

Using Automated Linguistic Analysis to Assess How Justices Age

James E. Daily, Washington University in St. Louis

Lee Epstein, Washington University in St. Louis

Kevin M. Quinn, University of Michigan-Ann Arbor

Abstract:

Because federal judges enjoy life tenure, they can—and do—remain on the bench well into their 70s. We ask whether justices of the U.S. Supreme Court show evidence of cognitive decline associated with progression into more pronounced dementia.

Using transcripts from the Court's oral arguments, we find evidence of decline in one of the eleven justices appointed since 1969. These results are not unexpected: about 14% of Americans over age 70 show signs of dementia. But few Americans hold the power of Supreme Court justices, who address important questions of public concern year in and year out. Our findings suggest the need for further analysis of the extent of cognitive decline on the bench and for deeper consideration of proposals aimed at insuring a mentally healthy judiciary.