Abstract

The demographic characteristics of judges and the judiciary have gained increased political salience in recent years, with some presidents prioritizing the nomination of judges from historically underrepresented groups, including women and people of color. Relatively little is known, however, about how descriptive representation affects public opinion toward judicial nominees and courts. We consider how the public responds to judicial nominees that share their racial and gender identities with a conjoint experiment conducted during the recent vacancy on the U.S. Supreme Court. Overall, shared racial identity significantly increases evaluations of nominees but these effects are strongly conditioned by respondents’ race and partisanship. Moreover, we find no evidence that shared gender affects attitudes toward judicial nominees. Our results have important implications for theories of descriptive representation and suggest limits to its use as a means for generating support for judicial nominees.

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Justice David Souter's retirement in 2009 paved the way for Sonia Sotomayor to make history as the first Hispanic and woman of color nominated and confirmed to serve on the U.S. Supreme Court. Sotomayor's nomination was heralded as a “benchmark”\textsuperscript{1} for Latino politics and a “victory”\textsuperscript{2} for Latino groups. In producing an “excited Latino base,”\textsuperscript{3} Sotomayor's nomination evoked similarities with George H.W. Bush's nomination of Clarence Thomas in 1991, for whom African Americans provided the strongest support\textsuperscript{4} despite holding mostly unfavorable views of Bush's presidency. The nominations of Sotomayor and Thomas, and, before them, Sandra Day O'Connor and Thurgood Marshall, were historic due to the underrepresented nature of individuals who shared those justices' descriptive characteristics on the nation's highest court. Their nominations also reflected presidents' attempts at outreach to key political constituencies, with presidents appearing to believe that members of underrepresented groups would grant greater support for nominees who shared the groups' race, ethnicity, or gender.

In this paper, we study how descriptive characteristics influence public support for judicial nominees. Despite a large literature on descriptive representation in legislative settings (Gay 2001, 2002; Lublin 1997; Pantoja and Segura 2003; Preuhs 2006; Sanbonmatsu 2003; Swers 2013; Tate 2001, 2003; Welch and Hibbing 1984) and a growing body of research on how descriptive characteristics influence judicial deliberations and decision-making (e.g., Boyd, Epstein, and Martin 2010; Cox and Miles 2008; Glynn and Sen 2015; Scherer 2004), little research focuses on how public opinion toward Supreme Court nominations is shaped by descriptive similarities between nominees and members.

of the public (for a recent exception, see Badas and Stauffer 2018). The lack of attention is particularly surprising given the importance scholars attribute to public opinion for the fates of judicial nominees’ confirmation votes in the Senate (Cameron and Park 2011; Kastellec, Lax, and Phillips 2010; Overby et al. 1994).

We present new evidence about the effects of descriptive similarity in the context of race/ethnicity and gender using data from a conjoint experiment administered with a national sample of 2,500 Americans. Our study was conducted during the first week of the Trump presidency and asked respondents to evaluate potential nominees for the then-vacant Supreme Court seat. The descriptive characteristics of the potential nominees were randomly manipulated to induce variation in demographic similarity between them and the respondents. Our study’s design improves upon approaches used in existing scholarship and enhances our ability to make causal claims about the relationship between shared descriptive characteristics and evaluations of judges.

We report four main findings. First, we find strong and consistent evidence that the public prefers coracial/coethnic judicial nominees, for whom support increases by approximately six percentage points. Second, this effect is moderated by respondents’ party and racial group membership. Among whites, the effect of coracial nominees is positive among Republicans but negative among Democrats. Coethnic nominees do not increase support among Latino/as of either party, however, while coracial nominees have a positive effect on Black Republicans and Democrats alike. Third, we find no evidence that the public overall provides more positive evaluations of judicial nominees who share their gender identity, nor do we find any evidence for such a finding among relevant subgroups. And fourth, consistent with findings from the congressional context, we find no evidence that descriptive representation on the U.S. Supreme Court affects individuals’ attitudes toward the institution. Overall, our results suggest that the descriptive characteristics of judicial nominees may play an important, if at times conditional, role in
shaping the public’s attitudes toward them. However, our findings also cast doubt on claims that increased descriptive representation improves perceptions of the judiciary’s legitimacy among groups that typically have not been well-represented.

**Descriptive Representation and Public Opinion**

Women and minorities are severely underrepresented at the highest levels of the judiciary. Of the 113 justices who have served on the Supreme Court, only four have been women; just three have been people of color. Today, despite comprising a majority of the population, women hold approximately one-third of the seats on federal appellate and trial courts.\(^5\) People of color comprise 20% of the federal judiciary\(^6\) despite comprising more than 35% of the population. The historical underrepresentation of women and people of color in the judiciary motivated some recent presidents to place particular priority on the appointment of persons from these groups to federal judgeships at rates much higher than their predecessors. President Carter’s efforts to promote diversity on the federal bench, for instance, have been labeled his “most important legacy.”\(^7\) The demographic composition of the judiciary has attracted attention under President Trump, who has not appeared to place as much priority on diversifying the federal bench.\(^8\)

Presidents, justices, and legal scholars have long asserted a link between demographic diversity in the federal judiciary and public confidence in the courts. Given the overrepresentation of white men who have historically served as federal judges, members of other

\(^5\)See https://nwlc.org/resources/women-federal-judiciary-still-long-way-go/.

\(^6\)See https://www.mcca.com/resources/reports/federal-judiciary/.

\(^7\)See https://newrepublic.com/article/122538/jimmy-carters-most-important-legacy-female-judges.

\(^8\)As of March 2018, for instance, just 10% of President Donald Trump’s confirmed judicial appointees are racial or ethnic minorities and 21% are women.
groups may report more positive assessments of the courts as the composition of the judiciary changes to better reflect their demographic characteristics. During his presidency, Barack Obama articulated the view that demographic congruence between citizens and the judiciary shapes how those individuals view the courts:

“I think there are some particular groups that historically have been underrepresented – like Latinos and Asian-Americans – that represent a larger and larger portion of the population. And so for them to be able to see folks in robes that look like them is going to be important.”

Likewise, Americans may gain greater confidence in the courts as their composition more closely resembles the diversity of the American population. As former Supreme Court Justice William Brennan has remarked, “the sole end of making the Court diverse and reflective of America’s heterogeneity was to foster legitimacy for it in the eyes of the American people.” Moreover, legal scholars have argued for greater diversity on courts to increase trust in judicial outcomes, particularly among historically underrepresented groups. For instance, as Ifill (1998, 137-138) argued: “Plurality on the bench enhances the appearance of inclusion and participation. A sense of participation leads more readily to the appearance of justice, which in turn engenders public confidence in the justice system. With public confidence in the justice system plummeting, many argue that racial diversity on the bench will help disaffected racial minorities, in particular, to believe that they have a voice in the administration of justice.”

Despite the political salience of the courts’ demographic composition and the prominent claims that link it with public opinion toward the courts, little scholarship directly investigates these arguments. The omission is especially surprising due to the import-

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10Quoted in Ifill (1998, 139).
tance politicians, political observers, interest groups, and the public have placed on the
collection of nominees from underrepresented groups to the Supreme Court in recent
decades, including Sandra Day O’Connor, Clarence Thomas, Ruth Bader Ginsburg, So-
nia Sotomayor, and Elena Kagan. While a substantial literature studies how descriptive
representation affects attitudes toward legislatures (e.g., Gay 2002; Pantoja and Segura
2003; Schwindt-Bayer and Mishler 2005; Preuhs 2006; Haider-Markel 2007) and exec-
tutives (e.g., Atkeson and Carrillo 2007; Bobo and Gilliam 1990; Clark 2014; Merolla,
Sellers, and Fowler 2013), strikingly little is known about how descriptive representation
shapes attitudes toward the judiciary (see, however, Badas and Stauffer 2018; Evans et al.
2017; Scherer 2004; Scherer and Curry 2010).

Descriptive Representation and the Judiciary

Descriptive representation, by which we mean demographic congruence between citizens
and political officials, is commonly posited to affect public opinion toward officeholders
and the political system in two key ways. In the first, descriptive representation provides
indirect benefits by securing policy outcomes that better reflect the preferences of groups
that are represented among decision makers (e.g., Berkman and O’Connor 1993; Whitby
2000). For example, women may believe that female candidates better represent their
political preferences, and likewise with Blacks or Asian Americans. To the extent mem-
ers of a group share similar preferences, descriptive representation is a mechanism for
delivering government responsiveness to group interests. In the second, descriptive rep-
resentation has a direct effect on public opinion by providing symbolic benefits through
perceptions of inclusion. As members of a group see themselves increasingly repre-
sented among the ranks of political candidates or officeholders, members of that group
are posited to feel that their voices are legitimated within the polity and increase their
trust in the electoral system and government decision making (e.g., Mansbridge 1999).

Existing scholarship documents a rich set of relationships between descriptive characteristics and attitudes toward political candidates and officials. In the context of race, descriptive representation is often found to increase citizens’ evaluations of elected officials. As Tate (2001, 623) finds, “blacks consistently express higher levels of satisfaction with their representation in Washington when that representative is black.” Other studies suggest, however, that evaluations of coracial officials vary across racial group. For instance, Gay (2002) shows that white constituents approve more highly of white congressional representatives, while black constituents do not vary their approval on legislators based on race. Similar studies on gender largely conclude that female constituents provide higher approval ratings for female representatives (e.g., Lawless 2004). Beyond approval and satisfaction, a number of studies detail how descriptive representation affects feelings of political efficacy and encourages participation. Bobo and Gilliam (1990) show that blacks living in cities represented by a black mayor feel more efficacious and are more active politically, while other research suggests that the association between coracial candidates and voter turnout may be conditional on partisanship (Fairdosi and Rogowski 2015). Outside the United States, descriptive representation exhibits a positive association with attitudes toward politics and political engagement in the context of female (Barnes and Burchard 2012; Karp and Banducci 2008) and coethnic candidates (e.g., Fisher et al. 2017).

While theories of descriptive representation would appear to generalize across branches and levels of government in democratic systems, the body of research cited above largely omits the judiciary. In the United States, the federal judiciary plays an integral role in political decision making given its power of judicial review and position as the final arbiter of questions of constitutional interpretation. This position highlights the stakes associated with descriptive representation in the judiciary. If the courts do not reflect
the general population in descriptive terms, and descriptive characteristics are associated with an individual’s preferences, the courts’ decisions may inadequately represent the preferences of the general public. Instead, the courts may privilege the views of some groups over others. The likelihood of such a breakdown in representation is particularly strong for unelected officials such as federal judges given citizens’ limited ability to hold judges in lifetime appointments accountable for their opinions.\textsuperscript{11} Given the systematic underrepresentation in the judiciary of women, people of color, and other historically marginalized groups, descriptive representation in the contemporary era may be critical for the courts’ public standing among members of these groups. The Court may place a particular premium on accruing and maintaining legitimacy among minority and female Americans due to its generally lower levels of legitimacy among these groups (Bartels and Johnston 2013; Gibson and Caldeira 1992\textit{a}).\textsuperscript{12} Moreover, if descriptive representation among judges is a potential source of the public’s confidence in the court, public perceptions of the judiciary may increase with greater racial and female representation on the Court.

The small body of research on descriptive representation and the courts is limited in several key ways. In the study most closely related to our own, Badas and Stauffer (2018) explore how shared race and gender moderated the importance of ideology for citizens’ evaluations of the Thomas, Sotomayor, and Kagan nominations. The authors find that evaluations of the nominees were much less responsive to perceptions of ideologi-

\textsuperscript{11}While the public may exert indirect pressure on judges through elected officials in Congress and the executive branch (e.g., Clark and McGuire 1996), the accountability mechanism is undoubtedly weaker than it is for the elected branches of government.

\textsuperscript{12}A robust literature highlights the importance of legitimacy to the federal judiciary given the courts’ lack of enforcement powers and the absence of an electoral connection (e.g., Gibson and Caldeira 1992\textit{b}; Gibson and Nelson 2014).
cal proximity among citizens who shared these nominees’ race and/or gender, suggesting that shared race or gender may reduce opposition among citizens whose policy preferences contrast with the nominees’. However, this research is unable to identify whether shared race and/or gender affected overall support for these nominees due to the absence of a counterfactual.\textsuperscript{13} Evans et al. (2017) show that Latino/a approval of the Supreme Court increased from 2006 to 2011 and attribute this finding to the nomination of Sonia Sotomayor. Unfortunately, the research design limits the ability to attribute this increase to Sotomayor’s presence on the Court independent from the potential impact of other politically relevant phenomena. Scherer and Curry (2010) present results from an innovative experiment that manipulates the racial composition of the federal judiciary and show that increased representation of Blacks on the courts increased perceptions of the courts’ legitimacy among Black respondents but reduced it among white respondents. The relatively small sample sizes and unrepresentativeness of the study population, however, limit the potential generalizability of the findings and the ability to study the effects among politically relevant subgroups.

We study descriptive representation and public opinion in the context of the judiciary by focusing on public support for judicial nominees. Our main hypotheses are that citizens grant greater support for judicial nominees who share their (1) gender and (2) racial and ethnic identity. We further investigate how two potential mechanisms contribute to these effects. First, descriptive characteristics may serve as information cues. Based on

\textsuperscript{13}The lack of exogeneity also makes it difficult to evaluate the interaction between ideological proximity and shared race and/or gender, as respondents’ perceptions of nominee ideology are likely subject to projection effects. This may account for several unusual results in the article, including the finding that liberal Blacks were more supportive of Clarence Thomas than conservative Blacks (Badas and Stauffer 2018, Figure 1) despite Thomas’s conservativism and his nomination by a Republican president.
research on stereotypes (Bowen and Clark 2014; McDermott 1998), citizens may perceive that nonwhite and/or female nominees are more liberal than white men. Accordingly, we would expect the effects of descriptive representation to vary with citizens’ preferences. Second, descriptive representation could provide an independent benefit to citizens over and above partisanship and preference similarity (Mansbridge 1999), in which individuals support coracial or same gender nominees even if the nominee holds political views that differ from their own.¹⁴

At the outset, we note that an influential body of scholarship argues that the public perceives the judiciary as fundamentally different from other political institutions and applies political considerations differently when evaluating it in comparison with, for instance, Congress, the president, and political parties (see, e.g., Gibson and Caldeira 2009). If the public believes the courts are mostly insulated from political influences and make decisions based on legal principles and precedent rather than judges’ policy preferences, we would expect to uncover mostly null results in the relationship between descriptive characteristics and public opinion toward courts.¹⁵

¹⁴We note, however, that this latter expectation could be observationally equivalent with taste-based discrimination, in which individuals have a preference for descriptively similar officeholders due to their antipathy or prejudice toward officials from groups other than their own.

¹⁵Indeed, some have expressed skepticism toward the claim that descriptive characteristics might be associated with judges’ opinions. For instance, Minnesota Supreme Court Justice M. Jeanne Coyne argued that “A wise old man and a wise old woman reach the same conclusion … In the vast majority of cases, [the representation of women on the court] will have no impact whatever” (David Margolick, February 2, 1991, “Women’s Milestone: Majority on Minnesota Court,” New York Times). Supreme Court Justice Sandra Day O’Connor (1991, 1558) expressed a similar perspective in response to
**Data**

To investigate Americans’ preferences over the descriptive characteristics of Supreme Court justices, we employed a conjoint experiment embedded on a survey we conducted in January 2017. The timing of the survey provides a particularly strong claim to external validity. President Trump assumed a vacancy on the Supreme Court upon his inauguration due to the death of Justice Antonin Scalia in February 2016. Our survey was fielded beginning on January 21 through January 30, the day before Trump nominated Neil Gorsuch to the Supreme Court. Thus, respondents evaluated prospective nominees during an actual Supreme Court vacancy and at a time when a nomination was pending, which suggests a degree of realism that would be absent if we asked respondents to evaluate nominees in a hypothetical context. The survey was conducted by YouGov with a sample of 2,500 respondents weighted to characteristics of the national population.\(^\text{16}\) Table A.1 provides descriptive statistics for the sample.

Our experimental setup proceeded as follows. First, we presented respondents with the following statement: “As you may know, the U.S. Supreme Court currently has one vacancy due to the death of Justice Antonin Scalia in February 2016. President Trump will need to nominate a replacement justice.” Respondents were then presented with a rhetorical question, “Do women judges decide cases differently by virtue of being women?” in which she argued that “our aspiration [should be that] whatever our gender or background, we all may become wise.”

\(^{16}\)YouGov uses an opt-in internet panel rather than a national probability sample, though recent research shows that estimates of treatment effects appear similar across sampling frames (Berinsky, Huber, and Lenz 2012). YouGov respondents were matched to a target sampling frame on gender, age, race, education, party identification, ideology, and census region.
hypothetical profile of a potential Supreme Court nominee that included the nominee’s background characteristics and political views, including their age, the law school they attended and their position on abortion. Respondents were randomly assigned to receive these attributes, which are displayed in Table A.2. The profiles were accompanied by text which instructed respondents to "Suppose Trump is considering nominating the following individual to serve as a justice on the Supreme Court." Crucially, we varied two of the nominee’s descriptive characteristics: race/ethnicity (white, Black, or Hispanic or Latino/a) and gender (male/female).

The random assignment of nominee characteristics to respondents allows us to identify the causal effect of shared descriptive characteristics on a series of outcome variables relevant for evaluations of prospective Court nominees. To do so, we create the variables Shared Race and Shared Gender, binary indicators that denote whether the respondent shared the same racial and gender identification as the nominee in the profile. As noted above, we also manipulated a variety of other characteristics of the potential nominees, including age, educational background, career experience, and political views. Because previous literature suggests these are important predictors of attitudes toward judicial nominees, the inclusion of these variables allow us to compare the effects of descriptive congruence against other relevant benchmarks.

After receiving the nominee profile, respondents evaluated the nominee across three dimensions: support for the nominee, assessments of the qualifications of the nominee, and trust in the nominee’s impartiality. Wordings and summary statistics for each of these questions are presented in Table 1. Each question was asked on a five-point scale; for simplicity, however, we report our main results with a collapsed binary measure of these variables.¹⁷ (Our results are robust to using the entire five-point scale of the depen-

¹⁷As an illustration of how we created the binary variable, respondents who reported that they strongly or somewhat support the nominee are coded as supportive, while
dent variable, however, as we report in Figure A.1.) Respondents received and evaluated four profiles of potential Supreme Court nominees across these evaluative dimensions, providing us with 10,000 total nominee profile evaluations.\(^{18}\)

Table 1: Outcome Variables

<table>
<thead>
<tr>
<th>Question</th>
<th>Mean</th>
<th>St. Dev.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Support:</strong> On a scale from strongly oppose to strongly support, where would you place your level of support for this potential nominee?</td>
<td>0.334</td>
<td>0.472</td>
</tr>
<tr>
<td><strong>Qualifications:</strong> On a scale from highly unqualified to highly qualified, where would you place your assessment of this nominee's qualifications to be a US Supreme Court justice?</td>
<td>0.477</td>
<td>0.499</td>
</tr>
<tr>
<td><strong>Trust:</strong> On a scale from strongly mistrust to strongly trust, how much would you trust that this potential nominee would reach impartial decisions regardless of the parties or issues involved in the case?</td>
<td>0.312</td>
<td>0.463</td>
</tr>
</tbody>
</table>

Note: Outcome variables are binary where 1 indicates respondents who expressed positive evaluations of the nominees. \(N = 10,000.\)

The experiment addresses many of the limitations of the research designs used in existing scholarship in this area. The random assignment of respondents to judicial profiles means that our data include multiple combinations of respondent-nominee racial and gender descriptive matches. In contrast, many observational studies focus on a single nomination contest to explore how descriptive attributes shape public opinion to the nominee and thus are not able to evaluate a counterfactual nominee in which all characteristics of each potential Supreme Court nominee.

\(^{18}\)All our main results hold when limiting our analysis to the first profile each respondent evaluated, which suggests that evaluations were responsive to the demographic characteristics of each potential Supreme Court nominee.
acteristics are held constant save for their descriptive characteristics. The direct exposure of respondents to the nominee profiles further improves upon observational studies in which respondents may have been unaware or misperceived the descriptive characteristics of a given judicial nominee. Finally, because we presented respondents with attributes of potential nominees in a period where a Supreme Court nomination was imminent, we avoid the use of deception to characterize non-existent nominees.

Using the data from our experiment, we study the effect of descriptive representation by regressing the dependent variables on the indicators for shared race and shared gender along with indicators corresponding to the other characteristics of the nominees. This provides estimates of the average marginal component-specific effect (AMCE) of descriptive congruence, which represents the average difference in public opinion toward the nominees among respondents who shared the nominees’ race and/or gender compared to those who did not. This quantity is calculated over all possible combinations of the nominee’s other attributes. Random assignment of the values of each characteristic helps avoid potential confounding by ensuring that the values of one attribute are uncorrelated on average with any pre-treatment characteristics of respondents as well as the values of other nominee attributes. The ACME is estimated with linear regression; standard errors are clustered on respondents to account for non-independence between the evaluations provided by individual respondents.

**Results**

We begin our analysis by investigating the effect of descriptive representation on attitudes toward prospective Supreme Court nominees. If demographic congruence between political officials and the public is associated with more positive attitudes toward those officials, we expect to find that respondents offered more favorable evaluations of prospective
Supreme Court nominees who shared their race and/or gender.

Our results are shown in Figure 1. The plots in the figure present the treatment effects of shared race and gender on a respondent’s evaluations of the nominee. The plot on the left shows the results when studying the effect of sharing the nominee’s racial identity and the plot on the right shows results for the effect of sharing the nominee’s gender identity. The x-axis shows the estimated AMCEs, where positive values indicate that shared descriptive characteristics increased respondents’ evaluations of the nominees. The points show the estimated effects and the horizontal lines are the 95% confidence intervals associated with them. The vertical dashed line at zero indicates the null hypothesis of no effect of descriptive representation on evaluations of the nominees.

The results provide strong evidence that racially descriptive representation affects Americans’ attitudes toward judicial nominees. Across each dependent variable, shared racial identity significantly increased respondents’ evaluations of the nominees. The coefficient estimate for the Support dependent variable is 0.061 and statistically significant \( p < .001 \), indicating that respondents who shared the nominee’s racial identity were, on average, 6.1 percentage points more likely to express support for the nominee. We find nearly identical results for the other two dependent variables, in which racial descriptive representation increased respondents’ trust in the nominee’s impartiality and perceptions of the nominee’s qualifications by 6.2 percentage points \( p < .002 \) and 4.5 percentage points \( p < .02 \), respectively.

The magnitudes of these effects, moreover, are fairly strong in relation to the other nominee characteristics we varied in the experiment.\(^1^9\) Results from recent research indicate that judges’ political views are among the most important attributes in determining public attitudes toward them (Sen 2017); in our study, the effects of shared race in our study are nearly as large as effects of the nominee’s political beliefs. For example, com-

\(^1^9\)A full table of results is shown in Table A.3.
pared to a nominee who expressed the belief that *Roe v. Wade* is settled law, respondents were 8.3 percentage points less likely to support a nominee who supports overturning *Roe*.\(^{20}\) The magnitude of the effects of shared race on Support were slightly larger than the effects of the nominee’s legal training and professional experience. For instance, respondents were 4.9 percentage points less supportive of a nominee who currently works as a corporate attorney and one who currently serves on the federal bench. Similarly, respondents were 4.3 percentage points less supportive of a nominee who attended a “second tier” law school relative to an “elite Ivy” law school. Altogether, these findings indicate that Americans express consistently higher support for judicial nominees who share their own racial group identity, and these effects are substantively important when compared with the effects of other characteristics that shape attitudes toward court nominees.

As the right plot of Figure 1 shows, however, we find considerably weaker evidence for the effects of shared gender on attitudes toward judicial nominees. While each of the three estimates is positive, they are all considerably smaller in magnitude than the effects of shared race. Moreover, while shared gender increases trust in the nominee’s impartiality by 2.5 percentage points \((p < .04)\), it is the only one of the three dependent variables where the estimated effect is statistically significant. The effects are smaller for overall support (1.3 percentage points) and perceptions of the nominee’s qualifications (0.3 percentage points), and neither of the estimates is distinguishable from zero. On the whole, while each of the estimated effects is positive, we do not find strong evidence that shared gender identity affects public opinion toward judicial nominees.

\(^{20}\)We acknowledge, however, that the effects of the nominee’s abortion views likely vary with respondents’ political views; for instance, Democratic respondents likely penalized a nominee by more than 8.3 percentage points if the nominee supported overturning *Roe*.
Evaluating Potential Mechanisms

We now investigate some potential explanations for the results shown in Figure 1. First, we consider the possibility that the effects of descriptive representation vary across party lines. These conditional effects could arise from differences in partisans’ programmatic or ideological commitments to descriptive representation. With respect to demographic diversity in the judiciary, for instance, Democratic presidents have typically placed much greater emphasis on nominating judges from underrepresented backgrounds than Republican presidents. Another possibility is that, given that the potential nominees described in our vignettes would have been nominated by a Republican president, respondents’ partisan alignment with the president may condition the effect. If descriptive
representation helps to overcome ideological opposition to the nominee, as Badas and Stauffer (2018) argue, we might expect that the effects are stronger among Democrats if Republican identifiers would have been subject to potential ceiling effects. Therefore, we evaluated whether descriptive representation had greater effects among Democratic respondents than Republican respondents. To do so, we distinguished partisans on the basis of their response to the three-point party identification scale.\(^{21}\) Figure 2 displays the differential effects of shared racial and gender on support for the prospective nominee for Republican and Democratic respondents.\(^ {22}\)

As Figure 2 shows, we find some evidence that the effects of shared race are moderated by partisanship; however, the results run somewhat contrary to the potential explanations we outlined above. Shared race increased support for the nominee by 11.6 percentage points among Republicans \((p < .001)\), more than twice the magnitude of the effect among Democrats (4.7 percentage points, \(p < .07)\). Moreover, these effects are themselves statistically distinguishable at \(p < .09)\). Therefore, while both Republican and Democratic identifiers expressed greater support for judicial nominees who shared their racial identity, coracial nominees appeared to generate a more positive increase in support among Republican respondents. Across both Democrats and Republicans, however, we continue to find no evidence that shared gender affects evaluations of judicial nominees. The conditional AMCEs for Democrats and Republicans are both very small in magnitude (0.01 for both) and neither is statistically significant. In addition, while Figure 2 does not re-

\(^{21}\)We also asked respondents to place themselves on a seven-point scale of party identification, although in our primary analysis we treat all independent respondents as “true” independents rather than “leaners.”

\(^{22}\)In the interest of space, we focus here on the “support” dependent variable, but note that our findings are substantively similar for the other two dependent variables. See Figures A.3 and A.4.
port results for Independents, we find that the effects of shared race are similar to those for Democrats, with a 3.9 percentage point increase in support ($p < .11$). The effects of shared gender, moreover, are similar in magnitude to both groups of partisans and not statistically significant (condition AMCE = 0.02; $p < .41$). Altogether, therefore, our results for shared race do not appear to support the claim that descriptive representation has asymmetric effects across parties due to differences in partisans’ commitment to remedying past underrepresentation of nonwhite judges. Moreover, the results do not indicate that the effects of shared race are concentrated among respondents who have partisan or ideological differences with the nominating president.

Figure 2: Effect of Descriptive Representation on Nominee Support across Party Lines

![Figure 2: Effect of Descriptive Representation on Nominee Support across Party Lines](image)

*Note:* The figure presents the conditional effect of shared race or gender on support for Supreme Court nominees.

We now examine whether the effects of descriptive representation vary across party and demographic characteristics. Specifically, we study how respondents’ racial group
conditions the effect of coracial candidates across party lines. We conduct a similar analysis to examine whether the effect of same-gender nominees varies across men and women who identify with different parties. This set of analyses serves two key purposes. First, it allows us to distinguish how the effects of descriptive representation vary across groups. To the extent descriptive representation is particularly important among members of historically underrepresented groups, we might expect descriptive representation to have stronger effects among people of color (here, Blacks and Hispanics) and women. Second, it allows us to identify whether and how the public uses descriptive characteristics as heuristics to make inferences about the political views of judicial nominees. For instance, if respondents infer that Black and/or Latino/a nominees are likely to be more liberal than white nominees, we might expect that white Republican respondents grant greater support for coracial (white) nominees while shared race reduces support among white Democratic respondents. Similarly, to the extent Black and Hispanic respondents place intrinsic value on descriptive representative over and above the nominee’s political views, we would expect that respondents from these groups of both parties are more supportive of judicial nominees from their racial/ethnic group. The analogous expectation holds for shared gender identity: if respondents infer that women are more liberal than men, we would expect male Republican [Democratic] respondents would be more [less] supportive of nominees who share their gender.\footnote{An alternative theoretical mechanism – prejudice and taste-based discrimination – generates slightly different empirical predictions. This mechanism would lead us to expect that members of all groups support coracial or same-gender nominees at significantly higher rates than nominees who do not share their racial or gender identity, even if coracial or same-gender nominees hold political views different from their own. Given the historic underrepresentation of people of color and women in positions of political power, we expect that favoring officials from one’s own group may be seen as a means...} Altogether, this analysis allows us to
evaluate competing mechanisms that may link demographic congruence with opinions toward political officials.

Figure 3 displays the results that distinguish the effects of descriptive representation by race and gender across party lines.24 The left panel of Figure 3 presents the treatment effects for shared racial descriptive characteristics disaggregated by respondents’ partisanship. Overall, the results reveal that coracial nominees have the clearest effect on support for the nominee among Black Democrats and white Republicans. Black Democratic respondents were 18 percentage points more likely to express support for a Black judicial nominee than a nominee from a different racial/ethnic group (p < .001), while white Republicans were 6 percentage points more likely to support white judicial nominees compared with nominees who did not share their racial identity (p < .03). Among whites, moreover, we find that support for coracial nominees is moderated by party. White Democrats were somewhat less supportive of white nominees than nominees from other racial groups (-0.04), though the effect falls short of conventional levels of statistical significance (p < .16). However, the effects for white Republicans and

of achieving political power for people of color and women. The clearest evidence of taste-based discrimination may be discerned by studying the effects of descriptive representation on white respondents and men. To the extent white respondents favor white nominees and men favor male nominees across party lines may provide evidence of manifestations of prejudice on the basis of race and gender, respectively. Our empirical findings do not support this expectation, however, which leads us to suspect that, in the aggregate, prejudicial attitudes may not be an important contributor to attitudes toward judicial nominees.

24 Unweighted sample sizes for each of the subgroups are as follows: white Republicans (2308), white Democrats (2280), Black Republicans (41), Black Democrats (620), Hispanic Republicans (148), Hispanic Democrats (322).
Democrats are themselves statistically distinguishable \((p < .009)\), indicating that whites respond differently to coracial judicial nominees based on their party affiliation. This finding suggests that white respondents use race as a heuristic for inferring nominees’ likely political views and express greater support for candidates they perceive as holding political beliefs more in line with their own.

We continue to find no evidence that Hispanic respondents are more supportive of coracial/coethnic nominees than nominees from other groups. Among both Hispanic Democrats \((0.00, p < .97)\) and Republicans \((-0.04, p < .67)\), the effects are small in magnitude and indistinguishable from zero. The findings for Independents \((-0.04, p < .53)\), though not shown, continue to provide no evidence that Hispanics provide greater support for coracial/coethnic judicial nominees. Importantly, the persistent null finding among Hispanics provides no support for the argument presented in Badas and Stauffer (2018), in which descriptive representation is posited to help mitigate ideological differences in attracting support for judicial nominations. In the context of a Republican presidential administration, descriptively representative nominees do not attract greater support among Hispanics of any party affiliation.

The findings are more mixed among Black respondents. As reported above, Black Democrats were significantly more supportive of Black judicial nominees than nominees from other racial groups. We find no evidence of a similar relationship among Black Republicans, as the coefficient is negatively signed and statistically indistinguishable from zero \((-0.01, p < .97)\). However, we are reluctant to overinterpret this finding given the small number of Black Republican respondents in our sample, which is reflected in the imprecision of the estimated relationship. We do find, however, that Black Independents responded more favorably \((0.12)\) to coracial nominees than they did to nominees from other racial groups, though this estimate is not statistically significant at conventional levels \((p < .08)\). Overall, these results suggest that descriptive representation may increase
Black support for judicial nominees, particularly among Black Democrats who may be mostly likely to recognize the increased descriptive representation of African Americans in the judiciary as an important goal given their historical underrepresentation.

As the right panel of Figure 3, we find no evidence that Americans’ attitudes toward same-gender Supreme Court nominees are conditioned by party and/or respondents’ gender. Among women, neither Republicans (0.00) nor Democrats (0.00) are more likely to express greater support for female nominees relative to male nominees, and these null effects are estimated relatively precisely. The results are similarly null among Republican (0.01) and Democratic (0.04) men. We also find null effects for Independent women (0.02) and men (0.01). Consistent with our earlier findings, the data reveal that shared gender is not a significant determinant of support for prospective nominees for men or women of either party.

Figure 3: Effect of Shared Characteristics by Party ID, Race and Gender

Note: The figure presents the estimated treatment effects of shared race (left panel) and gender (right panel) on support for prospective Court nominees for racial, gender and partisan subgroups. The support outcome variable is a dichotomous measure.

These general patterns persist when we examine how respondents with specific racial and gender characteristics evaluate descriptively representative nominees across dimen-
sions of impartiality and qualifications. We present these results in Figures A.5 and A.6. White Republicans and Black Democrats have positive estimated treatment effects when evaluating the qualifications and impartiality of prospective judges who share their racial characteristics, but these effects are generally smaller or nonexistent for other racial and partisan groups. We also find no statistically distinguishable effects of shared gender for men or women across these additional evaluative dimensions.

**Descriptive Representation and Judicial Legitimacy**

In additional analyses, we evaluate how the confirmation of descriptively representative justices affects perceptions of the Court’s legitimacy. As the quotes from former presidents, Supreme Court justices, and legal scholars presented earlier in the paper suggest, descriptive representation could increase legitimacy by advancing perceptions of political inclusion. At the same time, however, previous research in the context of descriptive representation in Congress finds that the assessment of individual officeholders contrasts with evaluations of institutions as a whole. For example, Gay (2002) finds that while respondent’s approval of legislators varied by co-racial status, their overall feelings towards Congress did not.

As noted above, legitimacy is a particularly important concept for the Supreme Court, given its limited enforcement powers and the lack of an electoral connection. We measure judicial legitimacy using a version of a standard scale adapted to the context of our experiment. After presenting respondents with the profile of each prospective Court nominee and asking them for their support for the nominee, we asked respondents to suppose that the nominee were confirmed by the Senate and began serving on the Supreme Court. Respondents were asked four questions we modeled after a scale commonly used in research on judicial legitimacy. Responses were measured on five-point scales which ranged from
“strongly disagree” to “strongly agree.” These questions scale well together (Cronbach’s \( \alpha = 0.78 \)) and we use them to construct an additive measure that characterizes respondents’ evaluations of the legitimacy of the Court. The mean level of legitimacy is 3.16 (SD=0.86), with values ranging from one to five.

We present the results from our assessment of descriptive representation and judicial legitimacy in Figure 4. We find no evidence in support of claims that a group’s inclusion on the Supreme Court affects prospective assessments of the Court’s legitimacy. Overall, the effect of shared race on perceptions of judicial legitimacy is estimated to be effectively zero (0.003) with a standard error of 0.03. Moreover, the estimated effect for shared gender on legitimacy is in the opposite direction of our expectations (-0.02) and statistically indistinguishable from zero (\( p < .36 \)). Even if these estimates were statistically significant, the substantive magnitudes of these estimates are extremely small, amounting to no more than two percent of a standard deviation in values of the dependent variable.

In additional analyses not shown, we explored whether the effects of descriptive representation on perceptions of legitimacy varied on the basis of race or gender. Our results continue to be null. The confirmation of a Black justice increased legitimacy among Black respondents (0.07) yet the estimate is not statistically distinguishable from zero (\( p < .33 \)), while the confirmation of coracial nominees decreased legitimacy among whites (-0.05, \( p < .09 \)) and Hispanics (-0.04, \( p < .65 \)) though neither of these estimates is statistically significant. Finally, women respondents exhibited lower perceptions of legitimacy with the confirmation of a female justice (-0.05, \( p < .07 \)) while men reported minimally higher assessments of legitimacy upon the confirmation of a male justice (0.02, \( p < .92 \)).

Overall, our survey experiment reveals several new findings about how descriptive representation affects public support for Supreme Court justices and perceptions of the

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25 We present the question wordings and summary statistics for the legitimacy measures in Table A.4.
Court’s legitimacy. Our findings are generally more consistent with the limited effects of descriptive representation scholars have found in the context of legislatures than they are with the claims articulated by recent presidential administrations and legal scholars. While coracial candidates may increase support among some groups, particularly Blacks and white Republicans, these findings generally do not apply to other racial groups or on the basis of gender. They also reveal that the confirmation of a single descriptively-representative judicial nominee is unlikely to have any meaningful impact on the public’s more general orientation toward the Court.

**Observational Data**

The context and design of our conjoint experiment provide our analysis with a strong degree of external validity. We recognize, however, that any experimental treatment abstracts from the real-world conditions it attempts to mirror. In an effort to validate our
experimental findings in a real-world setting, we use data from the General Social Survey (GSS), a long-running nationally representative survey that captures Americans’ attitudes towards politics and other social issues. We leverage the temporal variation in the gender composition of the Supreme Court to study whether women exhibit more favorable views toward the Court as women comprise a larger percentage of its seats.\footnote{26}

We draw upon a question that has been asked in the GSS since 1973 – the degree of confidence respondents have in “the people running... the U.S. Supreme Court.”\footnote{27} As the GSS provides indicators of the gender of the respondent, we are able to assess whether men and women respond to changes in the gender composition of the Court. In the range of our data, the number of women on the Supreme Court changes five times, beginning with the nomination of the first female justice Sandra Day O’Connor in 1981 and most recently in 2010, when the confirmation of Elena Kagan produced three female justices on the Court for the first time. If real-world patterns match our empirical results, we should see no distinguishable changes in the confidence American women place in the Court as a function of the number of women on the Court. Alternatively, patterns of increased evaluations of confidence in the Court by American women following increases in the number of women on the Court would run contrary to the findings from our experiment. To account for potential societal-wide changes in attitudes toward the Court unrelated to gender, we compare women’s evaluations of the Court to response patterns among men.

Figure 5 presents the time-series of responses to the GSS question of confidence in

\footnote{26}The course of American history limits our ability to extend this analysis to racial characteristics, as the number of African-Americans on the Court has remained constant since 1967 and only one Hispanic judge has joined the Court.

\footnote{27}The question has been asked in every GSS survey since 1973, apart from the 1985 survey. The GSS has been conducted biennially since 1994 and was conducted yearly from 1972–1994 except in 1979, 1981 and 1992.
the Supreme Court. The \( y \)-axis gives the percent of respondents that expressed a "great deal" of confidence in the Supreme Court in the given year. Darker gray panels in the plot denote time periods in which more female justices were on the Court. Responses to the survey question are plotted for female respondents in black (dashed line) and male respondents in blue (solid line). Consistent with the patterns we uncovered in our conjoint experiment, female attitudes toward the Court do not appear to be responsive to changes in the gender composition of the Court. In and immediately following years in which additional female judges ascended to the Court, there appears to be little change in the confidence that American women express in the Court. Years with female additions to the Court tend to be marked by minimal changes in American women’s views toward the Court. For instance, between 2008 and 2010, during which time both Sotomayor and Kagan were confirmed, women’s confidence in Court declined slightly, from 27.7 percent in 2008 to 26.8 percent in 2010. Furthermore, any changes in American women’s confidence in the Court largely mirror the changes exhibited by American men. For example, both men and women expressed slightly higher confidence in the Court in 1982 as opposed to 1980 (from 24.9 percent to 30 percent for women and 27.7 percent to 31 percent for men), the year prior to and after Justice O’Connor’s nomination to the Court.\(^{29}\)

Much as in our experimental analysis, the observational data reveal no systematic change in attitudes toward the Court that reflect the Court’s gender composition. Combining the internally valid merits of experimental methods with the externally valid quality of experimental data leads to a common conclusion: Americans’ attitudes toward judicial actors and toward courts as a whole are not influenced by the gender composition of the judges on the Supreme Court. While the lack of similar variation in the racial


\(^{29}\)The GSS was not conducted in 1981.
Figure 5: Confidence in Supreme Court and Number of Female Justices

Note: The figure presents public confidence in the Supreme Court as measured by the GSS. Female respondents are shown in black (dashed line) and male respondents in blue (solid line). Darker gray panels denote periods in which more female justices were on the Court. The data reveal no pattern of changes in attitudes toward the Court in response to changes in the gender composition of the Court.

composition of the Supreme Court limits our ability to examine these relationships for other subgroups, future appointments to the Supreme Court may present opportunities to examine patterns in attitudes for these cases.

Conclusion

The current justices on the United States Supreme Court are perhaps more descriptively representative of the American population than they ever have been. In part, this reflects an explicit effort on the part of presidential administrations to prioritize justices with certain descriptive characteristics. Presidents, legal scholars, journalists, and justices themselves have expressed the view that descriptive representation helps to generate public support for justices and the Court among populations that have typically been under-
represented in the federal judiciary. For the most part, however, empirical evidence in support of these arguments has been in short supply.

Using an experimental design supplemented with observational data, our analysis provides some limited support for these claims. Overall, shared race does strongly affect Americans’ evaluations of Supreme Court nominees, as the public reports more favorable impressions of nominees from their own racial group. These effects are driven primarily by white Republicans and Black Democrats – groups which often (though not always) find themselves on opposite sides of the political divide. We also find that gender representation has virtually no effect on attitudes toward Supreme Court nominees, and these null findings persist when distinguishing Americans by party and gender. Moreover, what positive effects of descriptive representation on overall evaluations of the Court exist do not carry through to influence Americans’ general orientations toward the Court. The confirmation of a single Supreme Court justice who shares some Americans’ descriptive identities has no impact on how those groups perceive the Court as an institution.

Our results have important implications for and raise a series of questions about descriptive representation and the judiciary. First, the limited effect of race/ethnicity among Hispanics and gender among women is particularly surprising given those groups’ underrepresentation in the federal judiciary. It is possible that members of these groups place less priority on descriptive representation given recent increases in Hispanic and female representation on the Court. Future research could investigate how changes in levels of descriptive representation of members of traditionally underrepresented groups affects how those groups make political evaluations on the basis of, for instance, shared racial or gender identity. Second, Americans may not place as much emphasis on descriptive representation in the context of the judiciary as they do other political institutions in which officials are chosen directly by constituents. To explore this further, additional research could explore whether descriptive representation has greater effects in states
where state supreme court justices are elected rather than appointed. Third, that we find the strongest effects among Black Americans could reflect that group’s continued underrepresentation on the Supreme Court and in the federal judiciary and, perhaps, its fraught relationship with the criminal justice system more generally. The lone Black member of the Supreme Court over the last quarter-century, Clarence Thomas, is generally not representative of Black political views. Thus, political representation for Black Americans on the Supreme Court likely remains as urgent a priority as it ever has been.

Our study has important limitations of its own. While our experiment provides high internal validity and was fielded in a way to increase its external validity, it evaluates the effects of descriptive representation in a single political context and point in time. It is unclear whether the findings would persist in a setting with a Democratic presidential administration, where the outgoing justice was a member of a historically underrepresented group, or in the context of nominations to trial or appellate courts. In addition, while our study focused on race and gender, other descriptive characteristics – such as social/income class and sexuality – could also affect attitudes toward Supreme Court justices, particularly given the Court’s role in adjudicating issues regarding economic regulation and LGBT-related discrimination. These remain important questions for future research on the judiciary in particular and American political institutions more generally.

References


A Supplementary Appendix

Figure A.1: Effect of Shared Descriptive Characteristics on Nominee Evaluations (5-Point Measure)

Note: The figure presents the average marginal component-specific effect of shared descriptive characteristics on respondents’ evaluations of the nominee. Each of the dependent variables is measured on a five-point scale. The results mirror those presented in the main text: substantively significant positive effects for shared race and minimal effects for shared gender.
Figure A.2: Partisanship, Shared Descriptive Characteristics and Nominee Support (5-Point Measure)

Note: The figure presents the average marginal component-specific effect of shared descriptive characteristics on respondents’ support of the nominee, broken down by respondents’ partisan identification. The dependent variable is measured on a five-point scale.
Figure A.3: Partisanship, Shared Descriptive Characteristics and Trust in Nominee Impartiality (Binary Measure)

Note: The figure presents the average marginal component-specific effect of shared descriptive characteristics on respondents’ trust in the impartiality of the nominee, broken down by respondents’ partisan identification. The dependent variable is measured on a binary scale.
Figure A.4: Partisanship, Shared Descriptive Characteristics and Nominee Qualifications (Binary Measure)

Note: The figure presents the average marginal component-specific effect of shared descriptive characteristics on respondents' evaluations of the qualifications of nominee, broken down by respondents' partisan identification. The dependent variable is measured on a binary scale.
Figure A.5: Partisanship, Race, Gender and Trust in Nominee Impartiality (Binary Measure)

Note: The figure presents the average marginal component-specific effect of shared descriptive characteristics on respondents’ trust in the impartiality of the nominee, broken down by respondents’ partisan identification and race. The dependent variable is measured on a binary scale.

Figure A.6: Partisanship, Race, Gender and Nominee Qualifications (Binary Measure)

Note: The figure presents the average marginal component-specific effect of shared descriptive characteristics on respondents’ evaluations of the qualifications of the nominee, broken down by respondents’ partisan identification and race. The dependent variable is measured on a binary scale.
Table A.1: Descriptive Statistics

<table>
<thead>
<tr>
<th>Category</th>
<th>Proportion</th>
<th>Category</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gender</strong></td>
<td></td>
<td><strong>Education</strong></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>.465</td>
<td>No high school degree</td>
<td>.042</td>
</tr>
<tr>
<td>Female</td>
<td>.535</td>
<td>High school graduate</td>
<td>.361</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Some college</td>
<td>.228</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Two-year degree</td>
<td>.095</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Four-year degree</td>
<td>.180</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Postgraduate degree</td>
<td>.094</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td><strong>Income</strong></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>.773</td>
<td>Under $20,000</td>
<td>.180</td>
</tr>
<tr>
<td>Black</td>
<td>.092</td>
<td>$20,000 to $39,999</td>
<td>.226</td>
</tr>
<tr>
<td>Latina/o</td>
<td>.078</td>
<td>$40,000 to $59,999</td>
<td>.164</td>
</tr>
<tr>
<td>Asian American</td>
<td>.020</td>
<td>$60,000 to $79,999</td>
<td>.118</td>
</tr>
<tr>
<td>Other racial group</td>
<td>.036</td>
<td>$80,000 to $99,999</td>
<td>.078</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$100,000 to $149,999</td>
<td>.075</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$150,000 or more</td>
<td>.036</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prefer not to say</td>
<td>.129</td>
</tr>
<tr>
<td><strong>Partisanship</strong></td>
<td></td>
<td><strong>Ideology</strong></td>
<td></td>
</tr>
<tr>
<td>Democrat</td>
<td>.344</td>
<td>Very liberal</td>
<td>.096</td>
</tr>
<tr>
<td>Republican</td>
<td>.260</td>
<td>Liberal</td>
<td>.186</td>
</tr>
<tr>
<td>Independent</td>
<td>.299</td>
<td>Moderate</td>
<td>.328</td>
</tr>
<tr>
<td>Other</td>
<td>.045</td>
<td>Conservative</td>
<td>.240</td>
</tr>
<tr>
<td>Not sure</td>
<td>.053</td>
<td>Very conservative</td>
<td>.072</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not sure</td>
<td>.076</td>
</tr>
</tbody>
</table>

Note: Entries indicate unweighted sample proportions for each demographic and political category. \( N = 2,500 \). The unweighted sample characteristics match Census data from July 1, 2016 quite well. Census data show that women comprised 50.8% of the population; the population was 76.9% white, 13.3% Black, 5.7% Asian American, and 4.9% other racial group (Hispanic background is treated separately from race); 30.3% had completed at least a four-year college degree; and the median household income was approximately $55,000.
Table A.2: Summary of Conjoint Experiment Design

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>(a) Male; (b) Female</td>
</tr>
<tr>
<td>Race</td>
<td>(a) Black; (b) Hispanic or Latina/o; (c) White</td>
</tr>
<tr>
<td>Age</td>
<td>(a) 45; (b) 55; (c) 65</td>
</tr>
<tr>
<td>Law school attended</td>
<td>(a) Elite law school at an Ivy League university; (b) Well-regarded law school at a large public university; (c) Second-tier law school at a regional university; (d) Law school not ranked in the top 100 law schools</td>
</tr>
<tr>
<td>Current position</td>
<td>(a) Federal judge; (b) Elected politician who has served in office for the last 15 years; (c) Law professor at a top law school; (d) Chief counsel at a prominent think tank; (e) Corporate defense attorney in private practice</td>
</tr>
<tr>
<td>Position on abortion</td>
<td>(a) “The Constitution provides fundamental right to privacy and <em>Roe v. Wade</em> is settled law”; (b) “The Constitution provides fundamental right to privacy but I cannot comment on whether <em>Roe v. Wade</em> was decided properly”; (c) “The sanctity of life should be protected and <em>Roe v. Wade</em> ought to be overturned”</td>
</tr>
<tr>
<td>Trump rhetoric</td>
<td>(a) None; (b) “This nominee has an outstanding legal record and is well-qualified to serve on the Supreme Court”; (c) “I am proud to nominate a principled conservative who will honor the legacy of Antonin Scalia”; (d) “The nominee has the outstanding character Americans expect from a Supreme Court justice”; (e) “I have known this nominee for many years and believe they will be an excellent Supreme Court justice”</td>
</tr>
<tr>
<td>Senate Democrats rhetoric</td>
<td>(a) None; (b) “The nominee does not have the training or the experience worthy of serving on the Supreme Court”; (c) “We are not convinced that the nominee will be able to shed their personal political beliefs and check those biases at the door of the Supreme Court”; (d) “The nominee has a troubling ethical record and we are concerned that they do not meet the standards of the highest judicial office in the nation”; (e) “We worry that the nominee’s close relationship with the president would compromise their impartiality”</td>
</tr>
</tbody>
</table>

*Note: Respondents were randomized to receive a nominee profile with one value for each of the attributes described above. Half of respondents were randomly assigned to receive rhetoric attributed to both President Trump and Senate Democrats, and received one statement from each (b, c, d, or e). The other half of the sample received no politicized rhetoric (condition a).*
Table A.3: Effect of Descriptive Representation on Attitudes toward Judicial Nominees: Full Results

<table>
<thead>
<tr>
<th></th>
<th>Support</th>
<th>Trust</th>
<th>Qualified</th>
<th>Legitimacy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Same gender</strong></td>
<td>0.03</td>
<td>0.06</td>
<td>0.01</td>
<td>-0.02</td>
</tr>
<tr>
<td></td>
<td>(0.03)</td>
<td>(0.03)</td>
<td>(0.03)</td>
<td>(0.02)</td>
</tr>
<tr>
<td><strong>Same race</strong></td>
<td>0.21*</td>
<td>0.20*</td>
<td>0.16*</td>
<td>0.00</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.05)</td>
<td>(0.03)</td>
</tr>
<tr>
<td><strong>Position on Roe: Baseline = Roe is settled law</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannot comment</td>
<td>-0.22</td>
<td>-0.14*</td>
<td>-0.13*</td>
<td>0.01</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.03)</td>
</tr>
<tr>
<td>Roe should be overturned</td>
<td>-0.38*</td>
<td>-0.30*</td>
<td>-0.16*</td>
<td>-0.03</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.04)</td>
<td>(0.03)</td>
</tr>
<tr>
<td><strong>Age: Baseline = 45 years</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55 years</td>
<td>0.01</td>
<td>-0.01</td>
<td>0.01</td>
<td>0.07*</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.03)</td>
</tr>
<tr>
<td>65 years</td>
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<td>-0.03</td>
<td>-0.05</td>
<td>0.05</td>
</tr>
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<td></td>
<td>(0.04)</td>
<td>(0.03)</td>
<td>(0.04)</td>
<td>(0.03)</td>
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<tr>
<td><strong>Law school: Baseline = Elite Ivy</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well-regarded public</td>
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<td>0.00</td>
<td>-0.09*</td>
<td>0.00</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.03)</td>
</tr>
<tr>
<td>Second tier regional</td>
<td>-0.11*</td>
<td>-0.04</td>
<td>-0.19*</td>
<td>0.02</td>
</tr>
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<td></td>
<td>(0.05)</td>
<td>(0.04)</td>
<td>(0.05)</td>
<td>(0.03)</td>
</tr>
<tr>
<td>Not top-100</td>
<td>-0.23*</td>
<td>-0.13*</td>
<td>-0.42*</td>
<td>-0.02</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.05)</td>
<td>(0.03)</td>
</tr>
<tr>
<td><strong>Current position: Baseline = Federal judge</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elected politician</td>
<td>-0.10*</td>
<td>-0.15*</td>
<td>-0.31*</td>
<td>-0.04</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.04)</td>
</tr>
<tr>
<td>Law professor</td>
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<td>-0.08</td>
<td>-0.13*</td>
<td>-0.01</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.03)</td>
</tr>
<tr>
<td>Counsel at think-tank</td>
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<td>-0.18*</td>
<td>-0.37*</td>
<td>-0.01</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.04)</td>
</tr>
<tr>
<td>Corporate defense attorney</td>
<td>-0.19*</td>
<td>-0.19*</td>
<td>-0.41*</td>
<td>0.03</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.04)</td>
<td>(0.05)</td>
<td>(0.03)</td>
</tr>
<tr>
<td><strong>Gender: Baseline = Male</strong></td>
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<td></td>
</tr>
<tr>
<td>Female</td>
<td>-0.03</td>
<td>-0.01</td>
<td>0.00</td>
<td>-0.04</td>
</tr>
<tr>
<td></td>
<td>(0.03)</td>
<td>(0.03)</td>
<td>(0.03)</td>
<td>(0.02)</td>
</tr>
<tr>
<td><strong>Race/ethnicity: Baseline = White</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>0.24*</td>
<td>0.20*</td>
<td>0.21*</td>
<td>0.06</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.05)</td>
<td>(0.04)</td>
</tr>
<tr>
<td>Latina/o</td>
<td>0.15*</td>
<td>0.15*</td>
<td>0.16*</td>
<td>0.04</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.04)</td>
<td>(0.05)</td>
<td>(0.03)</td>
</tr>
<tr>
<td><strong>Politiced rhetoric: Baseline = No</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>-0.04</td>
<td>-0.01</td>
<td>-0.12*</td>
<td>-0.03</td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.04)</td>
</tr>
</tbody>
</table>

*Note:* Entries show the average marginal component-specific effects for each attribute of the prospective nominees. The AMCEs represent the effect of each covariate while averaging over values of the other attributes. Standard errors clustered on respondents are in parentheses. * indicates p < .05.
### Table A.4: Legitimacy Measures

<table>
<thead>
<tr>
<th>Legitimacy</th>
<th>Strongly disagree</th>
<th>Disagree</th>
<th>Neither agree nor disagree</th>
<th>Agree</th>
<th>Strongly agree</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the U.S. Supreme Court started making a lot of decisions that most people disagree with, it might be better to do away with the Supreme Court altogether.</td>
<td>.248</td>
<td>.246</td>
<td>.305</td>
<td>.152</td>
<td>.048</td>
<td>.002</td>
</tr>
<tr>
<td>I would support removing judges from their position on the U.S. Supreme Court if they consistently made decisions at odds with what a majority of the people want.</td>
<td>.103</td>
<td>.232</td>
<td>.327</td>
<td>.187</td>
<td>.138</td>
<td>.014</td>
</tr>
<tr>
<td>The U.S. Supreme Court will have become too independent and should be seriously reigned in.</td>
<td>.056</td>
<td>.192</td>
<td>.418</td>
<td>.202</td>
<td>.106</td>
<td>.027</td>
</tr>
<tr>
<td>The U.S. Supreme Court will have become too mixed up in politics.</td>
<td>.093</td>
<td>.288</td>
<td>.416</td>
<td>.134</td>
<td>.048</td>
<td>.021</td>
</tr>
</tbody>
</table>

*Note:* Table entries show the proportion of respondents who chose each response option for the four questions measuring the legitimacy of the Supreme Court.