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President Trump and the Politics of Judicial Nominations

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ABSTRACT

President Trump brought judicial appointments to the pinnacle of political salience while campaigning and in office. He was also the first president to inherit Senate rules making it easier to confirm judicial appointments while past partisan obstruction provided his administration with a backlog of vacancies. How then, did President Trump's ability to gain Senate confirmation for judicial nominees compare to recent presidents? We find that he was indeed able to fill an historic number of vacancies. However, the administration was not universally successful as key nominations had to be prioritized at the expense of others. Our findings assess Trump's legacy on judicial appointments and demonstrate the practical tradeoffs newly emerging in appointment politics.

KEYWORDS

Judicial politics; judicial nominations; judicial confirmations; President Trump

Donald Trump began his presidency with an unprecedented ability to gain Senate confirmation for his judicial nominations after having campaigned on the promise of creating more conservative courts. His advantages were based on new Senate rules and norms. First, the 2013 use of the "nuclear option" in the Senate reduced the effective number required to advance an obstructed lower court nomination to confirmation from a 60 vote threshold to a simple majority of just 51. Donald Trump was the first president to enjoy both these new procedures and a Senate majority for an entire Congress.[1] Second, by 2017 there was a large backlog of court vacancies due to a persistent Republican blockade of President Obama's judicial nominations (Slotnick, Schiavoni, and Goldman 2017). In short, President Trump inherited dozens of judicial vacancies (including a Supreme Court seat) at the same time that a Republican Senate was primed to efficiently confirm these nominations. And unlike President Trump's legislative difficulties after losing the House in the 2018 midterms (Edwards 2021), the administration kept its advantages in judicial nominations throughout his entire term.

The degree to which the Trump administration was advantaged by these changes in gaining judicial appointments is key to understanding both President Trump's judicial legacy as well as understanding the future of federal court nominations. In particular, it is worth noting whether, how, and where the Trump administration was more successful in gaining confirmation as compared to prior presidents operating under the old rules. To what extent has the process been altered, or has the nuclear option merely "fizzled" without much real impact on outcomes (Ba, Cmehil-Warn, and Sullivan 2020)? Prior studies note distinct epochs in judicial appointments (Hendershot 2010), and it is worth considering whether the rules and normative changes in the Senate about how far to press procedural advantages have ushered in a new era of appointment

politics.[2] Answering these questions will provide new opportunities to test theories concerning the judicial appointments process as well as aiding researchers in updating their intuitions about how appointment politics now functions.

We provide a descriptive overview of President Trump's judicial nominations as well as an in-depth analysis of Senate confirmation politics during his administration. Our objectives are to provide a multitude of data allowing for comparisons across administrations and to use the Trump administration to demonstrate emerging trends in the judicial appointments process. In particular, we examine the kinds of nominees that the administration advanced, their success rates, and the pathways that nominees took. These factors will provide the opportunity to evaluate President Trump's judicial legacy and allow us to assess the changes and continuity in judicial appointments evidenced during his administration.

To analyze President Trump's record in gaining confirmations, we examine all judicial nominations made to the federal courts during his term of office. Overall, we find that President Trump's success with judicial appointments was impactful in the aggregate number of successes but ultimately uneven in its distribution of where that success occurred. Under President Trump, a friendly Senate was able to efficiently, and effectively, confirm three Supreme Court justices while circuit court nominations advanced quickly to confirmation. However, these gains came at the cost of lower and slower success on district court nominations. Furthermore, most of the confirmations advanced only by taking advantage of new Senate procedures. These findings suggest that while new pathways to Senate confirmation may aide presidential nominees overall, structural barriers still force prioritization. We conclude our analysis with a discussion of the Trump judicial legacy and an appraisal of changing judicial appointment politics.

Politics, Procedure, and Judicial Appointments

Presidents nominate federal judges to fill vacancies in the courts, but these nominees must be confirmed by the Senate.[3] Judicial nominations have become increasingly partisan and salient over time. While the failed nomination of Robert Bork in 1987 often serves as a focal point for considering partisanship in judicial nominations (Epstein et al. 2006), President Reagan had been increasingly seeking ideologically allied nominees for the lower courts since the start of his administration (Goldman 1997). The Senate responded over time by increasingly scrutinizing judicial nominees (Hartley and Holmes 2002), which resulted in more political confirmation hearings (Dancey, Nelson, and Ringsmuth 2020). Also, interest groups became more attentive to and active in judicial nominations (Cameron et al. 2020; Scherer, Bartels, and Steigerwalt 2008; Steigerwalt 2010), which raised the public salience of these nominations.

Senate procedure and norms dictate whether and how judicial nominations are confirmed. The lack of a simple majority mechanism to end Senate debate had until recently allowed senators to obstruct judicial nominations using the filibuster (Binder and Smith 1997; Koger 2010). Senators could effectively deter progress on a nomination by issuing a threat to filibuster – known as a "hold" – in secret (Howard and Roberts 2015, 2020). Judicial nominations for positions that fall within the boundaries of a single state are also subject to senatorial courtesy. This practice allows home state senators to reject a nomination, and has been institutionalized in the Senate Judiciary Committee through the use "blue slips," which allow a senator to formally object to a nomination and halt its progress at the committee stage (Binder 2007). Practice dictates that Senate Judiciary Committee Chairs determine whether to honor blue slips for circuit court

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[2]For example, the majority party in the Senate is under no obligation to hold hearings or votes on presidential nominees. Republican senators violated Senate norms – but not the rules – as they blockaded President Obama's judicial nominations (Slotnick, Schiavoni, and Goldman 2017).

[3]Recess appointments are possible (Graves and Howard 2010), but short-lived and increasingly unlikely given congressional adaptations (Black et al. 2011; Ostrander 2015).

nominations, given that circuit court jurisdictions cross state boundaries even while a judge "sits" within a given state.

While historically senators have been able to obstruct judicial appointments, an important shift in judicial confirmation politics came from a 2013 change in Senate procedure. The maneuver, dubbed the "nuclear option" to convey both the gravity of the tactic as well as the threat of escalation (Smith 2014, 15), allowed a simple majority of 51 senators to advance a nomination to a final vote even in the presence of obstructions like a hold or a filibuster. While threats to go nuclear in the Senate over judicial nominations go back to at least the George W. Bush administration (Binder, Madonna, and Smith 2007), the tactic was finally used in 2013 by Democratic Majority Leader Harry Reid in part because of the systematic obstruction of President Obama's nominations to the D.C. Circuit Court. Ultimately, the rules reforms created an environment in which judicial and other nominations were likely to be filled faster (O'Connell 2015), at least for key nominations (Ostrander 2017).

Appointment Politics during the Trump Administration

The Trump administration is an especially interesting case for the study of judicial appointments. As a candidate, Donald Trump made his intentions to appoint federal judges similar to the recently deceased conservative Justice Scalia an explicit part of his public appeal to voters (Hollis-Brusky and Parry 2021). The fact that Donald Trump was campaigning for the presidency with a pending a Supreme Court vacancy made judicial nominations an unusually salient feature of the 2016 race. Judicial appointments are a key electoral issue (Badas and Simas 2021) and Donald Trump used the Supreme Court vacancy to his advantage. Indeed, 25% of Trump voters did so because they wanted him to nominate the next Supreme Court justice.[4]

But the Supreme Court seat – while the most visible vacancy in the federal courts – was not alone. In fact, the Republican Senate majority during President Obama's final Congress effectively blockaded judicial confirmations (Slotnick, Schiavoni, and Goldman 2017). This blockade resulted in President Trump inheriting a substantial backlog of judicial vacancies upon winning office. These inherited vacancies allowed President Trump to make more nominations than typical for a single term presidency. Of the 177 total judicial nominations made in the first Congress of the Trump administration, 114, or about 64%, were made to vacancies inherited by President Trump from previous administrations. This includes the highly contentious and publicized Supreme Court pick as well as 24 circuit and 89 district court nominations. Vacancies inherited by an incoming President may face unique circumstances (such as longer periods of consideration for replacements and pressure from understaffed courts to fill the post) and are potentially prioritized by incoming presidents (King and Ostrander 2020). The previous Senate's blockade gave President Trump ample opportunity to begin his judicial legacy immediately upon entering office.

President Trump's judicial nominations enjoyed especially favorable conditions for confirmation. His first Congress was in fact the first instance when a president enjoyed both the new Senate rules structure and a Senate majority for a full Congress.[5] In this way, President Trump's nominations could gain Senate confirmation in the face of obstruction with just copartisan votes. Furthermore, this advantage was maintained throughout his administration as the Republican party maintained control of the Senate after the 2018 midterm elections. As such, it may be no surprise that President Trump publicly touted his success in judicial confirmations.

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[4]See: "A Quarter of Republicans Voted for Trump to Get Supreme Court Picks – and it paid off," *The Washington Post* as well as "Polling data shows Republicans turned out for Trump in 2016 because of the Supreme Court," *Vox.*
[5]In contrast, the nuclear option came in the middle of Obama's penultimate Congress, which allowed him to work through a backlog of existing nominees. However, by the next Congress – the 114th – President Obama had lost his Senate majority.

Judicial confirmations under the Trump administration demonstrate the continued use of creative innovations in Senate rules. The Senate is caught in a cycle of minority obstruction such as filibustering followed by majority restrictions such as cloture reform that has been previously dubbed "The Senate Syndrome" (Smith 2014). Such innovative adaptations beget yet more rule bending and breaking as they create new precedents and shift existing norms (Shepsle 2017). This is exactly what happened during the Trump administration. While the original 2013 nuclear option was carefully pitched so as to not apply to Supreme Court nominations, the Republican Majority under Mitch McConnell quickly went nuclear again in 2017 in order to break the filibuster on Supreme Court nominee Neil Gorsuch. And when nearly universal obstruction slowed down judicial appointments even after the rules change, the Senate went nuclear again in 2019 to reduce the maximum number of debate hours after cloture from 30 to just 2 for all district court nominations (Rybicki 2019). Importantly, these new rule structures will become a part of the procedural landscape for all future judicial nominations.

In terms of norms, the Senate during the Trump administration continued to expand on preexisting shifts in the practice of judicial nominations. While the blue slips process continued to be honored for district nominations, they were not honored for the more influential circuit courts.[6] The degree to which blue slips are honored for circuit courts has long been a prerogative of the Judiciary Chair and is subject to change. However, it is worth noting that blue slips have primarily not been honored for circuit courts since the use of the nuclear option removed the filibuster as an effective bargaining tool. Finally, the Republican senators' past suggestion that Supreme Court nominations would not be advanced during a presidential election year – which emerged during the Scalia vacancy – was quickly abandoned in the face of being able to fill Justice Ruth Bader Ginsburg's vacancy just days before the 2020 election.

Overall, Senate majorities now appear to use the rules of the chamber to advance – or withhold – confirmations to the maximum benefit of their own party. This is perhaps the natural conclusion of the "Senate Syndrome" and the rule innovation that has been observed on judicial nominations in recent administrations (Smith 2014). Furthermore, there may be little incentive to reverse these trends. American voters often view procedural tactics through a partisan lens, and fail to punish senators for obstructions such as filibusters (Smith and Park 2013). As such, one may expect that Senate majorities will continue to press their procedural advantages for their fullest partisan benefit on judicial nominations.

While the Trump administration needed only Republican votes in the Senate to confirm a judicial nominee, they did not always win them. Even with more favorable Senate rules, the thin Republican majorities during the Trump administration implied that even a few co-partisan defections could doom a nominee. In particular, the administration ran into difficulties convincing co-partisans to vote for nominees of dubious quality or those mired in scandal. A series of especially embarrassing incidents of spectacular failure led critics to argue that the Trump administration was failing to properly vet its district court nominees (Savage 2017).

Examples of failed Trump nominees are abundant. In one notable case, Matthew Petersen's district court nomination was withdrawn after a hearing in which Senator Kennedy (R-LA) publicly exposed the nominee's inexperience by asking a series of basic legal questions that Petersen was unable to answer (Savage 2017). Other nominees lost support due to perceptions of ideological impurity among Republican senators. For example, the nomination of Halil Suleyman Ozerden to the 5th Circuit Court of Appeals repeatedly foundered over fears that his views on religious liberty were out of sync with some Republicans as well as his lack of support from

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[6]See: "Grassley rips up 'blue slip' for a pair of Trump court picks," *Politico* and "Lindsey Graham: Blue slips won't derail Trump appeals court picks," *Associated Press*.

Table 1. Demographics of Trump's judicial nominations: 2017–2020.

	District	Circuit	Supreme	Total
Nominations	294	75	3	372
Gender				
Male	75.5% (222)	81.3% (61)	66.7% (2)	76.6% (285)
Female	24.5% (72)	18.7% (14)	33.3% (1)	23.4% (87)
Race/Ethnicity				
White	84.6% (248)	84% (63)	100% (3)	84.6% (314)
African American	5.5% (16)	0%	0%	4.3% (16)
Hispanic	4.1% (12)	2.7% (2)	0%	3.8% (14)
Asian	4.1% (12)	12% (9)	0%	5.7% (21)
Other	1.7% (5)	1.3% (1)	0%	1.62% (6)
White male	65.2% (191)	68.0% (51)	66.7% (2)	65.7% (244)
Elite school	21.8%	58.7%	66.7%	29.6%
Average age	50	47	50	49
ABA ratings				
Well Qualified	65.3% (192)	76.7% (56)	100% (3)	67.8% (251)
Qualified	31.6% (93)	19.2% (14)	0%	28.9% (107)
Not Qualified	3% (9)	4.1 (3)	0%	3.2% (12)

Note: The unit of analysis is the nomination, which includes returns, failures and renominations.

conservative judicial organizations (Levine 2019). His nomination ultimately did not advance and was "returned" at the end of the Congress in accordance with Senate rules.

President Trump's Nominations

The judicial nominations process begins with an individual, and the characteristics of that nominee matter. In fact, nominee characteristics can directly impact the confirmation process and odds of success. For example, Asmussen (2011) finds that Republican presidents are more likely to nominate women and minorities in periods of gridlock, as a bid to gain more support among Democratic senators who would face a cost for obstructing these nominations. Because of their different support bases in the public, the Republican and Democratic parties have been found to approach female and minority judicial nominees differently (Solowiej, Martinek, and Brunell 2005). Beyond demographics, measures of nominee quality are also predicted to influence the success and duration of the confirmation process (Martinek, Kemper, and Van Winkle 2002, 348). As such, we start by examining the demographics of President Trump's judicial nominations.

We use presidents' nominations as our unit of analysis throughout our work. This strategy is common in studies of lower court appointment politics (Binder and Maltzman 2002; Martinek, Kemper, and Van Winkle 2002; Primo, Binder, and Maltzman 2008). However, some studies examine judicial vacancies, individual nominees, or just confirmed cases. There are differences between these strategies because multiple nominees may be nominated to a vacant position before it is filled and nominees are sometimes renominated before confirmation because Senate rules require all nominations remaining at the end of a Congress to be "returned" to the president. While returns are often renominated, they are not guaranteed to be and furthermore they may not be renominated to the same vacancy. Each renomination represents a decision and comes with a cost that a confirmation would have avoided.[7] For consistency, we utilize the nomination-level data to keep track of failures, return rates, examine prioritization by seeing when success occurs, and to make comparisons between Congresses. As we demonstrate below, returns are essential to understanding how confirmation dynamics unfolded during the Trump administration.

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[7]For example, during the Trump administration, Patrick J. Bumatay was nominated three times to the lower courts. His first nomination to 9th Circuit was "returned" at the end of the 115th Congress, his second nomination to a district court (CA-S) in the 116th Congress was withdrawn, and his final successful nomination was also to the 9th Circuit but for a different vacancy than his first nomination.

Table 1 contains demographic information on President Trump's judicial nominations separated by court level.[8] These are descriptions of President Trump's *nominations*, not a summary of his actual successful *appointments*.[9] In total, President Trump made 372 nominations split between 294 district, 75 circuit, and 3 Supreme Court nominations. As is common, many of these cases were re-nominations, where at the start of his second Congress the Trump administration nominated pending cases that were returned at the end of the 115th Congress. In terms of total nominations, the Trump administration's numbers are quite high for a single-term presidency. By comparison, President HW Bush's one term included just 246 judicial nominations while President Obama made 520 judicial nominations over the course of *two* terms.

As demonstrated in Table 1, President Trump's judicial nominations skewed heavily toward white and male nominees at all court levels. In fact, nearly 66% of the Trump administration's total judicial nominees were white men, making it by far the modal category. Overall, nearly 86% of the administration's judicial nominees were white (314). The largest nonwhite racial/ethnic category was Asian, with 5.7% of nominees. For most minority groups, the administration was less likely to nominate minorities to higher court positions than for district courts. For example, there were no African American nominees to the circuit courts under the administration and all Supreme Court nominees were white. In terms of gender, approximately 23% of the administration's nominees were women with the overwhelming majority of cases (72 of 87) being district court nominations.

President Trump's demographic numbers are roughly comparable to the George W. Bush administration, with a slightly higher proportion of female nominees (about 23% versus 20%) and a slightly lower proportion of white males (about 66% versus 69%) overall. The demographics, however, were significantly different as compared to his immediate predecessor.[10] Figure 1 shows the relative proportions of nominee gender and race/ethnicity during the Trump and Obama administrations. While the modal category for both presidents was a White-Male nominee, the differences between the two administrations are striking with President Obama significantly more likely to nominate women and minorities. This finding comports well with prior literature suggesting that Democratic presidents may have more incentive to nominate a diverse bench (Killian 2008, 270). As such, the Trump administration's nominations, while significantly different from that of his predecessor, may not have been a departure from broader historical trends.

For each level of the federal courts, we also examine the average age of President Trump's nominees as well as the proportion with a law degree from an elite institution.[11] While there is little variation in the average age at each level, circuit court nominees tended to be slightly younger (at 47 year) than district or Supreme Court nominees (50). This is consistent with a strategy of placing young judges on the circuit courts where they can rule for many years to come as well as provide future candidates for Supreme Court nominations. Unlike with age, there is a stark contrast among the court levels in the proportion of nominees who have attended an elite law school. District court nominees are far less likely to have attended an elite institution (21.8%) than circuit and Supreme Court nominees (at 58.7% and 66.7% respectively). While district court nominees may benefit from the connections that a more local law school degree may convey, an elite degree is increasingly sought for circuit and Supreme Court nominees. In fact, President Trump's nomination of Amy Coney Barrett (with a law degree from Notre Dame) was

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[8]An enumeration of Trump administration nominations is available from Congress.gov. We use information from the Judicial Biographies (https://www.fjc.gov/history/judges) data to determine demographic information for confirmed nominees and online news reports for those nominees who were not confirmed.

[9]We include a table of confirmed nomination demographics in our Appendix and the demographic makeup of nominations is very similar to the makeup of confirmed cases.

[10]Using a t-test to compare President Obama and Trump's first terms, President Trump was significantly less likely to nominate female or minority candidates for the federal bench at the $p < .01$ level (a mean of .64 in Obama versus .34 in the Trump administration).

[11]A law school was coded as elite if it was: Harvard, Yale, Colombia, Stanford, University of Chicago, University of California-Berkeley, University of Michigan-Ann Arbor, or Northwestern University (Johnson, Wahlbeck, and Spriggs 2006).
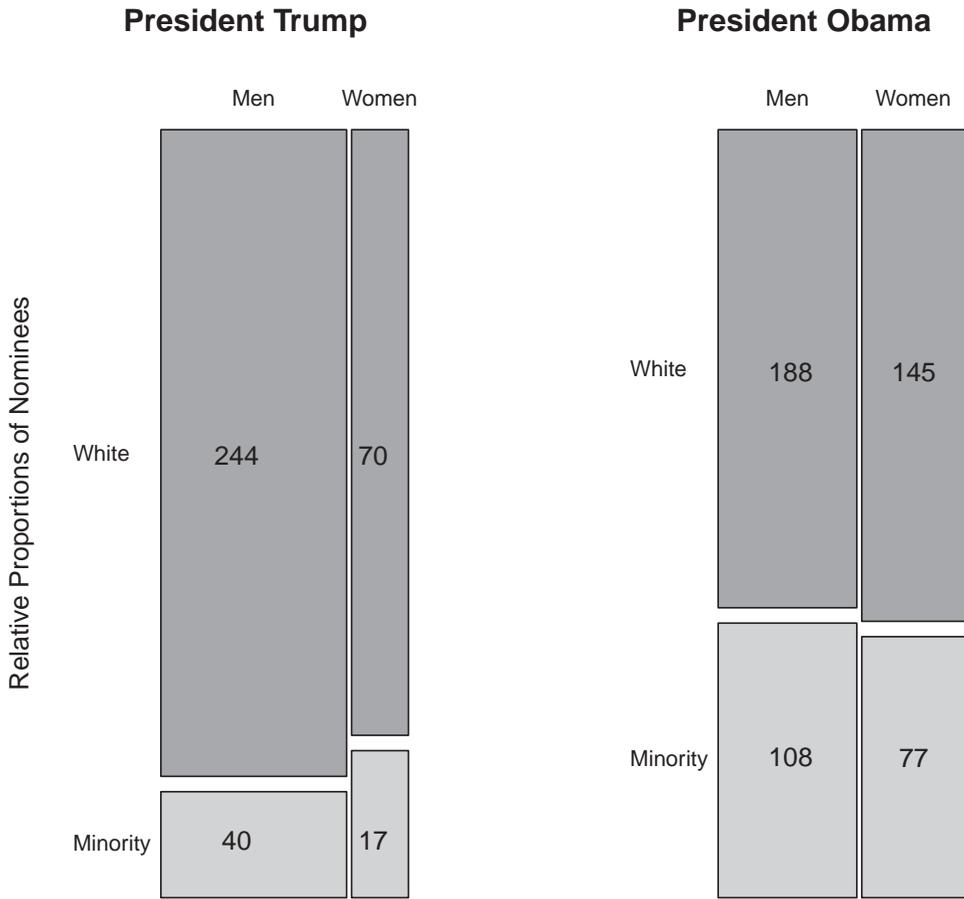
President Trump

President Obama

Figure 1. Comparing judicial nomination demographics.

a significant departure from prior Supreme Court nominees. The only other Supreme Court nominee since Reagan without an elite law degree was Harriet Miers.[12]

Among our demographic variables we also include measures of quality. In particular, we use a measure from the American Bar Association (ABA).[13] The ABA rates judicial nominees as "Well Qualified," "Qualified," or "Not Qualified." ABA quality ratings are controversial (Haire 2001), and have been demonstrated to be biased against Republican nominees (Smelcer, Steigerwalt, and Vining 2012) as well as women and minorities (Sen 2014). However, these ratings are still used by the Judiciary Committee to evaluate nominees and they provide a systematic and external signal of quality. While the Trump administration's nominees were overwhelmingly rated as Well Qualified, some interesting trends stand out. First, 12 nominations were rated as Not Qualified, which stands out as the highest rate relative to other administrations since President Reagan.[14] Second, there is a clear pattern in the ratings of quality in which higher-level positions are consistently more likely to be rated as Well Qualified. Which, for Supreme Court nominees, is

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[12]Her nomination was eventually withdrawn by the president when it became clear that – in part due to the lack of an elite law degree – she would not be confirmed by the Senate.
[13]These data can be found at: https://www.americanbar.org/groups/committees/federal_judiciary/ratings/.
[14]G.W. Bush also had 12 nominations rated as Not Qualified, but he had far more nominees overall in his two terms.

Table 2. Trump's judicial nomination outcomes by Congress: 2017–2020.

Congress		Nominations	Successful (%)	Returned (%)	Failure (%)
115th					
	District	126	54 (42.9)	72 (57.1)	0 (0)
	Circuit	49	29 (59.2)	19 (38.8)	1 (2)
	Supreme	2	2 (100)	0 (0)	0 (0)
116th					
	District	168	119 (70.8)	45 (26.8)	4 (2.4)
	Circuit	26	24 (92.3)	2 (7.7)	0 (0)
	Supreme	1	1 (100)	0 (0)	0 (0)
Total		372	229 (61.6)	138 (37.1)	5 (1.3)

intuitive as they tend to have a more established record upon nomination and face higher hurdles in their vetting.

Demographics are an important consideration for presidents because they ultimately determine the possible demographics of the federal bench. To the extent that the federal bench is unrepresentative of the population it serves, the courts may be viewed as illegitimate (Killian 2008; Scherer 2004). Nominating nontraditional judges is a means through which a president can change the character of the federal courts and establish a lasting judicial legacy (Slotnick, Schiavoni, and Goldman 2017, 397). Similarly, President Trump's tendency to overwhelmingly nominate white and male candidates to the federal bench will remain an enduring part of his judicial legacy (Solberg and Waltenburg 2022).

Outcomes

We continue our examination of Trump's judicial nominations with a descriptive look at how these cases unfolded and ultimately ended. To begin, Table 2 provides an overview of nomination success by court level during each of the Trump administration's Congresses. The table provides information on the number of nominations at each level ("Nominations"), the number of successful nominations ("Successful"), the number of nominations returned to the President by the Senate at the end of a Congress ("Returned"), and the number of nominations that were either formally withdrawn or, far more rarely, outright rejected ("Failure"). While the recent rule changes in the Senate may lead to the assumption that nominations during unified government would enjoy near certain success, this is not the case. President Trump's Supreme Court nominees did indeed experience complete success. However, the administration had more difficulty with lower court confirmations with only about 43% (54/126) of district court nominations being confirmed in President Trump's first Congress. Overall, President Trump's success rate in gaining Senate confirmation was about 61% (229/372), which is roughly comparable to Presidents W. Bush and Obama at about 63% (319/506) and 60% (314/523) respectively.

Several important patterns stand out in Table 2. First, President Trump's success rate was driven down primarily by a high rate of "returned" cases for lower court appointments during his first Congress. Many – but not all – of these cases were then re-nominated in the 116th Congress and some were successfully confirmed. Success rates are far higher for the administration's second Congress. These data suggest that perhaps the high number of inherited vacancies created a bottleneck of nominees which took time for the Senate to clear. In terms of unsuccessful cases, the data in Table 2 are striking in that the Trump administration's nominations have experienced very few withdraws or outright failures. The vast majority of unsuccessful nominations were cases that simply timed out at the end of a Congress. This is typical as most failed nominations fall victim to "malign neglect" rather than failing outright or being officially withdrawn (Bond, Fleisher, and Krutz 2009).

To more fully evaluate the Trump administration's success with judicial appointments, we must compare it to prior presidencies. Table 3 examines nomination outcomes for presidents

Table 3. Judicial nomination outcomes: Reagan–Trump.

		Successes	Success rate	Returned rate	Failure rate
Reagan					
	District	284	87.1%	10.7%	2.2%
	Circuit	78	83%	12.8%	4.3%
	Supreme	4	80%	0%	20%
H. W. Bush					
	District	148	75.9%	23.6%	0.5%
	Circuit	37	75.5%	24.5%	0%
	Supreme	2	100%	0%	0%
Clinton					
	District	303	81%	16.6%	2.4%
	Circuit	61	56.5%	33.3%	10.2%
	Supreme	2	100%	0%	0%
W. Bush					
	District	258	73.3%	25.3%	1.4%
	Circuit	59	39.3%	56%	4.7%
	Supreme	2	50%	0%	50%
Obama					
	District	264	61.1%	38%	0.9%
	Circuit	48	56.5%	41.2%	2.4%
	Supreme	2	66.7%	33.3%	0%
Trump					
	District	173	58.8%	39.8%	1.4%
	Circuit	53	70.7%	28%	1.3%
	Supreme	3	100%	0%	0%

Note: The unit of analysis is the nomination, which includes renominations.

since the Reagan administration.[15] In comparing President Trump to his predecessors, several trends stand out. First, the Trump administration was more successful – at 70.7% – on circuit nominations than compared with his most recent predecessors. Success rates had not been this high for circuit court nominations since the H.W. Bush administration, and success rates dropped for these nominations to as low as 39.3% under the W. Bush administration. With failure rates generally low across all administrations, it appears that circuit nominations that once would have been delayed to death were successful during the Trump administration. Second, the Trump administration appears to have been relatively unsuccessful on district court appointments. At a rate of 58.8% success, the Trump administration was about as successful on district court nominations as President Obama,[16] but far less successful than any other administration since President Reagan. These findings suggest that President Trump's success with judicial appointments was bifurcated, with higher level appointments significantly more likely to be successful than lower court appointments.[17]

The recently revised Senate rules also suggest that we examine the changing pathways through which nominations advance. Looking at the confirmation process for each presidency since Reagan by court level, Table 4 demonstrates how nominations were typically considered as well as how long it took for cases to proceed through the Senate. In particular, this table provides information on the number of cases that faced a roll call vote on either final passage or cloture vote ("Roll Call") and the number that experienced a cloture motion ("Cloture") at some point during Senate consideration.[18]

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[15]Nomination data and outcome information comes from Congress.gov searches of judicial nominations for the "Latest Action." Also note, George W. Bush's low success rate for the Supreme Court represents an unusual case due to the withdraw and renomination of John Roberts as Chief Justice after the unexpected death of William Rehnquist.

[16]However, 14% (59 of 432) of President Obama's district court nominations faced a hostile Senate and had an abysmal 31% (18 of 59) success rate due to an historic blockade of judicial nominations by Senate Republicans.

[17]These general findings also hold when comparing the Trump administration to prior president's first term only. See Table A2.

[18]These figures may even be a conservative picture of the new politics of judicial nominations in that several nominations were advanced and confirmed under an agreement that let Democrats head home to campaign (see: https://www.politico.com/story/2018/10/11/senate-democrats-judges-895168) leading to several confirmations without cloture that may otherwise have required it to advance.

Table 4. Judicial confirmation process: Reagan–Trump.

		Roll call votes (%)	Cloture motions (%)	Average no. of days
Reagan				
	District	1 (0.3)	1 (0.3)	66.2
	Circuit	5 (5.3)	1 (1)	70.8
	Supreme	5 (100)	1 (20)	69.4
H. W. Bush				
	District	0 (0)	0 (0)	117.7
	Circuit	1 (2)	1 (2)	140.5
	Supreme	2 (100)	0 (0)	84
Clinton				
	District	33 (8.8)	1 (0.3)	145.6
	Circuit	15 (13.9)	4 (3.7)	217.5
	Supreme	2 (100)	0 (0)	58.5
W. Bush				
	District	141 (40.2)	1 (0.3)	149.2
	Circuit	58 (38.7)	19 (12.7)	231.4
	Supreme	2 (50)	1 (25)	41.3
Obama				
	District	177 (41)	100 (23.2)	182.9
	Circuit	44 (51.8)	25 (29.4)	196.3
	Supreme	2 (66.7)	0 (0)	148.7
Trump				
	District	145 (49.5)	152 (51.7)	183.3
	Circuit	54 (72)	51 (68)	100.2
	Supreme	3 (100)	3 (100)	60

Note: The unit of analysis is the nomination, which includes returns, failures and renominations.

We also list the average number of days that nominations of each type were under consideration as a measure of duration and a very rough indication of relative obstruction across time.

The data presented in Table 4 suggest that the judicial nominations process has been changing over time. In the past, all lower court nominations were routinely approved by the Senate with voice votes (Goldman 1997), but now recorded roll call votes – sometimes seen as a sign of more contentious politics – are much more common.[19] Similarly, cloture motions on judicial nominations were generally a rarity before the rules change in the Obama administration and yet during the Trump administration cloture motions were present on the majority of district court nominations and a super-majority of circuit and Supreme Court nominations.[20] These data make it clear that Senate Majority Leaders are routinely using the revised cloture thresholds to efficiently process judicial nominations and that contentious roll-call votes, often on cloture, may be the trend for the foreseeable future.

Did the new Senate rules make President Trump's judicial nominations proceed significantly faster through the Senate? The evidence is interestingly mixed. Specifically, the Trump administration's district court nominations – at an average of about 183 days – proceeded slower on average than any other recent president, though they are nearly identical to those experienced by President Obama. However, the Trump administration's circuit court nominees – at an average of about 100 days – proceeded faster than any other president since Ronald Reagan. But while these nominations were faster during the Reagan administration, it is also the case that they faced fewer procedural hurdles – such as cloture and roll call votes – as compared to the Trump administration nominations. In this sense the Trump administration's speed remains impressive.

The differences between administrations become even more stark with recent comparisons. President Trump's circuit court nominations took on average about half the time that similar

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[19]In a comparison of first terms using t-tests, the only president since Reagan that didn't have significantly fewer roll call votes on judges at the $p < .01$ level was the George W. Bush administration, which also had significantly fewer roll call votes but at the $p < .06$ level.

[20]Using a t-test to compare cloture use in President Obama's first term before the rules change versus the Trump administration, we find that the Trump years included significantly more cloture votes at the $p < .01$ level.

nominations took in the Obama, W. Bush, and Clinton administrations. Interestingly, President Trump is also the only one of the recent presidents to have circuit court nominations proceed on average faster than district court nominations. And while President Trump's Supreme Court nominations were not the quickest by comparison to prior administrations, they were far from the slowest. Overall, these findings are consistent with the expectation that President Trump's allied Senate majority under Leader Mitch McConnell, prioritized Supreme Court and circuit nominations over district court nominations.

Investigating Trump's Nominations

In the post-nuclear era, a president who can count on the support of a simple majority of the Senate can win on any *one* nomination, even in the face of strong partisan opposition and obstruction. However, the reality of managing the Senate floor may still suggest that a president can not count on winning *all* qualified nominations even after the rules change (Ostrander 2017). As such, even friendly Senate Majority Leaders are forced to prioritize nominations. This may be truer for the Trump administration than prior presidencies. The high volume of judicial nominations in the Trump administration due to inherited vacancies may have created a bottleneck inside the Senate that, when combined with near universal obstruction due to shifting Senate norms, forced choices to be made over which nominations to advance. Intuitively, the descriptive data above suggests that the Republican majorities in the Senate prioritized higher-level court positions over lower-level positions during the Trump administration.

In the following sections, we develop and test expectations related to the prioritization of judicial nominations during the Trump administration. We specifically examine the kinds of factors that made some nominations move faster, and to be more likely confirmed, than others. In particular, we examine contexts in which the Trump years served as a departure from prior norms and expectations. We contend that the Republican Senate majorities' prioritization explains why the Trump administration's success on judicial confirmation was both bifurcated by court type and overall lower than expected given the Senate rules change.

Expectations

All judicial nominations are important, but some are more important than others. In particular, filling circuit court vacancies provides substantially more value than filling district court positions. Given the Supreme Court's downsized docket (Owens and Simon 2012; Lane 2022), circuit courts now often serve as "courts of last resort" (Bowie, Songer, and Szmer 2014, 26). Furthermore, circuit court nominations are often made with an eye toward future Supreme Court nominations. Because Senate confirmation takes time and effort, the decision to advance one nomination may imply that other nominations stand idle in the interim. As such, we expect to see a President Trump's friendly Senate majority prioritize the advancement of circuit over district court nominations with circuit court nominations proceeding through the process relatively faster. As demonstrated descriptively above, this prioritization ultimately resulted in higher rates of success in circuit court nominations than compared to prior administrations.

> Expectation 1: Circuit court nominations will be confirmed more quickly through the Senate than district court nominations.

We also suspect that the Senate prioritized Supreme Court nominations over all other judicial nominations. But with just three cases during the Trump administration it can be hard to generalize given such a low number of observations. One way to test this assertion is to observe the effects of a Supreme Court nomination on the other pending judicial nominations that exist at the same time. Prior research demonstrates that as a president expends more effort and political

capital in support of a Supreme Court nomination, lower court nominations will proceed more slowly as a direct result (Madonna, Monogan, and Vining 2016). With three Supreme Court nominations in a single term, we suspect that this effect slowed lower court nominations. The Trump years also provide an opportunity to test whether the effects of Supreme Court prioritization on lower court nominations remain in the post-nuclear Senate.

> Expectation 2: Lower court nominations that are pending during a Supreme Court nomination will be confirmed significantly slower than nominations without a pending Supreme Court nomination.

As we note, the blue slips process remained intact for district court nominations during the Trump administration. In some instances – especially where Democrats controlled both of a state's Senate seats – the blue slips process allowed the minority party a virtual veto over district court nominations. For district court nominations, we believe that Senate Majority Leader McConnell's effort will have likely been used to more quickly advance nominees with allied Senate delegations, because mixed or opposed delegations had a tool for obstruction that could not be overridden with a cloture vote.

> Expectation 3: District court nominations with allied Senate delegations will move faster than nominations with opposed delegations.

We expect that district court nominations – and especially those with opposed Senate delegations – will be less likely to succeed. Ultimately, this is a direct result of the Senate prioritization of higher-level judicial nominations over district court nominations. If Supreme and circuit court positions are filled first then district court positions will be filled last and are therefore less likely to succeed before the end of a Congress forces their "return to the President." This broad pattern can be observed in Table 2, where district court nominations are observed to be far more likely to be returned at the end of a Congress as compared to circuit court nominations.

> Expectation 4: District court nominations to states with opposed Senate delegations are less likely to be confirmed than those with allied delegations.

Data & Methods

We collect data on all of President Trump's lower court nominations to federal courts from the 115th through the 116th Congress (2017–2020).[21] We focus on lower court nominations as there are too few Supreme Court cases for a statistical model. Because we are interested in how nominations have fared in the Senate under the new rules structure, our unit of analysis is the formal presidential nomination and not the vacancy itself or the ultimate fate of individual nominees. Judicial nominations that are "returned to the President" at the end of the Congress are not considered to be successful, even though they may have been renominated and confirmed in the next Congress. The details of each nomination are gathered from Congress.gov, which tracks actions, votes, and the final disposition for each nomination. President Trump issued 369 lower court nominations during our time frame.

We have two different dependent variables of interest: the duration and the success of President Trump's nominations. To test expectations related to how quickly nominations proceed, we use a Weibull duration model to estimate the time between a formal nomination and the outcome of the process. This is a common strategy in studies of judicial and bureaucratic nominations (Boyd et al. 2021; Martinek, Kemper, and Van Winkle 2002; Ostrander 2016; McCarty and Razaghian 1999), and are appropriate for instances in which one is confident that the probability

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[21]President Trump did issue a few judicial nominations in the 117th Congress just before the end of his term, but these nominations were quickly withdrawn at the start of the Biden administration. We do not examine these transition cases.

of exit changes as time passes (Box-Steffensmeier and Jones 2004). To test expectations related to success, we use a logistic regression model on the dichotomous outcome variable of "success." While nominations may fail to succeed in different ways, the very rare cases of withdrawn nominations in the Trump administration make testing between failure types difficult and less valuable. Because of the difference in district and circuit court nominations, such as blue slip effects, we model these two kinds of nominations separately rather than pooling our models across all cases as is common in studies of judicial nominations (Martinek, Kemper, and Van Winkle 2002; Primo, Binder, and Maltzman 2008).

We include a variety of relevant control variables in our models. First, we include basic demographic information as introduced in Table 1. In particular, we include dichotomies for female and minority nominees as these are traits that prior research notes to be influential especially for Republican presidents (Asmussen 2011). We also account for the role of the blue slips process by noting partisan alignment of the Senate delegation for the state in which the nominee will preside. Delegations are coded as "allied" (our baseline) when both senators are of the president's party, "mixed" when there is a senator from each party, and "opposed" when both senators are not of the president's party. We also include an indicator variable for whether the court is a D.C. district or circuit court, as these cases have no senate delegation. Because when a nomination occurs influences the duration and outcome of the process, we include a measure for how many days are left in the Congressional session – "Days Left." As a rough measure of quality, we include the ABA ratings of each nominee as described above. For models of duration, we also note whether each nomination's consideration overlapped at any point with the Senate that of a Supreme Court nomination. Finally, to account for the differences between Congresses – such as transition effects and re-nominations in the second Congress – we include an indicator for whether the nomination was in the 116th Congress as compared to the baseline of the 115th (President Trump's first Congress).

Findings

One way to demonstrate the impressive Senate prioritization of circuit over district court nominations during the Trump administration is to examine the trends in exit times for both. Figure 2 provides a Kaplan–Meier plot of these trends, with the lines representing the proportion of nominations remaining under Senate consideration at a given number of days since the initial nomination. The lines suggest that circuit court cases proceed substantially faster. For example, at the 150 day mark after nomination, approximately 75% of district court cases remain under consideration while at the same point in their nomination only 25% of circuit court cases remain. Our first expectation is thus strongly supported by descriptive evidence.

While these results may be intuitive given the consideration of the relative value of these positions, this finding from during the Trump administration stands in stark contrast to prior presidencies. For example, Martinek, Kemper, and Van Winkle (2002) find that circuit court nominations tend to take *longer* than district court nominations. In fact, Table 4 suggests that compared to all presidential administrations since Reagan, President Trump is the only one to have had circuit court nominations proceed faster on average than district court nominations. Furthermore, given the relative value of circuit versus district courts, this trend may continue into future administrations as long as a president enjoys the support of a Senate majority.

Table 5 provides estimates from a Weibull duration model demonstrating the impact of nominee and political contexts on how much time a nomination takes for circuit and district nominations. Estimates are provided in terms of hazard ratios, where the baseline value of one is the comparison to a normal case. Estimates lower than one suggest that an increase in the given
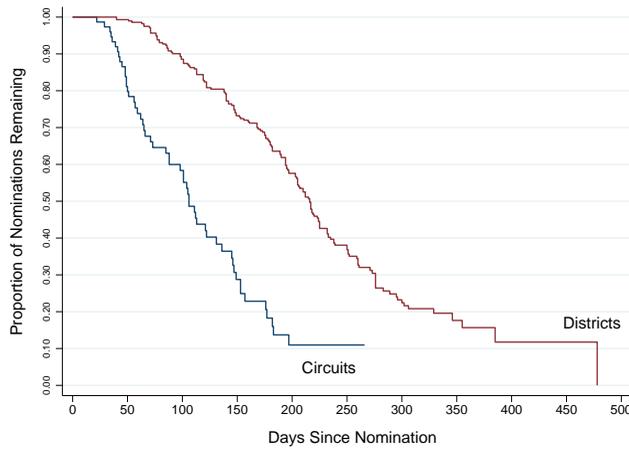
Figure 2. Kaplan–Meier plot of district and circuit court nominations: 2017–2020.

Table 5. Weibull duration estimates for lower court nominations.

	Circuit		District	
	Hazard ratio	z	Hazard ratio	z
Female	1.66	1.31	1.13	0.64
Minority	1.97	1.54	1.02	0.07
Mixed delegation	1.05	0.12	0.46**	−3.67
Opposed delegation	0.74	−0.89	0.13**	−8.09
D.C. court	1.66	0.43	2.47**	2.11
Days left	0.99*	−2.17	1.00	1.12
Qualified	1.15	0.33	0.89	−0.66
Not Qualified	1.61	0.75	1.56	0.94
SCOTUS overlap	0.20**	−2.76	0.43**	−2.78
116th Congress	4.95**	4.09	3.31**	4.51
Constant	0.00**	−8.90	0.00**	−16.77
ln(p)	0.88**	8.29	1.08**	18.62
N	71		293	
Log likelihood	−50.25		−148.74	
LR χ^2	39.21**		145.62**	

Note: *$p < .1$; **$p < .05$.

variable is associated with *slower* times to completion while estimates higher than one predict *faster* nominations. We note that the shape parameter in our Weibull model is significant in both models, which confirms our expectation that there is duration dependence in judicial nominations rather than a constant hazard.

For both circuit and district court models we find support for our second expectation that lower court nominations will proceed more slowly if they overlap a Supreme Court nomination. The hazard ratio estimate for SCOTUS overlap is significant and less than one for both the circuit and district court model, suggesting that the presence of a Supreme Court nomination significantly slows all other federal court nominations. This finding suggests Supreme Court vacancies are indeed prioritized, supporting our second expectation, and furthermore that they still cause significant "collateral damage" on other lower court nominations even after the nuclear option (Madonna, Monogan, and Vining 2016).

The results of the duration models offer several other intuitive and interesting findings. First, both circuit and district models demonstrate that nominations proceeded significantly faster in the 116th Congress as compared to the 115th. These findings demonstrate the importance of Congress-level considerations such as the ability to re-nominate candidates and the constraints

Table 6. Lower court confirmations.

	Circuit		District	
	Odds ratio (SE)	z	Odds ratio (SE)	z
Female	1.25 (1.06)	0.26	1.83 (0.64)*	1.73
Minority	2.40 (3.22)	0.65	0.80 (0.33)	−0.55
Days left	1.004 (0.00)**	2.21	1.005 (0.00)**	5.14
Mixed delegation	0.84 (0.79)	−0.19	0.79 (0.33)	−0.56
Opposed delegation	0.48 (0.35)	−1.01	0.13 (0.05)**	−4.99
D.C. court	–		0.85 (0.74)	−0.18
Qualified	0.59 (0.45)	−0.70	0.49 (0.16)**	−2.18
Not Qualified	–		0.38 (0.30)	−1.22
116th Congress	6.89 (7.77)*	1.71	3.83 (1.36)**	3.79
Constant	0.50 (0.43)	−0.81	0.23 (0.11)**	−3.18
N	67		293	
Log likelihood	−29.68		−146.44	
LR χ^2	20.54**		103.66**	

Note: *$p < .1$; **$p < .05$.

that administrations face in their first Congress (King and Ostrander 2020).[22] Second, in support of our third expectation we find that district nominations with mixed and opposed Senate delegations proceed significantly more slowly than nominations made to states with fully allied delegations (the baseline). This finding suggests that the necessity of consulting Democratic senators for the blue slips process did indeed slow district nominations during the Trump administration.

Interestingly, we find differentiation between the two court levels in duration for two variables – Days Left and D.C. courts. For circuit nominations, having more days left in a congressional session corresponds to a longer duration ($p < .1$). This could be simply be an indication that later circuit court nominations were pushed through to confirmation before the hard deadline at the end of a Congress whereas this effort was not extended to district court nominees. Further, for district courts, nominations to the D.C. court proceed significantly faster than others. This may be a reflection that – unlike other district court nominees – there were no senators to consult with for D.C. courts. Finally, neither nominee demographics nor ABA estimates of quality appear to influence duration in either the circuit or district models.

Table 6 provides estimates from logit models on the probability that a nomination will end successfully in confirmation for circuit and district nominations. Estimates are given in terms of Odds Ratios to make interpretation easier. Estimates higher than the one suggest that a variable is associated with a higher likelihood of success while an estimate lower than one is associated with a lower likelihood of success. Because the circuit court model has so few cases, and such cases were generally successful, there are a few instances in which estimates are omitted due to complete separation. Specifically, all D.C. circuit court nominations (2) were confirmed as were all circuit nominees with "Not Qualified" ABA ratings (3).

Similar to models of duration, both models of success suggest that nominations were more likely to be confirmed in the 116th Congress (Trump's second) as compared to the 115th. This is intuitive as some of these nominations had already been partially processed beforehand and administrations are slow to nominate at the start of an administration.[23] However, the significance of Congress in the circuit model was at the $p < .1$ level. Both models also suggest that earlier nominations (with more "Days Left" in the Congress) are more likely to ultimately succeed. While not significant in the circuit model, there is also some support for prior literature's suggestion that Republican presidents will leverage female nominees for greater success in that women nominated to district court positions appear more likely to succeed (at $p < .1$).

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[22]In total, 69 nominations or about 35% of cases within the 116th Congress were individuals who had also been nominated in the 115th Congress.
[23]In fact, 90% of renominations in the 116th Congress were successfully confirmed.

Intuitively, as shown in Table 6, district court nominations from states with opposed delegations are significantly less likely to succeed. In these cases, home state senators may have forced a less than palatable nominee on the majority party or resistance from these home state senators may bottle up a nomination in committee given the blue slips process. This provides strong support for our fourth expectation. Interestingly, merely Qualified district nominations – as opposed to the baseline of Well Qualified – appeared to be less successful while Not Qualified nominations were not significantly different from the baseline. This is likely, however, a product of the relatively few cases of unqualified nominees during the Trump administration.

Conclusions

With an overall success rate of just under 62% during his presidency, President Trump did not appear to be especially accomplished with judicial confirmations as compared to his immediate predecessors.[24] But the top line success rate belies an enormously bifurcated process in which district court nominations proceeded at an historically slow pace with low success rates while circuit court nominations proceeded both faster and more successfully. As such, President Trump's success rate with circuit court nominations – at just over 70% – was significantly higher than Presidents Clinton, W. Bush, and Obama. Our findings from the Trump administration demonstrate the necessity of looking beyond top-line rates of success and duration by examining *which* of the many nominations are prioritized for quick confirmation.

Prioritization is essential to understanding judicial appointment politics during the Trump administration and how it compares to the past. Our findings demonstrate that the Senate majority allied to President Trump consistently prioritized circuit over district court nominations. Such prioritization – made easier by the new Senate rules – led to dramatically different outcomes in confirmations. Trump was the only recent president to experience higher success rates on circuit as compared to district nominations. In terms of continuity, the prioritization of President Trump's Supreme Court nominations continues to imply "collateral damage" to concurrent lower court nominations (Madonna, Monogan, and Vining 2016). Overall, these examples of prioritization are evidence that, even after a significant Senate rules change, practical limitations continued to force choices over which nominations to pursue.

Our descriptive findings demonstrate how President Trump's judicial nominations and their outcomes compare and contrast to recent administrations. Overall, these data suggest that the Senate confirmation process for judges has become more contentious with the Trump administration experiencing both higher rates of roll-call votes as well as cloture motions compared to prior presidents. As a direct result of the Senate rules change, the Trump administration was the first in which cloture was the most common vehicle through which all types of judicial nominations were advanced to a final vote. Because the new rules were further entrenched by their use during the Trump administration, there is reason to expect that these trends will continue for future administrations having a co-partisan Senate majority.

While the empirical models include only President Trump's nominations, we can use our findings to directly examine the change and continuity expressed within this administration by comparing results to existing literature. Perhaps the most important change is that Donald Trump was the only recent president to have faster circuit as compared to district court outcomes and this finding directly contradicts the intuitions of pre-nuclear judicial appointments literature (Martinek, Kemper, and Van Winkle 2002). In terms of continuity, the Senate rules reform has not altered the importance of blue slip considerations for district court nominations. Nominations to district courts with opposed Senate delegations are still found to proceed slowly

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[24]In fact, a t-test comparing Presidents Obama and Trump's relative overall judicial confirmation success in their first terms is not significant ($p = .32$ with means of 0.65 and 0.62 for Presidents Obama and Trump, respectively).

through the Senate and are less likely to succeed. In this way, we demonstrate that even presidents enjoying Senate majorities and more favorable rules will not be universally successful. Finally, given that President Trump's female district court nominations were more likely to be confirmed, we find evidence in support of Asmussen's (2011) contention that Republican presidents in particular will seek advantages in nominating women to these posts. This reinforces prior work suggesting that nominee characteristics matter for confirmation politics.

What is Donald Trump's judicial legacy? While high-profile fights over President Trump's three Supreme Court picks captured most of the attention, it is also the case that events gave President Trump an historic opportunity to remake the lower federal courts. Even with relatively comparable top-line rates of success, the Trump administration's advantage stemming from inherited vacancies allowed for a remarkable number of Senate-confirmed judges given just one term. Furthermore, the fact that President Trump's success rates were higher in the circuit courts enhances this accomplishment. So while President Trump had mixed success with respect to his legislative agenda (Edwards 2021), his judicial nominations do stand out as an enduring accomplishment (Hollis-Brusky and Parry 2021). However, the administration's legacy also includes a distinct lack of diverse nominees that contrasts starkly with other recent presidents. Ultimately, one of the enduring influences of the Trump administration may be that the once innovative procedural mechanisms utilized in the Senate to successfully confirm so many of his nominations may become routine.

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Appendix

Table A1. Demographics of President Trump's confirmed judges.

	District	Circuit	Supreme	Total
Confirmations	173	53	3	229
Gender				
Male	75.5%	79.4%	66.7%	76.4%
Female	24.5%	20.6%	33.3%	23.6%
Race/Ethnicity				
White	87.3%	84.9%	100%	86.9%
African American	7.0%	0%	0%	5.2%
Hispanic	2.3%	1.9%	0%	2.2%
Asian	1.1%	11.3%	0%	3.5%
Other	2.3%	1.9%	0%	2.2%
White male	66.5%	67.9%	66.6%	66.8%
Elite school	19.7%	56.6%	66.6%	28.8%
Average age	50	47	50	
ABA ratings				
Well Qualified	68.2%	77.4%	100%	70.7%
Qualified	28.9%	17.0%	0%	25.8%
Not Qualified	2.9%	5.7%	0%	3.5%

Table A2. First term judicial nomination outcomes: Reagan–Trump.

		Successes	Success rate	Returned rate	Failure rate
Reagan					
	District	125	86.8%	11.8%	1.4%
	Circuit	32	82.1%	12.8%	5.1%
	Supreme	1	100%	0%	0%
H. W. Bush					
	District	148	75.9%	23.6%	0.5%
	Circuit	37	75.5%	24.5%	0%
	Supreme	2	100%	0%	0%
Clinton					
	District	167	83.5%	15%	1.5%
	Circuit	29	72.5%	25%	2.5%
	Supreme	2	100%	0%	0%
W. Bush					
	District	168	79.3%	20.3%	0.5%
	Circuit	34	35.4%	54.2%	10.4%
	Supreme	0	–	–	–
Obama					
	District	138	66.7%	32.4%	1.0%
	Circuit	27	58.7%	39.1%	2.2%
	Supreme	2	100%	0%	0%
Trump					
	District	173	58.8%	39.8%	1.4%
	Circuit	53	70.7%	28.0%	1.3%
	Supreme	3	100%	0%	0%