Kirsten Widner

University of Tennessee

Anna Gunderson

University of Texas



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Kirsten Widner
University of Tennessee
Anna Gunderson
University of Texas

Author for correspondence: Kirsten Widner, kwidner1@utk.edu

Abstract: Courts are often thought of as protectors of minority rights. What happens when the composition of courts changes such that politically disadvantaged groups expect a less favorable reception? This Element examines whether the increasing conservatism of the US Supreme Court during Donald Trump's presidency changed the behavior of litigants and amicus curiae. The authors test whether membership changes led to reduced filings by individuals and organizations representing marginalized groups and increased filings by businesses and conservative states and interest groups. The authors find substantial reductions in participation by the most politically disadvantaged and substantial increases in participation by the most conservative groups.

Keywords: Supreme Court, political representation, social construction, litigants, amicus curiae

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