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To cite this article: Alex Badas & Katelyn E. Stauffer (2022): Descriptive Representation, Judicial Nominations, and Perceptions of Presidential Accomplishment, Representation, DOI: [10.1080/00344893.2022.2037699](https://doi.org/10.1080/00344893.2022.2037699)

To link to this article: <https://doi.org/10.1080/00344893.2022.2037699>



Published online: 24 Feb 2022.



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Descriptive Representation, Judicial Nominations, and Perceptions of Presidential Accomplishment

Alex Badas ^a and Katelyn E. Stauffer ^b

^aDepartment of Political Science, University of Houston, Houston, TX, USA; ^bDepartment of Political Science, University of South Carolina, Columbia, SC, USA

ABSTRACT

Some narratives claim that American presidents can increase their approval ratings by nominating members of underrepresented groups to positions within the judiciary. Indeed, public opinion polls frequently show that members of the public think presidents should consider individuals from underrepresented groups when making judicial appointments. Despite the prevalence of these narratives, little research investigates how the descriptive characteristics of judicial appointments influence public evaluations of the president. We find that the public views presidents more favourably when they are more inclusive of women and minorities in their judicial appointments, and this effect is particularly strong for Democrats. The results demonstrate that presidents can increase public support by appointing individuals from underrepresented groups. This research has implications for representation and judicial selection in the United States.

ARTICLE HISTORY

Received 24 January 2021
Accepted 25 January 2022

KEYWORDS

Judicial nominations; representation; presidency; experiments; American politics

When President Clinton nominated Ruth Bader Ginsburg to fill a vacancy on the U.S. Supreme Court in 1993, Ginsburg became the second woman nominated and confirmed to the Court. Though Clinton did not emphasise Ginsburg's gender in his nomination announcement, the selection was praised as an 'exciting boost to diversity on the high court'.¹ Beyond praise from commentators, public sentiment at the time also favoured the appointment of a nominee who would help diversify the Court. Prior to Ginsburg's nomination, one poll indicated that 64% of respondents believed Clinton should appoint a woman.²

The sentiment surrounding diversity on the Supreme Court was not isolated to 1993. Public opinion polls since the 1970s have consistently documented support for women and non-white nominees.^{3,4,5,6,7,8} This topic came to the fore during the Carter administration, when Carter made concerted efforts to select women and non-white nominees. By the end of his tenure, Carter had increased the percentage of women in the judiciary by 500% and the number of minority judges by 164% (FJC, 2019). A recent retrospective on the Carter Administration claimed not only that Carter's effort to diversify the judiciary was one of the key accomplishments of his administration, but also one of the 'most important achievements in presidential history'.⁹

The attention paid to the inclusion of women and racial and ethnic minorities in the judiciary by presidents since Carter, coupled with consistent public support, begs the question of whether presidents can enhance their own standing with the public through the nomination of individuals from traditionally underrepresented groups. While research indicates this is a viable strategy – particularly for Democratic presidents – when appealing to party activists (Scherer, 2005), our understanding of whether similar dynamics are present with the public is limited. Scholarship related to the inclusion of women and racial or ethnic minorities suggests that the public does have a preference for inclusion (Clayton, O'Brien, & Piscopo, 2019; Hayes & Hibbing, 2017). We argue that this desire may lead to the public rewarding presidents who nominate individuals from underrepresented groups.

At the same time, presidents do not make nominations in a vacuum; nominating judges is just one of many responsibilities presidents have. Factors like economic performance, foreign policy, and scandal have all been shown to exert influence on presidential approval (Lewis-Beck & Stegmaier, 2000; MacKuen, Erikson, & Stimson, 1992; Newman, 2003; Nickelsburg & Norpoth, 2000). While the public may support inclusion in the abstract, it is not clear that judicial nominees meaningfully influence approval when considered in conjunction with these other factors. Moreover, to the extent that nominees' race or gender influences public opinion, this relationship may be shaped by partisanship. Though both Democratic and Republican presidents have increased judicial diversity over the past several decades, diversity and inclusion as a policy position has been much more prominent in Democratic politics (Grossmann & Hopkins, 2015), which may lead to asymmetries in partisan responses to inclusion.

In this article, we provide a systematic analysis of whether presidents gain support from the public when they include women and minorities among their nominees to the federal judiciary. Contributing the burgeoning body of experimental research on executive politics (Cohen, 2017), we use two experiments to evaluate whether nominee characteristics influence presidential evaluations from the public. Study 1 is a conjoint experiment in which respondents are asked to evaluate profiles of fictitious presidents. Study 2 presents respondents with information about nominees during the Trump and Obama administrations.

Our findings demonstrate that the inclusion of women and minorities in presidential appointments does influence public opinion towards the appointing president. Overall, respondents generally rewarded presidents who nominated more women and minorities and punished those with lower levels of inclusion. In the case of hypothetical presidents, these effects were present among both Democrats and Republicans. Using real presidents, in Study 2, we find that while Republicans do not reward President Trump or Obama for nominating members of underrepresented groups, Democrats did in both cases.

Though the results are more tenuous among Republicans, our findings suggest that including women and minority nominees in presidential appointments may be good strategy for presidents. The results presented here offer insights into the literatures on executive politics, judicial politics, representation, race and ethnicity politics, gender and politics, as well as normative discussions regarding diversity and inclusion in political institutions.

1. Presidential Approval

Presidents are strategic actors who have incentive to maximise their public approval (Brody, 1991). For first-term presidents, approval strongly predicts their likelihood of reelection (Campbell, 2000) as well as their party's electoral performance (Campbell & Sumners, 1990). Outside of the electoral context, high approval allows presidents to claim mandates for their preferred policies and to enhance their own political capital (Bond, Fleisher, & Wood, 2003), which helps them to pass legislation (Barrett & Eshbaugh-Soha, 2007) and to persuade co-partisans in Congress to adopt items from the President's agenda (Bond et al., 2003). Moreover, the Supreme Court is more likely to vote for the president's preferred outcome when the president is popular (Yates, 2002).

Based on the influence of approval on electoral outcomes, rhetorical strategies, and institutional decision-making, there is a substantial literature examining fluctuations in presidential approval. This research tends to focus on three factors: economic conditions (e.g., Lewis-Beck & Stegmaier, 2000); foreign affairs (e.g., Nickelsburg & Norpoth, 2000); and whether the president is associated with a scandal (e.g., Newman, 2003).

One factor that has been under-explored is how presidents might benefit from strategically using their appointment power to make mass appeals. In this article, we address this question by examining how public perceptions of a president are shaped by the identities of individuals they nominate. Evidence suggests that presidents strategically appoint members of underrepresented groups to 'score points' with party activists (Scherer, 2005). We argue that in addition to being a mechanism to garner support from activists, these appointments should lead to more favourable views of presidents from members of the public.¹⁰

1.1. Presidents and the Strategic Use of Nominees

When Jimmy Carter assumed office in 1977, the federal judiciary was mostly comprised of white men. Until 1976, 96% of Article III judges had been white (FJC, 2019). Women were also underrepresented, holding just 1% of all Article III judgeships by 1976 (FJC, 2019). Carter made judicial diversity a central component of his presidency and created a nominating commission to ensure women and minority nominees were appointed to the judiciary (Scherer, 2005; Slotnick, 2002). This deviated from the previous norm of allowing Senators to recommend individuals for judgeships located in their state (Slotnick, 2002). Through the commission, the Carter administration successfully increased judicial diversity, appointing 51 judges who were racial or ethnic minorities and 40 women by the end of his term in office (FJC, 2019).

While Carter discussed his motivations in terms of fairness, the decision to overhaul the selection process for federal judgeships was also a strategic one. As Scherer (2005) notes, Carter faced pressure from women's interest and civil rights groups to diversify the judiciary. Given the increased support these groups could bring to his campaign, she argues that Carter's promise to overhaul the selection process was a strategic move meant, in part, to earn support from these groups (Scherer, 2005, p. 77). Though most frequently employed as a strategy by Democratic presidents, since Carter, presidents have strategically used nominees from underrepresented groups as a means to gain

favour with party activists, who in turn play a pivotal role in advocating on behalf of the president and their policies (Scherer, 2005).

While presidents can nominate women and minorities to improve their profile among elites, whether these nominees increase public support remains an open question. Public opinion polling provides some insights and suggests that in general the public prefers an inclusive judiciary. When Reagan nominated Sandra Day O'Connor to the Court in 1981, 81% of the public agreed it was good to finally have a woman on the Court, and 68% rated Reagan's handling of the appointment as 'excellent' or 'pretty good'.^{11,12} In polls conducted later in 1981, 23% of the public identified O'Connor's appointment as one of the most important events of the year, suggesting that Reagan's attempt to use O'Connor's nomination to promote himself was successful.¹³

The importance ascribed to diversity was not unique to O'Connor's nomination or periods when the judiciary was demographically homogenous, as it was under Carter. Polls ranging from the Bush I to Trump administrations demonstrate the public's desire to see members of underrepresented groups in the judiciary. A 1990 poll found that 44% of respondents wanted Bush to appoint a woman or non-white individual to the Court.¹⁴ Following the retirement of Justice Thurgood Marshall in 1991, 50% of respondents indicated that it was important to have an African American Justice on the Court.¹⁵ During the Clinton administration, 64% believed Clinton should appoint a woman to the Court.¹⁶ In a 2005 poll, 66% of the public reported that George W. Bush should consider nominating another woman and 60% believed he should nominate another African American.¹⁷ When O'Connor retired in 2005, 59% of the public indicated that it was either 'very important' or 'somewhat important' that Bush replace her with another woman.¹⁸ When Obama assumed office, he made increasing the number of women and minority judges a priority, a move that seemingly matched public preferences. Sixty-six percent of the public viewed it as very important or somewhat important that Obama consider gender when selecting candidates for the Court and 53% believed racial and ethnic diversity was 'very important' or 'somewhat important'.¹⁹

Collectively, this evidence suggests a preference for a more inclusive judicial selection process and implies that perhaps presidents can gain approval by selecting members of underrepresented groups as their nominees. For their part, presidents seem to put stock in this narrative. Holmes (2007), for example, finds that presidents are more likely to give speeches about their Court of Appeals nominees when those nominees are women, or racial or ethnic minorities. Moreover, nominee identities have become a central theme in presidential speeches discussing their nominations for the Court of Appeals (Holmes, 2008). Though highlighting nominees in this manner is consistent with a story of signalling to party activists (Scherer, 2005), such activities may also boost presidents' reputations with the public. Indeed, research on the U.S. Senate suggests that at least for Supreme Court nominations, voters know how their Senators voted and hold them accountable for their votes (Badas & Simas, 2021; Bass, Cameron, & Kastellec, 2020), suggesting a baseline level of accountability in the context of judicial nominees.

2. Institutions, Inclusion, and Public Opinion

The opinion polling cited in the previous section suggests a public that would generally like to see women and members of underrepresented racial and ethnic groups included in

a president's judicial nominations. Scholarly accounts of presidential records also frequently discuss judicial diversity and nominating strategies (Scherer, 2005; Solberg & Diascro, 2020; Spill & Bratton, 2000). While this literature often focuses on descriptive representation through the lens of substantive representation and legitimacy, it is also frequently argued that an additional benefit of these nominees is that presidents can use them to gain public support (Holmes, 2007, 2008; Solberg & Diascro, 2020, but see Scherer, 2005). Yet, existing research does not explicitly test this supposition. While existing evidence suggests that the inclusion of underrepresented groups can be marshalled as a tool to gain favour with party activists (Scherer, 2005), studies of whether a similar relationship exists for the public is lacking.

Though research on presidential approval has yet to examine how the appointment of nominees from underrepresented backgrounds influences public sentiment towards the president, recent research on descriptive representation supports the proposition that individuals prefer inclusive institutions. Prominent theories of representation contend the inclusion of traditionally marginalised groups enhances deliberation and legitimises decision-making bodies and the outcomes they produce (Mansbridge, 1999) and many scholars have found evidence that inclusive institutions are viewed as more legitimate and more capable of producing good outcomes (Atkeson & Carrillo, 2007; Clayton et al., 2019; Hayes & Hibbing, 2017; Scherer & Curry, 2010; Stauffer, 2021).

Traditionally, the literature on descriptive representation has examined how marginalised groups respond to receiving descriptive representation – i.e., women represented by women; Blacks represented by Blacks (Badas & Stauffer, 2018, 2019a, 2019b; Bobo & Gilliam, 1990; Stokes-Brown & Dolan, 2010). In their study of Black representation in the federal judiciary, Scherer and Curry (2010) find that the inclusion of Black judges increases Black evaluations of judicial legitimacy. Badas and Stauffer (2018) find that members of underrepresented groups are more willing to accept nominees with whom they disagree with ideologically if the nominee shares their gender or racial identity.

Other scholarship, however, finds evidence that the symbolic effects of inclusion may be further reaching and that a preference for inclusive institutions can transcend demographic characteristics and produce positive effects for underrepresented and majority groups. For example, in many contexts women's inclusion improves how *both* men and women view government institutions (Atkeson & Carrillo, 2007; Clayton et al., 2019; Schwindt-Bayer, 2010; Stauffer, 2021). One possible reason for this finding is that descriptive representation of marginalised groups signals a broader sense of openness and responsiveness that leads all citizens to feel favourably towards government (Atkeson & Carrillo, 2007; Schwindt-Bayer, 2010; Stauffer, 2021). In their study, Hayes and Hibbing (2017) find that the inclusion of African Americans in deliberative bodies enhances perceptions of procedural fairness and satisfaction, even in cases where the groups preferred substantive outcome is not achieved. Moreover, they find evidence that these effects carry over to white respondents, indicating that the positive effects of inclusion may not be isolated to the traditionally underrepresented group.

Research on candidate selection and vote choice, similarly suggests that there may be reason for presidents to nominate women and minorities to the judiciary. Research shows that voters *prefer* women candidates – particularly in low-information settings (Crowder-Meyer, Gadarian, & Trounstine, 2020; Stauffer & Fisk, 2021). If these preferences extend beyond the realm of candidates, then presidents may be able to capitalise by

nominating individuals who are preferred by the public. The literature on race and candidate selection is less clear. While some scholars have found strong evidence to suggest that voters are less likely to vote for candidates of colour (Piston, 2010; Schaffner, 2011), others have argued that candidate race plays a fairly minimal role in the electoral fortunes of these candidates (Bullock, 2000; Highton, 2004). Recent experimental research by Crowder-Meyer et al. (2020) finds that in low information contexts voters are less likely to express a preference for a minority candidate; however, the role played by candidate demographics in voter decision making is significantly diminished when information about candidate backgrounds and experience is introduced, even among voters who hold prejudicial attitudes. In the context of judicial nominees, we expect that voters would have such information because the fact that nominees were selected in the first place should signal that they hold some minimum qualification for the post.

The research on diversity and inclusion and opinion polling all point towards an underlying preference for decision-making bodies that include members of underrepresented groups. At the same time, while research demonstrates presidents can use nominees to earn support with party activists (Scherer, 2005), it remains unclear whether they can use these nominees to gain the approval of the general public by contributing to the creation of more inclusive institutions. Presidents do not make nomination decision in a vacuum; indeed, nominating judges is just one of many responsibilities carried out in an administration. When considered in conjunction with the myriad of other aspects of a presidents' record, the relative weight the public ascribes to who is included among judicial nominees may be fairly small. However, if presidents can increase their approval through the nomination process, we hypothesise that variation in a president's record of including women and minorities in their judicial appointments will influence how the public evaluates their performance, such that presidents with more inclusive records will be evaluated more favourably while those less inclusive records.

2.1. Partisan Asymmetries in Responses to Inclusion

While there are reasons to expect a public preference for the inclusion of underrepresented groups, there is also reason to expect that this relationship could be asymmetric based on partisanship. Specifically, Democrats may have a stronger preference for inclusion and this preference may manifest in their evaluations of political institutions and actors to a greater extent than Republicans due to the differing nature of the two parties and the social identities attached to them.

First, the nature of the Democratic and Republican parties and their memberships differ. The Democratic Party is a group-based party made of a broad coalition of many groups while the Republican Party is more ideological in nature (Grossmann & Hopkins, 2015). Some of the most important 'groups' in the Democratic coalition are women, African Americans, and increasingly Latinos and Asians (Grossmann & Hopkins, 2015). While partisan identities certainly have a political component, scholars also understand partisanship as a social identity (Green, Palmquist, & Schickler, 2002), which has consequences for how individuals relate to in-group and out-group members. The past several decades have seen a rise in affective polarisation, with partisans feeling more warmly towards their co-partisans and more antagonistic towards out-partisans (Mason, 2018). Because of these dynamics, Democrats may be especially likely

to value the inclusion of women and racial or ethnic minorities because these individuals are perceived to be part of the party coalition, which could enhance the belief that certain partisan social identities are represented.

In terms of elected officials, the Democratic Party far exceeds the Republican Party in the representation of women and racial and ethnic minorities (CAWP, 2020; CRS, 2020). The party has also advocated for policies such as affirmative action, abortion rights, civil rights, and other issues that disproportionately affect women and minorities. In terms of judicial politics, Hofer and Casellas (2019) find that Democratic presidents are more likely to appoint Latinos to the judiciary, even at the expense of some ideological congruence. When speaking about their nominees, Democratic presidents are more likely to highlight the racial and gender identities of their nominees than Republican presidents (Holmes, 2008). Because the groups associated with the Democratic Party are the ones most likely to lobby for increasing diversity in the judiciary, Democratic presidents may engage in these behaviours strategically to gain support among party activists (Scherer, 2005). However, these messages may also signal to Democrats in the electorate that descriptive characteristics are a salient factor to consider when selecting nominees, thus making them more likely to draw upon this information when evaluating presidents (Zaller, 1992).

Based on these factors, we expect that to the extent that the public rewards or punishes presidents for the inclusion (or lack thereof) of women and minorities in their nominations, this should be especially pronounced among Democrats.

3. Study 1: Conjoint Experiment

To test whether presidential approval is influenced by the gender and racial or ethnic composition of judicial nominations, we designed a conjoint experiment (Hainmueller, Hangartner, & Yamamoto, 2015). Experiments are an increasingly popular method for studying public attitudes towards presidential action and behaviour (Cohen, 2017). A conjoint experiment is especially well-suited for the research at hand. Conjoint experiments allow researchers to simultaneously randomise many attributes of an experimental treatment. This aspect makes conjoint designs ideal for studying the independent effects of single indicators on multidimensional concepts, such as perceptions of presidential success, which we know from previous research is influenced by many factors. In our design, the treatment is attributes of a president's record, allowing us to tease out the effects of inclusion, independent of the president's performance on these other indicators. An added benefit of this design is that because respondents are provided with multiple pieces of information about presidential records, it is unlikely respondents were able to discern that the experiment was about gender and race, which should help to allay concerns about social desirability bias (Horiuchi, Markovich, & Yamamoto, 2021).

Using this design, we construct profiles of fictitious presidents and ask participants to evaluate these profiles. Each profile included 9 attributes.²⁰ Attributes can be conceived as dimensions of a president's record. Each attribute can take any number of specified levels. The levels can be viewed as the president's performance on the displayed attribute. For example, in our design we use the unemployment rate as one of our 9 attributes; within each profile the level of this attribute is randomly assigned to take on one of

five levels ranging from 2.9 % to 8.3 %. A full list of the attributes and their respective levels included in our design is presented in [Table 1](#).

Studies suggest conjoint experiments have a high degree of external validity, though this can depend on design choices made by the researchers.²¹ In our experiment, we opt to use a single profile design. In their analysis, Hainmueller et al. (2015) compare how well single-profile, paired-choice, and vignette based designs replicate real-world benchmarks. In their study, paired-choice designs performed the best in matching real-world benchmarks and single profile designs performed better than vignette based designs. Hainmueller et al. found that just 4 of 21 estimates produced in their paired-choice design were significantly different from their benchmarks and this number was reduced to one after correcting for multiple comparisons. Single profile designs produced seven significant differences, and just two after correcting for multiple comparisons (p. 2399). As Bansak, Hainmueller, Hopkins, and Yamamoto (2021b) note, despite the superior performance of paired-choice designs, there are still contexts in which researchers are justified in using single-profiles. In our case, we made this design choice for two reasons. First, many of the features we include use numbers and statistics, which may increase cognitive strain and cause participants to disengage from the experiment (Fowler, 2014).²² Second, using a single profile more clearly mimics how Americans experience and evaluate presidents, as there is only one president serving at a time.²³ However, it is important to recognise that even subtle differences in design may have ramifications for external validity. In this sense our decision to use a single-profile design represents a potential trade-off that considers multiple factors.

Two attributes are particularly relevant for our analyses, (1) the percentage of female nominees, and (2) the percentage of minority nominees. Each of these attributes was randomly assigned to take on one of five levels. To increase the realism of our experiment, our levels are made up of values that represent the percentages of female and minority judicial appointees by actual presidents, with the exception of 50% female and 45% minority which were included to represent proportionality or slightly greater than proportionality respectively. If the public rewards presidents for appointing women and

Table 1. Conjoint experiment summary.

Feature*	Level
Average unemployment rate	2.9%, 3.4%, 5.5%, 6.6%, 8.3%
Change in Gross Domestic Product	Decreased by 2.8%, Decreased by 1.3%, Decreased by 0.5% Did not change, Increased by 1%, Increased by 2.5%, Increased by 4%
Consumer confidence	Very little confidence, Little confidence, Average confidence, High confidence, Very high confidence
US Involvement in International Conflict	None, Low, Medium, High
Partisanship	Democratic, Republican
% of judicial nominees who are female	8%, 16%, 28%, 42%, 50%
% of judicial nominees who are racial or ethnic minorities	5%, 11%, 24%, 36%, 45%
Signature policies implemented	0, 1, 2, 3, 4, 5
Scandals	None, Chief of Staff resigns, Fired attorney general for political reasons, Accused of misusing campaign funds, Made inappropriate comments about a female reporter

*Indicators listed in alphabetical order. Indicators fully randomised between participants in experiment.

minorities, we anticipate that as the number of these nominees increases, evaluations of the president should increase. Moreover, if our partisan expectations are supported, we should see a more pronounced relationship among Democratic respondents.

Beyond our primary attributes of interest, our design also includes attributes for factors traditionally assumed to predict presidential approval such as economic performance, implementation of a policy agenda, foreign tranquillity, and number of scandals. Profiles also include an attribute for presidential partisanship under the assumption that individuals will view presidential accomplishment through a partisan lens and be motivated to evaluate co-partisan presidents as more accomplished (Campbell, Converse, Miller, & Stokes, 1960; Donovan, Kellstedt, Key, & Lebo, 2020). Including partisanship has the auxiliary benefit of preventing participants from attempting to guess the president's partisanship based on their performance on certain indicators and then evaluating the presidents based on their guess of the president's partisanship.

Participants were informed that we were interested in studying how individuals evaluate presidential performance and that they would be asked to view profiles of hypothetical presidents and their performance across many different indicators. We further instructed participants that the profiles they saw presented information for one year of the hypothetical president's administration. The order of attributes were randomised between participants to prevent any ordering effects (Hainmueller, Hopkins, & Yamamoto, 2014). After viewing each profile, participants were asked to give the fictitious president a rating ranging from 0 to 100. The specific question asked: 'How would you rate this president?' and had five labels – 'terrible', 'poor', 'average', 'good', and 'excellent' – distributed across the scale. The question format is provided in the example profile provided in the appendix.²⁴ This rating serves as the dependent variable in our subsequent analyses.

3.1. Study 1: Data and Analysis

We fielded our experiment to participants on Amazon's Mechanical Turk (MTurk). To participate, respondents had to be located in the United States and be at least 18 years old. While Berinsky, Huber, and Lenz (2012) show that MTurk samples tend to not be representative of the United States population, which may lead to questions related to the external validity, many studies have demonstrated that MTurk produces consistent results that replicate across nationally representative samples (Clifford, Jewell, & Waggoner, 2015). To further ensure data quality, we use the protocol developed by Kennedy et al. (2020) to ensure participants are located in the United States and that each participant only completed the survey a single time. We recruited 1,000 participants and each participant evaluated 5 profiles. After accounting for participants who skipped a profile, we are left with a total of 4997 ratings.

To examine whether presidents are rewarded or punished based on the demographic composition of their nominations, we calculate the deviation from the overall mean presidential rating for each attribute level (Leeper, Hobolt, & Tilley, 2019). We calculate the overall mean presidential rating by party because there are significant differences between the overall means reported by each partisan group ($p < .001$).²⁵ The deviation from the mean represents the difference in party mean when a particular attribute level is present, independent of all other attributes and their levels (Leeper et al., 2019).

Figure 1 displays the full conjoint results for Democrats, Republicans, and Independents. Before moving to a more specific discussion of the appointment attributes, we note that other attributes perform similar to ways that we would anticipate based on prior research, giving us greater confidence in the external validity of our study.

3.1.1. Women’s Inclusion

We begin by examining how approval is influenced by the gender composition of judicial nominations. The results are presented in Figure 2, which shows the deviation from the party mean for Democrats, Republicans, and Independents.

We observe that Democrats and Republicans *both* reward presidents who nominated 50% women to judicial positions ($p < .05$).²⁶ For Democrats, a president who appoints 50% women receives a 3.41 point increase from the mean evaluation, and Republicans reward the same president with a 3.77 point rating increase. Independents do not respond to higher levels of women’s inclusion. Likewise, we observe that Democrats and Republicans *both* punish presidents who include the fewest women (8%) in their judicial appointments ($p < .05$). Democrats penalised presidents with 8% women judicial nominees with a 4.32 decrease in their rating, while Republicans penalise these presidents with a 3.18 decrease in their rating. Again, Independents did not adjust their ratings based on the percentage of women nominated.

To contextualise these findings, we compare the effect of a president appointing 50% to the effect of shared partisanship. For Democrats, the positive effect of shared-partisanship is 9.47. Thus, the 3.41 reward for a nomination slate that is half women is roughly 38% the reward respondents give presidents from their own party. The 4.32 point

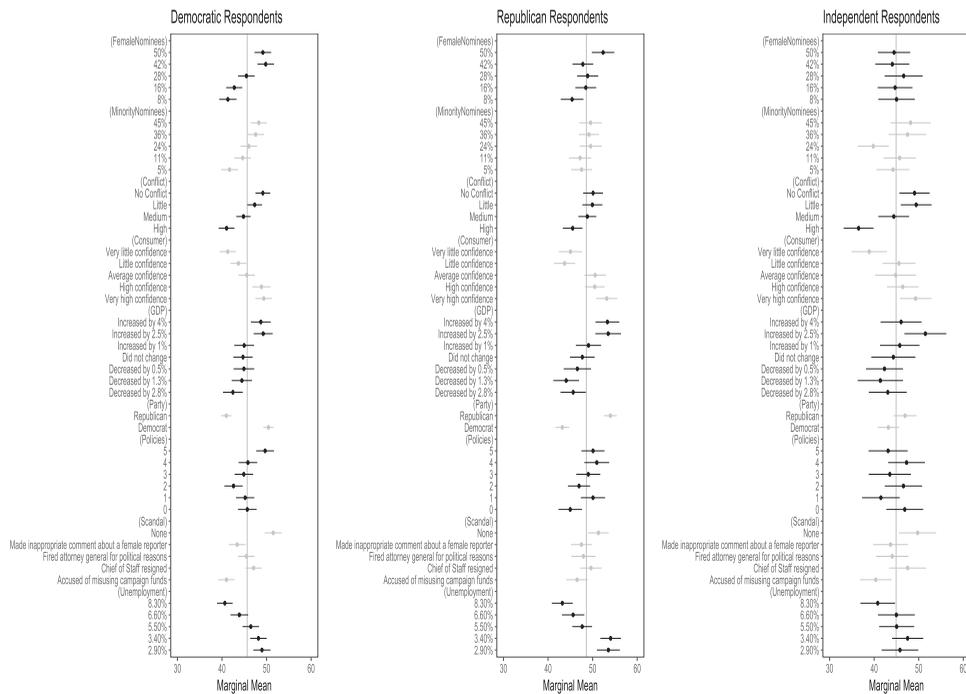


Figure 1. Full conjoint experiment results by party group.

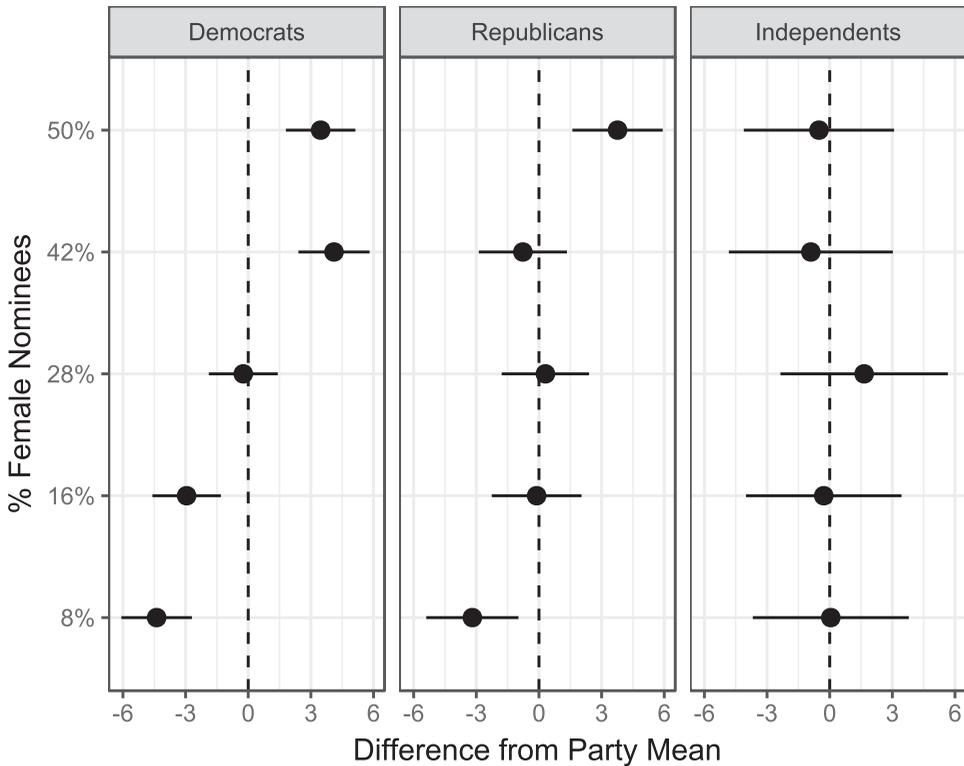


Figure 2. Conjoint experiment results: women's inclusion.

decrease in support we see for presidents who nominate very few women (8%) is roughly 45% of the punishment given to opposite-party presidents. For Republicans, the positive effect of shared partisanship is 10.77 points. Thus, the 3.77 point increase in Republican support for president's whose nominations were half women is roughly 35% the effect of shared partisanship. Meanwhile, the 3.18 penalty that is incurred for nominating very few women is about 29% of the backlash presidents receive from being in the opposing party. This indicates that while there is a positive effect for increasing the number of female nominees, the magnitude of that effect is smaller than partisanship. The effect of women's inclusion is comparable other attributes such as degree of international conflict or consumer confidence.

While Democrats and Republicans reward (punish) women's inclusion (exclusion) at the extremes of the scale, there are some differences by party. Democrats reward presidents with 42% female nominees with a 4.11 point increase in mean rating ($p < .05$), while Republicans display no significant difference from their party mean. Similarly, Democrats penalise a president with 16% female judicial nominees with a 2.94 point decrease in their rating ($p < .05$) while Republicans display no significant difference from their party mean. In neither case do Independents vary from their baseline mean.

To test for differences between partisans, we conduct difference-in-difference analyses between Democrats and, Republicans and Independents. Testing the overall difference-in-difference is important because our expectation is that the weight given to women's

inclusion will be of greater magnitude for Democrats than other partisan groups. These results are presented in Figure 3. We find that the difference-in-difference is statistically significant between Democrats and Republicans at 42% and 16% ($p < .05$) with Democrats giving a greater reward at 42% and a larger punishment at 16%. The difference-in-difference for Democrats and Independents is significant at 50%, 42% and 8% with the Democrats providing larger rewards for inclusion at 50% and 42% and a greater punishment at 8% than the Independents.

Overall, our results support our hypothesis that selecting more women to fill judicial vacancies can enhance perceptions of the president and that these effects will be particularly strong among Democratic partisans.

3.1.2. Racial and Ethnic Minority Inclusion

We now examine whether including individuals who are racial or ethnic minorities influences approval. Figure 4 displays the attribute level deviation from the party mean for each partisan group.

We observe that Democrats reward and punish presidents based on the degree to which they include (or exclude) racial or ethnic minorities in their nominations, however Republicans and Independents do not. When a profile indicated that 42% of the president's judicial nominees were racial or ethnic minorities, Democrats rewarded that president with a 2.62 increase from their mean rating ($p < .05$). While both

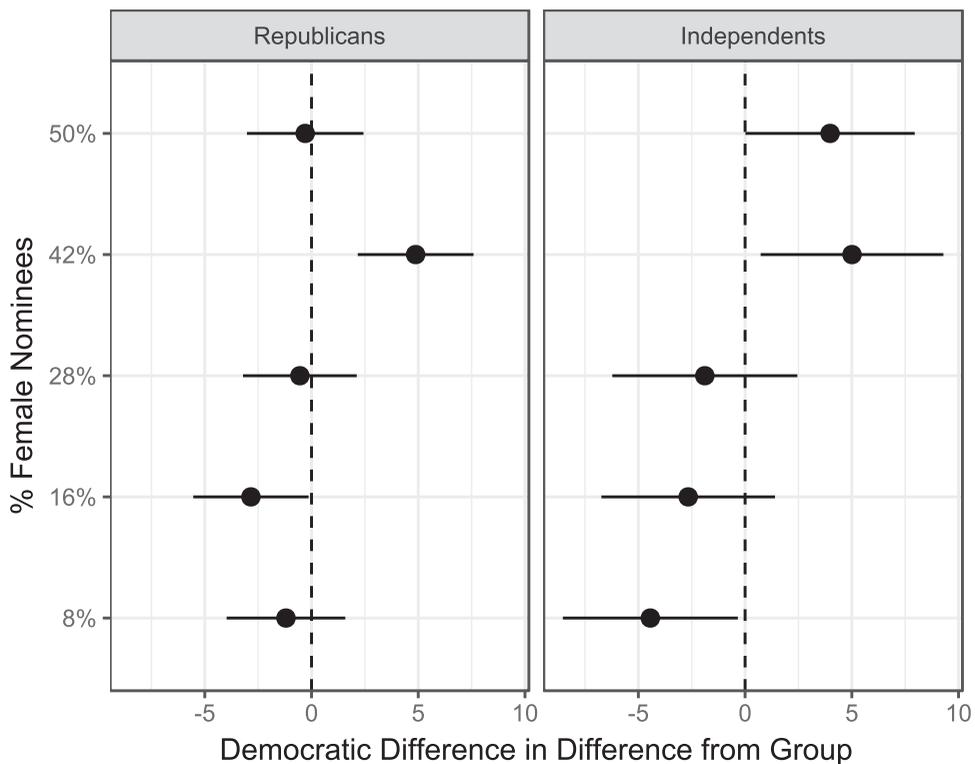


Figure 3. Conjoint experiment results: difference-in-difference women's inclusion.

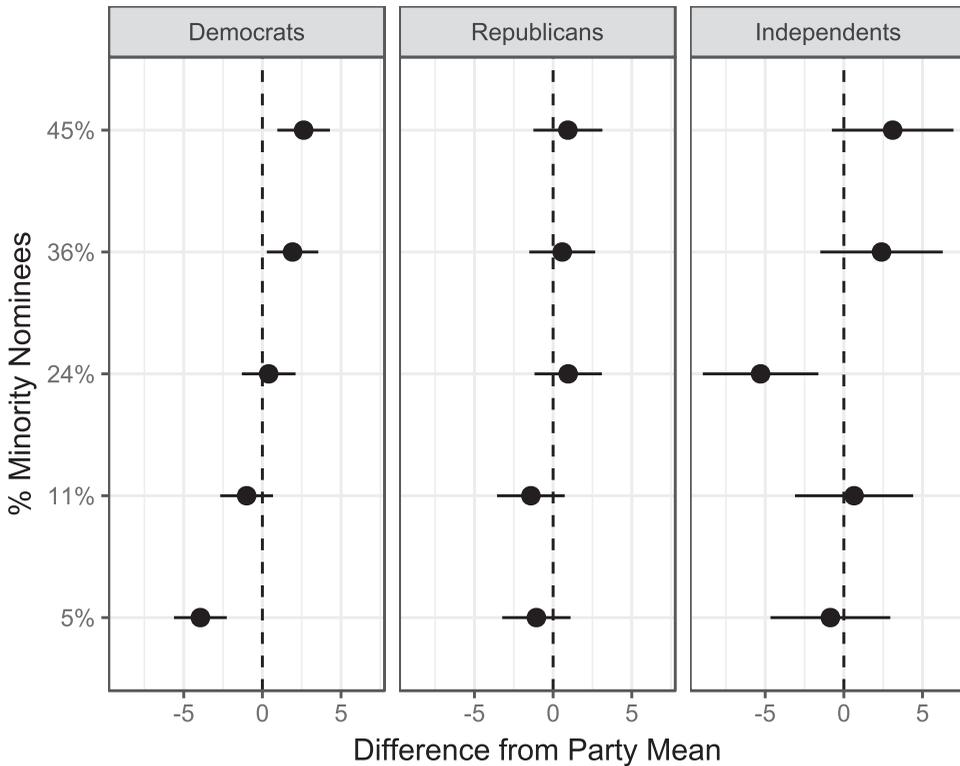


Figure 4. Conjoint experiment results: racial and ethnic minority inclusion.

Republicans and Independents have positive values, neither is statistically distinguishable from the overall mean ($p=.40$, $p=.11$ respectively). Democrats also reward a president with 36% non-white nominees with a 1.91 point bonus compared to the mean rating ($p<.05$).

Further, Democrats punish low levels of racial and ethnic inclusion. A profile which indicated that 8% of a president's judicial nominees was penalised by Democrats with a 3.94 decrease in approval compared to the mean ($p<.05$). Again, while Republicans and Independents both provided lower ratings for presidents with low numbers of racial and ethnic minority nominees, these differences were not statistically distinguishable from the mean rating for either group ($p=.659$, $p=.337$ respectively).

To contextualise our findings, we once again compare them to the effect of partisanship. For Democrats the 2.62 point reward presidents gain when 42% of their nominees are racial or ethnic minorities amounts to roughly 27% of the increase we observe when these respondents are presented with a profile of a president from their own party. The 3.94 point decrease in approval when presidents nominate very few minority nominees (5%) is about 41% of the negative effect we observe when these respondents view an opposition-party profile. Thus, again while there is a positive effect of inclusion, it is much smaller than shared-partisanship. Overall these effects were similar to levels of international conflict.

To test for overall differences in how partisan groups respond to minority inclusion, we conduct a set difference-in-difference analyses between Democrats and, Republicans and Independents. These results are presented in Figure 5. We find that Democrats provide low minority inclusion with a significantly larger penalty than Republicans ($p < .05$). Democrats give significantly larger approval to presidents whose nominees are 24% non-white than do Independents.

Overall, our results provide mixed support for our hypothesis that the inclusion of minority nominees can enhance perceptions of the president and that these effects will be particularly strong among Democrats. On one hand, Democrats rewarded presidents with high levels of racial and ethnic inclusion and punished those with low levels of racial and ethnic inclusion while Republicans and Independents did not. On the other hand, the difference-in-difference between Democrats and Republicans or Democrats and Independents were not significantly different in most cases.

4. Study 2: Actual Presidents

One limitation of our conjoint experiment is that it involves hypothetical presidents and performance indicators that are not tied to any particular individual. Once actual presidents are present, positive or negative affect towards that specific president may overwhelm any of the public's concern with the composition of judicial appointments. To

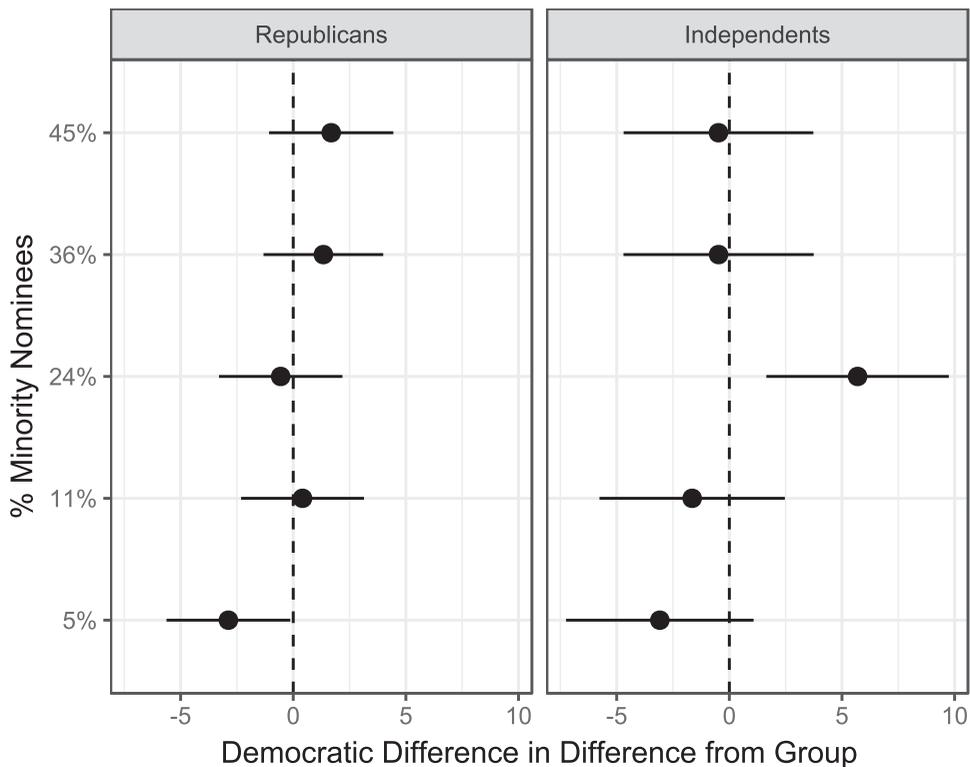


Figure 5. Conjoint experiment results: difference-in-difference racial and ethnic diversity.

address this limitation and further demonstrate the validity of our findings, we conduct a second experiment.

Our second experiment asks participants to rate either former President Barack Obama or Donald Trump on the same 0 to 100 scale used in Study 1. Obama and Trump are used because they are the most recent presidents of each party and most participants are likely to be familiar with them. In the baseline condition participants were simply asked to rate the president. In the treatment conditions, participants were given information on each president's record on including women and minorities in their judicial appointments. For each president, actual percentages are used to avoid deception.

Both presidents' records were discussed relative to past presidents. For Obama, the text noted he had nominated more women and minorities to the judiciary than any other president. For Trump, his nominees were mentioned relative to other Republicans and overall. This was done to paint his level of inclusion in somewhat of a positive light – i. e. while the number of women and minorities he nominated was lower than Democratic presidents, compared to Republican presidents they were relatively high – without the need to introduce deception into the experiment. [Table 2](#) provides the text for each condition. Respondents were randomly assigned to answer one of the potential six conditions.

4.1. Study 2: Data and Analysis

We fielded our experiment to a sample of 1500 MTurk workers. We follow the same protocols detailed in Study 1 to ensure data quality. To determine whether respondents reward inclusion, we compare mean ratings within president by experimental condition. [Figure 6](#) displays the mean evaluation for each president by treatment condition and respondent partisanship. The results are consistent with our previous finding that Democrats in particular reward inclusion. This is true both in the context of Obama and Trump.

In the control condition Democrats assign Obama an average score of 79.4. In the gender condition Democrats give Obama an average score of 83.3 ($p < .05$) and 82.5 in the race condition ($p = .075$). Trump sees an increase in support. In the control condition, Democrats rate Trump on average at 13. In the gender condition he is rated 18.6 ($p < .05$)

Table 2. Study 2: experimental conditions.

Condition	Trump	Obama
Control	How would you rate President Trump?	How would you rate former President Obama?
Gender	As you may know, President Trump is responsible for appointing judges to the federal judiciary. So far, 25% of President Trump's judicial appointments have been women. This is the highest percentage of female judicial nominees for any Republican president and third most among any president.	As you may know, the president is responsible for appointing judges to the federal judiciary. 42% of President Obama's judicial appointments were women. This is the highest percentage of female judicial nominees for any president.
Race	As you may know, President Trump is responsible for appointing judges to the federal judiciary. So far, 16% of President Trump's judicial appointments have been racial or ethnic minorities. This is the second highest percentage of racial or ethnic judicial nominees for any Republican president and fifth most among any president.	As you may know, the president is responsible for appointing judges to the federal judiciary. 35% of President Obama's judicial appointments were racial or ethnic minorities. This is the highest percentage of racial or ethnic judicial nominees for any president.

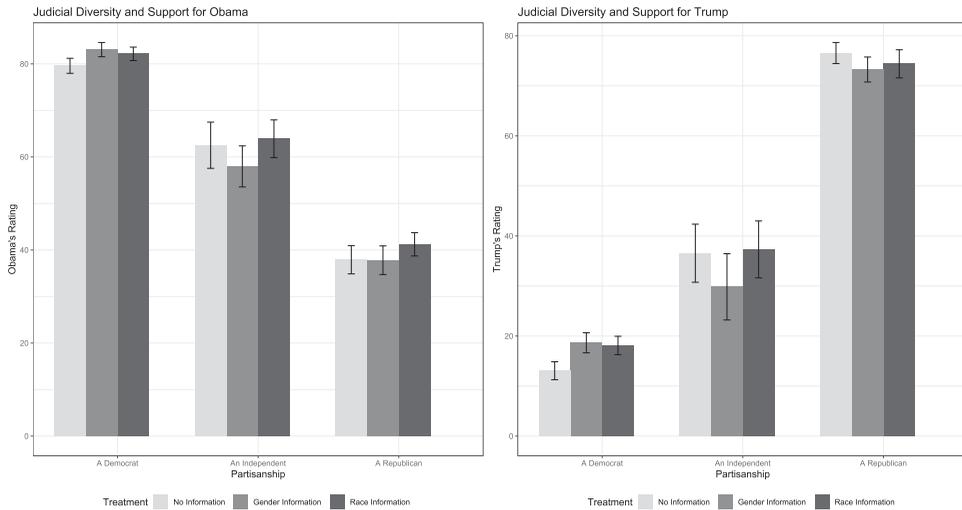


Figure 6. Results from study 2.

and in the race condition he is rated 18.1 ($p < .05$). Neither independents or Republicans responded to the treatments, and their mean evaluations do not significantly vary across experimental condition.

5. Implications and Conclusions

Opinion polls show that the public supports increasing the number of women and minorities in the judiciary. This support has led many to argue that presidents can gain favour with the public by selecting members of underrepresented groups to fill vacancies. Whether benefits of these nominees for presidential approval are real or imagined, it certainly seems that many presidents have internalised this narrative, often using their appointment power to increase diversity and emphasising these efforts when they do. While past research has shown how these appointments influence support among activists (Scherer, 2005), our understanding of whether the public evaluates presidents based on who they nominate to fill other government vacancies has up until now been limited.

To address this limitation, we designed two experiments to examine whether the identities of judicial appointees influence presidential approval. Our first study was a conjoint experiment, which allowed us to simultaneously manipulate multiple pieces of a presidential record. While we found evidence that both Democrats and Republicans reward and punish presidents based on the extent to which they include women in their nominations, the effects were particularly strong among Democrats. We observed that Republicans punished and rewarded presidents who appointed an extremely low or high percentage of women. We did not observe any effects that the racial or ethnic identities of nominees influenced Republicans. Democrats on the other hand not only more consistently used information about gender diversity to evaluate presidents, but also used information about the racial and ethnic makeup of nominees in their evaluations. Results from our second study likewise found that Democrats viewed both Presidents

Obama and Trump more favourably upon receiving positive information about each presidents' record on inclusion. In the context of these real administrations, we observed no effects among Republicans.

Our findings indicate that it is in a president's interest to consider women and minority candidates when making nominations for judicial vacancies. For Democratic presidents, appointing these individuals could help to solidify support among co-partisans. Moreover, while we found only limited evidence that Republicans reward presidents who nominate women and minorities, we found no evidence that they punish these presidents either. Thus, Democratic presidents do not risk backlash from the opposing party for diversifying the federal judiciary. Indeed, *not* appointing women and minority candidates may actually run the risk of alienating co-partisans. Republican presidents could likewise benefit by boosting their approval ratings among out-partisans through these appointments without running the risk of alienating members of their party. It is important to note that our findings do not imply a *universal* preference for inclusion. Many individuals hold sexist, racist, and ethnocentric attitudes, and we would expect that these individuals would not respond positively towards inclusion. While we are not able to test how these attitudes shape the relationship between presidential appointments and public support in the present study, our results do imply that the average response to the nominations of underrepresented groups from the public is positive.

Beyond their relevance for public opinion and studies of the presidential approval, our results have important implications for substantive representation and the judiciary. Our findings suggest that there is incentive for presidents to diversify institutions over which they have appointment powers. Not only is this normatively important for democratic legitimacy, but it also means that the outcomes produced by these institutions will be different. Scholars have documented many ways in which a judge's gender, race, or ethnic identity influences their decision-making and the decision-making of their colleagues (Boyd, 2016; Boyd, Epstein, & Martin, 2010; Hofer & Casellas, 2019; Kastellec, 2013). Thus, the inclusion of women and minority candidates also has potentially wide ranging implications for the ways in which the judiciary makes decisions and the outcomes it produces.

Finally, our findings may offer insights for scholars interested in comparative judicial politics. Judicial politics have become more salient in both democratic and non-democratic systems (Ginsburg & Moustafa, 2008; Sheehan, Gill, & Randazzo, 2012), and scholars have increasingly turned their attention to the access that underrepresented groups have to these institutions (see Escobar-Lemmon, Hoekstra, Kang, & Kittilson, 2021). While our findings are confined to the context of the United States, they may serve as a starting point for examinations of judicial appointments in other countries. Scholars for example, might consider whether the dynamics we identify in this research transport to systems where appointment powers do not rest with an executive. Our findings may also have implications for scholars interested in other types of appointments. While we focus on judicial appointments, our findings could easily be extended to other appointed positions, such as cabinet posts, which have also been shown to have the power to provide symbolic representation to citizens (Barnes & Taylor-Robinson, 2018).

The findings presented in this research offer important contributions to the literatures on public opinion, the American presidency, women and politics, and race and ethnicity

politics. We contribute to a burgeoning body of research that finds Americans prefer inclusive political institutions (Atkeson & Carrillo, 2007; Clayton et al., 2019; Hayes & Hibbing, 2017; Stauffer, 2021). We further show that this preference influences evaluations of political actors even when alternative performance measures are available, and provide evidence that not only is inclusion normatively desirable, but promoting inclusion is actually good politics.

Notes

1. <https://www.nytimes.com/1993/06/15/opinion/mr-clinton-picks-a-justice.html>
2. <https://doi.org/10.25940/ROPER-31099277>
3. <https://doi.org/10.25940/ROPER-31103649>
4. <https://doi.org/10.25940/ROPER-31103649>
5. <https://doi.org/10.25940/ROPER-31097377>
6. <https://doi.roper.center/?doi=10.25940/ROPER-31086721>
7. <https://doi.roper.center/?doi=10.25940/ROPER-31096858>
8. <https://doi.org/10.25940/ROPER-31091000>
9. <https://slate.com/news-and-politics/2019/07/jimmy-carter-diversity-judges-donald-trump-court-nominees.html>
10. Our argument represents an important departure from past research on presidential support and women or minority nominees. While Scherer (2005) argues that these nominees can be used to gain support from party elites, she argues against their utility in shoring up support from the public (p. 21).
11. <https://doi.org/10.25940/ROPER-31103649>
12. <https://doi.org/10.25940/ROPER-31103649>
13. <https://doi.org/10.25940/ROPER-31097377>
14. <https://doi.roper.center/?doi=10.25940/ROPER-31086721>
15. <https://doi.roper.center/?doi=10.25940/ROPER-31091378>
16. <https://doi.org/10.25940/ROPER-31099277>
17. <https://doi.roper.center/?doi=10.25940/ROPER-31096858>
18. <https://doi.org/10.25940/ROPER-31088629roper>
19. <https://doi.org/10.25940/ROPER-31091000>
20. Jenke, Bansak, Hainmueller, and Hangartner (2019) use eye-tracking software to show that participants in conjoint experiments are attentive to information contained within profiles.
21. Although two studies demonstrate robustness of conjoint designs to certain researcher choices. Bansak, Hainmueller, Hopkins, and Yamamoto (2021a) demonstrate that results to conjoint designs are often robust to the number of attributes a researcher presents and Bansak, Hainmueller, Hopkins, and Yamamoto (2018) show that results are robust to the number of tasks participants are asked to complete.
22. Jenke et al. find that participants generally do a good job of adapting to increasing complexity of conjoint designs. However, their profiles differed from ours because they included few numbers and statistics. Given concerns related to cognitive burden in our attributes and their associated levels, we opted for the single profile design, but recognise the potential trade-off for external validity.
23. Overall, our justifications for a single-profile design are similar to that of many recent studies which use a single-profile design (Goggin, Henderson, & Theodoridis, 2020; Sen, 2017; Werner, 2019).
24. The appendix is available at: <https://uh.edu/ abadas/BadasStaufferRepAppendix.pdf>
25. The average ratings were: Republicans 48.6, Democrats 45.66, Independents 44.9, Overall 46.57. It is important to compare deviations from the party mean to prevent potentially misleading results. For example, because the Republican rating on average is about 2 points

higher, compared to the overall mean it would appear that Republicans respond positively to all attributes. The partisan breakdown of our sample is: Democrats 55.5%, Republicans 33.68%, Independents 10.81%. Partisan ‘leaners’ are categorised as partisans.

26. All reported p -values are from two-tailed tests.

Acknowledgements

The authors would like to thank Tao Dumas, Diana O’Brien, Erin Pullen for their helpful feedback.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Notes on contributors

Alex Badas is an Assistant Professor of Political Science at the University of Houston. His research focuses on judicial politics. Email: abadas@uh.edu

Katelyn Stauffer is an Assistant Professor of Political Science at the University of South Carolina. Her research focuses on gender and politics and political representation. Email: kstauffer@sc.edu

ORCID

Alex Badas  <https://orcid.org/0000-0002-6379-0375>

Katelyn E. Stauffer  <http://orcid.org/0000-0001-7285-0440>

References

- Atkeson, L. R., & Carrillo, N. (2007). More is better: The influence of collective female descriptive representation on external efficacy. *Politics & Gender*, 3(1), 79–101.
- Badas, A., & Simas, E. N. (2021). The supreme court as an electoral issue: Evidence from three studies. *Political Science Research and Methods*, 10(1), 49–67.
- Badas, A., & Stauffer, K. E. (2018). Someone like me: Descriptive representation and support for supreme court nominees. *Political Research Quarterly*, 70(1), 127–142.
- Badas, A., & Stauffer, K. E. (2019a). Michelle Obama as a political symbol: Race, gender, and public opinion toward the first lady. *Politics & Gender*, 15(3), 431–459.
- Badas, A., & Stauffer, K. E. (2019b). Voting for women in nonpartisan and partisan elections. *Electoral Studies*, 57, 245–255.
- Bansak, K., Hainmueller, J., Hopkins, D. J., & Yamamoto, T. (2018). The number of choice tasks and survey satisficing in conjoint experiments. *Political Analysis*, 26(1), 112–119.
- Bansak, K., Hainmueller, J., Hopkins, D. J., & Yamamoto, T. (2021a). Beyond the breaking point? Survey satisficing in conjoint experiments. *Political Science Research and Methods*, 9(1), 53–71.
- Bansak, K., Hainmueller, J., Hopkins, D. J., & Yamamoto, T. (2021b). Conjoint survey experiments. In J. N. Druckman & D. P. Green (Eds.), *Cambridge handbook of advances in experimental political science*. New York, NY: Cambridge University Press.
- Barnes, T. D., & Taylor-Robinson, M. M. (2018). Women cabinet ministers in highly visible posts and empowerment of women: Are the two related? In F. Jalalzai, A. C. Alexander, & C. Bolzendahl (Eds.), *Measuring women’s political empowerment across the globe* (pp. 229–255). Springer.
- Barrett, A. W., & Eshbaugh-Soha, M. (2007). Presidential success on the substance of legislation. *Political Research Quarterly*, 60(1), 100–112.

- Bass, L., Cameron, C. M., & Kastellec, J. P. (2020). The politics of accountability in supreme court nominations: Voter recall and assessment of senator votes on nominees.
- Berinsky, A., Huber, G. A., & Lenz, G. S. (2012). Using mechanical turk as a subject recruitment tool for experimental research. *Policy Analysis*, 20, 351–68.
- Bobo, L., & Gilliam, F. D. (1990). Race, sociopolitical participation, and black empowerment. *The American Political Science Review*, 84, 377–393.
- Bond, J. R., Fleisher, R., & Dan Wood, B. (2003). The marginal and time-varying effect of public approval on presidential success in Congress. *The Journal of Politics*, 65(1), 92–110.
- Boyd, C. L. (2016). Representation on the courts? The effects of trial judges' sex and race. *Political Research Quarterly*, 69(4), 788–799.
- Boyd, C. L., Epstein, L., & Martin, A. D. (2010). Untangling the causal effects of sex on judging. *American Journal of Political Science*, 54, 389–411.
- Brody, R. A. (1991). *Assessing the president: The media, elite opinion, and public support*. Stanford, CA: Stanford University Press.
- Bullock III, C. S. (2000). Partisan changes in the southern congressional delegation and the consequences. In M. Fiorina, D. W. Brady, J. F. Cogan, & S. Ansolabehere (Eds.), *Continuity and change in house elections* (pp. 39–64). Stanford University Press.
- Campbell, A., Converse, P. E., Miller, W. E., & Stokes, D. E. (1960). *The American voter*. New York: Wiley.
- Campbell, J. E. (2000). *The American campaign: U.S. presidential campaigns and the national vote*. College Station: Texas A&M University Press.
- Campbell, J. E., & Sumners, J. A. (1990). Presidential coattails in Senate elections. *American Political Science Review*, 84(2), 513–524.
- CAWP. (2020). History of women in the U.S. congress. *Center on American Women and Politics*.
- Clayton, A., O'Brien, D. Z., & Piscopo, J. M. (2019). All male panels? Representation and democratic legitimacy. *American Journal of Political Science*, 63(1), 113–129.
- Clifford, S., Jewell, R. M., & Waggoner, P. D. (2015). Are samples drawn from mechanical turk valid for research on political ideology? *Research & Politics*, 2(4), 2053168015622072.
- Cohen, J. E. (2017). The promise of experiments for studying the presidency. *Presidential Studies Quarterly*, 47(3), 414–431.
- Crowder-Meyer, M., Gadarian, S. K., & Trounstine, J. (2020). Voting can be hard, information helps. *Urban Affairs Review*, 56(1), 124–153.
- CRS. (2020). African American members of the U.S. Congress: 1870–2019. *Congressional Research Service*.
- Donovan, K., Kellstedt, P. M., Key, E. M., & Lebo, M. J. (2020). Motivated reasoning, public opinion, and presidential approval. *Political Behavior*, 42, 1201–1221.
- Escobar-Lemmon, M. C., Hoekstra, V., Kang, A. J., & Kittilson, M. C. (2021). Breaking the judicial glass ceiling: The appointment of women to high courts worldwide. *Journal of Politics*, 83(2), 662–674.
- FJC. (2019). *Demography of article III judges, 1789–2017*. Federal Judicial Center.
- Fowler, F. J. Jr. (2014). *Survey research methods* (5th ed.). Thousand Oaks, CA: SAGE.
- Ginsburg, T., & Moustafa, T. (2008). *Rule by law: The politics of courts in authoritarian regimes*. New York, NY: Cambridge University Press.
- Goggin, S. N., Henderson, J. A., & Theodoridis, A. G. (2020). What goes with red and blue? Mapping partisan and ideological associations in the minds of voters. *Political Behavior*, 42(4), 985–1013.
- Green, D., Palmquist, B., & Schickler, E. (2002). *Partisan hearts and minds*. New Haven, CT: Yale University Press.
- Grossmann, M., & Hopkins, D. A. (2015). Ideological republicans and group interest democrats: The asymmetry of American party politics. *Perspectives on Politics*, 13(1), 119–139.
- Hainmueller, J., Hangartner, D., & Yamamoto, T. (2015). Validating vignette and conjoint survey experiments against real-world behavior. *Proceedings of the National Academy of Sciences*, 112(8), 2395–2400.

- Hainmueller, J., Hopkins, D. J., & Yamamoto, T. (2014). Causal inference in conjoint analysis: Understanding multidimensional choices via stated preference experiments. *Political Analysis*, 22(1), 1–30.
- Hayes, M., & Hibbing, M. V. (2017). The symbolic benefits of descriptive and substantive representation. *Political Behavior*, 39(1), 31–50.
- Highton, B. (2004). White voters and African American candidates for congress. *Political Behavior*, 26(1), 1–25.
- Hofer, S., & Casellas, J. (2019). Latino judges on the federal district court? Cómo Deciden? *American Politics Research*, 18, 343–354.
- Holmes, L. M. (2007). Presidential strategy in the judicial appointment process: ‘Going public’ in support of nominees to the US courts of appeals. *American Politics Research*, 35(5), 567–594.
- Holmes, L. M. (2008). Why ‘go public’? Presidential use of nominees to the US courts of appeals. *Presidential Studies Quarterly*, 38(1), 110–122.
- Horiuchi, Y., Markovich, Z., & Yamamoto, T. (2021). Does conjoint analysis mitigate social desirability bias? *Political Analysis*, 1–15. Advance online publication. doi:10.1017/pan.2021.30
- Jenke, L., Bansak, K., Hainmueller, J., & Hangartner, D. (2019). Using eye-tracking to understand decision-making in conjoint experiments. *Political Analysis*, 29(1), 75–101.
- Kastellec, J. P. (2013). Racial diversity and judicial influence on appellate courts. *American Journal of Political Science*, 57(1), 167–183.
- Kennedy, R., Clifford, S., Burleigh, T., Waggoner, P. D., Jewell, R., & Winter, N. J. G. (2020). The shape of and solutions to the MTurk quality crisis. *Political Science Research and Methods*, 8(4), 614–629.
- Leeper, T. J., Hobolt, S., & Tilley, J. (2019). Measuring subgroup preferences in conjoint experiments. *Political Analysis*, 28, 1–15.
- Lewis-Beck, M. S., & Stegmaier, M. (2000). Economic determinants of electoral outcomes. *Annual Review Political Science*, 3, 183–219.
- MacKuen, M. B., Erikson, R. S., & Stimson, J. A. (1992). Peasants or bankers: The American electorate and the U.S. economy. *American Political Science Review*, 86, 597–611.
- Mansbridge, J. (1999). Should blacks represent blacks and women represent women? A contingent ‘yes’. *The Journal of Politics*, 61, 628–657.
- Mason, L. (2018). *Uncivil agreement: How politics became our identity*. Chicago, IL: University of Chicago Press.
- Newman, B. (2003). Integrity and presidential approval, 1980–2000. *Public Opinion Quarterly*, 67(3), 335–367.
- Nickelsburg, M., & Norpoth, H. (2000). Commander-in-chief or chief economist?: The president in the eye of the public. *Electoral Studies*, 19(2-3), 313–332.
- Piston, S. (2010). How explicit racial prejudice hurt Obama in the 2008 election. *Political Behavior*, 32(4), 431–451.
- Schaffner, B. F. (2011). Racial salience and the Obama vote. *Political Psychology*, 32(6), 963–988.
- Scherer, N. (2005). *Scoring points: Politicians, activists, and the lower federal court appointment process*. Redwood City, CA: Stanford University Press.
- Scherer, N., & Curry, B. (2010). Does descriptive race representation enhance institutional legitimacy? The case of the U.S. courts. *The Journal of Politics*, 72(1), 90–104.
- Schwindt-Bayer, L. A. (2010). *Political power and women’s representation in Latin America*. New York, NY: Oxford University Press.
- Sen, M. (2017). How political signals affect public support for judicial nominations: Evidence from a conjoint experiment. *Political Research Quarterly*, 70(2), 374–393.
- Sheehan, R. S., Gill, R. D., & Randazzo, K. A. (2012). *Judicialization of politics: The interplay of institutional structure, legal doctrine, and politics on the High Court of Australia*. Durham: Carolina Academic Press.
- Slotnick, E. E. (2002). A historical perspective on federal judicial selection. *Judicature*, 86, 13.
- Solberg, R. S., & Diascro, J. S. (2020). A retrospective on Obamas judges: Diversity, intersectionality, and symbolic representation. *Politics, Groups, and Identities*, 8(3), 471–487.

- Spill, R. L., & Bratton, K. A. (2000). Clinton and diversification of the federal judiciary. *Judicature*, 84, 256.
- Stauffer, K. E. (2021). Public perceptions of women's inclusion and feelings of political efficacy. *American Political Science Review*, 115(4), 1226–1241.
- Stauffer, K. E., & Fisk, C. A. (2021). Are you my candidate? Gender, undervoting, and vote choice in same-party matchups. *Politics & Gender*, 1–30. Advance online publication. doi:10.1017/S1743923X20000677
- Stokes-Brown, A. K., & Dolan, K. (2010). Race, gender, and symbolic representation: African American female candidates as mobilizing agents. *Journal of Elections, Public Opinion and Parties*, 20(4), 473–494.
- Werner, A. (2019). What voters want from their parties: Testing the promise-keeping assumption. *Electoral Studies*, 57, 186–195.
- Yates, J. (2002). *Popular justice: Presidential prestige and executive success in the Supreme Court*. Albany, NY: SUNY Press.
- Zaller, J. R. (1992). *The nature and origins of mass opinion*. New York, NY: Cambridge University Press.