

# Resubmission of "Presidents on the Fast Track: Fighting Floor Amendments with Restrictive Rules" to the *Journal of Politics* (Ms. No. 182014)

Double blind review

March 8, 2019

## Contents

<b>1 Responses to Reviewer #1:</b>	<b>2</b>
1.1 Are there other tools available for presidents to generate decisions faster?What happens when the president has decree powers? Are the odds that the president will qualify a bill as urgent the same when he has decree power? (VALERIA) . . . . .	2
1.2 How is the urgency authority used in different policy areas? . . . . .	2
1.3 Consider shortening the discussion of the findings and expanding on the discussion of the implications . . . . .	3
<b>2 Responses to Reviewer #2</b>	<b>3</b>
2.1 Does the article generalize the use of urgency for countries in Latin America? . . . . .	3
2.2 Consider shortening the model section, remove the teacher/student example, and Figure 1 .	3
2.3 Consider reformulating the Hypotheses taking into account that when a bill goes to a committee far from the president's preferences, the probabilities of fast track should be lower because an open rule means the bill is moved back to the floor median . . . . .	4
2.4 Consider the possibility that the president uses multiple referrals to rein on unruly chairs rather than by the need to protect the original bill . . . . .	4
2.5 NO SE QUE PODEMOS CONTESTAR ACA . . . . .	4
2.6 Is there a temporal dimension in the use of fast track authority? . . . . .	4
<b>3 Reviewer #3:</b>	<b>5</b>
3.1 Consider making the the first half of the paper more "reader friendly" . . . . .	5
3.2 Is the model generalizable to cases that restrict the number or scope of bills a president is able to fast-track? . . . . .	5
3.3 Do presidents get more of their preferred outcomes when using urgency authority? . . . . .	5
3.4 What is the effect of public opinion on the president's decision to use fast track authority?	6
3.5 What is the effect that the electoral cycle has on the president's decision to fast track bills?	6
3.6 What is the effect of presidents and legislators' previous experience on the use of fast track authority? . . . . .	6
<b>4 Cover letter for RnR</b>	<b>6</b>
<b>5 Response to editor accepting to do RnR &lt;2018-10-10 Wed&gt;</b>	<b>7</b>
<b>6 Editor's letter &lt;2018-10-07 Sun&gt;</b>	<b>7</b>

We are grateful for the opportunity to revise and resubmit our manuscript. In this document, we paraphrase and respond to very helpful critiques and comments provided by the editorial team and reviewers. We are confident that the manuscript has been greatly improved by the review process, and we are indebted to each one of you for your thoughtful remarks. Thank you very much for your time, kind words, and professional service.

## 1 Responses to Reviewer #1:

### 1.1 Are there other tools available for presidents to generate decisions faster? What happens when the president has decree powers? Are the odds that the president will qualify a bill as urgent the same when he has decree power? (VALERIA)

This is an important question that we did not adequately consider in the prior draft. The reviewer suggests “to make clear that consideration of this condition will not impact either the explanatory power of the model or the results of the analysis”. From a theoretical perspective, the availability of other tools XXXXXX. The introduction puts urgency authority in the same level as executive decrees—another presidential tool for unorthodox lawmaking. The closing section (Discussion) retakes the decrees-urgencies tandem—two features of Latin American presidentialism. In particular, we question if in cases sharing both institutions (Brazil, Colombia, Ecuador), decrees might in fact reduce urgency attractiveness. Figueiredo and Limongi report that Brazilian presidents rarely declare bills urgent, then quote them saying that there is a natural preference for more versatile decrees. We also mention that the contrary may hold if policy by statute were more valuable to presidents than by mere executive decree. While all the above is true, it goes without question that even where presidents can issue decrees constitutionally, they often do not, and not for reasons related to urgency. Pereira Power and Rennó (2005, 2008) find that Brazilian presidents are not systematically more likely to rely on decrees under economic pressure, for instance. Following Palanza 2019, the choice to enact legislation using decrees or congressional statute depends on legislators’ valuation of their decision rights, something that varies across countries and, within a given country, depends on what is at stake. We argue that under specific conditions legislators will not allow presidents to enact decrees, and that in those cases presidents are forced to see legislation through the congressional route. It is under those circumstances, that presidents may put this other tool to use. Done in closing section (Discussion), expanded along the lines that the referee suggests.

### 1.2 How is the urgency authority used in different policy areas?

Reviewer #1 inquired about the effect of other policy areas on the use of urgency authority, given that some areas are more important than others and therefore, more strategic for the president. This is a significant point: different issues carry different stakes. In the revised manuscript, as in the original, we control for Finance-committee-referral because this is a simple but powerful measure of relevance. It is a constitutional requirement that every draft law authorizing any form of spending to be referred to and reported by the Finance (*Hacienda*) committee. The committee, in tandem with the Finance ministry, decides whether or not to appropriate the funds. Our claim is straightforward: while there must be exceptions, bills not authorizing spending are in general less important politically than bills authorizing spending.

We verified Reviewer #1’s suggestion to control for policy area effects in urgency authority to some extent only due to the difficulty of the task. We performed a classification of bills in broad issue areas. We proceeded with three approaches. One looked at draft law summaries (the *materia* field in bill histories) in order to identify those dealing with agriculture (a key Chilean industry); with international trade (Chile is an export-led economy); and foreign affairs (easily identifiable). Another looked at the a priori categorization that draft laws receive upon introduction (called the *boletín*), which point to a general

thematic area. Easily-grasped themes include agriculture, foreign affairs, and mining and taxes (copper remains Chile’s main commodity, a State monopoly financing a substantial portion of public spending). The third is \*VALERIA\*’s bill importance.

All three approaches are somewhat crude and far from complete—a systematic classification of bill issue areas and importance is a difficult task beyond the scope of our current project. Importantly, re-estimation of the models using subsets of bills by issue area and importance, reported in our on-line appendix, confirms that the results in the text are robust. In general, the estimate for friendly committee chairs remains positive across issue areas, even if the small  $N$  plays against coefficient significance. And coefficient estimates suffer no substantial change when bills of variable importance are isolated.

We also elaborate in the closing section Reviewer #1’s point that urgency applicable to any policy area has more strategic value than the U.S. fast-track, which is restricted to international trade.

### **1.3 Consider shortening the discussion of the findings and expanding on the discussion of the implications**

In light of Reviewer #1 suggestion, we have shortened the results discussion section and elaborated the implications in the final section. First, we included a long discussion of the differences on the use of decree and urgency powers. We have also explored the implications of the argument we present in this paper in relation to literature we discussed in the first section. We thank reviewer #1 for pointing us in this direction: thinking deeply on how these findings contribute to filling the gap in the literature on urgency powers. We think that XXXX . It was particularly interesting thinking about the implications of our analysis for the scholarship on separation of powers. We added that XXXX XXXXXX QUE MAS???

## **2 Responses to Reviewer #2**

### **2.1 Does the article generalize the use of urgency for countries in Latin America?**

Reviewer #2 rightfully pointed that the scope conditions of our theory were not clear throughout the manuscript, although he saw merit in the way we “connect the Chilean case to similar rules across Latin America, as well as the contribution to the broader comparative legislatures literature”. First, the case of Chile exactly resembles that of the United States, in which the president assumes the role of the Rules committee so that bills (Chile) or treaties (US) cannot be amended on the floor. In this sense, the Chilean case is also important because shows the implication of the Moe and Howell’s proposal for the US. Although the urgency procedures in other countries in Latin America do not serve the same exact function as the one in Chile, our broader objective is to show that urgency is not only about the most obvious effect, which is speeding up approval of bills. If we take the Case of Chile where urgency does not speed bills along, we find that its effect is procedural. Thus, the more general point we want to make is that in analyzing fast track authority in Latin America, procedural considerations must be taken into account to understand the breadth of what is at stake. We have clarified these interpretations of the scope of the theory, and we thank Reviewer #2 for bringing this to our attention.

### **2.2 Consider shortening the model section, remove the teacher/student example, and Figure 1**

This is a great suggestion that enhances the contributions of our manuscript and more appropriately draws attention to the key parts of our argument. We have shortened the model section by half, as suggested by Reviewer #2. We have removed the example, together with Figure 1. We originally thought we needed to include this example to provide a XXXXX , but we realized, as Reviewer #2 pointed out, that this is

example only matters for situating the model within a larger project. We believe the current version is much more amenable to all readers while maintaining the main technical points.

### **2.3 Consider reformulating the Hypotheses taking into account that when a bill goes to a committee far from the president's preferences, the probabilities of fast track should be lower because an open rule means the bill is moved back to the floor median**

Reviewer #2 raised an very important point about our hypotheses. First, Reviewer #2 noted that, if only half of presidential initiatives that became law received the “urgency” denomination, then it could not be true that fast track bills were more prevalent than standard ones. This was an extremely helpful comment that made us realized that from the model, we could not derived a specific hypotheses about frequency of urgencies, but instead, that our hypotheses were related to the conditions under which we should see bills under the fast track mechanism.

Second, Reviewer #2 provided an excellent suggestion about the reformulation of our hypotheses. He/she indicated that we should consider that bills that come from “opposition committees are allowed to be voted under open-rule so that the majority can restore the original intent of the president and her party”. This is an excellent point that we overlooked by focusing exclusively on the ability of the president to enforce the bargaining with “friendly” committee chairs. The new hypotheses reflect these helpful suggestion and incorporate Reviewer #2 suggestions that the president will allow for an open rule when “the chairs are “imperfect” gatekeepers of the preferences of the president”, and that they will refrain from fast track procedures when they need “to bring back unruly chairs and to discipline them”.

We thank Reviewer #2 for these helpful comments that allowed us to tighten the manuscript, by better connecting the theory, implications, and empirical analysis.

Thus, the revised manuscript offers hypotheses about XXXXXXXX the effect of the preference overlap between the president and the committee chair on the probability of fast tracking a bill. We test this hypothesis in the empirical section.

### **2.4 Consider the possibility that the president uses multiple referrals to rein on unruly chairs rather than by the need to protect the origibal bill**

Point well taken. Again, Reviewer #2 makes us look at the possibility of unruly chairs and the mechanisms the president uses to rule on them. We do agree wit Reviewer #2 in that multiple referrals happen because the president wants to rule over undisciplined chairs. We have incorporated these thoughtful consideration in the hypotheses and more generally, in the manuscript.

### **2.5 NO SE QUE PODEMOS CONTESTAR ACA**

**LA RELAIDAD ES QUE YO NO ESTOY DE ACUERDO CON EOS. NO ME QUEDA CLARO QUE DEBA HABER O NO MODIFICACIONES.**

### **2.6 Is there a temporal dimension in the use of fast track authority?**

Reviewer #2 questions the presence of an electoral cycle effect in the use of fast track authority. Might electoral pressure trigger urgencies more often? This is an important point, and we tried to address with dual approaches. One portrays the temporal dimension of urgencies explicitly, plotting their frequency throughout consecutive years (figures are reported in our on-line appendix). No clear pattern in urgency usage along the four-year cycle. The other is to re-estimate the models an electoral cycle control. The resulting coefficient (also reported in our appendix) indicates a slight linear drop, other things constant,

in the probability of a fast track as the next election nears. Most important is that all other coefficients experience no substantial change compared to the model controlling for the election year only.

With this in mind, we opted for the simpler model not controlling the election cycle, adding a cross-reference to the on-line appendix while expanding our discussion of this topic.

### **3 Reviewer #3:**

#### **3.1 Consider making the the first half of the paper more “reader friendly”**

Reviewer #3 correctly critiques that we assume the reader has a deep understanding of the intricacies of the legislative process and the executive-legislative relations in the US and Latin America. We are grateful for suggesting to remove all the non-essential discussions of procedures. We revised not only the first half, but all the paper with the objective to tighten it up, and making it more readable. Reviewer #3 also pointed out that even the example delves into technical issues very quickly. We dropped the example from the revised manuscript and we also tried to keep technical jargon at bay. Following Reviewer #3 suggestion to remove part B of Table 2, as well as the related text discussion, we moved that section to the appendix. The manuscript reads much better after this change. We also decided to add information of urgent bills by presidency. We are thankful to Reviewer #3 because we think the revisions he/she suggested engage the reader and make clear the contribution of the paper.

#### **3.2 Is the model generalizable to cases that restrict the number or scope of bills a president is able to fast-track?**

REVIEW THIS: We re-wrote the introduction in order to clarify what we actually achieve in the manuscript: (1) describe similarities and differences in urgency authority in seven Latin American constitutions; (2) uncover sub-constitutional provisions in the case of Chile that invoke a closed rule for urgent bills, actually equating urgency authority and the fast-track authority of U.S. presidents; (3) model fast-track authority in order to identify its determinants; (4) test hypotheses on these determinants with Chilean legislative data. We also expanded section 6 (Discussion) to list verification of sub-constitutional institutions in Brazil, Colombia, Ecuador, Mexico, Paraguay, and Uruguay among the items in the future to-do list—verify if there is any hint of closed rule there too when a bill becomes urgent. (Ges might find some bits of this evidence, we will also elaborate it in section 6).

#### **3.3 Do presidents get more of their preferred outcomes when using urgency authority?**

REVISAR ESTO The reviewer asks fundamental questions here. One (in the summary paragraph) is general : what are the political effects of the procedure that we analyze? Another is particular: why does the manuscript not address hypotheses on the likelihood of passing urgent bills unamended and test them? We have added reference to and discussion of McNollgast/Thies/Cox-McCubbins’s approach that procedures are instruments of political manipulation, then left investigation of the form of those policy effects for future work. The reason is that systematizing the evidence on bill amendment adoption/rejection is far from straightforward—it is a research project of its own. We therefore not investigate that part of the mechanism and concentrate on demonstrating that urgency authority is, in fact, a procedural maneuver akin to the closed rule. We added a paragraph at the start of section 1 to make this explicit (there is no contention that this is an exploration of the policy effects of using the procedure). We also expanded section 6 (Discussion) in order to spell out an untested assumption in our argument: that the closed rule in fact shields reports from further amendment, and what testing the missing pieces would involve.

### **3.4 What is the effect of public opinion on the president's decision to use fast track authority?**

VER ESTO: The revised manuscript mentions how presidential approval might reduce reliance on urgency authority (presidents more easily get what they want in the assembly) or increase it (because popular presidents might get better reports from the average committee chair).

WHY WOULD THIS BE IMPORTANT FOR THIS QUESTION? We also re-estimated regression models with subsets of bills by broad issue areas. Classification of bills' precise issue areas (and a related measure of interest, bill importance) is a difficult task that is beyond the scope of this paper. In order to verify robustness of the model that just controls for Finance-committee-referral in the text, we relied on a somewhat crude and incomplete issue categorization. The appendix explains how we selected subsets of bills, inferring the issue area through the committee they were referred to as well as an incomplete categorization relying on the thematic summary of the draft bill. The appendix reports results. The small N plays against coefficient significance, but in general the estimate for co-partisan committee chairs remains positive across issue areas, raising confidence that the model in the text is robust to such controls.

### **3.5 What is the effect that the electoral cycle has on the president's decision to fast track bills?**

REVIEW THIS: More explanation ERIC We added a section in the appendix discussing the lack of an apparent temporal effect in urgency usage along the election cycle. We also estimate and report in the appendix the model with this control (and its square, to capture a non-linear pattern). The effect is statistically significant but small, indicating a drop in supreme urgency use as the election nears. Since other coefficients remain virtually unchanged with the addition of this control, we prefer to report the models excluding this control.

### **3.6 What is the effect of presidents and legislators' previous experience on the use of fast track authority?**

Frei and Lagos had been legislators prior to assuming presidential office. Bachelet and Piñera had not. After the end of the presidential term only Frei assumed legislative office in the period. With four presidents only, fixed (Model 3) and mixed (Model 4) effects capture prior presidential experience. Appendix Figure A.1 makes clear that, indeed, presidents without legislative experience relied way more on urgencies than those with experience. But the available data cannot answer if this is the explanatory factor behind the surge, or some other factor. We have included a temporal breakdown of urgencies by presidency as part of Table 1 to discuss this propensity in the text. FALTA EXPERIENCIA DE LEGISLADORES.

## **4 Cover letter for RnR**

October 10, 2018

Lanny W. Martin Professor of Political Science Comparative Politics Editor, Journal of Politics  
Department of Social and Political Sciences Bocconi University lanny.martin@unibocconi.it

Dear Dr. Buhaug: My co-authors and I have revised our manuscript and are re-submitting it for your consideration and for a second review.

We addressed all concerns by reviewers, either in the text or in a new on-line appendix. This letter explains how we have done it.

We accepted all but two points raised by the reviewers—and have corrected or clarified the text and analysis or elaborated based on critiques and recommendations. We quote below the points raised by the reviewers requiring our attention, following each with what we did and where, or did not do and why.

In addition to reviewers' feedback, we updated all analysis to include 2015 election returns (data that was still unavailable when we prepared the original manuscript) and included secciones that were split in the period of observation due to overpopulation. These secciones had been dropped from the original analysis to save time (recovering them required a good deal of effort). These units are relatively unimportant in sheer numbers (175 overpopulated secciones were split into 5034 new units in the period, out of a total of 66 thousand). But they are concentrated in suburban areas with fast demographic growth since the 1990s. The revised estimates support the the same substantive conclusions, although some individual estimates have changed.

The new on-line appendix provides detail of our estimation procedure, with a step-by-step explanation of how to prepare data, invoke hypothetical election generation, and specify the Bugs model. At time of publication, we will archive replication code, and data along with this appendix—which will support straightforward replication.

The revised manuscript is 9,768 words long, inclusive (checked with <http://app.uio.no/ifi/texcount/online.php>). File: redMexBias09.tex Sum count: 9768 Words in text: 8356 Words in headers: 44 Words outside text (captions, etc.): 1368 Number of headers: 10 Number of floats/tables/figures: 7 Number of math inlines: 89 Number of math displayed: 5

We are confident that the review process has allowed us to improve our manuscript, and hope that the revised version will be acceptable for publication.

Yours sincerely,

Eric Magar, corresponding author

## 5 Response to editor accepting to do RnR <2018-10-10 Wed>

Dear Lanny, It is with great pleasure that I read the good news about our submission. The reviews are constructive, offering substantive advise, and also arrived in due time! I am sure that the review process will improve the manuscript in the hope that it is acceptable for publication in the Journal of Politics. My co-authors and I will gladly proceed with the revise and resubmit. We will send you a revised manuscript within three months. Best,

## 6 Editor's letter <2018-10-07 Sun>

Ref.: Ms. No. 182014 Presidents on the Fast Track: Fighting Floor Amendments with Restrictive Rules  
The Journal of Politics

Dear Professor Sin,

I have received the reviews of your manuscript, Number 182014, "Presidents on the Fast Track: Fighting Floor Amendments with Restrictive Rules." These are attached at the end of this email.

The reviews, as you can see, are mixed. While the reviewers are generally sympathetic to what you are trying to do and your general approach to the question, they also raise a variety of important concerns and offer several useful suggestions. Based on the reviews and my own careful reading of the manuscript, I invite you to revise and resubmit your manuscript for further review.

When I receive the revised manuscript I will send it back to Reviewers 2 and 3. Although I do not expect to send it to a wholly new reviewer, I reserve the right to do so, especially if one of the original reviewers is unavailable to read the manuscript a second time.

REVISION: Please address the issues raised by each of your reviewers and make your manuscript revisions accordingly. Along with your revisions to the manuscript, you should prepare an anonymous memorandum addressed to the editors and reviewers. This memo should be included at the top of the electronic file of your revised manuscript. The memo should address the concerns raised by the different reviewers and detail the changes made in the manuscript in response. Information that you do not care

to make available to the reviewers should be included in the text "Comments to the Editors" box that is available when you submit the manuscript online.

LENGTH: The revised version should not be any longer than the original submission using the same margins and font size. If you need additional space, you should consider putting nonessential or supplementary materials in an online appendix.

APPENDICES: You are welcome to have an online appendix associated with your paper. The JOP will host online appendices for published articles. Any online appendices must be submitted as a separate file when your revised manuscript is resubmitted online to Editorial Manager. This allows reviewers of the final version of your manuscript to have access to it. Please note that every online-only appendix must be cited at some point in the text.

DATA AND REPLICATION FILES: Note that authors of quantitative papers must submit their data and all associated replication files to the JOP's Dataverse: <https://dataverse.harvard.edu/dataverse/jop>. While it is not necessary to provide this information at the R-and-R stage, please note that this is a required step at the "Accept with Revisions" (i.e., "Conditional Accept") stage.

TIMEFRAME: If you decide to undertake revisions, I would prefer to receive the revised manuscript within about three months. If you have not resubmitted the revised manuscript within six months from this letter, you should contact me before doing so to be certain that the invitation to resubmit still stands.

SUBMITTING YOUR REVISION: When you have completed your revisions please log on to Editorial Manager as an author and upload the revised Anonymous Manuscript with the embedded memo to editors and reviewers and, if needed, a separate file with the (anonymous) online appendix. Do not upload an Author Identified version of the manuscript at this point.

Note that while the invitation to revise and resubmit the manuscript does not constitute a commitment to publish, I am aware of the considerable time and effort required to undertake revisions. I would not invite you to do so if I was not confident that you can satisfy the reviewers' concerns and gain a favorable decision.

I am convinced that this is interesting and important work with the potential to make a significant contribution to the field. I look forward to reading your revised manuscript.

Best regards, Lanny