

Ideology on the U.S. District Courts: Reexamining Presidential and Senatorial Appointment Power

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Abstract

Unlike U.S. appellate courts, scholars of the American federal judiciary typically lack ideological estimates for district court judges that are derived directly from their behavior. Rather, scholars have primarily relied upon proxy measures based upon the preferences of a judge's appointing president or those of home-state senators in the event senatorial courtesy is in effect. Nevertheless, senatorial courtesy is a norm, and norms can be broken. It remains an open question whether home-state senators genuinely constrain the president when it comes to the ideological tenor of appointees to the district courts. We produce novel ideal point estimates for 1,680 U.S. district court judges appointed between 1913 and 2009 based upon their votes in approximately 100,000 cases, in addition to contextual factors unique to judges and the process by which they were appointed. We map these ideal points into the Judicial Common Space and make them publicly available to American courts scholars. These ideal points differ meaningfully compared to previous proxy measures and improve predictive power in judge voting behavior. Importantly, despite a battery of statistical tests, we find that senatorial courtesy appears to play a minimal role with respect to the revealed preferences of U.S. district court judges compared to the role the president's ideology plays. If senatorial courtesy indeed constrains presidents in the separation of powers game, it is likely on some other, non-ideological dimension.

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Introduction

While perceptions of citizen rights and government capabilities often center on the Supreme Court, most questions never reach that institution. Many outcomes—and the questions they resolve—in the federal courts actually rest with the decisions given in the initial district court case. Thus, these judges at the trial level are tasked with resolving the lion’s share of legal questions within the federal system. Given that district court judges—like every federal judge in the United States—are chosen via presidential nomination, subject to the “Advice and Consent of the Senate,”¹ this brings to the fore political actors’ ability to shape the selection of these officials and the decisions they ultimately render.

Though the formal method for appointing Article III judges has not changed since the Constitution’s ratification, the means by which the Senate has implemented its “advice and consent” powers has evolved significantly. For example, the Senate’s norms surrounding lower federal court judgeships allow senators representing states in which vacancies arise greater power to veto personally offensive nominees—an institution referred to as “senatorial courtesy” (Chase, 1972) and formalized home-state senators’ authority in the early twentieth century via the so-called “blue slip” (Binder, 2007). These institutions, in theory, allow senators from states in which judicial vacancies arise to veto presidential nominees. In practice, however, senatorial courtesy is merely a norm, and norms can be broken. In recent years, the Senate has confirmed close to 30 percent of nominees, despite the objection of a home-state senator (McMillian, 2017). This contrast between Constitutional expectations, varying adherence to senatorial norms, and observed practice raises serious questions about just how constraining the institution is for nominating presidents.

While the ability for senators to exercise senatorial courtesy is well-defined, recent scholarship on the U.S. circuit courts of Appeal, finds contextual effects. Senatorial courtesy is a significant constraint upon presidential discretion; however, the size of that constraint has diminished in recent years, particularly after the partisan realignment of the South (Howard and Hughes, 2022). That the ability of the Senate to constrain the president is non-constant over time presents interesting possibilities for the district courts. These courts are more local to a geographic area as they are entirely contained within a single state rather than branching across several states like the circuit

¹U.S. Constitution, Article II, Section 2, Cl. 2

courts, giving senators a more direct link to the pool of potential candidates. Nevertheless, district court cases are far more numerous than superior courts, each district is required to consider every case filed, and senators may have external pressures that enable the president to control the process. We argue that these competing pressures all occur simultaneously, and this simultaneity advantages the president, who enjoys first-mover status in the appointments game, along with agenda-setting advantages *vis-à-vis* that come with a nomination’s take-it-or-leave-it status.

Using the Carp and Manning (2016) dataset of more than 100,000 district judge votes in cases spanning the years 1927 to 2012, we construct a Bayesian ideal-point estimator that generates predictions related to the influence presidents and home-state senators have upon district judge ideology. Unlike Howard and Hughes (2022), we find little evidence that home-state senators’ ideologies significantly constrain presidents in the appointments process to the U.S. district courts. To the contrary, our findings indicate that, to the extent ideology is a driving force in district judge selection, it is the president’s ideology that primarily moves the needle. While we do not reject the concept that senatorial courtesy constrains presidential nominations to the district courts, we suggest simply that senatorial courtesy is not demonstrating itself as a manifestation of home-state senator ideology.

Staffing the Lower Federal Courts

Article II, Section 2 of the Constitution states that, “[The president] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint [...] Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.” This language of nomination and appointment for members of the federal bench hides an inner dispute. Even the founders disagreed on the role of the Senate, with Alexander Hamilton believing its power was simply a negative right to refuse a nominee (Hamilton et al., 1961) and John Adams asserting that the Senate could play a positive role in selecting the judges themselves (Harris, 2022). Thus, even at the outset of the Union the role of the Senate in constraining the president is unclear. To best understand the capability of the Senate to constrain the president’s ability to exercise control over the ideological disposition of the court, we must first understand the mechanisms by which this constraint occurs and which drives the effect.

The Senate has attempted to enhance their role in selecting nominees with respect to the president via several procedural reforms throughout American history. These procedural devices generally are contained within three sources, each of which has different mechanisms and participants. The first of these processes is senatorial courtesy. Chase (1972, 7) offers a general description:

For a good part of our history, “senatorial courtesy” could be defined accurately as a custom by which senators would support one of their number who objected to an appointment to a federal office in his state, provided the senator and the president were of the same party... In our day, senatorial courtesy has come to mean that senators will give serious consideration to and be favorably disposed to support an individual senator of the president’s party who opposes a nominee to an office in his state.²

This custom—or norm—reflects the connection of a political process with defined geographic interests in an effort to promote the Senate’s interest. This places between one and three actors in central importance to the process of nomination, namely the president and the two home-state senators where a vacancy arises. However, the home-state senators’ capacity to involve themselves is contingent upon their partisan alignment with the president. This allows these senators to shape nominee selection before it occurs rather than by registering acceptance or rejection after a selection has been made (Binder and Maltzman, 2009). These senators—provided they are presidential co-partisans—have the ability to shape the nomination prior to selection. This process began with President Washington’s selections in the late 1700s, and provides specific senators in the position to shape nominations contingent upon partisanship.

Second, the “blue slip” provides specific senators a role in combination with the Senate Judiciary Committee (SJC). Binder (2007, 1) provides a view of blue slips:

As part of the confirmation process, the [Senate Judiciary Committee’s] counsel sends a “blue slip” to each of the two home state senators for the nomination. Literally a blue sheet of paper, the blue slip asks each home state senator for his or her opinion regarding the nominee.

This procedural norm again reflects the connection of a political process with defined geographic interests for the Senate. Blue slips are available to the two home-state senators, regardless of their partisan status. Returning these forms with a negative assessment—or not returning them at all—demonstrates that the senator is not in support of the nomination (Black et al., 2011, 2014). This

²Quote taken from Binder and Maltzman (2004).

places the two home-state senators where the vacancy arises in central importance to the process of nomination.

Finally, the Senate Judiciary Committee proceedings see nominees put before a broader—but still pre-floor—panel of senators. Routinized after the 1951-1955 period (Ringhand and Collins Jr, 2010), these proceedings see nominees receiving a hearing and facing questions from a selected panel of senators. This process allows all members of the committee to participate, asking procedural and political questions of the nominee (Dancey et al., 2020). For these sessions, most of the questions stem from larger political circumstances rather than the individual nominee’s characteristics (Dancey et al., 2014). This places members of the committee—generally between 14 and 22 senators—as central to the process, and does not depend upon geography or partisanship for the capacity to participate.

These three practices illustrate the different possibilities for how the Senate constrains the executive in judicial nominations. Senatorial courtesy functions as a pre-nomination ability for home-state senators to participate in the selection of the nominee directly. Carp et al. (2019) note that this has become an expected, *de facto* right for senators effectively to make the nomination, and members are prone to object when they believe the administration is not sufficiently responsive (Rutkus, 2016). Additionally, this process directly incorporates Senate partisanship into the process as only senators of the president’s party have the capacity to participate in selecting the nominee (Miller, 1971; Goldman, 1999).

Mechanisms of Ideological Constraint and the U.S. District Courts

The three Congressional processes above illustrate that Congress’ ability to exercise constraint on the executive for nomination outcomes is dependent upon several factors. Presidents may be the primary selector in the nomination process—“shall nominate”—but the Senate can push back on these nominations with their “advice and consent.” Thus, it is possible that each side of this may succeed in their goals, but procedural and constitutional structures shape these outcomes. Given these dynamics, why would the president be constrained by Congress in shaping the ideology of the lower courts?

These dynamics provide four possible mechanisms for understanding the effect that the Senate has on presidential influence over district court judge ideology. First, the executive may be able to exercise their preferences unbound by the Senate. This mechanism stems from two processes. The president is the first mover for agenda setting purposes, with the authority to submit a nomination to the Senate. While many formal powers of the president—such as vetoing (Cameron, 2000)—are subject to Congressional origination, nominee selection according to a presidency-oriented understanding is not. This is a fundamental tenet of Howell (2015), which argues that the president possesses a unique advantage in moving first for governmental actions. Applying this idea to nominations is not new, as President John Tyler used his ability to make appointments to shape his domestic policy agenda (Cash, 2018).

Additionally, presidents have sole agenda-setting power in selecting nominations. The ability for presidents to effectively control the mechanism of nomination stems from the situation going unresolved without presidential action (Beckmann, 2010). While the Senate—and Congress more generally—can request nominations be made, they have no capacity to directly create a nomination for consideration (Rottinghaus and Bergan, 2011). This agrees with Alexander Hamilton’s view that the Senate’s capability to shape the judiciary is merely a negative—that the Senate cannot shape who is nominated but rather can only confirm or deny the selected nominee.

It may simply be that the district courts are less independent and less political than other courts in their behavior (e.g., Epstein et al., 2013). Boyd (2015), for example, illustrates that Courts of Appeals constrain the behavior of district court judges, with the content of upper-level courts’ opinions having a clear effect on behavior at the lower level. Additionally, the volume of work at the district level oftentimes means that the questions presented are relatively rote and frequently assigned to magistrates agreed to by the parties and overseen by the court (Boyd and Sievert, 2013). Thus, we see courts that take all manner of cases and are highly constrained by courts above them—providing less ability for senators to shape the decision-making structure of judges apart from the president.

Second, the Senate may be able to directly constrain the president in the selection of district court judges and their resulting ideology. This mechanism relies on senators’ capacity to reject any presidential nomination, thus functioning as the Senate being a selector through courtesy and veto player later in the process. In a system with veto players, such as the confirmation of a judge

by the Senate, the shifts in outcomes from a previous status quo is a function of the position of the veto player in an interaction (Tsebelis, 1999). Additionally, the presence of a veto player in the system increases the costs for a proposer in not putting forward a policy that does not reflect the preferences of that veto player (Lupu, 2015). Additionally, veto players may be less willing to compromise on their preferences—empowering certain senators to stop the process and preserve their advantages (Kagel et al., 2010).

This is a combination of senatorial courtesy and the Senate’s ability to shape the procedural process of a nomination through blue slips. Senatorial courtesy provides that the ideological position of a judge is best accounted for through the home-state senators’ ideology if co-partisan with the president—rather than the president’s ideology directly—due to their ability to effectively select judicial nominees through courtesy (Richardson and Vines, 1970). These senators are protected by the Senate Judiciary Committee as veto players after a nomination is not made if their selection is not honored. The behavior of judges is thus best explained by the preferences of the co-partisan home-state senators, if they exist, and the president in the event that there are no partisan-aligned senators for the state. Indeed, Giles et al. (2001) argue that the effect of the president’s ideology largely disappears when courtesy is active. This logic has been incorporated into the Judicial Common Space (Epstein et al., 2007).

Senators build upon this norm-based ability to call for applications for judgeships to come directly to their office, as in this 2018 example from Senator Diane Feinstein (D-CA):

One important part of [senators’ advice and consent] role is that Senators recommend individuals to the President to serve as U.S. District Court Judges, as well as U.S. Attorneys and U.S. Marshals. Senator Feinstein has established a Judicial Advisory Committee in each federal district to review candidates for the positions of U.S. District Court Judge, U.S. Attorney, and U.S. Marshal. Senator Feinstein’s committees are accepting applications on an ongoing basis for U.S. District Judge positions in all four of California’s federal districts. Applicants are advised to apply now and not to wait for a vacancy to arise.

In many ways Senator Feinstein’s process fits with the idea that senators are potential veto players in the nominations process. Whittington (2006) argues that presidents might even adjust Supreme Court nominees to fit potential objections in the Senate. Likewise, Steigerwalt (2010) suggests that senators will act on the interests of their affiliated groups to protect their interests in

the nomination process. Indeed, the idea of senatorial courtesy is supported by Chase (1972), who suggests that senators will support a home-state senator who was not consulted, or was ignored, by rejecting the nomination. This veto right is protected more broadly through blue slips. Procedurally, blue slips are open to all members of the state delegation, regardless of partisanship (Binder, 2007). This allows more open participation in the process by purposes of geography while making the process slower (Bond et al., 2009). Thus, home state senators participate in selecting the judge through courtesy and should be honored through the capacity as a veto player in this mechanism. Binder and Maltzman (2009) articulate this logic as well when exploring the duration of nominees, finding that the presence of a “blue slip senator” effects the process of nominee consideration and confirmation.

A significant part of this logic depends on two ideas. First, senators function as veto players, which provides reinforcement of the idea that they should be brought into the selection process at the beginning. This is the logic presented in Cameron (2000) and Kernell (2023) for why and how Congress adheres to the veto threats of the president but shifted due to the reversed first-mover advantage. In essence, presidents have an incentive to bring home-state co-partisan senators into the selection process to remove their desire to object at a later stage. Second, this process is a repeated game (Mailath and Samuelson, 2006). The fact that presidents cannot predict future vacancies and know that they might likely have to deal with these senators for their next nomination pressures them to engage with home-state, co-partisan senators (Jacobi, 2005).

Third, the president may be constrained indirectly by the Senate. This means that the Senate will not always constrain the president, but rather will operate under specific conditions whereby the president will be more constrained than others. This largely resembles the effects of senatorial courtesy. In brief form, Giles et al. (2001) argue that the ideological position of a judge is best accounted for through the home-state senators’ ideology if co-partisan with the president—rather than the president’s ideology directly—due to their ability to effectively select judicial nominees through courtesy (Richardson and Vines, 1970). The behavior of judges is thus best explained by the preferences of the co-partisan home-state senators if they exist, and the president in the event that there are no partisan-aligned senators for the state.

Even still, others call into question the ability for senators to exert much control over the nominee selection process. Songer and Ginn (2003) find an effect for courtesy that is more muted

than Giles et al. (2001) while finding a predominant effect for presidents in Courts of Appeals judges. Additionally, they find a broader effect for state-level preferences beyond solely co-partisan senators. Johnson and Songer (2002) find an even more muted role for co-partisan home-state senators in district courts. While presidential influence is potentially muted in cases where courtesy is present, the effect of the president is nearly double that of home-state senators, even when courtesy is active.

What makes senatorial courtesy unique among institutional norms and procedures is the combined partisan nature and timing of its function. This norm functions as a pre-nomination ability for home-state senators to participate in the selection of the nominee directly. Carp et al. (2019) note that this has become an expected, *de facto* right for senators to effectively make the nomination, and members are prone to object when they believe the administration is not sufficiently responsive (Rutkus, 2016). Additionally, this process directly incorporates Senate partisanship into the process as only senators of the president’s party have the capacity to participate in selecting the nominee (Miller, 1971; Goldman, 1999).

Senatorial courtesy thus offers senators the best chance to affect the mechanisms of the selection process itself. While presidents might be responsive to blue slip concerns (Binder and Maltzman, 2009) and the perceived preferences of the Senate Judiciary Committee chair (Dancey et al., 2020), the effect of each is not felt until after the nominee is selected. However, senatorial courtesy operates before a nominee is ever selected—giving home-state, co-partisan senators an opportunity given to no other members of the body.

From this strategic perspective, there is significant reason to expect presidents to abide by the wishes of co-partisan, home-state senators. The potential for vetoes of nominees, as well as an expectation of broader support for later objection by un-consulted home-state senators (Chase, 1972), gives the president little reason to not give senators what they want, provided their preferences are reasonably aligned. Expectations for this consultation exist at every level (Sollenberger, 2004), and presidents need Senate agreement. Given the relatively lower impact of district court judges, this logic would have presidents not waste valuable political capital by avoiding co-partisan, home-state senators’ wishes.

And fourth, the constraint the Senate exercises on presidential control over the bureaucracy may fluctuate over time. Generally, presidents and senators may have less interest in nominations—especially those at the district level—than legislative policy. Goldman (1999) describes wide fluc-

tuations in the interests of presidents in lower court nominations. Similarly, Rowland and Carp (1996) illustrate via interviews with staffers that Senate offices have inconsistent interest in the nuances and work of vetting nominees—and even that the vetting may focus on different elements for those offices invested in the process. Thus, when attention is high the Senate may exercise more control and less when attention is lower.

Procedural prerogative adherence may also vary over time. Blue slips are open to all members of the state delegation, regardless of partisanship (Binder, 2007), allowing more open participation in the process by purposes of geography while making the process slower (Bond et al., 2009). However, it is largely up to the Senate Judiciary Committee chair to schedule hearings and whether to honor blue slips (Slotnick, 1978). This means that the ability to exercise this power is not up to either the selector—the president—or the official—the senator—but rather an external agenda-setter on behalf of the larger Judiciary Committee (Bell, 2002). Finally, the protection that is offered to senatorial courtesy by blue slips and committee hearings are exercised after the nominee has already been selected (Rutkus, 2016, 2013). This is a preeminent example of Hamilton’s logic *vis-à-vis* the nomination process, as it is a tool with which senators can say no to a nominee—but only after the nomination has already been made and is subject to the whims of senators outside the selection process.

Finally, senators might have a great deal of deference to the president that might limit their usage of procedural prerogatives to protect senatorial courtesy outside of the norm itself. While Moraski and Shipan (1999) find some support for their expectation that presidents behave in a constrained manner for Supreme Court appointments, Rohde and Shepsle (2007) find much less empirical support for their theoretical expectation of filibusters and obstruction of those same nominees. Senators may also be reluctant to push back against the president due to the potential for escalation in a series of repeated confrontations over nominees (Law, 2004). This is the other side of the repeated game structure argued by Jacobi (2005), as the need for the bodies to agree on a repeated basis may also push the Senate to go along with the president except under extraordinary circumstances.

Research Design

To address our research question, we estimate a jointly specified two-equation model that links district judges’ latent ideological positions to both their observed ruling behavior (i.e., “votes”) and the political context of their appointment. The first equation models each ruling as a binary choice between a liberal and conservative outcome. Let R_i indicate whether ruling i resulted in a conservative outcome, and let $j[i]$ denote the judge who issued that ruling. We model

$$R_i \sim \text{Bernoulli}(\pi_i),$$

where the probability of a conservative ruling (π_i) is linked to a linear predictor, $\pi_i = \text{logit}^{-1}(\eta_i)$, which we estimate as

$$\eta_i = \beta_0 + \beta_1 Z_{j[i]} + \mathbf{x}_i^\top \boldsymbol{\beta}. \quad (1)$$

Inside the linear predictor, $Z_{j[i]}$ represents the latent ideology of the judge who issued ruling (i), scaled from liberal to conservative, and $\mathbf{x}_i$ is a vector of ruling-level covariates, including case characteristics, contemporaneous political conditions, and circuit indicators. The parameter β_1 captures the association between a judge’s latent ideology and the probability of a conservative ruling. We constrain $\beta_1 \geq 0$, thereby orienting higher values of Z_j in the conservative direction.

Because judicial ideology is not directly observed, the model simultaneously estimates a second equation that uses judge-level information to inform each judge’s latent position. Specifically, for judge j ,

$$Z_j \sim \mathcal{N}(\alpha_0 + \mathbf{w}_j^\top \boldsymbol{\alpha}, \sigma^2). \quad (2)$$

The vector $\mathbf{w}_j$ contains observed judge-level covariates that may be informative about a judge’s ideology, including the ideology of the appointing president, of the relevant home-state senators, indicators for senatorial courtesy, interactions between senator ideology and courtesy, majority-party status, Senate Judiciary Committee chair ideology, and judge-level demographic characteristics. The model therefore estimates each judge’s latent ideology using information from both observed ruling behavior and the political context of judicial selection. Together, these equations define

a hierarchical latent-variable model in which judicial ideology is estimated jointly from case-level rulings and judge-level predictors.

Data

Let’s begin with Equation 1, which deals with judicial case rulings. We utilize data from Carp and Manning (2016), which consists of 110,977 judge-level rulings spanning the years 1927 to 2012.³ Note that not every observation in the Carp and Manning (2016) dataset is usable for our purposes. For example, we omit any district judge who does not serve in an U.S. state as there is no role for senatorial courtesy to play. Nevertheless, we identify 1,680 unique U.S. district court judges who rendered a total of 101,050 rulings. Our dependent variable for Equation 1 takes a value of “1” if the judge’s verdict is conservative and “0” otherwise.⁴ Overall, 57.6% of all rulings were cast in a conservative direction.

Our primary independent variable of interest for Equation 1 is judge ideology (Z). We anticipate that as judges become more conservative, they will be more likely to rule in the conservative direction (i.e., Segal and Spaeth, 2002). We discuss our latent variable measurement strategy for judge ideology (Equation 2) in more detail below. Additionally, we include right-hand-side covariates related to macro- and case-level factors. For example, we control for the median justice’s ideology at the U.S. Supreme Court at the time a district judge cast their vote (Martin and Quinn, 2002), along with the percentage of the circuit that was appointed by Democratic presidents at the time a given case was decided.⁵ It could be the case that, due to *stare decisis*, lower federal court judges vote more conservatively as the Supreme Court becomes more conservative.⁶ We also include dichotomous indicators for the circuit in which district judges work. In recent years, courts such as the Fifth circuit court of Appeals have been more conservative than others, while others

³It is worth emphasizing that the Carp and Manning (2016) dataset is not the result of random sampling methods. Rather, it is better described as a purposive sample of published U.S. district court cases with an ideological dimension to their outcomes. While this can make generalizing difficult, because we are interested in the ideological effects on these courts, the dataset is of great interest to us. Carp and Manning’s (2016) sampling strategy is not in itself unique. For example, scholars of the American state courts frequently sample on salient issue areas such as the death penalty in order to detect political forces in judicial outcomes (e.g., Brace and Boyea, 2008).

⁴Carp and Manning (2016) code vote directionality similarly to others like Spaeth et al. (2024). For example, votes in favor of freedom of speech or in favor of a criminal defendant are coded as directionally liberal. According to Carp and Manning (2016), only cases with relevant, traditional outcomes are included in the dataset.

⁵In the event that there is no Martin and Quinn (2002) score at the time a ruling was made, we impute the missing values using Bayesian methods.

⁶It is worth noting, however, that Howard and Hughes (2022) found no evidence to support this hypothesis.

like the Ninth circuit court of Appeals has been more liberal.⁷ And finally, we include dichotomous indicators measuring the issue area of a given case. Specifically, we control for cases dealing with civil rights, the First Amendment, privacy, unions, economics, and other issues.⁸

Let us now turn to Equation 2. Recall that the dependent variable here is a district judge’s ideology. We estimate this quantity as a latent construct on a liberal-to-conservative scale. We model a judge’s ideology as a linear function of explanatory variables related to the (known) ideological ideal points of individuals involved in the appointments process—namely, the president, the two home-state senators associated with a district court vacancy and the SJC chair. For these players’ ideal points, we rely upon estimates provided by Lewis et al. (2024).

Next, we construct two senatorial courtesy variables.⁹ For each of these variables, we measure courtesy dichotomously for each home-state senator at the time of a presidential nomination, “1” if courtesy is present, “0” otherwise. We also control for whether there is a Republican or Democratic president amidst divided government.¹⁰ We expect that presidents must moderate their selections when the Senate is controlled by the other party. We also include controls for whether a home-state senator was in the majority party as it might be difficult to exert senatorial courtesy as a minority party senator. Finally, we include dichotomous indicators for whether a district judge is white or female as we expect that white and male judges will exhibit more conservative behavior, on average. The vast majority of district judges in our dataset are white men.¹¹

Statistical Methodology

In this section, we outline the statistical methods we employed to estimate Equations 1 and 2. Recall that these are two separate regression models that we estimate simultaneously. To do this, we rely on Bayesian estimation via Hamiltonian Monte-Carlo sampling, as implemented in the Stan programming language (Carpenter et al., 2017, version 2.35.0).¹² For each model, we specified 10 chains with each 400 burn-in and 800 posterior sample iterations, resulting in pooled 8,000 posterior

⁷The First circuit court of Appeals is the reference category in our models below.

⁸Other issues are the reference category and are overwhelmingly criminal cases, which tend to be decided in a conservative direction.

⁹Recall that senatorial courtesy is said to be in effect when a home-state senator and the president belong to the same party.

¹⁰In the appointments process, that only involves the partisanship of the U.S. Senate.

¹¹Descriptive statistics for each of the variables in our study appear in the online supplementary in Table S1.

¹²We specified semi-informative priors both to aid numeric stability and model convergence. All prior specifications are reported in Online Supplement Table S2 and Table S3.

draws. We measured all R-hat statistics at or below 1.05 and experienced no divergent post-burn-in transitions. All models passed routine posterior predictive checks.¹³

Baseline estimates (Models 1-3)

Estimating ideological preferences for each district court judge poses a number of modeling challenges. Most importantly, as we cannot observe a judge’s ideology directly, we need to infer their ideal points on a latent liberal-conservative spectrum based on their individual ruling patterns. Recall from our description in Equation 2, we denote this spectrum with Z_j , capturing each judge’s ideal point. Because we observe multiple (but varying) rulings per judge, we decompose Z_j into a fixed, central tendency μ_j and a random component $\sigma\hat{Z}_j$:

$$Z_j = \mu_j + \sigma\hat{Z}_j; \quad \hat{Z}_j \sim N(0, 1)$$

where σ is a scalar adjusting the share of unexplained ruling behavior at the judge-level, $\hat{Z}_j$.

This strategy offers multiple advantages. First, it provides a computationally efficient solution for rulings-level heteroskedasticity. Second, it implements partial pooling, allowing us to regularize ideal point estimates for judges with relatively few rulings towards the overall mean. Thirdly, it analytically separates predictable from unpredictable variation in a judge’s ruling behavior, helping us to avoid misattributing highly inconsistent and idiosyncratic ruling patterns to our set of observed covariates.

As described above, we propose that several factors influence the (predictable part of the) ideological character of a judge at the time of their appointment, μ_j . These include the ideal point of the appointing president, the chair of the SJC, each home state senator’s ideal point, whether a particular senator possesses courtesy, if the Senate and presidency were controlled by different parties, and a number of judge-specific demographic characteristics such as their race and gender. In our basic configuration, we thus model the central tendency of each judge’s ideal point μ_j as:

¹³To combat potential bias, we omitted any district judge who made fewer than 10 total rulings.

$$\begin{aligned}
\mu_j = & \alpha_0 + \alpha_1 \text{ President Ideology}_j + \alpha_2 \text{ Senator 1 Ideology}_j + \\
& \alpha_3 \text{ Senator 2 Ideology}_j + \alpha_4 \text{ Senator 1 Courtesy}_j + \alpha_5 \text{ Senator 2 Courtesy}_j + \\
& \alpha_6 (\text{ Senator 1 Ideology}_j \times \text{ Courtesy}_j) + \alpha_7 (\text{ Senator 2 Ideology}_j \times \text{ Courtesy}_j) + \\
& \alpha_8 \text{ Senator 1 Majority Party}_j + \alpha_9 \text{ Senator 2 Majority Party}_j + \\
& \alpha_{10} \text{ Senator 1 Majority Party}_j \times \text{ Senator 1 Ideology}_j + \\
& \alpha_{11} \text{ Senator 2 Majority Party}_j \times \text{ Senator 2 Ideology}_j + \alpha_{12} \text{ SJC Ideology}_j + \alpha_{13} \text{ Dem. Divided Government}_j \\
& \alpha_{14} \text{ GOP Divided Government}_j + \alpha_{15} \text{ White}_j + \alpha_{16} \text{ Female}_j.
\end{aligned} \tag{3}$$

The only feature differentiating Models 1 and 2 is the fact that the former omits, while the latter includes, the predictor for presidential ideology, α_1 President ideology_j. In Model 3, we jointly omit presidential and SJC ideology to fully remove the most important veto-players standing between Senators and their preferred candidates.

A second challenge involves accounting for ruling-specific factors. As discussed above, many, if not most cases that district court judges typically rule on provide little room for ideological bias. However, we seek to control for as many systematic features at the ruling-level in which ideological bias may be due to case-specific attributes. We therefore control for the overall ideological leanings of the Supreme Court at the time of the ruling, whether a particular case dealt with criminal, civil rights, first-amendment, privacy, trade union, or economic matters, and the particular circuit in which a ruling was made. Together with the predictor for judge-specific ideological preference, Z_j , we can now substantially restate equation 1 as

$$\begin{aligned}
\eta_i = & \beta_0 + \beta_1 Z_j + \beta_2 \text{ Scotus}_i + \beta_3 \text{ CircuitPctDem}_i + \beta_4 \text{ CivilRights}_i + \beta_5 \text{ 1stAmend}_i \\
& + \beta_6 \text{ Privacy}_i + \beta_7 \text{ Unions}_i + \beta_8 \text{ Economic}_i + \sum_{k=2}^{11} \beta_k^{\text{Circuit}} C_{k,i}
\end{aligned}$$

where β_k^{Circuit} is the coefficient for circuit k (from 2 to 11) and $C_{k,i}$ is an indicator variable: $C_{k,i} = 1$ if ruling i is in circuit k , and $C_{k,i} = 0$ otherwise.

Indirect effect estimates of senatorial courtesy (Model 4)

As noted above, senatorial ideology, especially under courtesy, might not directly affect judges' ideal points. Instead, senators could exert influence by leveraging senatorial courtesy to extract ideological concessions from the president, thereby *indirectly* weakening the latter's bargaining position in the appointment process. If such mechanisms are at work, the effect of presidential ideology on judges' ideal points should diminish when courtesy is present, especially as a function of the relevant home-state senator's ideology. For Model 4, we hence re-specify Equation 2 to include a series of triple interaction effects between the presidents' and senatorial ideology as well as our courtesy indicators. Furthermore, we estimate Model 4 separately for each home-state senator (i.e., Model 4a for HSS1 and Model 4b for HSS2) to avoid potential multicollinearity problems that would arise if the double and triple interaction terms for both senators were estimated jointly in the same model.¹⁴

Time-varying estimates (Models 5 & 6)

While our baseline models might appear complex, they make the simplifying assumption that time does not matter with respect to senatorial courtesy and judicial ideology. In other words, Models 1 through 4 pool observations across the 46 congressional periods in our dataset, treating temporal ordering and/or nesting of effects as irrelevant. To mitigate concerns resulting from this much simplified model of reality, Model 5 extends the above framework to include time-varying mixed effects based upon congressional cohorts. As an alternative strategy of specifying temporal effects, Model 6 features mixed-effect offsets by appointing chairs of the SJC.

In both models, we decompose the judge-level part of the model into a global (mean) effect and time-varying off-sets. Similar to our hierarchical modeling approach in Models 1 through 3, this strategy enables partial pooling of statistical information, helping stabilize estimates pertaining to congressional periods for which we have relatively sparse information while mitigating concerns about period-specific heteroskedasticity. In Online Supplement S4, we explain in detail how we adjust both Equations 1 and 2 to obtain time-variable versions of our main quantities of interest.

¹⁴Online Supplement S3 provides full details on our methodological procedure.

Results: Ideology of U.S. district judges

We begin the expose of our results by assessing the output of our estimation approach, which is a novel dataset of directly estimated ideal points of U.S. district court judges who cast votes in the 11 regional circuits between 1927 and 2009. This is an important development for the literature given that, until this point, the only systematic measure of district judge ideology available to scholars has been that stemming from indirect methods like those in Giles et al. (2001). As we will see below, our estimates of district judge ideology differ in important respects from those derived via the methodology described in Giles et al. (2001) and even improve upon predictive power in judge ruling.

Our measure of district judge ideology theoretically exists on the entirety of the real number line, while other estimates are typically bounded by -1 and +1 (e.g., Lewis et al., 2024). Thus, to aid scholars in making comparisons across different courts and branches of government, we map the ideal points we derive from Equation 2 into the Judicial Common Space. That is, we follow the same mapping strategy as Epstein et al. (2007) using district judges’ appointing presidents’ common space scores as bridging information.¹⁵ We make these estimates publicly available as part of our Online Supplement.¹⁶

In Table 1, we present Pearson’s correlation coefficients between our own measure of district judge ideology, as calculated via Equation 2, alongside measures of a district judge’s preferences. This includes the measure derived from Giles et al. (2001). We also include a more crude approach whereby we simply measure a district judge’s ideology as that of his or her appointing president using data from Lewis et al. (2024). Because each of the three measures included in Table 1 exists on a liberal-to-conservative scale, it is appropriate that each of the correlation coefficients is positive. Thus, at the most basic level, each of the three measures appears to tap into a similar concept.

¹⁵Specifically, we replicate Epstein et al.’s (2007, p. 309) Equation (2), which presents the following regression model:

$$\text{POTUS}_i = \frac{2}{\pi} \arctan(\hat{\beta}_0 + \hat{\beta}_1 Z_j),$$

where POTUS_i represents a district judge’s appointing president’s common space score (Lewis et al., 2024), and Z_j represents the district judge’s estimated ideology from our Equation 2 above. We specify their Equations (2) using a Bayesian linear regression model with uninformative, normally distributed priors. Posterior estimates were derived using two chains with 10,000 iterations and a 1,000 burn-in period. In replicating their Equation (2), we find an intercept mean of 0.079 (standard deviation equal to 0.020) and a slope coefficient mean of 0.262 (standard deviation equal to 0.016).

¹⁶See S6

Table 1: Convergence analysis of district judge ideology

	Equ. (2)	GHP	POTUS
Equ. (2)	1.00	—	—
GHP	0.41	1.00	—
POTUS	0.45	0.89	1.00

Notes: Table entries are Pearson’s correlation coefficients. N=1,680.

Looking closer, we see that there are some important differences between our own measure of judge ideology and the others. First, note that the measure that is simply a judge’s appointing president’s ideology correlates strongly with those relying upon the framework in Giles et al. (2001). This is intuitive given that the coding scheme in Giles et al. (2001) has a judge’s ideal point take the value of the president’s when senatorial courtesy is not operative (about one-fifth of all observations) and can only take a home-state senator’s ideal point if co-partisan with the president, guaranteeing a relatively high correlation coefficient.

Nevertheless, we find that our measure of district judge ideology only correlates moderately with the other two measures in Table 1. This is an important difference between our approach to measuring district judge ideology and that in Howard and Hughes (2022) for circuit judges. In that study, the authors found that their estimates of circuit judge ideology correlated at 0.97 with the ideal point of the president and at 0.89 with the ideal point constructed via methods in Giles et al. (2001). By contrast, our measure of district judge ideology is only moderately associated with those other indicators, though slightly higher with every judge’s appointing president’s ideology than that derived from Giles, Hettinger, and Peppers’ (2001) approach. However, similar to what Howard and Hughes (2022) found, these correlation coefficients are similar to one another.

In the top panel of Figure 1, we plot a histogram of district judge ideology by appointing president’s party. As one would expect, Democratic appointees are more liberal than Republican ones.¹⁷ Even still, these distributions exhibit more moderation compared to the ideological estimates exhibited by presidents or (especially in recent years) members of the Senate. The bottom panel of Figure 1 reveals why. Every president elected after Truman, on average, appointed district judges with an estimated ideology signed in the same direction as their own. That more recent

¹⁷The average Democratic appointee has an estimated ideal point of -0.37, and the average Republican appointee has an estimated ideal point of 1.37 ($|t| = 19.48$).

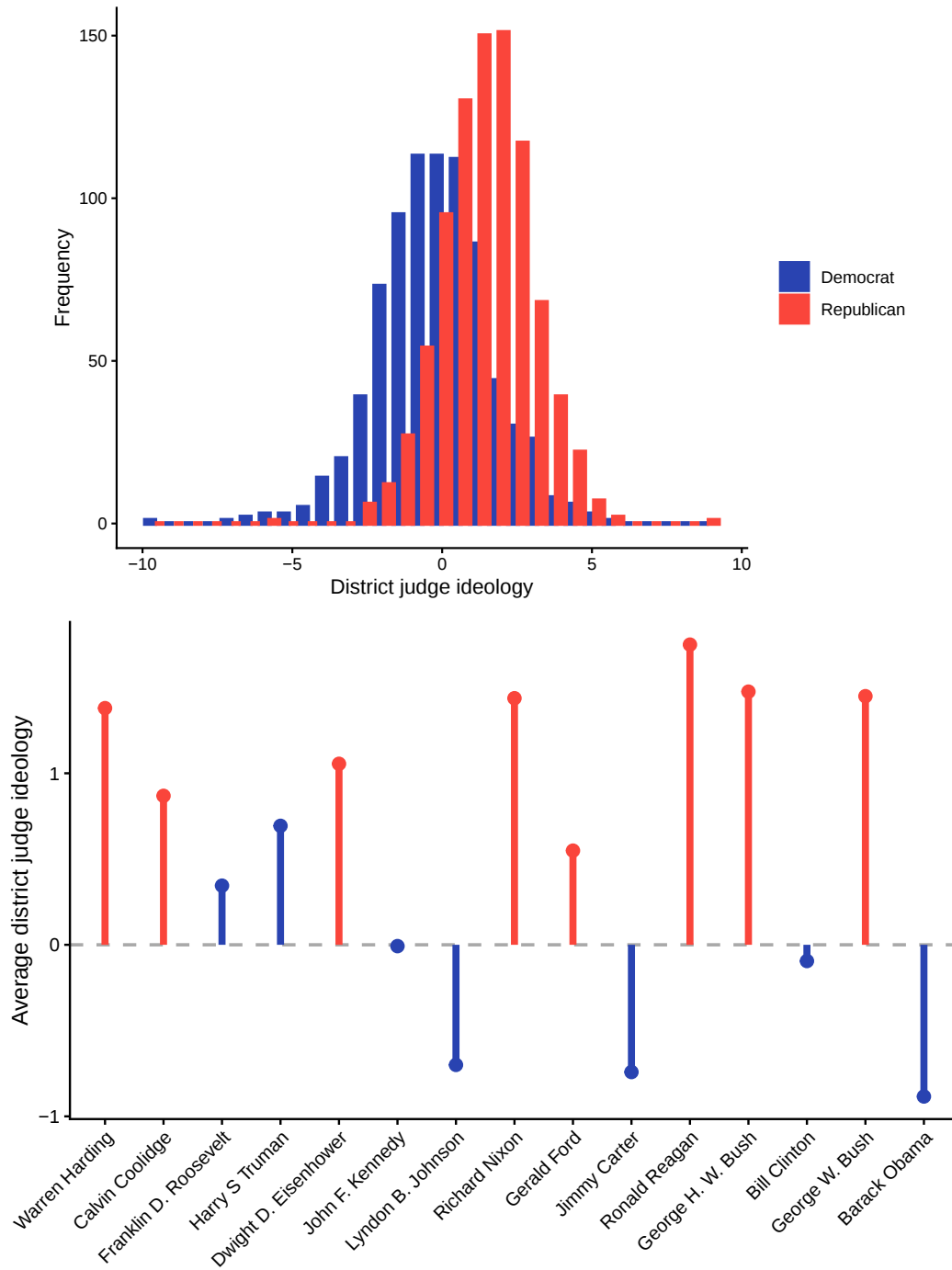


Figure 1: Frequency of estimated district judge ideological scores across Democratic and Republican presidential appointees (top pane) and average ideological scores by appointing presidents (bottom pane), from the 63rd to 112th Congresses (N=1,680).

Table 2: Construct analysis of district judge ideology

	Equ. (2)	GHP	POTUS
Ideology	0.293 (0.004)	0.472 (0.017)	0.393 (0.012)
Intercept	0.178 (0.007)	0.305 (0.006)	0.275 (0.006)
<i>N</i>	97,991	100,844	100,269
% Predicted	62.3%	57.3%	57.5%

DV: vote a district judge cast in a case ("1" if conservative, "0" else). Table entries are logistic coefficients (standard errors in parentheses) across three models. Coefficients for the row labeled "Ideology" use district judge ideology as estimated from Equation 2 in the first column, judges' ideal points as estimated from Giles et al. (2001) in the second column, and DW-NOMINATE scores of judges' appointing presidents in the third column.

federal district court judges adhere to ideological expectations generally conforms with scholarly work arguing that the courts became more ideological and less consensual toward the end of the Roosevelt and Truman administrations (e.g., Pritchett, 1948; Haynie, 1992).

While our estimates of district judge ideology have a degree of face-validity, the real question is how much predictive power they have compared to existing measures. In Table 2, we present logistic regression output from three bivariate models where the dependent variable is a judge's case ruling, "1" if conservative, "0" otherwise, and the sole right-hand side covariate is a given estimate of judge ideology. In the first column of results, we present coefficients for a model using estimates of district judge ideology from Equation 2; the second column uses the approach taken by Giles et al. (2001); and the third column simply contains the ideal point of a judge's appointing president. Each of the three measures presented in Table 2 easily achieves statistical significance, but the measure of district judge ideology derived from Equation 2 clearly out-performs the others in terms of effect size. Our measure correctly predicts 62.3% of all votes compared to 57.3% correctly predicted for the measure derived using senatorial courtesy, and 57.5% for the measure based solely upon presidential preferences.

Results from Bayesian Regressions

Models 1-3: Direct appointment effects of presidents and senators

Turning to our predictor estimates, we first consider the auxiliary variables helping us estimate district judge ideology, and we consider what factors help predict judicial preferences on the district courts, along with what these findings might be able to tell us about the norm of senatorial courtesy. Crucially, we are interested in how the separation of powers game might (or might not) constrain presidents in their efforts to staff the lower courts. Above, we specified Bayesian regression models for these purposes. Recall that Models 1-4 are time-invariant. In this section we consider those models, and in the subsequent section, we consider results from Models 5-6 that allow for variable effects over time.

Starting with the bottom half of the to the results in Table 3, we turn to judge-level ideology as our first, ruling-level predictor.¹⁸ Overall, we find a relatively weak effect when compared with circuit judges. According to data from Howard and Hughes (2022), a one standard deviation increase in circuit judge ideology is associated with a 33% increase in the probability of ruling conservatively. But according to the results in Model, a one standard deviation increase in district judge ideology is only associated with a 22% increase in the likelihood of a conservative ruling. Thus, while taking a dramatically different approach, we are able to replicate a finding from Epstein et al. (2013) that the influence of judicial ideology is diminishing as one goes down the hierarchy of the federal judiciary.

Our rulings-level controls have a mixed record from the results in Table 3. On the one hand, the issue area fixed effects behave roughly as expected. Given that the reference category mostly contains criminal cases, it is to be expected that other issue areas have an associated lower probability of conservative rulings in individual cases. Our control for Supreme Court ideology achieves statistical significance in Models 1-3, but in the wrong direction, indicating that a more conservative Supreme Court leads to more liberal district judge voting. Previously, however, studies have found minimal influence for the Supreme Court on lower court votes in individual cases (Giles et al., 2001;

¹⁸Recall that the dependent variable is dichotomous, taking the value of "1" if the direction of a judge's vote is conservative, "0" otherwise.

Table 3: Posterior summaries across models

Predictor	Model 1	Model 2	Model 3
[posterior percentiles]	[2.5th, 5th, 95th, 97.5th]	[2.5th, 5th, 95th, 97.5th]	[2.5th, 5th, 95th, 97.5th]
Judge-level predictors			
Judge-level intercept	0.005	0.010	0.008
	[-0.495, -0.415, 0.421, 0.503]	[-0.485, -0.404, 0.428, 0.513]	[-0.483, -0.403, 0.422, 0.505]
President ideol.	1.447**		
	[0.711, 0.812, 2.181, 2.332]		
Senator 1 ideol.	-0.226	-0.793*	-1.047**
	[-1.175, -1.023, 0.585, 0.734]	[-1.807, -1.628, -0.056, 0.095]	[-2.053, -1.855, -0.352, -0.223]
Senator 2 ideol.	0.618	-0.217	-0.489
	[-0.397, -0.231, 1.522, 1.722]	[-1.161, -0.996, 0.531, 0.669]	[-1.391, -1.233, 0.201, 0.338]
Senator 1 courtesy	0.076	0.056	0.045
	[-0.169, -0.122, 0.283, 0.334]	[-0.174, -0.136, 0.253, 0.294]	[-0.181, -0.142, 0.232, 0.275]
Senator 2 courtesy	-0.087	-0.083	-0.098
	[-0.353, -0.304, 0.121, 0.165]	[-0.342, -0.295, 0.115, 0.156]	[-0.342, -0.299, 0.091, 0.129]
Sen. 1 ideol.*courtesy	0.398	1.644**	2.060**
	[-0.941, -0.714, 1.547, 1.769]	[0.482, 0.653, 2.779, 3.032]	[0.910, 1.065, 3.241, 3.482]
Sen. 2 ideol.*courtesy	0.285	1.608**	1.924**
	[-1.072, -0.849, 1.450, 1.694]	[0.432, 0.601, 2.771, 3.027]	[0.757, 0.928, 3.041, 3.311]
Sen. 1 in maj. party	-0.187	-0.208*	-0.208*
	[-0.471, -0.421, 0.024, 0.069]	[-0.482, -0.435, -0.003, 0.042]	[-0.479, -0.424, -0.013, 0.023]
Sen. 1 maj.*ideol.	0.035	-0.077	0.001
	[-1.088, -0.890, 0.953, 1.158]	[-1.174, -0.986, 0.817, 0.999]	[-1.031, -0.838, 0.837, 0.993]
Sen. 2 in maj. party	0.109	0.078	0.042
	[-0.142, -0.106, 0.327, 0.376]	[-0.162, -0.123, 0.289, 0.334]	[-0.191, -0.155, 0.249, 0.290]
Sen. 2 maj.*ideol.	-0.381	-0.128	0.024

(continued on next page)

Predictor	Model 1	Model 2	Model 3
[posterior percentiles]	[2.5th, 5th, 95th, 97.5th]	[2.5th, 5th, 95th, 97.5th]	[2.5th, 5th, 95th, 97.5th]
	[-1.528, -1.332, 0.553, 0.739]	[-1.269, -1.061, 0.776, 0.977]	[-0.994, -0.838, 0.900, 1.106]
Chair of SJC ideol.	0.138	0.929**	
	[-0.556, -0.447, 0.738, 0.868]	[0.324, 0.415, 1.528, 1.657]	
Dem. div. governmt.	0.275	-0.269	0.154
	[-0.297, -0.200, 0.772, 0.901]	[-0.806, -0.706, 0.144, 0.232]	[-0.252, -0.184, 0.506, 0.581]
Rep. div. governmt.	-0.182	0.375*	0.052
	[-0.681, -0.591, 0.214, 0.283]	[-0.002, 0.052, 0.731, 0.807]	[-0.262, -0.210, 0.318, 0.373]
Judge white	0.420**	0.344*	0.401**
	[0.002, 0.062, 0.811, 0.906]	[-0.057, 0.007, 0.719, 0.812]	[0.013, 0.072, 0.782, 0.870]
Judge female	-0.387*	-0.287	-0.358**
	[-0.847, -0.768, -0.055, 0.007]	[-0.714, -0.631, 0.029, 0.092]	[-0.766, -0.691, -0.062, -0.010]

Rulings-level predictors

Rulings-level intercept	0.327**	0.396**	0.384**
	[0.078, 0.120, 0.534, 0.576]	[0.140, 0.181, 0.603, 0.644]	[0.127, 0.168, 0.600, 0.642]
Judge ideology	0.252**	0.265**	0.279**
	[0.178, 0.186, 0.341, 0.369]	[0.187, 0.197, 0.359, 0.383]	[0.192, 0.202, 0.385, 0.414]
Scotus median ideol.	-0.052**	-0.047**	-0.047**
	[-0.091, -0.084, -0.020, -0.014]	[-0.085, -0.079, -0.015, -0.009]	[-0.085, -0.079, -0.015, -0.009]
Civil rights case	-0.077**	-0.076**	-0.077**
	[-0.111, -0.105, -0.049, -0.043]	[-0.111, -0.105, -0.048, -0.042]	[-0.111, -0.105, -0.048, -0.043]
1st amendment case	-0.706**	-0.705**	-0.705**
	[-0.769, -0.758, -0.654, -0.643]	[-0.768, -0.758, -0.651, -0.642]	[-0.767, -0.758, -0.652, -0.641]
Privacy case	-0.681**	-0.676**	-0.678**
	[-0.837, -0.812, -0.550, -0.524]	[-0.841, -0.812, -0.543, -0.517]	[-0.841, -0.814, -0.546, -0.518]
Union case	-0.739**	-0.741**	-0.741**

(continued on next page)

Predictor	Model 1	Model 2	Model 3
[posterior percentiles]	[2.5th, 5th, 95th, 97.5th]	[2.5th, 5th, 95th, 97.5th]	[2.5th, 5th, 95th, 97.5th]
	[-0.793, -0.784, -0.693, -0.685]	[-0.794, -0.786, -0.697, -0.688]	[-0.796, -0.786, -0.696, -0.686]
Economic case	-0.731**	-0.731**	-0.732**
	[-0.769, -0.762, -0.699, -0.693]	[-0.769, -0.763, -0.699, -0.693]	[-0.770, -0.764, -0.700, -0.693]
Circuit-level Dem vote	0.001	0.000	0.001
	[-0.001, -0.001, 0.003, 0.003]	[-0.002, -0.001, 0.002, 0.002]	[-0.001, -0.001, 0.002, 0.002]

Notes. Each coefficient uses two rows: the first reports the posterior mean; the second reports the [2.5th, 5th, 95th, 97.5th] posterior percentiles. A single * indicates the 90% credible interval (5th–95th percentile) excludes 0; ** indicates the 95% credible interval (2.5th–97.5th percentile) excludes 0. When **, the posterior mean is shown in boldface. The coefficient on $Z[\text{judgeid}]$ was constrained to be positive by design.

Howard and Hughes, 2022). And we find no convincing evidence that the overall partisanship on a given circuit affects voting in district court cases.

Next, let us turn to the results in the top half of Table 3. Recall that here we treat a judge’s latent ideology as the dependent variable such that we might consider what factors affect their revealed preferences with an especial focus upon elite ideology and the manner by which it is (or isn’t) filtered through the institutions of the Senate. In Model 1, we include the preferences of the president but omit them in Models 2 and 3. Let’s consider what effect that has for pivotal players in the Senate and the possibility they might ideologically constrain presidents in the appointments game.

In Model 1, we see that presidential ideology is strongly associated with judge ideology. Importantly, we find no other player in the separation of powers game with preferences significantly associated with district judge ideology. We note near-null effects for either home-state senator (with or without the conditions of senatorial courtesy present and with or without being in the majority party) and find no significant impact for the chair of the SJC. These results are inconsistent with those examining the effects of senatorial courtesy at the level of circuit courts (Howard and Hughes, 2022), and they are most certainly at odds with works modeling judicial ideology based upon the

assumption that senatorial courtesy is in effect (Giles et al., 2001). So what are we to make of these null findings?

In Models 2 and 3 of Table 3, we find some evidence that members of the Senate play a role in affecting the revealed preferences of U.S. district judges but only because we have omitted the preferences of their nominating president. For example, in Model 2, we find that when courtesy is present, an appointee is estimated to follow home-state senator 2’s ideology, and when courtesy is not at play, the opposite result attains.¹⁹ Model 2 provides support for the idea that the chairman of SJC affects district judge ideology, conditional on removing the president’s influence from the equation. In Model 3, we omit the president along with the Senate Judiciary Chair. Only then do we find evidence that both home-state senators have an effect on district judge ideology under courtesy.

Model 4: Possible indirect effects of senatorial courtesy

Recall that Model 4 evaluates whether senatorial courtesy indirectly attenuates presidential bargaining power in district court appointments. The theoretical expectation is not that courtesy should necessarily have a direct effect on judges’ ideal points. Rather, the question is whether courtesy weakens the extent to which presidential ideology is transmitted to judicial ideology when home-state senators are ideologically distant from the president.

Because this model includes several higher-order interaction terms, individual coefficients are not directly interpretable as average effects. We therefore focus on a posterior contrast that asks how much the marginal effect of presidential ideology changes when courtesy is present rather than absent, conditional on home-state senator ideology. For ease of interpretation, we define the contrast so that positive values indicate attenuation: that is, weaker transmission of presidential ideology to judicial ideology under courtesy. The formal derivation of this quantity is reported in the online supplement.²⁰

Figure 2 plots this contrast separately for Model 4a, which focuses on home-state Senator 1, and Model 4b on home-state Senator 2. Overall, the figure provides little evidence that senatorial courtesy systematically erodes presidential ideological influence. The estimated contrasts are

¹⁹We randomly assigned home-state senators the designation of home-state senator 1 and home-state senator 2 to avoid issues like seniority from affecting our results.

²⁰See S3.

generally close to zero across the observed range of senator ideology, and the credible intervals include zero throughout all of the range. The results therefore do not support an indirect account in which courtesy forces presidents to make ideology-based concessions to home-state senators. If such attenuation occurs, it appears modest, uncertain, and sensitive to which senator is considered.

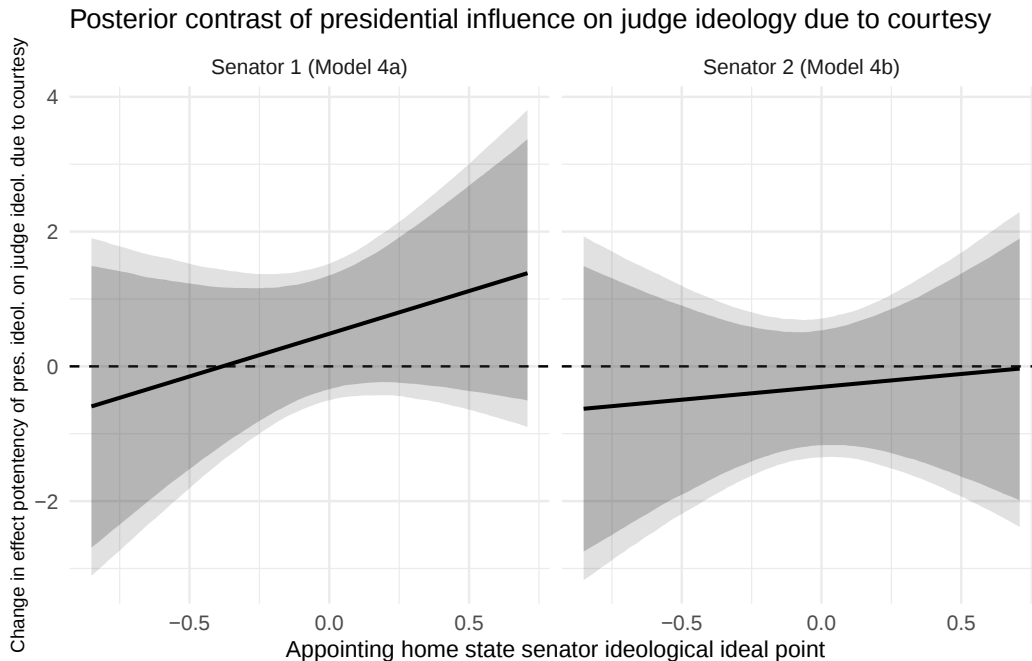


Figure 2: Posterior contrast in the marginal effect of presidential ideology on district-judge ideology when senatorial courtesy is absent rather than present, plotted across the range of home-state senator ideology. The left panel shows the Senator 1 contrast from Model 4a; the right panel shows the Senator 2 contrast from Model 4b. Positive slopes indicate attenuation of presidential ideological leverage under courtesy.

Results from time-varying models (5 & 6)

We finally consider the results of our dynamic models, allowing coefficient estimates for presidential and senatorial appointment power to vary across different eras of American politics. More specifically, we do so across Congressional periods (Model 5) and time-stratified by the appointing chair of the SJC.²¹ Because our time-adjusted estimates are quite numerous, we present full results tables in csv-format as part of Online Supplement.²²

²¹Howard and Hughes (2022) found that the ideological influence of senatorial courtesy peaked around the height of the Civil Rights Movement and has been on the decline since.

²²See S5.

To visualize the substantive implications of Model 5, we translated Congress-specific posterior estimates into predicted changes in judges’ ideal points associated with large shifts in appointing actors’ ideology. Our goal was not simply to report time-varying coefficients in their raw model scale, but to express them in substantively comparable units across presidents and home-state senators. To do so, we first extracted posterior draws for the global effect component, the Congress-specific offsets, the static judge-level effects, and the mixture parameter governing the relative contribution of global versus period-specific information. We then combined these quantities to recover, for each congressional appointment cohort, the posterior slope linking appointing actors’ ideology to district-judge ideology. In this way, the plotted estimates reflect the partially pooled, Congress-specific marginal effects implied by Model 5 rather than the raw period offsets alone.

To recall, the ideological effect of a given appointing actor is decomposed into a global component and a period-specific deviation. For each posterior draw and congressional cohort, we therefore reconstructed the relevant marginal effect as a weighted combination of the global slope and the corresponding Congress-specific offset, where the weights are determined by the posterior mixture parameter, γ_j . To ease interpretation, we then rescaled these marginal effects by multiplying them by a two-standard-deviation shift in the relevant actor’s ideology. This stipulates a relatively large contrast, making period-specific differences in ideological influence easier to visualize.

For presidents, this yields the posterior predicted change in district-judge ideology associated with a two-standard-deviation shift toward the political right. For home-state senators, the corresponding quantity was computed separately under courtesy and no-courtesy conditions by evaluating the senator-specific interaction term at courtesy equal to one and zero, respectively, and then again multiplying the resulting slope by the same two-standard-deviation increase in conservatism. Static majority-party adjustments were held at their sample-average values to facilitate comparison across cohorts.

In Figures 3 and 4, we plot the posterior summaries of the expected change in district-judge ideology implied by a substantial ideological shift in the relevant appointing actor, across each congressional appointment cohort (Model 5) and each Chair of the SJC (Model 6). The gray line displays the president’s estimated influence, while the colored lines show the analogous influence of each home-state senator under courtesy and no-courtesy scenarios. Because these quantities are based on posterior predictions of comparable two-standard-deviation shifts, they can be interpreted

directly as time-varying effect sizes rather than as abstract regression coefficients. To reduce visual noise while preserving the underlying temporal pattern, we plot the posterior median together with the 10th and 90th posterior percentiles and apply light smoothing across adjacent appointment cohorts.

Let’s begin with Figure 3, which identifies congressional cohorts during which the influence of home-state senators is estimated to be at a local maximum. Specifically, the 75th (1937-1939), 81st (1949-1951), 94th (1975-1977), and 110th (2007-2009) Congresses appear to show presidents at their weakest and home-state senators at strongest in the appointments process for district judges. Meanwhile, the 89th (1965-1967), 90th (1967-1969), 98th (1983-1985), and 99th (1985-1987) Congresses appear to show presidents at their strongest with home-state senators at a relative disadvantage. While these results might be suggestive of some trend, they are nevertheless academic as the credible intervals for each of these trends contains the value zero.

Finally moving to the results contained in Figure 4, we consider cohort effects by SJC chairs rather than congressional sessions. Here, we observe presidents at their most influential during the chairmanships of Senators Van Nuys (1941-1945), Langer (1953-1955), Kennedy (1978-1981), Biden (1987-1995), and Specter (2005-2007). Like the previous results that examined congressional cohorts, virtually all of the results that consider SJC chair cohorts have credible intervals that exclude zero. There are two examples that do, however, exclude zero, and they bear consideration. First, we see from the bottom panel in Figure 4 that during Senator Nelson’s chairmanship (1919-1923) and during Senator Leahy’s chairmanship (2001-2003, 2007-2009)²³, we find an effect for home-state senators, but only when courtesy applies. The result for Chairman Leahy is especially interesting given the reputation he earned during his chairmanship for respecting home-state senators’ preferences over judicial appointments, earning the occasional rebuke from fellow Democrats for allowing Republicans to allegedly abuse blue-slip procedures to block nominees (e.g., Gaudiano, 2014).

Above, we outlined four possible scenarios by which the president and influential senators might interact in the separation of powers game to seat district court judges. The results from this section primarily indicate that the first identified—that in which the president’s preferences predominate the appointments process—best reflects revealed judicial preferences. While our results are incon-

²³Though Senator Leahy served as SJC chair from 2007-2015, our data end in 2009.

Congress-varying effects of appointing actors' ideology on district judge ideology

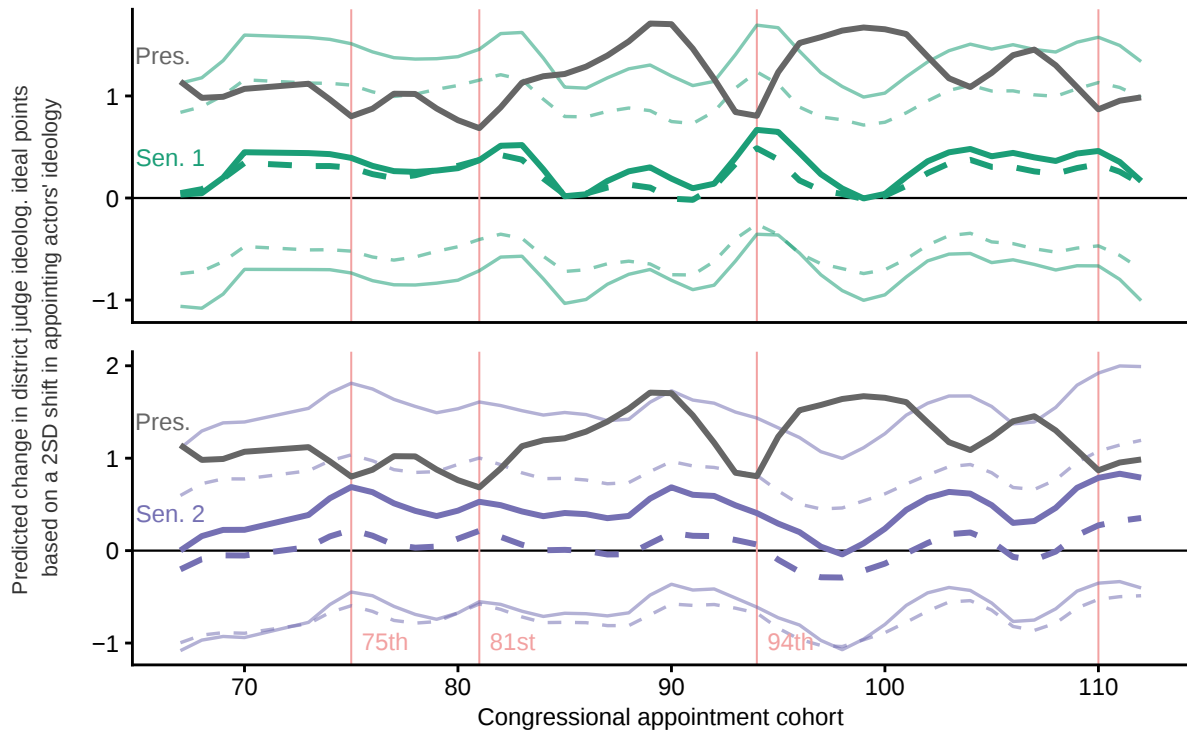


Figure 3: The solid gray line shows the posterior mean influence of the President. Coloured lines show senatorial influence on judge selection (green = HSS 1, purple = HSS 2). Solid lines reflect estimates under courtesy, dashed lines without. Thinner colored lines show the 10th and 90th post. perctls.

Chair-cohort-varying effects of appointing actors' ideology on district judge ideology

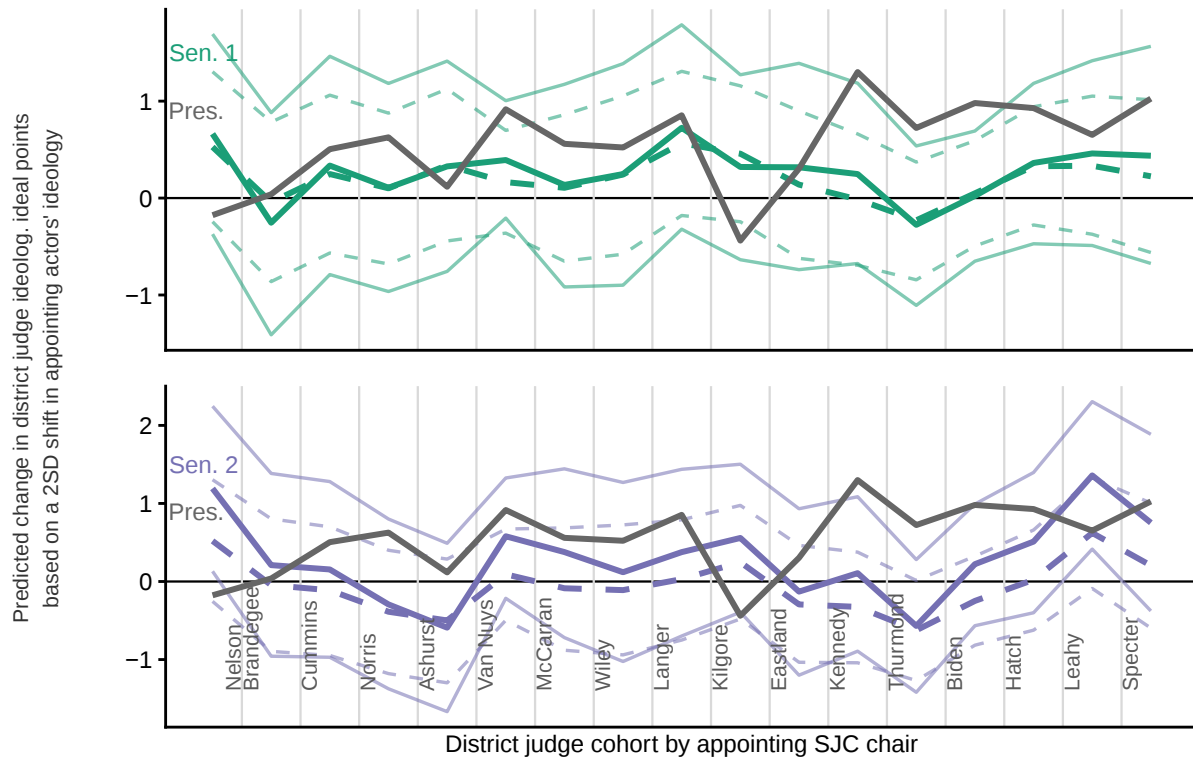


Figure 4: The solid gray line shows the posterior mean influence of the President. Colored lines show senatorial influence on judge selection (green = HSS 1, purple = HSS 2). Solid lines reflect estimates under courtesy, dashed lines without. Thinner colored lines show the 10th and 90th post. perctls.

sistent with an account whereby senators predominate the selection process, we do find some contextual evidence—under very specific circumstances involving two SJC chairmen in the 1920s and 2000s and the presence of senatorial courtesy—favoring an account of district court appointments where presidential and senatorial control fluctuates with time. But this overall is the exception to the rule.

Conclusion

In this work, we provide one of the first systematic, direct measures of U.S. district court judges’ ideal points, covering 1,680 district judges, appointed between the presidencies of Warren Harding and Barack Obama, and who cast approximately 100,000 votes between 1927 and 2012. Our analysis of these novel estimates show greater predictive power compared to those previously estimated based upon proxy methods that take the partisanship and ideology of appointing presidents and home-state senators into account (i.e., Giles et al., 2001). We furthermore mapped these ideal points into the Judicial Common Space (i.e., Epstein et al., 2007) and provide these for public consumption. Unlike some previous works, we found little evidence that the preferences of home-state senators constrain the influence of the president in the appointment process—at least so far as revealed preferences are concerned.

And in fact, our findings for the role of senatorial courtesy and ideology at the U.S. district courts aren’t particularly new. The literature on this phenomenon has been divided for years. While Songer and Ginn (2003) and Howard and Hughes (2022), for example, each found convincing support for the constraining ideological influence of senatorial courtesy amongst U.S. circuit court judges, others like Johnson and Songer (2002), found a more attenuated role for courtesy amongst district judges as presidential preferences had a much larger predictive effect on district judge behavior—findings consistent with those in this piece. The findings in this research offer greater support for Johnson and Songer’s (2002) conclusion of home-state senators’ effect of senatorial courtesy compared to the approach in Giles et al. (2001).

Indeed, the ideological component of this work suggests that U.S. district judges are less ideological or polarized compared to judges on the U.S. Supreme Court (Martin and Quinn, 2002) or judges on the Courts of Appeals (Howard and Hughes, 2022). Given that we failed to identify a

systematic role for senatorial courtesy, scholars should consider other theoretical explanations for district judge behavior. We would suggest that, as Epstein et al. (2013) found, there are simply fewer opportunities for district judges to exercise ideological discretion given that many cases in the federal trial courts of general jurisdiction, unlike at the appellate level, can easily be disposed of via reference to established law or legal principles. That is, the average case is, legally, much easier at the district level compared to the appellate level. Failing to account for these realities, we argue, conflates the degree to which the U.S. district courts are ideologically motivated or polarized across political parties.

And we should be careful to caveat our findings insofar we are *not* arguing that senatorial courtesy doesn't exist for appointments to the U.S. district courts. Rather, we are arguing that to the extent that senatorial courtesy does apply in the selection of these individuals, it does not appear ideological in nature. As others have pointed out, judicial appointments can turn on non-ideological factors (Goldman, 1999). For example, we could see appointments being made to these institutions to repay political debts, advance a favored faction within a state political party, provide for sectional balance, and more. Future research will need to continue to parse out these various other types of factors in the separation of powers game to appoint U.S. district court judges.

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S1 Descriptive statistics for data

This supplement contains additional information about dependent and independent variables employed in the main text and provides additional descriptive statistics for these variables.

Table S1: Descriptive statistics for data used in this study

Variable	Description	Mean (Std. Dev.)
<i>Equation 1 (x)</i>		
Conservative Vote	Dichotomous: "1" if conservative vote, "0" if liberal	0.58 (0.49)
SCOTUS Ideology	Median Martin-Quinn (2002) score at time of vote, liberal-to-conservative	0.47 (0.45)
Civil Rights	Dichotomous: "1" if case involves civil rights, "0" else	0.34 (0.47)
1st Amendment	Dichotomous: "1" if case involves the First Amendment, "0" else	0.05 (0.22)
Privacy	Dichotomous: "1" if case involves privacy rights, "0" else	0.01 (0.08)
Unions	Dichotomous: "1" if case involves labor unions, "0" else	0.08 (0.26)
Economics	Dichotomous: "1" if case involves economic issues, "0" else	0.19 (0.39)
Other	Dichotomous: "1" if case involves other issues, "0" else	0.33 (0.47)
Circuit Pct. Dem.	Percentage of the circuit that was appointed by Democratic presidents	47.67 (11.15)
<i>Equation 2 (w)</i>		
Judge Ideology	Liberal-to-conservative scale of district judge ideology	0.40 (1.77)
SJC Chair Ideology	DW-NOMINATE score for district judge's Senate Judiciary Committee chair at appointment	-0.02 (0.29)
President Ideology	DW-NOMINATE score for district judge's appointing president	0.09 (0.51)
Senator Ideology 1	DW-NOMINATE score for district judge's first home-state senator at appointment	-0.06 (0.31)
Senator Ideology 2	DW-NOMINATE score for district judge's second home-state senator at appointment	-0.08 (0.33)
Senatorial Courtesy 1	Dichotomous: "1" if home-state senator 1 is copartisan with president, "0" else	0.59 (0.49)
Senatorial Courtesy 2	Dichotomous: "1" if home-state senator 2 is copartisan with president, "0" else	0.58 (0.49)
Sen. 1 in Majority	Dichotomous: "1" if senator is in majority party, "0" else	0.54 (0.50)
Sen. 2 in Majority	Dichotomous: "1" if senator is in majority party, "0" else	0.55 (0.50)
GOP Div. Gov't.	Dichotomous: "1" if Republican president and Democratic Senate, "0" else	0.37 (0.48)
Dem. Div. Gov't.	Dichotomous: "1" if Democratic president and Republican Senate, "0" else	0.15 (0.35)
White	Dichotomous: "1" if district judge is white, "0" else	0.92 (0.27)
Female	Dichotomous: "1" if district judge is female, "0" else	0.10 (0.30)

S2 Prior specifications for all models

Table S2: Priors for Alpha and Beta Coefficients across Models 1-4

Level	Coefficient	Interpretation	Prior
Ruling level	β_0	Intercept	$\mathcal{N}(0, 1)$
Ruling level	β_1	Judge ideology	$\mathcal{N}(0, 4) \mathbb{I}(x \geq 0)$
Ruling level	β_2	Supreme Court ideology	$\mathcal{N}(0, 4)$
Ruling level	β_3	Civil-rights	$\mathcal{N}(0, 4)$
Ruling level	β_4	First Amendment	$\mathcal{N}(0, 4)$
Ruling level	β_5	Privacy	$\mathcal{N}(0, 4)$
Ruling level	β_6	Union	$\mathcal{N}(0, 4)$
Ruling level	β_7	Economic	$\mathcal{N}(0, 4)$
Ruling level	β_8	Circuit Dem. vote share	$\mathcal{N}(0, 4)$
Ruling level	$\beta_9\text{--}\beta_{18}$	Circuit fixed effects	$\mathcal{N}(0, 4)$
Judge level	α_0	Judge-level intercept	$\mathcal{N}(0, 0.25)$
Judge level	α_1	President ideology	$\mathcal{N}(0, 4)$
Judge level	α_2	HSS 1 ideology	$\mathcal{N}(0, 4)$
Judge level	α_3	HSS 2 ideology	$\mathcal{N}(0, 4)$
Judge level	α_4	HSS 1 courtesy	$\mathcal{N}(0, 4)$
Judge level	α_5	HSS 2 courtesy	$\mathcal{N}(0, 4)$
Judge level	α_6	HSS1 ideology by HSS1 court.	$\mathcal{N}(0, 4)$
Judge level	α_7	HSS2 ideology by HSS2 court.	$\mathcal{N}(0, 4)$
Judge level	α_8	HSS1 majority-party	$\mathcal{N}(0, 4)$
Judge level	α_9	HSS1 maj.-party by HSS1 ideol.	$\mathcal{N}(0, 4)$
Judge level	α_{10}	HSS2 majority-party	$\mathcal{N}(0, 4)$
Judge level	α_{11}	HSS2 maj.-party by HSS2 ideol.	$\mathcal{N}(0, 4)$
Judge level	α_{12}	Senate Jud Com. chair ideol.	$\mathcal{N}(0, 4)$
Judge level	α_{13}	Dem. divided government	$\mathcal{N}(0, 4)$
Judge level	α_{14}	Rep. divided government	$\mathcal{N}(0, 4)$
Judge level	α_{15}	Judge white	$\mathcal{N}(0, 4)$
Judge level	α_{16}	Judge female	$\mathcal{N}(0, 4)$

Table S3: Priors for Coefficients in Models 5-6

Level	Coefficient	Interpretation	Prior
Ruling level	β_0	Intercept	$\mathcal{N}(0, 0.25)$
Ruling level	β_1	Judge ideology	$\mathcal{N}^+(0, 4)$
Ruling level	$\beta_{x,1}$	Supreme Court ideology	$\mathcal{N}(0, 4)$
Ruling level	$\beta_{x,2}$	Civil-rights	$\mathcal{N}(0, 4)$
Ruling level	$\beta_{x,3}$	First Amendment	$\mathcal{N}(0, 4)$
Ruling level	$\beta_{x,4}$	Privacy	$\mathcal{N}(0, 4)$
Ruling level	$\beta_{x,5}$	Union	$\mathcal{N}(0, 4)$
Ruling level	$\beta_{x,6}$	Economic	$\mathcal{N}(0, 4)$
Ruling level	$\beta_{x,7}$	Circuit Dem. vote share	$\mathcal{N}(0, 4)$
Ruling level	$\beta_{x,8}-\beta_{x,17}$	Circuit fixed effects	$\mathcal{N}(0, 4)$
Judge level	α_0	Judge-level intercept	$\mathcal{N}(0, 0.25)$
Judge baseline	$a_{main,1}$	President ideology	$\mathcal{N}(0, 2)$
Judge baseline	$a_{main,2}$	HSS 1 ideology	$\mathcal{N}(0, 2)$
Judge baseline	$a_{main,3}$	HSS 2 ideology	$\mathcal{N}(0, 2)$
Judge baseline	$a_{main,4}$	HSS 1 courtesy	$\mathcal{N}(0, 2)$
Judge baseline	$a_{main,5}$	HSS 2 courtesy	$\mathcal{N}(0, 2)$
Judge baseline	$a_{main,6}$	HSS1 ideology by HSS1 court.	$\mathcal{N}(0, 2)$
Judge baseline	$a_{main,7}$	HSS2 ideology by HSS2 court.	$\mathcal{N}(0, 2)$
Period offset	$a_{period,1:P,1}$	President ideology offset	$\mathcal{N}(0, 2)$
Period offset	$a_{period,1:P,2}$	HSS 1 ideology offset	$\mathcal{N}(0, 2)$
Period offset	$a_{period,1:P,3}$	HSS 2 ideology offset	$\mathcal{N}(0, 2)$
Period offset	$a_{period,1:P,4}$	HSS 1 courtesy offset	$\mathcal{N}(0, 2)$
Period offset	$a_{period,1:P,5}$	HSS 2 courtesy offset	$\mathcal{N}(0, 2)$
Period offset	$a_{period,1:P,6}$	HSS1 ideol. by court. offset	$\mathcal{N}(0, 2)$
Period offset	$a_{period,1:P,7}$	HSS2 ideol. by court. offset	$\mathcal{N}(0, 2)$
Judge static	$a_{static,1}$	HSS1 majority-party	$\mathcal{N}(0, 4)$
Judge static	$a_{static,2}$	HSS1 maj.-party by HSS1 ideol.	$\mathcal{N}(0, 4)$
Judge static	$a_{static,3}$	HSS2 majority-party	$\mathcal{N}(0, 4)$
Judge static	$a_{static,4}$	HSS2 maj.-party by HSS2 ideol.	$\mathcal{N}(0, 4)$
Judge static	$a_{static,5}$	Senate Jud Com. chair ideol.	$\mathcal{N}(0, 4)$
Judge static	$a_{static,6}$	Dem. div. governmt.	$\mathcal{N}(0, 4)$
Judge static	$a_{static,7}$	Rep. div. governmt.	$\mathcal{N}(0, 4)$
Judge static	$a_{static,8}$	Judge white	$\mathcal{N}(0, 4)$
Judge static	$a_{static,9}$	Judge female	$\mathcal{N}(0, 4)$

S3 Technical details on Model 4

This supplement details the regression equation and reasoning behind Model 4, as well as the derivation of the summary quantity of interest covered in the results section of the manuscript.

S3.1 Regression equations for Model 4

Using an asterisk to denote the senator under consideration—that is, Senator 1 in Model 4a and Senator 2 in Model 4b—the judge-level component of the model can be written as follows:

$$\begin{aligned}
\mu_j = & \alpha_0 + \alpha_1 \text{President ideology}_j + \alpha_2 \text{SJC ideology}_j \\
& + \alpha_3 \text{Senator}^* \text{ ideology}_j + \alpha_4 \text{Senator}^* \text{ courtesy}_j \\
& + \alpha_5 (\text{President ideology}_j \times \text{Senator}^* \text{ ideology}_j) \\
& + \alpha_6 (\text{President ideology}_j \times \text{Senator}^* \text{ courtesy}_j) \\
& + \alpha_7 (\text{Senator}^* \text{ ideology}_j \times \text{Senator}^* \text{ courtesy}_j) \\
& + \alpha_8 (\text{President ideology}_j \times \text{Senator}^* \text{ ideology}_j \times \text{Senator}^* \text{ courtesy}_j) \\
& + \alpha_9 \text{Democrat divided government}_j + \alpha_{10} \text{Republican divided government}_j \\
& + \alpha_{11} \text{White}_j + \alpha_{12} \text{Female}_j
\end{aligned} \tag{S1}$$

In Model 4a, the starred senator refers to Senator 1; in Model 4b, it refers to Senator 2. The ruling-level part of Model 3 remains unchanged. Our empirical prediction is straightforward: if senatorial courtesy weakens presidential bargaining power by forcing ideological concessions, the triple interaction parameter α_8 should be negative and reliably different from zero in the relevant model.

Derivation of posterior contrast for Model 4

We use Model 4 to evaluate whether senatorial courtesy changes the extent to which presidential ideology is transmitted to district-judge ideology. Because the model contains higher-order interactions, the coefficient on presidential ideology cannot be interpreted as a general marginal effect. Instead, the effect of presidential ideology depends on both home-state senator ideology and the presence or absence of senatorial courtesy.

Let P_j denote the ideology of the president who appointed judge j , let S_j denote the ideology of the relevant home-state senator, and let C_j indicate whether senatorial courtesy is present. Suppressing co-variates that do not involve presidential ideology, the relevant portion of the linear predictor for judge ideology can be written as

$$\mu_j \cdots + \alpha_1 P_j + \alpha_5 (P_j S_j) + \alpha_6 (P_j C_j) + \alpha_8 (P_j S_j C_j). \tag{S2}$$

The conditional marginal effect of presidential ideology on judge ideology is therefore

$$\frac{\partial \mu_j}{\partial P_j} \alpha_1 + \alpha_5 S_j + \alpha_6 C_j + \alpha_8 S_j C_j. \tag{S3}$$

When senatorial courtesy is absent, $C_j = 0$, this marginal effect reduces to

$$\left. \frac{\partial \mu_j}{\partial P_j} \right|_{C_j=0} \alpha_1 + \alpha_5 S_j. \tag{S4}$$

When senatorial courtesy is present, $C_j = 1$, the marginal effect becomes

$$\left. \frac{\partial \mu_j}{\partial P_j} \right|_{C_j=1} \alpha_1 + \alpha_5 S_j + \alpha_6 + \alpha_8 S_j. \quad (\text{S5})$$

Our target quantity of interest is the degree to which courtesy attenuates presidential ideological influence. We therefore define the posterior contrast as the marginal effect of presidential ideology when courtesy is absent minus the marginal effect when courtesy is present:

$$\Delta_{\text{attenuation}}(S_j) \left. \frac{\partial \mu_j}{\partial P_j} \right|_{C_j=1}. \quad (\text{S6})$$

Substituting Equations S4 and S5 into Equation S6 yields

$$\Delta_{\text{attenuation}}(S_j) - (\alpha_6 + \alpha_8 S_j). \quad (\text{S7})$$

This contrast is computed for each posterior draw and evaluated across the observed range of home-state senator ideology. Positive values of $\Delta_{\text{attenuation}}(S_j)$ indicate that the marginal effect of presidential ideology is smaller when courtesy is present than when it is absent. Negative values indicate that courtesy strengthens, rather than attenuates, the transmission of presidential ideology to judge ideology.

S3.2 Full tabular results

Table S4: Posterior summaries: Model 4a and Model 4b

Predictor [posterior percentiles]	Model 4a [2.5th, 5th, 95th, 97.5th]	Model 4b [2.5th, 5th, 95th, 97.5th]
Judge-level predictors		
Judge-level intercept	0.005 [-0.487, -0.407, 0.417, 0.489]	0.006 [-0.471, -0.395, 0.410, 0.487]
President ideol.	1.188** [0.463, 0.559, 1.906, 2.069]	1.658** [0.837, 0.952, 2.469, 2.649]
Senator 1 ideol.	-0.274 [-1.436, -1.224, 0.656, 0.831]	0.068 [-0.648, -0.527, 0.669, 0.793]
Senator 1 courtesy	0.155 [-0.277, -0.208, 0.533, 0.615]	0.040 [-0.221, -0.178, 0.260, 0.311]
Sen. 1 ideol.*courtesy	0.405 [-0.935, -0.711, 1.539, 1.756]	
Pres.*Sen. 1 ideol.	-1.108 [-3.038, -2.697, 0.393, 0.677]	
Pres.*Sen. 1 courtesy	0.311 [-0.633, -0.467, 1.114, 1.281]	
Pres.*Sen. 1 ideol.*courtesy	1.313 [-1.211, -0.777, 3.516, 3.986]	
Senator 2 ideol.	0.337 [-0.358, -0.245, 0.952, 1.087]	0.579 [-0.585, -0.396, 1.602, 1.810]
Senator 2 courtesy	-0.109 [-0.381, -0.330, 0.106, 0.151]	0.147 [-0.281, -0.206, 0.517, 0.601]
Sen. 2 ideol.*courtesy		0.217 [-1.074, -0.846, 1.307, 1.514]
Pres.*Sen. 2 ideol.		-0.116 [-2.048, -1.730, 1.437, 1.730]
Pres.*Sen. 2 courtesy		-0.354 [-1.293, -1.129, 0.409, 0.551]
Pres.*Sen. 2 ideol.*courtesy		-1.339 [-3.959, -3.484, 0.729, 1.097]
Sen. 1 in maj. party	-0.178 [-0.467, -0.414, 0.048, 0.092]	-0.196 [-0.493, -0.441, 0.028, 0.071]
Sen. 1 maj.*ideol.	0.274 [-0.903, -0.686, 1.241, 1.435]	0.374 [-0.736, -0.554, 1.353, 1.562]
Sen. 2 in maj. party	0.115 [-0.155, -0.110, 0.350, 0.405]	0.112 [-0.152, -0.109, 0.343, 0.395]
Sen. 2 maj.*ideol.	0.091 [-1.056, -0.867, 1.046, 1.250]	-0.071 [-1.222, -1.040, 0.882, 1.077]
Chair of SJC ideol.	0.310 [-0.411, -0.291, 0.944, 1.080]	0.277 [-0.437, -0.318, 0.898, 1.030]

(continued on next page)

Predictor [posterior percentiles]	Model 4a [2.5th, 5th, 95th, 97.5th]	Model 4b [2.5th, 5th, 95th, 97.5th]
Dem. div. governmt.	0.025 [-0.585, -0.480, 0.532, 0.634]	0.070 [-0.524, -0.431, 0.576, 0.683]
Rep. div. governmt.	0.031 [-0.445, -0.367, 0.427, 0.513]	-0.006 [-0.489, -0.402, 0.389, 0.474]
Judge white	0.467** [0.019, 0.087, 0.885, 0.982]	0.436* [-0.011, 0.059, 0.846, 0.938]
Judge female	-0.367* [-0.832, -0.751, -0.020, 0.047]	-0.344 [-0.803, -0.718, 0.003, 0.068]
Rulings-level predictors		
Rulings-level intercept	0.295** [0.043, 0.082, 0.505, 0.547]	0.334** [0.084, 0.126, 0.545, 0.581]
Scotus median ideol.	-0.051** [-0.090, -0.083, -0.020, -0.012]	-0.051** [-0.089, -0.083, -0.018, -0.012]
Civil rights case	-0.078** [-0.113, -0.107, -0.049, -0.044]	-0.078** [-0.112, -0.107, -0.050, -0.044]
1st amendment case	-0.706** [-0.769, -0.759, -0.653, -0.642]	-0.706** [-0.768, -0.758, -0.654, -0.644]
Privacy case	-0.682** [-0.839, -0.814, -0.549, -0.523]	-0.680** [-0.839, -0.814, -0.547, -0.521]
Union case	-0.739** [-0.794, -0.785, -0.694, -0.685]	-0.741** [-0.794, -0.785, -0.696, -0.688]
Economic case	-0.731** [-0.770, -0.763, -0.698, -0.692]	-0.731** [-0.769, -0.763, -0.699, -0.692]
Circuit-level Dem vote	0.001 [-0.001, -0.001, 0.003, 0.003]	0.001 [-0.001, -0.001, 0.003, 0.003]
<i>Circuit fixed effects (ref.: 1st Circuit)</i>		
2nd Circuit	0.147* [-0.019, 0.007, 0.287, 0.314]	0.148* [-0.018, 0.007, 0.286, 0.312]
3rd Circuit	0.117 [-0.055, -0.028, 0.259, 0.287]	0.120 [-0.052, -0.026, 0.264, 0.292]
4th Circuit	0.342** [0.164, 0.193, 0.493, 0.523]	0.336** [0.154, 0.185, 0.485, 0.512]
5th Circuit	0.178** [0.009, 0.034, 0.322, 0.348]	0.162* [-0.008, 0.020, 0.302, 0.330]
6th Circuit	0.092 [-0.082, -0.052, 0.235, 0.263]	0.103 [-0.068, -0.040, 0.246, 0.273]
7th Circuit	0.031 [-0.145, -0.120, 0.183, 0.209]	0.043 [-0.136, -0.108, 0.194, 0.223]
8th Circuit	0.164* [-0.015, 0.015, 0.315, 0.342]	0.172* [-0.006, 0.023, 0.321, 0.348]
9th Circuit	-0.190** [-0.357, -0.331, -0.049, -0.023]	-0.177** [-0.343, -0.317, -0.037, -0.009]

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Predictor	Model 4a	Model 4b
[posterior percentiles]	[2.5th, 5th, 95th, 97.5th]	[2.5th, 5th, 95th, 97.5th]
10th Circuit	0.048	0.060
	[-0.149, -0.115, 0.209, 0.241]	[-0.135, -0.104, 0.224, 0.253]
11th Circuit	0.239**	0.220**
	[0.055, 0.084, 0.397, 0.427]	[0.039, 0.069, 0.376, 0.406]

Notes. Each coefficient uses two rows: the first reports the posterior mean; the second reports the [2.5th, 5th, 95th, 97.5th] posterior percentiles. A single * indicates the 90% credible interval (5th–95th percentile) excludes 0; ** indicates the 95% credible interval (2.5th–97.5th percentile) excludes 0. When **, the posterior mean is shown in boldface.

S4 Technical details on Models 5-6

This supplement details our time-adjusted modeling approach, deriving appointing congressional cohort (Model 5) and Senate judicial committee chair (Model 6) specific estimates for our main predictors of district judge ideology.

Our main adjustment concerns μ_j , the central expectation of judge's ideal point, Z_j . Summing information across each ruling-level observation, r , we first separate μ_j into a global effect component, ω_j , and a local, congress-specific effect, λ_j as follows:

$$\begin{aligned} \mu_j = & \frac{1}{R_j} \left(\gamma_j \sum_{r=1}^{R_j} \omega_r + (1 - \gamma_j) \sum_{c \in C_j} \sum_{r=1}^{R_j} \lambda_{c,r} \right) + \\ & \alpha_{14} \text{ Sen. 1 in Majority}_j + \\ & \alpha_{15} \text{ Sen. 1 in Majority}_j * \text{ Sen. 1 ideology}_j + \\ & \alpha_{16} \text{ Sen. 2 in Majority}_j + \\ & \alpha_{17} \text{ Sen. 2 in Majority}_j * \text{ Sen. 2 ideology}_j + \\ & [\alpha_{18} \text{ SJC Chair Ideology}_j]^{24} + \\ & \alpha_{19} \text{ Democrat divided government}_j + \\ & \alpha_{20} \text{ Republican divided government}_j + \\ & \alpha_{21} \text{ White}_j + \alpha_{22} \text{ Female}_j. \end{aligned} \tag{S8}$$

where R_j denotes the total number of rulings made by judge j , C_j stands for the set of congressional periods in Model 5 while indicating the identity of the appointing SJC chair in Model 6, during/under which the rulings of a particular judge occurred, and γ_j represents a probability mixture parameter governing how much information a particular judge draws from global and congressional period-specific effects. We omit the SJC ideology term (α_{18}) in Model 6 as chair-specific mixed effects would be colinear with their ideological ideal points. Although stated across individual rulings, r , our specification for judges' global effect ω_r otherwise closely follows our definition of μ_j :

$$\begin{aligned} \omega_r = & \alpha_0 + \alpha_1 \text{ President ideology}_r + \alpha_2 \text{ Senator 1 ideology}_r + \alpha_3 \text{ Senator 2 ideology}_r + \\ & \alpha_4 \text{ Senator 1 courtesy}_r + \alpha_5 \text{ Senator 2 courtesy}_r + \\ & \alpha_6 (\text{ Senator 1 ideology}_r \times \text{ courtesy}_r) + \\ & \alpha_7 (\text{ Senator 2 ideology}_r \times \text{ courtesy}_r). \end{aligned}$$

The period-specific set of parameters, λ , simply expand the same expression across the 43 congressional periods in our sample:

$$\begin{aligned} \lambda_{c,r} = & \alpha_0 + \alpha_c \text{ President ideology}_r + \alpha_{2c} \text{ Senator 1 ideology}_r + \alpha_{3c} \text{ Senator 2 ideology}_r + \\ & \alpha_{4c} \text{ Senator 1 courtesy}_r + \alpha_{5c} \text{ Senator 2 courtesy}_r + \alpha_{6c} (\text{ Senator 1 ideology}_r \times \text{ courtesy}_r) + \\ & \alpha_{7c} (\text{ Senator 2 ideology}_r \times \text{ courtesy}_r) \end{aligned}$$

²⁴Model 6 omits this term, as mixed effects specified by SJC Chair would be collinear with their ideological ideal points.

The remainder of our rulings-level of the model remains unchanged in our time-varying specification.

S5 Parameter output for Models 5 & 6

[Enclosed files `out_m5.csv` and `out_m6.csv` provide posterior summary draws across model.]

S6 district judge ideal point data

[Enclosed file `district_judge_ideology_jcs.csv` contains our dataset of estimated ideological ideal points for 1,680 district judges.]