



THE SUPREME COURT AND THE WESTWARD MOVEMENT

Benjamin C. Zuraw & Robert A. James

*But what constitutional historian has made any adequate
attempt to interpret political facts by the light of these social
areas and changes?*

Frederick Jackson Turner¹

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¹ "The Significance of the Frontier in American History," originally published in ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1893 (1894), and reprinted in REREADING FREDERICK JACKSON TURNER 31, 38-39 (John Mack Faragher ed. 1994).

SINCE COLONIAL TIMES, the center of the United States population has been moving westward from the Atlantic Ocean seaboard.² As has often been recounted, this geographic shift sparked important and controversial effects on the country's political, economic and social history.³ To the present day, the cry "Go West, young man!"⁴ has left its indelible mark on American institutions.

One bellwether American institution is the United States Supreme Court. This article examines whether the Court has moved westward along with the public. It is important to know whether the changes in regional origin of the Justices have kept pace with America's westward migration, for the relation between the two migrations could influence the way scholars analyze decisions of our highest tribunal. Decisions of a particular Court could be explained in part by the predominance of an eastern or a frontier perspective. Equipped with these facts, a future scholar might articulate a more

² See Table 2 and Figure 3 *infra*, displaying the shift in the United States mean center of population as reported in U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES: 2008 at 16 & Figure 1.1 (127th ed. 2007). To be precise, "[t]he mean center of population is that point at which an imaginary, flat, weightless, and rigid map of the United States would balance if weights of identical value were placed on it so that each weight represented the location of one person on the date of the census." *Id.* at 16. Territorial locations and populations, like those of Alaska and Hawaii prior to the 1960 census, are excluded from this calculation.

³ Compare Frederick Jackson Turner, note 1 *supra*, with Patricia Nelson Limerick, LEGACY OF CONQUEST: THE UNBROKEN PAST OF THE AMERICAN WEST (1987) and Donald Worster, UNDER WESTERN SKIES: NATURE AND HISTORY IN THE AMERICAN WEST (1992). Though Turner himself regarded the frontier as essentially closed by 1893, with ominous implications for American politics, other scholars extended the study of westward migrations well into the twentieth century (see, e.g., Gerald D. Nash, CREATING THE WEST: HISTORICAL INTERPRETATIONS, 1890-1990 (1991)). The increasing population density in the southern United States suggests a southward shift in the population centers of the twenty-first century, a possibility not addressed in this historical study.

⁴ Attributed to John L.B. Soule, *Terre Haute (Ind.) Express* (1851); cf. James Parton, LIFE OF HORACE GREELY (1855); Glyndon Van Duessen, HORACE GREELY: NINETEENTH-CENTURY CRUSADER (1953). *Contra* William O. Douglas, GO EAST, YOUNG MAN (1974).

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elaborate theory of “geographic determinism.”⁵

First, a roster of Justices serving on the Court in each decennial census year and the present day was mustered (see Table 1). The geographic locations of these Justices at different times in their careers were compiled, and mean locations were calculated (see Table 2). Figure 1 plots the population shift based on the mean birthplace of the decennial roster. As can be seen, the results are quite erratic, with the mean birthplace shifting back and forth from the Atlantic Ocean to the mainland. The obvious problem with this approach is its inclusion of several Justices who were born overseas.⁶ Figure 2, therefore, displays the “mean domestic birthplace”

⁵ No less a Supreme Court authority than the late Chief Justice, William Rehnquist, mused on the possibly regional sources of judicial voting patterns in particular cases:

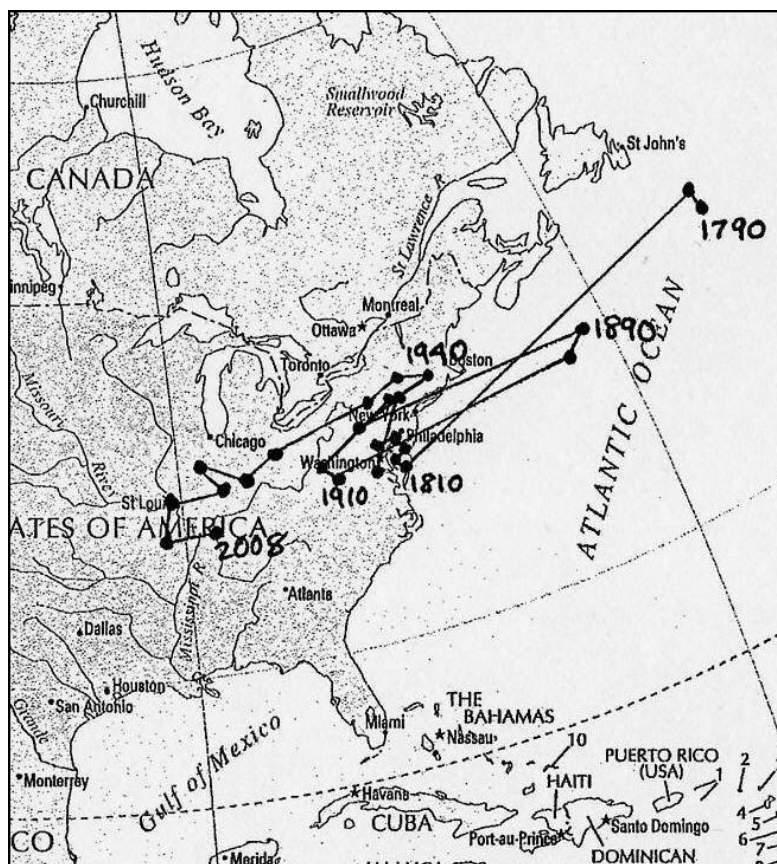
As I look back now [on the voting in the Steel Seizure Case, *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), decided when Rehnquist served as Justice Robert Jackson’s clerk], I wonder if a case cannot be made for some sort of “geographic determinism” so far as the votes of the dissenters are concerned. Fred Vinson, Stanley Reed, and Sherman Minton had all grown up in towns along the Ohio River not more than two hundred miles apart. Vinson and Reed were from Kentucky, Minton from Indiana. I don’t know what this proves, but it nonetheless seems to me an interesting fact.

William H. Rehnquist, *THE SUPREME COURT* 187 (2d ed. 2001).

In a similar vein, the Justices dissenting from the recent original jurisdiction decision in *New Jersey v. Delaware*, 552 U.S. ____ (2008), Justices Scalia and Alito, were immediately noted to have both been born in New Jersey, the state disadvantaged by the outcome. See Debra Cassens Weiss, “N.J. Justices Dissent in River Case; Scalia Offers ‘Snide Dish’ of Tofu, Bean Sprouts,” *A.B.A. J.*, April 1, 2008 (online version visited April 2, 2008); Linda Greenhouse, “Supreme Court Rules for Delaware in River Dispute,” *N.Y. TIMES*, April 1, 2008. The factual issues in this case were reviewed by a special master rather than by a Supreme Court jury of the parties’ peers. Cf. Robert A. James, *Instructions in Supreme Court Jury Trials*, 1 *GREEN BAG* 2D 377 (1998).

⁶ Justice Brewer, for example, was born in Smyrna, Asia Minor (now Turkey) (latitude 38° 25' N, longitude 27° 10' E) but moved to Leavenworth, Kansas (latitude 39° 19' N, longitude 95° 55' W). Justice Frankfurter was born in Vienna, Austria (latitude 48° 13' N, longitude 16° 22' E) but moved to Cambridge, Massachusetts (latitude 42° 22' N, longitude 71° 20' W).

FIGURE 1
MEAN BIRTHPLACES OF SUPREME COURT JUSTICES, 1790-2008

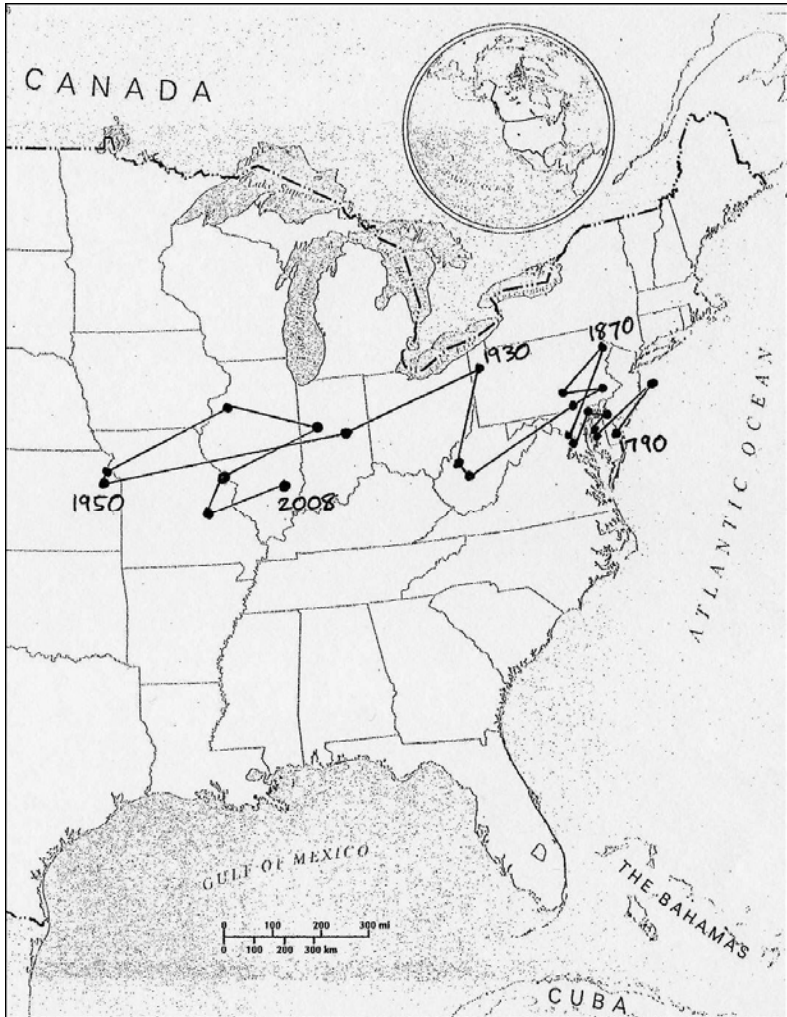


Liberties were taken with “birthplace” locations. Some Justices known to have moved in infancy are here recorded where they were raised rather than born. Justice Douglas was born in Maine, Minnesota but famously grew up in Yakima, Washington (latitude $46^{\circ} 34' N$, longitude $120^{\circ} 32' W$) (see Douglas, work cited note 4 *infra*). Chief Justice Roberts was born in Buffalo, New York (latitude $42^{\circ} 52' N$, longitude $78^{\circ} 55' W$) but moved as a child to Long Beach, Indiana (latitude $41^{\circ} 45' N$, longitude $86^{\circ} 50' W$); tellingly for our purposes, a law school classmate recalled that he exuded a “Midwestern calm” (Neil A. Lewis, “An Ultimate Capital Insider,” *N.Y. TIMES*, July 20, 2005).

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FIGURE 2

MEAN DOMESTIC BIRTHPLACES OF SUPREME COURT JUSTICES, 1790-2008



of the Court, with Justices born overseas removed from the data. This analysis yields results that are certainly more continuous than those of Figure 1.⁷ However, any study based on birthplace neglects

⁷ Omission of annoying data that do not help the author confirm his hypothesis has a long, if disreputable, heritage in scholarship. See Darrell Huff, *HOW TO LIE*

movements of people after their birth and thus inadequately examines the notably mobile American society.⁸

The principal map included with this issue of the *Green Bag*, Figure 3, displays the population shift of the Court as measured by the place of residence of each Justice on the decennial roster at or shortly before the time of his or her appointment to the Court or other high federal office. In this way, the study can take into account the careers of a number of Justices who migrated westward after their eastern birth.⁹ The map displays both the mean appointment location of the Court's decennial roster and the mean centers of the United States population. It demonstrates that the Court's geographic center has on the whole been consistent with America's westward migration.

Until 1860, the Court's center moved steadily westward but lagged slightly behind that of the American population, suggestive of an eastern bias in high judicial nominations. From 1860 to 1870, however, the Court's center leaped dramatically from near Williamsville, Virginia, to Portland, Indiana.¹⁰ Between the latter decade and the 1920s, the Court's center inclined slightly further west than the American population center. From the 1920s through the 1980s, the Court's westward movement was less consistent but still

WITH STATISTICS (1954); David Hackett Fischer, *HISTORIANS' FALLACIES: TOWARD A LOGIC OF HISTORICAL THOUGHT* (1970).

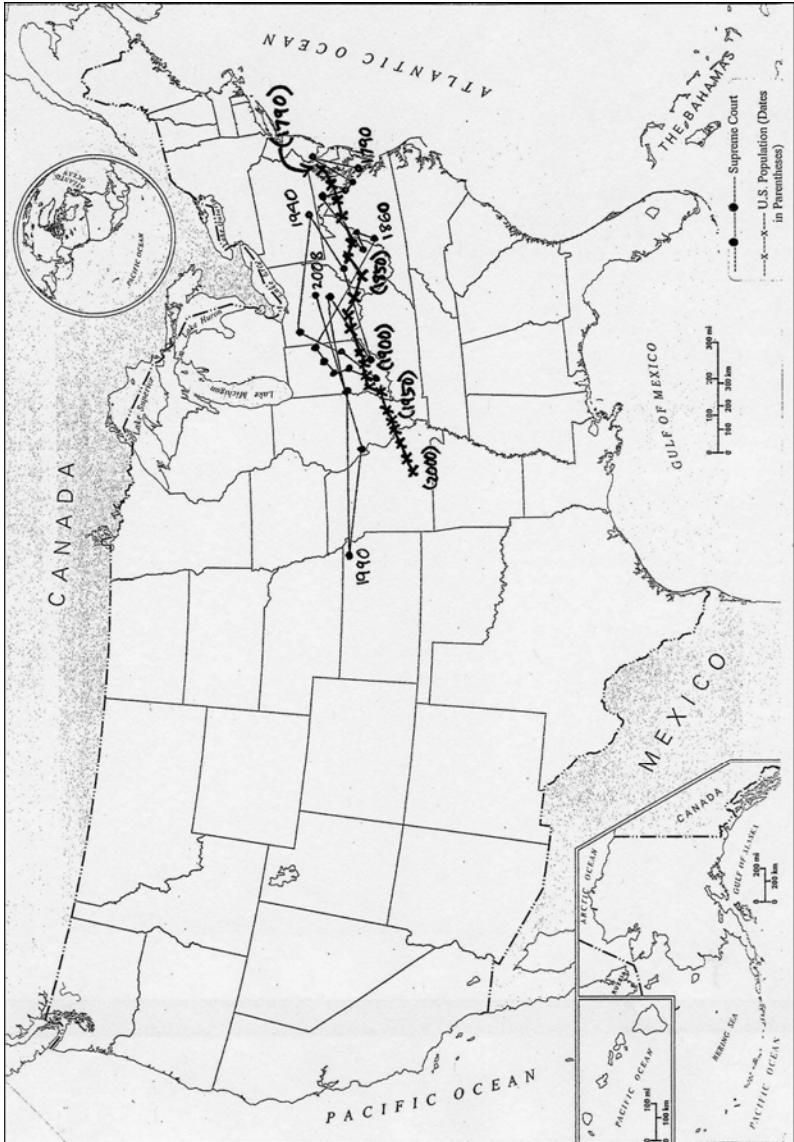
⁸ Cf. *Dunn v. Blumstein*, 405 U.S. 330 (1972); *Shapiro v. Thompson*, 394 U.S. 618 (1969) (right of interstate travel is "fundamental" under United States Constitution).

⁹ For example, Justice Field was born in Haddam, Connecticut (latitude 41° 30' N, longitude 72° 30' W) but left for the Marysville, California gold fields (latitude 39° 10' N, longitude 121° 34' W). Justice (later Chief Justice) Rehnquist was born in Milwaukee, Wisconsin (latitude 43° 03' N, longitude 87° 56' W) but, based on his exposure to north Africa in the military, headed for the sunnier climes of Phoenix, Arizona (latitude 33° 30' N, longitude 112° 03' W). Brief residences in Washington, D.C. of Rehnquist and other Justices holding federal office for only a few years immediately prior to their appointment were generally disregarded in determining appointment location.

¹⁰ The authors were unable to find contemporary reports in nineteenth-century newspapers or magazines of this noteworthy shift.

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FIGURE 3
MEAN APPOINTMENT LOCATIONS OF SUPREME COURT JUSTICES &
U.S. POPULATION CENTERS, 1790-2008



remarkably similar to the country's steady westward trend. In 1990, the Court reached its westernmost recorded point, Bern, Kansas.

In recent years, replacement of Midwesterners and Westerners has led to an astounding eastward retrenchment. For 2000, after Justices White and Blackmun were replaced by the Easterner Justices Ginsburg and Breyer, the Court's center (near Kampsville, Illinois) was about one hundred miles east of the United States center (near Edgar Springs, Missouri). Today's Court has retreated even further with the replacement of Arizonans (Chief Justice Rehnquist and Justice O'Connor) with the eastern seaboarders Chief Justice Roberts and Justice Alito. The current Court center is near Pulaskville, Ohio – close to the birthplace of President Warren Harding, for what that is worth, but over five hundred miles from the nation's Edgar Springs population center. It leaves to be seen whether this retrenchment is permanent, owing to what we tentatively term the greater “constitutional lawyer density” in the Northeast and Washington, D.C. metropolitan areas.

If a judge's upbringing affects his or her personality, decisions of a particular tribunal may continue to be influenced by the regional origins of its individual members.¹¹ Over the nation's history (though less so today), the Justices' weighted origins have proven roughly in step with the country's westward movement. In a geographic sense, the Supreme Court has been securely at home with the American people.



¹¹ Modest light is shed by this method on the most polarized recent Supreme Court decision, *Bush v. Gore*, 531 U.S. 98 (2000) (per curiam). The four Justices who dissented from all or part of the judgment, Justices Stevens (Illinois), Souter (New Hampshire), Ginsburg (District of Columbia) and Breyer (Massachusetts), are as a group more eastern in origin than are the five Justices who joined the per curiam opinion, Chief Justice Rehnquist (Arizona) and Justices O'Connor (Arizona), Kennedy (California), Scalia (Illinois) and Thomas (Georgia). Factors other than geography may also have contributed to the Justices' voting pattern.

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TABLE 1

JUSTICES BY DECADE, 1790-2008

- 1790:** Chief Justice Jay (NY), Justices Rutledge (SC), Cushing (MA), Wilson (GB/PA), Blair (VA), Iredell (GB/NC)
- 1800:** Chief Justice Ellsworth (CT), Justices Paterson (Ire/NJ), Cushing, Washington (VA), Chase, Samuel (MD), Iredell
- 1810:** Chief Justice Marshall, J. (VA), Justices Livingston (NY), Cushing, Washington, Chase, Samuel, Johnson, W. (VA), Todd (VA/KY)
- 1820:** Chief Justice Marshall, J., Justices Livingston, Story (MA), Washington, Duval (MA), Johnson, W., Todd
- 1830:** Chief Justice Marshall, J., Justices Thompson (NY), Story, Baldwin (CT/PA), Duval, Johnson, W., McLean (NJ/OH)
- 1840:** Chief Justice Taney (MD), Justices Thompson, Story, Baldwin, Barbour (VA), Wayne (GA), McLean, Catron (PA/TN), McKinley (VA/AL)
- 1850:** Chief Justice Taney, Justices Nelson (NY), Woodbury (NH), Grier (PA), Daniel (VA), Wayne, McLean, Catron, McKinley
- 1860:** Chief Justice Taney, Justices Nelson, Clifford (NH/ME), Grier, Daniel, Wayne, McLean, Catron, Campbell (GA/AL)
- 1870:** Chief Justice Chase, Salmon (NH/OH), Justices Nelson, Clifford, Strong (CT/PA), Miller (KY/IA), Bradley (NY/NJ), Swayne (VA/OH), Davis (MD/IL), Field (CT/CA)
- 1880:** Chief Justice Waite (CT/OH), Justices Hunt (NY), Clifford, Woods (OH/AL), Miller, Bradley, Swayne, Harlan I (KY), Field
- 1890:** Chief Justice Fuller (ME/IL), Justices Blatchford (NY), Gray (MA), Lamar, L. (GA/MS), Brown (MA/MI), Bradley, Brewer (Asia/KS), Harlan I, Field
- 1900:** Chief Justice Fuller, Justices White, E. (LA), Gray, Peckham (NY), Brown, Shiras (PA), Brewer, Harlan I, McKenna (PA/CA)
- 1910:** Chief Justice White, E. (LA), Justices Van Devanter (IN/WY), Holmes (MA), Lurton (KY/TN), Lamar, J. (GA), Day (OH), Hughes (NY), Harlan I, McKenna
- 1920:** Chief Justice White, E., Justices Van Devanter, Holmes, McReynolds (KY/TN), Brandeis (KY/TN), Day, Clarke (OH), Pitney (NJ), McKenna
- 1930:** Chief Justice Hughes (NY), Justices Van Devanter, Holmes, McReynolds, Brandeis, Butler (MN), Sutherland (GB/UT), Roberts, O. (PA), Stone (NH/NY)
- 1940:** Chief Justice Hughes, Justices Black (AL), Frankfurter (Aus/MA), McReynolds, Douglas (WA/CT), Murphy (MI), Reed (KY), Roberts, O., Stone
- 1950:** Chief Justice Vinson (KY), Justices Black, Frankfurter, Minton (IN), Douglas, Clark (TX), Reed, Burton (MA/OH), Jackson, R. (PA/DC)
- 1960:** Chief Justice Warren (CA), Justices Black, Frankfurter, Brennan (NJ), Douglas, Clark, Whittaker (KS/MO), Stewart (MI/OH), Harlan II (IL/NY)
- 1970:** Chief Justice Burger (MN/DC), Justices Black, Blackmun (IL/MN), Brennan, Douglas, Marshall, T. (MD/NY), White, B. (CO), Stewart, Harlan II
- 1980:** Chief Justice Burger, Justices Powell (VA), Blackmun, Brennan, Stevens (IL), Marshall, T., White, B., Stewart, Rehnquist (WI/AZ)
- 1990:** Chief Justice Rehnquist (WI/AZ), Justices Kennedy (CA), Blackmun, Souter (MA/NH), Stevens, Marshall, T., White, B., O'Connor (TX/AZ), Scalia (NJ/IL)
- 2000:** Chief Justice Rehnquist, Justices Kennedy, Breyer (CA/MA), Souter, Stevens, Thomas (GA/DC), Ginsburg (NY/DC), O'Connor, Scalia
- 2008:** Chief Justice Roberts, J. (IN/DC), Justices Kennedy, Breyer, Souter, Stevens, Thomas, Ginsburg, Alito (NJ), Scalia

TABLE 2
LOCATIONS OF JUSTICES & U.S. POPULATION CENTERS, 1790-2008*

YR	JUSTICE	BIRTH LOCATION	BIRTH LAT	BIRTH LONG	APPT LOCATION	APPT LAT	APPT LONG
1790	<i>US Geo Center:</i>	<i>Chesterton, MD</i>	<i>Lat 39 16</i>	<i>Long 76 11</i>			
	Jay	New York, NY	40 47	73 58	New York, NY	40 47	73 58
	Rutledge	Charleston, SC	32 54	80 02	Charleston, SC	32 54	80 02
	Cushing	Scituate, MA	42 10	70 40	Boston, MA	42 22	71 02
	Wilson	Cascady, Scotland	56 00	03 00	Reading, PA	40 23	75 58
	Blair	Williamsburg, VA	37 10	77 10	Williamsburg, VA	37 10	77 10
	Iredell	Lewes, England	50 50	00 00	Raleigh, NC	35 52	78 47
	1790 MEANS		43 18	50 48	St. Marys, MD	38 15	76 10
1800	<i>US Geo Center:</i>	<i>Baltimore, MD</i>	<i>Lat 39 16</i>	<i>Long 76 56</i>			
	Ellsworth	Windor, CT	41 50	72 45	Hartford, CT	41 44	72 39
	Paterson	County Antrim, Ireland	54 40	06 30	Trenton, NJ	40 16	74 49
	Cushing	Scituate, MA	42 10	70 40	Boston, MA	42 22	71 02
	Washington	Westmoreland, VA	38 05	77 00	Richmond, VA	37 30	77 20
	Chase, Samuel	Somerset, MD	38 10	75 25	Baltimore, MD	39 11	76 40
	Iredell	Lewes, England	50 50	00 00	Raleigh, NC	35 52	78 47
	1800 MEANS		44 18	50 23	Bridgeton, NJ	39 22	75 13
1810	<i>US Geo Center:</i>	<i>Leesburg, VA</i>	<i>Lat 39 11</i>	<i>Long 77 37</i>			
	Marshall, J.	Germantown, VA	38 20	77 50	Richmond, VA	37 30	77 20
	Livingston	New York, NY	40 47	73 58	New York, NY	40 47	73 58
	Cushing	Scituate, MA	42 10	70 40	Boston, MA	42 22	71 02
	Washington	Westmoreland, VA	38 05	77 00	Richmond, VA	37 30	77 20
	Duvall	Prince Georges, MD	38 40	76 50	Annapolis, MD	39 00	76 30
	Johnson, W.	Charleston, SC	32 54	80 02	Charleston, SC	32 54	80 02
	Todd	King & Queen, VA	37 50	77 00	Frankfort, KY	38 00	84 55
	1810 MEANS		38 22	76 11	Port Royal, VA	38 18	77 18
1820	<i>US Geo Center:</i>	<i>Moorefield, VA</i>	<i>Lat 39 05</i>	<i>Long 78 33</i>			
	Marshall, J.	Germantown, VA	38 20	77 50	Richmond, VA	37 30	77 20
	Livingston	New York, NY	40 47	73 58	New York, NY	40 47	73 58
	Story	Marblehead, MA	42 30	70 50	Salem, MA	42 30	70 50
	Washington	Westmoreland, VA	38 05	77 00	Richmond, VA	37 30	77 20
	Duvall	Prince Georges, MD	38 40	76 50	Annapolis, MD	39 00	76 30
	Johnson, W.	Charleston, SC	32 54	80 02	Charleston, SC	32 54	80 02
	Todd	King & Queen County, VA	37 50	77 00	Frankfort, KY	38 00	84 55
	1820 MEANS		38 24	76 11	Quantico, VA	38 18	77 18
1830	<i>US Geo Center:</i>	<i>Parkersburg, WV</i>	<i>Lat 38 57</i>	<i>Long 79 16</i>			
	Marshall, J.	Germantown, VA	38 20	77 50	Richmond, VA	37 30	77 20
	Thompson	Dutchess County, NY	41 50	73 30	Albany, NY	42 25	73 48
	Story	Marblehead, MA	42 30	70 50	Salem, MA	42 30	70 50
	Baldwin	New Haven, CT	41 16	72 54	Pittsburgh, PA	40 30	80 13
	Duvall	Prince Georges, MD	38 40	76 50	Annapolis, MD	39 00	76 30
	Johnson, W.	Charleston, SC	32 54	80 02	Charleston, SC	32 54	80 02
	McLean	Morristown, NJ	40 48	74 25	Cincinnati, OH	39 03	84 40
	1830 MEANS		39 28	75 12	Dawsonville, MD	39 07	77 38
1840	<i>US Geo Center:</i>	<i>Clarksburg, WV</i>	<i>Lat 39 02</i>	<i>Long 80 18</i>			
	Taney	Calvert County, MD	38 30	76 40	Baltimore, MD	39 11	76 40
	Thompson	Dutchess County, NY	41 50	73 30	Albany, NY	42 25	73 48
	Story	Marblehead, MA	42 30	70 50	Salem, MA	42 30	70 50
	Baldwin	New Haven, CT	41 16	72 54	Pittsburgh, PA	40 30	80 13
	Barbour	Orange County, VA	38 00	78 00	Orange County, VA	38 00	78 00
	Wayne	Savannah, GA	32 08	81 12	Savannah, GA	32 08	81 12
	McLean	Morristown, NJ	40 48	74 25	Cincinnati, OH	39 03	84 40
	Catron	Philadelphia, PA	39 53	75 15	Nashville, TN	36 07	86 41
1840	McKinley	Culpeper County, VA	38 15	78 00	Huntsville, AL	34 39	86 46
	1840 MEANS		39 14	75 38	Minnehaha Spgs, WV	38 17	79 52

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YR	JUSTICE	BIRTH LOCATION	BIRTH LAT	BIRTH LONG	APPT LOCATION	APPT LAT	APPT LONG
1850	<i>US Geo Center:</i>	<i>Petersburg, WV</i>	<i>Lat 38 59</i>	<i>Long 81 19</i>			
	Taney	Calvert County, MD	38 30	76 40	Baltimore, MD	39 11	76 40
	Nelson	Hebron, NY	43 10	73 30	Albany, NY	42 25	73 48
	Woodbury	Francestown, NH	43 00	71 40	Portsmouth, NH	43 05	70 50
	Grier	Cumberland County, PA	40 10	77 10	Pittsburgh, PA	40 30	80 13
	Daniel	Stafford County, VA	38 15	77 25	Richmond, VA	37 30	77 20
	Wayne	Savannah, GA	32 08	81 12	Savannah, GA	32 08	81 12
	McLean	Morristown, NJ	40 48	74 25	Cincinnati, OH	39 03	84 40
	Catron	Philadelphia, PA	39 53	75 15	Nashville, TN	36 07	86 41
	McKinley	Culpeper County, VA	38 15	78 00	Huntsville, AL	34 39	86 46
	1850 MEANS		39 21	76 09	Monterey, VA	38 18	79 48
1860	<i>US Geo Center:</i>	<i>Hillsboro, OH</i>	<i>Lat 39 00</i>	<i>Long 82 48</i>			
	Taney	Calvert County, MD	38 30	76 40	Baltimore, MD	39 11	76 40
	Nelson	Hebron, NY	43 10	73 30	Albany, NY	42 25	73 48
	Clifford	Rumney, NH	43 50	71 55	Portland, ME	43 39	70 19
	Grier	Cumberland County, PA	40 10	77 10	Pittsburgh, PA	40 30	80 13
	Daniel	Stafford County, VA	38 15	77 25	Richmond, VA	37 30	77 20
	Wayne	Savannah, GA	32 08	81 12	Savannah, GA	32 08	81 12
	McLean	Morristown, NJ	40 48	74 25	Cincinnati, OH	39 03	84 40
	Catron	Philadelphia, PA	39 53	75 15	Nashville, TN	36 07	86 41
	Campbell	Washington, GA	33 40	82 50	Montgomery, AL	32 18	86 24
	1860 MEANS		38 56	76 42	Williamsville, VA	38 06	79 42
1870	<i>US Geo Center:</i>	<i>Portsmouth, OH</i>	<i>Lat 39 12</i>	<i>Long 83 35</i>			
	Chase, Salmon	Cornish, NH	43 30	72 20	Cincinnati, OH	39 03	84 40
	Nelson	Hebron, NY	43 10	73 30	Albany, NY	42 25	73 48
	Clifford	Rumney, NH	43 50	71 55	Portland, ME	43 39	70 19
	Strong	Somers, CT	42 00	73 00	Reading, PA	40 23	75 58
	Miller	Richmond, KY	37 50	84 10	Keokuk, IA	40 10	91 20
	Bradley	Berne, NY	42 30	74 00	Newark, NJ	40 42	74 10
	Swayne	Frederick County, VA	39 00	78 20	Columbus, OH	40 00	82 53
	Davis	Cecil County, MD	40 10	76 00	Bloomington, IL	40 29	88 56
	Field	Haddam, CT	41 30	72 30	Marysville, CA	39 06	121 34
	1870 MEANS		41 30	75 05	Portland, IN	40 40	84 51
1880	<i>US Geo Center:</i>	<i>Covington, KY</i>	<i>Lat 39 04</i>	<i>Long 84 39</i>			
	Waite	Lyme, CT	41 10	72 15	Toledo, OH	41 36	83 48
	Hunt	Utica, NY	43 09	75 23	Utica, NY	43 09	75 23
	Clifford	Rumney, NH	43 50	71 55	Portland, ME	43 39	70 19
	Woods	Newark, OH	40 00	82 25	Bentonville, AL	32 10	86 50
	Miller	Richmond, KY	37 50	84 10	Keokuk, IA	40 10	91 20
	Bradley	Berne, NY	42 30	74 00	Newark, NJ	40 42	74 10
	Swayne	Frederick County, VA	39 00	78 20	Columbus, OH	40 00	82 53
	Harlan I	Boyle County, KY	37 40	85 00	Franklin County, KY	38 05	85 00
	Field	Haddam, CT	41 30	72 30	Marysville, CA	39 06	121 34
	1880 MEANS		40 44	77 20	Eden, IN	39 51	85 42
1890	<i>US Geo Center:</i>	<i>Greensburg, IN</i>	<i>Lat 39 11</i>	<i>Long 85 32</i>			
	Fuller	Augusta, ME	44 19	69 48	Chicago, IL	41 54	87 39
	Blatchford	New York, NY	40 47	73 58	New York, NY	40 47	73 58
	Gray	Boston, MA	42 22	71 02	Boston, MA	42 22	71 02
	Lamar, L.	Eatontan, GA	33 10	83 00	Oxford, MS	34 23	89 32
	Brown	South Lee, MA	42 18	73 15	Detroit, MI	42 25	83 01
	Bradley	Berne, NY	42 30	74 00	Newark, NJ	40 42	74 10
	Brewer	Smyrna, Asia Minor	38 25	27 10*	Leavenworth, KS	39 22	94 55
	Harlan I	Boyle County, KY	37 40	85 00	Franklin County, KY	38 05	85 00
	Field	Haddam, CT	41 30	72 30	Marysville, CA	39 06	121 34
	1890 MEANS		40 20	63 56	Whitesville, IN	39 54	86 46

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YR	JUSTICE	BIRTH LOCATION	BIRTH LAT	BIRTH LONG	APPT LOCATION	APPT LAT	APPT LONG
1900	<i>US Geo Center:</i>	<i>Columbus, IN</i>	<i>Lat 39 10</i>	<i>Long 85 49</i>			
	Fuller	Augusta, ME	44 19	69 48	Chicago, IL	41 54	87 39
	White, E.	Lafourche, LA	29 40	90 30	New Orleans, LA	30 02	90 02
	Gray	Boston, MA	42 22	71 02	Boston, MA	42 22	71 02
	Peckham	Albany, NY	42 45	73 48	Albany, NY	42 45	73 48
	Brown	South Lee, MA	42 18	73 15	Detroit, MI	42 25	83 01
	Shiras	Pittsburgh, PA	40 30	80 13	Pittsburgh, PA	40 30	80 13
	Brewer	Smyrna, Asia Minor	38 25	27 10*	Leavenworth, KS	39 22	94 55
	Harlan I	Boyle County, KY	37 40	85 00	Franklin County, KY	38 05	85 00
	McKenna	Philadelphia, PA	39 53	75 15	Benicia, CA	37 59	112 03
	1900 MEANS		39 46	65 45	Hazelwood, IN	39 29	86 25
1910	<i>US Geo Center:</i>	<i>Bloomington, IN</i>	<i>Lat 39 10</i>	<i>Long 86 32</i>			
	White, E.	Lafourche, LA	29 40	90 30	New Orleans, LA	30 02	90 02
	Van Devanter	Marion, IN	40 30	85 30	Cheyenne, WY	41 09	104 49
	Holmes	Boston, MA	42 22	71 02	Boston, MA	42 22	71 02
	Lurton	Newport, KY	39 10	84 30	Clarksville, TN	36 37	87 25
	Lamar, J.	Ruckersville, GA	34 00	83 00	Augusta, GA	33 22	81 58
	Day	Ravenna, OH	41 10	81 10	Canton, OH	40 55	81 26
	Hughes	Glens Falls, NY	43 10	73 30	Albany, NY	42 45	73 48
	Harlan I	Boyle County, KY	37 40	85 00	Franklin County, KY	38 05	85 00
	McKenna	Philadelphia, PA	39 53	75 15	Benicia, CA	37 59	112 03
	1910 MEANS		38 37	81 03	Warrenton, IN	38 08	87 30
1920	<i>US Geo Center:</i>	<i>Spencer, IN</i>	<i>Lat 39 10</i>	<i>Long 86 43</i>			
	White, E.	Lafourche, LA	29 40	90 30	New Orleans, LA	30 02	90 02
	Van Devanter	Marion, IN	40 30	85 30	Cheyenne, WY	41 09	104 49
	Holmes	Boston, MA	42 22	71 02	Boston, MA	42 22	71 02
	McReynolds	Elkton, KY	36 50	87 10	Nashville, TN	36 07	86 41
	Brandeis	Louisville, KY	38 14	85 40	Boston, MA	42 22	71 02
	Day	Ravenna, OH	41 10	81 10	Canton, OH	40 55	81 26
	Clarke	Lisbon, OH	40 40	80 40	Cleveland, OH	41 25	81 52
	Pitney	Morristown, NJ	40 48	74 25	Morristown, NJ	40 48	74 25
	McKenna	Philadelphia, PA	39 53	75 15	Benicia, CA	37 59	112 03
	1920 MEANS		38 54	81 16	Amity, IN	39 14	85 56
1930	<i>US Geo Center:</i>	<i>Linton, IN</i>	<i>Lat 39 03</i>	<i>Long 87 08</i>			
	Hughes	Glens Falls, NY	43 10	73 30	Albany, NY	42 45	73 48
	Van Devanter	Marion, IN	40 30	85 30	Cheyenne, WY	41 09	104 49
	Holmes	Boston, MA	42 22	71 02	Boston, MA	42 22	71 02
	McReynolds	Elkton, KY	36 50	87 10	Nashville, TN	36 07	86 41
	Brandeis	Louisville, KY	38 14	85 40	Boston, MA	42 22	71 02
	Butler	Northfield, MN	44 30	93 10	St. Paul, MN	44 56	93 03
	Sutherland	Buckinghamshire, England	51 40	00 30	Provo, UT	40 13	111 43
	Roberts, O.	Germantown, PA	40 00	75 10	Philadelphia, PA	39 53	75 15
	Stone	Chesterfield, NH	42 55	72 30	New York, NY	40 47	73 58
	1930 MEANS		42 10	71 35	Paulding, OH	41 10	84 36
1940	<i>US Geo Center:</i>	<i>Carlisle, IN</i>	<i>Lat 38 56</i>	<i>Long 87 22</i>			
	Hughes	Glens Falls, NY	43 10	73 30	Albany, NY	42 45	73 48
	Black	Clay County, AL	33 10	85 50	Birmingham, AL	33 34	86 45
	Frankfurter	Vienna, Austria	48 14	16 20*	Cambridge, MA	42 22	71 20
	McReynolds	Elkton, KY	36 50	87 10	Nashville, TN	36 07	86 41
	Douglas	Yakima, WA	46 34	120 32	New Haven, CT	41 16	72 54
	Murphy	Harbor Beach, MI	43 50	82 32	Detroit, MI	42 25	83 01
	Reed	Minerva, KY	38 30	83 55	Maysville, KY	38 25	83 50
	Roberts, O.	Germantown, PA	40 00	75 10	Philadelphia, PA	39 53	75 15
	Stone	Chesterfield, NH	42 55	72 30	New York, NY	40 47	73 58
	1940 MEANS		41 28	73 52	Centerville, PA	39 44	78 37

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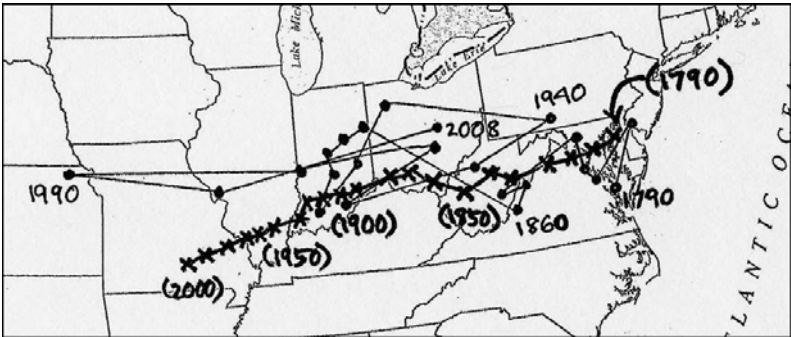
YR	JUSTICE	BIRTH LOCATION	BIRTH LAT	BIRTH LONG	APPT LOCATION	APPT LAT	APPT LONG
1950	<i>US Geo Center:</i>	<i>Olney, IL</i>	<i>Lat 38 50</i>	<i>Long 88 10</i>			
	Vinson	Louisa, KY	38 05	82 30	Ashland, KY	38 30	82 30
	Black	Clay County, AL	33 10	85 50	Birmingham, AL	33 34	86 45
	Frankfurter	Vienna, Austria	48 14	16 20*	Cambridge, MA	42 22	71 20
	Minton	Georgetown, IN	38 10	86 00	New Albany, IN	38 10	85 50
	Douglas	Yakima, WA	46 34	120 32	New Haven, CT	41 16	72 54
	Clark	Dallas, TX	32 51	96 51	Dallas, TX	32 51	96 51
	Reed	Minerva, KY	38 30	83 55	Maysville, KY	38 25	83 50
	Burton	Jamaica Plain, MA	42 22	71 02	Cleveland, OH	41 25	81 52
	Jackson, R.	Spring Creek, PA	41 50	79 30	Washington, DC	38 51	77 02
	1950 MEANS		39 58	76 39	Milton, WV	38 23	82 06
1960	<i>US Geo Center:</i>	<i>Centralia, IL</i>	<i>Lat 38 35</i>	<i>Long 89 12</i>			
	Warren	Los Angeles, CA	33 56	118 24	Sacramento, CA	38 31	121 30
	Black	Clay County, AL	33 10	85 50	Birmingham, AL	33 34	86 45
	Frankfurter	Vienna, Austria	48 14	16 20*	Cambridge, MA	42 22	71 20
	Brennan	Newark, NJ	40 42	74 10	Newark, NJ	40 42	74 10
	Douglas	Yakima, WA	46 34	120 32	New Haven, CT	41 16	72 54
	Clark	Dallas, TX	32 51	96 51	Dallas, TX	32 51	96 51
	Whittaker	Troy, KS	39 50	95 00	Kansas City, MO	39 07	94 36
	Stewart	Jackson, MI	42 16	84 28	Cincinnati, OH	39 03	84 40
	Harlan II	Chicago, IL	41 54	87 39	New York, NY	40 47	73 58
	1960 MEANS		39 56	82 57	Bono, IN	38 39	86 18
1970	<i>US Geo Center:</i>	<i>Mascoutah, IL</i>	<i>Lat 38 27</i>	<i>Long 89 42</i>			
	Burger	St. Paul, MN	44 56	93 03	Washington, DC	38 51	77 02
	Black	Clay County, AL	33 10	85 50	Birmingham, AL	33 34	86 45
	Blackmun	Nashville, IL	38 10	89 30	St. Paul, MN	44 56	93 03
	Brennan	Newark, NJ	40 42	74 10	Newark, NJ	40 42	74 10
	Douglas	Yakima, WA	46 34	120 32	New Haven, CT	41 16	72 54
	Marshall, T.	Baltimore, MD	39 11	76 40	New York, NY	40 47	73 58
	White, B.	Ft. Collins, CO	40 35	105 05	Denver, CO	39 45	104 52
	Stewart	Jackson, MI	42 16	84 28	Cincinnati, OH	39 03	84 40
	Harlan II	Chicago, IL	41 54	87 39	New York, NY	40 47	73 58
	1970 MEANS		40 50	90 46	Newark, OH	39 58	82 20
1980	<i>US Geo Center:</i>	<i>DeSoto, MO</i>	<i>Lat 38 08</i>	<i>Long 90 34</i>			
	Burger	St. Paul, MN	44 56	93 03	Washington, DC	38 51	77 02
	Powell	Suffolk, VA	36 40	76 30	Richmond, VA	37 30	77 20
	Blackmun	Nashville, IL	38 10	89 30	St. Paul, MN	44 56	93 03
	Brennan	Newark, NJ	40 42	74 10	Newark, NJ	40 42	74 10
	Stevens	Chicago, IL	41 54	87 39	Chicago, IL	41 54	87 39
	Marshall, T.	Baltimore, MD	39 11	76 40	New York, NY	40 47	73 58
	White, B.	Ft. Collins, CO	40 35	105 05	Denver, CO	39 45	104 52
	Stewart	Jackson, MI	42 16	84 28	Cincinnati, OH	39 03	84 40
	Rehnquist	Milwaukee, WI	42 57	87 54	Phoenix, AZ	33 26	112 01
	1980 MEANS		40 49	86 07	Jessup, IN	39 39	87 11
1990	<i>US Geo Center:</i>	<i>Steelville, MO</i>	<i>Lat 37 52</i>	<i>Long 91 13</i>			
	Rehnquist	Milwaukee, WI	42 57	87 54	Phoenix, AZ	33 26	112 01
	Kennedy	Sacramento, CA	38 31	121 30	Sacramento, CA	38 31	121 30
	Blackmun	Nashville, IL	38 10	89 30	St. Paul, MN	44 56	93 03
	Souter	Melrose, MA	42 25	71 05	Concord, NH	43 12	71 30
	Stevens	Chicago, IL	41 54	87 39	Chicago, IL	41 54	87 39
	Marshall, T.	Baltimore, MD	39 11	76 40	New York, NY	40 47	73 58
	White, B.	Ft. Collins, CO	40 35	105 05	Denver, CO	39 45	104 52
	O'Connor	El Paso, TX	31 47	106 24	Phoenix, AZ	33 26	112 01
	Scalia	Trenton, NJ	40 17	74 49	Chicago, IL	41 54	87 39
	1990 MEANS		39 32	91 10	Bern, KS	39 46	96 02

YR	JUSTICE	BIRTH LOCATION	BIRTH LAT	BIRTH LONG	APPT LOCATION	APPT LAT	APPT LONG
2000	US Geo Center:	Edgar Springs, MO	Lat 37 42	Long 91 49			
	Rehnquist	Milwaukee, WI	42 57	87 54	Phoenix, AZ	33 26	112 01
	Kennedy	Sacramento, CA	38 31	121 30	Sacramento, CA	38 31	121 30
	Breyer	San Francisco, CA	37 37	122 23	Boston, MA	42 22	71 02
	Souter	Melrose, MA	42 25	71 05	Concord, NH	43 12	71 30
	Stevens	Chicago, IL	41 54	87 39	Chicago, IL	41 54	87 39
	Thomas	Savannah, GA	32 08	81 12	Washington, DC	38 51	77 02
	Ginsburg	Brooklyn, NY	40 46	73 54	Washington, DC	38 51	77 02
	O'Connor	El Paso, TX	31 47	106 24	Phoenix, AZ	33 26	112 01
	Scalia	Trenton, NJ	40 17	74 49	Chicago, IL	41 54	87 39
	2000 MEANS		38 42	91 54	Kampsville, IL	39 10	90 50
2008	US Geo Center:	Edgar Springs, MO	Lat 37 42	Long 91 49			
	Roberts, J.	Long Beach, IN	41 45	86 50	Washington, DC	38 51	77 02
	Kennedy	Sacramento, CA	38 31	121 30	Sacramento, CA	38 31	121 30
	Breyer	San Francisco, CA	37 37	122 23	Boston, MA	42 22	71 02
	Souter	Melrose, MA	42 25	71 05	Concord, NH	43 12	71 30
	Stevens	Chicago, IL	41 54	87 39	Chicago, IL	41 54	87 39
	Thomas	Savannah, GA	32 08	81 12	Washington, DC	38 51	77 02
	Ginsburg	Brooklyn, NY	40 46	73 54	Washington, DC	38 51	77 02
	Alito	Hamilton Twp, NJ	40 10	74 40	Newark, NJ	40 42	74 10
	Scalia	Trenton, NJ	40 17	74 49	Chicago, IL	41 54	87 39
	2008 MEANS		39 31	88 16	Pulaskville, OH	40 34	82 44

* All latitudes are North; all longitudes are West, except those marked with an asterisk, which are East.

FIGURE 3A

MEAN APPOINTMENT LOCATIONS OF SUPREME COURT JUSTICES &
U.S. POPULATION CENTERS, 1790-2008
DETAIL



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