

Mass versus Donor Attitudes on the Importance of Supreme Court Nominations

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Abstract

Supreme Court nominations have become increasingly high-salience political events. Yet we know little about the prioritization of these nominations relative to other policy issues by core constituency groups. We examine how both individual donors and the mass public prioritize nominations as well as factors they believe presidents should consider when making a nomination. To do so, we constructed original questions for a survey of over 7,000 validated donors and a comparison general population survey. The results suggest donors in each major party are substantially more likely to prioritize Supreme Court nominations than their general public co-partisans are, with Republican donors especially likely to do so. At the same time, overwhelming majorities of both parties, whether donors or not, believe presidents should consider a judge's views on issues when choosing nominees. Overall, these findings highlight that even when voters' and donors' policy positions are similar, policy priorities can vary substantially.

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1 Introduction

Given the importance of individual donors to funding political campaigns in the United States, a key question is the extent to which donors have distinctive policy preferences from the general population. Recent scholarship finds that the policy positions of donors and the mass public diverge on a number of domestic policy and globalization issues (e.g., Bafumi and Herron 2010, Broockman and Malhotra 2020, Barber et al. 2023). Yet little is known about the policy priorities of donors. Moreover, there are reasons to believe their priorities alter policymakers' actions. Canes-Wrone and Miller (2022), for example, find that legislators cater to individual donors' preferences, even when these preferences diverge from those of district and primary constituencies. Likewise, research on political action committees (PACs) suggests donations are related to congressional members' efforts on policy (e.g., Powell 2013). And while it seems reasonable to believe PACs have greater access than individual donors to policymakers, there is also evidence that individual donors have higher access to elected officials than non-donors do (Kalla and Broockman 2016).

In this short paper, we contribute to the broader question of individual donors' policy priorities and how they may differ from those of non-donors, with a particular focus on Supreme Court nomination politics. Because policy positions on this issue have not been a focus of the literature on donor opinion, we also analyze donors' and the general public's views about factors presidents should consider when making a nomination. The importance of the Supreme Court—and the justices who sit on it—to politicians and activists in each major party has been a major question of research in judicial politics, interbranch relations, and interest groups (e.g. Scherer 2005, Hollis-Brusky 2015, Cameron and Kestellec 2023). Yet far less attention has been given to whether electoral constituencies and subconstituencies such as donors prioritize judicial nominations and what they seek in these appointments.

We conduct multiple analyses to shed light on these issues. First, we compare donors

with their general public co-partisans; these tests provide new evidence on how donors' priorities and positions may diverge from those of the public. Second, we compare across the major parties to assess whether Republican donors and general population respondents have prioritized and valued Supreme Court nominations differently than their Democratic counterparts.

Existing work suggests that Republican party elites and officials have long emphasized the importance of nominations. For instance, Cameron and Kastlelec (2023, Ch. 2) code the party platforms between 1928 and 2020 and show that, since 1990 or so, Republican platforms have emphasized judicial appointments as a vehicle for policy change much more than Democratic ones, thereby illustrating an asymmetric party interest. This asymmetry is consistent with Teles' (2008) qualitative history of the conservative legal movement, which he shows was financed by a small number of ultra-wealthy conservatives who saw the courts as underappreciated vehicles for advancing favorable policies.

To the best of our knowledge, the only academic study of constituencies' prioritization of judicial nominations is Badas and Simas (2022), which examines a 2016 poll that asks general population respondents about the importance of 18 issues, including Supreme Court appointments. Their findings suggest partisan identifiers, particularly strong Republicans, are more likely to rank judicial nominations higher in importance, relative to pure Independents. Although informative, this study does not allow for a comparison of mass to donor opinion or of Democratic to Republican donors. Also, because the survey was fielded before Trump's high-profile judicial nominations, it is worth examining whether partisan asymmetry among the general public still holds, especially since Democratic elites have tried to counterbalance the conservative legal movement with well-funded groups such as Demand Justice (Boyer 2020).

Using original survey data that postdates the Gorsuch and Kavanaugh nominations, we find clear evidence that donors in both parties are more likely to prioritize judicial appoint-

ments than the mass public; asked to rank their top three issues from a closed list, over a twenty percentage point gap emerges between donors and the general population in each party. These differences are largest for donors who have given more money and to out-of-state candidates. In contrast, the evidence of partisan asymmetry is mixed. Among donors, there is some evidence that Republican donors prioritize appointments more than Democratic ones, though the difference is much smaller in magnitude (and less statistically precise) than that between donors and the public. Among the general population, Democratic and Republican respondents prioritize the Court similarly even though partisan asymmetry emerges for other issues. When analyzing policy positions, we do find that Democratic donors are more likely than Republican ones to value diversity in appointments and there is modest partisan asymmetry in the general population. By comparison, overwhelming majorities of both parties, whether donors or not, believe presidents should consider a judge’s views on issues when choosing nominees. Overall, these findings highlight that even when donors’ and the public’s policy positions on issues are similar, prioritization can vary substantially.

2 Data and Results

To study donor and mass opinion about judicial appointments, we examine original questions in a multi-pronged survey that includes a large sample of validated donors along with a comparison sample of the general population. Barber et al. (2024) analyzes abortion opinion from a different set of items in the survey, and we refer interested readers to that paper and Section SA-1.1 in the Appendix for more a detailed description of the survey procedures.¹ Briefly, it was fielded November 2019-April 2020 and targeted national samples of adults with a valid postal address. Because the FEC requires donors to give a mailing address but not alternative contact information, postal mail is the standard means of initial

¹Barber et al. (2023) also use this survey to analyze a different set of items, in their case to compare the policy positions of donors with other constituencies on social, economic and foreign policies.

contact for donor surveys (e.g., Powell et al. 2003). The survey is mixed-mode in that sampled individuals received a personalized letter that directed them to a URL that required their unique code and pin, upon which they were asked for consent.

The survey sought a large sample of donors in order to examine variation across donor-type, such as by amount contributed. In total, the donor sample has 7,335 respondents and the general population sample 1,409 respondents. Consistent with prior push-to-web surveys of donors and the mass public (e.g Broockman and Malhotra 2020), the response rates are 10.6% for the donor sample and 2.4% for the general public sample. Supplemental Section SA-1.1 provides further discussion on response rates. As it describes, the main source of response differential is by party, with Republicans being less likely to respond, and we therefore use non-response weights in all analyses (which are also described in SA-1.1).

2.1 Issue prioritization

Because our primary interest is key constituents' prioritization of judicial appointments, we begin by analyzing how important this issue is for respondents' evaluation of Senate candidates, compared to other issues. Specifically, the survey asked:

Consider the following list of issues and policies. Among them, which THREE are the most important to you in terms of choosing whether to support a Senate candidate? Select up to three issues. (*Order randomized*)

- Climate change and the environment
- Federal judicial appointments, including appointments to the Supreme Court
- Government assistance to the poor
- Gun policy
- Health care
- Immigration
- National debt/deficit

- Social security
- Taxes
- Trade and tariff policy

We chose to focus on opinions about Senate candidates given the primacy of the Senate in confirming nominees, as well as the survey’s inclusion of a set of validated midterm election donors. Below, however, we examine several items regarding presidential consideration of nominees. As in Reher (2014) and elsewhere, we asked about respondents’ top three issues as a compromise between allowing all issues to be of high importance versus only one most important issue. The issues other than judicial appointments in the list of options represent a range of policies that appear in recent work on the public’s priorities (e.g., Sides, Tausanovitch and Vavreck 2023).

Recall that we focus on two types of comparisons: donor to mass opinion and Democratic to Republican opinion. For the latter, we follow standard practice and count “leaners” as partisans.² Table 1A depicts the percentage of respondents citing judicial appointments as one of the three most important issues by donor status and party identification. Quite strikingly, donors of both parties are substantially more likely than members of the general public to prioritize judicial appointments—47.4% of Republican donors and 38.9% of Democratic donors, compared to 17.9% of general population Democrats and 19.2% of general population Republicans. Both within-party comparisons are statistically significant.

Unlike in Badas and Simas (2022), the data do not suggest a sizeable nor statistically significant difference between general population Republicans and Democrats in their prioritization of judicial appointments. One reason could be that our survey occurred after the Gorsuch and controversial Kavanaugh hearings. Another could be that the survey analyzed

²In the interest of parsimony, we exclude the small percentage of respondents who neither identify with nor lean toward either party; such individuals comprise just 7% of the mass public sample and about 2.5% of the donor sample.

(A)

	Donor	Mass Public	
Democrat	38.9%	17.9%	p<0.01
Republican	47.4%	19.2%	p<0.01
	p<0.01	p=0.71	N = 7,698

(B)

	(1) Pooled	(2) By Party
Donor	0.23*** (0.02)	0.21*** (0.02)
Republican		0.01 (0.04)
Donor × Republican		0.07* (0.04)
Constant	0.18*** (0.02)	0.18*** (0.02)
N	7,698	7,698
R ²	0.06	0.07

Note: *p<0.1; **p<0.05; ***p<0.01

Table 1: A) Percentage of respondents prioritizing judicial appointments, by party identification and donor status. B) Regression of prioritizing judicial appointments on party identification and donor status. For each analysis, survey weights are based on inverse propensity of response. All p-values are based on two-tailed tests.

in Badas and Simas (2022) does not limit how many issues can be at the highest level of importance. However, for donors, Table 1A does provide some evidence of partisan differential in prioritization among donors, with Republican donors eight percentage points more likely to rank judicial appointments among their top three issues compared to Democratic donors.

Table 1B reports the results from regression models in which the dependent variable is whether the respondent lists judicial appointments as one of the most important issues. Model (1) pools all contributors; it shows the baseline likelihood of prioritizing judicial appointments is 18 percent, with donors being 23 percentage points more likely to rank appointments as a top-three concern. Model (2) adds main effects and an interaction term for party identification. The main effect on *Donor* is similar to that seen in Model 1. The estimates on *Republican* indicate that Republicans in the mass public are no more likely to prioritize appointments than their Democratic counterparts. Consistent with Table 1A, the results on the interaction term suggest Republican donors are more likely to prioritize judicial appointments than Democratic ones by about seven percentage points; however, the coefficient is measured somewhat imprecisely ($p = .07$, two-tailed). All told, we find strong evidence that donors from both parties are more likely to prioritize judicial appointments

than their mass public counterparts. There is also suggestive evidence that Republican donors prioritize appointments more so than Democratic donors, but the magnitude of this partisan difference is much smaller than the donor/public divide.³

A related question of interest is how the prioritization of judicial appointments compares to other issues. Table 2 presents the rankings of each issue asked in our Senate candidate question, broken down by party and donor status; that is, within each party-donor type, we order the issues by the percentage of respondents saying an issue is important, moving down from higher overall prioritization to less. Quite strikingly, for Democratic and Republican donors, judicial appointments are the third and fourth most referenced issues, trailing only each party’s “bread and butter issues,” such as climate change and health care for Democrats, and immigration and taxes, for Republicans. By contrast, for the mass public, appointments ranks seventh in priority among both Democrats and Republicans. Thus, while judicial appointments rank neither at the very top in priority for donors nor at the very bottom for the mass public, these comparisons nevertheless provide further evidence that donors are more likely to emphasize judicial appointments than the mass public does.

We have also analyzed variation in donor-type based on the amount donated, whether the donor gave to an out-of-state candidate, and whether they gave to any Senate candidate. These results, which are presented in Table SA-3, suggest that out-of-state donors and ones who give more money are more likely to prioritize judicial appointments. Breaking these results down by party, we find that the association with amount given is driven by Democrats, while out-of-state donors in each party are more likely than their general population counterparts to prioritize judicial appointments.

³In the supplemental appendix (Tables SA-1 and SA-2), we conduct alternative analyses that assess whether the donor status impact is a function of affluence, including income and net worth. Furthermore, we consider whether it is driven by other demographic factors. All these analyses continue to suggest prioritization of the courts is higher for donors.

Democrats					
Donors			Public		
Issue	% saying important	Ranking	Issue	% saying important	Ranking
Climate change	81	1	Health care	75	1
Health care	68	2	Climate change	69	2
Judicial appointments	39	3	Guns	37	3
Guns	34	4	Immigration	27	4
Immigration	23	5	Govt assistance to poor	21	5
Deficit	15	6	Taxes	18	6
Govt assistance to poor	14	7	Judicial appointments	17	7
Social security	11	8	Deficit	17	8
Taxes	9	9	Social security	14	9
Trade	4	10	Trade	4	10

Republicans					
Donors			Public		
Issue	% saying important	Ranking	Issue	% saying important	Ranking
Immigration	62	1	Immigration	68	1
Deficit	53	2	Taxes	47	2
Taxes	48	3	Deficit	44	3
Judicial appointments	47	4	Health care	38	4
Health care	28	5	Guns	30	5
Guns	23	6	Social security	28	6
Trade	16	7	Judicial appointments	19	7
Social security	13	8	Trade	9	8
Climate change	8	9	Govt assistance to poor	8	9
Govt assistance to poor	2	10	Climate change	8	10

Table 2: Rankings of issue importance for Senate candidates by party and donor status. For each analysis, survey weights based on inverse propensity of response.

2.2 Positions on judicial appointments

In addition to our focus on judicial priorities, we asked respondents several questions about their policy positions on appointments. Two of these questions are original, and ask whether respondents believe “presidents should consider nominees’ views on specific issues before appointing them to the Supreme Court” and whether presidents should “consider a nominee’s race, gender, ethnicity, or sexual orientation.” The other two question wordings are from the Cooperative Election Survey (CES), and asked whether respondents would have voted to support the Gorsuch and Kavanaugh nominations. In each case the response options were binary, allowing for either support or not. Section SA-1.2 provides full question wordings. To the best of our knowledge, existing research on donors’ policy positions does not examine these items or, more generally, donors’ policy positions about judicial appointments.

Table 3 presents the mean response by donor status and party. Because of the large number of comparisons and the smaller magnitudes of difference, p-values are given in the

	Democrats		Republicans	
	Donors	Mass Public	Donors	Mass Public
Should consider nominee views on issues	70.0%	67.9%	74.1%	76.8%
Should consider nominee demographics	35.1%	19.8%	12.5%	13.4%
Support for Gorsuch	16.7%	22.7%	96.1%	91.5%
Support for Kavanaugh	1.8%	7.3%	93.4%	87.8%

Table 3: Policy positions on judicial appointments

supplemental materials (Table SA-4). In considering the magnitudes of the differences, we note that prior research (e.g. Gilens 2012, Enns 2015) comparing the policy positions of the general population to the affluent uses a 10 percentage point cutoff to indicate notable preference divergence.

Notably, the first row of Table 3 suggests substantial majorities believe a president should consider a nominee’s issue positions regardless of donor status or party. For Democrats, 70% of donors and 68% of the general population agree; for Republicans, 74% of donors and 77% of the general population express support. For nominee demographics, however, there is a 15 percentage point divide between Democratic donors and general population respondents, with 35% of Democratic donors supporting the position that the president should consider nominee demographics, but only 20% of Democratic general population respondents. Additionally, there is lower support among both samples of Republicans, with only 13% of either donors or general population respondents agreeing with the position. The partisan differential fits with prior research that suggests Democratic but not Republican party platforms have emphasized judicial diversity (Cameron and Kastlelec 2023, ch. 2.).

For the Gorsuch and Kavanaugh nominations, the partisan differences are starker but the donor-public difference is small for each party. Over 90% of Republican donors and general population respondents support the Gorsuch appointment, and only 17% of Democratic donors and 23% of general population respondents do so. For Kavanaugh, less than 10% of Democratic donors or mass public respondents support Kavanaugh’s appointment while

93% of Republican donors and 88% of general population respondents are in favor of it.⁴

Overall, Table 3 suggests that across a range of policy positions on judicial appointments, the percentages of donors and general population respondents supporting the positions are relatively similar in magnitude. Across each position and party, the size of the difference is modest other than for Democrats concerning demographic diversity on the Court. Of course, what also stands out are the partisan differences in all but the question of whether the president should consider nominees’ policy positions. Together, Tables 1 and 3 suggest that mass and donor opinion diverge more in terms of issue priorities than on policy positions, at least with respect to judicial appointments.

3 Conclusion

This short paper provides new evidence on donor and mass opinion about the courts, including the first systematic evidence that donors prioritize judicial appointments more than the general public does. Our unique survey data on donors shows that these differences are quite sizable; on average, donors from either party are about 20 percentage points more likely to cite judicial appointments as a top-three priority compared to general population partisans. Further analyses presented in the appendix suggest that the differences are even larger for out-of-state donors or those who gave more money and that the general population prioritizes other policy issues. These results on prioritization likely have important implications for which issues elected officials in both parties focus on.

Perhaps surprisingly, however, we did not find partisan differences in prioritization among the public, and among donors, we found only a modest partisan asymmetry. Possibly this comparability reflects that the Democratic party has “caught up” to the Republican party in terms of emphasizing the importance of judicial nominations and policy. If this is the

⁴The partisan distribution of opinion for both nominees is consistent with the estimates in Cameron and Kastellec (2023, ch. 7.), which are based on several polls taken close to the end of the nominee’s confirmation period; this correspondence helps validate our estimates.

case, the Supreme Court’s blockbuster 2022 *Dobbs* decision overturning *Roe v. Wade* likely further reduced any partisan asymmetry among donors. While collecting public opinion data on donors is not easy, future work could explore whether this is indeed the case.

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SA-1 Supplemental Appendix

This supplemental appendix presents additional information on our survey procedures, as well as additional analyses referenced in the main paper.

SA-1.1 Description of survey and weighting procedures

Complete details about the survey are provided in Barber et al. (2024); we draw upon that paper in this section.

Both target sampling frames for this paper—donors and the general public—involve U.S. adult residents in one of the 50 states or Washington, DC who have a valid postal address. Because the Federal Election Commission (FEC) only requires postal addresses for donors' contact information, all sampled individuals were contacted via a personalized letter that provided a URL for the entry page of the survey's website. Each letter contained a unique code and pin and offered a \$1 charitable contribution, upon completion of the survey, to the respondent's choice of one of the American Cancer Society, American Red Cross, or United Way. After entering their unique password and code, respondents were provided with information about the survey's purpose and asked for consent before proceeding. The invitation letters were mailed in late November 2019; for 50% of non-respondents, a follow-up postcard was mailed in late January 2020.

The sampling lists were provided by the data vendor TargetSmart. Each federal election cycle, TargetSmart creates a database of validated donors from the FEC data. Among these validated FEC donors, 69,000 who contributed in the 2017-18 election cycle were randomly selected. The response rate for donors was 10.6%, producing a sample size of 7,335. One purpose of such a large sample of donors was to analyze different donor-types, including by donation amount, out-of-state status, and other criteria. The parallel survey of the general population involved randomly sampling 44,000 individuals from TargetSmart's general consumer file. Consistent with prior mixed-mode surveys with an initial postal mail

invitation (e.g., Broockman and Malhotra 2020), this response rate was approximately 2.4%, creating a sample of 1038 respondents.¹

The original Barber et al. (2024) survey also includes a third sample of affluent individuals. Although not a focus of this paper, we present results below involving this comparison. Affluent individuals are defined as those who make over \$150,000 a year or have a net worth of at least one million dollars. TargetSmart randomly sampled 40,000 individuals from their consumer database who are classified as affluent by these criteria; the response rate for this group was 3.5%.

As Barber et al. (2024) detail, despite the low response rates, the demographic characteristics of the respondents and non-respondents were well-balanced, including by income, wealth, gender, income, and age; an exception to this was party identification, with fewer Republicans than Democrats responding. For instance, in the donor sample, the absolute differences between the percentages of males and females in the sampling frame versus respondent pool are less than 2 percentage points, while the analogous differences for Democrats and Republicans are 8 percentage points and 6 percentage points, respectively. To account for this imbalance, we use Barber et al.’s survey weights. These include non-response weights for donors and ones based on standard demographic targets from the American Community Survey for the general population. The non-response weights are based on the inverse of the propensity score from a regression of whether a sampled individual completed the survey on their demographic characteristics, partisanship, voting turnout in 2016 and 2018, and (in the donor sample) number of contributions. These weights are correlated with raking weights at 0.99, and therefore the results are substantively identical with either type of weight.

SA-1.2 Survey items

This subsection presents the full question wording for each survey item analyzed in the paper.

¹Less than 2% of the general population sample is a validated donor.

Priorities and judicial appointments (original item)

Consider the following list of issues and policies. Among them, which THREE are the most important to you in terms of choosing whether to support a Senate candidate? Select up to three issues. (Order randomized)

- Climate change and the environment
- Federal judicial appointments, including appointments to the Supreme Court
- Government assistance to the poor
- Gun policy
- Health care
- Immigration
- National debt/deficit
- Social security
- Taxes
- Trade and tariff policy

Presidents and nominee views (original item)

Thinking now about the US courts and the selection of judges. Should US presidents consider nominees' views on specific issues before appointing them to the Supreme Court?

- Yes
- No

Presidents and nominee diversity (original item)

Before appointing someone to the Supreme Court, should presidents consider a nominee's race, gender, ethnicity, or sexual orientation?

- Yes
- No

Gorsuch and Kavanaugh (CES wording)

Over the past two years, Congress voted on many issues. If you were in Congress would you have voted FOR or AGAINST each of the following?

Appoint Neil Gorsuch to the Supreme Court of the United States?

- For
- Against

Appoint Brett Kavanaugh to the Supreme Court of the United States?

- For
- Against

SA-1.3 Donor prioritization of the courts, with controls

Table SA-1 examines donor prioritization of judicial appointments with controls for income, net worth and demographic factors. Three models are presented: (1) pooled across all donor and mass public respondents, (2) subset to Republicans, and (3) subset to Democrats. As in the main text, the data is from the donor and general population samples.

The demographic variables are defined as follows based on self-reports from the survey data; because some respondents opted out of completing certain demographic questions, the numbers of observations for these analyses are slightly lower than those without the demographic controls.

- **Education** is coded from one to six, with each value representing one of the following categories:
 - Did not graduate from high school
 - High school graduate
 - Some college, but no degree
 - 2-year college degree
 - 4-year college degree,
 - Postgraduate degree (Masters, MD, JD, PhD, etc.).

- **Female** is a binary variable for respondents’ self-reported gender (two for female, or one for male).
- **Income.** Respondents were asked to place their family’s annual income in one of ten categories:
 - Less than \$50,000 (1)
 - \$50,000 - \$99,999 (2)
 - \$100,000 - \$124,999 (3)
 - \$125,000 - \$149,999 (4)
 - \$150,000 - \$249,999 (5)
 - \$250,000 - \$299,999 (6)
 - \$300,000 - \$349,999 (7)
 - \$350,000 - \$399,999 (8)
 - \$400,000 - \$500,000 (9)
 - More than \$500,000 (10)
 - (They could also answer “prefer not to say.”)
- **Net worth** reflects whether a respondent estimated their household’s net worth to be:
 - “Less than \$1 million” (1) or,
 - “More than \$1 million” (2).
- **Age** is a continuous measure of age.
- **Religious importance.** Respondents were asked “How important is religion in your life?” If they answered “Very important,” the variable Religious Importance is coded as one, otherwise zero.
- **Black** and **Latino** are binary variables reflecting a respondent’s self-identified race or ethnicity.
- **High political interest.** Respondents were asked “Would you say you follow what’s going on in politics and public affairs...?” Respondents who answered “Most of the time” to the question were coded as a one for the control High Political Interest, otherwise zero.

Donor prioritization of the courts is highly robust to the added controls. The findings from Table SA-1 closely mirror those presented in Table 1B. That is, donors of both parties are significantly more likely to say judicial appointments are among their top three issues

	Pooled (1)	Republicans (2)	Democrats (3)
Donor	0.175*** (0.024)	0.196*** (0.042)	0.164*** (0.027)
Education	0.012 (0.009)	0.017 (0.012)	0.012 (0.013)
Female	0.008 (0.019)	-0.001 (0.039)	0.019 (0.020)
Income	0.001 (0.004)	0.001 (0.007)	-0.001 (0.004)
Net Worth	0.064** (0.026)	0.043 (0.043)	0.073** (0.029)
Age	0.0002 (0.001)	0.004*** (0.001)	-0.001* (0.001)
Religious Importance	0.037* (0.020)	0.096*** (0.030)	-0.057** (0.023)
Black	-0.063 (0.041)	0.238 (0.227)	-0.073** (0.037)
Latino	-0.015 (0.048)	0.045 (0.105)	-0.052 (0.047)
High Political Interest	0.083*** (0.031)	0.066* (0.039)	0.096** (0.043)
Constant	-0.048 (0.066)	-0.260** (0.103)	0.031 (0.088)
R^2	0.08	0.14	0.07
Observations	6,807	1,712	5,095

Note: *p<0.1; **p<0.05; ***p<0.01

Table SA-1: Donor prioritization of judicial appointments, with demographic controls. Models include inverse propensity weights and robust standard errors. All p-values are based on two-tailed tests.

when considering a Senate candidate, compared to the the mass public. In the full sample, donors are 17.5 percentage points more likely to rank judicial appointments as a top priority. The donor gap remains quite large when subset to either Republicans (19.6 percentage points) or Democrats (16.4 percentage points).

SA-1.4 Donor prioritization of the courts, compared to the affluent

Table SA-2 compares the importance of judicial appointments among donors, the mass public, and the affluent. As described previously in the survey procedures section, the Barber

	Pooled	Republicans	Democrats
	(1)	(2)	(3)
Donor	0.234*** (0.019)	0.281*** (0.032)	0.210*** (0.024)
Affluent	0.034 (0.023)	0.027 (0.037)	0.038 (0.030)
Constant	0.184*** (0.018)	0.192*** (0.029)	0.179*** (0.023)
R^2	0.05	0.08	0.04
Observations	8,928	2,527	6,401

Note: *p<0.1; **p<0.05; ***p<0.01

Table SA-2: Donor prioritization of judicial appointments, compared to the affluent. Models include inverse propensity weights and robust standard errors. All p-values are based on two-tailed tests.

et al. (2024) survey also included an affluent sample, which requires an individual to have at least \$150,000 in annual income or a net worth of at least \$1 million. As noted earlier, this sample was constructed from 40,000 randomly selected individuals whom TargetSmart estimates to have this level of affluence in their consumer database. (No individual was sampled twice for any of the three samples of donors, the general population, or affluent, by design.) The response rate was 3.5%, producing a sample of 1,409 respondents.

Results from pooled and by-party models are included. Once again, donors of both parties are substantially more likely to prioritize the courts compared to the mass public. The same pattern takes shape when comparing against the affluent. Affluent respondents are roughly as likely as the mass public to prioritize judicial appointments, but significantly less likely than donors. This remains the case across models. In all, these findings demonstrate a persistent gap in the prioritization of judicial appointments for donors versus other constituency groups.

SA-1.5 Donor prioritization of the courts, by donor-type

Table SA-3 explores differences in judicial prioritization across various types of donors. Therefore, only the donor sample is analyzed in these models. We examine differences in prioritization based on out-of-state donor status (binary), donation amount (continuous),

	Amount Donated (1)	Small Donor (2)	Amount Donated (3)	Small Donor (4)
Out of state	0.062*** (0.017)	0.067*** (0.017)	0.066*** (0.019)	0.071*** (0.019)
Ln (Amount donated)	0.023*** (0.005)		0.029*** (0.006)	
Small donor		-0.046*** (0.013)		-0.062*** (0.015)
Senate donor	0.021 (0.015)	0.024 (0.015)	-0.032* (0.016)	-0.029* (0.016)
Republican	0.090*** (0.015)	0.093*** (0.015)	0.160*** (0.058)	0.014 (0.024)
Republican × Out of state			-0.020 (0.043)	-0.021 (0.043)
Republican × Ln(Amount donated)			-0.023** (0.011)	
Republican × Small donor				0.063** (0.030)
Republican × Senate donor			0.195*** (0.036)	0.194*** (0.036)
Constant	0.250*** (0.026)	0.389*** (0.012)	0.239*** (0.029)	0.415*** (0.013)
Model type	Pooled	Pooled	By party	By party
R^2	0.02	0.01	0.02	0.02
Observations	6,825	6,825	6,825	6,825

Note:

*p<0.1; **p<0.05; ***p<0.01

Table SA-3: Regression models of judicial prioritization by donor-types. All analyses are of the donor sample. Models include inverse propensity weights and robust standard errors. All p-values are based on two-tailed tests.

small versus large donor status (binary), and whether a donor contributed to a Senate candidate (binary). Out-of-state donors are defined as having contributed to at least one out-of-state candidate. Donation amounts are based on total contribution receipts to all entities, including candidates, PACs, and parties. The binary small donor classification captures donors who did not provide a contribution greater than \$200 to any entity. Senate donors contributed to at least one Senate candidate campaign. Because of the overlap between donation amount and small donor status, we estimate separate models for these

variables.

In Columns (1) and (2), which pool across parties, we find a strong positive relationship between judicial prioritization and out-of-state donor status, total amount donated, large donor status, and Republican party affiliation. Out-of-state donors are approximately six to seven percentage points more likely to prioritize judicial appointments and small donors five percentage points less likely to do so. Despite the central role of Senators in judicial confirmations, Senate donors do not appear more likely to prioritize appointments relative to other donors when the parties are estimated jointly.

Columns (3) and (4) add interaction terms between Republicans and the donor-types and suggest some of these effects vary significantly by party. In particular, the results on the interaction terms suggest there is an additional positive impact of being a Republican Senate donor and that the findings on donation amount are driven primarily by Democratic donors. For instance, the coefficient on the interaction term between the small donor and Republican indicators is of the almost identical magnitude to but in the opposite direction of the main effect of being a small donor, suggesting that the overall effect for a Republican is close to zero, and the same occurs for the total amount donated. By comparison, the results indicate that Republican Senate donors are 19-20 percentage points more likely to prioritize judicial appointments than Democratic Senate donors are. There is not, however, a significant partisan effect of being an out-of-state donor.

Together, Table SA-3 suggests both that there is variation in which donor-types prioritize judicial appointments but also that the difference in prioritization between donors and the mass public is not driven by just one type. The fact that out-of-state donors across each party are more likely than other contributors to prioritize judicial appointments is consistent with research that suggests such donors have different contribution goals than in-state ones (e.g. Barber, Canes-Wrone and Thrower 2017). At the same time, the size of this and the other effects of donor-types are moderate relative to the overall difference between donors

Question	Group 1	Group 2	Group 1 Mean	Group 2 Mean	Diff. (p-value)
Should consider nominee views on issues	Dem Donors	Dem Public	70%	67.9%	2.1% (0.545)
Should consider nominee views on issues	Dem Donors	GOP Donors	70%	74.1%	-4.1% (0.002)
Should consider nominee views on issues	GOP Donors	GOP Public	74.1%	76.8%	-2.7% (0.422)
Should consider nominee views on issues	GOP Public	Dem Public	76.8%	67.9%	8.9% (0.056)
Should consider nominee demographics	Dem Donors	Dem Public	35.1%	19.8%	15.3% (0.000)
Should consider nominee demographics	Dem Donors	GOP Donors	35.1%	12.5%	22.6% (0.000)
Should consider nominee demographics	GOP Donors	GOP Public	12.5%	13.4%	-0.9% (0.757)
Should consider nominee demographics	GOP Public	Dem Public	13.4%	19.8%	-6.4% (0.090)
Support for Gorsuch	Dem Donors	Dem Public	16.7%	22.7%	-6% (0.061)
Support for Gorsuch	Dem Donors	GOP Donors	16.7%	96.1%	-79.4% (0.000)
Support for Gorsuch	GOP Donors	GOP Public	96.1%	91.5%	4.5% (0.046)
Support for Gorsuch	GOP Public	Dem Public	91.5%	22.7%	68.9% (0.000)
Support for Kavanaugh	Dem Donors	Dem Public	1.8%	7.3%	-5.5% (0.021)
Support for Kavanaugh	Dem Donors	GOP Donors	1.8%	93.4%	-91.5% (0.000)
Support for Kavanaugh	GOP Donors	GOP Public	93.4%	87.8%	5.6% (0.026)
Support for Kavanaugh	GOP Public	Dem Public	87.8%	7.3%	80.5% (0.000)

Table SA-4: Two-way comparisons from Table 3, with group means and difference in means values (and their associated p-values). All p-values are based on two-tailed tests.

and the mass public.

SA-1.6 Policy positions on judicial appointments

Table SA-4 provides group means, as well difference in means and associated p-values based on the comparisons presented in Table 3 in the paper. This analysis aligns closely with the discussion included in the main text: differences in partisan preferences largely dwarf differences in (co-partisan) donor and mass public preferences. That said, there is a notable gap in intra-party preferences on the consideration of nominee demographics among Democrats.

The values were calculated from bivariate regressions with inverse propensity weighting and robust standard errors. For example, “Should consider nominee views on issues” responses were regressed on donor status among Democratic donors and members of the general public to yield the first difference of 2.1% with a p-value of 0.545.

Supplemental Appendix References

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