

Table 5.73

U.S. Supreme Court cases argued and decided on merits

At conclusion of the October terms 1981-95

October terms	Argued						Decided on merits ^a					
	Total	Government participating	Government as petitioner or appellant ^b	Government as respondent or appellee ^b	Government as amicus ^c	Government not participating	Total	Government participating	Decided in favor of Government's position ^b	Decided against Government's position ^b	Not classifiable as for or against ^b	Government not participating
Number												
1981	184 ^d	104 ^d	30	27	47	80	315	136	111	20	5	179
1982	183	131	44	44	43	52	283	172	115	50	7	111
1983	184	118	46	33	39	66	262	150	124	23	3	112
1984	175	114	37	34	43	61	236	146	113	30	3	90
1985	171	106	39	24	43	65	275	139	99	35	5	136
1986	175	104	27	32	45	71	282	140	98	36	6	142
1987	167	106	36	34	36	61	251	135	82	38	15	116
1988	170	91	25	25	41	79	265	122	86	25	11	143
1989	146	89	26	23	40	57	224	108	67	39	2	116
1990	125	77	10	32	35	48	232	107	74	31	2	125
1991	123	84	26	17	41	39	183	103	76	22	5	80
1992	116	88	24	23	41	28	206	126	84	36	6	80
1993	99	70	11	20	39	29	157	97	56	37	4	60
1994	94	64	21	16	27	30	146	84	48	33	3	62
1995	90	68	13	28	27	22	189	129	50	70 ^e	9	60
Percent												
1981	100%	57%	29%	26%	45%	43%	100%	43%	82%	15%	3%	57%
1982	100	72	34	34	33	28	100	61	67	29	4	39
1983	100	64	39	28	33	36	100	57	83	15	2	43
1984	100	65	32	30	38	35	100	62	77	21	2	38
1985	100	62	37	23	41	38	100	51	71	25	4	49
1986	100	59	26	31	43	41	100	50	70	26	4	50
1987	100	63	34	32	34	37	100	54	61	28	11	46
1988	100	54	27	27	45	46	100	46	70	20	9	54
1989	100	61	29	26	45	39	100	48	62	36	2	52
1990	100	62	13	42	45	38	100	46	69	29	2	54
1991	100	68	31	20	49	32	100	56	74	21	5	44
1992	100	76	27	26	47	24	100	61	67	29	5	39
1993	100	71	16	29	56	29	100	62	58	38	4	38
1994	100	68	33	25	42	32	100	58	57	39	4	42
1995	100	76	19	41	40	24	100	68	39	54	7	32

Note: The data above represent actions taken during the annual terms of the U.S. Supreme Court. "Amicus" refers to a party who is not involved directly in the suit, but who demonstrates an interest in the case by filing a supportive brief. "Decided on merits" refers to a reassessment and resolution of the substantive issues presented in the case, but that does not involve active participation of the litigants through the filing of written and oral arguments.

^aIncludes cases summarily affirmed, reversed, or vacated on the In Forma Pauperis Docket.

^bPercent is based on the total cases in which the Government participated.

^cIncludes cases in which the Government filed briefs as amicus curiae but did not participate in the argument.

^dIncludes cases set for reargument in succeeding terms.

^eIncludes 43 cases that were vacated and remanded for further consideration in light of *Bailey v. U.S.A.*, 94-7448. The case involved the review of two convictions under 18 USC 924 (c)(1), which imposes a mandatory prison term on anyone using or carrying a firearm during the commission of a drug trafficking crime.

Source: Table adapted from data provided to SOURCEBOOK staff by the U.S. Department of Justice, Office of the Solicitor General.