

Table 1-3 Percentage of Votes to Invalidate Laws as Unconstitutional, 2005–2022 Terms

Justice	Federal Laws	State and Local Laws
Kavanaugh	—	100
Gorsuch	—	86.7
Roberts	80	76.7
Thomas	76	60.5
Kagan	72.2	65.6
Alito	72	66.7
Sotomayor	54.5	64.7

Note: The figures shown indicate the percentage of cases in which each justice voted with the majority to invalidate laws as unconstitutional. Twenty-five cases struck down federal laws, and forty-three cases struck state and local laws. We include only justices currently on the Court who voted in at least ten such cases. Thus, we exclude Amy Coney Barrett and Ketanji Brown Jackson because they each participated in fewer than ten of the cases in both categories. (Some justices in the table may not have participated in all cases.)

Source: Calculated by the authors from data in the U.S. Supreme Court Database (<http://supremecourtdatabase.org>).