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Judicial Pork:
The Congressional Allocation of Districts, Seats, Meeting Places, and Courthouses to the
U.S. District Courts


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by


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The Dissertation of Josue Alejandro Franco is approved, and it is acceptable
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2018

This dissertation is dedicated to:

My wife Mayra and son Ethan

My Franco Family: dad Ramon Sr., mom Lourdes, brother Ramon Jr., niece Alexa, brother Christopher, sister-in-law Jennifer, and nephew Jaxon

My grandparents Victoriano Franco and Lidia Acosta and Rafael Equihua and Alicia Alvarez

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The Chavez Family

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Doctor of Philosophy in Political Science

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Nathan W. Monroe, Chair

How does Congress structure the Judiciary, specifically the organization of the lower District Courts? Since 1789, Congress has allocated at least 84 judicial districts, 686 judicial seats, 533 judicial meeting places, and 604 judicial courthouses to the lower courts. While previous scholarship has examined instances when District Court seats are created, we still know very little about the structuring of the District Courts by Congress. By combining insights from both the judicial politics and distributive politics literatures, I argue that Congress allocates districts, seats, meeting places, and courthouses as a means of providing pork to members' states. I develop a theory of the allocation of judicial pork where I argue that Congress allocates judicial institutions similarly to traditional pork, like bridges and highways. Specifically, I contend that states with representation on the Judiciary Committees in the Senate and House of Representatives are more likely to be allocated judicial pork than states without such representation. Using newly collected data gathered from the Federal Judiciary Center, I test my theory using observational data from 1813 to 2014 and four case studies. In line with my expectations, I find evidence that suggests rank-and-file representation on the Senate and House Judiciary Committees positively effects the allocation of judicial pork.

# Chapter 1: Introduction

Article 3, Section 1 of the U.S. Constitution states: "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."[1] With this power, the U.S. Senate passed the Judiciary Act on July 17, 1789. After two months of debate, the U.S. House of Representatives passed the Act on September 17th. A week later, on September 24th, the Act was signed into law. Among other things, the Act established thirteen districts, allocated a judgeship to each district, specified meeting places within each district, and created the positions Clerk, Marshal, and Attorney for each district[2]. This was the first, but certainly not the last time that Congress fundamentally shaped the federal judiciary and specifically the District Courts.

Past research has only focused on the creation of judicial seats (Bond 1980; Barrow et al. 1996; de Figueiredo and Tiller 1996; de Figueiredo et al. 2000; Hansford 2003), more commonly referred to as judgeships. These studies have asked and answered the following questions: Why are judgeships created? Political demand and practical needs. When are judgeships created? Mostly during unified government. And how many judgeships are created? Fewer in divided government and when vacancies exist.

None of the prior research considered *where* judgeships were allocated. Were more judgeships delivered to states because they had representatives in congressional leadership, the Appropriations Committee, or the Judiciary Committee? Were states with burgeoning populations, or greater industrial footprints, or larger portions of federally-controlled property more likely to secure judgeships? In other words, were judgeships allocated to states based on political demands, practical needs, or some combination of both? Besides this, no other scholars that I am aware of have considered asking the why, when, how, and where of the congressional allocation of judicial districts, meeting places, and courthouses.

While there was an allusion to the pork-barrel nature of judgeships, it has not been explicitly stated, theorized, or empirically evaluated as such. I argue that judicial districts, seats, meeting places, and courthouses can be considered a type of pork-barrel; judicial pork to be precise. For one reason or another, the allocation of judicial pork never caught the attention of distributive politics scholars. They have focused on bridges (Sciara 2012), highways (Evans 1994; Dilger 1998), rivers and harbors (Ferejohn 1974), post offices and customs houses (Gordon and Simpson 2018), agriculture (Pasour and Rucker 2005), military construction (Soherr-Hadwiger 1998), military procurement (Rundquist and Carsey 2002), defense grants (Bertelli and Grose 2009), academic research grants (Savage 2000), and even anti-trust laws (Faith et al. 1982), just to list a few.

Committees are the work horses of Congress (Wilson 1885), yet prior research on the creation of judgeships overlooked committee representation. Like traditional pork-

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[1] "The Constitution of the United States: A Transcription" https://www.archives.gov/founding-docs/constitution-transcript
[2] "Judiciary Act of 1789: Primary Documents in American History" https://www.loc.gov/rr/program/bib/ourdocs/judiciary.html

barrel, judicial pork is specifically allocated by Congress to states. And as other scholars have found with traditional forms of pork, I argue that committee representation, which in my case are states having representatives on the Judiciary Committees in the Senate and House, will have a positive effect on obtaining judicial pork.

The purpose of my dissertation is to answer two complementary questions. First, how does Congress structure the judiciary, specifically the lower District Courts? And the second question is what role does Senate and House Judiciary Committee representation have on the allocation of judicial pork to specific states?

This dissertation is organized into eight chapters. Chapter 2 describes prior research to help us understand the politics of structuring the judiciary. I first explore existing scholarship on how Congress has shaped the judiciary. Congress shapes the judiciary by establishing courts, creating judgeships, granting or stripping jurisdiction, and staffing. Secondly, I examine the distributive politics literature. Better known as pork-barrel politics, this research explains the who, what, when, where, why and how of Congress targeting the allocation of resources to states. Based on my review of these literatures, I argue a gap exists between these two fields. The gap is our current lack of knowledge about why Congress allocates judicial pork to states.

Chapter 3 presents a theory on the congressional allocation of judicial pork. I first define that judicial pork includes judicial districts, seats, meeting places, and courthouses. Next, I explain how judicial pork is like traditional pork but maintains some differences. Third, I argue that committee chairman and rank-and-file members are instrumental in the allocation of judicial pork to their states. Fourth, I explain how the demand for judicial pork varies by whether it is a district, seat, meeting place, or courthouse. And finally, I describe that benefits vary by judicial pork type and costs are heightened during times of divided government. Throughout this chapter, hypotheses are derived and explicitly stated. The hypotheses are empirically tested in the following chapter.

Chapter 4 explains my research design and dataset. I rely on an observational research design, along with data I collected from the Federal Judiciary Center's website. I provide descriptive statistics of my explanatory, control, and outcome variables. For each type of judicial pork, I offer cross-tabulations alongside results from econometric models that are appropriate for the panel dataset I have constructed. I conclude by discussing results of a re-specified econometric model that demonstrate how excluding a population control variable can alter the results. My findings suggest that chairmanships have no influence, while rank-and-file committee representation positively effects the allocation of seats and courthouses, but not districts and meeting places.

To complement my quantitative analysis in the previous chapter, Chapter 5 includes four process tracing case studies. Process tracing is "the analysis of evidence on processes, sequences, and conjunctures of events within a case for the purposes of either developing or testing hypotheses about causal mechanisms that might causally explain the case" (Bennett and Checkel 2015). The utility of process tracing is that I illuminate the complexity of the congressional allocation of judicial pork. The case studies provide some qualified support for my theoretically derived hypothesis, but also demonstrate how committee representation may not have the expected effect.

Chapter 6 returns to the concepts of unified and divided government. Given the prevalence of this concept in prior research on the allocation of judgeships, along with a

healthy debate in the discipline, I reconsider this concept as a context, instead of a variable that needs to be accounted for. I discuss results from re-specified econometric models that partitions the analysis between periods of unified versus divided government. Interestingly, I find that during divided government, states with rank-and-file representation on the Senate Judiciary Committee are more likely to obtain judicial pork than during times of unified government.

As with many theories of Congress, and American political institutions and political behavior more generally, partisanship is found to be a meaningful predictor of institutional processes and outcomes, and individual attitudes and behaviors. Chapter 7 revisits an assumption I made in my theoretical framework about the lack of partisanship in explaining the allocation of judicial pork. This chapter disaggregates Senate and House Judiciary Committee rank-and-file representation between majority and minority party members. Interestingly, the results suggest minority, not majority, rank-and-file Senators on the Judiciary Committee are more likely to obtain judicial pork for their states during times of divided government.

Finally, Chapter 8 explains the conclusion that committees matter in the allocation of judicial pork. Cumulatively, the theory and quantitative and qualitative evidence brought to bear suggest that the Judiciary Committee plays a meaningful role in the allocation of districts, seats, meeting places, and courthouses to the states. Additionally, the results from Chapters 6 and 7 create openings for future research about the role of minority committee members during times of divided government.

## Chapter 2: Understanding the Politics of Structuring the Judiciary

After a hard-fought war for independence, the people of the United States experimented with a system of government that favored state governments over a national government. The Articles of Confederation was found to be unworkable, and so the Founding Fathers submitted a Constitution for ratification by the various states. Unlike the Articles, the Constitution vested a Congress to pass legislation defining, shaping, and empowering a national judiciary system. Since 1789, Congress has had the power to structure the Supreme Court, appellate courts, and trial courts and it is a power Congress has exercised often.

We need to grow our knowledge of the relationship between Congress and the Courts. The interaction between these co-equal branches of government focuses on topics such as the Senate providing advice and consent on judicial nominees (Epstein and Segal 2005), how the Supreme Court judicially reviews laws passed by Congress (Segal et al. 2011), and how Congress grants jurisdiction and access to the Courts (Greenfest 2012).

Extending our knowledge requires examining less studied, but no less consequential, aspects of the relationship between these branches of government. One of these areas is how Congress fundamentally structures the organization of the Courts through the allocation of districts, seats, meeting places, and courts. The organization of the Courts, unlike the organization of the Congress, is largely overlooked. Studies abound about the rules (Sin 2015), organization (Cooper 1988), and evolution (Polsby 2004) of Congress. However, the same is not so for the structure of the Courts.

On one hand, judicial politics scholarship has examined when Congress creates District Court seats and the appointment process of Presidential nominees to the federal bench. However, this literature has not considered *where* Congress allocates judicial seats, as well as districts, meeting places, and courthouses. By narrowly focusing on one of four judicial institutions (seats) and one of two Congressional actions (*when* Congress acts, but not *where* Congress allocates), we do not have a complete picture of how Congress organizes the judiciary.

To paint a picture of how Congress shapes the judiciary, in this chapter I explore topics that judicial politics scholarship has already covered: the creation of the courts, the creation of judgeships, jurisdiction granting and stripping, and staffing. I find that Congress purposefully structures the judiciary to help elected representatives meet their political and policy objectives. Congress exercises power to create or abolish courts, add or remove judgeships, grant or strip jurisdiction, and vote to appoint or reject a Presidential nominee to the federal bench. Thus, I find the judiciary is profoundly shaped by political influences.

On the other hand, distributive politics scholarship has investigated where Congress allocates pork, like military bases and highways, and why such actions are electorally beneficial to incumbents. However, this literature has not conceptualized judicial institutions of districts, seats, meeting places, and courthouses as a form of pork-barrel. Thus, the logic of distributive politics has not yet been leveraged to explain how and where Congress allocates judicial pork.

To show how distributive politics can be used to explain the allocation of judicial pork, I analyze the critical assumptions of distribution, types of distributive outcomes, and the determinants of these outcomes. I find that other authors operationalize the concept of distributive outcomes in several forms. With many operationalizations identified, I use this opening for considering judicial institutions as a form of pork-barrel. Second, the organization and processes of Congress influence the determinants of outcomes. Senators and Representatives organize themselves into parties, elect their leaders, craft legislation in committees and subcommittees, and use their position and knowledge to shape outcomes to their liking. Therefore, as an institution, Congress determines who gets what, when, and where. With this in mind, I consider how Congress can structure the judiciary through the allocation of judicial institutions.

**Judicial Politics**

The literature on judicial politics is a vast field of study. This section explains existing research which describes how Congress structures the Judiciary. It follows the development of an institution from its foundations and builds up to the selection of the individuals who operate within the judiciary. This section thoroughly describes how Congress uses multiple avenues to structure the judiciary.

*Creation of the Courts*

The courts, defined as the Supreme Court and such lower courts as deemed necessary by Congress, were created within the same document as Congress: the U.S. Constitution. Almost immediately starting in 1789 with the Judiciary Act (Wheeler and Harrison 2005), Congress took up the task of actually creating the courts by passing laws that established District Courts and Circuit Courts, allocated funding for capital and operating expenditures, and confirming judges to the Supreme Court and the new lower courts.[3]

Acts of Congress determine the foundational aspects of the courts. Without acts of Congress, there is no judiciary. For example, in 1866, following the end of the Civil War and decades of seesawing on the configuration of the Circuit Courts, Congress passed a law that redrew the lines of the Circuit Courts (Kutler 1968). By redrawing the lines, Congress stabilized the geographic organization of the lower courts. Over a half-century later, in 1922, Congress established the Conference of Senior Circuit Judges which "advanced the institutionalization of an independent judiciary" (Crowe 2007). The Conference was the first step in giving the Courts more self-control over its administration and operations (McCarthy and Treacy 2000; Fish 1973; Wheeler and Whitcomb 1977). The growth of the lower courts began to take off following this institutional advancement.

*Creation of Judgeships*

Research that examines the creation of judgeships provides a backdrop for asking how Congress structures other organizational features of the judiciary. Judgeships are positions held by individuals nominated by the President and confirmed by the Senate

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[3] For interested readers, Surrency (2002) richly describes the history of the federal courts.

(Baar 1981). There are three types of judgeships: Supreme Court, Appellate Courts, and District Courts.[4] The creation of judgeships has been well-analyzed by prior scholarship.[5] But, as I argue later, there is room to consider other factors that influence the creation of judgeships. Seven models encompass this work and Table 1 summarizes the articles.

*Table 1: Creation of Judgeship Articles*

| Author and Year | SC | AC | DC | Model # and DPV | IDV(s) by Model # | Method |
|---|---|---|---|---|---|---|
| Bond 1980 | | 1949-1978 | 1949-1978 | M1: Expansion Occur | M1: Unified Government, Year of Presidency | M1: Cross tabulation |
| De Figueiredo and Tiller 1996 | 1789-1869 | 1869-1991 | | M1: Expansion Occur M2: Size of Expansion | M1: Unified Government M2: Unified Government, Caseload | M1: Probit Model for AC M2: Two-Stage Model for AC # |
| Barrow, Zuk, and Gryski 1996 | | 1869-1992 | 1869-1992 | M1: Size of Expansion | M1: Unified Government, Caseload | M1: Cross tabulations M1: Box-Jenkins time series model |
| De Figueiredo, Gryski, Tiller, and Zuk 2000 | | | 1875-1993 | M1: Expansion Occur M2: Size of Expansion | M1: Unified Government, Time Since Last Expansion M2: Unified Government, Caseload | M1: First-stage Probit Model for DC M2: Two-Stage Model for DC # |
| Hansford 2003 | | 1881-2001 | 1881-2001 | M1: Expansion Occur M2: Size of Expansion | M1: Unified Government, Judicial Vacancies M2: Unified Government, # Sitting Judges | M1: Bivariate Probit Model M2: Ordinary Least Squares |

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[4] There are other types of courts for which judgeships can be created, such as the Court of Appeals Federal Circuit, U.S. Court of International Trade, and U.S. Court of Federal Claims.

[5] The most popular example being when President Franklin Roosevelt tried to pack the Supreme Court in the 1930s (McKenna 2002; Caldeira 1987; Nelson 1988).

| Binder and Maltzman 2009 | | | 1984, 1990 | M1: Size of Expansion | M1: Judicial capacity, House/Senate Judiciary Committee Representation | M1: Poisson model |
| Feldman and Menounou 2015 | | | 1921-2012 | M1: Size of Expansion | M1: Judicial retirements, Caseload per Judgeship, Veto Player Distance | M1: Poisson Model |
| Key: SC = Supreme Court; AC = Appellate Courts; DC = District Courts; DPV = Dependent Variable; IDV = Independent Variable; B = Binary; C = Count; M1 = Model 1; M2 = Model 2 |||||||

Published in 1980, Bond offers the first model that focuses quantitatively on the creation of federal judgeships. Up until this time, a vein of judicial politics research focused on the appointment of individuals to judgeships, as opposed to the creation of the position itself (Bond 1980). The utility of the Bond Model is two-fold. First, it initiates a scholarly investigation into how Congress shapes the judiciary. Citing only four authors, this is the first academic work, which I am aware of, that examines the "politics of court structure." Second, this article operationalizes two independent variables that subsequent articles use: unified versus divided government and the timing within a President's term. With the introduction of two variables effecting the creation of judgeships, we can reasonably explore how these factors may influence other aspects of the judiciary, such as the creation of districts, meeting places, and courthouses.

About a decade and a half after the initial Bond Model, de Figueiredo and Tiller (1996) produced a paper expanding, though not directly referencing, Bond's work. The DT Model starts from the premise that Congress, and not solely the President through appointments, seeks to influence policy through the courts. In their theory, Congress has two goals. First, unified government represents the politically efficient way "to design a judiciary which most efficiently achieves political outcomes desired by Congress." Furthermore, by authorizing more judges to process the increasing caseloads, Congress is helping the judiciary be institutionally efficient.

DT expand on Bond's previous work in three ways. First, they differentiate the process of judicial expansion by looking at both its timing *and* size. Second, they disaggregate judges by whether they are Supreme Court or Appellate court judges. By looking at other levels of the judiciary, this allows them to test their hypotheses using different subsets of judges. Third, they use statistical methods to control for potential confounding variables, allowing them to make stronger inferences that rely on a more clearly specified theory and robust empirical analysis. The usefulness of the DT Model is that they broaden the conceptualization of the dependent variable to include size of the judicial expansion. They operationalize size by the number of judgeships that were created and utilize similar independent variables as Bond. Therefore, this article is an example of how the "politics of court structure" can include not just *when*, but *how many*,

in the case of new judgeships. In other words, we can go beyond the assumption that judgeships are or are not allocated and explore how many are allocated at any given time.

Also in 1996, Barrow, Zuk, and Gryski published their book (Barrow et al. 1996) that examines three periods[6] of institutional change of the judiciary at the appellate and district court levels. They examine three elements of institutional change: "appointments to new seats and to vacancies; voluntary (retirements or resignations) and involuntary (deaths in office, impeachments, position abolishment) departures; and elevations" (pg. 7). The BZG Model uses a broader theoretical framework to explain changes in the judiciary. One of the elements of this framework is the expansion of the judiciary by the creation of new judgeships. They provide historical, quantitative, and statistical evidence to show that unified government, as well as caseload, matters in bench expansion. The utility of their model shows how the "politics of court structure" may be influenced by the appointment of new judges, the elevation of sitting judges to other seats, and the departure of judges. In other words, they conceptualize and operationalize independent variables that can influence when and how judicial expansions occur. More broadly, this work challenges the assumption that the Courts are a unitary object only molded by Congress. Instead, if the Courts consists of judges who leave the bench, by choice or chance, this variability can have ramifications on how Congress seeks to mold the Courts.

In 2000, De Figueiredo et al. published a paper that followed De Figueiredo and Tiller's suggestion for future research. This paper examined the timing and size of U.S. district court expansion while the 1996 work looked at the Supreme Court and Appellate courts (de Figueiredo et al. 2000). The authors argue that District courts are different from the Supreme Court and appellate court in two ways. First, District courts are the frontline in hearing disputes between parties. Thus, increased caseloads may exert greater pressure than ideological considerations. Second, District courts are more numerous, and thus there are more opportunities for political patronage. The result is legislators may have more incentives to expand the size of the lower courts. The DGTZ Model is a clear example of how a theoretical model extends into another empirical domain, in this case from the higher courts to the lower courts. In an indirect way, this helps bolster my argument that we should not be limited to simply examining how Congress creates judgeships, but we can consider other empirical domains, such as types of judicial institutions, like districts, meeting places, and courthouses.

In 2003, Hansford offered a model of the political determinants of judicial expansion (Hansford 2003). Unlike prior models which appear interested in explaining the timing and number of judgeships, Hansford formally justifies conditions when Congress would seek to expand the judiciary. Additionally, he describes factors that would positively or negatively temper the number of judgeships created if Congress decided to proceed with adding judgeships. The usefulness of the Hansford Model is that it provides evidence that Congress may not view the expansion of the Circuit Courts and District Courts interactively and that judicial vacancies can negatively influence the number of judgeships created. This article, along with Barrow et al. (1996), further motivates the dynamism of judicial actors in shaping how their institution is, or is not, structured by Congress.

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[6] The three time periods are: 1) 1801 to 1932; 2) 1933 to 1968; and 3) 1969 to 1992

By the end of the decade, Binder and Maltzman (2009) published a book on the judiciary. One chapter of their book, titled "Constructing the Federal Bench", examines when and where judicial expansion occurs. BM empirically test their hypotheses by looking at the allocation of federal district judgeships in 1984 and 1990 legislation. Across both pieces of legislation, 178 court districts received zero to five new judgeships. They use an event count Poisson model and find that District Courts with low judicial capacity, having House Judiciary Committee representation, and having Senate Judiciary Committee representation of GOP (majority) members are statistically significant. BM also provides qualitative evidence, in the form of narratives, describing the political context of the 1984 and 1990 court expansion bills.

The BM Model intellectually introduces the concepts of targeted allocation of judicial expansions and micro-level independent variables. Thus, they provide a basis for considering how distributive politics theories influence the allocation of judicial institutions. Second, by considering committee representation and majority party status, the BM Model operationalizes independent variables more broadly. It helps us move beyond the macro-level factors of past work by shifting the unit of analysis to include a geographic component, in this case, the states.

Before this research, the assumption that Congress makes geographically targeted allocations of judgeships was not explicitly made. This work allows me to further conceptualize why and how individual congressional actors seek to influence the allocation of judgeships, as well as other types of judicial institutions. Furthermore, by accounting for the role of Judiciary Committee members, we look past government control and consider the role individual actors have in the allocation of judgeships and other structures of the judiciary.

The most recent work that I am aware of is by Feldman and Menounou (2015) who argue that prior work cannot explain why judicial expansion occurs during divided government. The authors argue that ideological proximity of veto players in the House of Representatives and Senate are explanatory variables which prior research ignores. By using chamber-level ideology data, the FM Model reverts from the path opened by Binder and Maltzman (2009) of considering micro-level factors and introduces a new macro-level factor of chamber ideology. However, by focusing on the size of judicial expansions during divided government, FM generalize into another domain and accompany their explanation with a new independent variable. This work unpacks the assumption that judgeships are only (or at least mostly) created during times of unified government. Even though this is not the case and was never empirically asserted as such by prior authors.

*Jurisdiction Granting and Stripping*

Given that my basic argument is that Congress purposefully structures the judiciary, the action of giving or taking away jurisdiction serves as additional evidence of how the Courts are organized by the legislative branch. Jurisdiction is "the authority given by law [through acts of Congress] to a court to try cases and rule on legal matters within a particular geographic area and/or over certain types of legal cases."[7] Granting

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[7] "Legal Dictionary | Law.com", http://dictionary.law.com/Default.aspx?selected=1070

means Congress defines what types of legal cases a court type can hear while stripping means Congress takes away jurisdiction from one court type and transfers it to another or eliminates it completely. For simplicity, there are four types of courts: federal District, federal Appeals, federal Supreme, or state.

During the early part of the federal judiciary's history, Federalists and Anti-federalists waged a vigorous debate about the jurisdiction of the courts (Ellis 1971). Federalists expanded the power of the federal courts by establishing District Courts upon a state's admission to the union; including states and territories within circuit court districts; and mandating that federal, as opposed to state, courts hear cases between citizens of two different states. Recent work in this field argues that Congress decides to grant (Greenfest 2013) or strip (Chutkow 2008) jurisdiction as a way to control policy outcomes that are produced by the courts.

Geographic and legal jurisdiction of the courts is not self-endowed. Like other aspects of the judiciary, Congress determines what and how the courts operate by defining their jurisdiction. Even after being granted jurisdiction, Congress always has the option of stripping it away. Furthermore, the same factors that influence acts of Congress in defining the jurisdiction of the courts can also shape the creation of judgeships. For example, Greenfest (2013) finds that as the ideological distance between Congress and the President increases, the number of jurisdiction bills passed decreases. This relates to prior work by Feldman and Menounou (2015), described earlier.

*Judicial Staffing*

Unlike creating judgeships and altering jurisdiction, judicial staffing focuses on the placement of individuals within the judiciary. While not directly related to court structure, this serves as a useful contrast of another means by which Congress shapes the Courts. Judicial staffing includes the nomination, confirmation, and appointment of individuals to serve as judges (Lyles 1997) in the District Courts, Appellate Courts, and Supreme Court.[8] Judicial staffing inherently links to the creation of courts. When a court is created, and specifically District Courts, three positions requiring Presidential nomination and Senate confirmation are generally created as well: Judgeship, U.S. Attorney, and U.S. Marshal. This literature has three conceptual factors that determine appointment to judgeships: individual, political, and institutional (Chase 1972; Epstein and Segal 2005; Sollenberger 2008; Goldman 2011).

Individual factors are operationalized to focus on characteristics of the individual nominated and confirmed to the federal bench. For example, prior research has found that a nominee's educational background, prior judicial experience, and political affiliation are crucial to whether they will be nominated and confirmed (Goldman 1997).

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[8] Additionally, judicial staffing also includes U.S. Attorneys and U.S. Marshals, since both positions required Senate confirmation. There is a single Attorney and Marshall for each District Court. Political science research on judicial staffing focuses exclusively on judges and overlooks the other positions. Unlike Judges who are appointed to life terms, U.S. Attorneys and Marshalls are appointed to four-year terms. While no attention has been paid to the politics of U.S. Attorney or Marshal nominations and confirmations which I am aware of, it is worth speculating that Presidents and Senators quietly engage each other in deciding who should be appointed to these positions every four years.

Furthermore, the quality of a nominee can influence whether the Senate confirms an individual or not (Martinek et al. 2002).

Political factors are operationalized to focus on macro-level configurations. The argument is that political control of the Presidency and Senate are paramount. Political control means if one party controls both the Presidency and the Senate, then we should expect to see co-partisans appointed to the judiciary (Basinger 2000). Additionally, the process of nominating and confirming a judge is inherently complex. The complexity allows for other political factors, such as interest group involvement, in shaping the behavior of Senators in pushing through or blocking nominations (Steigerwalt 2010).

Institutional factors are operationalized to focus on the separation of powers or Senate customs. For example, it has been a common practice for the Chair of the Senate Judiciary Committee to accept input of the home-state Senators of a presidential nominee to the federal bench. Known as the blue slip process or Senatorial courtesy (Sollenberger 2010; Black et al. 2011; Binder 2007), this custom allows Senators, whether or not they are of the same party as the nominating President or the Chair, to offer their opinion of a judicial nominee. More generally, this is an example of the inner-workings of a committee and the relationship between committee leaders and members, which I explore further in my theory chapter.

**Distributive Politics**

Distributive politics focuses on who gets what, when and how (Lasswell 1936). Also known as pork-barrel politics, this literature offers guidance on understanding how Congress allocates a good or service to one location versus another. The purpose of this section is to provide a targeted overview and explain the assumptions, the range of dimensions that characterize distributive outcomes, and the determinants of distributive outcomes.

The distributive politics literature matured rather quickly following Ferejohn (1974)'s work on pork-barrel politics. The rapid maturation results in overlooking the underlying assumptions of the concept (see Stokes 2009). By now, scholars' understanding of pork barrel is a function of institutions and individuals. However, if we take a step back and thoughtfully consider the assumptions underlying the process and outcome of distribution, then we have a greater appreciation for the set of concepts that make up pork-barrel politics. The set includes concepts of public good, distribution, and institutions.

The concept of a public good is rooted in the idea of collective action (Olson 1965). Only by individuals sacrificing, voluntarily or non-voluntarily, some fraction of the product of their effort to a collective pool, do we have a public good. Thus, the idea of a public good relies on individuals transferring resources from themselves to the group, how those resources are collected and pooled, and sanctioning individuals who do not contribute equitably. If we consider the process of aggregating individual resources into a public good independent from distribution, then we can isolate the concept of public good from the concepts of distribution and institutions.

The concept of distribution is rooted in how individuals aggregate their preferences (Arrow 1951). Individuals can hold private and public preferences over the allocation of public goods. For example, an individual is expected to want all the public

good for themselves. On the other hand, social preferences can either be sincere or strategic. Socially, an individual can be expected to allocate a public good between a minimum needed (Riker 1962; Buchanan and Tullock 1962) to a maximum possible (Barry 1965; Ferejohn 1974; Shepsle and Weingast 1981; Niou and Ordeshook 1985) number of other individuals.

The concept of institutions is rooted in how groups make decisions. Before considering how groups make decisions, let's consider what institutions are. Institutions are constraints and incentives on human behavior (North 1990). Institutions can be formal and informal (Calvert 1995). Examples of formal institutions are constitutions, governments, and laws. Informal institutions are values, customs, and norms of behaviors. The key elements of group decision making are: who sets the agenda, who gets to vote, what is the order of voting, and what is the voting rule (Munger and Munger 2015). Combined, these elements can determine who secures pork-barrel projects and who does not. And institutions, like the U.S. Congress, help operationalize the concept of institutions and how groups decide.

It is important to describe these three concepts because they serve as underpinnings of my theory of the congressional allocation of judicial pork. Prior research on how Congress structures the Courts assumed that judgeships were goods to be distributed by Congress. While largely focused on the timing of their distribution, and later the amount distributed, earlier scholars underappreciated (except Binder and Maltzman 2009) judgeships as a representation of a more general concept. Without these general concepts, it is difficult to place judgeships, or any other types of judicial institution, in an explanatory framework that puts front and center the institutions, actors, and processes of distribution.

With these three assumptions explained, I next focus on the range of dimensions that characterize distributive outcomes. The purpose of describing dimensions of distributive outcomes is two-fold. First, given that any good distributed by Congress falls along one or more dimensions, it is useful to recognize where judgeships, along with other types of judicial components, can be placed. Their placement helps justify associating structural elements of the judiciary with the broader concept of pork-barrel. Secondly, by examining some typologies of pork-barreling, and thereby identifying several dimensions of distributive outcomes, we can draw simplicities from the inherent complexity that has built up over decades of scholarship. In other words, we need to refresh our thinking of pork-barrel to functionally consider how judgeships, along with districts, meeting places, and courthouses, can be incorporated into the concept of a distributive outcome.

Based on an assessment of three typologies of pork-barrel spending, several dimensions become apparent that help organize distributive outcomes. For example, Frisch (1998) describes a two-dimension typology that attempts to encompass many operationalizations of pork, such as military construction or water resource projects. The first dimension is whether the legislative or executive branch allocates pork. Moreover, the second dimension is whether pork is a project or formula. A project can include a specific public good, like a bridge or military base. While a formula can include weighting the allocation of federal funding more favorably to rural states versus urban states. What forms is a two-by-two table in which there can be four classes of pork. If we

take a step back and describe these dimensions abstractly, we find that he is basing pork on who allocates it and what type of allocation it is. Thus, the usefulness of this typology is that it covers *who* and *what*. However, it does not describe *where* and *when* meaning the Frisch typology does not account for the spatial or temporal component of pork.

Another way to view pork is offered by Stein and Bickers (1995). They describe a two-dimension typology of pork operationalized as domestic assistance programs, such as assistance for agriculture or health services. The first dimension is whether pork is non-recurring or recurring. And the second dimension determines whether pork is narrowly or broadly distributed. The result is a two-by-two table in which there can be four types of pork. Additionally, the authors describe a "problem" and "solution" that each type of pork intends to address. The utility of this typology is that it identifies the *frequency*, *scope*, and *rationale* of allocating pork. Identification of these dimensions is important because it allows us to consider frequency, which can range from never to always; scope, which can be miniscule to universal; and rationale, which can be narrow to expansive or practical to abstract. Therefore, knowledge of a dimension leads us to consider the extremes of these dimensions. And with these bookends, we can critically consider how a concept, in my case judicial institutions, rests between them in relation to traditional pork-barrel.

A third way of describing pork is outlined by Cox (2009). He summarizes two typologies that examine parties, voters, and legislators. The first type focuses on voters (Cox and McCubbins 1986). The initial dimension is whether the voter is a core or swing voter and the secondary dimension is whether the party awards pork before or after an election. This typology recognizes *who* and *when*. The second type bases itself on legislators. The primary dimension is whether a legislator is a core or pivotal member and the secondary dimension is whether the legislator is electorally vulnerable or not. This typology identifies *who* and *why*. The value of these two typologies is that it incorporates voting, either electorally or within legislatures. And as before, these typologies encourage consideration of other dimensions on which traditional and judicial pork can rest.

Each typology has its strengths and weaknesses in explaining some aspect of distributive outcomes. No one typology explains it all. Thus, while one explains who sources a good, another describes the frequency in which goods are disseminated, and yet another explains the timing of distribution. Together, this examination of typologies speaks to the questions of who, what, when, where, why, and how of distributive politics. Thus, with multiple dimensions on which traditional pork has been organized, we can better see how judicial pork can relate to these dimensions as well. With this understanding, we can confidently ask these questions with respect to the structure of the Courts and its districts, seats, meeting places, and courthouses.

*Determinants of Distributive Outcomes*

The purpose of this section is to examine the six most regularly considered determinants of pork-barrel spending. The first determinant is majority party status. Members of the majority typically can obtain more pork than members of the minority (Balla et al. 2002; Engstrom and Vanberg 2010). Reasons for the majority's success at securing pork is that the majority can set the agenda (Cox and McCubbins 2005), exercise both negative and positive agenda control (Jenkins and Monroe 2015), and use

their majority power to extract pork (Lowi 1964; Shepsle and Weingast 1981). By allocating pork to their members, the majority improves the reelection chances of their members by helping them supply resources to their constituents. Additionally, the majority uses pork to build broad-based coalitions (Evans 2004). Majority leaders need large enough coalitions to pass legislation and can use pork-barrel projects to incentivize members to vote for a bill they may not otherwise support.

The second determinant of the allocation of pork is so the majority party can reduce the electoral vulnerability of its members (Lazarus 2009; Wichowsky 2012; Stratmann 2013). While some members are electorally safe, others are not. To sustain their majority in the next Congress, leaders look to assist electorally unsafe members. One way is for a vulnerable majority member to demonstrate they are fulfilling the needs of their district. A way to fulfill such needs are delivering federal resources to their constituents. So, when a legislator brings home the bacon, they can claim credit (Grimmer et al. 2012), and hope to be rewarded with the votes of their constituents. Thus, obtaining pork can be vital for the re-election of members, especially those who are fighting to keep their seat.

The third determinant is related to the two-chamber legislature: bicameralism can be relevant to the allocation of pork (Lazarus and Steigerwalt 2009) for a couple of reasons. To begin, the House is responsible for originating budgetary bills while the President must seek the Senate's advice and consent in the appointment of judges.[9] These two procedural controls granted to different chambers means inter-chamber bargaining can occur. Another reason is that both chambers have Judiciary Committees that directly oversee the judicial branch's budget and operations. By having a standing committee, this shows an explicit delegation of responsibility to a subset of members who are particularly interested in matters related to the judiciary.

The forth determinant is the size of the state. Smaller states can earn more pork per capita than larger states because the Senate is apportioned by geography rather than population like the House (Hauk and Wacziarg 2007). However, since the House controls the purse strings, this may dampen the Senate's ability to award themselves pork disproportionately. Also, larger states may command the attention of the president's party because the road to the White House requires the support, and Electoral College votes, of larger states (Larcinese et al. 2006; Hudak 2014).

The fifth determinant is that geography can be decisive in the division of spending (Clemens et al. 2015b), independent of ideology, seniority, committee status, or Presidential vote share. This newer line of reasoning, informed by geospatial analysis, argues that underneath political and power rationales for the distribution of pork, the geography of a congressional district or state matters. For example, it follows that mudslide disaster relief pork only affects hilly and mountainous areas, while crop subsidies get sent to plains and grasslands. In other words, attributes of a geographic area put a demand on the allocation of pork.

The most recent scholarship is the basis of the sixth determinant which argues that "the underlying mechanics of the distributional process have been treated in a rather

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[9] The Senate's role in the authorization of judgeships, and then the approval of the appointment to fill these positions, makes their decision-making process potentially more strategic in the timing and size of judicial expansions. This is an interesting point, but I do not explore this further.

nebulous fashion" (Clemens et al. 2015a). These authors find that members of the House Committee on Appropriations' sub-committees play an influential role in the allocation of pork (also see Berry and Fowler 2016). The personal actions of Members of Congress are essential to explaining the distribution of pork. In other words, serving on the relevant committee matters (Alvarez and Saving 1997; Hall et al. 2015). This argument is not new, as it harkens back to some of the foundational work in the literature (Ferejohn 1974). However, re-emphasizing the role of committee members serves as a reminder that individuals, as well as institutions, matter in the allocation of pork.

**Emergence of a Gap between Judicial Politics and Distributive Politics**
Given that the literature on judicial politics and distributive politics have matured over the decades, there is now an opportunity to introduce judicial pork and examine it using existing theories and methods. As research has accumulated, we have a broader and more sophisticated understanding of how legislative and executive branches shape the judiciary and specifically how Congress allocates traditional pork barrel. However, a gap is now apparent. We do not know how individual actors within Congress decide where to allocate judicial institutions.

This gap exists for three reasons. First, as I mentioned earlier, the existing literature on judicial expansion is preoccupied with macro-level factors. Macro-level factors include periods of unified versus divided government and change in judicial caseload. These factors have dominated this debate because they are readily identifiable, measured, and correlated with the creation of judgeships. The past preoccupation with macro-level factors has precluded examining how committees of Congress and individual actors shape the expansion of the judiciary.

Another reason the gap persists is that the literature on judicial appointments (Chase 1972; Goldman 1997; Giles et al. 2001; Massie et al. 2004) conflated the creation of judicial seats with the desire of legislators to fill it. In other words, scholars focus on the politics of appointments, instead of the politics of court structure. The politics of appointments focuses on how the president shapes the judiciary through nominations, how the Senate uses its advice and consent power to confirm friends, and how elected officials reward co-partisans with government positions. For example, Box-Steffensmeier et al. (2016) explain how Senators use the blue slip, a document that expresses the opinion of a Senator on a judicial nominee, as a signal to expedite the confirmation of their friends. This focus masks the Congressional allocation of judicial pork and instead continues attention on the patronage dynamics of filling a judgeship.

The third reason for the gap is that the literature on distributive politics has focused exclusively on tangible pork. Tangible pork includes infrastructure improvements (Ferejohn 1974), military installations (Rundquist et al. 1996), grants to states (Stein and Hamm 1994), or grants to academic institutions (Savage 2000; Martino 1992). For example, the flagship book on pork barrel politics focused on rivers and harbors legislation in the post-World War II period (Ferejohn 1974). Subsequent research built on this foundational work but was limited by it because scholars narrowly conceptualized pork as a tangible good and ignored other forms of pork, such as judicial districts, seats, meeting places, and courthouses.

Ultimately, by overlooking the role of Congress in allocating judicial institutions to one state over another, we have so far missed the link between individual legislative action and the structuring of the judiciary. I fill this gap by leveraging the theoretical and empirical findings of distributive politics to the study of the allocation of judicial pork. In other words, the gap between these two literatures can be bridged with provisions from each side.

**Summary**

The purpose of this chapter was to critically engage prior research in judicial politics and distributive politics. In exploring this research, we gained insights into how Congress structures the courts through the creation of judgeships. This literature is informative because it provides evidence that Congress deliberately shapes the courts by adding seats. Furthermore, I explained how scholars have reasoned the allocation of pork-barrel projects. Pork is clearly a concept that has attracted the attention of scholars. However, a gap was discovered in our current knowledge about how Congress further structures the Judiciary with the allocation of judicial pork: districts, seats, meeting places, and courthouses. With this knowledge before us, I now turn to process of theorizing an explanation of how and why Congress allocates judicial pork.

## Chapter 3: A Theory of the Congressional Allocation of Judicial Pork

The American judiciary is seemingly autonomous[10] in function, but not in form. What this means is that the Judiciary appears to operate independently of the Legislative and Executive branches; however, the organizational structure of the Judiciary is fundamentally crafted by Congress. The Judiciary's organizational structure consists of four institutions: districts, seats, meeting places, and courthouses. Congress, from time to time, uses its constitutional and legal power, to target the allocation of judicial institutions to some states, but not others. Neither the Executive nor the Judiciary has the power to create and allocate these institutions. Only through Congress are judicial districts created, seats authorized, meeting places established, and courthouses allotted to states.

The purpose of this theory is to explain why Congress allocates judicial institutions to some states, but not others. I begin by describing a bicameral legislature, its membership, and internal organization. I rely on common assumptions made in prior scholarship on legislatures. However, I do simplify by focusing just on committees, and not the floor[11], when it comes to the allocation of judicial institutions.

In the second section, I explain that the goods legislatures allocate can be considered pork. Pork is a targeted allocation of national resources to the subnational level. Within this section, I coin the term "judicial pork" and describe the four types of this pork: districts, seats, meeting places, and courthouses. I described this concept in the prior chapter, but explicitly define it now and use the term going forward.

Given that judicial pork is a new concept, I next discuss the similarities and differences of traditional pork with judicial pork. The purpose is to show how judicial pork is a natural extension of traditional pork but also carries unique features. This comparison helps facilitate stretching the concept of pork to judicial institutions. The successful extension of one concept into another domain justifies the utility of distributive politics in describing the Congressional structuring of the Judiciary.

The fourth section details the role committee chairs and rank-and-file members have in allocating judicial pork. Each state may have representatives on the Judiciary Committees, but not all states do. This variation in states' representation on the Judiciary Committees is the primary conceptual explanatory variable of the theory. Committee representation is not randomly assigned, but with sufficient theoretical scaffolding, this section aids in plausibly articulating its effect on the allocation of judicial pork.

The next section explains the supply and demand dynamics of judicial pork. While supply is straightforward because Congress allocates judicial pork, demand is more complicated. Demand is involved because the source and degree of demand vary by

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[10] I use the phrase "seemingly autonomous" because there is a robust debate about the influence the Executive branch (Madonna et al. 2016; Pacelle 2014; Black and Owens 2013), the Legislative branch (Keck 2017; Uribe et al. 2014; Hall 2014; Nelson and Ringsmuth 2013; Segal et al. 2011), and public opinion (Casillas et al. 2011; Ura and Wohlfarth 2010) has on the behavior of the Courts and its judges.

[11] On its face, it would be interesting to include the floor as an actor in the allocation of judicial pork. What I have observed empirically is that much judicial pork legislation is passed by unanimous consent in the Senate and voice vote in the House. In other words, roll-call votes are uncommon for judicial pork legislation.

judicial pork type. The novelty of this section is that it describes how demand can be shaped by sitting judges who voluntarily or involuntarily exit the bench. The argument is that vacancies depress the need for the allocation of any judicial pork.

The sixth and final section describes the benefits and costs to elected officials in allocating judicial pork. Benefits, like demand in the prior section, vary by judicial pork type. Specifying the types and sources of benefits shed light on the mechanisms underlying the actions of constituents and elected officials. The section also argues that costs exist, and these costs are magnified when control of government is divided. Control of government is a standard variable in prior research on the creation of judgeships, so it is designated and later empirically examined.

**Bicameral Legislature, Membership, and Internal Organization**

The following theory is based on the premise that legislatures allocate goods to specific locations. I assume that the legislature is bicameral, meaning there is an upper and lower chamber. There are numerous examples of bicameral legislatures throughout the world (Fish and Kroenig 2011); however, the empirical referent I rely on is the U.S. Congress, the upper chamber of the U.S. Senate, and the lower chamber of the U.S. House of Representatives. While each chamber has peculiarities of a constitutional, legal, structural, and procedural nature, I focus on three organizational features: legislators, committees, and types of committee members.

I assume that each chamber is comprised of individuals who are democratically elected by voters (Mayhew 1974) in mutually exclusive and exhaustive geographic areas throughout the country. A geographic area is defined as a state or a portion of a state. Individuals within the upper chamber represent a unique area, while individuals within the lower chamber represent another unique area. However, individuals between chambers may represent the same area. For example, Senators represent an entire state, House members represent a portion of a state, and a Senator and a House member can both represent the same state. In other words, from a state's perspective, it has at least two types of elected officials representing it in Congress: Senators and House members.

Each chamber has a floor and committees (Oleszek 2014). The floor is where all members of the chamber vote on legislation forwarded by the committee. A committee is where a subset of members propose legislation within a specific policy jurisdiction, debate such legislation, and vote to forward legislation to the floor.[12] Policy jurisdiction is a specific area of law that a committee is responsible for considering changes to that part of the law (King 1994). Both the Senate and House of Representatives have floors, and both have Judiciary Committees which are responsible for the laws relevant to the judiciary. I concentrate on the role the Judiciary Committees, and its members, have on the allocation of judicial pork and do not incorporate the floor or other committees.[13]

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[12] Committees also have subcommittees. Subcommittees are a subset of committee members who focus on a subset of law that the committee has jurisdiction over. The role of subcommittees and its members can be influential in the allocation of goods (French 1915; Clemens et al. 2015a). However, I make a simplifying assumption that narrows my theory to the whole committee.

[13] It is useful to point out that the behavior of committees and its members can vary across committees and across chambers. For example, Fenno (1973) describes a model for comparing congressmembers' behavior across committees. He focuses on member goals and environmental constraints. These factors work

**Goods as Pork**

Legislatures allocate divisible goods by adopting legislation that specifies what the good is and where the good is to be sent. Goods can be resources provided to subnational geographic areas by Congress. For example, goods can include transportation infrastructure (Ferejohn 1974), military facilities (Rocca and Gordon 2013), scientific facilities (Savage 2000), research grants (Martino 1992), agricultural (Pasour and Rucker 2005) and environmental (Ridenour 1994) improvements, technology development (Cohen and Noll 2002), industry-specific financial provisions, and judicial seats (de Figueiredo and Tiller 1996; Barrow et al. 1996). Another term for goods is "pork,"[14] and a descriptive adjective precedes the term to categorize what type of pork the good is. Judicial institutions can be termed judicial pork. The concept of judicial pork encompasses districts, seats, meeting places, and courthouses. Next, I define each type of judicial pork[15] to provide a material sense of what each term means.

A judicial district is the specific geographic area where a trial court is responsible for hearing legal cases[16] brought forward by a plaintiff against a defendant. Trial courts are more commonly known as District Courts of the United States. District Courts help make up the U.S. Judiciary, along with Courts of Appeals and the Supreme Court. The geographic area a trial court serves is confined within state boundaries (Surrency 2002). Given that state boundaries confine lower court districts, this helps establish the shared geographic connection between constituents, elected officials, and now the judiciary.

A judicial seat is a position for an individual to serve as a federal judge. The President nominates individuals who serve in these positions and confirmed by the Senate. Another word used for this concept is judgeship[17], which is prevalent in prior

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through strategic premises to effect committee processes and outcomes. Analyzing the members of twelve committees (the House and Senate equivalent of Appropriations, Education and Labor, Foreign Affairs, Interior and Insular Affairs, Post Office and Civil Service, and Ways and Means committees) he finds that the member goals can be influence, re-election, or policy-oriented. But he did not include the House or Senate Judiciary Committees in his analysis. To fill this gap, Perkins (1980) analyzes the House Judiciary Committee using Fenno's model. She found that committee members have the primary goal of policy. Interestingly, Perkins states the House Judiciary Committee is less attractive because "the related fact that Judiciary is not a "bread and butter" committee distributing funds to electoral districts" (Perkins 1981).

[14] The term "pork" may be viewed pejoratively. However, I use the term in an objective, neutral sense. I do not use the term to cast a normative judgement, either positive or negative, on pork, pork barrel, or congressionally directed resources.

[15] I do not use the term "earmark" because I view an earmark as a specific item included in appropriations bills or their accompanying committee reports. My review of judicial pork legislation mostly finds that they are either stand-alone bills or legislative text which is included in general, not appropriations, legislation.

[16] The types of cases heard by district courts depends on the legal jurisdiction granted to it by Congress. There is research that examines why Congress grants or removes jurisdiction from the lower courts (Greenfest 2013). Congress decides what the court can and cannot rule on and the geography in which that ruling holds.

[17] Judgeships are the highest-ranking positions in the judiciary, followed by clerks, government attorneys, marshals, and private lawyers. Judges are responsible for hearing the facts of a case and issuing a decision based on these facts and the law. Clerks are selected by judges to help administer the operations of the court. Government attorneys are responsible for filing cases, prosecuting or defending individuals or entities accused of legal violations against the government. Marshals serve as the courts' enforcement officers. Also, private lawyers can file suits and argue cases on behalf of their clients, either plaintiff or

scholarship. The term judgeship sometimes conflates the position and individual (i.e., U.S. District Judge) who serves in the position, and therefore I want to be clear that a judicial seat is a position itself, irrespective of who serves in the position or the process of which that individual is nominated and confirmed, otherwise known as appointed, to the seat. However, I use the terms judicial seat and judgeship interchangeably. For simplicity, I focus on the allocation of District Court judicial seats and will not examine the allocation of Court of Appeals judicial seats.[18]

I define a judicial meeting place as a geographic area within a judicial district where the court is authorized to conduct its business. Meeting places are usually specified as the town, city, or county within a judicial district where judges need to hold hearings. Since the first judiciary legislation passed in 1789, Congress has consistently specified where judges should meet. For example, during the 31st Congress, on September 28, 1850, Congress passed, "An Act to provide for extending the Laws and the Judicial System of the United States to the State of California." Section 4 and Section 5 of this Act stated the "places and times of holding courts," in the northern district and southern district, respectively.[19]

A judicial courthouse is distinct from a meeting place. A courthouse is a physical structure within a judicial meeting place where the district court can conduct its business. For example, in 1881, the first federal courthouse completed in California was in San Francisco.[20] The U.S. District Court for the Northern District of the state held hearings here from 1886 to 1905. Therefore, while a meeting place designates a municipality, a courthouse is the actual building where court conducts it work.

**Traditional Pork and Judicial Pork**

Scholars have traditionally considered pork to be highways, bridges, military bases, and the like. As explained earlier, judicial pork includes districts, seats, meeting places, and courthouses. Of these four, courthouses would best fit the traditional definition of pork. However, all four are allocated by Congress. The purpose of comparing traditional pork and judicial pork is to demonstrate why explanations for the allocation of traditional pork can be leveraged to explain the allocation of judicial pork. I assume that both forms of pork rest on the same dimension because Congress allocates

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defendant. Altogether, these positions form a cluster of legal professionals and at its core are judges who live in the district, sit in the seats, meet in the cities, and hold court in the edifices that Congress allocates.

[18] There are two reasons I do not include Circuit courts in my theory and subsequent empirical analysis. First, state boundaries contain district courts, and Congress has allocated hundreds of judicial seats over the history of the United States. By focusing on District court judicial seats, the link between legislators' actions and the allocation of judicial pork to district courts within their state is clearer. For example, Senators represent states. Therefore, it would follow that they act to allocate judicial seats to their states, as opposed to other states. The same logic would apply to Congressmembers, but their geographic area is smaller in most instances. But, circuit courts encompass groups of states. Thus, the influence of individual legislators is more difficult to identify. For example, Senators represent just a portion of a Circuit court's geography. However, norms may affect a Senator's action, such as giving deference to a senior Senator of the circuit court's geography in allocating judicial pork or having a seat "reserved" for a particular state.

[19] 31st Congress, Session 1, Chapter 86; http://legisworks.org/congress/31/session-1/chap-86.pdf

[20] "Historic Federal Courthouses: San Francisco, California (1881)", Federal Judiciary Center, last accessed June 7, 2018. https://www.fjc.gov/history/courthouse/san-francisco-california-1881

them.[21] Figure 1 graphically represents this dimension. On the left side, we find judicial districts, judgeships, meeting places. In the center we find courthouses. Courthouses are placed in the center because they are most like traditional pork. On the right side, we find roads, canals, military bases, and finally grants and subsidies.



*Figure 1: Judicial Pork to Traditional Pork*

Traditional pork is allocated more frequently while Congress allocates judicial pork less frequently. Traditional pork is a *good* while judicial pork is more like a *service*. The former has political consequences, while the latter has both political consequences and policy consequences. Both forms of pork are tangible, targeted, publicly identifiable, and electorally beneficial. This section first outlines the similarities: tangible, targeted, publicly identifiable, and electorally beneficial. Following that, this section describes the differences: common versus rare, goods versus services, and political consequences versus political and policy consequences. Table 2 summarizes the similarities and differences between traditional and judicial pork.

*Table 2: Similarities and Differences of Traditional Pork and Judicial Pork*

|  | **Traditional Pork** | **Judicial Pork** |
|---|---|---|
| **Similarities** | Tangible Targeted Publicly Identifiable Electorally Beneficial | |
| **Differences** | Common Goods Political | Rare Services Political and Policy |

*Tangible*

Pork is tangible. Tangible means that Congress provides an actual good or service. Pork is commonly associated with benefits like water projects, highways, bridges, seaports, and airports. For example, Ferejohn (1974) examines how Congressmen steer Army Corps of Engineers water projects to their districts using their

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[21] Congress allocates other goods which can be considered pork. One example are tax credits and tax deductions (Faricy 2016). And another example are subsidies to specific industries, such as agriculture (Thies 1998). I would argue that neither type of pork is geographically targeted. Congress would not specify the addresses of an individual or business eligible for a tax break, nor would Congress specify the address of an agricultural firm that was eligible for a subsidy. Congress may specify classes of individuals, or sectors of industry, or types of crops that are eligible for such pork. If a crop, say sugar beets, is only grown in a subset of states, then it may be viewed as geographically targeted in that sense. However, judicial pork is specifically allocated to a state, county, or city, and these other types of pork are not.

committee positions. Pork is also associated with grants and other forms of federal aid, such as disaster relief (Reeves 2011) or scientific funding. For example, Savage (2000) examined how universities actively sought and secured pork to support their research programs and services.

Judicial pork is also tangible. The allocation of a judicial district, seat, meeting place, or courthouse means a new jurisdiction now exists, a new position is now available, a new town is a meeting location, and a new building can hold hearings. As mentioned in an earlier footnote, legal support staff positions accompany these new judicial institutions, with judges forming the core of a professional legal cluster.

Defining a new judicial district usually means reducing the distance a person must travel to attend court. Let's say a state is about fifty-thousand square miles (about 224 miles by 224 miles) with a court that met at the exact center of the state. If Congress divides the state into two districts, now each district is 25,000 square miles and in the center of these districts is the new meeting place and courthouse. A resident living at the farthest edge of the state would only need to travel 56 miles instead of 112 miles to attend court. The reduction in miles traveled is well-liked by constituents of elected officials since they must travel less distance for judicial services. For example, on March 7, 1962, the Santa Clara County Bar Association wrote to House Judiciary Committee Chairman Emanuel Celler advocating for a new judicial district encompassing Santa Clara, Santa Cruz, Monterey, and San Benito counties: "The people in this four-county area now must travel from 30-150 miles to San Francisco for Federal court sessions" (see Appendix 1).

An auxiliary benefit is that the Courts have a higher capacity to hear cases, meaning the legal community, particularly lawyers and paralegal professionals, can provide more services to more clients. A reason is that addition of a new federal judge means the courts can process more cases within a given time. In response to greater judicial capacity, law firms may seek to promote an attorney within the practice to partner and hire a new junior attorney and paralegal to handle the increased workload. As another example, an additional judicial seat may open the legal space for law firms to file cases because the new judge has more expertise in an area of law. New judges may encourage firms to expand their law practice and seek new clients. Finally, lawyers may be able to present new lines of legal reasoning to the new judge. Judges may afford lawyers more considerable latitude in framing arguments and contributing to the broader knowledge of the law, as well as increase their likelihood of success on behalf of their client. All in all, new judgeships increase the level of judicial services available to the constituents of elected officials.

Congress designating one city over another to serve as the judicial meeting place can result in the chosen city erecting a courthouse[22], or seeking federal funding to do so, and thereby attracting legal professionals. Courthouses, by their nature, are centers of judicial services, which must be complemented by legal services. Complementary legal services benefit by having proximity, and therefore ready access, to the courts. A walk down the street to file paperwork with the court is more appealing to hard-pressed lawyers than by horse and buggy from a town or two over. Additionally, courthouses

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[22] For the first six decades of the country's history, from 1789 to 1846, the federal government relied on states and municipalities to furnish buildings or spaces within buildings for the courts to conduct their business (Surrency 2002).

contained not just the judiciary, but post offices and customs houses (Surrency 2002; Rogowski 2016; Gordon and Simpson 2018). Along with private industry, courthouses could help develop centers of commerce in communities. Thus, a judicial meeting place, as well the potential for a federally funded courthouse, is attractive to local communities.

*Targeted*

Congress targets pork and provides an actual good or service to a specific geographic area, such as a metropolitan region or state. Shepsle and Weingast (1981) state, "we regard the geographic incidence of costs as well as benefits as profoundly important in Lowian distributive politics. The hallmarks of these policies are (1) economic benefits concentrated geographically, (2) financing burdens dispersed geographically through the taxation mechanism, and (3) expenditures for project inputs with their associated geographic incidence."

I assume Congress allocates judicial pork to specific states. In other words, Congress targets judicial districts, seats, meeting places, and courthouses to a specific geographic area. For example, imagine a state has three districts: north, central and south. By allocating a judgeship to the north district, the other two districts sustain their workload, while reducing the north district's workload. Workload reduction can reduce staff fatigue, improve morale, and otherwise make the judiciary more effective. Furthermore, the costs of judicial pork are paid for by the federal budget, thus spreading the cost to all the country's taxpayers. For example, during the 61st Congress, on June 22, 1910, H.R. 26318[23] was enacted into law. The legislation was authored by Representative Sylvester Clark Smith and established the City of San Diego as a designated meeting place for the Southern District Court of California. During the same Congress, at least three bills appropriated $85,000, $25,000, and $80,000 for the construction of a public building in San Diego[24]. By 1913, the Court was meeting in a newly constructed federal courthouse.[25]

The targeted allocation of judicial pork is important because it demonstrates the power elected officials have in securing resources for their constituents. Senators and Congressmen, like Representative Smith in the prior example, must author legislation, advance it through the legislative process, and see that it earns an affirmative vote by both chambers of Congress. These actions demonstrate the elected officials' commitment to the needs of the communities they represent.

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[23] "61 Bill Profile H.R. 26318 (1909-1911)" https://congressional.proquest.com/congressional/docview/t03.d04.61_hr_26318?accountid=14515
[24] "61st Congress, Public Law 61-265" (https://www.loc.gov/law/help/statutes-at-large/61st-congress/session-2/c61s2ch383.pdf) and "Public Law 61-266" (https://www.loc.gov/law/help/statutes-at-large/61st-congress/session-2/c61s2ch384.pdf), and "Public Law 61-525" (https://www.loc.gov/law/help/statutes-at-large/61st-congress/session-3/c61s3ch285.pdf) .
[25] "61st Congress, Public Law 61-237" http://legisworks.org/congress/61/publaw-237.pdf and "Historic Federal Courthouses; San Diego, California (1913)" https://www.fjc.gov/history/courthouse/san-diego-california-1913

*Publicly identifiable*

I assume that pork is publicly identifiable meaning that the public recognizes an actual good or service as being provided by the federal government through a department, agency or direct Congressional allocation. For example, congressional agricultural committees and the Department of Agriculture provide drought disaster relief aid to specific areas, and farmers and ranchers are undoubtedly aware of such aid (Garrett et al. 2006). Additionally, Stein and Bickers (1995), in describing policy subsystems explain, "the politics that surround distributive programs may not be dependent on the size of the expenditure. The political importance that accrues from distributive programs may have as much to do with the existence of the program as with any specific amount of money that is expected by the program."

Judicial pork is publicly identifiable because of the media's attention to congressional actions shaping the judiciary as well as the public's concern for efficient judicial administration (Almanac 1961, 1979, 1991; Haltom 1998). For example, a state's bar association may have publicly articulated the need for a new judicial seat because of a growing backlog. The media may have detailed how this backlog slowed the process of hearing cases relevant to the public. Local law firms may have complained to their Member of Congress about the backlog and growing delay in justice. Together, these actors form a policy subsystem that seeks to strengthen the judiciary.

For example, Congressman Charles Samuel Gubser (R-CA) of California's 10th District, which included all or part of the counties of Santa Clara, Santa Cruz, Monterey, and San Benito, sought to establish a new judicial district that encompassed his counties. Subcommittee No. 5 of the House Judiciary Committee met on February 28, 1962 to discuss a bill authored by Congressman Gubser. In his testimony before the committee, he entered into the record letters from the Greater San Jose Chamber of Commerce, Santa Clara County Democratic Central Committee, Merchants Association of San Jose, City of San Jose, Santa Clara County Board of Supervisors, Forward San Jose Inc. the Downtown Association, and editorials in the San Jose Mercury and Sunnyvale Daily Standard-Mountain View Register Leader with the House Judiciary Committee to demonstrate the strong local support for the creation of a new judicial district, and subsequent judicial pork, in the region (see Appendix 1).

*Electorally Beneficial*

Pork is electorally beneficial meaning that elected officials, Members of the House of Representatives and Senators, benefit from claiming credit for securing pork to their district or state. For example, Evans (2004) states, "clearly, pork barrel politics occurs because members of Congress believe that district benefits enhance their chances for reelection. In the studies of distributive politics, the electoral connection is axiomatic."

I assume judicial pork is electorally beneficial for two reasons. The first reason is that an elected official can claim credit for voting for legislation that formed a new judicial district, allocated a new judicial seat, designated a new meeting place, or funded a new courthouse. The public uses votes cast in evaluating the performance of an incumbent. Thus, if there was a media-reported judicial backlog and the incumbent voted for a bill that would reduce the backlog, then a legislator could claim their action

warrants a voter's support. The second reason is that a legislator can help appoint a friend to the new judicial seat (Chase 1972; Goldman 1997; Carp et al. 2017). For example, imagine a popular elected official was interested in a lifetime federal district judgeship appointment. An incumbent House member or Senator may be interested in lobbying for this individual to be appointed to reward a friend, but also remove a future electoral foe. In other words, it is common for federal District judges to have political connections[26], since these connections are needed to get nominated by the President and eventually confirmed by the Senate (see Goldman 1997).

*Utility of Highlighting Differences*

As mentioned earlier, judicial pork has differences with traditional pork. These differences include judicial pork's relative rarity, service-orientation, and political and policy implications. Highlighting the distinction between judicial pork and traditional pork is important for two reasons. First, since judicial pork is extending the concept of pork, it's important to explain how the former differentiates from the latter to refine the newly introduced concept. Simply asserting that a new concept is related to an old concept without transparently explaining both the similarities *and* differences may hard-press the community of scholars and interested members of the public from accurately assessing how the two concepts relate. The second reason is that differences are informative to theory building just as the intersection is. When building a new theory based on old theory, it is typically the intersection of the two that research focuses on, in the case of this dissertation: what are the similarities between judicial pork and traditional pork? While informative, it is restrictive to simply focus on the intersection. Doing so inhibits the contrasts that can be used to identify why and how Congress allocates judicial pork differently than traditional pork. In other words, by looking at the differences, my theory can be built on a fully scoped foundation.

*Common versus Rare*

Between judicial and traditional pork barrel projects, the congressional allocation of the former is rare while the allocation of the latter is common. Each year, Congress authorizes, reauthorizes, and appropriates funds for recurring expenditures. For example, during each budget cycle, Congress decides how much funding each executive department should receive. Every few years, Congress determines whether and how to reauthorize an existing program, such as funding for public works. Seldom and on an as-needed basis, Congress authorizes a declaration of war or the use of military force. However, when it comes to judicial pork, judicial districts and meeting places are authorized every 5 to 20 years or so and judicial seats and courthouses every 5 to 10 years. Thus, the frequency of allocation, through authorization, reauthorization or appropriation, contributes to what differentiates traditional pork versus rare judicial pork.

[26] "The Career Path to Being a Federal Judge" https://www.lawcrossing.com/article/861/Careers-Federal-Judge/

*Goods versus Services*

       I assume that traditional pork barrel projects are commonly viewed as goods while viewing judicial pork as services is appropriate. Except for courthouses, which are the closest to traditional pork, the other three are the establishment of a service area (district), the creation of a service area leader position (seat), and the designation of a specific service location (meeting place). Judicial pork, overall, is focused on the services side of what government provides, instead of a physical good.

       This distinction is important because the service nature of judicial institutions may have precluded it from consideration as a form of pork-barrel. Additionally, legislation related to judicial pork is not referred to committees historically associated with pork-barrel, such as Appropriations and Public Works[27]. Instead, judicial pork bills are sent to the Judiciary Committees because these committees have jurisdiction over all matters related to the judiciary. Therefore, by making this assumption, I look to the Judiciary Committees' influence on the allocation of judicial pork, instead of focusing on the Appropriations or Public Works committees.

*Political consequences versus Political + Policy consequences*

       Traditional pork can have political consequences while judicial pork has both political and policy consequences. Elected officials view traditional pork as electorally beneficial. The logic is that Senators and Congressmembers who secure traditional pork are more likely to be re-elected than their counterparts who do not (Lazarus 2009; Stratmann 2013). There are different reasons why some secure pork and others do not, such as seniority, party loyalty, or marginality of the member.

       On the other hand, judicial institutions can have political and policy consequences. Since all forms of judicial pork require congressional action, a legislator can take credit for it. Credit claiming, augmented by word-of-mouth among supporters and beneficiaries, party newsletters, newspapers and other forms of media, informs the public with knowledge of an elected official's legislative abilities. Beyond political consequences, policy consequences can result. For example, geographic, social, and economic differences may motivate legislators to request splitting their state into two judicial districts. By splitting a state into two judicial districts, one district can be more urban and industrial while the second district can be more rural and agricultural. Splitting a district effects policy through the types of court cases brought forward by plaintiffs. Over time, distinct judicial cultures form in which preferences emerge that favor or disfavor types of cases, legal arguments, and eventual policy outcomes (Kritzer 1978; Gibson 1982; Sullivan et al. 1994; Carp and Wheeler 1972).

       For example, from 1791 to 2017, the U.S. Supreme Court has heard 28,670 cases (Spaeth et al. 2017a, 2017b). Of these cases, 9,993[28] originated in a U.S. District Court[29]. 974 of these cases originated from a District Court nested in the state of California. As of 1966, California has four judicial districts: Central, Eastern, Northern, and Southern. Respectively, 222, 59, 455 and 238 cases originating in these districts have been decided

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[27] As I describe in Chapter 5, the congressional Public Works committees have a significant role in the allocation of courthouses, since they are a form of public building

[28] 2,867 of these cases were direct reviews by the Supreme Court of District Court decisions.

[29] This count does not include the District of Columbia or any U.S. territory (i.e. Puerto Rico).

by the Supreme Court. Figure 2 displays the number of Supreme Court cases by California District Court. The dashed red line represents year 1966, the year the Central and Eastern District Courts were established by Congress.
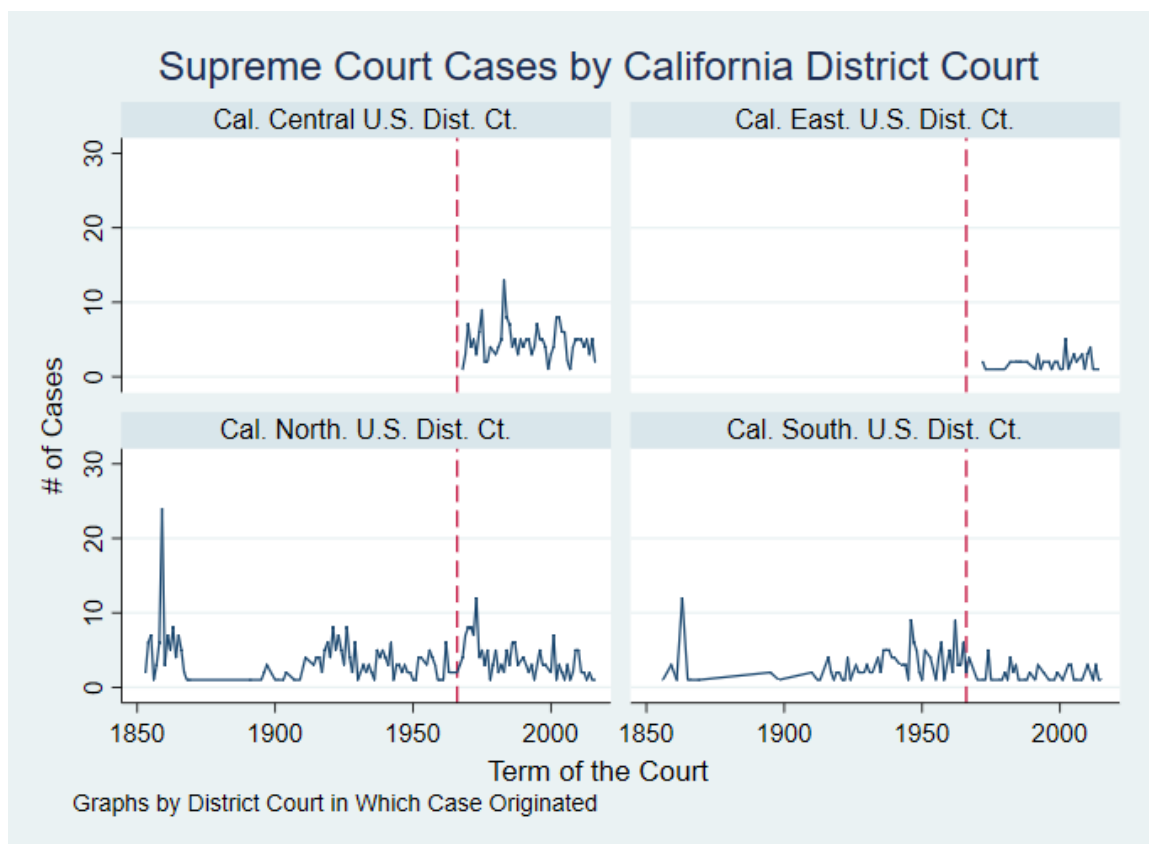


*Figure 2: Supreme Court Cases by California District Court*

Figure 3 displays Supreme Court cases by California judicial district and issue area. The figure contains four pie charts of issue areas, one for each California judicial district. There are twelve issue areas in which the Supreme Court decided cases that originated from California: criminal procedure, civil rights, First Amendment, due process, privacy, attorneys, unions, economic activity, judicial power, federalism, federal taxation, and private action. There are a few observations to draw from this figure. First, the Central District appears the have the largest proportion of union cases. The second observation is that the Eastern District has the highest proportion of federalism cases. Third, the Northern District has the greatest proportion of First Amendment cases. And finally, the Southern District has the biggest proportion of criminal procedure cases.

## Supreme Court Cases by California District Court
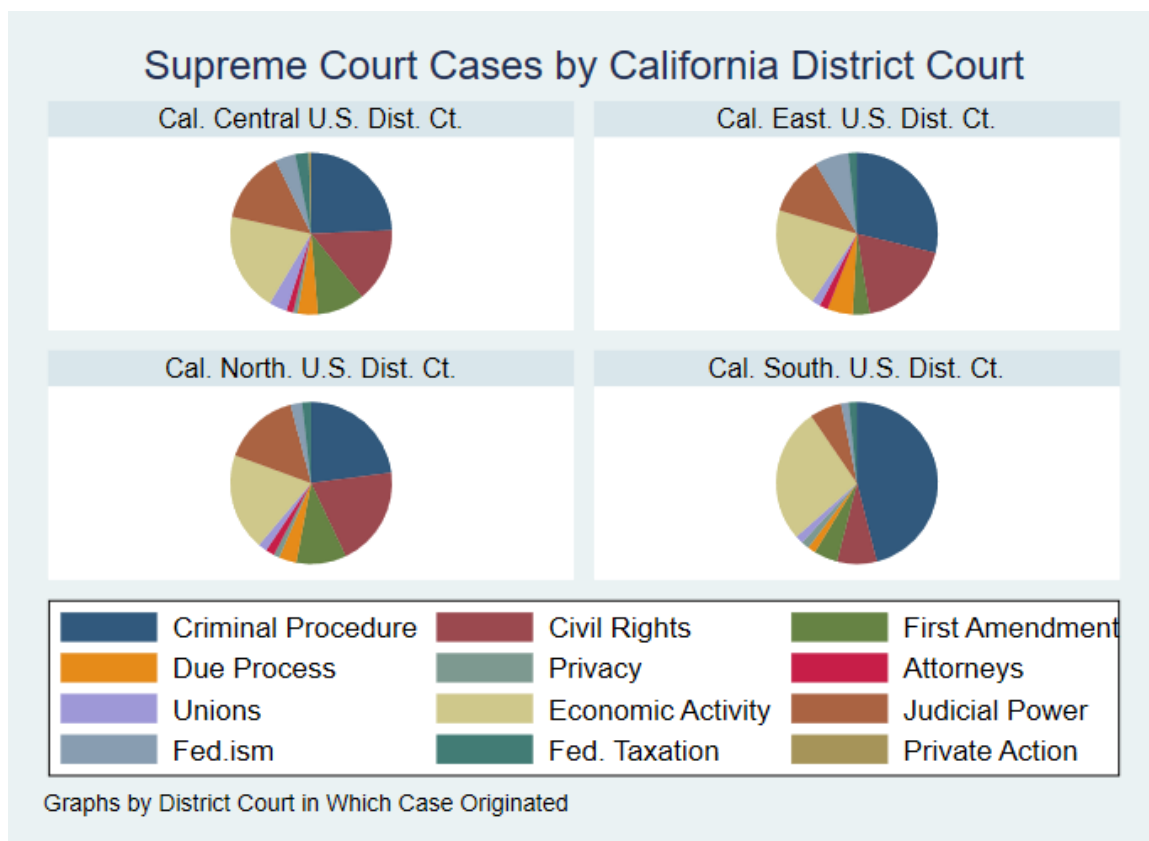


*Figure 3: Supreme Court Cases by California District Court and Issue Area*

It could be argued that traditional pork, such as military bases, can also have political and policy implications. However, unlike military bases, which are under the control of the President, Department of Defense, and respective leadership of a specific branch of the military (i.e. a naval station is under the command of the Secretary of the Navy), the judiciary is not. This separation, or independence, from the policy control of the executive branch means that the judiciary has greater latitude to decide cases that can have broad policy consequences. The fact that nearly 1,000 cases originating out of a U.S. District Court in California were decided by the Supreme Court suggests as much.

**Committee Chairs and Rank-and-File Members**

Committees are the centers of policy making in Congress (Wilson 1885). Committees typically have two types of members: chair and rank-and-file (Deering and Smith 1997; Evans 1991). Each committee has one Chair and can have several rank-and-file. Each Chair has agenda-setting power (Romer and Rosenthal 1978; Ordeshook and Schwartz 1987; Berry and Fowler 2018), meaning they determine what legislation is or is not debated by the committee. They also control the jurisdiction of subcommittees (Fenno 1962). Rank-and-file members have amendment power, meaning they are the first individuals to offer amendments to legislation being debated in committee. Members can have ideological and partisan affiliations that may influence their actions. However, for a

simplifying purpose, I do not incorporate ideology or partisanship into explaining the allocation of judicial pork[30].

Chair and rank-and-file members represent geographic areas called states. As suggested earlier, this representation is based on an electoral connection (Mayhew 2004) between elected officials and constituents. Constituents are individuals who reside within the geographic area a Senator or House member represents in Congress. House members, more so than Senators, are typically viewed as representing people, instead of geographies. However, for my theory, I emphasize the common geography that constituents and elected officials share.

Chairpersons are different compared to rank-and-file members. Chairs are typically the most senior member (Alvarez and Saving 1997; Lazarus 2009; Lazarus and Steigerwalt 2009) of the party controlling the committee. Barring the more recent history of changes to the chairmanship selection process by the Democratic and Republican parties (Cann 2008), chairpersons usually start their first day of Congress on the committee they eventually hope to lead. Second, a future chairman's willingness to primarily serve a career (Hibbing 1991) on a committee signals an abiding interest in the policy jurisdiction of the committee. Thus, the future chairman is not just climbing the ladder, but racking up legislative contributions and achievements as he or she makes their ascent from a new member to subcommittee chairman (Wolanin 1974; Deering 1996) to full committee leader. Third, chairmen have been found to be more effective legislatively than rank-and-file counterparts (Volden and Wiseman 2014). This means legislation sponsored by chairs are more likely to advance farther in the lawmaking process. Finally, chairpersons who seek to advance their political and policy goals are required to build relationships with fellow chairpersons. The chair-to-chair relationship results in the linkage of legislative bargains and a framework for cooperation across committees through chairpersons.

This connection is important when it comes to the Judiciary Committee because the opportunity to allocate judicial pork is rare. If there is disagreement between the Senate and House Chair, then when the time arrives to allocate judicial pork, it may not occur due to disagreement. Without coordination between the two chairman, no judicial pork is allocated. Thus, chairpersons are uniquely situated to promote their state's needs when the opportunity arises. Given the explanation above, the first hypothesis is:

> *Hypothesis 1: States that hold the Chairmanship of the Judiciary Committee in a chamber are more likely to be allocated judicial pork than states that do not hold a Chairmanship.*

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[30] It may appear problematic not to include ideology or partisanship as an explanatory factor in the allocation of judicial pork. If my theory centered on the legislative behavior of Senators and Congressmen in introducing bills, testifying on bills, or voting on bills in committee or the floor, then it would make sense to include individual level ideology to probe its explanatory power. However, my theory is centered on states and their representation in Congress. Since most states throughout most of the country's history have been represented by members from different parties, using an aggregated score of a state's ideology or partisanship may dilute the effect of committee representation, which is my conceptual explanatory variable of interest. I do relax this assumption in Chapter 7 by disaggregating rank-and-file committee members between those in the majority and minority.

While led by chairmen, the Judiciary Committees mainly consist of rank-and-file members. Serving on the committee may afford a member the opportunity to allocate judicial pork to their state (see Wilson 1986 for public works example; and Rundquist and Carsey 2002 for defense example). Members typically have the first shot[31] at shaping legislation by either proposing or amending legislation. Next, members have increased access to other like-minded members. Access does not imply agreement, but rather a common interest in the policy jurisdiction of the committee. With this access, members are better positioned to seek support for their legislative initiatives by trading votes, bargaining agreements, and enabling the accruement of achievements through cooperation.

Third, serving on a committee makes the member a focal point for their state's interest groups. The concept of state delegations (Truman 1956; Treul 2017) and focal point Senators and Representatives serving as a state's delegate on a committee, like the Judiciary Committee, seems reasonable. Finally, serving on a committee gives members the opportunity to inform colleagues who do not serve on the committee about the importance of a measure (Krehbiel 1991, 1998) because committee members are agents informing the principal of the chamber (Miller 2005). Thus, in relation to the Judiciary Committee, the opportunity to allocate judicial pork is less frequent. Subsequently, members, like chairpersons but without agenda control, are also uniquely situated to promote their state's needs. Therefore, the second hypothesis is:

*Hypothesis 2: States with at least one Member of the Judiciary Committee in a chamber are more likely to be allocated judicial pork than states with no Members.*

Since I assume a bicameral legislature, the presence of two Judiciary Committees means that two subsets of elected officials explicitly share control over judiciary-related legislation. Given this shared control, the chairpersons and rank-and-file members are required to engage in inter-chamber communication, bargaining, and cooperation. There is a robust literature on bicameralism from whether it matters (Heller and Branduse 2014), to how chambers interact (Kirkland and Williams 2014), and how cross-interaction influences within-chamber organization (Gailmard and Hammond 2011). While this bicameral structure can be complex, when it comes to the allocation of judicial pork, there are two relationships to point out.

The first relationship is that chairman of the same committee in separate chambers have an incentive to communicate, make bargains, and cooperate with one another to advance their political and policy goals. The strength of this relationship can depend on the party affiliation and ideological distance between the two committee leaders. However, since I focus on the geographic nature of representation, I assume home state matters since Congress allocates judicial pork to districts contained within state boundaries. Second, the members of the same committee in separate chambers also have a reason to talk, discuss policy, and cooperate where interests align. These members share

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[31] This first opportunity to propose may be limited if the member is in the minority compared to the majority. However, minority status is less restrictive when it comes to amending bills that have been placed on the agenda by the chairman for consideration by the committee.

an affinity for the same policy area, interact with the same interest groups, and confront the same public debate, albeit through lenses colored by their ideology, partisanship, and state's media market. By communicating and coordinating, chairpersons and rank-and-file members can increase the likelihood of advancing their favored legislation through their respective committees.

**Supply and Demand**

I assume that constituents demand goods be provided by the legislature to their geographic area. Constituents demand goods based on a mix of need and want. Another way of thinking about the concept of need and want is that the former is objective while the latter is subjective. For example, constituents encounter seasonal floods of their land. While they attempt to construct levees to redirect the water, it may be insufficient to prevent damaging floods on their property. Therefore, constituents can objectively contend to their Senators and House members that national resources are needed to construct permanent levees to reduce the occurrence of flooding. On the other hand, constituents cross a two-lane bridge between their residence and place of work. After many years, they grow frustrated with the traffic associated with crossing the bridge. While the constituents can argue to expand the bridge from two-lanes to four-lanes, an elected official may view this as a subjective want, instead of an objective need, since the ability to cross the bridge, albeit slowly, still exists.

There are subtle distinctions in the demand and supply of judicial pork. This section outlines demand-supply models for judicial districts, seats, meeting places, and courthouses. Four questions establish a shared framework across the forms of judicial pork: Who demands? Why do they demand? Who supplies? Why do they supply? Table 3 summarizes who demands by judicial pork type.

*Table 3: Local Demand of Judicial Pork by Type*

| Type | Local Demand |
|---|---|
| *Districts* | Judges, Local Officials |
| *Seats* | Judges, Party Leaders, Local Officials |
| *Meeting Places* | Local Officials |
| *Courthouses* | State Officials, Local Officials |

*The demand and supply of judicial districts*

The demand for judicial districts is rooted in philosophical and practical concerns of spreading federal power and denoting the limits of that power. Most judicial districts were allocated to states before they had representatives in Congress. Thus, as a historical point of reference, there are two types of judicial districts: statehood[32] and non-statehood.

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[32] Congress establishes statehood districts at or near the same time a territory joins the union. The demand for statehood districts can be Congressionally-based or locally-based. Congressionally-based demand derives from the actors in Washington, and locally-based demand derives from actors residing in a state who are not members of Congress. The congressional demand for statehood districts came from Federalists in Congress who believed the central government should have a judicial system apart from a state's judiciary. The local demand for statehood districts came from Federalists and multi-state corporate interests

Local demand mainly drives the demand for non-statehood districts. In the case of judicial districts, current judges would want a new district to reduce their workload or travel requirements. Additionally, local constituents, like law firms, lawyers, and litigants would also like more access, and less delay for a judge to hold court in their area. Additionally, local leaders may have wanted to establish a non-statehood district as a means of securing a new seat, meeting place, and courthouse that suited their needs for federal resources.

The supply for judicial districts, as with the other types of judicial pork, are from Congress and the President. Congress supplies judicial pork because it must pass legislation that creates and allocates judicial institutions to the various states and the President must sign the legislation into law. From this point forward, I make the simplifying assumption that only Congress is needed to allocate judicial pork. Therefore, I will not examine the role the President may have in the allocation of judicial pork[33]. In supplying judicial districts, Congress creates judicial districts through constitutional fiat, given Article 1 and Article 3 of the Constitution. While Congress allocates statehood districts by fiat, it may derive non-statehood districts from pre-existing statehood districts, another non-statehood district, or constitutional fiat.

*The demand and supply of judicial seats*

Practical concerns of needing a seat for an individual judge to fill are the basis for the demand of judicial seats. There are two types of judicial seats: statehood seat or non-statehood seat. Statehood seats accompany statehood judicial districts, and thus the congressional and local demanders are the same as judicial districts. Like districts, my theory will focus on non-statehood seats.

For non-statehood seats, there is a mix of congressional and local demand from three actors. The first set of actors are current judges seeking to reduce their workload. Before 1812, no judicial district in any state had more than one seat allocated to it. However, Congress temporarily allocated a second judgeship to a district in New York. Two years later, Congress simply added another judicial district to New York and transferred the second judgeship to the new district. Starting in 1903, Congress began assigning judicial districts more than one seat (Surrency 2002). Thus, almost always before the 20th century, current judicial seat demand came in the form of advocating for district splitting than seat adding. The second set of actors are party leaders who may seek judicial seats for the patronage opportunity it affords. For example, state party leaders would consider encouraging their state's Senator to get them another judicial seat. Once secured, long-time party patrons fill the judicial seat (Goldman 1997). The final actors are local constituents who could directly or indirectly demand a new seat. The idea is that lawyers and litigants who experienced delays in trials found the situation unacceptable and sought an end to the case backlog.

The supply for judicial seats before the 20th century primarily came from Congress in that existing seats were not shuffled between districts, since each district only had one seat. However, starting in 1903 and thereon after, districts were populated

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(Ellis 1971). While informative, the theory will focus on the congressional allocation of non-statehood districts.

[33] In later chapters, I do include whether a President hails from a state-year as a control variable.

with more than a single judicial seat. Thus, Congress could supply seats from its Constitutional authority to structure the lower courts or transfer seats from existing judicial districts.

*The demand and supply of judicial meeting places*

Congress denotes where judges meet and when. This means that Congress is in the business of specifying the meeting places of the courts. The local demand for these judicial institutions come from area leaders since locales within states are either designated or not designated as meeting places for the federal courts. Local leaders may request their federal representatives include their township or city as a meeting place for the prestige it bestows and the ability to attract subsequent federal facilities. Interestingly, it was typical for the early part of the nation's history that state and local government shouldered the costs of federal courts because the federal government required it (Surrency 2002). Thus, the federal government transferred responsibility, and costs, to lower levels of government, but being designated as a meeting place was still attractive to localities.

The supply for judicial meeting places, like the others, comes from Congress. Congress decides which township or city within a state the federal courts meet in and when. For example, during the 1st session of the 31st Congress, the federal judiciary was extended to the new state of California. According to Section 4 of Chapter 86, Congress specified that the new court "shall hold two regular sessions annually at San Francisco, and one regular session annually at San Jose, Sacramento, and Stockton, at the times following, to wit: at San Francisco, on the first Mondays of December and June; at San Jose, on the first Monday in April; at Sacramento, on the first Monday in September; and at Stockton, on the second Monday in October."[34]

*The demand and supply of judicial courthouses*

Physical capacity, or lack thereof, shapes the demand for courthouses. The need for a physical meeting space for a judge, litigants, juries, and the public was clear. The local demand comes from state and local leaders. Both actors are interested in the federal investment a courthouse represents. For local leaders, hosting a courthouse is prestigious but can be an added cost to a local budget. However, attracting private sector investment, such as companies locating near a courthouse to utilize associated legal services, can offset such costs.

Unlike the supply of the prior three types of judicial pork, the supply of federal courthouses could be sourced from three different suppliers: Congress, the federal bureaucracy, and state and local governments. First, Congress could pass laws that authorized and appropriated the construction of courthouses, mainly as part of other federal buildings infrastructure, like post offices and customs houses. Second, the Supervising Architect's Office located within the Department of the Treasury wielded near-monopoly control over the design and construction of courthouses from 1852 until after World War II (Lee 2000). This means that the federal bureaucracy, with guidance from Congress, could provision courthouses to locales. Finally, it was up to state and

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[34] 31st Congress, Chapter 86: http://legisworks.org/sal/9/stats/STATUTE-9-Pg521.pdf

local leaders to scour their budgets to fund the construction of courthouses. As mentioned prior, Congress regularly included clauses in laws stating that the federal government should bear little to no costs for the construction of courthouses during 1789 to the mid-1800s. These clauses shifted the burden from the federal government to the state and local governments. Since this was a founding tradition, there was little reason for local governments to protest since nothing was ever taken away, it simply was never granted.

*How Judges Influence the Demand for Judicial Pork*

Two of the demand and supply models above, for judicial districts and seats, describe how judges can positively influence the demand for such pork. It follows that judges looking to reduce their travel or better manage their workload would want Congress to allocate districts and seats, respectively, to the states they serve in. What these models do not account for is any negative influence judges can have on the allocative process.[35]

For example, Barrow et al. (1996) describe the staying and leaving patterns of judges given government control. If a judge stays on the bench, then the incumbent President and Senate do not have an "appointment opportunity".[36] However, by leaving, a judge opens a seat to be filled. Furthermore, Hansford (2003) found that vacancies reduce the allocation of judicial seats to courts. The attention a vacancy garners can crowd out efforts to allocate judicial pork, since filling vacancies is a congressional, particularly Senate, constitutional prerogative (Rowland and Carp 1996; Walker and Barrow 1985).

This leads me to argue that incumbent judges can negatively influence the allocation of judicial pork. In other words, judges can affect whether demand is sufficient for legislators to supply judicial pork. While judges hold lifetime appointments, they can voluntarily retire whenever they please. Voluntary retirement is also labeled strategic retirement because judges have been found to leave the bench for personal, as well as political, reasons (Spriggs and Wahlbeck 1995; Nixon and Haskin 2000; Hansford et al. 2010; Peltason 1955). The number of vacancies may reduce the demand for all four types of judicial pork because filling vacancies requires more legislative time than allocating new districts, seats, meeting places, and courthouses. Therefore, the third hypothesis is:

> *Hypothesis 3: States with judicial vacancies are less likely to be allocated judicial pork than states without judicial vacancies.*

## Benefits and Costs

I assume that elected officials decide, on a benefit-cost basis, to either supply the demanded goods or not. The benefits of judicial pork vary across four dimensions: institutional, political, electoral, and policy. Table 4 summarizes the benefits of judicial pork by type and dimension.

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[35] This is not to say that other actors of Party Leaders, State Officials, and Local Officials cannot have a negative effect on the allocation of pork. However, for my purposes, I consider the role of judges given prior research on their strategic behavior.
[36] Clearly, newly allocated seats are appointment opportunities as well.

*Table 4: Benefits of Judicial Pork by Type and Dimension*

| Dimension | Districts | Seats | Meeting Places | Courthouses |
|---|---|---|---|---|
| *Institutional* | Yes | Yes | Yes | Yes |
| *Political* | | Yes | Yes | Yes |
| *Electoral* | | Yes | Yes | Yes |
| *Policy* | Yes | Yes | | |

Judicial districts offer institutional and policy benefits. These benefits are an expansion of federal power and reinforcement of the supremacy of federal constitution and laws over state constitutions and laws. For example, the primary debate in the very early years of the country between Federalists and Anti-federalists was about the scope of the federal government's judicial power in relation to the states (Ellis 1971). Furthermore, as commerce expanded throughout the country, commercial interests sought and won remedies through the federal judiciary. Therefore, national commercial interests favored national courts, as opposed to state courts, which were more parochially focused.

Next, judicial seats have benefits on all four dimensions. The institutional benefits include further extending federal power through judges, clerks, marshals, prosecutors, and defenders. While the district is the space, these are the actors within that space. The political benefits include the opportunity for Congress to confirm an individual to judge, marshal, and attorney positions. Further, they can shift the balance of the courts by having more co-partisans serving on the bench.[37] For example, a district with three judges may have two-Republican appointed judges and one-Democratic appointed judge. A newly minted Democratic Congressional majority may seek to add two judicial seats and appoint co-partisans, thereby shifting the balance from 2-1 to 2-3. Electorally, Members of Congress can reward friends with judicial positions or protect themselves from formidable challengers. Finally, Congress can transfer responsibilities to the courts with the goal of like-minded judges making agreeable decisions. For example, instead of Congress tediously adjudicating disputes between competing interests, the courts are the fora in which disputes are heard and resolved to their liking.

Judicial meeting places have benefits across three of the four dimensions. Institutionally, meeting places serve as a focal point for government and private actors to schedule and plan their legal strategies. As detailed earlier, Congress is painstaking in making clear where and when judges should hold court. Location specificity helps litigants and their agents plan accordingly. Second, as alluded to earlier, the political benefits of meeting places are that they serve as a conduit for securing additional federal investment. While it was common for the federal government to burden the state and local governments to pay for such facilities, this served as the toehold for state and local leaders to return to Congress and ask for more resources. Finally, legislators earn electoral benefits because local leaders could credit legislators with securing a meeting place and show that their city is up and coming.

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[37] This refers to the concept of "move-the-median" as detailed by Krehbiel (2007) and Cameron and Kastellec (2016).

Courthouses have institutional, political, and electoral benefits. The institutional benefits were that federal judges went from roving to stationary, with the courthouse serving as their place of business. Stationed judges, in turn, resulted in increased access to the federal judiciary by law firms, private citizens, and corporations. Politically, a courthouse is a physical embodiment of federal investment. Given the high uniformity in the architectural design of federal buildings and courthouses, this represented the federal government before the public. Much like we take for granted the uniformity of the signage for the interstate highway system, at the time of its inception and initial build out, courthouses represented another way of connecting a disparate people. Finally, the electoral benefits were that local leaders could credit themselves, state leaders, and Members of Congress for assisting with securing a courthouse.

I assume that elected officials contend with financial and opportunity costs in allocating pork. Financial costs are the appropriation of money to one purpose over another. This is the classic "guns-butter" argument (Carrubba and Singh 2004; Mintz and Huang 1991) associated with the allocation of limited resources. Opportunity, understood as time, is finite for elected officials, committees, and the legislature to focus on one issue versus another issue. This means that Congress must spend time on processing judicial pork legislation, forgo opportunities to address other issues, and allocate and oversee federal staff, time, and resources to these judicial institutions.

The cost of time is determined by whether co-partisans control the House of Representatives, Senate, and Presidency or not. If there is unified government, meaning co-partisans control both chambers of Congress and the Presidency, then presumably less time is needed to negotiate. Therefore, the cost of allocating judicial pork is lower. However, if there is divided government, meaning co-partisans do not control both chambers of Congress and the Presidency, then more time is needed to pass legislation. Thus, the cost of allocating judicial pork is higher. Therefore, the fourth hypothesis is:

> *Hypothesis 4: States are more likely to be allocated judicial pork during times of unified government than states during times of divided government.*

**Summary**

The purpose of this chapter was to detail my theory of the congressional allocation of judicial pork. Given that judicial pork is a new concept, I described its similarities and differences with what it commonly considered pork. Next, I describe how states are represented in the Senate and House Judiciary Committee by chairman and rank-and-file members. Given the committees' jurisdiction over all matters related to the Judiciary, it would follow that committee members can be influential in structuring the courts. However, states are not unitary actors, but rather a collection of actors that can demand judicial pork from Congress. I further detail how incumbent judges' decisions to leave the bench can suppress the allocation of judicial pork. Finally, I describe the benefits and costs of elected officials in distributing judicial pork to their state. I contend that during unified government, more judicial pork should be allocated to the states. Overall, we now have a well-reasoned theory that can now be empirically tested. I turn to this task in the following chapters.

## Chapter 4: Data and Models

The purpose of this chapter is to empirically answer how does Congress structure the Judiciary, specifically the organization of the lower District Courts? Since 1789, Congress has allocated at least 84 judicial districts, 686 judicial seats, 533 judicial meeting places, and 604 judicial courthouses to the lower courts. The theory chapter generated four hypotheses about the positive effect of committee chairpersons, rank-and-file members, and unified control of the government, and the negative effect of judicial vacancies on the allocation of judicial pork. This chapter opens with a description of my research design. The second section explains the data set, operationalizations of committee representation and macro-political factors, and explains the choice of inferential statistical model that is used later in the chapter. The following sections each explore a type of judicial pork by providing descriptive statistics. The final section summarizes the results of statistical models of judicial pork and offers a discussion.

### Research Design

Recall that the theory argues that two concepts affect the allocation of judicial pork: committee representation and macro-politics. With respect to committee representation, states with representation on the Judiciary Committee are more likely to be allocated judicial pork than states without such representation. As prior scholarship has found (i.e. Ferejohn 1974; Binder and Maltzman 2009), committee membership has a positive effect on the allocation of pork. Secondly, macro-political factors include judicial vacancies and unified government, with the former expected to have a negative effect on the allocation of judicial pork and the latter expected to have a positive effect.

My theory produces four hypotheses. Table 5 summarizes the relationship between the hypotheses, concepts, and operationalizations of the concepts. This observational research examines groups of states that are non-randomly assigned values of committee representation (Hypotheses #1 and #2) or macro-political factors (Hypotheses #3 and #4). The conceptual outcome variable is the allocation of judicial pork, and there are four operationalizations of the outcome: judicial districts, judicial seats, judicial meeting places, and judicial courthouses. The outcome variable can be measured either as a binary value – was a state allocated judicial pork or not? – or a non-negative integer count value – how much judicial pork was a state allocated?

The value of committee representation is measured by whether a state holds the chairmanship of a judiciary committee or whether a state has rank-and-file members on a judiciary committee. Hypothesis #1 contends that states holding a chairmanship are more likely to receive judicial pork than states that do not hold a chairmanship. The "chairmanship" value is, with one exception[38], administered to two states out of the total number of states at a given time. Hypothesis #2 argues that states with at least one rank-and-file member of the Senate or House Judiciary Committees are more likely to be granted judicial pork than states with no rank-and-file member on either committee. The

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[38] From 1919 to 1923, during the 66th and 67th Congresses, Representative Andrew J. Volstead and Senator Knute Nelson, both Minnesotans, served as the chairman of the House and Senate Judiciary Committees, respectively.

"rank-and-file" value is administered to two or more states out of the total number of states at a given time[39].

Both chairmanship and rank-and-file membership are non-randomly assigned because observed and unobserved institutional and individual-level factors may influence who is selected. The non-random value assignment may make it difficult, though not impossible, to isolate the effect of the value on the outcome. For example, east coast states have developed legal cultures, customs, and communities compared to newer western states. Thus, the pool of lawyers in the east is more extensive than in the west. Since lawmakers tend to be lawyers, east coast states may have formed traditions of having members on the Judiciary Committees compared to their western counterparts. This means that east coast states may have more congressional members on the Judiciary Committees compared to west coast states, resulting, according to the theory, in eastern states securing more judicial pork than their western counterparts.

The value of macro-political factor measures judicial vacancies or unified government. Hypothesis #3 states as judicial vacancies increase, states are less likely to be allocated judicial pork. The value of judicial vacancies is non-random because judges can strategically retire from the bench, thereby creating a vacancy. As vacancies increase, then the demand for judicial pork is overshadowed by the need to fill vacancies. Judges, knowing this, may time their exit to influence this process. This means judges can mitigate the effect of a state's committee representation in allocating judicial pork, making it more difficult to estimate a relationship between the value and outcome.

Hypothesis #4 contends that unified government decreases the costs for committee actors to secure judicial pork to their state. In the absence of unified government, negotiation between chambers is costly given the institutional differences between the Senate and the House of Representatives, in addition to the bargaining between Congress and the President. When opposing parties control congressional chambers and the Presidency, such differences are further negatively compounded by ideological or partisan prerogatives. The value of unified government is non-randomly assigned because observed and unobserved factors influence the configuration of party control of the government. For example, public mood, the state of the national economy, and the current arrangement of party control effects whether there is unified or divided government.

With this said, isolating the effect of the explanatory variables described above on the allocation of judicial pork is challenging because of non-randomly assigned values[40] to U.S. states. As discussed later, I address this threat to inference by selecting the most appropriate econometric models to aid in estimating the effect of the explanatory variable on the outcome variable. Additionally, I include a set of control variables that account for other actors in Congress that may influence the allocation of judicial pork.

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[39] Unsurprisingly, never has one state held all the rank-and-file positions of both the House and Senate Judiciary Committee at a given time.

[40] There may be opportunities to explore as-if random assignment of values of explanatory variables. For example, consider a state has two Senators serving when one Senator passes away. Usually, a State's governor has the power to appoint someone to serve in the position until an election is called. The newly appointed Senator may seek to serve on the Judiciary Committee and use their position to allocate judicial pork to their state.

| | Outcome Variable | | Explanatory Variable | |
|---|---|---|---|---|
| **Hypothesis** | *Concept* | *Operationalization* | *Concept* | *Operationalization* |
| 1 | Judicial Pork | Districts, Seats, Meeting Places, or Courthouses (Binary or Count) | Committee Representation | Chairmanship of Senate or House Judiciary Committee (Binary) |
| 2 | | | | Rank-and-File membership on Senate or House Judiciary Committees (Count) |
| 3 | | | Macro-Political Factor | Judicial Vacancy: At least a one-year gap between old and new judge (Count) |
| 4 | | | | Unified Government: One party controls Presidency, Senate, and House (Binary) |

**Data, Explanatory and Control Variables, and Choice of Statistical Model**

The dataset I have prepared is panel data of U.S. states over time. The units of observation are U.S. states, serving as proxies for U.S. District Courts, and the units of analysis are state-years[41]. The panel is not perfectly balanced because not all fifty states existed from 1789 to 2014. For example, Connecticut is one of the thirteen original states, so it is 226 years old. On the other hand, California was admitted to the union in 1850 and therefore is 165 years old. Next, I will describe my explanatory variables, followed by control variables and concluding with my choice of statistical model.

*Explanatory Variables*

The conceptual explanatory variables are committee representation and macro-political factors. The data for explanatory variables are from House and Senate Judiciary Committee websites or publications, the Federal Judiciary Center's website, and other

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[41] I used state-years as my unit of analysis instead of judicial district-years because my theory is focused on states' representation in Congress and specifically the Judiciary Committees. While it would have been reasonable to argue that judicial districts overlap with congressional districts, there is not a one-to-one relationship. For example, California has four judicial districts and fifty-three House members. While many members' districts are wholly contained within a judicial district, there will inevitably be instances of a congressional district spanning two or more judicial districts. Deciding to attribute two judicial districts with the same House representative could conflate the effect of the representative on the allocation of judicial pork.

sources. There are six explanatory variables measured as non-negative integers: Senate Judiciary Chair, House Judiciary Chair, Senate Judiciary Members, House Judiciary Members, Judicial Vacancies, and Unified Government. Below are frequency tables for each variable.

Congress convened in 1789. However, the House Judiciary Committee was created in 1813 and the Senate Judiciary Committee was established three years later in 1816. Table 6 is a Frequency Table of Senate and House Judiciary Committee Chairs. First, we see that approximately 97% of state-years did not hold the chairmanship of the Senate or House committee. Next, we find that 196 and 202 state-years did hold the chairmanship in the Senate and House, respectively. Thus, from 1789 to 1812, no standing Judiciary committee existed, and states had no committee representation in the form of chairs or rank-and-file members.

*Table 6: Frequency Distribution of Senate and House Judiciary Chairs*

| | Senate Judiciary Chair | | | | House Judiciary Chair | | |
|---|---|---|---|---|---|---|---|
| | Freq. | Percent | Cum. | | Freq. | Percent | Cum. |
| 0 | 8,555 | 97.76 | 97.76 | 0 | 8,549 | 97.69 | 97.69 |
| 1 | 196 | 2.24 | 100 | 1 | 202 | 2.31 | 100 |
| Total | 8,751 | 100 | | Total | 8,751 | 100 | |

Rank-and-file representation is common because committees can have only one chairman, but up to two members on the Senate committee since each state has a maximum of two senators. Table 7 is a Frequency Table of Senate Judiciary Committee Members. We see that 71.43% of state-years did not have a member representing the state on the committee. Next, we find that 28.57% of state-years had at least one member on the committee. Third, we observe that 97 state-years had both of their Senators serving on the Judiciary Committee. For example, the longest continuous streak of one state's senators serving on the committee is Wisconsin from 1995 to 2010. The second longest streak goes to West Virginia, when both state's senators served together from 1941 to 1948.

*Table 7: Frequency Distribution of Senate Judiciary Rank-and-File Members*

| | Senate Judiciary Member | | |
|---|---|---|---|
| | Freq. | Percent | Cum. |
| 0 | 6,251 | 71.43 | 71.43 |
| 1 | 2,403 | 27.46 | 98.89 |
| 2 | 97 | 1.11 | 100 |
| Total | 8,751 | 100 | |

Unlike the Senate Judiciary Committee where each state only has two senators at a given time, the number of rank-and-file members on the House Committee could reach up to the number of the state's House delegation. Table 8 is a Frequency Table of House Judiciary Committee Members. We see that 64.23% of state-years did not have a member

representing the state on the committee. Second, we find that 26.44% of state-years had at least one member on the committee. Moreover, third, we observe that 9.33% of state-years had two or more members serving on the committee. For example, California has had at least six of its fifty-three members serving on the Judiciary Committee since the 104th Congress (1995-1996) to the 112th Congress (2011-2012). By the 111th Congress (2009-2010), the state had peaked with ten members on the committee.

*Table 8: Frequency Distribution of House Judiciary Rank-and-File Members*

| House Judiciary Member | | | |
|---|---|---|---|
| | Freq. | Percent | Cum. |
| 0 | 5,621 | 64.23 | 64.23 |
| 1 | 2,314 | 26.44 | 90.68 |
| 2 | 562 | 6.42 | 97.1 |
| 3 | 152 | 1.74 | 98.83 |
| 4 | 56 | 0.64 | 99.47 |
| 5 | 22 | 0.25 | 99.73 |
| 6 | 12 | 0.14 | 99.86 |
| 7 | 4 | 0.05 | 99.91 |
| 8 | 4 | 0.05 | 99.95 |
| 9 | 2 | 0.02 | 99.98 |
| 10 | 2 | 0.02 | 100 |
| Total | 8,751 | 100 | |

A judicial vacancy is defined as a year or more gap between the time of service between two judges. For example, the state of Rhode Island has one judicial district named "District of Rhode Island" and it has three seats within it: the first seat was allocated in 1790, the second seat was distributed in 1966, and the third seat was given in 1984. The first, second and third seats have had seventeen, four, and two judges serve in those seats, respectively. For example, in the first seat of the District of Rhode Island, there is a one-year gap between the 16th judge, Judge Francis J. Boyle who served from 1977 to 1992, and the 17th judge, Judge Mary M. Lisi who served from 1994 to 2015. Therefore, the state-year of Rhode Island-1993 would have one judicial vacancy. Table 9 displays the frequency table for this explanatory variable. There are two observations to draw from the table. First, over 95% of state-years had no vacancies. This means there were no year-long gaps in services between one judge another judge. The second observation is that 425 state-years had at least one, and up to seven vacancies in a given year, less than 5% of all state-years. As a point of interest, Pennsylvania had seven vacancies in 1999 and again in 2001.

*Table 9: Frequency Distribution of Judicial Vacancies*

| Judicial Vacancies | | | |
|---|---|---|---|
| | Freq. | Percent | Cum. |
| 0 | 8,326 | 95.14 | 95.1 |

| | | | |
|---|---|---|---|
| 1 | 296 | 3.38 | 98.5 |
| 2 | 70 | 0.8 | 99.3 |
| 3 | 33 | 0.38 | 99.7 |
| 4 | 17 | 0.19 | 99.9 |
| 5 | 6 | 0.07 | 100 |
| 6 | 1 | 0.01 | 100 |
| 7 | 2 | 0.02 | 100 |
| Total | 8,751 | 100 | |

Unified government exists when the Presidency, Senate, and House of Representatives are controlled by the same political party. If anyone of the actors is controlled by another party, then I consider this divided government. Table 10 is a frequency distribution of state-years between times of divided and unified government. 41.7% of state-years have operated under divided government, while 58.3% of the time state-years have existed under unified government.

*Table 10: Frequency Distribution of Unified Government*

| Unified Government | | | |
|---|---|---|---|
| | Freq. | Percent | Cum. |
| 0 | 3,649 | 41.7 | 41.7 |
| 1 | 5,102 | 58.3 | 100 |
| Total | 8,751 | 100 | |

*Control Variables*

I have thirteen control variables[42] to account for potential threats to inferring a relationship between my explanatory and outcome variables. The first set of control variables relate to chamber leadership. On the Senate side, I consider if a state-year held the Majority Leader or Minority Leader post. On the House side, I account for a state-year holding the Speaker, Majority Leader, or Minority Leader position. The next set of control variables account for other committee chairmanships. Committee chairmanships includes Senate Appropriations and Public Works committees and House Rules, Appropriations, Ways and Means, and Public Works committees. The final set reflects the home state of the President and the log of a state's interpolated population.

*Choice for Inferential Statistical Model*

For each operationalization of judicial pork, there are different econometric models that could be used for inferential statistics. There are two factors in deciding which models to use: the nature of the dataset (cross-section, time-series, or panel) and the outcome variable (discrete or continuous). As described earlier, the data is panel because the units of observation are U.S. states, serving as proxies for U.S. District

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[42] These control variables are not explicitly mentioned in my theory. They are generated based on my readings of prior distributive politics research.

Courts, and the units of analysis are state-years. The judicial pork operationalizes into four forms: districts, seats, meeting places, and courthouses. These operationalizations are discrete variables and can be measured as binary values (i.e., did a state secure judicial pork?) or count values (i.e., how much judicial pork did a state receive?).

Binary outcome models are used to answer the question: *what effect do covariates have on the allocation of judicial pork to a state?* The allocation of judicial pork could be a binary outcome and measured "0" if the state-year did not receive judicial pork and "1" if the state-year did secure judicial pork. If the dataset were cross-sectional, then a logistic or probit regression would be appropriate. However, this is not the case with a panel dataset, therefore the use of a panel logistic or probit model is appropriate.

The results of fixed-effect panel logistic models report odds ratios instead of standard beta coefficients (Long 2014; Allison 2009). An odds ratio greater than one means the state-year has increased odds of being allocated judicial pork while less than one means the state-year has decreased odds.

Unlike binary outcome models, count models are used to answer the question: *what effect do covariates have on the amount of judicial pork allocated to a state?* Instead of being measured as a binary variable (did state receive judicial pork or not?) like in the fixed-effects logit model, the outcome variable is measured as a non-negative integer with a range from zero to positive infinity. There are two types of panel count models: Poisson and Negative Binomial. Unlike the Poisson specification, the negative binomial version allows for overdispersion by including a parameter that represents the unobserved heterogeneity among observations (Long 2014; Hilbe 2014).

The results of fixed-effects negative binomial models report exponentiated coefficients, instead of standard beta coefficients, which are called the incidence rate ratios when using negative binomial models. If the value of the coefficient is below one, then the negative difference can be reported as a percent decrease in the incidence rate for a unit increase in the variable. If the value of the coefficient is above one, then the positive difference can be reported as a percent increase in the incidence rate for a unit increase in the variable.

The data analyzed by the econometric models is a subset of the dataset I collected. Given that the House Judiciary Committee was officially established in 1813 and the Senate Judiciary Committee in 1816, state-years between 1789 and 1812 are not included in the econometric analysis. Moreover, judicial pork allocated at the time of statehood are also not included, since a state would not have had Congressional representation prior to be admitted to the Union.

**Judicial Districts**

A judicial district is a geographically defined area were a District Court has jurisdiction to hear cases. Recall that Congress grants states a judicial district at the time of their admission to the union and possibly later as non-statehood districts. Districts are based on counties and do not cross state lines[43]. Since 1789, Congress has created eighty-

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[43] There are at least two exceptions to the rule that judicial districts do not cross state lines. In 1948, the District Court of Wyoming was congressionally granted judicial authority over the entirety of Yellowstone National Park (62 Stat. 895). Since Yellowstone National Park includes portions of Idaho and Montana, this means the federal court of Wyoming can hear cases for matters that occurred in the Idaho or Montana

four districts and eliminated seven districts[44]. I collected this data from the Federal Judiciary Center's website[45]. Table 11, displayed below, is a Frequency Table of Judicial Districts for state-years. We see that 99.07% of state-years have 0 judicial districts allocated. Second, we find that 78 state-years had one judicial district allocated. Moreover, we observe that three state-years had two judicial districts allocated by Congress. The three were North Carolina in 1794 and California in 1850 and 1966.

*Table 11: Frequency Distribution of Judicial Districts*

| Judicial Districts | | | |
|---|---|---|---|
| Value | Freq. | Percent | Cum. |
| -2 | 1 | 0.01 | 0.01 |
| -1 | 5 | 0.06 | 0.07 |
| 0 | 8,664 | 99.01 | 99.07 |
| 1 | 78 | 0.89 | 99.97 |
| 2 | 3 | 0.03 | 100 |
| Total | 8,751 | 100 | |

Figure 4[46] displays the creation or elimination of judicial districts over time. The green diamond symbol represents a district. There are two observations to make from the graph. The first observation is that Congress typically allocated a single district in any given year and never allocated or eliminated more than two districts at a given time. Since Congress has created 84 districts, with at least 50 being statehood districts, this means that Congress has allocated only approximately 30 non-statehood districts. The second observation to make from Figure 4 is that most districts were allocated between

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portions of Yellowstone. The second instance was from 2003-2006, when Congress placed Rock Island, Illinois as a meeting place for the U.S. District Court for the Southern District of Iowa (118 Stat. 3628).

[44] The seven districts Congress eliminated were in the following state-years: Two from North Carolina-1797, and one from Louisiana-1845, Virginia-1864, California-1866, Louisiana-1866, and South Carolina-1965.

[45] For replication purposes, Appendix 2: Data Collection Process describes the process I followed to collect the data for all variables included in the statistical models.

[46] You will notice that the figure's x-axis ranges from -2 to 11, even though the maximum number of districts allocated or eliminated at any one time was two. As I present each type of judicial pork, I offer figures based on the same scale to help the reader visualize how districts compare to seats, meeting places, and courthouses.

1830 and 1890. This period corresponds with the expansion of the United States following the Missouri Compromise[47].
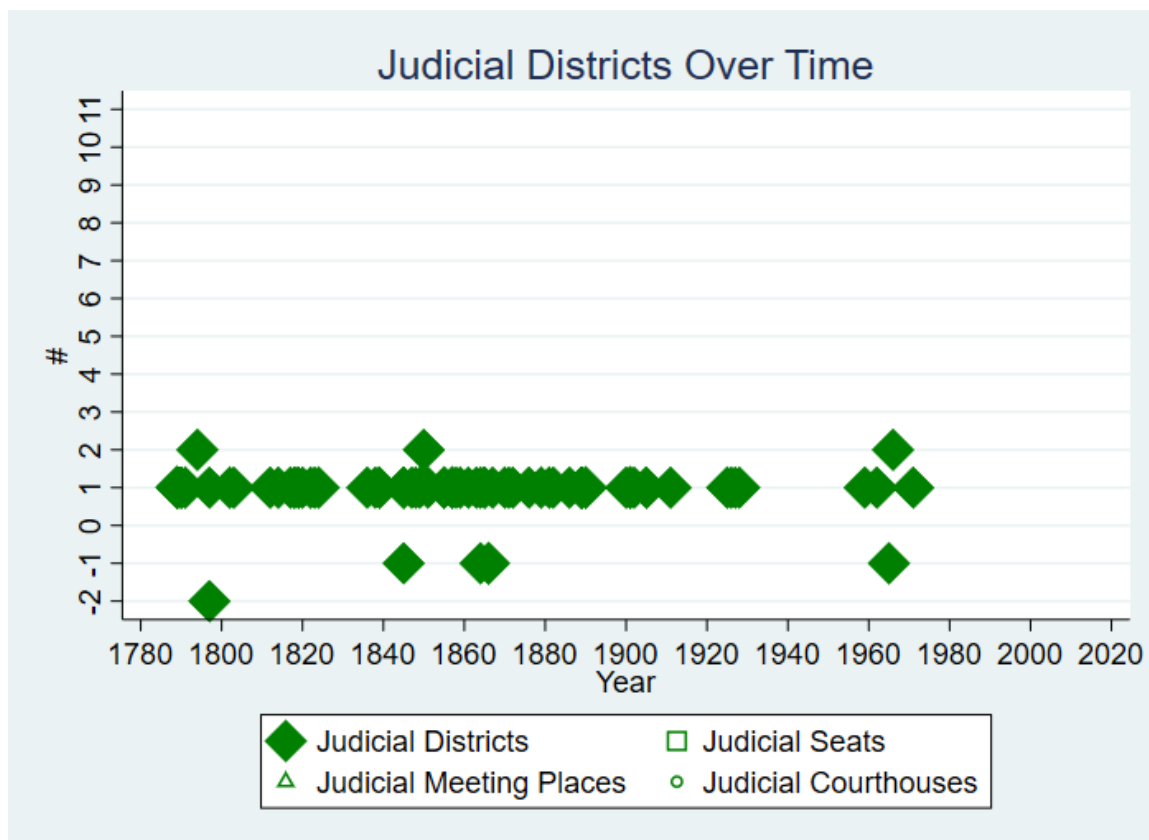


*Figure 4: Judicial Districts over time*

Next, I will present a cross-tabulation between judicial districts and the committee representation explanatory variables: Senate Judiciary Chairmanship, House Judiciary Chairmanship, Senate Rank-and-File membership, and House Rank-and-File membership. Table 12 is a cross-tab that shows the percentage and frequency in which state-years were allocated or not allocated judiciary districts[48] by one of four explanatory variables listed earlier.

First, we observe that no state-year was allocated a judicial district while it held the Senate Chairmanship. On the other hand, one state-year was allocated a judicial district when it held the House Chairmanship. This can be viewed as preliminary evidence against the hypothesis that states holding a chairmanship were more likely to be allocated a district compared to states who didn't hold the top position of a Judiciary Committee. Second, we observe that 18 state-years and 20 state-years were allocated

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[47] "Missouri Compromise - Facts & Summary - HISTORY.com." n.d. HISTORY.com. Accessed May 30, 2018. https://www.history.com/topics/missouri-compromise.
[48] I collapse the values of the judicial districts variable from a count to binary. Additionally, the cross-tabulations do not include judicial pork allocated at the time of statehood. The same holds true for the later presentation of cross-tabulations for seats, meeting places, and courthouses.

judicial districts when they had rank-and-file representation on the Senate or House Judiciary Committees, respectively.

*Table 12: Cross-tabulation of Judicial District by Committee Representation*

|  |  |  | Senate Chair | | House Chair | | Senate Rank-and-File | | House Rank-and-File | |
|---|---|---|---|---|---|---|---|---|---|---|
|  |  |  | No | Yes | No | Yes | No | Yes | No | Yes |
| Judicial District | No | % | 99.40 | 100 | 99.41 | 99.5 | 99.45 | 99.32 | 99.44 | 99.36 |
|  |  | # | 8454 | 196 | 8449 | 201 | 6171 | 2479 | 5540 | 3110 |
|  | Yes | % | 0.60 | 0.00 | 0.59 | 0.50 | 0.55 | 0.68 | 0.56 | 0.64 |
|  |  | # | 51 | 0 | 50 | 1 | 34 | 17 | 31 | 20 |

Table 13 provides the results of two econometric models: fixed-effects logit and fixed-effects negative binomial models. Using a fixed-effects logit model allows me to use the binary measure of whether a state-year was allocated judicial pork or not, while the fixed-effects negative binomial model permits the use of the count measure of how much judicial pork was a state-year allocated. My explanation of the results for all four types of judicial pork will center on the fixed-effects negative binomial results.

From the results below, we see that a state with a rank-and-file member on the Senate Judiciary Committee is 1.2 times more likely to be allocated a judicial district than a state without such representation. The other three committee representation variables, along with the two macro-political factor variables, are not statistically significant.

I do include a host of control variables, such as whether the state-year held a leadership position in the Senate or House, or the chairmanship of another committee. According to the results below, a state-year holding the Senate Appropriations Committee or House Public Works Committee or equivalent[49], was approximately 3 times or 2.5 times more likely to be allocated a judicial district, respectively, than a state-year without such representation.

The mostly null results for committee representation and macro-political factors may be partially explained by the fact that most districts are allocated before a state can have representation on the Judiciary Committees. While dozens of districts were allocated to states after their admission to the union, the analysis is not able to identify a statistically significant effect.

*Table 13: Results of Fixed-Effects Models for Judicial Districts*

|  | Logit | Negative Binomial |
|---|---|---|
| Senate Judiciary Chair | 8.46e-08 | 5.55e-08 |
|  | (-0.01) | (-0.01) |

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[49] From 1819 to 1946, the committee with jurisdiction over courthouses was called the Committee on Public Buildings and Grounds. From 1947 to 1974, it was called the Committee on Public Works. From 1974 to 1994, it was named the Committee on Public Works and Transportation. And from 1996 to present, it has been the Committee on Transportation and Infrastructure. See https://www.archives.gov/legislative/guide/house/chapter-17-transportation.html

| | | |
|---|---|---|
| Senate Judiciary Member | 2.270[**] | 2.275[***] |
| | (2.56) | (2.58) |
| House Judiciary Chair | 0.492 | 0.506 |
| | (-0.65) | (-0.62) |
| House Judiciary Member | 0.934 | 0.957 |
| | (-0.25) | (-0.17) |
| Judicial Vacancies | 0.00000110 | 0.00000263 |
| | (-0.01) | (-0.02) |
| Unified Government | 1.729 | 1.721 |
| | (1.59) | (1.59) |
| Senate Majority Leader | 0.000000333 | 0.000000412 |
| | (-0.00) | (-0.00) |
| Senate Minority Leader | 0.000000138 | 0.000000237 |
| | (-0.00) | (-0.00) |
| House Speaker | 0.837 | 0.844 |
| | (-0.17) | (-0.16) |
| House Majority Leader | 8.679[**] | 8.527[**] |
| | (2.35) | (2.36) |
| House Rules Chair | 1.804 | 1.827 |
| | (0.54) | (0.56) |
| House Minority Leader | 0.000000240 | 0.000000463 |
| | (-0.00) | (-0.01) |
| Senate Appropriations Chair | 4.499[*] | 4.070[*] |
| | (1.85) | (1.77) |
| House Appropriations Chair | 0.000000186 | 0.000000326 |
| | (-0.01) | (-0.01) |
| House Ways and Means Chair | 0.265 | 0.276 |
| | (-1.03) | (-1.01) |
| Senate Public Works Chair or Equivalent | 0.000000103 | 0.000000142 |
| | (-0.01) | (-0.01) |

| | | |
|---|---|---|
| House Public Works Chair or Equivalent | 3.591** | 3.529** |
| | (1.99) | (2.00) |
| | | |
| President | 0.620 | 0.631 |
| | (-0.41) | (-0.40) |
| | | |
| Log(Population Interpolated) | 0.414*** | 0.422*** |
| | (-5.30) | (-5.30) |
| N | 4723 | 4718 |
| chi2 | 69.23 | 43.64 |
| aic | 424.3 | 434.2 |
| bic | 547.0 | 563.4 |

Exponentiated coefficients; *t* statistics in parentheses
* p < 0.10, ** p < 0.05, *** p < 0.01

## Judicial Seats

A judicial seat, or judgeship, is a position created by Congress for an individual to serve as a federal judge. Between 1789 and 2014, Congress has created 686 and eliminated 47 judgeships. Table 14 provides a frequency distribution of judicial seats for state-years. On the low end of the distribution, one state, Ohio-1964 experienced a two-seat reduction in their judgeships[50]. At the other end of the distribution, Texas-1990 was allocated a whopping 11 seats, jumping from a total of 36 to 47 seats. Congressional Quarterly reported at the time: "Pork-barrel politics shaped the allocation of new seats. Judgeships not recommended by the Judicial Conference were added for Republican senators on the Judiciary Committee and for members of both parties on the House subcommittee that handled the bill. Texas, home state of the Democratic chairman of the House Judiciary Committee, Jack Brooks, got the largest number of new seats — 11."[51]

*Table 14: Frequency Distribution of Judicial Seats*

| Judicial Seats | | | |
|---|---|---|---|
| Value | Freq. | Percent | Cum. |
| -2 | 1 | 0.01 | 0.01 |
| -1 | 45 | 0.51 | 0.53 |
| 0 | 8,297 | 94.81 | 95.34 |
| 1 | 286 | 3.27 | 98.61 |
| 2 | 58 | 0.66 | 99.27 |
| 3 | 28 | 0.32 | 99.59 |
| 4 | 18 | 0.21 | 99.79 |

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[50] Ohio-1964's reduction in two judgeships was the result of two temporary judgeships expiring. These judgeships were established on May 19, 1961 (75 Stat. 80).
[51] "Bill Creates 85 Judgeships for Bush To Fill." In *CQ Almanac 1990*, 46th ed., 520-23. Washington, DC: Congressional Quarterly, 1991. http://library.cqpress.com/cqalmanac/cqal90-1113229.

| | | | |
|---|---|---|---|
| 5 | 5 | 0.06 | 99.85 |
| 6 | 4 | 0.05 | 99.9 |
| 7 | 2 | 0.02 | 99.92 |
| 8 | 2 | 0.02 | 99.94 |
| 9 | 2 | 0.02 | 99.97 |
| 10 | 2 | 0.02 | 99.99 |
| 11 | 1 | 0.01 | 100 |
| Total | 8,751 | 100 | |

Below, Figure 5 overlays when judicial seats (yellow square symbol) were allocated with judicial districts (green diamond symbol). This figure shows a few trends. The first trend is that most judicial seats were allocated between 1920 and 1990. During this period, Congress allocated 551 seats and eliminated 29 seats. This explosion in the number of judgeships followed the admission of most states into the Union and a population boom from 106 million residents in 1920 to 248 million residents by 1990[52]. Furthermore, we clearly observe that most judicial districts were allocated prior to 1920. With districts largely determined, Congress spent its attention on which districts needed judgeships.

The second trend is a break from the tradition of allocating just one seat at a time. Between 1789 and 1905, Congress never allocated more than one seat to a state at a time[53]. In 1905, during the 58th Congress, Illinois was allocated two judicial seats, but one was for a newly created district[54]. Nearly two decades later, in 1922, Congress completely broke with tradition. Of the seventeen states that were provided a judgeship, six were given one or more judgeships[55].

A motivation for abandoning tradition was the "Great Liquor Case Jam"[56] created by the 1920 ratification of the 18th Amendment to the Constitution. The amendment prohibited "the manufacture, transportation and sale of intoxicating liquors"[57]. Attempts to enforce Prohibition-era laws resulted in thousands being charged with federal crimes and waiting for their day in federal court. Both the House and Senate Judiciary Committee held hearings in late 1921 to discuss the need for additional judgeships. The Senate side spent far more time focused on the impact of the 18th Amendment, also

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[52] "Population of States and Counties of the United States: 1790 – 1990" U.S. Census. https://www.census.gov/population/www/censusdata/PopulationofStatesandCountiesoftheUnitedStates1790-1990.pdf
[53] California-1850 is the exception to the rule. Congress granted the state two judicial seats, along with 2 judicial districts, at the time of its admission to the Union.
[54] Public Law 58-160
[55] Public Law 67-298. The six states were: California, Illinois, Massachusetts, Missouri, New York, and Ohio.
[56] "[Attorney General] Daugherty to Ask for More Judges" Washington Post, Wednesday, July 27, 1921.
[57] "18th and 21st Amendments" n.d. HISTORY.com. Accessed May 31, 2018. https://www.history.com/topics/18th-and-21st-amendments

known as the Volstead Act, on the federal judiciary in specific states[58]; while the House committee focused on the costs and logistics of having more judges[59].
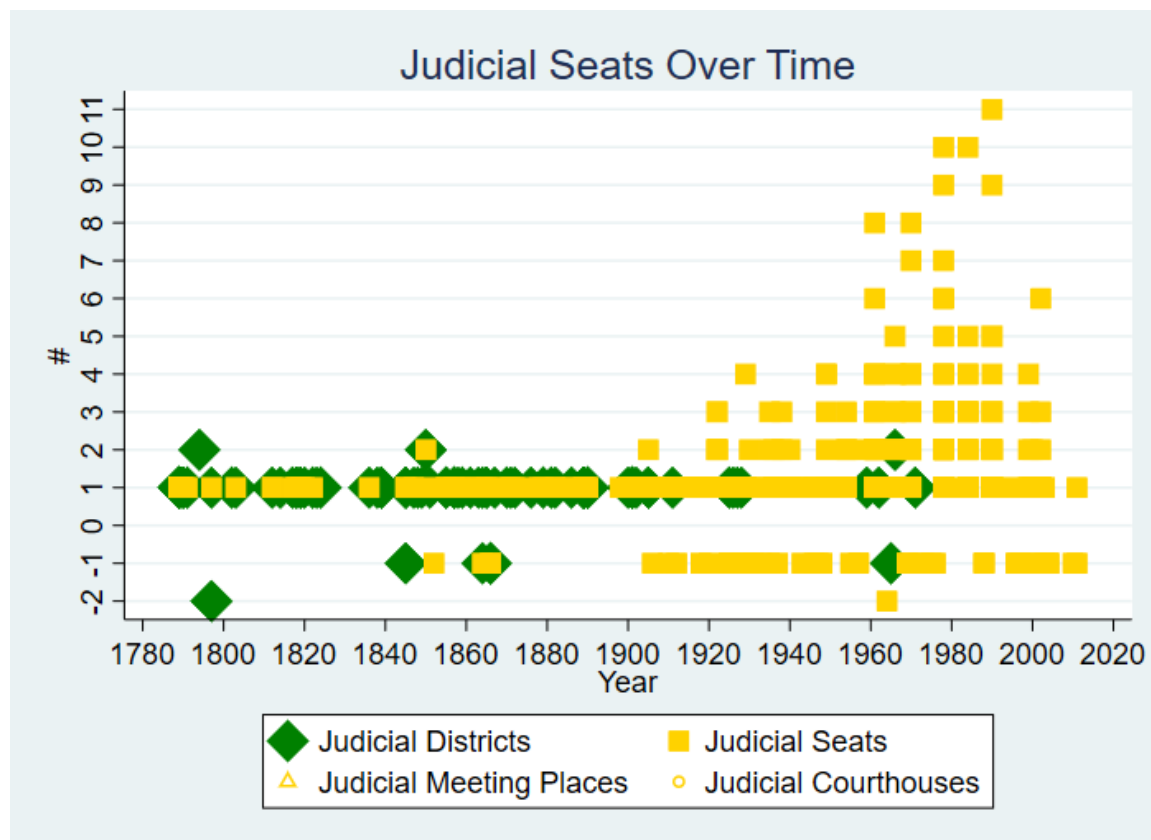


*Figure 5: Judicial Seats over time*

Table 15 is a cross-tab that shows the percentage and frequency in which state-years were allocated or not allocated judgeships[60] by Senate or House Chairmanship and Senate or House Rank-and-File, respectively. First, we observe that only 5 seats were allocated to state-years that held the Senate Chairmanship. In comparison, 403 state-years were allocated a judgeship even though they did not hold the top spot on the Senate Judiciary Committee. Next, we observe a similar pattern for the House Chairmanship. On the other hand, a state-year with rank-and-file membership on the Senate or House Judiciary Committee numerically received more judgeships than their chairmanship holding counterparts.

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[58] "Additional Judges, United States District Courts" Hearings before the Committee on the Judiciary, United States Senate, 67th Congress, 1st Session, October 5 and 11, 1921

[59] "Additional Judges, United States District Courts" Hearings before the Committee on the Judiciary, United States House of Representatives, 67th Congress, 1st session, November 7, 1921

[60] As mentioned in a prior footnote, I collapse the values of the judicial seats variable from a count to binary. The same holds true for the later presentation of cross-tabulations for meeting places and courthouses.

*Table 15: Cross-tabulation of Judicial Seat by Committee Representation*

| | | | Senate Chair | | House Chair | | Senate Rank-and-File | | House Rank-and-File | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | No | Yes | No | Yes | No | Yes | No | Yes |
| **Judicial Seat** | **No** | % | 95.63 | 97.45 | 95.72 | 93.56 | 95.97 | 94.91 | 96.95 | 93.39 |
| | | # | 8133 | 191 | 8135 | 189 | 5955 | 2369 | 5401 | 2923 |
| | **Yes** | % | 4.37 | 2.55 | 4.28 | 6.44 | 4.03 | 5.09 | 3.05 | 6.61 |
| | | # | 372 | 5 | 364 | 13 | 250 | 127 | 170 | 207 |

Table 16 shows that none of the committee representation variables are statistically significant. These null results are disappointing because, unlike judicial districts, hundreds of seats have been allocated over the years. Additionally, we observe that a judicial vacancy makes a state-year 45.5% less likely and unified government makes a state-year 58.3% more likely to secure an additional seat.

*Table 16: Results of Fixed-Effects Models for Judicial Seats*

| | Logit | Negative Binomial |
|---|---|---|
| Senate Judiciary Chair | 0.763 | 0.676 |
| | (-0.57) | (-0.84) |
| Senate Judiciary Member | 1.177 | 1.186 |
| | (1.42) | (1.60) |
| House Judiciary Chair | 0.821 | 0.735 |
| | (-0.60) | (-1.01) |
| House Judiciary Member | 0.954 | 0.952 |
| | (-0.72) | (-0.81) |
| Judicial Vacancies | $0.521^{***}$ | $0.545^{***}$ |
| | (-3.87) | (-3.79) |
| Unified Government | $1.747^{***}$ | $1.583^{***}$ |
| | (4.78) | (4.16) |
| Senate Majority Leader | 1.473 | 1.626 |
| | (0.91) | (1.23) |
| Senate Minority Leader | 0.901 | 0.900 |
| | (-0.23) | (-0.25) |
| House Speaker | 0.810 | 0.728 |
| | (-0.60) | (-0.95) |

| | | |
|---|---|---|
| House Majority Leader | 1.925** | 1.623* |
| | (2.08) | (1.69) |
| House Rules Chair | 1.602 | 1.514 |
| | (1.56) | (1.54) |
| House Minority Leader | 0.927 | 1.051 |
| | (-0.21) | (0.15) |
| Senate Appropriations Chair | 1.375 | 1.659 |
| | (0.82) | (1.36) |
| House Appropriations Chair | 1.272 | 1.112 |
| | (0.78) | (0.38) |
| House Ways and Means Chair | 0.900 | 0.880 |
| | (-0.32) | (-0.41) |
| Senate Public Works Chair or Equivalent | 0.558 | 0.571 |
| | (-1.22) | (-1.21) |
| House Public Works Chair or Equivalent | 1.146 | 1.160 |
| | (0.42) | (0.49) |
| President | 0.994 | 0.888 |
| | (-0.02) | (-0.46) |
| Log(Population Interpolated) | 2.199*** | 1.840*** |
| | (8.94) | (8.21) |
| N | 8337 | 8291 |
| chi2 | 160.7 | 121.3 |
| aic | 2605.7 | 3384.1 |
| bic | 2739.3 | 3524.6 |

Exponentiated coefficients; $t$ statistics in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

**Judicial Meeting Places**

Recall that a judicial meeting place is a geographic area within a judicial district where the court is authorized to conduct its business. Meeting places are usually specified as the town, city, or county within a judicial district where judges need to hold hearings. Table 17 displays a frequency table of meeting places.

For the period of my study, Congress has allocated at least 533 meeting places throughout the country. We observe that only 4.47% of state-years in the dataset were allocated a meeting place. Most states were only allocated one meeting place in a given year. However, six states were given five or more meeting places: Texas-1879 and New

York-1900 were provided five meeting places; California-1850, New Mexico-1924, and Oklahoma-1925 were granted six; and Oklahoma-1907 was given a sizable ten. Unlike judicial districts and seats, I do not account for when a meeting place was removed from a state[61].

*Table 17: Frequency Distribution of Judicial Meeting Places*

| Judicial Meeting Places | | | |
|---|---|---|---|
| Values | Freq. | Percent | Cum. |
| 0 | 8,360 | 95.53 | 95.53 |
| 1 | 302 | 3.45 | 98.98 |
| 2 | 61 | 0.7 | 99.68 |
| 3 | 17 | 0.19 | 99.87 |
| 4 | 5 | 0.06 | 99.93 |
| 5 | 2 | 0.02 | 99.95 |
| 6 | 3 | 0.03 | 99.99 |
| 10 | 1 | 0.01 | 100 |
| Total | 8,751 | 100 | |

Figure 6 plots judicial meeting places (red triangle symbol) over judicial seats (yellow square symbol) and judicial districts (green diamond symbol). From 1789 to 1866, Congress allocated 25% of all meeting places. By 1902, another 25% were granted. Within 23 years, by 1926, the next 25% were determined. The last 25% of meeting places

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[61] For example, Los Angeles was authorized as a meeting place for the Southern District of California from 1850 to 1864. Then, a 22-year gap followed. Los Angeles was then reauthorized as a meeting place from 1886 to 1966 for the same district. Following, from 1966 to present, Los Angeles was a designated meeting place for the Central District. Instead of coding each on/off instance of a meeting place, I simply assume Los Angeles was added to the state's overall pool of meeting places in 1850. However, this may suppress an effect of the explanatory variables on the allocation of meeting places since it may take congressional effort to add a formerly removed meeting place.

were allocated between 1927 and 2014. Therefore, the number of locations where judges could hold court was largely set before the onset of the Great Depression.
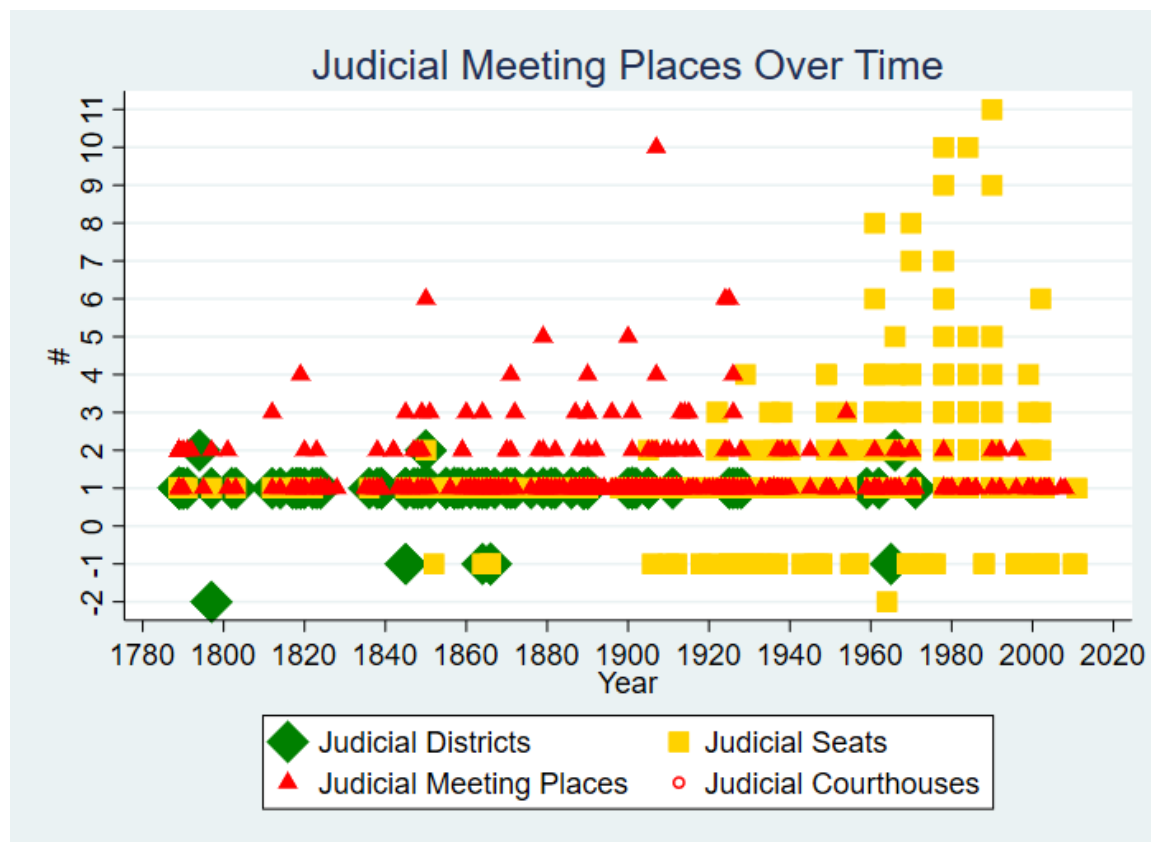


*Figure 6: Judicial Meeting Places over time*

Table 18 presents a cross-tabulation of the allocation of meeting places to state-years with committee representation. On a percentage basis, chairman appear more likely to secure judicial meeting places than their rank-and-file counterparts. A state-year holding the Senate Chairmanship earns a meeting place at 5.61%, while Senate Rank-and-File obtains a location 4.73% of the time. These percentages are similar on the House side.

*Table 18: Cross-tabulation of Judicial Meeting Place by Committee Representation*

| | | | Senate Chair | | House Chair | | Senate Rank-and-File | | House Rank-and-File | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | No | Yes | No | Yes | No | Yes | No | Yes |
| Judicial Meeting Place | No | % | 95.98 | 94.39 | 95.99 | 94.06 | 96.21 | 95.27 | 96.48 | 94.98 |
| | | # | 8163 | 185 | 8158 | 190 | 5970 | 2378 | 5375 | 2973 |
| | Yes | % | 4.02 | 5.61 | 4.01 | 5.94 | 3.79 | 4.73 | 3.52 | 5.02 |
| | | # | 342 | 11 | 341 | 12 | 235 | 118 | 196 | 157 |

Table 19 provides evidence that committee representation had no statistically significant effect on the allocation of meeting places to state-year. However, during times of unified government, state-years were 62.5% more likely to secure a meeting place than state-years during times of divided government. Furthermore, a state-year holding the House Rules Chairmanship has double the likelihood of securing a meeting place. Largely, these null results may allude to the notion that meeting places are not as coveted by members of Congress.

*Table 19: Results of Fixed-Effects Models for Judicial Meeting Places*

|  | Logit | Negative Binomial |
|---|---|---|
| Senate Judiciary Chair | 1.108 | 1.174 |
|  | (0.30) | (0.49) |
| Senate Judiciary Member | 1.203 | 1.169 |
|  | (1.55) | (1.37) |
| House Judiciary Chair | 0.881 | 0.942 |
|  | (-0.37) | (-0.18) |
| House Judiciary Member | 1.013 | 1.030 |
|  | (0.15) | (0.37) |
| Judicial Vacancies | 0.728 | 0.738 |
|  | (-1.64) | (-1.58) |
| Unified Government | 1.639*** | 1.625*** |
|  | (4.07) | (4.11) |
| Senate Majority Leader | 0.774 | 0.743 |
|  | (-0.42) | (-0.50) |
| Senate Minority Leader | 0.937 | 0.970 |
|  | (-0.12) | (-0.06) |
| House Speaker | 0.767 | 0.806 |
|  | (-0.72) | (-0.61) |
| House Majority Leader | 1.766 | 1.793 |
|  | (1.44) | (1.58) |
| House Rules Chair | 2.007** | 2.054** |
|  | (2.14) | (2.37) |
| House Minority Leader | 1.186 | 1.262 |

| | | |
|---|---|---|
| | (0.39) | (0.55) |
| Senate Appropriations Chair | 1.533 | 1.339 |
| | (1.08) | (0.78) |
| House Appropriations Chair | 0.777 | 0.863 |
| | (-0.62) | (-0.38) |
| House Ways and Means Chair | 0.509 | 0.543 |
| | (-1.63) | (-1.51) |
| Senate Public Works Chair or Equivalent | 1.190 | 1.053 |
| | (0.46) | (0.14) |
| House Public Works Chair or Equivalent | 1.595 | 1.645 |
| | (1.43) | (1.62) |
| President | 0.791 | 0.868 |
| | (-0.64) | (-0.40) |
| Log(Population Interpolated) | 0.814*** | 0.842*** |
| | (-3.05) | (-2.65) |
| N | 8025 | 8025 |
| chi2 | 54.62 | 47.24 |
| aic | 2544.8 | 3021.5 |
| bic | 2677.6 | 3161.3 |

Exponentiated coefficients; *t* statistics in parentheses
* p < 0.10, ** p < 0.05, *** p < 0.01

## Judicial Courthouses

On April 9, 1999, Supreme Court Associate Justice Anthony Kennedy remarked: "Courts and court houses are as important to the economy, as important to a dynamic society, as important to the progress of a free people, as our bridges and roads and airports and utilities and basic manufacturing."[62] At least 604 courthouses have been built throughout the United States since 1846. A courthouse is a physical structure within a judicial meeting place where the district court can conduct its business. Between 1789 and 1845, no courthouses were constructed by the federal government since "sessions of the circuit and district courts were held in public buildings belonging to the state, county, or city where they sat or in private homes and the public rooms of taverns" (Surrency 2002).

By 1846, the first federally financed, purchased, and constructed courthouse was completed in Wilmington, North Carolina. The genesis of this shift started as early as the

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[62] "Federal Courthouse Dedication" C-SPAN: https://www.c-span.org/video/?122395-1/federal-courthouse-dedication&start=2670

27th Congress (1841-1842) with H.R. 433[63] by Congressman George Washington Toland[64] (Whig-PA). The bill was read twice and committed to the Committee of the Whole House on May 25, 1842 and sought to appropriate funds for custom-houses in the following six locations: New Orleans, Louisiana; Philadelphia, Pennsylvania; Savannah, Georgia; Wilmington, North Carolina; and Plymouth and Gloucester, Massachusetts. Of these six locations, only Wilmington had the following language: "For the purchase of a site at Wilmington, North Carolina, and the erection of a two-story fire-proof building, to be occupied for a custom-house, *for the courts of the United States, clerks and marshal's offices* [emphasis added], and post office, forty thousand dollars." By March 3, 1843, Congress allocated forty thousand dollars "for the purchase of a site and the commencement of the building of custom-house, at Wilmington, North Carolina"[65]; however, the original language from H.R. 433 did not carry through in the final bill.

Table 20 displays a frequency distribution of judicial courthouses. First, we observe that 6.1% of state-years were allocated at least one courthouse. Only two state-years were awarded 4 or more courthouses: Florida was given four courthouses in 1933 and Texas was provided six courthouses in 1936.

*Table 20: Frequency Distribution of Judicial Courthouses*

| Judicial Courthouses | | | |
|---|---|---|---|
| Values | Freq. | Percent | Cum. |
| 0 | 8,217 | 93.9 | 93.9 |
| 1 | 477 | 5.45 | 99.35 |
| 2 | 48 | 0.55 | 99.9 |
| 3 | 7 | 0.08 | 99.98 |
| 4 | 1 | 0.01 | 99.99 |
| 6 | 1 | 0.01 | 100 |
| Total | 8,751 | 100 | |

Figure 7 plots courthouses (black circle symbol) over meeting places (red triangle symbol), judicial seats (yellow square symbol) and judicial districts (green diamond symbol). We observe that half of all courthouses were constructed between 1846 and 1914, and the other half were built between 1915 and 2014. Second, data on courthouses erected between 1967 and 1990 are not available[66]. Any courthouse constructed after 1966 is not labeled as historic, according to the Federal Judiciary Center.

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[63] "27-2 Bill Profile H.R. 433 (1841-1843)"
https://congressional.proquest.com/congressional/docview/t03.d04.27-2_hr_433?accountid=14515
[64] "TOLAND, George Washington, (1796 - 1869)"
http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000296
[65] 27th Congress, Session 3, Chapter 100, Page 634
[66] I have been in correspondence with U.S. General Services Administration and Administrative Office of the U.S. Courts to obtain this data.
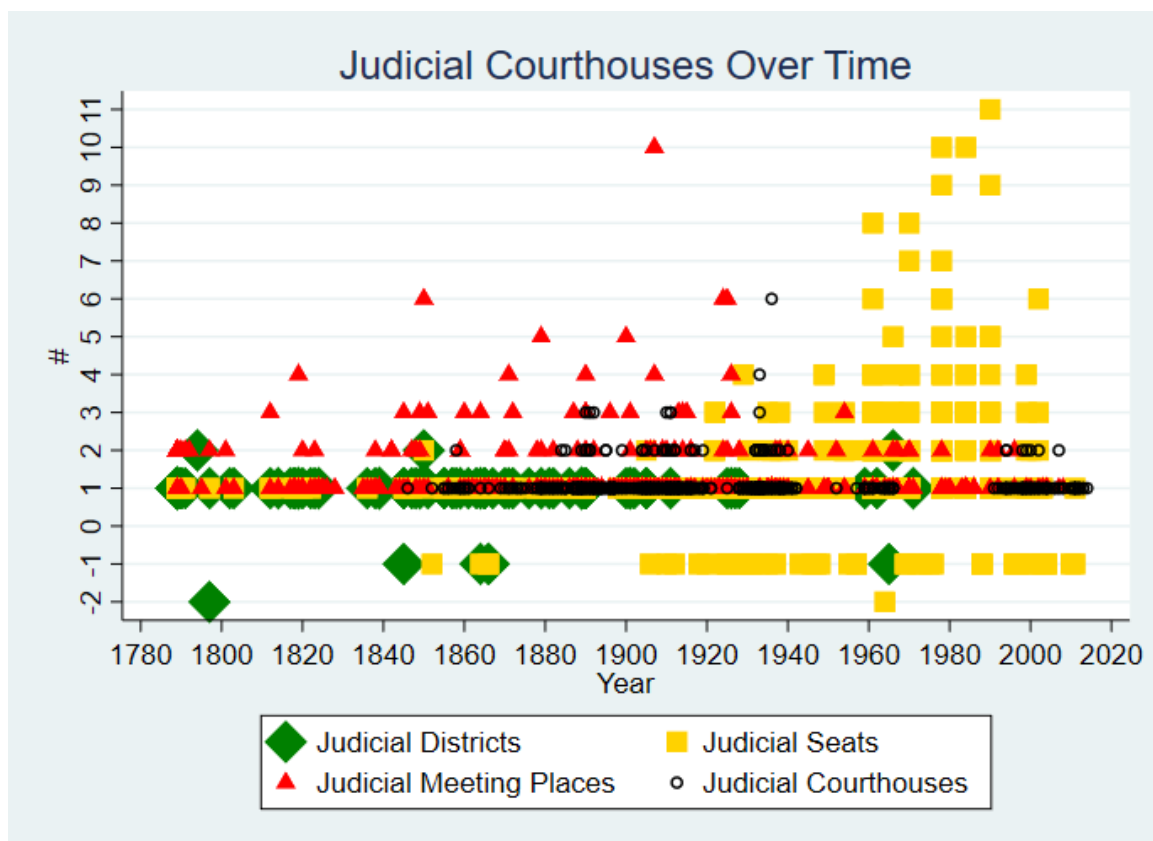
*Figure 7: Judicial Courthouses over time*

Table 21 presents a cross-tabulation of whether state-years were allocated a judicial courthouse and committee representation. First, we observe that little difference in the percentages between Senate Judiciary Committee Chairmanship and Rank-and-File membership. This may indicate that on the Senate side, having either form of representation was helpful in securing a courthouse. The second observation is that state-years with the House Chairmanship account for 11.88% of judicial courthouses. This is the largest percentage across the four forms of committee representation and across all four types of judicial pork. Finally, state-years with House Rank-and-File membership on the Judiciary Committee make up 8.24% of judicial courthouses allocated.

*Table 21: Cross-tabulation of Judicial Courthouses by Committee Representation*

| | | | Senate Chair | | House Chair | | Senate Rank-and-File | | House Rank-and-File | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | No | Yes | No | Yes | No | Yes | No | Yes |
| **Judicial Courthouse** | No | % | 93.89 | 92.86 | 94.00 | 88.12 | 94.41 | 92.51 | 95.05 | 91.76 |
| | | # | 7985 | 182 | 7989 | 178 | 5858 | 2309 | 5295 | 2872 |
| | Yes | % | 6.11 | 7.14 | 6.00 | 11.88 | 5.59 | 7.49 | 4.95 | 8.24 |
| | | # | 520 | 14 | 510 | 24 | 347 | 187 | 276 | 258 |

Table 22 reveals that state-years with Senate Judiciary Committee membership are 18.6% more likely to secure a courthouse. However, the other committee representation variables are not statistically significant. Next, during times of unified government, state-years are 16.5% more likely to be allocated a courthouse as well. Additionally, if the state-year held the House Rules or Senate Appropriations Chairmanship, there were 61% and 75% more likely to be allocated a courthouse, respectively.

*Table 22: Results of Fixed-Effects Models for Judicial Courthouses*

|  | Logit | Negative Binomial |
|---|---|---|
| Senate Judiciary Chair | 1.096 | 1.027 |
|  | (0.30) | (0.09) |
| Senate Judiciary Member | 1.191* | 1.186* |
|  | (1.83) | (1.90) |
| House Judiciary Chair | 1.409 | 1.414 |
|  | (1.35) | (1.53) |
| House Judiciary Member | 0.976 | 0.966 |
|  | (-0.39) | (-0.60) |
| Judicial Vacancies | 0.949 | 0.939 |
|  | (-0.50) | (-0.66) |
| Unified Government | 1.189* | 1.165* |
|  | (1.85) | (1.71) |
| Senate Majority Leader | 0.799 | 0.778 |
|  | (-0.47) | (-0.55) |
| Senate Minority Leader | 0.816 | 0.792 |
|  | (-0.47) | (-0.56) |
| House Speaker | 0.383** | 0.371*** |
|  | (-2.52) | (-2.71) |
| House Majority Leader | 1.211 | 1.088 |
|  | (0.61) | (0.30) |
| House Rules Chair | 1.618* | 1.616* |
|  | (1.72) | (1.92) |

| | | |
|---|---|---|
| House Minority Leader | 1.223 | 1.204 |
| | (0.62) | (0.61) |
| Senate Appropriations Chair | 1.757** | 1.754** |
| | (1.96) | (2.11) |
| House Appropriations Chair | 0.817 | 0.983 |
| | (-0.65) | (-0.06) |
| House Ways and Means Chair | 0.942 | 0.945 |
| | (-0.22) | (-0.22) |
| Senate Public Works Chair or Equivalent | 1.114 | 1.249 |
| | (0.36) | (0.85) |
| House Public Works Chair or Equivalent | 1.332 | 1.470 |
| | (1.06) | (1.61) |
| President | 0.837 | 0.837 |
| | (-0.62) | (-0.66) |
| Log(Population Interpolated) | 1.158** | 1.132** |
| | (2.41) | (2.20) |
| N | 8282 | 8282 |
| chi2 | 33.93 | 37.83 |
| aic | 3613.5 | 4004.5 |
| bic | 3747.0 | 4145.0 |

Exponentiated coefficients; $t$ statistics in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

**Results**

Compared to annual appropriations or other regularly scheduled authorizations, the allocation of judicial institutions is rare. Judicial pork, unlike public works (Ferejohn 1974), military (Goss 1972), or academic[67] (Savage 2000; Martino 1992) pork, is not consistently scheduled to be allocated. However, the allocation of judicial pork matters because Congress purposefully designs the lower courts to operate within specific parameters and, thus, constrains the Courts' ability to influence policy outcomes.

According to my theory, Hypotheses #1, #2, and #4 suggested that states holding a Chairmanship, having rank-and-file members, or unified government, respectively, would have a positive effect on the allocation of judicial pork. On the other hand, Hypotheses #3 suggested that judicial vacancies would have an adverse effect on the allocation of judicial pork to states.

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[67] Academic pork includes congressionally directed funding to specific universities or criteria for research funding that limit the number of universities who are technically able to apply.

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Table 23 summarizes the results of the fixed-effect negative binomial models by judicial pork type. Of the twenty-four cells that should show statistical significance per my theory, only six do so. These results are disappointing because they provide evidence against my theoretically derived expectations.

With the exception of Senate Judiciary Committee membership's positive effect on the allocation of judicial districts and courthouses, none of the other committee representation variables are statistically significant. The null results challenge the construct of my theory which argues that committee representation is consequential for the allocation of judicial pork.

The effect of Judicial Vacancies is negative for the allocation of seats. Thus, with seats needing judges, Congress appears less likely to expand the organization of the lower courts and instead focus on staffing the lower courts. This result is intriguing because vacancies are partially a function of a judge's decision to stay on the bench or step down.

The effect of Unified Government is consistently positive for the allocation of seats, meeting places, and courthouses. When a single party controls the Presidency, Senate, and House of Representatives, it appears more likely that the organization of the lower courts will expand. Thus, times of unified government may offer the opportunity to restructure the lower courts.

*Table 23: Results of Fixed-Effects Negative Binomial Models by Judicial Pork Type*

| | Hypothesized Value | District | Seat | Meeting Place | Courthouse |
|---|---|---|---|---|---|
| Senate Judiciary Chair | >1 | 5.55e-08 (-0.01) | 0.676 (-0.84) | 1.174 (0.49) | 1.027 (0.09) |
| Senate Judiciary Member | >1 | 2.275*** (2.58) | 1.186 (1.60) | 1.169 (1.37) | 1.186* (1.90) |
| House Judiciary Chair | >1 | 0.506 (-0.62) | 0.735 (-1.01) | 0.942 (-0.18) | 1.414 (1.53) |
| House Judiciary Member | >1 | 0.957 (-0.17) | 0.952 (-0.81) | 1.030 (0.37) | 0.966 (-0.60) |
| Judicial Vacancies | <1 | 0.00000263 (-0.02) | 0.545*** (-3.79) | 0.738 (-1.58) | 0.939 (-0.66) |
| Unified Government | >1 | 1.721 (1.59) | 1.583*** (4.16) | 1.625*** (4.11) | 1.165* (1.71) |
| Senate Majority Leader | | 0.000000412 (-0.00) | 1.626 (1.23) | 0.743 (-0.50) | 0.778 (-0.55) |

| | | | | |
|---|---|---|---|---|
| Senate Minority Leader | 0.000000237 (-0.00) | 0.900 (-0.25) | 0.970 (-0.06) | 0.792 (-0.56) |
| House Speaker | 0.844 (-0.16) | 0.728 (-0.95) | 0.806 (-0.61) | 0.371*** (-2.71) |
| House Majority Leader | 8.527** (2.36) | 1.623* (1.69) | 1.793 (1.58) | 1.088 (0.30) |
| House Rules Chair | 1.827 (0.56) | 1.514 (1.54) | 2.054** (2.37) | 1.616* (1.92) |
| House Minority Leader | 0.000000463 (-0.01) | 1.051 (0.15) | 1.262 (0.55) | 1.204 (0.61) |
| Senate Appropriations Chair | 4.070* (1.77) | 1.659 (1.36) | 1.339 (0.78) | 1.754** (2.11) |
| House Appropriations Chair | 0.000000326 (-0.01) | 1.112 (0.38) | 0.863 (-0.38) | 0.983 (-0.06) |
| House Ways and Means Chair | 0.276 (-1.01) | 0.880 (-0.41) | 0.543 (-1.51) | 0.945 (-0.22) |
| Senate Public Works Chair or Equivalent | 0.000000142 (-0.01) | 0.571 (-1.21) | 1.053 (0.14) | 1.249 (0.85) |
| House Public Works Chair or Equivalent | 3.529** (2.00) | 1.160 (0.49) | 1.645 (1.62) | 1.470 (1.61) |
| President | 0.631 (-0.40) | 0.888 (-0.46) | 0.868 (-0.40) | 0.837 (-0.66) |
| Log(Population Interpolated) | 0.422*** (-5.30) | 1.840*** (8.21) | 0.842*** (-2.65) | 1.132** (2.20) |
| N | 4718 | 8291 | 8025 | 8282 |
| chi2 | 43.64 | 121.3 | 47.24 | 37.83 |
| aic | 434.2 | 3384.1 | 3021.5 | 4004.5 |
| bic | 563.4 | 3524.6 | 3161.3 | 4145.0 |

Exponentiated coefficients; *t* statistics in parentheses
* p < 0.10, ** p < 0.05, *** p < 0.01

*Re-specifying the Models*

　　While the results are disappointing, it is important to consider my current model specifications. The above models include control variables that are contextual in nature, such as a state-year's logged interpolated population. I use interpolated population because year-by-year population data are not available. I relied on decennial U.S. Census data to determine a state's population for years 1790, 1800, 1810, and so forth. I then used linear interpolation to fill in the years in between. So, for example, population data between 1801 to 1809 is added through a linear function that step increases from 1800 to 1810 population counts.

　　My theory centers on the role Senators and Congressmembers have in the allocation of judicial pork. I am concerned that including the population of a state as a control variable can dilute the effect of committee representation. My concern is rooted in the fact that population is not a legislative actor. Each state-year is either not represented or represented to some degree on a congressional Judiciary committee, and Congress generally. While each state-year has a given population, the population itself does not introduce legislation, testify before committees, or vote on bills. It is a state-year's Senators and Congressmembers that do these actions. Therefore, population, in it of itself, should have an indirect bearing on the allocation of judicial pork and not be included in the model.

　　Table 24 displays the results of fixed-effects negative binomial models by judicial pork but excluding population as a control variable. Of the twenty-four cells that should show statistical significance, now nine, instead of six, do so. The first difference we observe is that state-years with rank-and-file members on the Senate Judiciary Committee are 25% more likely to obtain judgeships and 21% more likely to secure a courthouse. The next difference is that state-years with House Judiciary Committee membership are 41% less likely to be allocated a district, but 23% more likely to be granted a judgeship. We now see that judicial vacancies decrease the likelihood of a meeting place by 31%. The last difference is that unified government now has a positive effect on the allocation of districts, but no longer any effect on the distribution of courthouses.

*Table 24: Results of Fixed-Effects Negative Binomial Models by Judicial Pork Type and excluding Population Control Variable*

| | Hypothesized Value | District | Seat | Meeting Place | Courthouse |
|---|---|---|---|---|---|
| Senate Judiciary Chair | >1 | 2.86e-08 (-0.00) | 0.561 (-1.25) | 1.209 (0.58) | 1.005 (0.02) |
| Senate Judiciary Member | >1 | 1.536 (1.44) | 1.253** (2.11) | 1.129 (1.07) | 1.210** (2.13) |
| House Judiciary Chair | >1 | 0.526 (-0.59) | 0.753 (-0.93) | 0.941 (-0.18) | 1.407 (1.51) |

| | | | | | |
|---|---|---|---|---|---|
| House Judiciary Member | >1 | 0.588** (-2.15) | 1.229*** (3.94) | 0.946 (-0.75) | 1.017 (0.32) |
| Judicial Vacancies | <1 | 0.000000544 (-0.01) | 0.647*** (-2.80) | 0.687* (-1.93) | 0.975 (-0.27) |
| Unified Government | >1 | 2.000** (2.05) | 1.384*** (2.97) | 1.686*** (4.45) | 1.133 (1.41) |
| Senate Majority Leader | | 0.000000100 (-0.00) | 2.068* (1.85) | 0.689 (-0.63) | 0.822 (-0.43) |
| Senate Minority Leader | | 4.69e-08 (-0.00) | 1.287 (0.60) | 0.862 (-0.29) | 0.854 (-0.38) |
| House Speaker | | 0.585 (-0.50) | 0.787 (-0.72) | 0.785 (-0.69) | 0.380*** (-2.65) |
| House Majority Leader | | 3.507 (1.51) | 2.375*** (3.09) | 1.592 (1.27) | 1.191 (0.62) |
| House Rules Chair | | 1.208 (0.18) | 1.811** (2.17) | 1.897** (2.12) | 1.675** (2.06) |
| House Minority Leader | | 9.07e-08 (-0.00) | 1.131 (0.36) | 1.147 (0.33) | 1.267 (0.78) |
| Senate Appropriations Chair | | 3.390 (1.56) | 1.657 (1.35) | 1.311 (0.72) | 1.774** (2.15) |
| House Appropriations Chair | | 7.24e-08 (-0.01) | 1.304 (0.95) | 0.787 (-0.61) | 1.028 (0.10) |
| House Ways and Means Chair | | 0.330 (-0.94) | 0.801 (-0.72) | 0.548 (-1.50) | 0.928 (-0.29) |
| Senate Public Works Chair or Equivalent | | 7.45e-08 (-0.01) | 0.512 (-1.44) | 1.043 (0.12) | 1.240 (0.82) |
| House Public Works Chair or | | 3.139* (1.82) | 1.163 (0.51) | 1.637 (1.60) | 1.471 (1.61) |

Equivalent

| | | | | |
|---|---|---|---|---|
| President | 0.539 | 1.005 | 0.836 | 0.861 |
| | (-0.56) | (0.02) | (-0.51) | (-0.56) |
| N | 4718 | 8291 | 8025 | 8282 |
| chi2 | 18.77 | 62.51 | 40.58 | 33.28 |
| aic | 461.2 | 3458.5 | 3026.3 | 4007.5 |
| bic | 583.9 | 3591.9 | 3159.1 | 4140.9 |

Exponentiated coefficients; $t$ statistics in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

**Summary**

Relying on an observational research design, this chapter sought to empirically examine the relationship between committee representation and the allocation of judicial pork. I created a new panel data set with information I collected from the Federal Judiciary Center, along with other sources. Given the abundance of state-years that were allocated no judicial pork, selecting the appropriate econometric model was thoughtfully considered. I decided on a panel negative binomial model, instead of other count models, to account for this.

From the results above, there is mixed evidence for my theoretically derived hypotheses. First, it appears that the chairmanship of the Senate and House Judiciary Committees has no effect on the allocation of judicial pork. This is rather surprising, especially given recent research arguing that chairs are instrumental in securing pork (Berry and Fowler 2018). Second, I find that states with rank-and-file Senate Judiciary Committee members are more likely to be distributed seats and courthouses, but not districts and meeting places. Additionally, rank-and-file House members also help attract seats to their states. Third, judicial vacancies suppress the allocation of seats and meeting places, but not districts or courthouses. Finally, during periods of unified government, states are allocated more districts, seats, and meeting places, but not courthouses.

These findings are informative, but not definitive. With these results in mind, I next turn to case studies to further investigate the processes by which judicial pork was allocated, or not allocated, to states. By utilizing case studies, I hope to open the black box of how committee representation effects the distribution of judicial pork.

**Chapter 5: Process Tracing the Allocation of Judicial Pork**

As the large-N analysis indicates, there is some evidence suggesting positive effect of having Senate Judiciary Committee representation on the allocation of judicial districts and courthouses. However, the findings also preclude considering that there is an effect of committee representation on the allocation of judgeships and meeting places.

A drawback of relying on deductively-generated theory and large-N statistical analysis is that the nuances of political institutions and processes can be overlooked. To remedy this, I conduct process tracing on four cases to further explore the mechanisms underlying the congressional allocation of judicial pork. Process tracing is "the analysis of evidence on processes, sequences, and conjunctures of events within a case for the purposes of either developing or testing hypotheses about causal mechanisms that might causally explain the case" (Bennett and Checkel 2015).

I produce four case studies[68] to demonstrate how committee representation may or may not account for the allocation of judicial pork to a state. First, I examine the process leading up to California's 1966 allocation of two judicial districts. At the time of allocation, California had two representatives on the House Judiciary Committee[69]. Second, I explain Florida's 1984 allocation of three judicial seats. At the time of allocation, Florida had three representatives on the House Judiciary Committee[70].

The third case is that of New Jersey. Despite the state holding the Chairmanship of the House Judiciary Committee, there were several failed attempts by other New Jersey representatives to secure an additional meeting place during the 1980s. The final case is that of Louisiana's courthouses in Lake Charles. In 1912 and 1960, courthouses were constructed in the city. For the former courthouse, a Louisiana representative served on the House Judiciary Committee, but for the latter, the state did not have representation on the House or Senate Judiciary Committee.

My method for selecting these cases was non-random[71]. My selection criterion was geographic location of a state. I selected a state from the West, North, South, and East regions of the country. After choosing four states, I then chose which type of judicial pork I wanted to process trace for each state. This choice was based on my review of what forms of judicial pork the state had been allocated over its history. I wanted to make sure I described the allocation (or lack thereof) of each type of judicial pork, so there is a case study for district, seat, meeting place, and courthouse.

However, there is a broad universe of cases I could have selected. Table 25 presents a typology of cases. There are 64 types based on committee position (chair or rank-and-file), judicial pork type (district, seat, meeting place, or courthouse), chamber

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[68] "A case study is an intensive study of a single case or a small number of cases which draws on observational data and promises to shed light on a larger population of cases… is highly focused, meaning considerable time is spent by the researcher analyzing, and subsequently presenting the chosen case." (Gerring 2017).

[69] During the 89th Congress, Representatives James C. Corman and Don Edwards from California served on the House Judiciary Committee.

[70] During the 98th Congress, Representatives Lawrence J. Smith, Bill McCollum, and E. Clay Shaw, Jr. were Florida's representatives on the House Judiciary Committee.

[71] I could have used a random selection method, such as using a random number generator, but did not.

(House or Senate), whether the committee position was held by state-year (yes or no), and whether the state-year was allocated judicial pork or not.

My four case studies cover six of the sixty-four types. The California case ([a] in table below) is one of 20 cases where a state-year had at least one rank-and-file member on the House Judiciary Committee and was allocated a district. The Florida case ([b]) is one of 207 cases where a state-year had at least one rank-and-file member on the House Judiciary Committee and was granted a seat. The New Jersey case is one of 196 cases ([c]) were the state-year was allocated a meeting place without any House or Senate Judiciary Committee representation and one of 190 cases ([d]) where the state-year held the House Judiciary Committee chairmanship but was not distributed a meeting place. And finally, the Louisiana case is one of 276 cases ([e]) were the state-year had at least one member on the House Judiciary Committee and was awarded a courthouse and it is one of 258 cases ([f]) where the state-year did not have House Judiciary Committee representation but was still allocated a courthouse.

*Table 25: Typology of Cases*

|  |  | Allocated Judicial Pork | | | | Not Allocated Judicial Pork | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | *House* | | *Senate* | | *House* | | *Senate* | |
|  |  | Yes | No | Yes | No | Yes | No | Yes | No |
| **Chair** | *Districts* | 1 | 50 | 0 | 51 | 201 | 8449 | 196 | 8454 |
|  | *Seats* | 13 | 364 | 5 | 372 | 189 | 8135 | 191 | 8133 |
|  | *Meeting Places* | 12 | 341 | 11 | 342 | 190[d] | 8158 | 185 | 8163 |
|  | *Courthouses* | 24 | 510 | 14 | 520 | 178 | 7989 | 182 | 7985 |
| **Rank-and-File** | *Districts* | 20[a] | 31 | 17 | 34 | 3110 | 5540 | 2479 | 6171 |
|  | *Seats* | 207[b] | 170 | 127 | 250 | 2923 | 5401 | 2369 | 5955 |
|  | *Meeting Places* | 157 | 196[c] | 118 | 235 | 2973 | 5375 | 2378 | 5970 |
|  | *Courthouses* | 258[e] | 276[f] | 187 | 347 | 2872 | 5295 | 2309 | 5858 |

**Case Study: California**

California's judicial districts have only been altered by Congress four times[72] in the state's history: 1850, 1866, 1886, and 1966. The process leading up to the 1966 modification[73] of California's judicial districts started in 1895, when three bills were introduced altering the district boundaries that were set just a decade earlier in 1886. From 1895 to 1965, at least 78 bills adjusting the state's judicial districts were introduced in the House or Senate. During this same period, the House Judiciary Committee's Subcommittee Number 5 held at least four hearings related to the configuration of California's judicial districts: March 1, 1961; February 28, 1962; March 25, 1964; and September 1965.

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[72] Technically, California's districts were altered an additional two times, in 1911 and 1920, to add newly established counties since 1886 or move a county from one existing district to the other.

[73] For a detailed analysis of how judges were engaged in redrawing California's judicial districts, see Baar (1969).

During the 87th Congress (1961-1962), 18 bills were introduced reorganizing California's judicial districts. Figure 8 graphically depicts four proposals to alter the state's judicial districts. The following colors correspond to a specific district name: Pink for Northern, Orange for Central, Blue for Southern, Green for Eastern, and Yellow for Central Coast. Panel A represents the 3 bills which sought to establish a third district consisting of Imperial and San Diego counties. Panel B represents the 7 bills that looked to create a third district consisting of far North and Central Valley counties. Panel C represents the 7 bills which wanted to establish a third and fourth district. And Panel D represents a single bill that looked to create a third district consisting of Central Coast counties. The sponsors of each bill sought to create a district favorable to their constituents.



A: Proposal 1

B: Proposal 2

C: Proposal 3

D: Proposal 4

*Figure 8: Proposals Altering California's Judicial Districts during the 87th Congress*

On March 1, 1961, the Subcommittee No. 5 of the House Committee on the Judiciary held a hearing on legislation related to districts, judgeships, meeting places, and courthouses. During this hearing, at least eleven bills related to California's judicial

district were considered[74]. At the hearing, Representative Charles Samuel Gubser[75] (R-CA) of California's 10th District, which includes all or part of the counties of Santa Clara, Santa Cruz, Monterey, and San Benito, submitted a statement for the record supporting the allocation of additional judgeships to this region's existing judicial district.

Later, on September 5, 1961, Representative Gubser introduced H.R. 9051[76]. The bill sought to create the Central Coast District, encompassing Congressman Gubser's counties, as a third judicial district for the state (Panel D of Figure 8). Thus, Congressman Gubser went from advocating for just a judicial seat to an entire judicial district.

The following year, on February 28, 1962, Subcommittee No. 5 of the House Committee on the Judiciary held a hearing for H.R. 9051, along with ten of the seventeen other bills related to California's judicial districts[77]. Unlike the hearing of March 1, 1961, this hearing focused on new judicial districts for the states of North Dakota, Florida, and California.

In his testimony before the committee, Congressman Gubser entered into the record letters from the Greater San Jose Chamber of Commerce, Santa Clara County Democratic Central Committee, Merchants Association of San Jose, City of San Jose, Santa Clara County Board of Supervisors, Forward San Jose Inc. the Downtown Association, and editorials in the San Jose Mercury and Sunnyvale Daily Standard-Mountain View Register Leader with the House Judiciary Committee to demonstrate the strong local support for the creation of a new judicial district in the region[78] (see Appendix 1). No further action was taken related to California's judicial districts during the 87th Congress.

At the beginning of the 88th Congress, Subcommittee No. 5 of the House Committee on the Judiciary held another hearing. Unlike past hearings, this hearing was solely focused on California Judicial Districts. Held on March 25, 1964, eighteen bills were considered during this hearing[79] and testimony from Congressmembers, Judges, and regional Bar Associations were accepted[80].

The 18 bills could be grouped into 4 unique positions: 1) three bills calling for the creation of a Central Coast Division[81] with the Northern District; 2) three bills requesting the creation of a new Southern District that encompasses Imperial and San Diego counties; 3) seven bills calling for the creation of four districts and four judgeships; and 4) five bills requesting the creation of four districts and four judgeships but specifying

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[74] The 11 bills were: H.R. 175, H.R. 2463, H.R. 2499, H.R. 2523, H.R. 2584, H.R. 4979, H.R. 4980, H.R. 4981, H.R. 4982, H.R. 4984, and H.R. 4985

[75] http://bioguide.congress.gov/scripts/guidedisplay.pl?index=G000512

[76] 87 Bill Profile H.R. 9051
https://congressional.proquest.com/congressional/docview/t03.d04.87_hr_9051?accountid=14515

[77] The 7 bills that looked to create a third district consisting of far North and Central Valley counties were not included in committee hearing since each bill's sponsors each introduced another bill that created a third and fourth district for the state. These are the second set of 7 bills mentioned earlier.

[78] https://congressional.proquest.com/congressional/docview/t29.d30.hrg-1962-hjh-0054?accountid=14515

[79] The 18 bills are: 88 H.R. 4780; 88 H.R. 4788; 88 H.R. 4795; 88 H.R. 4833; 88 H.R. 4834; 88 H.R. 4835; 88 H.R. 6655; 88 H.R. 6760; 88 H.R. 6764; 88 H.R. 6766; 88 H.R. 6821; 88 H.R. 6847; 88 H.R. 6853; 88 H.R. 9567; 88 H.R. 10317; 88 H.R. 10318; 88 H.R. 10413; 88 H.R. 10414

[80] https://congressional.proquest.com/congressional/docview/t29.d30.hrg-1964-hjh-0021

[81] Districts can be subdivided into divisions for administrative purposes. A division is not equivalent to a district, but rather nested within a district.

that two new judgeships would be allocated to the Northern District and be stationed in Oakland and San Jose, respectively. Interestingly, position one represented yet another shift for Congressman Gubser, who went from advocating for a seat, to a district, to a division within a district.

Six witnesses, three sitting federal judges and three representatives of regional Bar Associations, each expressed their support for the fourth position listed earlier. This position was embodied in H.R. 9567, a bill introduced by Representative William Donlon Edwards (D-CA), a member of the House Judiciary Committee. No further action was taken related to California's judicial districts during the 88th Congress.

Finally, after years of discussion, debate, and compromises, the 89th Congress would be the Congress to act on reorganizing California's judicial districts. During this Congress, six bills were introduced that altered California's judicial districts[82].

Throughout the month of September 1965, Subcommittee No. 5 held hearings about the various bills affecting the federal judiciary. Representatives Don Edwards (D-CA), Charles Gubser (R-CA), and Bernice Sisk (D-CA) testified before the subcommittee regarding the state's districts. The key difference between the legislation introduced by Edwards-Gubser and Sisk was that the former sought eight new judgeships, while the latter advocated for six additional judgeships. All three advocated for the creation of two new judicial districts.

On February 9, 1966, the House Judiciary Committee amended S. 1666, the legislative vehicle that eventually would be enacted into law. That amendment called for the establishment of the Eastern and Central Districts of California, bringing California's districts from two to four. On March 3rd, the House voted to pass S. 1666 by a margin of 371 yeas to 23 nays with 39 abstentions[83]. This bill, in addition to partitioning California into four judicial districts, allocated 10 appellate court judgeships and 35 District Court judgeships. At the time, California has 38 representatives and interestingly, 32 voted yea, 1 voted nay, and 5 abstained. The lone nay was Congressman William Somers Mailliard (R-CA-6) who represented western San Francisco county. Four[84] of the five abstainers were from the Bay area[85]. Congressman Gubser was one of them.

The 1966 modification was enacted on March 18th since S. 1666[86] was signed by President Lyndon B. Johnson into Public Law 89-372[87], less than a year after the bill was introduced on April 1, 1965 by Senator Olin DeWitt Talmadge Johnston (D-SC).

Figure 9 displays a map of California's counties and judicial districts before and after the 1966 law. The pink colored counties represent the Northern District and the blue colored counties represent the Southern District. On the other hand, Panel B of Figure 9 shows a map of the state's counties and judicial districts, but according to the new 1966

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[82] The 6 bills are: H.R. 900; H.R. 1801; H.R. 4534; H.R. 4777; H.R. 4817; and H.R. 8389.

[83] "89th Congress > House > Vote 217" https://voteview.com/rollcall/RH0890217

[84] The three of the four abstainers from the San Francisco Bay area were John Finley Baldwin Jr who represented Contra Costa county; William Donlon Edwards who represented Alameda and Santa Clara counties; and George Paul Miller who represented Alameda county, including Oakland.

[85] The fifth abstainer was Congressman Charles Herbert Wilson from southern California.

[86] H.R. 9168 is the companion bill to S. 1666 and the 89 Bill Profile S. 1666 https://congressional.proquest.com/congressional/docview/t03.d04.89_s_1666?accountid=14515

[87] Public Law 89-372 https://library.cqpress.com/cqalmanac/document.php?id=cqal66-1302079&type=hitlist&num=10

law. The pink and blue colored counties represent the new Northern and Southern Districts, respectively. The green colored counties represent the new Eastern District, while the orange colored counties represent the new Central District.

There are four observations to draw from Figure 9. First, most of the 1920 Northern District shifted to the new 1966 Eastern District. This resulted in a 1966 Northern District that was centered on the San Francisco Bay, but included the entire northern and central coasts of the state. Secondly, the northern most counties of the 1920 Southern District were also added to the new 1966 Eastern District. The new Eastern District includes the entire Central Valley, along with the Sierra Nevada mountain range. The third observation is that most of the 1920 Southern District morphed into the new 1966 Central District, which traverses the lower central coast, through urban Los Angeles county, out to the inland valley and high desert. Fourth, the new 1966 Southern District consist of two border counties of San Diego and Imperial. Interestingly, the newly enacted configuration is the same as Proposal 3 (Panel C of Figure 8) from the 87th Congress.
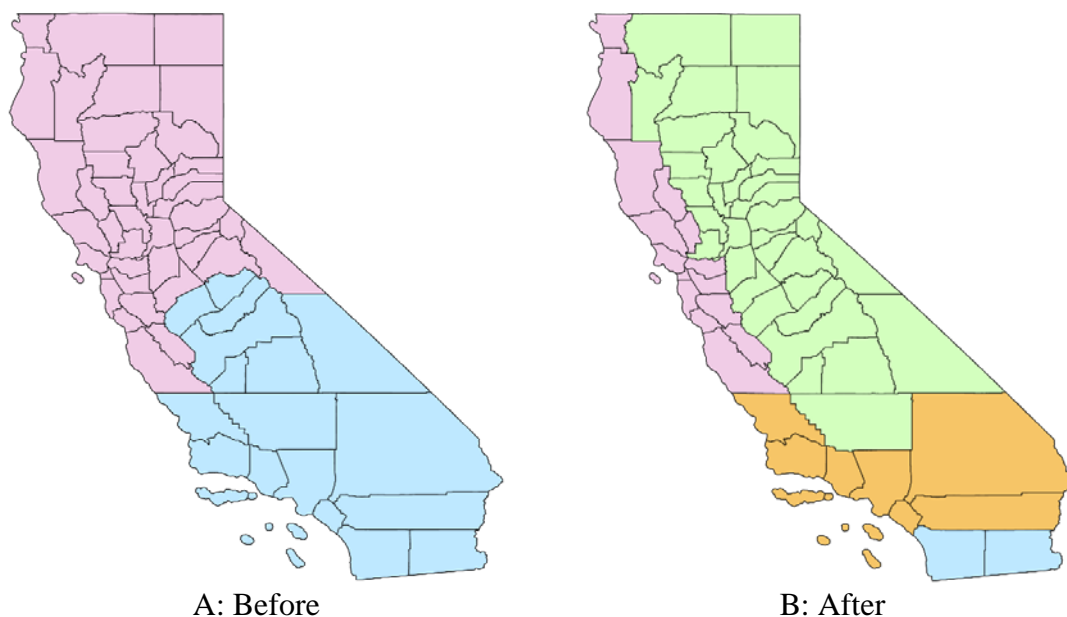


A: Before                                                    B: After
*Figure 9: California's Judicial Districts Before and After 1966 Law*

This case study of California's 1966 judicial districts demonstrates the complexity of the process, the multitude of actors involved, the pivoting from one position to another, and the evolution of focus from districts to the allocation of existing and new judgeships. Thus, the distribution of one type of judicial pork can result in the consideration of another. Moreover, it provides some evidence for the hypothesis that states with at least one Member of the Judiciary Committee in a chamber are more likely to be allocated judicial pork than states with no Members.

**Case Study: Florida**

Since 2002, Florida has a total of 37 judicial seats. From 1845 to 1961, Florida had up to eight judicial seats. From 1962 through 1978, Congress allocated sixteen

additional seats to the state for a total of twenty-four. Below I trace the process leading up to the state's next allocation of seats, which occurred in 1984.

From late spring to early fall of 1980, as President Jimmy Carter's administration sought to thaw relations with Cuba, tens-of-thousands of Cubans immigrated from Mariel Harbor to south Florida. Popularly known as the Mariel Boatlift, over 125,000 Cubans were granted refugee status[88]. By the first Wednesday in November 1980, President Carter lost his re-election bid to California Governor Ronald Reagan, who later assumed the presidency on January 20, 1981.

On March 19, 1981, H.R. 2645 was introduced by Representative Peter Wallace Rodino Jr. (D-NJ), Chairman of the House Judiciary Committee. The bill sought to authorize additional judicial positions for the courts of appeals and district courts of the United States, with a single judicial seat to Florida's Southern District. It was, and still is, common for committee chairman to be the primary sponsor of significant legislation under their committee's jurisdiction.

Subsequent the Mariel Boatlift, the federal trial courts in south Florida became overloaded with cases. For example, the number of criminal prosecutions in the Southern District of Florida increased from 1,376 in 1980 to 4,768 by 1984 (Hall and Rise 1991). This increase in federal cases was partially due to President Ronald Reagan's South Florida Task Force[89] created in January 1982. The Task Force was led by Vice President George H.W. Bush and increased federal law enforcement of anti-drug laws and prosecution of drug-related crimes[90].

In March 1982, the Judicial Conference of the United States sat for its semi-annual meeting in Washington D.C. During the meeting, Chief Judge John Cooper Godbold[91] from the United States Court of Appeals for the Eleventh Circuit[92] advocated for the creation of three judicial seats for Florida. The Conference heeded Chief Judge Godbold's recommendation and adopted it as its official position to Congress.

Eighteen months later, on September 14, 1983, Representative Daniel Andrew Mica[93] (D-FL-14) introduced H.R. 3888, a bill that amended title 28, United States Code, to provide for three additional district judges for the Southern District of Florida. And two weeks later, Representative Dante Bruno Fascell[94] (D-FL-19) introduced an identical bill numbered H.R. 4033.

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[88] "The U.S. And Cuba: A Brief History Of A Complicated Relationship", Greg Myre, National Public Radio, December 17, 2014, https://www.npr.org/sections/parallels/2014/12/17/371405620/the-u-s-and-cuba-a-brief-history-of-a-tortured-relationship

[89] "Statement Announcing Establishment of a Federal Anti-Crime Task Force for Southern Florida" The Public Papers of President Ronald W. Reagan. Ronald Reagan Presidential Library. https://www.reaganlibrary.gov/research/speeches/12882b

[90] "Thirty Years of America's Drug War: A Chronology" PBS Frontline. https://www.pbs.org/wgbh/pages/frontline/shows/drugs/cron/

[91] "Godbold, John Cooper" Federal Judiciary Center. https://www.fjc.gov/node/1381301

[92] The United States Courts of Appeals for the Eleventh Circuit was established in 1981 and includes the states of Alabama, Florida, and Georgia. See http://www.ca11.uscourts.gov/about-court

[93] "MICA, Daniel Andrew, (1944 - )" http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000688

[94] "FASCELL, Dante Bruno, (1917 - 1998)" http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000041

Even Chief Justice of the U.S. Supreme Court Warren Burger weighed in. In January 1984, Chief Justice Burger contended that "the judiciary cannot be held responsible for litigation delay when it is not given the tools and resources needed to cope with the problem"[95] and argued that "at the end of statistical year 1983, the Southern District of Florida had the largest pending criminal docket in the nation"[96].

On July 10, 1984, President Reagan signed H.R. 5174, introduced by Chairman Rodino, into Public Law 98-353. Title 2 of the law established a total of 61 new District judgeships, with three District level judicial seats being allocated to Florida[97].

While Florida had three representatives on the House Judiciary Committee[98] during the 98th Congress, neither Congressman Mica or Fascell, the members who introduced legislation, were one of them. Thus, the introducers of legislation allocating a judicial seat to their state did not serve on the relevant committee.

This case study reveals that it may be prudent to include a control variable for whether the Judicial Conference recommended a judicial seat to a state or not. The Judicial Conference was established in 1922 and serves as the national policymaking and administrative body of the federal courts. Since 1923, the Conference has recommended to Congress the creation of new seats in specific states. To generate a control variable, I reviewed all one-hundred and sixty-seven reports of the proceedings of the Conference between 1923 and 2014. Table 26 displays results of fixed-effects logit and negative binomial models that include a control for Judicial Conference Recommendation. We observe that recommended states were 1.4 times more likely to secure a judicial seat than states without such a recommendation. Like prior results, there is no statistically significant effect of committee representation on the allocation of judicial pork when controlling for the Judicial Conference's recommendation. However, both judicial vacancies and unified government are statistically significant and in expected negative and positive direction, respectively.

*Table 26: Results of Fixed-Effects Models for Judicial Seats controlling for Judicial Conference*

| | Logit | Negative Binomial[99] |
|---|---|---|
| Senate Judiciary Chair | 0.738 | 0.683 |

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[95] Burger calls for more federal judges. (1984, Jan 03). *Chicago Tribune (1963-Current File)* Retrieved from https://search.proquest.com/docview/170596694?accountid=14515

[96] MORE JUDGESHIPS URGED BY BURGER. (1984, Jan 03). *New York Times (1923-Current File)* Retrieved from https://search.proquest.com/docview/122388255?accountid=14515

[97] "Congress Revamps Bankruptcy Laws, Courts." In *CQ Almanac 1984*, 40th ed., 263-68. Washington, DC: Congressional Quarterly, 1985. http://library.cqpress.com/cqalmanac/cqal84-1152763.

[98] Representatives Lawrence J. Smith, Bill McCollum, and E. Clay Shaw, Jr. were Florida's representatives on the House Judiciary Committee. Interestingly, Representatives Smith and Shaw Jr. represented large portions of Miami, but it was Congressmen Mica and Fascell, who represented Palm Beach and south Miami, who introduced the legislation. See https://github.com/JeffreyBLewis/congressional-district-boundaries/blob/master/Florida_98_to_102.geojson

[99] The results are nearly the same for a negative binomial model that excludes logged population as a control variable.

| | | |
|---|---|---|
| | (-0.48) | (-0.62) |
| Senate Judiciary Member | 1.088 (0.62) | 1.126 (0.95) |
| House Judiciary Chair | 1.080 (0.19) | 0.897 (-0.29) |
| House Judiciary Member | 1.003 (0.04) | 1.047 (0.68) |
| Judicial Vacancies | 0.529*** (-3.53) | 0.565*** (-3.35) |
| Unified Government | 1.689*** (3.89) | 1.431*** (2.90) |
| Judicial Conference Recommendation | 2.665*** (7.23) | 2.498*** (7.22) |
| Senate Majority Leader | 1.386 (0.77) | 1.333 (0.72) |
| Senate Minority Leader | 0.842 (-0.38) | 0.840 (-0.41) |
| House Speaker | 1.043 (0.10) | 0.835 (-0.46) |
| House Majority Leader | 1.805 (1.59) | 1.463 (1.15) |
| House Rules Chair | 1.739 (1.59) | 1.574 (1.52) |
| House Minority Leader | 1.097 (0.24) | 1.136 (0.37) |
| Senate Appropriations Chair | 1.411 (0.80) | 1.396 (0.83) |
| House Appropriations Chair | 1.646 (1.37) | 1.343 (0.92) |
| House Ways and Means | 0.828 | 0.960 |

| | | |
|---|---|---|
| Chair | (-0.41) | (-0.10) |
| Senate Public Works Chair or Equivalent | 0.896 (-0.22) | 0.848 (-0.34) |
| House Public Works Chair or Equivalent | 1.026 (0.06) | 1.036 (0.09) |
| President | 1.010 (0.03) | 0.972 (-0.09) |
| Log(Population Interpolated) | 1.544** (2.51) | 0.970 (-0.24) |
| N | 4526 | 4489 |
| chi2 | 94.71 | 78.67 |
| aic | 1837.3 | 2479.7 |
| bic | 1965.6 | 2614.3 |

Exponentiated coefficients; *t* statistics in parentheses
* p < 0.10, ** p < 0.05, *** p < 0.01

## Case Study: New Jersey

The state of New Jersey has had a total of five locales designated as judicial meeting places: Burlington 1789 to 1844; New Brunswick from 1789 to 1844; Trenton from 1844 to present; Newark from 1888 to present; and Camden from 1926 to present. New Jersey has a single judicial district with a total of seventeen judgeships.

The process of designating Camden a meeting place started during the 68th Congress (March 4, 1923 to March 3, 1925), Representative Francis Ford Patterson Jr.[100] (R-NJ), who hailed from Camden, introduced H.R. 2897[101] on December 10, 1923. The bill sought to establish Camden as the third meeting place in the state. None of the New Jersey House delegation, including Representative Patterson, was a member of the House Judiciary Committee.

On January 22, 1925, the House Judiciary Committee's Subcommittee No. 3 held a hearing which included consideration of H.R. 2897. Subcommittee Chairman Richard Yates (R-IL)[102] stated: "The clerk informs me that all of the United States judges interested have made a unanimous report against it [H.R. 2897], and that there is a letter from the Attorney General concurring in that unanimous report." However, after a conversation between Chairman Yates and Representative Patterson, the subcommittee reported the bill out to the full committee. No further action was taken during the 68th Congress.

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[100] "PATTERSON, Francis Ford, Jr., (1867 - 1935)"
http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000114
[101] "68 Bill Profile H.R. 2897 (1923-1925)"
https://congressional.proquest.com/congressional/docview/t03.d04.68_hr_2897?accountid=14515
[102] "YATES, Richard, (1860 - 1936)
" http://bioguide.congress.gov/scripts/biodisplay.pl?index=Y000011

During the 69th Congress, on December 7, 1925, Representative Patterson introduced H.R. 3745[103] and H.R. 427[104]. The first bill sought to authorize his hometown as an official meeting place. And the second bill would authorize the Secretary of the Treasury to spend up to $500,000 for "necessary additions, extensions, and improvements to the public building at Camden, New Jersey". By mid-1926, Congressman Patterson's efforts to make Camden a meeting place for the federal trial courts were finally successful. On the 17th of May, President Calvin Coolidge signed H.R. 3745 into law. However, Representative Patterson lost his party's renomination to Congress the same year.

While Camden was the last city in New Jersey to be allocated a judicial meeting place, future New Jersey representatives sought to designate other cities as meeting places as well.

The State of New Jersey has produced two chairman of the House Judiciary Committee and one chairman of the Senate Judiciary Committee. On the House side, during the 61st Congress (1909-1910), Richard W. Parker (R-NJ) served, while Peter W. Rodino, Jr. (D-NJ) served from the 93rd Congress (1973-1974) to the 101st Congress (1989-1990). On the Senate side, Garret D. Wall (D-NJ) was chairman from the 25th to the 27th Congress (1838 to 1841).

Neither Chairman Parker or Wall successfully secured any type of judicial pork for their state during their tenure. However, Chairman Rodino allocated five judicial seats to his home state during his reign. But, not all requests for judicial pork, and specifically judicial meeting places in his home state, were granted by Chairman Rodino.

Between the 96th Congress and 101st Congress, at least fourteen bills were introduced designating a city in the State of New Jersey as an additional meeting place for the trial courts. Recall New Jersey's preexisting meeting places of Trenton, Newark, and Camden.

To kick off this twelve-year long saga, starting in the 96th Congress, Representatives Harold Capistran Hollenbeck (R-NJ), Robert A. Roe (D-NJ), Millicent Hammond Fenwick (R-NJ), and Frank Joseph Guarini Jr. (D-NJ) each introduced legislation designating the cities of Hackensack, Paterson, Morristown, and Jersey City as new meeting places, respectively. At least one hearing was held by the House Judiciary Committee or its Subcommittee on Courts, Civil Liberties, and the Administration of Justice to discuss some or all of these bills.

During the 97th Congress, all but Representative Fenwick reintroduced their legislation. This meant that Morristown was no longer being put forward for consideration by the House Judiciary Committee. No hearings were held on these bills for the duration of the Congress. In the following Congress, Representative Roe was the lone member to continue to advocate for a new meeting place in Paterson. His bill was even heard in the same subcommittee, but never made it to the full committee for its consideration.

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[103] "69 Bill Profile H.R. 3745 (1925-1927)"
https://congressional.proquest.com/congressional/docview/t03.d04.69_hr_3745?accountid=14515
[104] "69 Bill Profile H.R. 427 (1925-1927)"
https://congressional.proquest.com/congressional/docview/t03.d04.69_hr_427?accountid=14515

Finally, for the 99th, 100th, and 101st Congresses, Representatives Roe and Guarini continued to introduce legislation designating either Paterson or Jersey City, respectively, as a meeting place. During each Congress, the bills were heard in subcommittee, but never progressed. All this, considering the fact, that Chairman Rodino hailed from New Jersey.

This case study provides evidence against the hypothesis that states that hold the Chairmanship of the Judiciary Committee in a chamber are more likely to be allocated judicial pork than states that do not hold a Chairmanship. In other words, we clearly observe negative agenda control (Jenkins and Monroe 2014, 2012; Gailmard and Jenkins 2007) exercised by the chairman.

**Case Study: Louisiana**

Each courthouse has its own unique story. The following is the story of the two federal courthouses of Lake Charles, Louisiana. The state of Louisiana has had at least thirteen federal courthouses built in seven cities[105] since 1860. One of those cities, Lake Charles, has secured two federal courthouses in 1912 and again in 1960. The city is in southwest Louisiana, just east of the Calcasieu River. According to the 1910 U.S. Census, Lake Charles had a population of 11,499, a 4,769 person increase from 1900[106]. In 1960, it has a population of 63,392[107], an increase of twenty-two thousand from just a decade earlier. And as of 2010, the city's population hovers just over 72,000[108].

Efforts to allocate a courthouse in Lake Charles date back to January 11, 1905, during the 58th Congress, when Congressman Arsène Paulin Pujo (D-LA)[109] introduced H.R. 17579. The bill would create a new division[110] within the Western District Court of Louisiana, set Lake Charles as a meeting place, and suggested federal investment in a courthouse. On February 10th, the bill was amended by the House Judiciary Committee to alter the months in which court would be held in Lake Charles from January and June to May and December. A day later, the bill passed the House of Representatives and by February 13th, it was referred to the Senate Judiciary Committee. On February 22nd, the Senate committee reported the bill with two amendments, the more relevant one being the removal of the phrase "until such time as a Federal building shall be erected in the said city of Lake Charles"[111]. By March 2nd, President Theodore Roosevelt signed the bill into Public Law 58-128[112].

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[105] The seven cities are: Alexandria, Baton Rouge, Lake Charles, Monroe, New Orleans, Opelousas, and Shreveport.

[106] "Statistics for Louisiana" U.S. Census, 1913, https://www2.census.gov/library/publications/decennial/1910/abstract/supplement-la.pdf

[107] ftp://ftp.census.gov/prod2/decennial/documents/1970a_la-01.pdf

[108] https://factfinder.census.gov/bkmk/table/1.0/en/PEP/2016/PEPANNRES/0400000US22.16200

[109] "PUJO, Arsène Paulin, (1861 - 1939)" http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000567

[110] As a reminder: districts can be subdivided into divisions for administrative purposes. A division is not equivalent to a district, but rather nested within a district.

[111] The full clause read: "Provided, however, That suitable rooms and accommodations are furnished for holding said courts free of expense to the Government of the United States until such time as a Federal building shall be erected in said city of Lake Charles."

[112] "Public Law 58-128" http://legisworks.org/congress/58/session-3/publaw-128.pdf

With the exclusion of the above clause by the Senate Judiciary Committee, Representative Pujo introduced legislation to remedy its removal in the 59th Congress. On January 4, 1906, he introduced bill H.R. 10085 which would appropriate $150,000 for the construction of a post office and courthouse in Lake Charles. While the bill itself was not enacted into law, it's spirit lived on in H.R. 20511. This bill, which became Public Law 59-386[113] on June 30th, appropriated $20,000 for a post-office and court-house in Lake Charles. Less than a year later, H.R. 25745 was signed into Public Law 59-253[114] on March 4, 1907 and allocated an additional $45,000 for the Lake Charles structure.

Neither Congressman Pujo, nor any other member of the Louisiana delegation served on the House or Senate Judiciary Committee during these Congresses. It was not until the 62nd Congress (1911-1912) through 64th Congress (1915-1916), when Congressman H. Garland Dupre, a Democrat from Louisiana, served on the House Judiciary Committee. By 1912, the construction of a courthouse in Lake Charles was completed. Figure 10 is a picture[115] of the 1912 courthouse.



*Figure 10: 1912 Lake Charles Courthouse*

The lead up to the 1960 Lake Charles courthouse started in the 80th Congress (1947-1948), with the introduction of H.R. 5364 by Congressman Henry Dominique Larcade Jr.[116] (D-LA). Seeing no action, Representative Larcade introduced H.R. 491 in the 81st Congress (1949-1950). And yet again, no action. However, during the 82nd Congress (1951-1952), the Subcommittee on Public Buildings and Grounds of the

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[113] "Public Law 59-386" http://legisworks.org/congress/59/session-1/publaw-386.pdf
[114] "Public Law 59-253" http://legisworks.org/congress/59/session-2/publaw-253.pdf
[115] Picture from National Archives, RG 121-BS, Box 37, Folder T, Print 1 (1912) as posted on "Historic Federal Courthouses, Lake Charles, Louisiana (1912)" https://www.fjc.gov/history/courthouse/lake-charles-louisiana-1912
[116] "LARCADE, Henry Dominique, Jr., (1890 - 1966)" http://bioguide.congress.gov/scripts/biodisplay.pl?index=L000095

Committee on Public Works in the House of Representatives, held a hearing on H.R. 491, along with bills related to courthouses in Bluefield, West Virginia and Council Bluff, Iowa, in August 1951.

Even though the bill was introduced in the prior Congress, Congressman Larcade was the most senior member of the committee, right after Chairman Charles A. Buckley (D-NY)[117] of New York. Testifying before the committee, Representative Larcade explained a history of delay, largely the result of the 1st and 2nd World Wars and the Korean War, in allocating resources and constructing a new courthouse. In responding to a question from Congressman Clare Magee (D-MO)[118] about increasing the allocation from $1 million to $1.8 million for Lake Charles, Congressman Larcade responded: "If the Congress had voted for this in 1916 or 1938 or 1945 or 1949, the buildings probably would have been constructed for less money than they would cost under present construction costs, but that does not do away with the need and the situation that exists where the building is absolutely inadequate to take care of the business of the city."

To support his argument, Representative Larcade submitted a news clipping and brief from the Lake Charles American Press and Association of Commerce of Lake Charles, Inc., respectively. The Association's brief argued: "The Federal court room is too small, its facilities are obsolete and inadequate, and it is extremely difficult to hold court with the dispatch and dignity which should be evidenced in a court of the United States Government." For some reason, Congressman Larcade was not a candidate for renomination in 1952. And no further action was taken to fulfill Lake Charles' courthouse needs during the 82nd Congress.

With the arrival of the 83rd Congress, (1953-1954), new Representative Theo Ashton Thompson[119] (D-LA) introduced H.R. 3100, while Senators Russell Billiu Long (D-LA), along with Senators Matthew Mansfield Neely (D-WV) and Guy Mark Gillette (D-IA), introduced S. 1781.[120] Both bills called for emergency appropriations for a courthouse in Lake Charles. While these bills went nowhere, another bill, H.R. 6342[121] was reported by the House Public Works Committee on July 17, 1953. Prior, the federal government could either pay for construction of a new building or rent a building for its use. This bill proposed a third way: purchase contract[122]. By April 20, 1954, the bill passed the Senate amended. After a conference report was produced, the bill was agreed to in the House and Senate on July 7th and 8th, respectively.

On August 25, 1954, the Wall Street Journal reported that "Right now, G.S.A. [General Services Administration] has 29 projects before the Congressional groups and

[117] "BUCKLEY, Charles Anthony, (1890 - 1967)"
http://bioguide.congress.gov/scripts/biodisplay.pl?index=B001024
[118] "MAGEE, Clare, (1899 - 1969)" http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000045
[119] "THOMPSON, Theo Ashton, (1916 - 1965)"
http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000218
[120] For more on the utility of House and Senate companion bills and cross-chamber collaboration, see Kirkland and Kroeger (2018)
[121] "Public Buildings, Post Office Act." In *CQ Almanac 1954*, 10th ed., 08-402-08-403. Washington, DC: Congressional Quarterly, 1955. http://library.cqpress.com/cqalmanac/cqal54-1359221.
[122] According to CQ Almanac: "The contracts, running from 10 to 25 years, would provide for the government to pay the equivalent of rental charges until the cost, interest, taxes and insurance of the buildings were covered, at which time title to the property would be vested in the government."

the Post Office Department has six. Most of these have been okayed by the House committee. The Senate group promises speedy action; it's delegated approval authority to a subcommittee, which has arranged for telephone or telegraph polls of its members on individual projects."[123] On the list was Lake Charles for a three-story combination post office-courthouse at a size of 83,688 square feet and a cost of $2.2 million dollars.

During this entire saga from the 80th to the 83rd Congress, Louisiana did not have any representation on the Judiciary Committees in the House or Senate. However, recall that Senators from Louisiana, Iowa, and West Virginia teamed up to introduce S. 1781 in the 83rd Congress. While the bill did not progress, it may have sent a signal. And well enough, both Iowa had representation on the House Judiciary committee, while West Virginia had consistent Senate Judiciary Committee representation throughout this period. And once the courthouse was finally constructed, in 1960, the state lacked representation through the intervening 84th, 85th, and 86th Congresses. Figure 11 is a picture[124] of the 1960 courthouse.



*Figure 11: 1960 Lake Charles Courthouse*

This case study provides competing evidence for the hypothesis that states with at least one Member of the Judiciary Committee in a chamber are more likely to be allocated judicial pork than states with no Members. While the 1912 courthouse was constructed when a member of the Louisiana delegation was on the House Judiciary Committee, this was not the case for the 1960 courthouse. However, the process leading up to the construction of the 1960 courthouse encourages us to consider the influence of the Public Works Committee on the allocation of judicial pork (for example, see Gordon

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[123] "Public Works Spurt" by Monroe W. Karmin in Wall Street Journal, Aug 25, 1954
[124] Picture from National Archives, RG 121-BS, Box 37, Folder T (1960) as posted on "Historic Federal Courthouses, Lake Charles, Louisiana (1960)" https://www.fjc.gov/history/courthouse/lake-charles-louisiana-1960

and Simpson 2018) as well as considering the role of coalitions between Senators and representatives from different states in securing judicial pork.

**Summary**

This chapter served to illuminate the innerworkings of Congress, the Judiciary Committee, and members in allocating – or not allocating – judicial pork. The California case study highlights how coalitions within a state delegation advocate for their preferred judicial pork outcome. In examining Florida, we find that the Judicial Conference can play a prominent role in recommending judicial pork to a state before its Congressional representatives. New Jersey highlights how a chairman utilized their power to block the distribution of judicial pork, to their own state nonetheless. And finally, the Louisiana case, shows how representation on another committee, Public Works, may be an important factor in the allocation of courthouses as well as the utility of inter-chamber coalitions. The common theme that emerges is it takes more than one Congress to see that a district, seat, meeting place, or courthouse is distributed to a given state.

## Chapter 6: Government Control and the Allocation of Judicial Pork

Scholars' efforts to explain the creation of judgeships, one of four types of judicial pork, have consistently considered party control of the Presidency, House of Representatives, and Senate as an explanatory factor (Bond 1980; Barrow et al. 1996; de Figueiredo and Tiller 1996; de Figueiredo et al. 2000; Hansford 2003). Of the seven articles summarized in Table 1, five explicitly consider whether control of government is unified under a single party or divided. I have previously argued in my theory that unified government decreases the costs, while divided government increases costs of allocating judicial pork. Thus, during times of unified government, Congress should allocate more judicial pork, while it will allocate less judicial pork during times of divided government.

The results of my empirical analysis indicate that unified government has a statistically significant and positive effect on the allocation of districts, seats, meeting places, and courthouses (see Table 23 and Table 24). Thus, one may believe that unified government has the intended effect of lowering costs, thereby making it easier for Judiciary Committee representatives to secure judicial pork. However, what if committee representation functions differently between times of unified and divided government?[125] If unified government poses fewer costs in allocating judicial pork, does that mean states with representatives on the Senate or House Judiciary Committees are more effective at securing judicial pork? Or, if divided government imposes greater costs, does that mean Judiciary Committee representatives are less effective in obtaining districts, seats, meeting places, and courthouses?

Before considering the primary question about committee representation in times of unified and divided government, it is important to recall that the current debate focuses on what causes divided government and what are the consequences of divided government.

There are two explanations for divided government: voters "policy balance" by electing different parties to control different branches of government. With opposing parties controlling different branches of government, voters expect policy outputs to be near the center, as opposed to the far left or far right of the policy spectrum (Fiorina 1992; Alesina and Rosenthal 1996; Lacy et al. 2017). The second explanation is that the distance between veto players within the separation-of-powers structure of government is the key factor to whether there is divided government (Krehbiel 1996). If the distance is greater between veto players, then divided government, and more specifically gridlock, is likely. This means divided government is caused by the aggregate of voters casting ballots that splits control of government or how ideologically far apart veto players are from one another.

The consequences of divided government focuses on the concept of legislative productivity (Coleman 1999). The common understanding is that if government is divided, then legislative productivity declines and if government is unified, then such

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[125] My question relates to Feldman and Menounou (2015) who argue that prior research does not explain why judgeships are created during times of divided government. They find that ideological proximity of veto players helps explains the creation of judgeships during times of divided government. Instead of ideological proximity, I am interested in states' representation on the Judiciary Committees.

productivity increases. The empirical debate centers on how to measure legislative productivity. There are at least two measures. The first simply divides the number of bills passed by the number of bills introduced during a given two-year congressional session. More laws are expected during times of unified government, and less during divided government. The second measure uses contemporary and/or retrospective evaluations of policy experts to evaluate the productivity of a given Congress (Mayhew 2005; but see Binder 2003; Howell et al. 2000). The contemporary evaluations were based on national newspapers reporting of the legislation and their opinion of its historical significance. The retrospective evaluations were based on scholarly interpretations of legislation after some time passed. This measurement thus focuses on "significant" laws that were enacted, as opposed to all bills that were introduced.

More recent studies of the consequences of divided government include Ansolabehere et al. (2018) which finds that significant legislation is passed during times of unified government, more so in the twentieth century than in the nineteenth century. Their study emphasizes that the power of unified government is tempered by era-level effects. In another study, Farhang and Yaver (2016) show that in times of divided government, Congress is more likely to pass laws that fragment control of policy implementation. Consequently, instead of focusing on productivity, they focus on what types of laws are produced. And, finally, Baumgartner et al. (2014) find that legislative productivity does not suffer, unlike the enactment of significant legislation, in times of divided government. As they state, "most of the governments' legislative activity consists in insuring the normal functioning of the political system and in responding to the issue of the day and other sudden exogenous crises."

The prominence of unified versus divided government in prior research on the creation of judgeships, along with a robust debate within the discipline, is difficult to ignore when explaining the congressional allocation of judicial pork. Unlike these studies, my theory centers on the role committee representation may have in the allocation of judicial pork. My initial attempt to account for government control was simply to include it as an explanatory variable in my theory and subsequent statistical analyses.

However, it may be useful to consider control of government as contextual, instead of an explanatory variable. What I mean is that committee representation may function differently in periods of unified versus divided government. Staying close to my theoretical argument that unified government decreases costs, and divided government increases costs, let me unpack what these costs can be. Instead of costs simply being time and resources, costs may be the placement of elected officials on committees. States pay the cost of having their representatives on one committee versus another committee, such as the cost of having them on a Judiciary Committee to help allocate judicial pork.

To empirically examine this, I run the re-specified negative binomial models from Chapter 4 by judicial pork type *and* by government control. Thus, instead of having one model for each type of judicial pork, I have two: one for periods of unified and another for periods of divided government[126].

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[126] The negative binomial model of judicial districts during divided government fails to converge, so there is a total of seven, instead of eight, models.

Table 27 displays the results of these models. During times of unified or divided government, the Senate Judiciary Committee Chairmanship is not statistically significant. But, if a state has a rank-and-file member on the said committee, then we have a different story. During unified government, a Senate rank-and-file member has no effect on the allocation of judicial pork, while during divided government, it increases the likelihood of the allocation of seats, meeting places, and courthouses by 70%, 43%, and 43%, respectively. During unified government, holding the House Judiciary Committee Chairmanship does not have the expected effect on any of the four judicial pork types, but during divided government, a state has nearly double the likelihood of securing a courthouse. As for rank-and-file House member, in unified government, it decreases the chance of obtaining a judicial district, but increases the likelihood of securing a seat by 30%. And in divided government, states are 21% more likely to earn a seat. Lastly, judicial vacancies have a negative effect on the allocation of seats and meeting places during unified government, but no statistically significant effect during divided government.

There are three highlights from the results. First, it is important for a state to have Senate Judiciary Committee representation. This gives a state a higher likelihood of securing a seat, meeting place, and courthouse during times of divided government. As argued earlier, divided government increases the costs on states in securing judicial pork. One way of overcoming that cost is to pay the price by having a Senator serve on the Judiciary Committee. By paying this price, states position themselves to secure judicial pork, more so than states who forgo this opportunity. However, a state who pays this price in unified government, may do so unnecessarily.

The second highlight is that having a House Judiciary Committee rank-and-file member increases a state's chance of securing a judgeship during times of unified and divided government. The strength of House rank-and-file across both periods stands in contrast to that of Senate rank-and-file members. This begs the question: why would a rank-and-file House Judiciary member be more influential than a rank-and-file Senate Judiciary member in securing a judgeship? One answer could be that Congressmembers are more accessible than Senators. This means Congressmembers are more likely to be aware of judgeship needs and subsequently advocate to fulfill those needs by sponsoring legislation.

The final highlight is that judicial vacancies have a negative effect on the allocation of seats and meeting places during times of unified government, but no effect during times of divided government. Why would judicial vacancies maintain a suppressive effect when a single party controls the House, Senate, and Presidency, but have no effect when control is divided? It could be that judicial vacancies increase during unified government because judges strategically retire so their seat will be filled with a likeminded nominee by a likeminded Senate. Or, the presence of judicial vacancies is effectively used as an argument by legislators against new judgeships or meeting places, either in private when deciding to introduce a bill or in public during committee hearings with other legislators.

By considering government control as contextual, instead of an explanatory variable, we have a clearer sense of the role committee representation has on the allocation of judicial pork during two very different periods of unified or divided

government. Unlike prior research that examines the effect government control has on legislative outcomes, this chapter studies the effect of legislative actors on legislative outcomes, *given* unified or divided government. While I focus on the Judiciary Committee and the allocation of judicial pork, this framework could readily be applied to other committees and other types of pork.

*Table 27: Results of Fixed-Effects Negative Binomial Models by Government Control and Judicial Pork Type*

| | Unified Government | | | | Divided Government | | | |
|---|---|---|---|---|---|---|---|---|
| | District | Seat | Meeting Place | Courthouse | District | Seat | Meeting Place | Courthouse |
| Senate Judiciary Chair | 3.95e-08 (-0.00) | 0.887 (-0.25) | 1.111 (0.26) | 1.236 (0.63) | N/A[127] | 0.000000733 (-0.02) | 1.440 (0.63) | 0.600 (-0.84) |
| Senate Judiciary Member | 1.354 (0.89) | 1.104 (0.71) | 1.017 (0.12) | 1.115 (0.92) | | 1.702*** (3.03) | 1.430* (1.73) | 1.431** (2.45) |
| House Judiciary Chair | 0.606 (-0.46) | 0.781 (-0.67) | 1.000 (0.00) | 0.960 (-0.12) | | 0.785 (-0.44) | 1.124 (0.21) | 1.951** (2.01) |
| House Judiciary Member | 0.611* (-1.69) | 1.308*** (3.47) | 0.981 (-0.21) | 1.023 (0.30) | | 1.212** (2.49) | 0.907 (-0.78) | 1.007 (0.09) |
| Judicial Vacancies | 0.000000875 (-0.01) | 0.345*** (-2.72) | 0.484* (-1.91) | 0.896 (-0.64) | | 0.839 (-1.09) | 0.791 (-1.07) | 1.002 (0.02) |
| Senate Majority Leader | 0.000000153 (-0.00) | 2.414* (1.85) | 0.696 (-0.50) | 0.929 (-0.12) | | 1.701 (0.69) | 0.639 (-0.43) | 0.752 (-0.39) |
| Senate Minority Leader | 5.51e-08 (-0.00) | 2.089 (1.39) | 0.696 (-0.50) | 0.792 (-0.39) | | 0.792 (-0.32) | 1.373 (0.43) | 0.726 (-0.53) |
| House Speaker | 0.734 (-0.29) | 0.989 (-0.03) | 0.807 (-0.50) | 0.342** (-2.09) | | 0.651 (-0.69) | 0.890 (-0.18) | 0.465 (-1.45) |

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[127] The negative binomial models fails to converge, therefore no results are available.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| House Majority Leader | 1.493 (0.32) | 2.158** (2.08) | 1.483 (0.87) | 1.724 (1.62) | 2.809** (2.21) | 2.224 (1.25) | 0.671 (-0.65) |
| House Rules Chair | 1.514 (0.37) | 2.135** (2.23) | 1.698 (1.36) | 1.993** (2.19) | 1.441 (0.73) | 2.118 (1.50) | 1.024 (0.05) |
| House Minority Leader | 8.32e-08 (-0.00) | 1.044 (0.10) | 0.952 (-0.09) | 1.345 (0.75) | 1.296 (0.46) | 1.047 (0.06) | 1.388 (0.67) |
| Senate Appropriations Chair | 9.39e-08 (-0.00) | 1.615 (0.99) | 1.141 (0.28) | 2.186** (2.40) | 1.769 (0.92) | 1.526 (0.68) | 1.045 (0.08) |
| House Appropriations Chair | 0.000000111 (-0.01) | 1.003 (0.01) | 0.909 (-0.20) | 0.849 (-0.39) | 2.095* (1.80) | 0.636 (-0.62) | 1.155 (0.36) |
| House Ways and Means Chair | 0.540 (-0.48) | 0.859 (-0.39) | 0.507 (-1.39) | 1.124 (0.35) | 0.651 (-0.79) | 0.460 (-1.04) | 0.758 (-0.63) |
| Senate Public Works Chair or Equivalent | 0.000000128 (-0.01) | 0.525 (-1.07) | 0.616 (-0.92) | 1.359 (0.91) | 0.481 (-0.93) | 4.417*** (2.73) | 0.922 (-0.17) |
| House Public Works Chair or Equivalent | 2.715 (1.29) | 1.219 (0.55) | 1.399 (0.81) | 1.331 (0.85) | 1.091 (0.16) | 2.337* (1.81) | 1.526 (1.15) |
| President | 0.798 (-0.20) | 1.234 (0.69) | 1.150 (0.39) | 0.858 (-0.43) | 0.688 (-0.70) | 0.000000312 (-0.01) | 0.713 (-0.78) |
| N | 2269 | 4644 | 4364 | 4738 | 3315 | 2977 | 3351 |
| chi2 | 5.760 | 40.69 | 9.907 | 25.79 | 28.65 | 22.73 | 17.50 |
| aic | 328.4 | 2095.6 | 1975.8 | 2314.1 | 1197.0 | 890.8 | 1533.9 |

| bic | 431.4 | 2211.5 | 2090.7 | 2430.5 | | 1306.9 | 998.8 | 1644.0 |

Exponentiated coefficients; $t$ statistics in parentheses
$^{*}$ $p < 0.10$, $^{**}$ $p < 0.05$, $^{***}$ $p < 0.01$

# Chapter 7: Majority versus Minority Rank-and-File and the Allocation of Judicial Pork

Up until this point, I have not considered ideology or partisanship in explaining the allocation of judicial pork. Part of the reason is that my theory is focused on states' representation on the Judiciary Committees, not the members of Congress themselves. Recall that my theory presented in Chapter 3 assumed away any role for ideology or partisanship in the allocation of judicial pork. This can be viewed as a rather strong assumption because ideology (Poole et al. 2007) and partisanship (Cox and McCubbins 1993; Lee 2009) are front and center in the discipline. Debates about ideology or partisanship are abundant in American political institutions (Krehbiel 1998; Roberts 2005; Rohde 1991; Den Hartog and Monroe 2011) and congressional behavior (Krehbiel 1993; Cox and McCubbins 2005; Monroe et al. 2008). To make an inroad into this broad debate, I will examine what effect, if any, that majority and minority Senate and House Judiciary committee rank-and-file members have on the allocation of judicial pork.

Majority status, by itself, is not necessarily ideological or partisan. However, an elected official's ideology may guide them to associate with one partisan party more than the other party. With limited exception, the United States Congress has had a two-party system throughout most of its history. Two parties, Democratic and Republican, have either been the majority party or minority party in the Senate or House since the mid-nineteenth century (Aldrich 2011). Therefore, it follows that, members with ideologies form or join partisan groups and these partisan groups occupy the status of a majority or minority in a given chamber during a given Congress.

Table 28 displays the results of four negative binomial models, one for each type of judicial pork. The difference between these models and those presented in Chapter 3 is that they disaggregate Senate and House Rank-and-File Members between majority and minority members. Thus, four new explanatory variables are included: Senate Judiciary Majority Member, Senate Judiciary Minority Member, House Judiciary Majority Member, and House Judiciary Minority Member.

There are several observations to draw from the table. First, across all four models, neither Senate Judiciary Chairmen nor House Judiciary Chairmen have a statistically significant effect on the allocation of judicial pork to a state. I theorized that chairman have significant power in setting the agenda. Given that chairmen are members of the majority party, they can be considered agents of the chamber majority party. Surprisingly, these results suggest that chairs do not use their agenda power to secure additional districts, seats, meeting places, or courthouses to their state.

The second observation is that states with Senate Judiciary majority rank-and-file members are 94% and 22% more likely to secure judicial districts and courthouses to their state. While states with minority rank-and-file members are 30% more likely to obtain judgeships. In comparison, a state is 48% less likely to secure a judicial district if they have a House majority member on the Judiciary committee but are 29% more likely to earn a judgeship. Additionally, states with House minority members are 15% more likely to earn a judgeship as well.

Judicial vacancies have a suppressive effect on the allocation of seats and meeting places. Additionally, unified government increases the allocation of districts, judgeships, and meeting places to states, but not courthouses. And of interest, the state holding the House Rules Committee Chairmanship regularly earned more judgeships, meeting places, and courthouses.

There are two interesting aspects about these results. First, it appears that minority members in the Senate and House can obtain judgeships, even though they are in the minority. This is counterintuitive to prevailing findings in distributive politics scholarship, which has found empirical support for majority status positively effecting the allocation of judicial seats (Binder and Maltzman 2009) and traditional pork (Balla et al. 2002; Engstrom and Vanberg 2010). Second, Senate majority members have a positive effect on the allocation of judicial districts, while House majority members have a negative effect. What could explain the power of Senators securing reconfigured judicial districts for their states, while House members have the opposite effect? I suspect that Senators are more influential in redrawing the lines of judicial districts because they represent the entire state. If there are protagonists advocating to sustain the judicial district status quo, while there are antagonists championing a change to the status quo, they may look to their Senator to arbitrate this dispute.

*Table 28: Results of Fixed-Effects Negative Binomial Models by and Judicial Pork Types including Majority and Minority Rank-and-File*

|  | Districts | Seats | Meeting Places | Courthouses |
|---|---|---|---|---|
| Senate Judiciary Chair | 2.99e-08 | 0.564 | 1.270 | 0.982 |
|  | (-0.00) | (-1.22) | (0.71) | (-0.06) |
| Senate Judiciary Majority Member | 1.941* | 1.222 | 1.083 | 1.220* |
|  | (1.92) | (1.48) | (0.55) | (1.78) |
| Senate Judiciary Minority Member | 1.047 | 1.304* | 1.177 | 1.206 |
|  | (0.10) | (1.81) | (1.07) | (1.52) |
| House Judiciary Chair | 0.427 | 0.707 | 0.964 | 1.393 |
|  | (-0.77) | (-1.12) | (-0.11) | (1.46) |
| House Judiciary Majority Member | 0.519* | 1.288*** | 0.867 | 1.061 |
|  | (-1.92) | (3.32) | (-1.36) | (0.80) |
| House Judiciary Minority Member | 0.647 | 1.148** | 0.988 | 0.955 |
|  | (-1.41) | (2.19) | (-0.14) | (-0.72) |
| Judicial Vacancies | 0.000000726 | 0.665*** | 0.685* | 0.986 |
|  | (-0.02) | (-2.66) | (-1.95) | (-0.15) |

| | | | | |
|---|---|---|---|---|
| Unified Government | 1.939$^{*}$ | 1.384$^{***}$ | 1.688$^{***}$ | 1.129 |
| | (1.95) | (2.97) | (4.46) | (1.37) |
| Senate Majority Leader | 0.000000129 | 2.057$^{*}$ | 0.707 | 0.818 |
| | (-0.00) | (1.83) | (-0.59) | (-0.44) |
| Senate Minority Leader | 6.92e-08 | 1.314 | 0.833 | 0.870 |
| | (-0.00) | (0.64) | (-0.36) | (-0.33) |
| House Speaker | 0.585 | 0.761 | 0.805 | 0.370$^{***}$ |
| | (-0.49) | (-0.82) | (-0.61) | (-2.72) |
| House Majority Leader | 3.534 | 2.351$^{***}$ | 1.677 | 1.165 |
| | (1.49) | (3.03) | (1.40) | (0.54) |
| House Rules Chair | 1.182 | 1.921$^{**}$ | 1.878$^{**}$ | 1.747$^{**}$ |
| | (0.16) | (2.40) | (2.09) | (2.23) |
| House Minority Leader | 0.000000123 | 1.209 | 1.132 | 1.344 |
| | (-0.01) | (0.56) | (0.29) | (0.97) |
| Senate Appropriations Chair | 3.406 | 1.622 | 1.349 | 1.740$^{**}$ |
| | (1.56) | (1.29) | (0.80) | (2.08) |
| House Appropriations Chair | 9.69e-08 | 1.324 | 0.817 | 1.014 |
| | (-0.01) | (1.00) | (-0.51) | (0.05) |
| House Ways and Means Chair | 0.290 | 0.844 | 0.552 | 0.935 |
| | (-1.05) | (-0.55) | (-1.47) | (-0.26) |
| Senate Public Works Chair or Equivalent | 0.000000106 | 0.530 | 1.050 | 1.235 |
| | (-0.01) | (-1.36) | (0.14) | (0.80) |
| House Public Works Chair or Equivalent | 2.844 | 1.084 | 1.715$^{*}$ | 1.453 |
| | (1.63) | (0.27) | (1.73) | (1.55) |
| President | 0.524 | 0.997 | 0.867 | 0.850 |
| | (-0.59) | (-0.01) | (-0.40) | (-0.60) |
| N | 4718 | 8291 | 8025 | 8282 |
| chi2 | 20.85 | 62.82 | 41.96 | 34.32 |
| aic | 463.1 | 3462.5 | 3028.7 | 4010.4 |
| bic | 598.8 | 3609.9 | 3175.5 | 4157.9 |

Exponentiated coefficients; $t$ statistics in parentheses
$^{*}$ $p < 0.10$, $^{**}$ $p < 0.05$, $^{***}$ $p < 0.01$

Now, let us turn to the debate about unified versus divided government. In Chapter 3, I originally hypothesized that states would be allocated more judicial pork during times of unified versus divided government. The rationale was that unified government decreases the costs of inter-chamber coordination, thus it should be easier to allocate judicial pork. Later, in Chapter 6, I contended that government control should be considered a context in which judicial pork is allocated, not an explanatory variable. The reason is that the distribution of judicial pork is inherently done by Members of Congress, not some configuration of partisan control of Congress and the Presidency. What I found was that rank-and-file House committee members were effective at securing judgeships and rank-and-file Senators were effective at securing seats, meeting places, and courthouses.

But, will these findings hold after I disaggregate rank-and-file members between those in the majority party versus those in the minority party? Table 29 displays the results of the same models that included majority and minority members, but just during periods of unified government. What I find is that Senate majority party members are 27% more likely to secure a courthouse for their state, while House majority party members are 48% more likely to secure a judgeship. We also observe that judicial vacancies have a negative effect on the allocation of seats and meeting places. But, Senate Chairmen, House Chairmen, and minority party rank-and-file members in both chambers are not effective at securing any judicial pork for their state. Therefore, majority party status appears to matter in times of unified government, but for only two types of judicial pork in two different chambers.

*Table 29: Results of Fixed-Effects Negative Binomial Models by Unified Government and Judicial Pork Types including Majority and Minority Rank-and-File*

|  | Districts | Seats | Meeting Places | Courthouses |
|---|---|---|---|---|
| Senate Judiciary Chair | 3.44e-08 | 0.788 | 1.092 | 1.122 |
|  | (-0.00) | (-0.50) | (0.21) | (0.34) |
| Senate Judiciary Majority Member | 1.630 | 1.210 | 1.046 | 1.272[*] |
|  | (1.23) | (1.15) | (0.26) | (1.72) |
| Senate Judiciary Minority Member | 1.003 | 0.972 | 0.978 | 0.894 |
|  | (0.01) | (-0.13) | (-0.11) | (-0.62) |
| House Judiciary Chair | 0.484 | 0.777 | 1.012 | 0.987 |
|  | (-0.65) | (-0.68) | (0.03) | (-0.04) |
| House Judiciary Majority Member | 0.515 | 1.489[***] | 0.932 | 0.962 |
|  | (-1.60) | (3.92) | (-0.55) | (-0.36) |
| House Judiciary Minority Member | 0.676 | 1.163 | 0.988 | 1.084 |
|  | (-1.13) | (1.45) | (-0.10) | (0.89) |

| | | | | |
|---|---|---|---|---|
| Judicial Vacancies | 0.000000914 | 0.347*** | 0.489* | 0.892 |
| | (-0.01) | (-2.68) | (-1.89) | (-0.67) |
| Senate Majority Leader | 0.000000148 | 2.337* | 0.700 | 0.906 |
| | (-0.00) | (1.77) | (-0.49) | (-0.16) |
| Senate Minority Leader | 5.98e-08 | 2.287 | 0.703 | 0.841 |
| | (-0.00) | (1.55) | (-0.49) | (-0.29) |
| House Speaker | 0.763 | 0.924 | 0.816 | 0.350** |
| | (-0.25) | (-0.20) | (-0.47) | (-2.04) |
| House Majority Leader | 1.556 | 1.941* | 1.506 | 1.710 |
| | (0.35) | (1.77) | (0.90) | (1.56) |
| House Rules Chair | 1.472 | 2.175** | 1.701 | 1.934** |
| | (0.35) | (2.30) | (1.36) | (2.09) |
| House Minority Leader | 8.70e-08 | 1.091 | 0.956 | 1.283 |
| | (-0.00) | (0.20) | (-0.09) | (0.62) |
| Senate Appropriations Chair | 0.000000103 | 1.476 | 1.164 | 2.267** |
| | (-0.00) | (0.80) | (0.32) | (2.50) |
| House Appropriations Chair | 0.000000119 | 1.020 | 0.925 | 0.826 |
| | (-0.01) | (0.05) | (-0.16) | (-0.46) |
| House Ways and Means Chair | 0.495 | 0.876 | 0.503 | 1.070 |
| | (-0.54) | (-0.34) | (-1.40) | (0.20) |
| Senate Public Works Chair or Equivalent | 0.000000130 | 0.504 | 0.608 | 1.292 |
| | (-0.01) | (-1.14) | (-0.94) | (0.76) |
| House Public Works Chair or Equivalent | 2.455 | 1.089 | 1.405 | 1.229 |
| | (1.14) | (0.23) | (0.81) | (0.60) |
| President | 0.808 | 1.128 | 1.167 | 0.858 |
| | (-0.19) | (0.38) | (0.42) | (-0.43) |
| N | 2269 | 4644 | 4364 | 4738 |
| chi2 | 6.847 | 46.14 | 10.25 | 28.85 |
| aic | 331.0 | 2094.7 | 1979.5 | 2315.1 |
| bic | 445.6 | 2223.5 | 2107.1 | 2444.3 |

Exponentiated coefficients; $t$ statistics in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Now, who gets judicial pork distributed to their state during times of divided government? The dominant paradigm would suggest that majority party members should secure more benefits for their states than their minority party counterparts. Table 30 shows the results of the prior models for periods of divided government. First, and surprisingly, we observe that states with Senate minority rank-and-file members are 94.6%, 56.7%, and 72.5% more likely to obtain judgeships, meeting places, and courthouses, respectively. Next, the House Judiciary Chairman has a statistically significant and positive effect on the allocation of courthouses. Next, we observe that House minority rank-and-file members are 18.9% more likely to secure a seat, yet 15.8% less likely to secure a courthouse. Lastly, and again surprisingly, judicial vacancies have no statistically significant effect on the allocation of seats, meeting places, or courthouses. Of note is the finding that the chairmen of the Senate and House Public Works committees brought more meeting places to their states.

These results raise two questions. First, why would minority rank-and-file Senate Judiciary Committee members be more likely to secure seats, meeting places, and courthouses than their majority counterparts? I suspect that the chamber's rules, precedents, and traditions play an important role in helping minority Senators secure judicial pork. Unlike the House, which is a majoritarian institution, the Senate is a continuing body guided by collegiality among Senators, the states they represent, and the rights of the minority (Ritchie 2016; Gold 2013; MacNeil and Baker 2013; Sinclair 1989). Given that any Senator can place holds, or withhold acceptance of unanimous consent requests, they may have more leverage to extract judicial pork than their House counterparts.

Given the results below, minority rank-and-file membership on the House Judiciary Committee has a negative effect on the allocation of courthouses to states, but a positive effect on the distribution of judgeships. It would seem plainly obvious that minority members are in little position to extract courthouses for their states in the majoritarian House. However, they can secure additional judgeships for their states? I think an answer lies with Evans (2004). She argues that "the use of pork to gain votes…is a coalition-building technique…giving those in a position to use it considerable ability to reach across party lines in search of allies" (pg. 25). Thus, minority rank-and-file committee members are given judgeships to secure their support on legislation pending before the House Judiciary Committee.

*Table 30: Results of Fixed-Effects Negative Binomial Models by Divided Government and Judicial Pork Types including Majority and Minority Rank-and-File*

| | Districts | Seats | Meeting Places | Courthouses |
|---|---|---|---|---|
| Senate Judiciary Chair | N/A[128] | 0.00000161 (-0.03) | 1.590 (0.77) | 0.710 (-0.55) |

---

[128] Negative binomial model fails to converge, therefore no results are available for Districts.

| | | | |
|---|---|---|---|
| Senate Judiciary Majority Member | 1.403 (1.34) | 1.276 (0.85) | 1.176 (0.81) |
| Senate Judiciary Minority Member | 1.946[***] (3.26) | 1.567[*] (1.84) | 1.725[***] (3.12) |
| House Judiciary Chair | 0.712 (-0.60) | 1.262 (0.40) | 1.799[*] (1.77) |
| House Judiciary Majority Member | 1.109 (0.80) | 0.706[*] (-1.74) | 1.168 (1.41) |
| House Judiciary Minority Member | 1.189[**] (2.07) | 1.048 (0.35) | 0.842[*] (-1.75) |
| Judicial Vacancies | 0.851 (-1.00) | 0.769 (-1.17) | 1.020 (0.17) |
| Senate Majority Leader | 1.757 (0.74) | 0.692 (-0.35) | 0.748 (-0.40) |
| Senate Minority Leader | 0.730 (-0.43) | 1.231 (0.28) | 0.718 (-0.55) |
| House Speaker | 0.710 (-0.54) | 0.978 (-0.03) | 0.432 (-1.59) |
| House Majority Leader | 2.968[**] (2.32) | 2.432 (1.36) | 0.699 (-0.59) |
| House Rules Chair | 1.428 (0.70) | 1.943 (1.31) | 1.248 (0.49) |
| House Minority Leader | 1.332 (0.50) | 0.933 (-0.09) | 1.673 (1.05) |
| Senate Appropriations Chair | 1.786 (0.93) | 1.477 (0.62) | 1.088 (0.16) |
| House Appropriations Chair | 2.189[*] (1.88) | 0.718 (-0.45) | 1.047 (0.11) |
| House Ways and Means Chair | 0.679 (-0.71) | 0.414 (-1.15) | 0.810 (-0.48) |

| | | | |
|---|---|---|---|
| Senate Public Works Chair or Equivalent | 0.555 (-0.76) | 4.456*** (2.72) | 0.913 (-0.19) |
| House Public Works Chair or Equivalent | 1.076 (0.13) | 2.678** (2.08) | 1.522 (1.15) |
| President | 0.775 (-0.48) | 0.000000848 (-0.02) | 0.735 (-0.71) |
| N | 3315 | 2977 | 3351 |
| chi2 | 30.41 | 25.23 | 25.11 |
| aic | 1200.5 | 891.6 | 1531.1 |
| bic | 1322.7 | 1011.6 | 1653.4 |

Exponentiated coefficients; $t$ statistics in parentheses
$^{*}\ p < 0.10,\ ^{**}\ p < 0.05,\ ^{***}\ p < 0.01$

## Summary

        In totality, what these findings suggest is a more nuanced picture of the allocation of judicial pork. By taking into consideration majority and minority status of rank-and-file members, we obtain divergent results. The results indicate that majority rank-and-file members in the Senate and House Judiciary Committees may not be able to secure judicial pork as effectively as their minority counterparts. Importantly, this calls into question the role of majority and minority party status during times of divided government. While my study is focused on judicial pork, the analytical framework could readily be extended to traditional pork.

## Chapter 8: Conclusion

Since 1789, Congress has allocated judicial pork to all fifty states across the country. The purpose of my dissertation was to answer two questions. First, how does Congress structure the judiciary, specifically the lower District Courts? And the second question was what role does Senate and House Judiciary Committee representation have on the allocation of judicial pork to specific states?

I answered these questions using a four-pronged approach. The first prong was to consider past research. By looking to prior research on structuring the judiciary, we earned a sense that Congress purposefully structures the District Courts by adding judgeships. The creation of judgeships helped Congress achieve its political and policy goals. Further, by examining the literature on distributive politics, we obtained knowledge of the factors that influence the targeted allocation of resources by Congress. Put side-by-side, we find a gap between them. However, and more importantly, we can see how theories and empirical findings in distributive politics can be leveraged to answer new questions about the politics of structuring the Courts.

The second prong was to articulate a theory which described how and why Congress structures the judiciary. My theory serves as a bridge between the literatures on the politics of court structuring and distributive politics. I assemble definitions, assumptions, constants, and variables that logically interact to put forward a plausible explanation of how Congress uses its power to structure the Courts and why actors within Congress are motivated and capable of doing so. By presenting a theory, we can simplify the complexities of the observed reality, rooted in historical and contemporary understandings, and zoom in on the principal variables and examine their nature and direction of their relationships with one another. This helps fix in our mind why and how Congress allocates judicial pork to some states, but not others.

The third prong was to bring quantitative data and empirical analysis to the forefront. By arguing that judicial pork exists, and committee representation has a positive effect on the allocation of judicial pork, I went about collecting data from a variety of sources. There are over 1,900 pieces of judicial pork that have been distributed by Congress since 1789. The process of organizing judicial pork data required collecting and coding when a state was granted a judicial district, seat, meeting place, and courthouse. The data on committee representation was better organized, due to the efforts of prior scholars (Stewart III and Woon ; Canon et al. ; Nelson), but still required careful curation. We found some statistical evidence to support the theoretically derived hypotheses.

To complement the quantitative analysis, I produced four qualitative process tracing case studies. Large-N data sets and analysis can only take us so far in considering the relationship between an explanatory and outcome variable. By considering, in detail, the emergence of districts in California, the creation of seats in Florida, the lack of new meeting places in New Jersey, and the construction of courthouses in Louisiana, we saw the complexity that we initially abstracted away from in the theory. The efforts of elected officials to secure judicial pork were surely great, but not each case study provided clear-cut evidence that Judiciary Committee representation was essential to a state securing

judicial pork. Nonetheless, we unpacked a process of give-and-take that is indicative of U.S. congressional lawmaking.

All in all, I believe we now have an answer to the questions of how does Congress structure the judiciary, specifically the lower District Courts? And what role does Senate and House Judiciary Committee representation has on the allocation of judicial pork to specific states? While the quantitative analysis and qualitative case studies from Chapters 4 and 5, respectively, did not provide definitive evidence in completely supporting the theory articulated in Chapter 3, I believe it suggests that committee representation does matter.

Moreover, with new answers, come new questions. One of the questions that emerged through this process was how can the concepts of government control and committee representation interact more meaningfully? Chapter 6 helped us explore this question by recasting government control from an explanatory variable to a context. A context by which committee representation functions differently are times of unified versus divided government. To my knowledge, this has not been thoroughly explored in the discipline and gives us grounds for future research. Additionally, Chapter 7 helped us unpack rank-and-file committee representation between those in the majority and minority. The results in this chapter highlight new avenues for considering the role of the majority and minority during times of unified versus divided government.

I'd like to conclude with a thought experiment. Imagine if Congress simply passed a law in 1789 granting their constitutional prerogative to the courts themselves, thereby allowing a co-equal branch of government to self-design, self-construct, and self-operate? What if Congress never passed laws stipulating what parts of a state the federal courts have jurisdiction, how many judges serve in these districts, what cities judges must conduct business in, and even what physical structure shall serve as the workplace of judges, clerks, marshals, attorneys, and other judicial support staff? If this was the case, then Congress, and specifically its committees, would not matter in the creation and allocation of judicial pork. But, as we know by now, this is not the case. Congress, its Judiciary Committees and its members, matter to the structuring of the Judiciary.

## Appendix 1

*Documents submitted for the record by Congressman Gubser to Subcommittee No. 5 of the House Committee on the Judiciary on February 28, 1962 in support of Establishing a Judicial District in the San Jose region*

***Greater San Jose Chamber of Commerce***

**GREATER SAN JOSE CHAMBER OF COMMERCE**

CIVIC AUDITORIUM BUILDING
PHONE CYpress 3-3161 · SAN JOSE 13, CALIFORNIA

June 28, 1961

Congressman Charles S. Gubser
House Office Building
Washington 25, D. C.

Dear Congressman Gubser:

On behalf of the Greater San Jose Chamber of Commerce we strongly urge that you do everything in your power to create a Federal District, Central Coast District of California comprising Santa Clara County, Santa Cruz County, Monterey County and San Benito County.

Certainly you will agree that the more than one million people residing in these four Counties are entitled to the convenience of having a Federal Judge for this particular area.

Several arguments have been already advanced during the past several years for such a District and I know that you are thoroughly familiar with them.

Your help will be most sincerely appreciated I assure you.

Cordially yours,

Russell E. Pettit
General Manager

REP:hk

*Santa Clara County Democratic Central Committee*

**Santa Clara County Democratic**
Central Committee

481 North First Street
San Jose 12, California

June 30, 1961

Hon. Charles S. Gubser
House of Representatives Office Building
Washington 25, D. C.

Dear Congressman:

I'm enclosing herewith a copy of a Resolution
adopted by our Santa Clara County Democratic Central Committee.
I hope that you can use your influence for the people of these
four counties to see that this new district is created so that
they can be more readily served by a Federal District Court.

Sincerely,

John E. Thorne
Chairman

JET:emg

Enclosure

*Merchants Association of San Jose*

323 SOUTH SECOND STREET · Telephone CYpress 2-8951 · SAN JOSE CALIFORNIA

GEORGE C. WADDELL Manager

July 5, 1961

Congressman Charles S. Gubser
House Office Building
Washington 25, D.C.

Dear Congressman Gubser:

On behalf of Merchants Association of San Jose
we strongly urge you to act as you deem necessary to
assure the creation of a Federal District, Central Coast
District of California which would comprise the Counties
of Santa Clara, Santa Cruz, Monterey and San Benito.

We believe you will agree that the more than one
million residents of the suggested district are entitled
to the convenience of having a Federal Judge and the
services his court will provide.

During the past few years several additional arguments
in support of such a district have been given and we know
that you are thoroughly familiar with them.

We wish to assure you that your assistance in this
matter will be most appreciated by our Association and
by residents of the four - county area this request is
designed to serve.

Very truly yours,

MERCHANTS ASSOCIATION OF SAN JOSE

T. V. Kennedy
President

*City of San Jose*



*City of San Jose*
California

*1850-1960*
110 years of PROGRESS THROUGH SERVICE

July 19, 1961

Hon. Charles S. Gubser
c/o House Post Office
Washington D. C.

Dear Representative Gubser:

The Council of the City of San Jose, on July 17, 1961,
adopted Resolution No. 20608 which you will find en-
closed. This resolution urges the creation by Congress
of a new district for the United States District Court,
and that the regular sessions of this court be held in
San Jose.

Yours truly,

Francis L. Greiner
City Clerk

FLG:tl

Enclosure

*Santa Clara County Board of Supervisors*

## RESOLUTION

RESOLVED that the Board of Supervisors of the County of Santa Clara, State of California, strongly urges and endorses the creation by the Congress of the United States, of a new district for the United States District Court which shall be designated the Central Coast District of California and providing further that there shall be one United States District Court Judge assigned to said new district who shall hold regular sessions of this court in San Jose. Said district should include the counties of Santa Clara, Monterey, Santa Cruz, and San Benito. These counties serve approximately one million people.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors be, and is hereby, directed to transmit certified copies of this resolution to the Honorable Thomas H. Kuchel and Honorable Clair Engle, United States Senators of the State of California, and the Honorable Charles S. Gubser, Congressman.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this 17th day of July, 1961, by the following vote:

AYES: Supervisors, Levin Della Maggiore Hubbard Mehrkens Weichert

NOES: Supervisors, None

ABSENT: Supervisors, None

CHAIRMAN of the BOARD OF SUPERVISORS

JEAN PULLAN, Clerk of the Board of Supervisors

MHneb - 7/24/61

The foregoing instrument is a correct copy of the original.
ATTEST: JEAN PULLAN
Clerk, Board of Supervisors

JUL 26 1961

*Santa Clara County Bar Association*

*Santa Clara County Bar Association*

28 NORTH FIRST STREET
SAN JOSE, CALIFORNIA
CYPRESS 5-5151

March 7, 1962

Hon. Emanuel Celler, Chairman
Committee on the Judiciary
House of Representatives
Washington, D.C.

    Re: <u>H.R. 9051</u>

Dear Sir:

    This is written on behalf of the Santa Clara County Bar
Association in support of H.R. 9051 for establishment of a four-
county Central Coast Federal Court District in California and pro-
viding for a district judge at San Jose.

    The territory covered by the four counties of Santa Clara,
Monterey, Santa Cruz and San Benito is one of the fastest growing
areas in the United States. Presently it has a population in ex-
cess of one million. This is almost one-fifth of the population
of the entire Northern District of California. San Jose, the core
of this area, has a population of more than 244,000 and is county
seat of Santa Clara County which now has a population of more than
733,000.

    The people in this four-county area now must travel from 30
to 150 miles to San Francisco for Federal court sessions. Up un-
til the time of writing, not one of the nine judgeships in the
District Court for Northern California is filled by a judge from
this four-county area, nor has a resident of this area been on the
Federal bench in many decades.

    The unhappy condition exists that nearly one-third of the
people for whom the Southern Division of the Northern District
was established to serve are being either entirely deprived of the
service of Federal district courts or are subjected to unwarranted
inconvenience and expense while using the Federal district court.

*Forward San Jose Inc. the Downtown Association*

SUITE 223 SECURITY BLDG. • 84 SOUTH FIRST STREET • SAN JOSE 13, CALIFORNIA • CYpress 7-6630

*ward* SAN JOSE, Inc.
THE DOWNTOWN ASSOCIATION

December 29, 1961

Congressman Charlie Gubser
House Office Building
Washington, D.C.

Dear Congressman Gubser:

The following is submitted for your information and action at the appropriate time:

"RESOLVED that the board of Directors of Forward San Jose, Inc., T  owntown Association, strongly urges and endorses the creation by the Congress of the United States, of a new District for the United States District Court which shall be designated the Central Coast District of California and providing further that there shall be one United States District Court Judge assigned to said new District who shall hold regular sessions of this Court in San Jose. Said District should include the Counties of Santa Clara, Monterey, Santa Cruz, and San Benito. These Counties serve approximately one million people."

Adopted: September 20, 1961

J. .. Connolly
Executive Director

*Editorials in the San Jose Mercury*

# A Federal Judge

Th[...] [...] of [...] of [...] will speak at the luncheon given by the Santa Clara County Bar Association at the Elks Club.

It would be nice were one of the distinguished guests to speak on the need of a federal judge sitting right here in San Jose. We doubt if one will. Last winter we editorialized firmly and forcibly on the need.

For more than a decade there has been a campaign under way to get a District Court judge to make his headquarters here and since then federal legal business has more than [...]

San Jose and Santa Clara County lawyers must travel to San Francisco at great waste of [...] and expense for which their clients [...] under [...] the appearance. This is a [...] hardship that should not [...] in this area.

We are not saying [...] this with [...] the federal judiciary of Northern California has been highly injudicious in keeping a federal judge out of here. Why? Simply because power is a pleasure and one does not wish to abandon the job.

We reiterate our plead for a federal judge sitting here in a federal court and we trust the judiciary of Northern California will go along with what we have to [...]. As it stands now it is all an imposition on the local attorneys and their clients.

[signature]

## SJ MERCURY 2-11-[...] (Editorial)
# Study Will Show Need
## For Federal Court Here

We imagine U.S. District Judge Louis E. Goodman of San Francisco will be surprised and more than a little impressed with his analysis of the percentage of federal cases arising in the San Jose area.

Judge Goodman ordered the study last week in connection with an appeal from members of the Santa Clara County Bar and other interested agencies for a session of the Federal District Court to be held periodically in San Jose.

The attempt to bring the Federal Court to San Jose, even on a periodic basis, is nearly a decade old and to date has got nowhere.

However, recently the members of the county bar, the San Jose City Council and the county Board of Supervisors revived the campaign, pointing out that nearly 10 percent (by best available estimates) of all cases tried in San Francisco originate here or points as far south as Salinas and Monterey.

This results in unfair expense and inconvenience to large numbers of clients and attorneys alike.

There is an old saying among the legal fraternity that justice delayed is justice denied. It could also be argued, as in the case of the U.S. District Court, that justice removed beyond a reasonable distance is also justice denied.

It would seem that the public convenience and necessity served by a federal judge sitting periodically in San Jose should outweigh the personal inconvenience which might be sustained by the judge having to commute a few days a month.

# Federal Bench Needed in S.J.
## San Jose Mercury 6/19/61

Once again the Santa Clara County Bar Association is pressing for the creation of a Federal District Court in San Jose. The move, as always, has the Mercury's complete support.

Under the recent reorganization of the Federal District Court system in California, new benches were created in Oakland and Sacramento, but San Jose, hub of a large and growing Northern California population, continues to be slighted.

In a resolution sent to President Kennedy and Chief Judge Louis E. Goodman in San Francisco, the County Bar points out that Santa Clara, Santa Cruz, San Benito and Monterey counties contain more than a million persons. Two years ago, when the population was even smaller, approximately 10 per cent of the civil cases brought before the Federal courts in San Francisco originated in those counties.

The case for a Federal court in San Jose is even more pressing today than it was two years ago. Since the goal of any court is the administration of justice, the courts must be as accessible as possible to those who would use them or justice, to a degree, is frustrated.

The time is definitely at hand for the establishment of a Federal District Court for the Central Coast area, with the judge to sit in San Jose.

*Editorial in the Sunnyvale Daily Standard-Mountain View Register Leader*

# Area Deserves Federal Judge

The Santa Clara County Bar Association recently passed a resolution asking President John F. Kennedy to appoint a resident of Santa Clara, Santa Cruz, San Benito, or Monterey counties to one of the two new judgeships provided for the United States District Court of the Northern District of California.

At the same time, a request for a new study on Federal cases originating in this area was asked of the district court.

Putting the two actions together, this is a firm effort to gain a Federal District court for the area, probably located in San Jose.

At present, the district court holds sessions in San Francisco—its main offices—and in Sacramento. The only other city mentioned where the court may hold sessions is Eureka which gives some idea of the antiquity of the existing provisions of the court structure.

There is no recognition at present of the growth in population which has taken place south of San Francisco. More than a million people now live in the four counties mentioned in the Bar Association resolution and for their convenience a district court could well be provided closer than exists currently.

The appointment of a judge from these counties will be a step in obtaining this court for he will be well aware of the needs of the area. Of the present seven judges on the district bench, most come from San Francisco, one from Oakland and one from Sacramento with none having been appointed from Santa Clara county and its neighboring counties.

We hope that from this area the President makes one of the new appointments; there are able members of the legal profession who could serve the Northern District bench with distinction while at the same time bringing to the court a familiarity with our region which would raise the possibilities of having a Federal court here.

**Appendix 2**

*Data Collection Process for Outcome, Explanatory, and Control Variables*

The data I use for my empirical analysis on are derived from several sources. I will describe the process I used to collect data for each variable below, organized as groups of variables: outcome, explanatory, and control. The purpose of the following detailed process description is to allow for future replication if necessary.

**Outcome Variables**

*Judicial Districts:* I collected data on Judicial Districts from the Federal Judiciary Center (FJC)'s website.[129] First, I went to http://www.fjc.gov/history/home.nsf/page/courts_district.html. Second, I selected a state and then went to the "Judicial District Organization" link for that state. Third, I would review the table. The first column listed the month, day and year of a specific legislative statute. The second through N columns were titled with the name for each judicial district within the state, irrespective of when it was created. Each row contained a specific date and reference to statute or public law. Under each Judicial District column, if the judicial district existed, was a list of state counties contained with the judicial district. To code data into a Microsoft Excel spreadsheet and then import into STATA, I collected the state's name, judicial district's name, and the year the judicial district was established from FJC.

*Judicial Seats:* I collected data on Judicial Districts from the Federal Judiciary Center (FJC)'s website. First, I went to http://www.fjc.gov/history/home.nsf/page/courts_district.html. Next, I selected a state and then scrolled to the section with the table titled "Authorized Judgeships". From this table, I collected the number of judgeships authorized per district and the total number of judgeships. I then inputted this data into a Microsoft Excel spreadsheet and subsequently imported into STATA.

*Judicial Meeting Places:* I collected data on Judicial Districts from the Federal Judiciary Center (FJC)'s website. First, I went to http://www.fjc.gov/history/home.nsf/page/courts_district.html. Second, I selected a state and then went to the "Meeting Places" link for that state. Third, I reviewed the list of meeting places by district and collected the following information: district court, city or town of meeting place, first year, and, if applicable, last year of meeting place. I then inputted this data into a Microsoft Excel spreadsheet and subsequently imported into STATA. Meeting places could be transferred from a judicial district to another judicial district. Given this, I would code meeting places as new if they were new to the overall pool of meeting places for a state, rather than new to a specific district. Meeting places could also be authorized for discrete, discontinuous periods of time. For example, Los

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[129] "The Federal Judicial Center is the research and education agency of the judicial branch of the United States Government." The Center has data for the lower District Courts by state. For each state, the Center has legislative history, judicial district organization, meeting places, list of judges, and succession charts. https://www.fjc.gov/about

Angeles was authorized as a meeting place for the Southern District of California from 1850 to 1864. Then, a 22-year gap followed. Los Angeles was then reauthorized as a meeting place from 1886 to 1966 for the same district. Following, from 1966 to present, Los Angeles was a designated meeting place for the Central District. Instead of coding each on/off instance of a meeting place, I simply assume Los Angeles was added to the overall pool of meeting places in 1850.

   *Judicial Courthouses:* I collected data on Judicial Courthouses from the Federal Judiciary Center (FJC)'s website. First, I went to http://www.fjc.gov/history/courthouses.nsf. Second, I selected a state from the drop-down menu on the left-hand navigation bar. Third, I reviewed the list of courthouse locations. Forth, I clicked on the link of the courthouse location and collected the following information: city and state of courthouse, year completed, supervising architect, year extension completed, and status of courthouse. I then inputted this data into a Microsoft Excel spreadsheet and subsequently imported into STATA.

**Explanatory Variables**
   *Senate Judiciary Committee Chair:* I collected data on Senate Judiciary Committee Chairs from the U.S. Senate's website. First, I went to http://www.senate.gov/artandhistory/history/resources/pdf/CommitteeChairs.pdf. Second, I scrolled down to the section titled "Judiciary". Within this section is a list of Chairman since the inception of the committee. I then inputted this data into a Microsoft Excel spreadsheet and subsequently imported into STATA.

   *House Judiciary Committee Chair:* I collected data on House Judiciary Committee Chairs from a document stored on the Government Printing Office (GPO)'s website. First, I went to http://www.gpo.gov/fdsys/search/pagedetails.action?granuleId=GPO-CDOC-109hdoc153-2&packageId=GPO-CDOC-109hdoc153&fromBrowse=true. Second, I scrolled down to the section titled "Chairmen of the Judiciary Committee". Within this section is a list of Chairman since the inception of the committee. I then inputted this data into a Microsoft Excel spreadsheet and subsequently imported into STATA.

   *Senate and House Judiciary Committee Members:* I organized data on Senate and House Judiciary Committee Members from Charles Stewart's Congressional Committees webpage and datasets. First, I went to http://web.mit.edu/17.251/www/data_page.html#0. Second, I downloaded the files for the House and Senate Committees. The House and Senate Committee files are organized in the following chunks by Congress: 1-37, 38-79, 80-97, and 98-102 for the House, and 1-48, 49-79, and 80-102 for the Senate. Unfortunately, the file formats differ, so I needed to convert from text files into Microsoft Excel files and subsequently imported into STATA.

   *Unified Government:* I define unified government when the Presidency, Senate, and House are controlled by the same political party. If anyone of the branches is controlled by another party, then I consider this divided government. First, I downloaded the "Information about members of Congress" from VoteView.com (Lewis et al. 2017). I then completed cross-tabulations of party by Congress and by Chamber. Parties with the most members were considered the majority in a chamber. For each Congress, I coded "1" for unified government if the parties of the President, Senate, and House were the

same and "0" otherwise. As an additional reference, I went to
https://en.wikipedia.org/wiki/Party_divisions_of_United_States_Congresses.

       *Judicial Vacancies:* I define a judicial vacancy has a year or more gap between the time of service between two judges. To determine whether or not a state-year had a judicial vacancy, I went to the Federal Judicial Center's website and viewed the "Succession Chart" page for each state. This page has one table for each judicial district within the state. Each column of this table represents a specific seat established through a specific statute by Congress. Each row in this table represents the individual who served in the specific seat and duration they served in the seat, measured in years.

       For example, the state of Rhode Island has one judicial district named "District of Rhode Island" and it has three seats within it: the first seat was established in 1790, the second seat was established in 1966, and the third seat was established in 1984. The first, second and third seats have had seventeen, four, and two judges serve in those seats, respectively. For example, in the 1st Seat of the District of Rhode Island, there is a one-year gap between the 16th judge, Judge Francis J. Boyle who served from 1977 to 1992, and the 17th judge, Judge Mary M. Lisi who served from 1994 to 2015. Therefore, the state-year of Rhode Island-1993 would have 1 judicial vacancy.

**Control Variables**

       *Senate Leadership and other Committees:* I collected data on the Senate's leadership: Senate Majority Leader and Senate Minority Leader. Additionally, I collected data on the following other committees in the Senate: Appropriations Committee Chair and Public Works Committee (or equivalent) Chair.

       I collected data on Senate Majority and Minority Leaders Leaders from the official U.S. Senate website. First, I went to
https://www.senate.gov/artandhistory/history/common/briefing/Majority_Minority_Leaders.htm.

       Second, I scrolled down the page to the table titled "Complete List of Majority and Minority Leaders". I copied and pasted this table into a Microsoft Excel spreadsheet. There are two Congresses (75th and 83rd) where there are two Majority Leaders within a single Congress. I coded the first of the two Majority Leaders for the entire Congress.

       Additionally, there are two Congresses (82nd and 91st) where there are two Minority Leaders within a single Congress. I coded the first of the two Minority Leaders for the entire Congress. For the 82nd Congress (1951-1953), Kenneth S. Wherry (R-NE) was the first Minority Leader and Styles Bridges (R-NH) was the second Minority Leader. For the 91th Congress (1969-1971), Everett M. Dirksen (R-IL) was the first and Hugh D. Scott, Jr. (R-PA) was the second.

       For the Chairman of the Senate Appropriations and Senate Public Works Committees, I went to
https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_Appropriations and https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_Environment_and_Public_Works. I then inputted this data into a Microsoft Excel spreadsheet and subsequently imported into STATA.

       *House Leadership and other Committees:* I collected data on the House's Leadership: House Speaker, House Majority Leader, and House Minority Leader. And

for the following other committees in the House: Rules Committee Chair, Appropriations Committee Chair, Ways and Means Committee Chair, Public Works Committee (or equivalent) Chair.

I collected data on House Speakers from the official U.S. House website. First, I went to http://history.house.gov/People/Office/Speakers-List/. Second, I scrolled down the page to the table titled "List of Speakers of the House". I copied and pasted this table into a Microsoft Excel spreadsheet. There are nine instances where there were one or more Speakers during a single Congress. I decided to code the individual who was Speaker at the beginning of a Congress as the Speaker for the duration of a Congress.

I collected data on House Majority Leaders from the official U.S. House website. First, I went to http://history.house.gov/People/Office/Majority-Leaders/. Second, I scrolled down the page to the table of Majority Leaders. I copied and pasted this table into a Microsoft Excel spreadsheet. There are four instances where there were one or more Majority Leaders during a single Congress. I decided to code the individual who was Majority Leader at the beginning of a Congress as the Majority Leader for the duration of a Congress.

I collected data on House Minority Leaders from the official U.S. House website. First, I went to http://history.house.gov/People/Office/Minority-Leaders/. Second, I scrolled down the page to the table of Minority Leaders. I copied and pasted this table into a Microsoft Excel spreadsheet. There are two instances where there were one or more Minority Leaders during a single Congress. I decided to code the individual who was Minority Leader at the beginning of a Congress as the Minority Leader for the duration of a Congress.

For Chairman of the House Rules, Appropriations, Ways and Means, and Public Works Committees, I went to https://rules.house.gov/about, https://en.wikipedia.org/wiki/United_States_Senate_Committee_on_Appropriations, https://en.wikipedia.org/wiki/United_States_House_Committee_on_Ways_and_Means#Chairman, and https://en.wikipedia.org/wiki/United_States_House_Committee_on_Transportation_and_Infrastructure, respectively. I then inputted this data into a Microsoft Excel spreadsheet and subsequently imported into STATA. For the House Public Works Committee or its equivalent, I cross-checked this data with that available from Charles Stewart Congressional Committee data. If there was a discrepancy with a non-government website, I sided with Charles Stewart Congressional Committee data.

*President of the United States:* I collected data on Presidents from two websites. First, I went to http://history.house.gov/Institution/Presidents-Coinciding/Presidents-Coinciding/ to obtain list of Presidents by Congress. Next, I scrolled down the page to the table titled "Presidents & VPs / Sessions of Congress". I copied and pasted this table into a Microsoft Excel spreadsheet. Following this, I went to https://en.wikipedia.org/wiki/List_of_Presidents_of_the_United_States_by_home_state to obtain home state. I decided to code the individual who was President for a greater duration of a Congress as the President for the duration of a Congress. For example, President William Henry Harrison served at the start of the 27th Congress, from March 4 to April 4, 1841. President Harrison died while in office and was succeeded by John Tyler. Therefore, I code President Tyler as President for the 27th Congress.

*State Population:* I collected data on state populations from two sources: ICPSR US Population Data by State from 1790 to 2000, for each decade, and Census US Population Data by State from 2001 to 2014, for each year.

# References

Aldrich, John Herbert. 2011. *Why parties? : a second look*. 2nd ed. Chicago: University of Chicago Press.

Alesina, A., and H. Rosenthal. 1996. "A theory of divided government." *Econometrica* 64 (6):1311-41.

Allison, Paul David. 2009. *Fixed effects regression models*. Los Angeles: SAGE.

Almanac, CQ. 1961. "Congress Creates 73 New Judgeships." In *CQ Almanac 1961*. Washington, D.C., United States: Congressional Quarterly.

———. 1979. "New Judgeships: A Patronage Plum for Carter." In *CQ Almanac 1978*. Washington, D.C., United States: Congressional Quarterly.

———. 1991. "Bill Creates 85 Judgeships for Bush To Fill." In *CQ Almanac 1990*. Washington, D.C., United States: Congressional Quarterly.

Alvarez, R. M., and J. L. Saving. 1997. "Congressional committees and the political economy of federal outlays." *Public Choice* 92 (1-2):55-73.

Ansolabehere, S., M. Palmer, and B. Schneer. 2018. "Divided Government and Significant Legislation: A History of Congress from 1789 to 2010." *Social Science History* 42 (1):81-108.

Arrow, Kenneth Joseph. 1951. *Social choice and individual values*. 3rd ed. New Haven Conn. ; London: Yale University Press.

Baar, Carl. 1969. WHEN JUDGES LOBBY: CONGRESS AND COURT ADMINISTRATION. Ph.D., The University of Chicago, Ann Arbor.

———. 1981. *Judgeship creation in the federal courts : options for reform*. Washington, D.C.: The Federal Judicial Center.

Balla, S. J., E. D. Lawrence, F. Maltzman, and L. Sigelman. 2002. "Partisanship, blame avoidance, and the distribution of legislative pork." *American Journal of Political Science* 46 (3):515-25.

Barrow, Deborah J., Gary Zuk, and Gerard S. Gryski. 1996. *The federal judiciary and institutional change*. Ann Arbor: University of Michigan Press.

Barry, Brian. 1965. *Political argument*. New York,: Humanities Press.

Basinger, Scott James. 2000. Checks and balances: Partisan politics and judicial power. Ph.D., University of California, San Diego, Ann Arbor.

Baumgartner, F. R., S. Brouard, E. Grossman, S. G. Lazardeux, and J. Moody. 2014. "Divided Government, Legislative Productivity, and Policy Change in the USA and France." *Governance-an International Journal of Policy Administration and Institutions* 27 (3):423-47.

Bennett, Andrew, and Jeffrey T. Checkel. 2015. *Process tracing : from metaphor to analytic tool*. Cambridge ; New York: Cambridge University Press.

Berry, C. R., and A. Fowler. 2016. "Cardinals or Clerics? Congressional Committees and the Distribution of Pork." *American Journal of Political Science* 60 (3):692-708.

———. 2018. "Congressional committees, legislative influence, and the hegemony of chairs." *Journal of Public Economics* 158:1-11.

Bertelli, A. M., and C. R. Grose. 2009. "Secretaries of Pork? A New Theory of Distributive Public Policy." *Journal of Politics* 71 (3):926-45.

Binder, S. A. 2003. *Stalemate : causes and consequences of legislative gridlock.* Washington, D.C.: Brookings Institution Press.

———. 2007. "Where Do Institutions Come From? Exploring the Origins of the Senate Blue Slip." *Studies in American Political Development* 21 (01):1-15.

Binder, S. A., and F. Maltzman. 2009. *Advice and Dissent: The Struggle to Shape the Federal Judiciary.* Washington, D.C.: Brookings Inst.

Black, R. C., and R. J. Owens. 2013. "A Built-In Advantage: The Office of the Solicitor General and the US Supreme Court." *Political Research Quarterly* 66 (2):454-66.

Black, Ryan C., Anthony J. Madonna, and Ryan J. Owens. 2011. "Obstructing Agenda-Setting: Examining Blue Slip Behavior in the Senate." *Forum-a Journal of Applied Research in Contemporary Politics* 9 (4).

Bond, Jon R. 1980. "The Politics of Court Structure: The addition of new federal judges, 1949–1978." *Law & Policy* 2 (2):181-8.

Box-Steffensmeier, Janet M., Charles P. Campisano, Matthew P. Hitt, and Kevin M. Scott. 2016. "Advising, Consenting, Delaying, and Expediting: Senator Influences on Presidential Appointments." *Studies in American Political Development* FirstView:1-19.

Buchanan, James M., and Gordon Tullock. 1962. *The calculus of consent : logical foundations of constitutional democracy.* Indianapolis: Liberty Fund.

Caldeira, Gregory A. 1987. "Public opinion and the US Supreme Court: FDR's court-packing plan." *American Political Science Review* 81 (4):1139-53.

Calvert, Randall. 1995. "The rational choice theory of social institutions: Cooperation, coordination, and communication." In *Modern political economy: Old topics, new directions*, ed. J. Banks and E. A. Hanushek. Cambridge: Cambridge University Press.

Cameron, C. M., and J. P. Kastellec. 2016. "Are Supreme Court Nominations a Move-the-Median Game?" *American Political Science Review* 110 (4):778-97.

Cann, D. M. 2008. "Modeling committee chair selection in the US House of Representatives." *Political Analysis* 16 (3):274-89.

Canon, D. T., Garrison Nelson, and Charles Stewart III. "Historical Congressional Standing Committees, 1st to 79th Congresses, 1789-1947."

Carp, R., and R. Wheeler. 1972. "Sink or Swim - Socialization of a Federal District Judge." *Journal of Public Law* 21 (2):359-93.

Carp, Robert A., Ronald Stidham, Kenneth L. Manning, and Lisa M. Holmes. 2017. *Judicial process in America*. Tenth edition. ed. Thousand Oaks, California: CQ Press.

Carrubba, C. J., and A. Singh. 2004. "A decision theoretic model of public opinion: Guns, butter, and European common defense." *American Journal of Political Science* 48 (2):218-31.

Casillas, C. J., P. K. Enns, and P. C. Wohlfarth. 2011. "How Public Opinion Constrains the US Supreme Court." *American Journal of Political Science* 55 (1):74-88.

Chase, Harold William. 1972. *Federal judges: the appointing process*. Minneapolis, MN: University of Minnesota Press.

Chutkow, D. M. 2008. "Jurisdiction Stripping: Litigation, Ideology, and Congressional Control of the Courts." *Journal of Politics* 70 (4):1053-64.

Clemens, A., M. Crespin, and C. J. Finocchiaro. 2015a. "Earmarks and Subcommittee Government in the U.S. Congress." *American Politics Research* 43 (6):1074-106.

———. 2015b. "The Political Geography of Distributive Politics." *Legislative Studies Quarterly* 40 (1):111-36.

Cohen, Linda R, and Roger G Noll. 2002. *The technology pork barrel*: Brookings Institution Press.

Coleman, J. J. 1999. "Unified government, divided government, and party responsiveness." *American Political Science Review* 93 (4):821-35.

Cooper, Joseph. 1988. Congress and its committees : a historical approach to the role of committees in the legislative process. Ph D, Harvard University, New York.

Cox, G. W. 2009. "Swing voters, core voters, and distributive politics." In *Political Representation*, ed. I. Shapiro, S. Stokes, E. J. Wood and A. S. Kirshner. New York: Cambridge University Press.

Cox, G. W., and M. D. McCubbins. 1986. "Electoral-Politics as a Redistributive Game." *Journal of Politics* 48 (2):370-89.

———. 2005. *Setting the agenda : responsible party government in the U.S. House of Representatives*. Cambridge ; New York: Cambridge University Press.

Cox, Gary W., and Mathew D. McCubbins. 1993. *Legislative leviathan : party government in the House*. 2nd ed. Cambridge ; New York: Cambridge University Press.

Crowe, J. 2007. "The forging of judicial autonomy: Political entrepreneurship and the reforms of William Howard Taft." *Journal of Politics* 69 (1):73-87.

de Figueiredo, J. M., G. S. Gryski, E. H. Tiller, and G. Zuk. 2000. "Congress and the political expansion of the US districts courts." *American Law and Economics Review* 2 (1):107-25.

de Figueiredo, J. M., and E. H. Tiller. 1996. "Congressional control of the courts: A theoretical and empirical analysis of expansion of the federal judiciary." *Journal of Law & Economics* 39 (2):435-62.

Deering, C. J. 1996. "Career Advancement and Subcommittee Chairs in the US House of Representatives - 86th to 103rd Congresses." *American Politics Quarterly* 24 (1):3-23.

Deering, C. J., and S. Smith. 1997. *Committees in Congress*. 3rd ed. Washington, D.C.: CQ Press.

Den Hartog, Chris, and Nathan W. Monroe. 2011. *Agenda setting in the U.S. Senate : costly consideration and majority party advantage*. New York: Cambridge University Press.

Dilger, R. J. 1998. "TEA-21: Transportation policy, pork barrel politics, and American federalism." *Publius-the Journal of Federalism* 28 (1):49-69.

Ellis, Richard E. 1971. *The Jeffersonian crisis: courts and politics in the young Republic*. New York,: Norton.

Engstrom, E. J., and G. Vanberg. 2010. "Assessing the Allocation of Pork: Evidence From Congressional Earmarks." *American Politics Research* 38 (6):959-85.

Epstein, Lee, and Jeffrey Allan Segal. 2005. *Advice and consent : the politics of judicial appointments*. Oxford ; New York: Oxford University Press.

Evans, C. Lawrence. 1991. *Leadership in committee : a comparative analysis of leadership behavior in the U.S. Senate*. Ann Arbor: University of Michigan Press.

Evans, D. 1994. "Policy and Pork - the Use of Pork Barrel Projects to Build Policy Coalitions in the House-of-Representatives." *American Journal of Political Science* 38 (4):894-917.

Evans, Diana. 2004. *Greasing the wheels : using pork barrel projects to build majority coalitions in Congress*. Cambridge ; New York, N.Y.: Cambridge University Press.

Faith, R. L., D. R. Leavens, and R. D. Tollison. 1982. "Antitrust Pork Barrel." *Journal of Law & Economics* 25 (2):329-42.

Farhang, S., and M. Yaver. 2016. "Divided Government and the Fragmentation of American Law." *American Journal of Political Science* 60 (2):401-17.

Faricy, C. 2016. "The distributive politics of tax expenditures: how parties use policy tools to distribute federal money to the rich and the poor." *Politics Groups and Identities* 4 (1):110-25.

Feldman, Adam, and Elli Menounou. 2015. "Packing the Courts: An Examination of Expansions to the Federal Judiciary from 1917 to 2013." In *Western Political Science Association*. Las Vegas, NV.

Fenno, R. F. 1962. "The House Appropriations Committee as a Political-System - the Problem of Integration." *American Political Science Review* 56 (2):310-24.

Fenno, Richard F. 1973. *Congressmen in committees*. Boston: Little Brown.

Ferejohn, John A. 1974. *Pork barrel politics; rivers and harbors legislation, 1947-1968*. Stanford, Calif.,: Stanford University Press.

Fiorina, Morris P. 1992. *Divided government*. New York: Macmillan.

Fish, M. Steven, and Matthew Kroenig. 2011. *The handbook of national legislatures : a global survey*. 1st paperback ed. Cambridge ; New York: Cambridge University Press.

Fish, Peter Graham. 1973. *The politics of Federal judicial administration*. Princeton, N.J.,: Princeton University Press.

French, Burton L. 1915. "Sub-Committees of Congress." *The American Political Science Review* 9 (1):68-92.

Frisch, Scott A. 1998. *The politics of pork: A study of congressional appropriation earmarks*: Taylor & Francis.

Gailmard, S., and J. A. Jenkins. 2007. "Negative agenda control in the Senate and house: Fingerprints of majority party power." *Journal of Politics* 69 (3):689-700.

Gailmard, Sean, and Thomas Hammond. 2011. "Intercameral Bargaining and Intracameral Organization in Legislatures." *Journal of Politics* 73 (2):535-46.

Garrett, T. A., T. L. Marsh, and M. I. Marshall. 2006. "Political allocation of US agriculture disaster payments in the 1990s." *International Review of Law and Economics* 26 (2):143-61.

Gerring, John. 2017. *Case study research : principles and practices*. Second edition. ed. Cambridge, United Kingdom ; New York, NY: Cambridge University Press.

Gibson, James L. 1982. Knowing One's Constituency: Processes Linking Judges to Their Districts. Paper read at Paper delivered at the Annual Meeting of the Law and Society Association.

Giles, M. W., V. A. Hettinger, and T. Peppers. 2001. "Picking federal judges: A note on policy and partisan selection agendas." *Political Research Quarterly* 54 (3):623-41.

Gold, Martin. 2013. *Senate procedure and practice*. Third edition. ed. Lanham, Maryland: Rowman & Littlefield.

Goldman, Sheldon. 1997. *Picking federal judges : lower court selection from Roosevelt through Reagan*. New Haven: Yale University Press.

———. 2011. "Judicial Selection and Nomination." In *The Encyclopedia of Political Science*, ed. G. T. Kurian. Washington, DC: CQ Press.

Gordon, Sanford C., and Hannah K. Simpson. 2018. "The Birth of Pork: Local Appropriations in America's First Century." *American Political Science Review*:1-16.

Goss, C. F. 1972. "Military Committee Membership and Defense-Related Benefits in House of Representatives." *Western Political Quarterly* 25 (2):215-33.

Greenfest, S. W. 2012. Rules of Access: Congress, the Federal Courts, and Judicial Agenda-setting and Change. Ph.D., University of Washington, Ann Arbor.

———. 2013. "Explaining Congressional Grants of Jurisdiction to the Federal District Courts." *Justice System Journal* 34 (3):274-93.

Grimmer, J., S. Messing, and S. J. Westwood. 2012. "How Words and Money Cultivate a Personal Vote: The Effect of Legislator Credit Claiming on Constituent Credit Allocation." *American Political Science Review* 106 (4):703-19.

Hall, J., A. Ross, and C. Yencha. 2015. "The political economy of the Essential Air Service program." *Public Choice* 165 (1-2):147-64.

Hall, Kermit L., and Eric W. Rise. 1991. *From local courts to national tribunals : the federal district courts of Florida, 1821-1990*. Brooklyn, N.Y.: Carlson Pub.

Hall, M. E. K. 2014. "The Semiconstrained Court: Public Opinion, the Separation of Powers, and the U.S. Supreme Court's Fear of Nonimplementation." *American Journal of Political Science* 58 (2):352-66.

Haltom, William. 1998. *Reporting on the courts : how the mass media cover judicial actions*. Chicago: Nelson-Hall Publishers.

Hansford, T. G. 2003. "The Political Determinants of the Expansion of the Federal Judiciary." In *American Political Science Association*. Philadelphia, Pennsylvania.

Hansford, T. G., E. C. Savchak, and D. R. Songer. 2010. "Politics, careerism, and the voluntary departures of US District Court judges." *American Politics Research* 38 (6):986-1014.

Hauk, William R., Jr., and Romain Wacziarg. 2007. "Small states, big pork." *Quarterly Journal of Political Science* 2 (1):95-106.

Heller, W. B., and D. M. Branduse. 2014. "The Politics of Bicameralism." In *Oxford Handbook of Legislative Studies*, ed. Martin, Saalfeld and Strøm: 'Oxford University Press'.

Hibbing, J. R. 1991. "Contours of the Modern Congressional Career." *American Political Science Review* 85 (2):405-28.

Hilbe, Joseph M. 2014. *Modeling count data*. New York, NY: Cambridge University Press.

Howell, W., S. Adler, C. Cameron, and C. Riemann. 2000. "Divided government and the legislative productivity of Congress, 1945-94." *Legislative Studies Quarterly* 25 (2):285-312.

Hudak, John. 2014. *Presidential pork : White House influence over the distribution of federal grants*. Washington, D.C.: Brookings Institution Press.

Jenkins, J. A., and N. W. Monroe. 2012. "Buying Negative Agenda Control in the U.S. House." *American Journal of Political Science* 56 (4):897-912.

———. 2014. "Negative Agenda Control and the Conservative Coalition in the US House." *Journal of Politics* 76 (4):1116-27.

———. 2015. "On Measuring Legislative Agenda Setting Power." *American Journal of Political Science*.

Keck, T. M. 2017. "The Relationship between Courts and Legislatures." In *The Oxford Handbook of U.S. Judicial Behavior*, ed. E. Lee and S. A. Lindquist: Oxford University Press.

King, D. C. 1994. "The Nature of Congressional Committee Jurisdictions." *American Political Science Review* 88 (1):48-62.

Kirkland, J. H., and M. A. Kroeger. 2018. "Companion Bills and Cross-Chamber Collaboration in the US Congress." *American Politics Research* 46 (4):629-70.

Kirkland, Justin H., and R. Lucas Williams. 2014. "Partisanship and Reciprocity in Cross-Chamber Legislative Interactions." *Journal of Politics* 76 (3):754-69.

Krehbiel, K. 1991. *Information and legislative organization*. Ann Arbor: University of Michigan Press.

———. 1993. "Wheres the Party." *British Journal of Political Science* 23:235-66.

———. 1996. "Institutional and partisan sources of gridlock - A theory of divided and unified government." *Journal of Theoretical Politics* 8 (1):7-40.

———. 1998. *Pivotal politics : a theory of U.S. lawmaking*. Chicago: University of Chicago Press.

———. 2007. "Supreme court appointments as a move-the-median game." *American Journal of Political Science* 51 (2):231-40.

Kritzer, Herbert M. 1978. "Political Correlates of the Behavior of Federal District Judges: A "Best Case" Analysis." *The Journal of Politics* 40 (1):25-58.

Kutler, Stanley I. 1968. *Judicial power and Reconstruction politics*. Chicago,: University of Chicago Press.

Lacy, Dean, Emerson M. S. Niou, Philip Paolino, and Robert A. Rein. 2017. "Measuring Preferences for Divided Government: Some Americans Want Divided Government and Vote to Create It." *Political Behavior*.

Larcinese, V., L. Rizzo, and C. Testa. 2006. "Allocating the US federal budget to the states: The impact of the president." *Journal of Politics* 68 (2):447-56.

Lasswell, Harold D. 1936. *Politics; who gets what, when, how*. New York, London,: Whittlesey house McGraw-Hill book company.

Lazarus, J. 2009. "Party, Electoral Vulnerability, and Earmarks in the US House of Representatives." *Journal of Politics* 71 (3):1050-61.

Lazarus, J., and A. Steigerwalt. 2009. "Different Houses: The Distribution of Earmarks in the US House and Senate." *Legislative Studies Quarterly* 34 (3):347-73.

Lee, Antoinette J. 2000. *Architects to the nation : the rise and decline of the Supervising Architect's Office*. New York: Oxford University Press.

Lee, Frances E. 2009. *Beyond ideology : politics, principles, and partisanship in the U.S. Senate*. Chicago ; London: The University of Chicago Press.

Lewis, J. B., K. Poole, H. Rosenthal, A. Boche, A. Rudkin, and L. Sonnet. 2017. "Voteview: Congressional Roll-Call Votes Database."

Long, J. Scott. 2014. *Regression models for categorical dependent variables using Stata*. 3rd edition. ed. College Station, TX: Stata Press.

Lowi, T. J. 1964. "American-Business and Public-Policy - the Politics of Foreign-Trade - Bauer,Ra, Pool,Id, Dexter,La." *World Politics* 16 (4):677-&.

Lyles, Kevin L. 1997. *The gatekeepers : federal district courts in the political process*. Westport, Conn.: Praeger.

MacNeil, Neil, and Richard A. Baker. 2013. *The American Senate : an insider's history*. Oxford ; New York: Oxford University Press.

Madonna, A. J., J. E. Monogan, and R. L. Vining. 2016. "Confirmation Wars, Legislative Time, and Collateral Damage: The Impact of Supreme Court Nominations on Presidential Success in the US Senate." *Political Research Quarterly* 69 (4):746-59.

Martinek, W. L., M. Kemper, and S. R. Van Winkle. 2002. "To advise and consent: The Senate and lower federal court nominations, 1977-1998." *Journal of Politics* 64 (2):337-61.

Martino, Joseph Paul. 1992. *Science funding : politics and porkbarrel*. New Brunswick, N.J., U.S.A.: Transaction Publishers.

Massie, T. D., T. G. Hansford, and D. R. Songer. 2004. "The timing of presidential nominations to the lower federal courts." *Political Research Quarterly* 57 (1):145-54.

Mayhew, David. 2004. *Congress: The electoral connection*. 2nd ed. Vol. 26: Yale University Press.

———. 2005. *Divided we govern : party control, lawmaking and investigations, 1946-2002*. New Haven: Yale University Press.

Mayhew, David R. 1974. *Congress : the electoral connection*. New Haven: Yale University Press.

McCarthy, Cathy A., and Tara Treacy. 2000. *The history of the Administrative Office of the United States Courts : sixty years of service to the federal judiciary*. Washington, DC: The Office.

McKenna, Marian C. 2002. *Franklin Roosevelt and the great constitutional war : the court-packing crisis of 1937*. 1st ed. New York: Fordham University Press.

Miller, G. J. 2005. "The political evolution of principal-agent models." *Annual Review of Political Science* 8:203-25.

Mintz, A., and C. Huang. 1991. "Guns Versus Butter - the Indirect Link." *American Journal of Political Science* 35 (3):738-57.

Monroe, Nathan W., Jason M. Roberts, and David W. Rohde. 2008. *Why not parties? : party effects in the United States Senate*. Chicago: University of Chicago Press.

Munger, Michael C., and Kevin M. Munger. 2015. *Choosing in groups : analytical politics revisited*. New York, NY: Cambridge University Press.

Nelson, Garrison. "Committees in the U.S. Congress, 1947-1992."

Nelson, K. R., and E. M. Ringsmuth. 2013. "Inter-Institutional Dynamics: Assessments of the Supreme Court in a Separation of Powers Context." *Political Behavior* 35 (2):357-82.

Nelson, Michael. 1988. "The President and the court: Reinterpreting the court-packing episode of 1937." *Political Science Quarterly* 103 (2):267-93.

Niou, E. M. S., and P. C. Ordeshook. 1985. "Universalism in Congress." *American Journal of Political Science* 29 (2):246-58.

Nixon, D. C., and J. D. Haskin. 2000. "Judicial retirement strategies - The judge's role in influencing party control of the appellate courts." *American Politics Quarterly* 28 (4):458-89.

North, Douglass C. 1990. *Institutions, institutional change, and economic performance.* Cambridge ; New York: Cambridge University Press.

Oleszek, Walter J. 2014. *Congressional procedures and the policy process.*

Olson, Mancur. 1965. *The logic of collective action; public goods and the theory of groups.* Cambridge, Mass.,: Harvard University Press.

Ordeshook, P. C., and T. Schwartz. 1987. "Agendas and the Control of Political Outcomes." *American Political Science Review* 81 (1):179-99.

Pacelle, R. L. 2014. "The Solicitor General and the United States Supreme Court: Executive Branch Influence and Judicial Decisions." *Journal of Politics* 76 (2).

Pasour, E. C., and Randal Ray Rucker. 2005. *Plowshares and pork barrels : the political economy of agriculture.* Oakland, Calif.: Independent Institute.

Peltason, J. W. 1955. *Federal courts in the political process.* Garden City, N.Y.,: Doubleday.

Perkins, L. P. 1980. "Influences of Members Goals on Their Committee Behavior - the United States House Judiciary-Committee." *Legislative Studies Quarterly* 5 (3):373-92.

———. 1981. "Member Recruitment to a Mixed Goal Committee - the House Judiciary Committee." *Journal of Politics* 43 (2):348-64.

Polsby, Nelson W. 2004. *How Congress evolves : social bases of institutional change.* Oxford ; New York: Oxford University Press.

Poole, Keith T., Howard Rosenthal, and Keith T. Poole. 2007. *Ideology & Congress.* 2nd rev. ed. New Brunswick: Transaction Publishers.

Reeves, A. 2011. "Political Disaster: Unilateral Powers, Electoral Incentives, and Presidential Disaster Declarations." *Journal of Politics* 73 (4):1142-51.

Ridenour, James M. 1994. *The National Parks compromised: pork barrel politics and America's treasures*: Ics Books.

Riker, William H. 1962. *The theory of political coalitions.* New Haven,: Yale University Press.

Ritchie, Donald A. 2016. *The U.S. Congress : a very short introduction.* Second edition. ed. New York, NY: Oxford University Press.

Roberts, J. M. 2005. "Minority rights and majority power. Conditional party government and the motion to recommit in the house." *Legislative Studies Quarterly* 30 (2):219-34.

Rocca, M. S., and S. B. Gordon. 2013. "Earmarks as a Means and an End: The Link between Earmarks and Campaign Contributions in the U.S. House of Representatives." *Journal of Politics* 75 (1):241-53.

Rogowski, Jon C. 2016. "Presidential Influence in an Era of Congressional Dominance." *American Political Science Review* 110 (2):325-41.

Rohde, David W. 1991. *Parties and leaders in the postreform house*. Chicago: University of Chicago Press.

Romer, T., and H. Rosenthal. 1978. "Political Resource-Allocation, Controlled Agendas, and the Status Quo." *Public Choice* 33 (4):27-43.

Rowland, C. K., and Robert A. Carp. 1996. *Politics and judgment in federal district courts*. Lawrence, Kan.: University Press of Kansas.

Rundquist, B., J. H. Lee, and J. Rhee. 1996. "The distributive politics of Cold War defense spending: Some state level evidence." *Legislative Studies Quarterly* 21 (2):265-81.

Rundquist, Barry, and Thomas M Carsey. 2002. *Congress and defense spending: The distributive politics of military procurement*. Vol. 3: University of Oklahoma Press.

Savage, James D. 2000. *Funding science in America: Congress, universities, and the politics of the academic pork barrel*: Cambridge University Press.

Sciara, Gian-Claudia. 2012. "Peering inside the pork barrel: A study of congressional earmarking in transportation." *Public Works Management & Policy* 17 (3):217-37.

Segal, J. A., C. Westerland, and S. A. Lindquist. 2011. "Congress, the Supreme Court, and Judicial Review: Testing a Constitutional Separation of Powers Model." *American Journal of Political Science* 55 (1):89-104.

Shepsle, K. A., and B. R. Weingast. 1981. "Political Preferences for the Pork Barrel - a Generalization." *American Journal of Political Science* 25 (1):96-111.

Sin, Gisela. 2015. *Separation of powers and legislative organization : the President, the Senate, and political parties in the making of House rules*. New York, NY: Cambridge University Press.

Sinclair, Barbara. 1989. *The transformation of the U.S. Senate*. Baltimore: Johns Hopkins University Press.

Soherr-Hadwiger, D. 1998. "Military construction policy: A test of competing explanations of universalism in Congress." *Legislative Studies Quarterly* 23 (1):57-78.

Sollenberger, Mitchel A. 2008. *The president shall nominate : how Congress trumps executive power*. Lawrence, Kan.: University Press of Kansas.

———. 2010. The Blue Slip: A Theory of Unified and Divided Government, 1979–2009. Paper read at Congress & the Presidency.

Spaeth, H. J., L. Epstein, A. D. Martin, J. Segal, T. J. Ruger, and S. C. Benesh. 2017a. "Supreme Court Database: LEGACY 04."

———. 2017b. "Supreme Court Database: MODERN 2017 Release 01."

Spriggs, J. F., and P. J. Wahlbeck. 1995. "Calling It Quits - Strategic Retirement on the Federal-Courts of Appeals, 1893-1991." *Political Research Quarterly* 48 (3):573-97.

Steigerwalt, Amy. 2010. *Battle over the bench : senators, interest groups, and lower court confirmations*. 1st ed. Charlottesville, Va.: University of Virginia Press.

Stein, R. M., and K. N. Bickers. 1995. *Perpetuating the pork barrel : policy subsystems and American democracy*. Cambridge ; New York: Cambridge University Press.

Stein, R. M., and K. E. Hamm. 1994. "Explaining State Aid Allocations - Targeting within Universalism." *Social Science Quarterly* 75 (3):524-40.

Stewart III, Charles, and J. Woon. "Congressional Committee Assignments, 103rd to 114th Congresses, 1993-2017."

Stokes, Susan C. 2009. "Pork, by any other name... building a conceptual scheme of distributive politics."

Stratmann, T. 2013. "The effects of earmarks on the likelihood of reelection." *European Journal of Political Economy* 32:341-55.

Sullivan, Teresa A, Elizabeth Warren, and Jay Lawrence Westbrook. 1994. "Persistence of Local Legal Culture: Twenty Years of Evidence from the Federal Bankruptcy Courts." *Harv. JL & Pub. Pol'y* 17:801.

Surrency, Erwin C. 2002. *History of the federal courts*. 2nd ed. Dobbs Ferry, N.Y.: Oceana Publications.

Thies, M. F. 1998. "When will pork leave the farm? Institutional bias in Japan and the United States." *Legislative Studies Quarterly* 23 (4):467-92.

Treul, Sarah A. 2017. *Agenda crossover : the influence of state delegations in Congress*. Cambridge, United Kingdom ; New York, NY: Cambridge University Press.

Truman, D. B. 1956. "The State Delegations and the Structure of Party Voting in the United-States House of Representatives." *American Political Science Review* 50 (4):1023-45.

Ura, J. D., and P. C. Wohlfarth. 2010. ""An Appeal to the People": Public Opinion and Congressional Support for the Supreme Court." *Journal of Politics* 72 (4):939-56.

Uribe, Alicia, James F. Spriggs, II, and Thomas G. Hansford. 2014. "The Influence of Congressional Preferences on Legislative Overrides of Supreme Court Decisions." *Law & Society Review* 48 (4):921-45.

Volden, Craig, and Alan E. Wiseman. 2014. *Legislative effectiveness in the United States Congress : the lawmakers*. New York, NY: Cambridge University Press.

Walker, T. G., and D. J. Barrow. 1985. "The Diversification of the Federal Bench - Policy and Process Ramifications." *Journal of Politics* 47 (2):596-617.

Wheeler, Russell R., and Cynthia Harrison. 2005. "Creating the Federal Judicial System." ed. F. J. Center.

Wheeler, Russell R., and Howard R. Whitcomb. 1977. *Judicial administration : text and readings*. Englewood Cliffs, N.J.: Prentice-Hall.

Wichowsky, A. 2012. "District Complexity and the Personal Vote." *Legislative Studies Quarterly* 37 (4):437-63.

Wilson, Rick K. 1986. "What Was It worth to Be on a Committee in the US House, 1889 to 1913?" *Legislative Studies Quarterly*:47-63.

Wilson, Woodrow. 1885. *Congressional government: A study in American politics*: Boston, Houghton.

Wolanin, T. R. 1974. "Committee Seniority and Choice of House Subcommittee Chairmen - 80th-91st Congresses." *Journal of Politics* 36 (3):687-702.