ONLINE APPENDIX

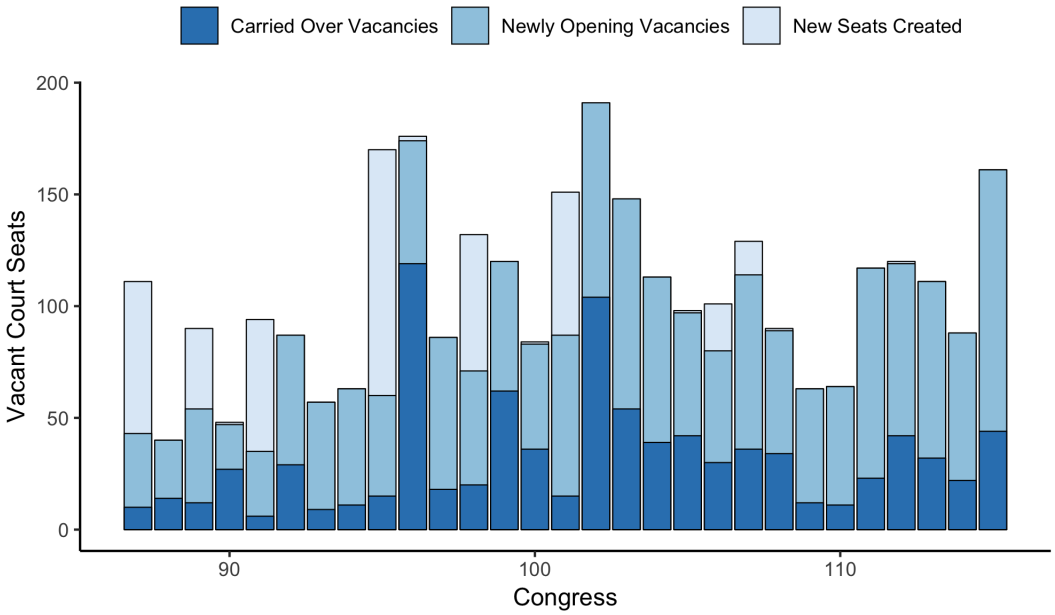
Robustness Checks and Supplementary Analyses for

"Political Context, White House Centralization, and the Timing of Presidential Nominations to the Federal Courts"

Contents

A Summary Statistics

Figure A.1: District Court Vacancies, 1961-2018



Note: Data show the number of vacancies in federal judgeships during each Congress. While vacancies carrying over from previous congresses increase most drastically following large expansions of the courts, unfilled existing seats account for a small yet growing proportion of vacant positions encountered in a given Congress.

Table A.1: Summary Statistics of Dependent and Independent Variables, Table 1

	Mean	Stan.Dev.	Min.	Max.
Days to Nomination	258.379	238.856	0.000	1999.000
Presidential Alignment	0.538	0.091	0.000	0.809
Inherited	0.113	0.317	0.000	1.000
New Seat	0.261	0.439	0.000	1.000
Senate Courtesy	0.739	0.439	0.000	1.000
Blue Slip Potential	0.320	0.466	0.000	1.000
Divided Senate	0.425	0.494	0.000	1.000
Partisan Composition	0.479	0.256	0.000	1.000
Statutory Court Size	9.726	7.269	0.000	28.000
Total Vacancies	120.767	38.372	40.000	191.000

Table A.2: Summary Statistics of Dependent and Independent Variables, Table 3;

	Mean	Stan.Dev.	Min.	Max.
Completed Trials	139.981	101.341	6.000	836.000
Perc. Cases Over 3 Y.O.	7.352	9.700	0.000	90.300
Vacancy Months	7.681	11.178	0.000	85.400
Weighted Filings (in Thousands)	3.657	3.378	0.414	25.51
Previous Pending (in Thousands)	4.036	5.577	0.304	74.620

B Previously Held Seats

We might anticipate that presidents make nominations to seats recently created by statutes differently than vacancies in established seats. For example, vacancies of previously held seats and new ones are likely to reflect different capacity costs on the courts themselves – where a vacant established seat may have an actively downward effect on court capacity, an unfilled new seat is only the delay of a prospective increase in court capacity. To test this and the robustness of our model to the inclusion of new seats, we estimate our model excluding newly created seats.

Table B.1: Effects of Presidential Alignment on Vacancy Duration Among Previously Held Seats

	(1)
Presidential Alignment	1.624**
	(0.469)
Inherited	-0.487**
	(0.076)
Senate Courtesy	0.289**
	(0.101)
Blue Slip Potential	-0.207*
	(0.099)
Divided Senate	-0.154
	(0.079)
Partisan Composition	0.167
	(0.141)
Statutory Court Size	-0.028**
	(0.005)
Total Vacancies	-0.0005
	(0.002)
Term fixed effects	✓
Observations	2,293
Log Likelihood	-10,824.490
Note:	**p<0.1; *p<0.05

C Presidential Vote Share Specification

While we argue a continuous measure of *Presidential Alignment* is appropriate for capturing relative differences in districts' alignment with the White House, we address two concerns about the specification of *Presidential Alignment.* First, our results may be driven by differences at the very top and very bottom of the distribution of vote share that are unlikely to be substantively meaningful in terms of the local factors they reflect. Second, there remains the possibility that presidents are responsive to *electoral* conditions within judicial districts rather than the relative costs of nominations. To ensure our results are robust to alternate specifications of *Presidential Alignment* and to test the possibility of electoral mechanisms, we estimate our main models using binary variables for swing districts (in which the president received between 45% and 55% of the vote) and core districts (in which the president received over 55%). We draw these measures from , who argue core and swing specifications are more appropriate given that campaigns generally view how competitive districts are in similar terms. Our results are in line with our initial argument that presidents prioritize politically aligned districts over ones aligned against them. Presidents are 41% more likely to make a nomination in a core district at a given time than a non-core one, while we are unable to distinguish the effect of swing districts from zero.

Table C.1: Effects of District Competitiveness on Vacancy Duration

	(1)	(2)	(3)	(4)
Swing District	0.315**	0.320*	0.237	0.184
	(0.116)	(0.132)	(0.142)	(0.110)
Core District	0.523**	0.535**	0.411**	0.347**
	(0.105)	(0.113)	(0.131)	(0.101)
Inherited		-0.410**	-0.437**	-0.467**
		(0.065)	(0.066)	(0.066)
New Seat		-0.461**	-0.476**	-0.538**
		(0.118)	(0.122)	(0.115)
Senate Courtesy			0.222*	0.247**
			(0.097)	(0.091)
Blue Slip Potential			-0.129	-0.119
			(0.083)	(0.074)
Divided Senate			-0.172**	-0.147*
			(0.057)	(0.068)
Partisan Composition				0.275*
				(0.132)
Statutory Court Size				-0.023**
				(0.004)
Total Vacancies				0.004**
				(0.001)
Term fixed effects	✓	✓	✓	✓
Observations	3,103	3,103	3,103	3,103
Log Likelihood	−14,616.550	−14,573.590	−14,555.270	−14,520.020

Note: **p<0.1; *p<0.05

D Blue Slip Specification

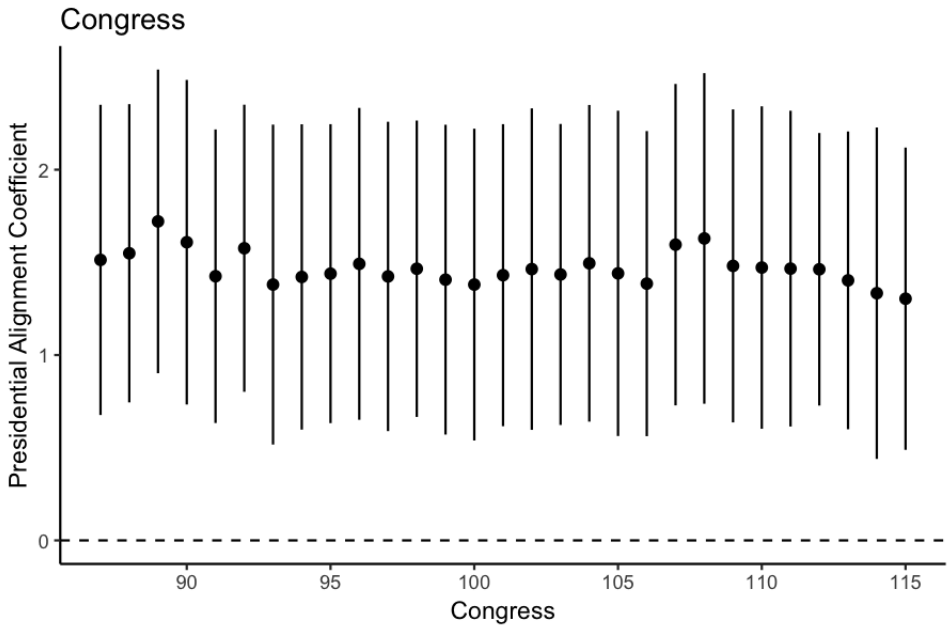
Given that NOMINATE ideology estimates for Donald Trump are not available at the time of writing, we measure blue slip potential for the Trump presidency by treating his ideology as the mean estitmate for the five other Republicans holding the presidency between 1961 and 2018. This gives us a score of 0.6 with a standard deviation of 0.087. To ensure our model is robust to different specifications of Trump's ideology, we reestimate our models with blue slip indicators holding Trump's ideology equal to Gerald Ford's (the most moderate Republican in the sample, with a score of 0.506) and to George W. Bush's (the most extreme at 0.693). Neither specification substantially alters our results and in neither case is the blue slip potential indicator significant. Similarly, our findings are robust to excluding Trump's presidency entirely (see Appendix E).

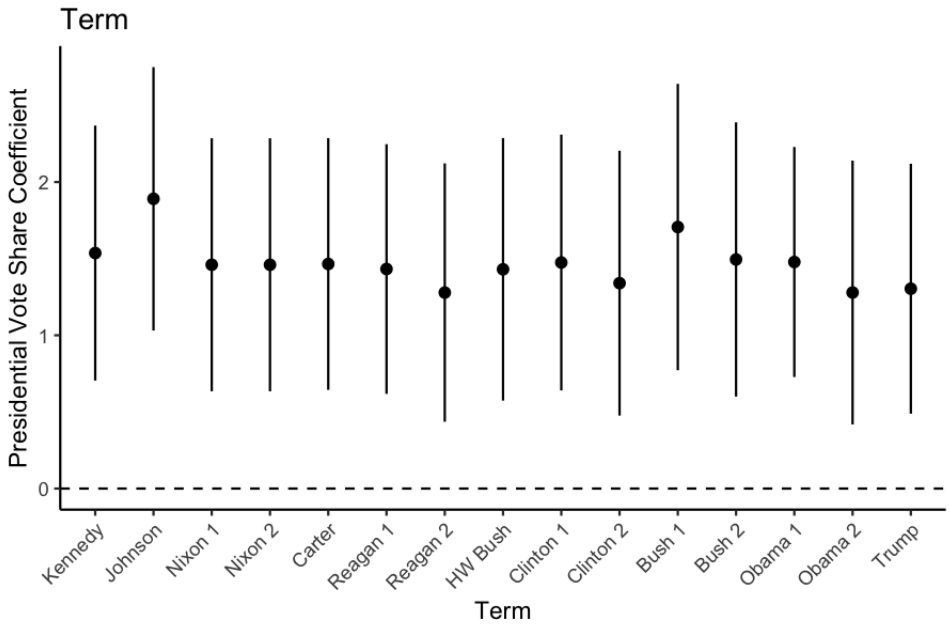
Table D.1: Effects of Presidential Alignment on Vacancy Duration Across Blue Slip Specification

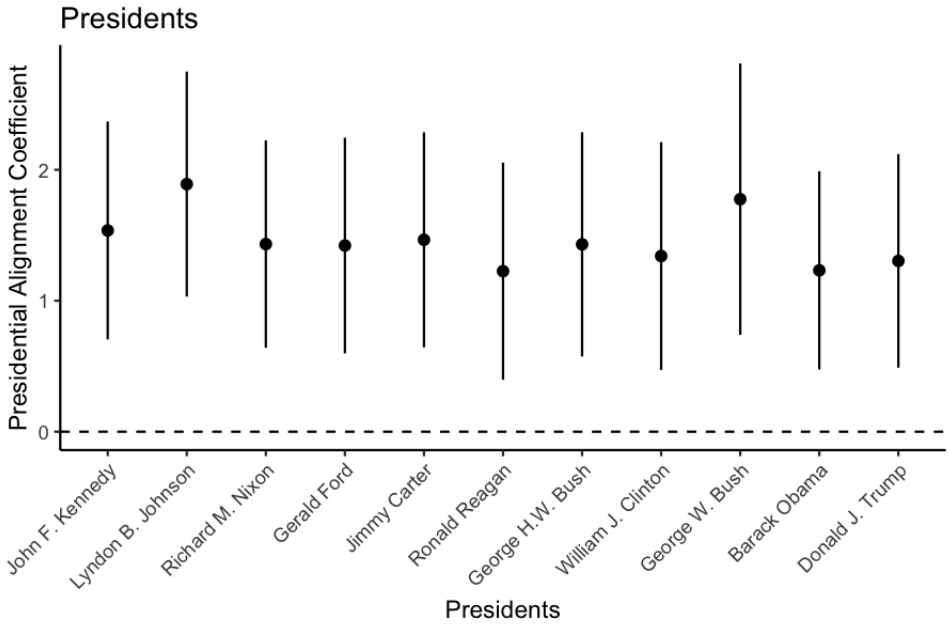
	Trump as Ford	Trump as Bush
Presidential Alignment	1.451**	1.484**
	(0.424)	(0.421)
Inherited	-0.463**	-0.463**
	(0.067)	(0.068)
New Seat	-0.534**	-0.534**
	(0.115)	(0.115)
Senate Courtesy	0.236*	0.249**
	(0.096)	(0.094)
Blue Slip Potential (Ford)	-0.127	
	(0.079)	
Blue Slip Potential (Bush)		-0.099
		(0.076)
Divided Senate	-0.150*	-0.148*
	(0.068)	(0.068)
Partisan Composition	0.254	0.255
	(0.133)	(0.134)
Statutory Court Size	-0.024**	-0.024**
	(0.005)	(0.004)
Total Vacancies	0.003**	0.003**
	(0.001)	(0.001)
Term fixed effects	✓	✓
Observations	3,103	3,103
Log Likelihood	-14,518.520	-14,519.590
Note:	**p<0.1; *p<0.05	

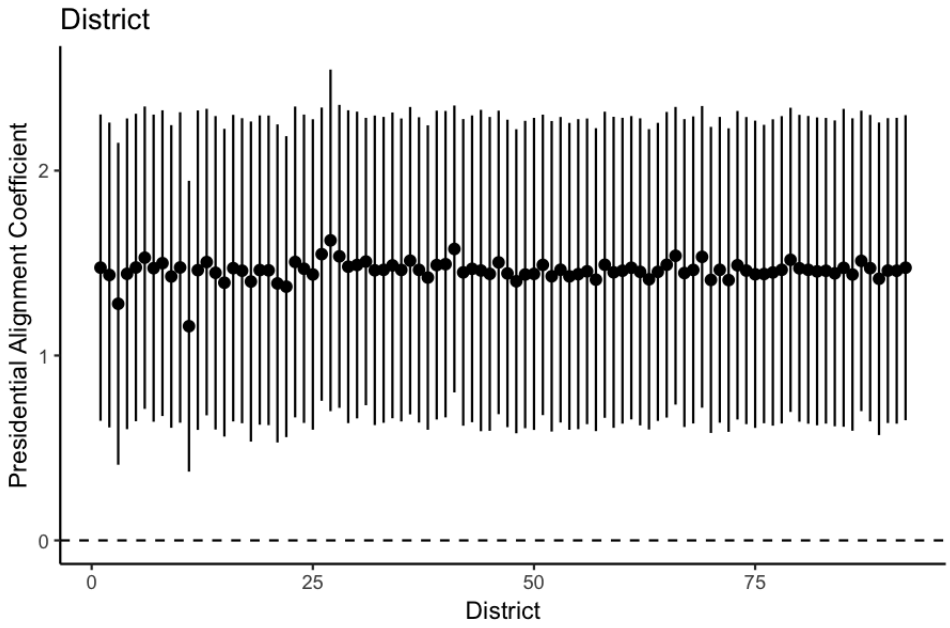
E Sequential Observation Dropping

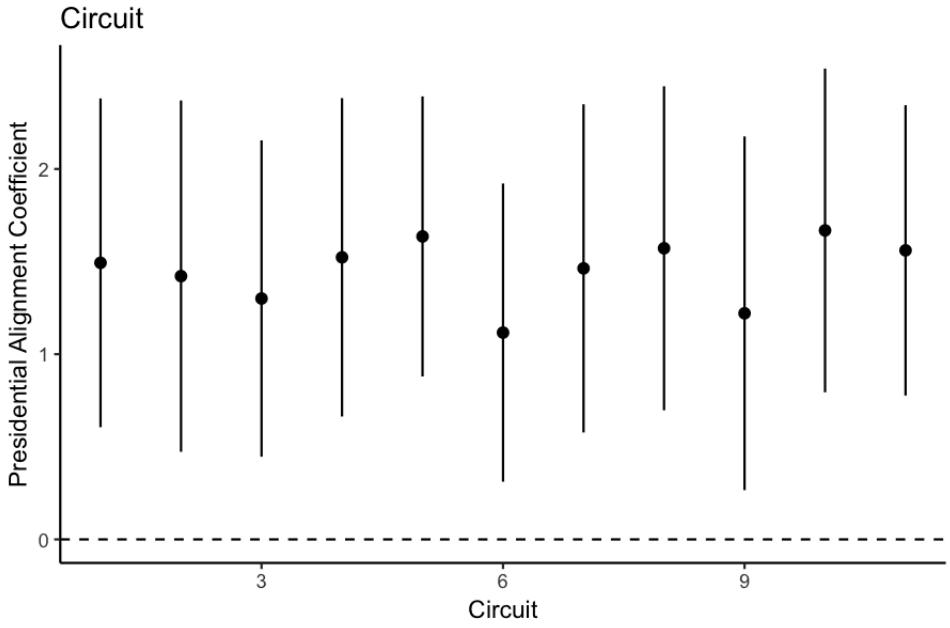
To ensure that our findings are not being driven by any outliers, we sequentially drop each congress, presidential term, president, district, and circuit from our analysis and plot the results. The figures below plot the coefficient estimate for *Presidential alignment* for each. In a handful of cases, the significance dips below the 0.05 threshold, but in each case they are directionally consistent and approach standard levels of significance.




Term
Presidential Vote Share Coefficient
2
1
0
Kennedy
Johnson
Nixon 1
Nixon 2
Carter
Reagan 1
Reagan 2
HW Bush
Clinton 1
Clinton 2
Bush 1
Bush 2
Obama 1
Obama 2
Trump
Term


Presidents
Presidential Alignment Coefficient
2
1
0
John F. Kennedy
Lyndon B. Johnson
Richard M. Nixon
Gerald Ford
Jimmy Carter
Ronald Reagan
George H.W. Bush
William J. Clinton
George W. Bush
Barack Obama
Donald J. Trump
Presidents


District
Presidential Alignment Coefficient
2
1
0
0
25
50
75
District


Circuit
Presidential Alignment Coefficient
2
1
0
3
6
9
Circuit

F Non-Proportionality Checks

The primary assumption of the Cox proportional hazards model is the proportionality of covariates. We test for non-proportionality by checking for the independence of Schoenfeld residuals for each covariate and time. These tests show several covariates in our model, including *Presidential Alignment* have significant non-proportional effects on vacancy length. To correct for this, we follow Box-Steffensmeier, Reiter, and Zorn (2003) by running a non-proportional hazards model and interacting violating covariates with log transformation of the duration of a vacancy to allow them to vary with duration length.

The results of the non-proportional hazards model reflect estimates of hazards ratios when time-correlated covariates are allowed to vary with time. While the significance and directionality are generally in line with our main findings in Table 1, they lead us to reassess our interpretation of several variables. *Presidential Alignment* remains significantly correlated with shorter nomination periods in the non-proportionality-corrected model. While its interaction is negative and significant, the coefficient is small relative to the coefficient of the indiviudal covariate, suggesting that while the effect of *Presidential Alignment* may wane over the duration of a vacancy, the effect is relatively consistent across time. These findings continue to support our primary hypothesis that presidents will make nominations to politically aligned districts at a faster pace than in disaligned ones.

Both *Inherited* and *New Seat* were negative in the initial model, but are positive when including time interactions and steadily decrease over time. *New Seat* is no longer significant. Unlike in the initial model, the main coefficient for *Statutory Court Size* is positive, however when factoring in the time-interaction, this effect reverses after less than two weeks. Other controls that are consistent with main findings *Senate Courtesy*, *Divided Senate*,, *Blue Slip Potential*, and *Total Vacancies* all initially increase the likelihood of nomination, but see this effect decline over time. Ultimate

Table F.1: Non-Proportionality Test the Effects of Presidential Alignment on Vacancy Duration

	(1)
Presidential Alignment	26.345**
	(3.371)
Inherited	3.151**
	(0.550)
New Seat	0.621
	(0.563)
Senate Courtesy	1.286*
	(0.617)
Blue Slip Potential	1.855**
	(0.590)
Divided Senate	5.706**
	(0.778)
Partisan Composition	0.982
	(0.580)
Statutory Court Size	0.094**
	(0.028)
Total Vacancies	0.201**
	(0.024)
Presidential Alignment × ln(Days)	-4.835**
	(0.585)
Inherited × ln(Days)	-0.504**
	(0.098)
New Seat × ln(Days)	-0.127
	(0.105)
Senate Courtesy × ln(Days)	-0.232*
	(0.106)
Blue Slip Potential × ln(Days)	-0.360**
	(0.102)
Divided Senate × ln(Days)	-1.073**
	(0.135)
Partisan Composition × ln(Days)	-0.186
	(0.105)
Statutory Court Size × ln(Days)	-0.019**
	(0.005)
Total Vacancies × ln(Days)	-0.037**
	(0.004)
Term fixed effects	✓
Observations	3,103
Log Likelihood	-10,923.340
Note:	**p<0.1; *p<0.05

G Divided Senate Control

Table G.1: Interbranch Conflict and the Effects of Presidential Alignment on Vacancy Duration

	(1)	(2)	(3)	(4)
Presidential Alignment	1.284**	1.238**	0.757	0.817
	(0.440)	(0.460)	(0.498)	(0.542)
Divided Senate	−1.233**	−1.349**	−1.374**	−1.107**
	(0.309)	(0.322)	(0.305)	(0.342)
Presidential Alignment x Divided Senate	2.136**	2.214**	2.252**	1.803**
	(0.573)	(0.604)	(0.561)	(0.662)
Inherited		−0.414**	−0.429**	−0.463**
		(0.068)	(0.070)	(0.070)
New Seat		−0.471**	−0.478**	−0.539**
		(0.117)	(0.121)	(0.115)
Senate Courtesy			0.223*	0.244**
			(0.098)	(0.095)
Blue Slip			−0.120	−0.109
			(0.084)	(0.074)
Partisan Composition				0.250
				(0.132)
Statutory Court Size				−0.023**
				(0.004)
Total Vacancies				0.004**
				(0.001)
Term fixed effects	✓	✓	✓	✓
Observations	3,103	3,103	3,103	3,103
Log Likelihood	−14,605.920	−14,561.850	−14,546.950	−14,513.580

Note: Coefficients are estimated from Cox proportional hazards model with robust standard errors in parentheses clustered on state. President-term fixed effects are included but not reported.

* indicates $p < .05$, ** $p < .01$ (two-tailed tests).