**APPENDIX**

**Table A1: Summary Statistics**

|  | Mean | Standard Deviation | Minimum Value | Maximum Value | Number of Observations |
|---|---|---|---|---|---|
| **Judge Level Variables** | | | | | |
| Government Win | 0.776 | 0.417 | 0 | 1 | 7790 |
| Mixed Panel | 0.292 | 0.455 | 0 | 1 | 7790 |
| Post-9/11 Casualties | 1.023 | 1.387 | 0 | 5.667 | 7790 |
| Ideology | 0.133 | 0.334 | -0.585 | 0.567 | 7790 |
| Gulf War | 0.013 | 0.114 | 0 | 1 | 7790 |
| Deferential Lower Court | 0.780 | 0.415 | 0 | 1 | 7790 |
| **Case Level Variables** | | | | | |
| Government Win | 0.772 | 0.420 | 0 | 1 | 8448 |
| Mixed Panel | 0.344 | 0.475 | 0 | 1 | 10330 |
| Post-9/11 Casualties | 0.635 | 1.198 | 0 | 5.667 | 10330 |
| Ideology (Median) | 0.059 | 0.296 | -0.650 | 0.567 | 10138 |
| Gulf War | 0.018 | 0.134 | 0 | 1 | 10330 |
| Deferential Lower Court | 0.784 | 0.411 | 0 | 1 | 8448 |

**Table A2: Impact of 9/11 on the Court of Appeals**

| | 9/11 Indicator | | Casualties | |
| | (1)<br>Judge Level | (2)<br>Case Level | (3)<br>Judge Level | (4)<br>Case Level |
|---|---|---|---|---|
| Post-9/11 Casualties | | | 0.124*<br>(0.027) | 0.130*<br>(0.037) |
| War | 0.247*<br>(0.074) | 0.232*<br>(0.089) | | |
| Mixed Panel | 0.040<br>(0.098) | 0.049<br>(0.080) | 0.012<br>(0.087) | 0.055<br>(0.075) |
| Mixed Panel*<br>Post-9/11 Casualties | | | -0.100*<br>(0.039) | -0.099+<br>(0.052) |
| Mixed Panel*<br>War | -0.236*<br>(0.115) | -0.173<br>(0.132) | | |
| Gulf War | 0.559+<br>(0.287) | 0.009<br>(0.245) | 0.559+<br>(0.286) | 0.016<br>(0.245) |
| Ideology (Median) | 0.734*<br>(0.117) | 0.744*<br>(0.112) | 0.736*<br>(0.117) | 0.742*<br>(0.112) |
| Deferential Lower<br>Court | 1.428*<br>(0.088) | 1.320*<br>(0.069) | 1.419*<br>(0.088) | 1.316*<br>(0.069) |
| 1st Circuit | -0.252<br>(0.177) | -0.210<br>(0.165) | -0.251<br>(0.176) | -0.207<br>(0.166) |
| 2nd Circuit | -0.173<br>(0.198) | -0.377*<br>(0.174) | -0.171<br>(0.198) | -0.370*<br>(0.174) |
| 3rd Circuit | -1.249*<br>(0.228) | -1.051*<br>(0.198) | -1.257*<br>(0.229) | -1.051*<br>(0.198) |
| 4th Circuit | -0.323<br>(0.242) | -0.570*<br>(0.171) | -0.321<br>(0.242) | -0.564*<br>(0.171) |
| 5th Circuit | -0.847*<br>(0.144) | -0.721*<br>(0.130) | -0.847*<br>(0.144) | -0.711*<br>(0.130) |
| 6th Circuit | -0.848*<br>(0.158) | -0.808*<br>(0.137) | -0.848*<br>(0.158) | -0.810*<br>(0.137) |
| 7th Circuit | -0.432*<br>(0.136) | -0.695*<br>(0.128) | -0.432*<br>(0.136) | -0.690*<br>(0.128) |
| 9th Circuit | -1.223*<br>(0.177) | -1.168*<br>(0.121) | -1.223*<br>(0.177) | -1.163*<br>(0.121) |
| 10th Circuit | -0.428*<br>(0.127) | -0.538*<br>(0.134) | -0.428*<br>(0.127) | -0.538*<br>(0.134) |
| 11th Circuit | -0.606*<br>| -0.676*<br>| -0.606*<br>| -0.665*<br>|

| | | | | |
|---|---|---|---|---|
| | (0.141) | (0.162) | (0.141) | (0.162) |
| 12th Circuit | -0.759* | -0.864* | -0.759* | -0.858* |
| | (0.210) | (0.201) | (0.210) | (0.201) |
| Constant | 0.592* | 0.819* | 0.603* | 0.809* |
| | (0.120) | (0.111) | (0.118) | (0.110) |
| Observations | 7790 | 8325 | 7790 | 8325 |
| Log Pseudolikelihood | -3710.15 | -4020.78 | -3705.76 | -4017.30 |
| AIC | 7456.29 | 8077.56 | 7447.52 | 8070.59 |
| BIC | 7581.58 | 8204.05 | 7572.81 | 8197.08 |

Logit regression models with clustered standard errors around judges in parentheses.

+ p<0.1, * p<0.05 (two-tailed).

**Table A3: Impact of Early versus Late War on Terror on the Courts of Appeals**

|  | (1) Government Deference |
|---|---|
| Mixed Panel | 0.304[+] |
|  | (0.184) |
| 2001-2003 | 0.330[+] |
|  | (0.184) |
| Mixed Panel*2001-2003 | -0.243 |
|  | (0.269) |
| 2007-2009 | 0.526[*] |
|  | (0.219) |
| Mixed Panel*2007-2009 | -0.365 |
|  | (0.305) |
| Ideology (Median) | 0.714[*] |
|  | (0.217) |
| Lower Court Deference | 1.653[*] |
|  | (0.125) |
| Constant | 0.350[+] |
|  | (0.209) |
| Observations | 1947 |
| Log Pseudolikelihood | -928.03 |
| AIC | 1894.07 |
| BIC | 1999.97 |

Logit regression models with clustered standard errors around cases in parentheses. Circuit fixed effect included in estimation but excluded in table. Since the judge level dataset was matched for different time periods, we did not replicate this analysis on the matched data for the judge level. [+] $p<0.1$ [*] $p<0.05$, (two-tailed).

**Table A4: Marginal Effects for Panel Composition and Post-9/11 Casualties on Government Deference in U.S. Court of Appeals Decisions**

| | | Average Marginal Effect (dy/dx) | Standard Error | P>|z| |
|---|---|---|---|---|
| **(1) Panel Effect on Male Judge Vote** | | | | |
| Marginal Effect of Post-9/11 Casualties | | | | |
| | On All Male Panels | 0.019 | 0.004 | 0.001 |
| | On Mixed Panels | 0.004 | 0.005 | 0.461 |
| Marginal Effect of Mixed Panel | | | | |
| | At Peacetime | 0.002 | 0.014 | 0.888 |
| | At Casualties = 2[1] | -0.028 | 0.012 | 0.020 |
| **(2) Panel Effect on Case Outcome** | | | | |
| Marginal Effect of Post-9/11 Casualties | | | | |
| | On All Male Panels | 0.020 | 0.006 | 0.001 |
| | On Mixed Panels | 0.005 | 0.006 | 0.396 |
| Marginal Effect of Mixed Panel | | | | |
| | At Peacetime | 0.009 | 0.012 | 0.459 |
| | At Casualties = 2 | -0.021 | 0.014 | 0.127 |

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[1] We chose this figure because the average rate of our casualties measure post-9/11 is two.

**Table A5: Descriptive Statistics of Panel Compositions**

| Gender Panel Composition | |
|---|---|
| All male panel | 6,780 |
| Majority male mixed gender panel | 2,884 |
| Majority female mixed gender panel | 431 |
| All female panel | 20 |
| **Ethnic Panel Composition** | |
| All white panel | 7,357 |
| Majority white mixed ethnic panel | 2,455 |
| Majority minority mixed ethnic panel | 245 |
| All minority panel | 8 |
| **Race Panel Composition** | |
| All white panel | 7,357 |
| Majority white mixed race panel | 1,474 |
| Majority black mixed race panel | 94 |
| All black panel | 7 |
| **Gender and Race Panel Composition** | |
| All white male panel | 5,041 |
| All white mixed gender panel | 2,316 |
| All male mixed race panel | 1,011 |
| Mixed race and gender panel | 647 |
| **Intersection Gender and Minority Panel Composition** | |
| No female minority panel | 9,674 |
| One female minority panel | 410 |
| Two female minorities panel | 7 |
| All female minorities panel | 0 |
| **Party ID Panel Composition** | |
| All republican panel | 2,311 |
| Two republican, one democrat panel | 4,111 |
| Two democrat, one republican panel | 2,914 |
| All democrat panel | 779 |

**Table A6: Alternative definition of diversity in panels (DV: Judge vote)**

| | (1)<br>Gender (all white panels only) | (2)<br>Race | (3)<br>Ethnicity | (4)<br>Ideology (Rep. Majority) | (5)<br>Ideology (Dem. Majority) |
|---|---|---|---|---|---|
| Casualties | 0.171* | 0.080* | 0.097* | 0.138* | 0.127+ |
| | (0.032) | (0.022) | (0.025) | (0.039) | (0.076) |
| Diverse Panel | -0.037 | -0.287* | -0.142 | -0.109 | 0.390* |
| | (0.086) | (0.110) | (0.090) | (0.097) | (0.150) |
| Diverse Panel*<br>Post-9/11 Casualties | -0.111* | 0.069 | 0.001 | -0.069 | -0.111 |
| | (0.044) | (0.072) | (0.053) | (0.052) | (0.096) |
| Gulf War | 0.209 | 0.158 | 0.129 | 0.509* | -0.525* |
| | (0.147) | (0.137) | (0.142) | (0.191) | (0.233) |
| Ideology (Median) | 0.451* | 0.333* | 0.395* | -0.010 | -0.126 |
| | (0.094) | (0.093) | (0.098) | (0.205) | (0.452) |
| Deferential Lower<br>Court | 1.491* | 1.465* | 1.478* | 1.558* | 1.179* |
| | (0.086) | (0.082) | (0.084) | (0.105) | (0.135) |
| Constant | 0.745* | 0.829* | 0.789* | 1.140* | 0.159 |
| | (0.089) | (0.102) | (0.103) | (0.169) | (0.297) |
| Observations | 7845 | 9867 | 9378 | 5987 | 2102 |
| Log Pseudolikelihood | -3469.82 | -4634.50 | -4351.72 | -2552.10 | -1158.95 |
| AIC | 6975.63 | 9305.00 | 8739.44 | 5140.19 | 2353.90 |
| BIC | 7101.05 | 9434.55 | 8868.07 | 5260.74 | 2455.61 |

Logit regression models with clustered standard errors around judges in parentheses. Circuit dummies included in the analysis but omitted in the table. $+ p<0.10$ * $p<0.05$, (two-tailed).

**Table A7: Alternative definition of diversity in panels (DV: Case outcome)**

| | (1) Gender (all panels only) | (2) Race | (3) Ethnicity | (4) Ideology (Rep. Majority) | (5) Ideology (Dem. Majority) |
|---|---|---|---|---|---|
| Casualties | 0.130* | 0.092* | 0.096* | 0.132* | 0.076 |
| | (0.037) | (0.031) | (0.031) | (0.056) | (0.091) |
| Diverse Panel | 0.055 | 0.027 | -0.027 | -0.223* | 0.284* |
| | (0.075) | (0.101) | (0.081) | (0.094) | (0.136) |
| Diverse Panel* Post-9/11 Casualties | -0.099+ | -0.020 | -0.028 | -0.029 | -0.053 |
| | (0.052) | (0.069) | (0.054) | (0.068) | (0.101) |
| Gulf War | 0.016 | 0.240 | 0.102 | 0.424 | -0.505 |
| | (0.245) | (0.239) | (0.246) | (0.311) | (0.355) |
| Ideology (Median) | 0.742* | 0.884* | 0.723* | 0.036 | 0.266 |
| | (0.112) | (0.113) | (0.106) | (0.219) | (0.441) |
| Deferential Lower Court | 1.316* | 1.305* | 1.274* | 1.365* | 1.194* |
| | (0.069) | (0.068) | (0.065) | (0.080) | (0.109) |
| Constant | 0.809* | 0.809* | 0.850* | 1.240* | 0.216 |
| | (0.110) | (0.107) | (0.105) | (0.162) | (0.257) |
| Observations | 8325 | 7450 | 8284 | 5373 | 2842 |
| Log Pseudolikelihood | -4017.30 | -3375.12 | -4008.15 | -2636.33 | -1285.92 |
| AIC | 8070.59 | 6786.23 | 8052.30 | 5308.66 | 2607.84 |
| BIC | 8197.08 | 6910.72 | 8178.70 | 5427.26 | 2714.98 |

Logit regression models with clustered standard errors around cases in parentheses. Circuit dummies included in the analysis but omitted in the table. $+ p<0.10$ * $p<0.05$, (two-tailed).

**Table A8: Including a variable for racially diverse panels as control and interaction**

| | Judge Vote | | Case Outcome | |
|---|---|---|---|---|
| | (1) | (2) | (3) | (4) |
| | Control | Interactive Effect | Control | Interactive Effect |
| Mixed Panel (Gender) | 0.019 | 0.031 | -0.008 | 0.041 |
| | (0.087) | (0.092) | (0.082) | (0.087) |
| Casualties | 0.116* | 0.114* | 0.130* | 0.137* |
| | (0.027) | (0.029) | (0.041) | (0.044) |
| Mixed Panel (Gender)* Casualties | -0.100* | -0.118* | -0.082 | -0.092 |
| | (0.038) | (0.042) | (0.057) | (0.063) |
| Mixed Panel (Race) | -0.141 | -0.214 | -0.003 | 0.122 |
| | (0.132) | (0.179) | (0.100) | (0.135) |
| Mixed Panel (Gender)*Mixed Panel (Race) | | -0.112 | | -0.222 |
| | | (0.339) | | (0.225) |
| Mixed Panel (Race)*Casualties | | 0.022 | | -0.030 |
| | | (0.098) | | (0.109) |
| Mixed Panel (Gender)*Mixed Panel (Race)* Casualties | | 0.229 | | 0.043 |
| | | (0.141) | | (0.147) |
| Gulf War | 0.443 | 0.444 | 0.170 | 0.166 |
| | (0.282) | (0.282) | (0.271) | (0.271) |
| Ideology (Median) | 0.704* | 0.708* | 0.829* | 0.819* |
| | (0.118) | (0.117) | (0.140) | (0.141) |
| Deferential Lower Court | 1.418* | 1.419* | 1.328* | 1.331* |
| | (0.088) | (0.088) | (0.076) | (0.076) |
| Constant | 0.625* | 0.630* | 0.824* | 0.793* |
| | (0.120) | (0.121) | (0.119) | (0.119) |
| Observations | 7790 | 7790 | 7450 | 7450 |
| Log Pseudolikelihood | -3705.30 | -3703.17 | -3386.90 | -3385.96 |
| AIC | 7448.61 | 7450.34 | 6811.80 | 6815.92 |
| BIC | 7580.86 | 7603.47 | 6943.20 | 6968.07 |

Logit regression models with clustered standard errors around judges/cases in parentheses. Circuit dummies included in the analysis but omitted in the table. + p<0.10 * p<0.05, (two-tailed).