Mass versus Donor Attitudes on the Importance of Supreme Court Nominations

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Abstract

While Supreme Court nominations have become increasingly high-salience political events, we know little about their prioritization relative to other issues by core constituency groups. We examine how individual donors and the mass public prioritize nominations, as well as factors they believe presidents should consider when selecting judges. To do so, we constructed original questions for a survey of over 7,000 validated donors and a comparison general population sample. We find donors are substantially more likely to prioritize nominations than their general public co-partisans, particularly Republican donors. Further analysis suggests the prioritization gap is consistent with theories that donors are motivated to move policy towards the ideological extremes. Analyzing policy positions, the largest donor-public difference occurs for diversity in appointments, but for all positions we find smaller differences than for prioritization. Overall, the findings highlight donors' policy priorities may diverge from those of the public even more than policy positions do.

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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 greater access to elected officials than non-donors do (Kalla and Broockman 2016).

In this 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 focus of research in judicial politics, interbranch relations, and interest groups (e.g., Scherer 2005, Hollis-Brusky 2015, Cameron and Kastellec 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, despite evidence on the importance of donors to policymaking.

Similarly, there exists a robust literature on attitudes about Supreme Court nominees themselves. Here scholars have emphasized factors such as: the link between diffuse support for the Supreme Court and support for particular nominees (Gibson and Caldeira 2009, Krewson and Schroedel 2020, Rogowski and Stone 2021); the importance of partisanship in conditioning support for nominees (Gimpel and Wolpert 1996, Sen 2017, Kastellec et al. 2015); and the relationship between demographic characteristics (particularly race and gender) and support for particular nominees (Badas and Stauffer 2018, Hansen and Dolan 2020, VanSickle-Ward et al. 2023). Our results speak most directly to partisan-based differences in views on the courts.

Our paper also connects to a smaller literature that has focused on the relationship between opinion on appointments and the broader electoral environment. Badas and Stauffer (2018) and Bass, Cameron and Kastellec (2022), for example, show that voters' approval or disapproval of how senators vote on Supreme Court nominees affects both voters' approval of their home state senators and their likelihood of voting to re-elect them. Relatedly, Hansen and Dolan (2020) show that attitudes toward Brett Kavanaugh predicted vote choice in the 2018 midterm elections, while VanSickle-Ward et al. (2023) find that in the wake of Amy Coney Barrett's confirmation in 2020, women who were concerned about the Court overturning *Roe v. Wade* were more likely to turn out in the 2020 elections. However, while all these studies have produced valuable insights, with one exception (discussed shortly), the literature on appointments has not examined the prioritization of judicial nominations in comparison to other issues.

With this in mind, we conduct multiple analyses to shed light on Americans' prioritization of nominations, and how it may differ between donors and the general population. 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 as well as on reasons for any such divergence. 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 Kastellec (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 President 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 appointments 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 persist even after accounting for donors' higher education, income,

or familiarity with judicial politics. Further, consistent with a world in which Supreme Court justices are now polarized by party (Devins and Baum 2019) and donors are motivated by moving policy towards the partisan extremes (Meisels, Clinton and Huber 2024), we find that respondents' ideological extremity is positively related to the donor-general population prioritization gap.

In comparison to the results on differences between donors and the general population, the evidence on 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 a partisan asymmetry emerges for prioritization of other issues. When analyzing policy positions, we do find that Democratic donors are more likely than Republican ones to value diversity in appointments; however, 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. In addition, examining support for the Gorsuch and Kavanaugh nominations, we find that Republican donors were slightly more likely to support these nominees than general population Republicans; for Democrats, we see mirrored results, with donors slightly more likely to oppose those nominees than general population Democrats. These differences between donors and the public, however, are substantially smaller than those involving prioritization. Overall, the findings highlight that donors' policy priorities may diverge from those of the public even more than policy positions do.

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, the survey was fielded between November 2019 and 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 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 entering this information, they were provided with background about the survey's purpose and length before being asked for consent.

The survey sought a large sample of donors in order to examine variation across donor-type. 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. (SA-1.1 details the weighting procedures).

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:

[1]Barber 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.

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"

(**A**)

	Donor	General Population	
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***	0.21***
	(0.02)	(0.02)
Republican		0.01
		(0.04)
Donor × Republican		0.07*
		(0.04)
Constant	0.18***	0.18***
	(0.02)	(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. Standard errors reported below coefficients. For each analysis, survey weights are based on inverse propensity of response. All p-values are based on two-tailed tests.

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 differences 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 nominations of Gorsuch and Kavanaugh (the latter of which was particularly controversial). Another could be that the survey analyzed in Badas and Simas (2022) does not limit how many issues can be of the highest level of importance. However, Table 1A does provide some evidence of partisan differential in prioritization among donors, with Republican

[2]In 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.

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 two OLS 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; the constant shows that 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* (which captures Democratic donors) is similar to that seen in Model 1. The coefficient on *Republican* is effectively zero, indicating that Republicans in the mass public are no more likely to prioritize appointments than their Democratic counterparts. Finally, consistent with Table 1A, the results on the interaction term suggest Republican donors are more likely to prioritize judicial appointments than Democratic donors by about seven percentage points; however, the coefficient is only marginally significant ($p = .07$, 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.

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

Democrats

Donors

Issue	% saying important	Ranking
Climate change	81	1
Health care	68	2
Judicial appointments	**39**	**3**
Guns	34	4
Immigration	23	5
Deficit	15	6
Govt assistance to poor	14	7
Social security	11	8
Taxes	9	9
Trade	4	10

Public

Issue	% saying important	Ranking
Health care	75	1
Climate change	69	2
Guns	37	3
Immigration	27	4
Govt assistance to poor	21	5
Taxes	18	6
Judicial appointments	**17**	**7**
Deficit	17	8
Social security	14	9
Trade	4	10

Republicans

Donors

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

Public

Issue	% saying important	Ranking
Immigration	68	1
Taxes	47	2
Deficit	44	3
Health care	38	4
Guns	30	5
Social security	28	6
Judicial appointments	**19**	**7**
Trade	9	8
Govt assistance to poor	8	9
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.

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 conducted additional analyses that shed light on potential explanations for the prioritization gap between donors and the general population. First, we added a battery of controls to the regression analysis in Table 1B, including income, net worth, education, political interest, and demographic factors including age, race, and gender (Supplemental Table SA-2). Second, under the theory that less affluent individuals may be more likely to prioritize economic-related issues (e.g., Gilens 2012), we assessed whether the donor impact still occurs when the comparison set is limited to affluent individuals (Supplemental Table SA-3). Third, we considered the possibility that the impact may be driven by donors' higher levels of knowledge of the judicial system. Although our survey does not have direct

questions on this issue, we can investigate whether the impact still holds for those with a graduate degree (Table SA-4) and, additionally, for those with a graduate degree related to law, criminal justice or political science (Table SA-5), given that individuals in those fields should be more familiar with the importance of the courts. In each of these analyses, we find that prioritization of the courts remains higher for donors, compared to the general public.

Next, we considered whether donors might simply be cue-taking from elites; if this were the case, we hypothesize that a prioritization gap would *not* exist before the rise of the conservative legal movement in the 1970s and the founding of the Federalist Society in 1982. In 1964, the American National Election Studies (ANES) asked respondents whether "there is anything [the Supreme Court] has done that you have liked or disliked" and a nearly identical question was asked in 1966. Although not directly about prioritization, the question provides a lens into whether the Court's actions were something respondents had attitudes about. The surveys also asked respondents whether they had given money to a campaign that year. As shown in Supplemental Table SA-6, in both years self-reported donors were more likely to list a like or dislike than non-donors. We recognize these results do not rule out the possibility of some cue-taking occurring more recently, but they nevertheless provide evidence that a donor-general public gap in judicial attitudes predates the rise of the conservative legal movement.

Finally, we considered the possibility that the difference in prioritization between donors and the general population is related to respondents' ideological extremity. Previous studies suggest that donors are motivated by a desire to move policy toward the ideological extremes (e.g., Meisels, Clinton, and Huber 2024) and correspondingly, are more ideologically extreme than the general population (e.g., Bafumi and Herron 2010; Broockman and Malhotra 2020) or even affluent individuals (Barber et al. 2024). Separately, judicial scholarship finds the Court is increasingly polarized by party (Devins and Baum 2019), while research on policy bipartisanship and compromise suggests many of the issues on our priorities list are ones that

are conducive to such behavior, including issues on social welfare, health, law and crime, the environment, and trade (Harbridge-Yong 2015, Craig 2023). Taken together, these literatures suggest we should expect an interactive effect between donor status and ideological extremity. If a key motivation for donating is moving policy towards the ideological extreme of one's party, then donors with more extreme preferences should be more likely than general population respondents to prioritize issues that are more polarized and less prone to compromise.[3] The analyses in Table SA-7 and Figures SA-1 and SA-2 in the Supplemental Appendix show that the data are consistent with these expectations, and collectively provide considerable evidence that the ideological extremity of donors can explain a fair amount of the donor-public gap in prioritization of judicial nominations.[4]

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 confirmation of Gorsuch and Kavanaugh. In each case the response

[3]Research suggests that over time, partisanship and ideology have become more aligned (e.g., Levendusky 2009) but even so, we recognize that being moderate or misaligned may represent not only one-dimensional ideological moderation but also a set of issue positions that do not align well with a one-dimensional ideology scale, such as a combination of very liberal positions on some issues and very conservative ones on others (e.g., Treier and Hillygus 2009, Broockman 2016). For our purposes, even if moderation represents this alternative, we should still expect a larger effect of donor status for individuals who are more ideologically aligned with their party given that the Court is increasingly ideologically polarized by party.

[4]We have also analyzed variation in FEC 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-8, suggest that out-of-state donors and ones who give more money are more likely to prioritize judicial appointments.

	Democrats		Republicans	
	Donors	General Population	Donors	General Population
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

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 to these four questions by donor status and party.[5] Notably, the first row of the table 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. Thus, there is broad agreement across donors and the public in each party that is proper for the the president to weigh a potential justice's issue positions when making appointments.

On the question of nominee demographics, however, the story is quite different. First, there is a 15-percentage point divide between Democratic donors and the Democratic mass public, with 35% of donors supporting the position that the president should consider nominee demographics, compared to only 20% of the Democratic public. This sizable gap is consistent with Scherer's (2005) research showing the emphasis that liberal interest groups place on judicial diversity; the survey results indicate that the Democratic donor class also places a much greater emphasis on descriptive representation compared to the Democratic public. Additionally, and perhaps unsurprisingly, there is a striking partisan asymmetry in views on whether the president should consider nominee demographics: among both sam-

[5]Because of the large number of comparisons and the smaller magnitudes of difference, the p-values for the respective differences in the table are given in the supplemental materials (see Table SA-9).

ples of Republicans, only 13% of either donors or general population respondents agree with the position. The partisan differential fits with prior research showing that Democratic platforms—but not Republican platforms—have emphasized the importance of judicial diversity in appointments (Cameron and Kastellec 2023, ch. 2.). Similarly, Badas and Stauffer (2023) find that Democrats in the mass public are more likely to reward the president (in terms of presidential approval) when he emphasizes racial and gender diversity in judicial appointments, compared to general population Republicans.

Turning to the Gorsuch and Kavanaugh nominations, the partisan differences are, unsurprisingly, quite stark, with Democratic donors and the public overwhelmingly likely to oppose the confirmation of both, and Republican donors and the public overwhelmingly likely to support both.[6] Comparing *within* party, the differences between donors and the public are much smaller, but still worth noting. For Democrats, donors are six percentage points *less* likely to support the confirmations of Gorsuch and Kavanaugh (the respective p-values for these differences are .06 and .02), with only 17% of Democratic donors expressing support for Gorsuch and only *two percent* expressing support for Kavanaugh. For Republicans, donors are about five percentage points *more* likely to support the confirmations of Gorsuch and Kavanaugh (the respective p-values for these differences are .05 and .02), with 96% of Republican donors expressing support for Gorsuch and 93% expressing support for Kavanaugh. Thus, the partisan polarization in opinion on Supreme Court nominees that is now omnipresent in modern American politics is even larger among donors than among the mass public.

Overall, Table 3 shows that except for the question of whether the president should consider nominees' views on specific issues before appointing them to the Supreme Court,

[6]The 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.

partisan asymmetries exist for the other questions regarding policy positions on judicial appointments. Additionally, there are differences between donors and the mass public on these other three issues, but they are not as large as the differences revealed for policy prioritization. Together, Tables 1 and 3 suggest that mass and donor opinion diverge even more in terms of issue priorities than on policy positions, at least with respect to judicial appointments.

3 Conclusion

This 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 difference exists even among respondents with law or related degrees that signal familiarity with the judicial process and is greater among respondents with higher levels of ideological extremity, consistent with a world in which donors are motivated to move policy in a more partisan and ideologically extreme direction. Given that the importance of individual donors has increased over time to the fundraising process (e.g., Barber 2016) and congressional behavior (Canes-Wrone and Gibson 2019), these results are consistent with a world in which donors' prioritization of the court has a larger impact on policymakers' behavior now than in previous decades.

Perhaps surprisingly, 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 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.

Finally, our results have implications for understanding the politics of Supreme Court nominations moving forward. As has been well documented (see Cameron and Kastellec 2023), Supreme Court nominations are now highly polarized affairs, with every nominee since 2006 seeing near-party line votes in the Senate. With public opinion on nominees themselves now heavily polarized by party, and with activists and interest groups on both sides pushing their aligned party and presidents to select like-minded nominees, the increased prioritization we document among donors is only likely to exacerbate this polarization, given the increased connection to lawmakers that donors enjoy.

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SA-1 Supplemental Appendix

This supplemental appendix presents additional information on the 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. Special care was taken to ensure the privacy of the respondents. Their names and addresses were quickly separated from the larger dataset and the data that matches this information to the respondents' unique code is kept in an external drive in a locked on-campus file cabinet, consistent with IRB procedures.

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, 69,062 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 education and amount donated. The parallel survey of the general population involved randomly sampling 44,007 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 1,038 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 set. 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 40,005 individuals from their consumer database who are classified as affluent by these criteria; the response rate for this group was 3.5%.

Despite the low response rates, the demographic characteristics of the respondents and non-respondents were typically well-balanced, including by income, wealth, gender, income, and age; an exception to this was party identification, with fewer Republicans than Democrats responding. To account for this imbalance, we use survey weights described in Barber et al. (2024). Accordingly, the following description of weighting paraphrases their Supplemental Appendix B.

For the general population sample, the weights are based on the most recent American Community Survey (ACS) using standard demographic targets. For the donor sample, there is not an equivalent to the ACS on which to construct the demographic targets. However, post-stratification weights could still be constructed to correct for non-response and ensure representativeness of the respondent sample to the broader FEC donor population. As noted above, TargetSmart randomly sampled 69,062 FEC donors from the full FEC donor file, and they also provided voter file information on the target sample. Because the donor sampling frame is a random sample of the total population of FEC donors, individual-level weights

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

are based on the demographics of this sampling frame.

Table SA-1 (which is also reported in Barber et al. 2024) compares the demographics of the 7,335 donors who completed the survey to full sampling frame of 69,062 donors who received the invitation letter. As the table highlights, the most notable response bias is from partisanship. Regardless of whether it is measured with official party registration or instead imputed from demographics and precinct voting behavior, Democrats were more likely to respond to the survey invitation.

Two types of post-stratification weights were created, one based on the inverse of the propensity score and one using iterative raking. The former were created by modeling a logistic regression of the probability a donor in the sampling frame completed the survey. In this model, the predictors are a set of indicator variables that represent each response category for every demographic variable in Table SA-1. The weights equal the inverse of the predicted probabilities, renormalized such that the number of completed surveys equals the sum of the inverse weights.

The iterative raking weights are also based on the sampling frame distribution in Table SA-1, but in this case the procedure adjusts the weights iteratively/one-at-a-time until the sample distribution matches the distribution of the sampling frame. For instance, a weight is generated for a variable such as gender (with "gender missing" included as a category) so that the weighted sample matches the gender distribution of the sampling frame. Subsequently, a new weight is generated by making the gender-weighted sample match the age distribution in the sampling frame, and then that new weight is used when making the age-gender-reweighted sample match the distribution of registered Democrats, and so forth. The process continues to iterate over all the marginal distributions until the weights are relatively stable.

The inverse propensity and iterative raking weights correlate at 0.99, suggesting that the results do not depend on weighting algorithm. As noted in the paper, we report results using the inverse propensity score method. From a substantive standpoint, the main impact

	Sampling Frame	Respondents
Sample Size	69,062	7,335
Age (Quartiles)		
< 53	18.8%	15.6%
53-63	20.1%	18.9%
64-73	19.3%	23.8%
73-100	21.5%	22.9%
Missing	20.3%	18.8%
Registered Democrat		
Yes	28.8%	36.8%
No	71.2%	63.2%
Registered Republican		
Yes	18.8%	12.4%
No	81.1%	87.6%
Imputed Partisanship (Quartiles)–see caption for details		
< 5	26.1%	18.1%
5-66	23.8%	17.9%
67-97	20.5%	23.1%
98+	29.5%	40.9%
Gender		
Male	54.2%	56.1%
Female	37.1%	36.0%
Missing	8.7%	7.9%
Race: Black?		
Yes	4.7%	3.9%
No	95.3%	96.1%
Wealth		
< $100k	14.9%	13.9%
$100k – $199k	12.1%	12.3%
$200k - $499k	10.9%	12.3%
$500k - $999k	11.3%	12.1%
$1 mil – $2.5 mil	13.8%	15.4%
$2.5 mil +	19.2%	18.2%
Missing	17.8%	15.8%
Voted in 2016 general?		
Yes	94.2%	97.2%
No	5.8%	2.8%
Voted in 2016 primary?		
Yes	26.4%	30.3%
No	73.6%	69.7%
Voted in 2018 general?		
Yes	91.9%	97.0%
No	8.1%	3.0%
Number of Contributions		
0	4.3%	2.6%
1	16.6%	16.0%
2	11.2%	11.5%
3	8.2%	8.0%
4	6.5%	6.8%
5-9	19.4%	20.6%
10-19	15.4%	16.6%
20-49	13.1%	12.7%
50+	5.2%	5.2%

Table SA-1: Verified donor respondents and sampling frame compared. Imputed partisanship depicts the probability that person supports the Democratic Party, based on an ensemble method classifier model.

of either weight is to decrease the relative influence of Democratic versus Republican donor respondents given the differential response rates of these partisans.

SA-1.2 Survey items

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

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-2 examines donor prioritization of judicial appointments with controls for income, net worth and demographic factors. Three models are presented: (1) pooled across parties, (2) Republicans only, and (3) Democrats only. 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:

	Pooled	Republicans	Democrats
	(1)	(2)	(3)
Donor	0.175***	0.196***	0.164***
	(0.024)	(0.042)	(0.027)
Education	0.012	0.017	0.012
	(0.009)	(0.012)	(0.013)
Female	0.008	−0.001	0.019
	(0.019)	(0.039)	(0.020)
Income	0.001	0.001	−0.001
	(0.004)	(0.007)	(0.004)
Net Worth	0.064**	0.043	0.073**
	(0.026)	(0.043)	(0.029)
Age	0.0002	0.004***	−0.001*
	(0.001)	(0.001)	(0.001)
Religious Importance	0.037*	0.096***	−0.057**
	(0.020)	(0.030)	(0.023)
Black	−0.063	0.238	−0.073**
	(0.041)	(0.227)	(0.037)
Latino	−0.015	0.045	−0.052
	(0.048)	(0.105)	(0.047)
High Political Interest	0.083***	0.066*	0.096**
	(0.031)	(0.039)	(0.043)
Constant	−0.048	−0.260**	0.031
	(0.066)	(0.103)	(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-2: Donor prioritization of judicial appointments, with demographic controls. Models include inverse propensity weights and robust standard errors.

  - 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.

Table SA-2 shows that donor prioritization of the courts is highly robust to the added controls. The findings from these regressions 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 when considering a Senate candidate, compared to the mass

public, even after controlling for multiple demographic and political factors. In the full sample, donors are 17.5 percentage points more likely to rank judicial appointments as a top priority. The donor-public 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-3 compares the importance of judicial appointments among donors, the mass public, and the affluent. As described above in Section SA-1.1, the Barber 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 40,005 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.

As with Table SA-2, Table SA-3 includes three models, one pooling across party and then one each broken down by party. Once again, donors of both parties are substantially more likely to prioritize the courts compared to the mass public, even compared to affluent respondents. Indeed, across all three models, affluent respondents are statistically no more likely as the mass public to prioritize judicial appointments, while significantly less likely than donors to do so. 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, among highly educated respondents

Tables SA-4 and SA-5 examine whether increased prioritization of judicial appointments among donors stems from higher average levels of education. To conduct this analysis, we first subset to respondents who indicated that they hold a graduate degree. This allows us to focus on differences in prioritization solely among highly educated respondents. The results from this analysis are presented in Table SA-4. While this sub-setting reduces the number

	Pooled	Republicans	Democrats
	(1)	(2)	(3)
Donor	0.234***	0.281***	0.210***
	(0.019)	(0.032)	(0.024)
Affluent	0.034	0.027	0.038
	(0.023)	(0.037)	(0.030)
Constant	0.184***	0.192***	0.179***
	(0.018)	(0.029)	(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-3: Donor prioritization of judicial appointments, compared to the affluent. Models include inverse propensity weights and robust standard errors.

of respondents in the sample substantially ($n = 4,416$ without controls and $n = 3,911$ with controls), the donor-public gap nevertheless persists. Model (1) in Table SA-4 indicates that, compared to the highly educated general population baseline, highly educated donors are 21.9 percentage points more likely to place judicial appointments as one of their top three issues. Model (2) in Table SA-4 adds the full battery of demographic controls used in Table SA-2 (other than education, which is constant among respondents with a graduate degree). Compared to Model (1), the coefficient on Donor in Model (2) is somewhat smaller (indicating a donor-public gap of 16.8 percentage points), but remains both substantively and statistically significant.

We next analyze whether the donor-public gap could be explained by donors having greater knowledge of the law and the judicial system, compared to the mass public. Our survey presented respondents with an open-ended question asking, "What is your post graduate degree or degrees?" We conducted simple string matches in the responses to find individuals with graduate degrees related to related to law, criminal justice, or political science. This includes, for example, respondents with a Juris Doctor (JD), Masters in Criminal Justice, or PhD in Political Science.

Table SA-5 presents two regression models that include only such respondents. As with

	(1)	(2)
Donor	0.219***	0.168***
	(0.033)	(0.038)
Republican	0.079***	0.094***
	(0.027)	(0.029)
Gender		0.020
		(0.022)
Income		0.001
		(0.005)
Net worth		0.056**
		(0.029)
Age		0.001
		(0.001)
Religious importance		−0.024
		(0.028)
Black		0.024
		(0.072)
Latino		−0.047
		(0.054)
Political interest		0.157***
		(0.033)
Constant	0.200***	−0.108
	(0.032)	(0.071)
R^2	0.05	0.07
Observations	4,416	3,911
Note:	*p<0.1; **p<0.05; ***p<0.01	

Table SA-4: Donor prioritization of judicial appointments, among respondents with graduate degrees. Models include inverse propensity weights and robust standard errors.

Table SA-4, Model (1) in Table SA-5 only includes a control for Republican partisanship, while Model (2) adds our full battery of demographic controls. Despite the much smaller sample size when we subset to respondents with law-related graduate degrees, the estimated donor-public gaps remains unchanged. In Model (1), we find that donors are 19.7 percentage points ($p = 0.054$) more likely to emphasize judicial appointments, compared to the general population. This decreases slightly to 14.8 percentage points ($p = 0.071$) in Model (2).

	(1)	(2)
Donor	0.197*	0.148*
	(0.102)	(0.082)
Republican	0.085	0.136**
	(0.054)	(0.055)
Gender		0.009
		(0.047)
Income		0.012
		(0.008)
Net worth		0.032
		(0.057)
Age		0.001
		(0.002)
Religious importance		−0.013
		(0.052)
Black		−0.072
		(0.099)
Latino		−0.110
		(0.119)
Political interest		0.212***
		(0.076)
Constant	0.306***	−0.061
	(0.099)	(0.154)
R^2	0.03	0.07
Observations	987	877
Note:	*p<0.1; **p<0.05; ***p<0.01	

Table SA-5: Donor prioritization of judicial appointments, among respondents with graduate degrees related to law, criminal justice, or political science. Models include inverse propensity weights and robust standard errors.

SA-1.6 History of donor interest in the courts

Table SA-6 examines interest in the Supreme Court among self-reported donors in the 1964 and 1966 American National Election Studies (ANES). The measure of donor status comes from a question included in both surveys asking respondents whether they had financially contributed to a political campaign that year. Our outcome measure pools together items from each year of the survey that asked respondents to list things the Court had done the respondent liked or disliked. In the 1964 wording, the item asked whether "there is

	1964 and 1966	
	$\geq$ 1 Like/Dislike	$\geq$ 1 Like/Dislike
Donor	0.315***	0.126***
	(0.030)	(0.030)
Republican	0.107***	0.056***
	(0.020)	(0.020)
Education		0.121***
		(0.009)
Female		−0.053***
		(0.018)
Income		0.006
		(0.004)
Age		0.001**
		(0.001)
Black		0.072***
		(0.026)
High Political Interest		0.278***
		(0.021)
1966	0.083***	0.051***
	(0.019)	(0.018)
Constant	0.329***	0.036
	(0.013)	(0.056)
R^2	0.06	0.21
Observations	2,755	2,523
Note:		*p<0.1; **p<0.05; ***p<0.01

Table SA-6: History of donor interest in the Supreme Court, with available demographic controls. Models include robust standard errors.

anything it [the Supreme Court] has done that you have liked or disliked?" and allowed for up to three open-ended likes and dislikes each as responses. The 1966 question format is almost identical, asking "is there anything in particular the Supreme Court has done that you have liked or disliked?" If respondents provided at least one like or dislike, they were coded as a 1, otherwise 0. In Table SA-6, we pool together responses from the 1964 and 1966 ANES to increase the number of responses available. We include a survey year binary variable (1966) in all models to account for differences between surveys.

The results in Table SA-6 demonstrate that donors are substantially more likely to list a specific like or dislike of the Supreme Court. In the first column, donors are 31.5 percentage

points more likely to list a like or dislike, compared to the general population. The results in the second column replicate this analysis but with the full battery of demographic controls added. We attempted to incorporate analogous controls for all variables described in Section SA-1.3. We were largely successful, but were unable to find corresponding variables for "Religious importance" and "Net worth" in both the 1964 and 1966 ANES, and "Latino" in the 1964 ANES. The available control variables were coded in line with the description laid out in Section SA-1.3, to the extent possible. For "Education," neither ANES survey included a "2-year college degree" response so the category is dropped and the scale is collapsed accordingly. The dollar amounts for the various "Income" response categories are smaller (accounting for inflation), but are substantively similar. All studies have ten "Income" response categories.

The estimates for the donor gap in column two of Table SA-6 decrease in magnitude compared to the sparser model, but continue to suggest increased interest in the Supreme Court among donors.

SA-1.7 Donor prioritization of the courts, by ideology

As discussed in Section 2.1, we investigated the role of ideology in explaining the prioritization gap—specifically, the differences between donors and the mass public in terms of ideology extremity, and how those differences may map onto the prioritization gap.

This analysis is necessarily a bit more complicated than our other regressions. To test the predictions outlined in Section 2.1, we create the following variables:

- **Ideological alignment indicator** is a binary variable based on the standard 7-point scale of political ideology. It is equal to 1 for Republicans who indicated that they were conservative (5-7 on the standard scale) and Democrats who indicated they were liberal (1-3). It is equal to 0 for partisans who are not aligned with their party's ideology. Pure independents (respondents not leaning towards one party) are coded as NA.
- **Donor $\times$ Ideological alignment indicator** interacts donor status with **Ideological alignment indicator**. It equals 1 for donors who are ideologically consistent (that is, coded as a 1 on *Ideological alignment indicator*), and 0 otherwise.

- **Donor × (1 - Ideological alignment indicator)** interacts donor status with 1 - **Ideological alignment indicator**. Thus, it equals 1 for donors who are ideologically inconsistent (that is, coded as a 0 on *Ideological alignment indicator*), and 0 otherwise.
- **Ideological extremity** is coded from 1 to 7 and serves as a pooled measure of within-party ideological extremity for all Democrats and Republicans. For Republicans, we use the standard ideology scale: a 1 corresponds to "extremely liberal" and a 7 to "extremely conservative." For Democrats, the standard scale is inverted such that a 1 corresponds to "extremely conservative" and a 7 to "extremely liberal." Pure independents (respondents not leaning towards one political party) are coded as NA. Thus, respondents who score higher on this measure are more extreme in terms of alignment with their party, regardless of whether they are a Democrat or Republican.
- **Donor × Ideological extremity** interacts donor status with ideological extremity, such that it is equal to *Ideological extremity* for all donors and 0 for all general population respondents.

Using these measures, Table SA-7 presents four regressions that test whether the difference in prioritization between donors and the general population is related to respondents' ideological extremity. In each model, as usual, the dependent variable is whether the respondent includes judicial nominations in their top-3 priorities. First, Model (1) includes the binary measures of ideological alignment and their interaction, along with a control for whether the respondent is a Republican. The main effect on *Ideological alignment indicator* gives the predictive effect of alignment among the general population; it is not statistically significant. The coefficient on *Donor × (1 - Ideological alignment indicator)* gives the additional likelihood of prioritization among non-aligned donors, compared to the general population; this coefficient is positive and significant. Finally, the coefficient on *Donor × (Ideological alignment indicator)* gives the additional likelihood of prioritization among aligned donors, compared to the general population; this coefficient is both positive and significant, and also greater in magnitude than the coefficient on *Donor × (1 - Ideological alignment indicator)*. Specifically, coefficients yield a gap of $0.24 - 0.14 =$ approximately 10 percentage points, which is substantively quite large. Model (2) adds our standard set of demographic controls. While the coefficients on the donor interactions both are reduced

	(1)	(2)	(3)	(4)
Ideological alignment indicator	0.051	0.059		
	(0.045)	(0.046)		
Donor × (1 - Ideological alignment indicator)	0.137***	0.084*		
	(0.044)	(0.043)		
Donor × Ideological alignment indicator	0.244***	0.182***		
	(0.021)	(0.027)		
Ideological extremity			0.034*	0.034**
			(0.021)	(0.016)
Donor			0.092	0.013
			(0.122)	(0.099)
Donor × Ideological extremity			0.024	0.027
			(0.022)	(0.018)
Republican	0.047**	0.046**	0.047**	0.047**
	(0.019)	(0.020)	(0.019)	(0.020)
Education		0.014		0.015
		(0.010)		(0.010)
Gender		0.014		0.011
		(0.019)		(0.019)
Income		0.001		0.002
		(0.004)		(0.004)
Net worth		0.064**		0.064**
		(0.026)		(0.026)
Age		0.0002		0.0002
		(0.001)		(0.001)
Religious importance		0.018		0.016
		(0.020)		(0.020)
Black		−0.043		−0.042
		(0.043)		(0.043)
Latino		−0.007		−0.010
		(0.049)		(0.049)
Political interest		0.080**		0.072**
		(0.032)		(0.032)
Constant	0.124***	−0.132	−0.024	−0.262**
	(0.040)	(0.093)	(0.114)	(0.132)
R^2	0.07	0.09	0.07	0.09
Observations	7,681	6,798	7,681	6,798
Note:				*p<0.1; **p<0.05; ***p<0.01

Table SA-7: Donor prioritization of judicial appointments, by ideological alignment and extremity. Models include inverse propensity weights and robust standard errors.

in magnitude compared to in Model (1), the estimated difference between aligned and non-aligned donors remains the same. The difference in coefficients for aligned and non-aligned donors is statistically significant at p=0.03, two-tailed (F(1, 7680))=4.71 in Model (1) and p=0.06, two-tailed (F(1, 6797))=3.67 in Model (2).

Models (3) and (4) in Table SA-7 employ the 1-7 scale of within-party ideological extremity, which we interact with donor status. All main effects are included and as before, we present results with and without demographic controls. The coefficient on *ideological extremity* indicates the predicted difference in prioritization as a function of ideology among the general population; it is positive and at least marginally significant in each specification, suggesting that more extreme general public respondents are more likely to prioritize appointments. The main effect for *Donor* indicates the predicted change among prioritization for the lowest value of ideological extremity; this quantity is not really of substantive interest, and the coefficient is not statistically different from zero. Finally, the *Donor* $\times$ *Ideological extremity* interaction is positive, though not statistically significant. However, this estimate is based on the entire distribution of extremity, whereas our theoretical expectation is that the prioritization gap would emerge at higher levels of donor ideological extremity. To test whether this is the case, Figure SA-1 depicts for Model (3) the marginal effect of donor status—that is, the difference in the predicted likelihood of prioritization between donors and general population respondents, across the range of ideological extremity. The figure shows clearly that once extremity reaches a level of 3, the marginal effect is positive and significant, as predicted. (Model (4) in Table SA-7 adds the demographic controls; the results are unchanged compared to Model (3)). Recall this pattern holds if we relax the assumption of a linear interactive effect, as demonstrated by the 10 percentage point gap in Models (1) and (2) using the binary measure of alignment.

Finally, as we noted in the paper, whereas judicial nominations are inherently discrete events and not very susceptible to bipartisan compromise, research on policy bipartisanship

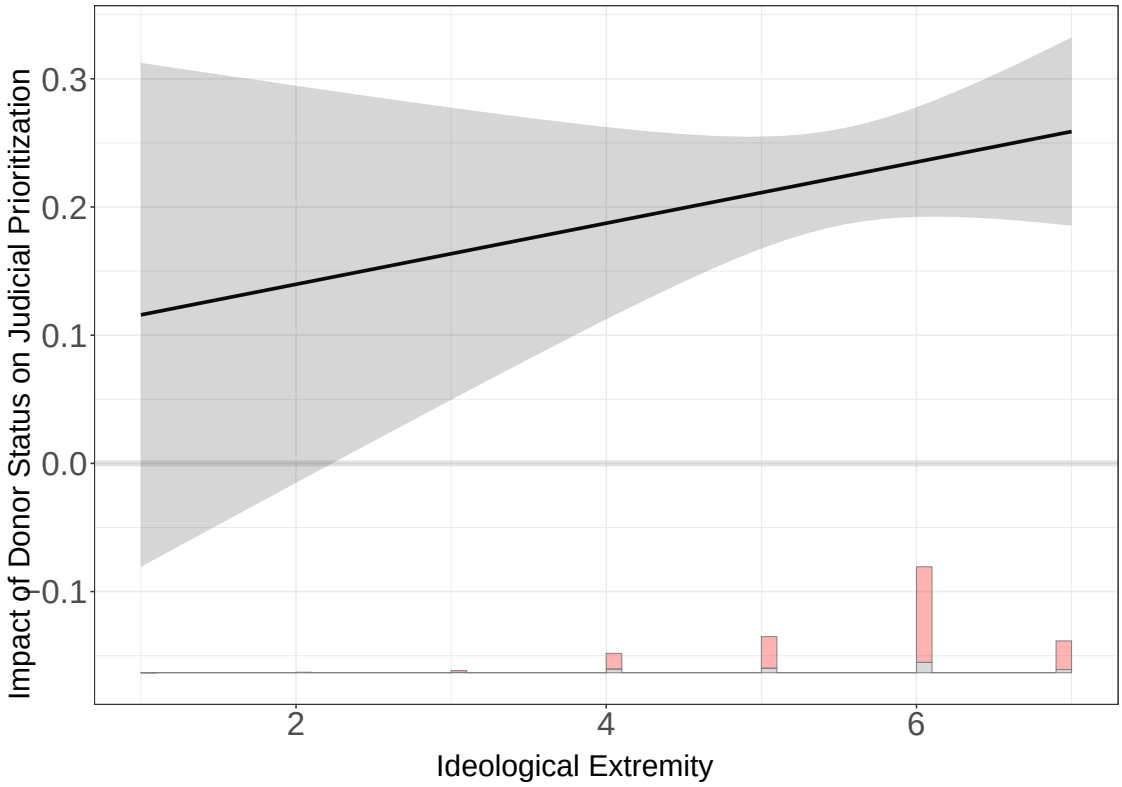

Figure SA-1: Donor-public gap in prioritization of judicial appointments, by ideological extremity. The solid black line depicts the difference in the predicted likelihood of prioritization between donors and the general population, across the range of ideological extremity; the shaded region indicates 95% confidence intervals. The bars at the bottom of the plot depict represents the distribution of ideological extremity for donors (in red) and general population respondents (in grey). The plot was created using the `interflex` R package (Hainmuller et al. 2024) proposed in Hainmueller, Mummolo, and Xu (2019).

and compromise suggests many of the issues on our priorities list are ones that are conducive to these aims, including issues on social welfare, health, law and crime, the environment, and trade (Harbridge-Yong 2015, Craig 2023). Thus, our theoretical expectations are that we would *not* expect a similar interactive effect between ideological extremity and prioritization in such issues. Figure SA-2 presents a "quasi-placebo test" where we replicate the analysis shown in Figure SA-1 for six other issue areas that arguably map onto those identified by Harbridge-Yong (2015) and Craig (2023): health care, Social Security, poverty, climate change, gun control, and trade. (For each issue, we use the same specification as in Model

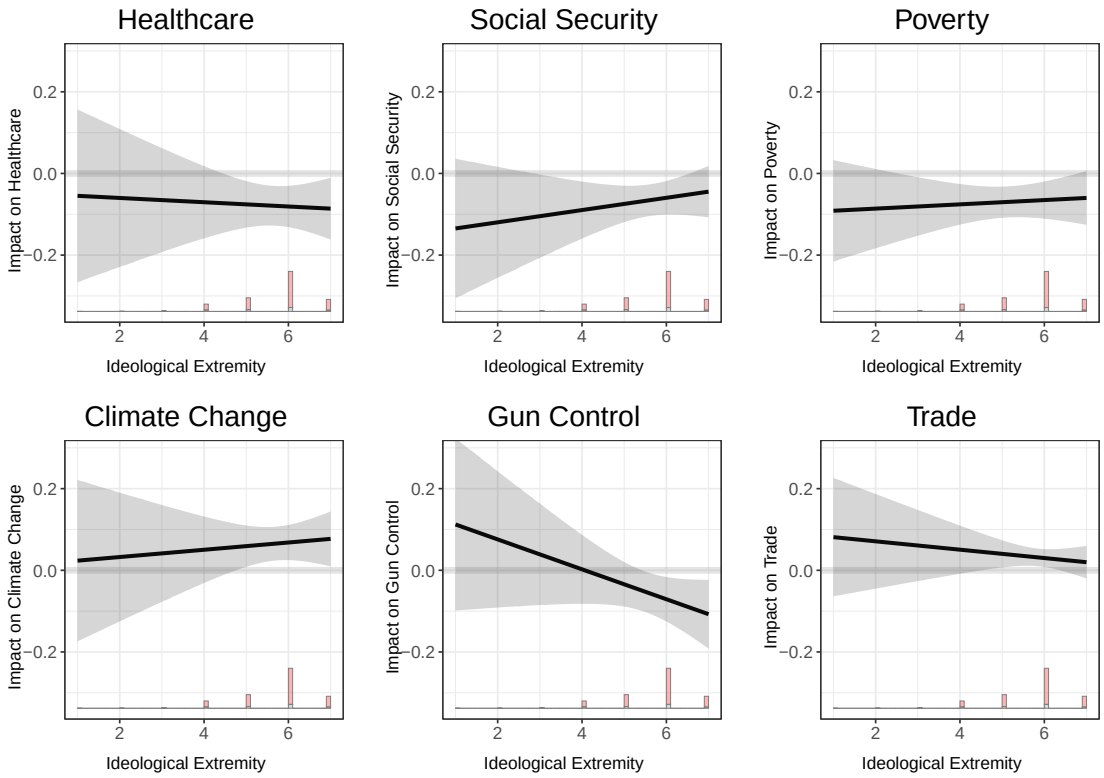

Figure SA-2: Donor-public gap in prioritization of judicial appointments, by ideological extremity, across 6 other issues. The graph replicates the analysis seen in Figure SA-1, for each of 6 different issues. Except for climate change, there is no evidence of an interaction between donor status and ideological extremity; these overall null effects are in line with our theoretical expectations.

(3) in Table SA-7.) Except for climate change, we do not see an interactive effect between donor status and ideological extremity, as the estimated slope is not statistically different from zero. And, even for climate change, the estimated slope is much smaller compared to what that we saw with judicial nominations in Figure SA-1, and only is significant at ideological extremity levels of 6 and 7.

In summary, across multiple analyses we find considerable evidence that the ideological extremity of donors can explain a fair amount of the donor-public gap in prioritization of judicial nominations.

	Amount Donated	Small Donor	Amount Donated	Small Donor
	(1)	(2)	(3)	(4)
Out of state	0.062***	0.067***	0.066***	0.071***
	(0.017)	(0.017)	(0.019)	(0.019)
Ln (Amount donated)	0.023***		0.029***	
	(0.005)		(0.006)	
Small donor		−0.046***		−0.062***
		(0.013)		(0.015)
Senate donor	0.021	0.024	−0.032*	−0.029*
	(0.015)	(0.015)	(0.016)	(0.016)
Republican	0.090***	0.093***	0.160***	0.014
	(0.015)	(0.015)	(0.058)	(0.024)
Republican × Out of state			−0.020	−0.021
			(0.043)	(0.043)
Republican × Ln(Amount donated)			−0.023**	
			(0.011)	
Republican × Small donor				0.063**
				(0.030)
Republican × Senate donor			0.195***	0.194***
			(0.036)	(0.036)
Constant	0.250***	0.389***	0.239***	0.415***
	(0.026)	(0.012)	(0.029)	(0.013)
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-8: Regression models of judicial prioritization by FEC donor-types. All analyses are of the donor sample. Models include inverse propensity weights and robust standard errors.

SA-1.8 Donor prioritization of the courts, by FEC-based donor categories

This subsection explores differences in judicial prioritization across various types of donors based on out-of-state donor status (binary), donation amount (continuous), small versus large donor status (binary), and whether a donor contributed to a Senate candidate (binary). Because we are focusing the comparison on donor-type rather than between donors and the general population, only the donor sample is analyzed. 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.

Table SA-8 presents four regression models; as usual, the dependent variable is whether the respondent includes judicial nominations in their top-3 priorities. Models (1) and (2) include only a control for party identification. 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.

Models (3) and (4) in Table SA-8 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 Republican Senate donors are more likely to prioritize nominations; 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 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 no partisan difference, however, among out-of-state donors.

Together, Table SA-8 suggests both that there is variation in which FEC 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 differences by FEC donor-types are much smaller compared to the overall difference between donors and the mass public.

SA-1.9 Policy positions on judicial appointments

Table SA-9 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.

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-9: 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.

Supplemental Appendix References

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