

Chris,

This is a very impressive data collection effort and seems to offer powerful analysis on a deserving question. My overall note is that I am not clear on the intuition behind why presidents delay or speed up nominations, and I worry the combination of your intuition about divided government and pivots do not mix well as currently framed.

Clarifications:

It seems pretty clear, but as readers may not have read Massie, Hansford, and Songer's (2002) finding that presidents speed up their nominations during their second term in office, it could be worth explaining why presidents speed up nominations in their second terms.

Do presidents delay nominations during divided government because they hope that their party will soon re-gain congress? This would make the finding about speeding up nominations in one's second term make sense, but it seems to contradict the idea that more distant filibuster pivots speed up nominations.

Similarly, I am not completely sure why speeding up nominations is a rational response to more distant filibuster pivots. You say that "Presidents rationally anticipate dilatory tactics by the opposition, and they speed up their nominations accordingly" (pg. 11). Presumably they are anticipating needing co-partisan justices to push forward their agenda with a hostile congress (again, how does this square with divided government argument). However, without clarification it could also be interpreted as meaning that speeding up nominations reduces dilatory tactics by senators or that presidents have some fixed idea of acceptable time for appointment and adjust how much time they take based on the anticipated time for approval.

Improving the Argument:

It seems your main contribution is showing that the logic of presidential decision-making may have changed from one of negotiation with home-state senators to one of strategic response to filibuster pivots. Time-till-nomination is an indicator of something important (whether this something changed, or the variables informing it changed, it may be an important indicator). I am not sure the evidence presented is entirely convincing, but you have a case, and the argument seems plausible. Thus, what you are trying to say is that the causal factors

determining time-till-nomination, have changed. It would benefit from laying out the possible causal relationships so that you can show us how we have moved from one logic to another.

Some possible causal relations:

- Distant pivot=> need for co-partisan judges=> willing to negotiate=> longer time
- Distant pivot=> need for co-partisan judges=> shorter time
- Distant pivot=> not willing/able to negotiate => shorter time
- Near pivot=> no need to negotiate=>shorter times
- Divided government=> need for copartisan judges=> willing to negotiate=> longer times
- Divided government=> need for copartisan judges=> shorter times
- Undivided government=>no need for copartizan judges=>willing to negotiate=> longer times?

Presumably, if presidents are taking the time to negotiate, they are getting something for it, so, if there is delay due to negotiation, you might expect delayed nominations to be, on average, more ideologically close to the president, or otherwise loyal (e.g. campaign contributions). This seems like a lot of work to measure, but seems interesting.

Questions:

What is the advantage for presidents of taking longer? Do quick nominations mean presidents are capitulating? One might expect that with a more distant pivot, even some capitulating may not speed up confirmation. With greater distance to filibuster, why do presidents speed up nominations?

What does it mean that Obama was “particularly challenged;” why are there no effects, especially for divided government? If not by divided government or filibuster, from where does the challenge arise? [it seems you are addressing this]

Style note:

Table 1 uses Republican Judges and Table 2 uses Democratic Judges. Also, why is this squared?