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SMOOTHING THE PEACEFUL TRANSFER OF DEMOCRATIC POWER

PRESIDENTIAL LEADERSHIP AND INITIATIVE IN APPOINTMENTS POLITICS*

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Abstract: Contemporary research on presidential appointments focuses on the Senate's political climate as a primary determinant. It relies on so-called "Congressional Dominance Theory," which assumes fixed factions and a reactive president. An alternative theory incorporates an active president, leadership, and organizational capacity. Specifically, it underscores the significance of presidential initiative and transition planning, the schedule and size of White House and Senate workloads, and the degree of leadership coordination between the president and the Senate, all of which substantially affect the balance between a determined opposition and a potentially tolerant leadership that together create opportunities for obstruction. These new factors present significant effects that, if altered, would improve the overall appointments process regardless of the degree of polarization.

Presidential appointees carry out the primary policies of a new, national administration. Because those policies often have defined the general election, the president's appointments link a single individual's election to the operation of the national establishment. Hence, Alexander Hamilton described appointments as "the intimate connection between...the executive magistrate in office and the stability of the system of administration" (*Federalist #72*). Even though filling appointments puts in motion the new administration's agenda, it also "stands up" a national government that carries out critical, non-partisan functions, e.g., national security.

Because appointments affect both policy and responsibility in this way, clashes over appointments have always animated and troubled the transfer of power during American presidential transitions, even from the Republic's early days. The landmark Supreme Court decision *Marbury v Madison* evolved from a controversy over filling appointments, for example. Today still, presidential appointments frequently define political controversies and configure national affairs, whether involving Republican Party efforts to reshape court rulings by denying President Obama's nominations or President Trump's removal of leadership across the national security apparatus. As a measure of effective governance, the increasing dysfunction in appointments troubles both the Congress, the executive, and the public at large. Examining the appointments process, then, sheds light on how the institutional climate affects the health of our democracy.

Contemporary research on presidential appointments typically focuses on the Senate's political climate as the primary determinant, affording a special explanatory role to the '*independent variable of choice*' for explaining political dysfunction of almost any variety: *partisan polarization*. This explanation associates the growing disassociation of partisans from each other (producing partisan *distinctiveness*) with an obstruction empowered by the Senate's super-majoritarian rules. The institutional calculus they cite assumes static and knowable Senate factions along with little responsiveness to organizational or institutional characteristics. The greater this polarization, the more determined the obstruction, and using the Senate's rules, the longer the deliberations. Thus, this approach suggests a powerful role for two seemingly fixed circumstances (relative party positions resting on static member positions, and the Senate's immutable procedures). It also assumes that presidents (and leaders in general) only react to these circumstances, or as Ian Ostrander (2015: 1063) has put it, they assume a "[role] in which presidents…anticipate and adapt to the wishes of the Senate."

While acknowledging the importance of polarization, this paper proposes a second tact. As an empirical matter, it broadens the scope of research to consider the appointments process as involving more than just Senate deliberations as a whole. It underscores the importance of executive identification and vetting, constituting the greatest proportion of the appointments process, and it distinguishes between the Senate's committee deliberations, where the bulk of deliberations take place, and those involving final vote of approval. The theory proposed here substitutes a more general concept, "opportunism" for obstruction and highlights institutional and organization elements as part of appointment politics. It suggests, for example, an important role for presidential and Senate leadership in coordinating coalition formation, in undermining opportunism, and in exercising initiative, all typically ignored in previous studies. It highlights and then demonstrates a role for transition planning and an important trade-off between the pace of deliberations and the pace of policy-making. All these forces substantially affect the balance between a determined opposition and a potentially tolerant leadership creating both an opportunity for obstruction and for suppressing it. In effect, our approach returns politics to appointments politics. Our approach also returns to appointment politics its inherent connection with the system of administration (spoken of by Hamilton), by acknowledging that part of the appointments process carries out a non-partisan responsibility to stand up the national government. In doing so, our theory identifies factors that, unlike polarization and fixed Senate positions, suggest potential reforms to improve the appointments process without having to challenge directly polarized parties.

THE PUZZLES IN THE APPOINTMENTS PROCESS

While the president fills approximately 9,000 national positions, only 1,200 carry such responsibilities as to require both a presidential nomination and a Senate confirmation.[1] These positions present a mix of partisan policy and general administrative responsibilities. They bear the designation "PAS" (presidential appointed, Senate confirmed). To fill them, the typical administration finds each year around 350 individuals to nominate and, of those, the typical Senate confirms nearly every one.[2] Previous analyses, therefore, ignore the Senate's final decision (Bond *et al* 2009; Hammond and Hill

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[1] By protocol, this number excludes the thousands of PAS positions in the US military and the public health and foreign services. Some exclude federal judges though others focus exclusively on them.

[2] Indeed, failed nominations overestimates the numbers since most of those nominations occur when the Senate "returns" nominations under its Rule 30, §5 and §6, which require the Senate to return any nomination not dealt with before a recess that might extend more than 30 days. Since most presidents re-nominate those returned in this way, the only time these nominations "fail" occurs at the session's end. And often presidents will re-nominate those returned nominees, as well.

1993; Harris 1953; Lewis 2008), and instead, concentrate almost exclusively on the pace of Senate deliberations thereby reducing appointment politics to a waiting game that ignores institutional details.[3]

Figure 1 illustrates the pace of deliberations across all the stages of the appointments process (the black vertical line dividing executive from Senate processes), for each of the presidencies in the modern appointments process initiated by the 1978 ethics reforms.[4] The figure suggests three trends. First, generally speaking, administrations have experienced longer periods in filling positions (the right-hand column). Except for the oddity generated by the George W. Bush election controversy combined with the campaign's detailed transition plans, the average pace of deliberations has proceeded monotonically at a rate of three additional days each year since 1981. By the end of the Trump administration's first year, the average number of days to fill one position overall had increased by 28 percent over President Reagan's while the pace of Senate deliberations had more than doubled.

Figure 1. Pace of Deliberations by Steps in the Appointments Process, administration's first year
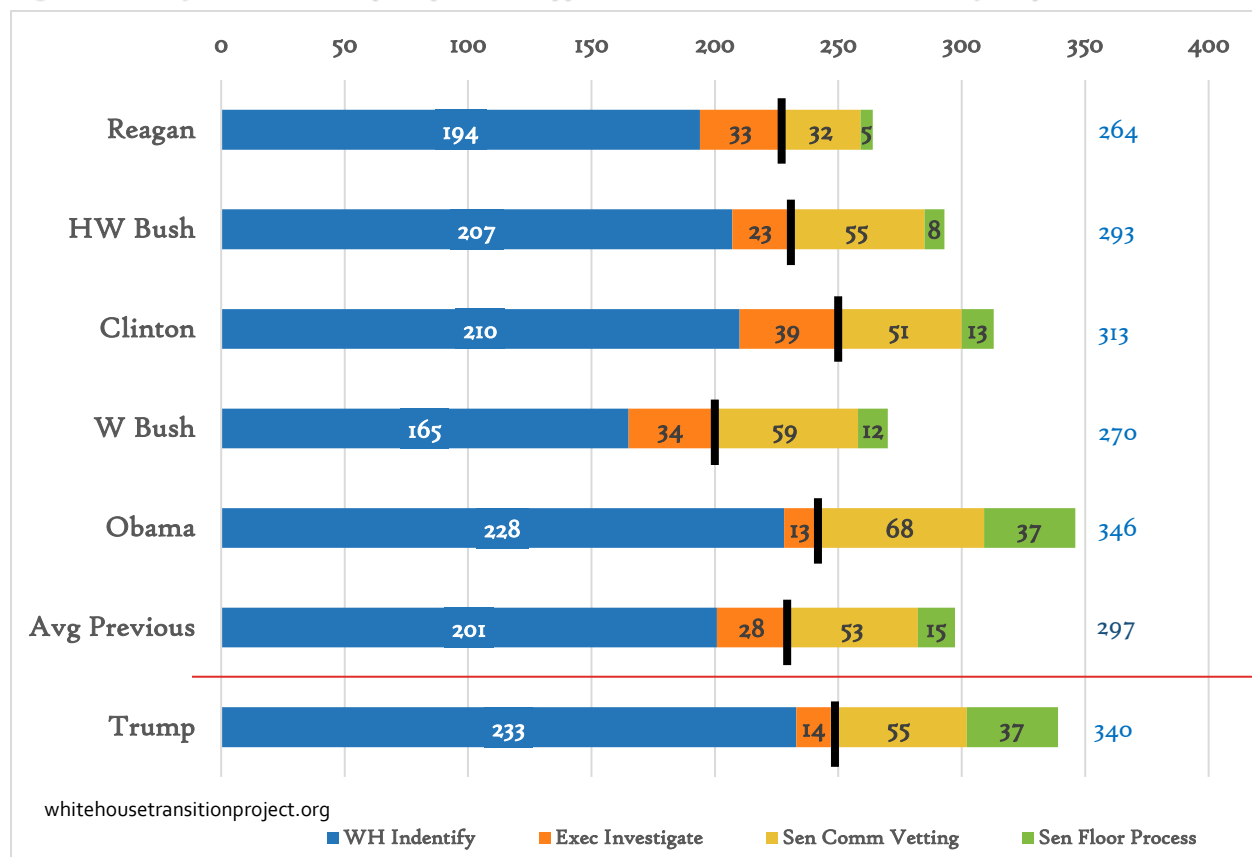
Second, as noted by those involved (e.g., Johnson III 2008), the slowest pace of deliberations occur in the executive identification and vetting stages rather than the Senate's. For example, during the Reagan administration, the executive branch deliberations constituted 86 percent of the total time

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[3] Anne Joseph O'Connell's research represents an exception. See her "Vacant Offices: Delays in Staffing Top Agency Positions," *Southern California Law Review*, 82(2009):913-1000.

[4] Public Law 95–521; 5 U.S.C., Title 5-Appendix-Ethics.

necessary to fill a position. The next four administrations averaged 75 percent. The Trump administration has mirrored that experience with 73 percent.[5]

Third, the pace of executive deliberations highlights the George W. Bush transition. Along with Reagan's, the Bush campaign invested considerable time on transition planning, generating shorter executive deliberations. These two graphics suggest that transition planning improves appointments politics. By contrast, the Clinton campaign spent almost no time on planning and spent a much longer time identifying and vetting nominees. The Trump decisions to first commission a transition plan and then to dump those plans four days after the election also explains the length of his executive vetting process and the subsequently delayed deliberations in a Republican Senate (Ba *et al* 2018).

TWO APPROACHES TO UNDERSTANDING APPOINTMENTS

Explaining these patterns contrasts two important models of appointments and the system of national administration. The first concentrates on the static circumstances of appointments and the Senate's role in deliberations over appointments. It highlights the dominance of congressional considerations, like party polarization, ignoring the inter-institutional process. The second highlights a dynamic calculus of opportunism as critical to explaining appointments politics, affording institutional actors, especially leaders, a much larger role.

Congressional Dominance Theory and Its Variants

In several respects, the focus on the Senate and on polarization reflects the influence of "congressional dominance theory" (CDT), a paradigm dominating inter-institutional studies (e.g., studies of bargaining, delegation, oversight), most notably articulated by Matthew McCubbins and Barry Weingast (cf. McCubbins and Schwartz 1984 and Calvert, Moran, and Weingast 1987). CDT treats appointments as a bargaining game with complete information, one in which the constitution affords the Senate powerful controls with which to dominate the executive, including the selection of agency management. In its general form, congressional dominance argues that the mechanisms for executive control have such an influence that the Congress rarely has to employ those controls to obtain a responsive executive. The threat of these "clubs behind the door" keeps every administration in line with the congressional majority's policy preferences.

Appointment politics then reduces to identifying the workings of Senate voting blocks and especially those Senators occupying fixed fulcrum points, sometimes called "pivots." A few Senators, then, become a shorthand summary of what others might consider a dynamic political process, replacing that dynamism with these few, static positions.

To date, Nolan McCarty and Rose Razaghian (1999) and, then recently, Gary Hollibaugh and Lawrence Rothenberg (2018) have presented the best version of this tact.[6] McCarty and Razaghian, for example, explain the lengthening Senate deliberations as resulting from "the super-majoritarianism of the Senate …[which] gives partisan and ideological minorities a strategic opportunity to have an impact on public policy by delaying nominations that would pass on a simple majority vote.…"(1999: 1125). This explanation also informs Ostrander's (2015) recent analysis of contemporary appointments and Hollibaugh and Rothenberg's 2017 model of presidential nominations.

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[5] Though a standard measure of appointments pace, these numbers ignore the total number of nominees confirmed (the "stand up rate"). So, while the Trump administration's pace of deliberations mirrors its predecessors, the Trump stand-up rate falls far behind.

[6] Although, as Ostrander 2015 notes, they test their theory on a narrow range of appointments relevant only to domestic politics.

McCarty and Razaghian suggest that the ideological disparity between Senate parties (their "distinctiveness") presents a shorthand measure of the opposition's determination. The Senate's unanimity rule, which controls its deliberations, provides the general mechanism that enables these determined Senators to successfully obstruct (delaying) the appointment process. Even when the Senate abandons some of these super-majoritarian decision rules, like the two-thirds cloture applied to nominations,[7] the potential for obstruction remains because the Senate relies on other procedures using similar super-majoritarian rules (Smith 2014), which in this theory always empower specifically placed Senators. Those nominations that reflect and anticipate these patterns of well-established influence find an easier path through deliberations than those that do not.[8]

For McCarty and Razaghian, distinctiveness has a particularly egregious effect in one circumstance — when the president's opponents hold the majority. Under divided government, the president faces a larger number of determined opponents. Hence, the Senate's partisan structure would magnify the normal tendencies to obstruct generated by any polarization.

McCarty and Razaghian, Hollibaugh and Rothenberg, and others embracing the congressional dominance framework (e.g., Ostrander 2015 and Asmussen 2011) also suggest a number of additional hypotheses about the impact of a popular president, the agencies involved, the degree of decision-making independence nominees will have in their appointed position, the president's party, and the nominee's gender. For space reasons, we reserve a discussion of their hypotheses to our online supplemental information where we attempt to replicate previous results using our data.

CDT in Comparison. The CDT explanation has several shortcomings. First, it ignores the president's role, despite the fact that the longest part of every appointments process occurs in the executive and that many of the presidents in this dataset started their administration as the head of party for the Senate majority. It also ignores the often, dominant role of the president's policy agenda and the significant resources at any president's disposal in creating a policy majority.

Furthermore, CDT lumps together two analytically distinct Senate processes: committee vetting and final disposition, the equivalent of assuming that the Senate's final deliberations, through anticipated reaction, dictate all previous processes, including its own committee deliberations. That presumption, however, ignores the possibility that interactions of Senators as committee members and as floor members often differ, creating different political cultures.

Third, CDT credits too much influence to the role of Senate party structure by assuming two fixed and immutable parties. Typically, as a legislature, the Senate would have a fluid factional structure, reducing the temptation to obstruct by providing more opportunities to participate in the policy majority on specific issues. Even while CDT analysis argues that distinctiveness and procedure breed obstruction, this analysis also suggest that the difference in party sizes (what they call "party imbalance") and its more specific variant, divided government, also will play a role. However, in reality, these two variables only set the stage for appointments politics, which, we contend, depends as much on the ways the President along with Senate leaders transforms the Senate's fluid factional structure into final, voting coalitions.

Fourth, highlighting polarization concentrates on an influence *external* to the interactions of institutional politicians. This assumption makes their efforts at carrying out checks and balances irrelevant in the face of circumstances. This assumption suggests politicians cannot control their own destinies, casting them as reactionary automatons.

An alternative theory may yield productive insights and ameliorations by emphasizing a calculus of opportunism that encompasses obstruction and incorporates the institutional and operational complexities that shape that calculus. Such a theory downgrades distinctiveness to just one part of the

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[7] A 2013 Senate reform removed the use of super-majoritarian cloture procedure during consideration of nominations except for those to the US Supreme Court. And in 2017, the Republican majority removed that proviso as well.

[8] Hollibaugh and Rothenberg (2018) promote the ideological distinctiveness between parties to the institutional level, the executive in the guise of the president's nominee and the legislative in the guise of the Senate's pivot. The logic remains.

circumstances surrounding appointment politics, affected by leadership, initiative, and other elements that animate politics.

Opportunism, Coordination, and Initiative: Theory of the Politicized Presidency

The theory proposed here derives from Terry Moe's seminal observations on the "politicization" of the executive (Moe 1985). Along with his collaborator Scott Wilson, Moe argued that politicization begins with an active president who takes steps to control the executive, including placing loyal supporters into administration posts and then drawing lines of coordination between those appointees and the president's policy-making apparatus (see also Nathan 1975).

Substituting for immutable legislative parties, this "theory of the politicized presidency" (TPP) underscores an interaction between a proactive executive and the more fluid Senate coalitional structure common to most theories of legislative behavior. Majorities do not come into existence whole cloth and remain fixed, TPP argues, but result from leaders' actions, especially those of a president and head of party. Assuming leadership and fluid factions recasts obstruction as the product of a *calculus of opportunism* that introduces limitations on obstruction created by a potentially intolerant leadership in the White House and/or among the president's Senate supporters. Presidents therefore adopt an appointments strategy affected by opportunism, but not dictated by it. Senate deliberations, in turn, reflect presidential actions, especially initiative, reinforced by transition planning and often executed in the administration's first one hundred days.

The theory of a politicized presidency also recasts leadership's tolerance for opportunism within its own, larger context emphasizing that both presidents and Senators prefer to focus their efforts on policy-making, often at the expense of appointments.

Thus, TPP emphasizes the importance of three variables that play little or no role in CDT assessments of appointments: the impact of leadership and coordination, the role of initiative, and the pace of policy.

Leadership and Coordination. As he often told his staff, former Senate majority leader then turned president, Lyndon Johnson, emphasized that having the majority's support only *implied* the ability "to get anything you want with the votes you've got" (Sullivan 2018). Instead, he told them a nominal majority only affords the *opportunity* to create a real majority, which relies on knowing how many votes you actually could count on and what you could do to secure the additional votes you needed. While they might face certain political and institutional realities, such as increased distinctiveness, leaders still have advantages in achieving their objectives, using the factions they can muster.

In TPP, winning on policy does not result from the needed votes automatically appearing. Instead, a leader musters out successful majorities from the amorphous predispositions of legislators and then guides that temporary majority through the Senate's hazards. Similarly, the President's potential opponents cannot *simply* exploit Senate rules. Instead, they must consider the potential costs of that obstruction and decide whether obstruction would have a value given the prospects of their specific situation and the likely retribution.

Of course, the emphasis on Senate-executive relations and coalition creation does not dismiss the role of distinctiveness. Instead, it suggests that Senators' ideological preferences represent just one variable in their calculus of opportunism. TPP also emphasizes the role of presidential initiative and coordination in that calculus, either by creating or limiting opportunities for obstruction.

A proactive president can suppress opportunities for obstruction by organizing or coordinating with a congressional leadership committed to the president's recommendations, influencing public opinion, manipulating media coverage, or by conducting political horse-trading to build a governing coalition. Hence, even though observing such coordination proves difficult, it takes place mostly behind the scenes, President-Senate coordination, within and across party lines, should predict Senate deliberations.

The relative sizes of Senate parties (party imbalance) may suggest one important indicator of the ease with which presidents can coordinate their partisans to lower opportunism. Every additional Senator in the President's party increases the likelihood that the president will find collaborators to help minimize obstruction. As the party size differential decreases when the President's party occupies the minority, or as the party differential increases when the President's party occupies the majority, opportunism should diminish, thereby speeding deliberations.

Executive Initiative. Presidents send a range of signals to Senators (Sullivan 1990). Those signals strengthen the resolve of predisposed Senators by demonstrating preparedness, diligence, and competency, while forewarning those predisposed to opposition to consider carefully what they have at stake. Transition planning sends such a signal. Effectively planning the administration's appointments constrains the calculus of opportunism by finding the best fit between the demands of a particular position and the nominee selected to fill that position. This fit, facilitated by planning and the variety of vacancies available, signals to Congress that the president intends to play an active and aggressive role in the approval process. Transition planning not only signals apparent competence and initiative, but it also manifests these qualities to Senators. Recent presidential campaigns have recognized planning as important for these reasons. The most successful transitions (as noted earlier, those of Presidents Reagan and George W. Bush) began their planning as early as nine months ahead of the election. And, as noted earlier, these appear to have produced the shortest overall deliberations among modern presidents while the shortest transitions have fared worse.

Once gaining the initiative through the transition, presidents can maintain their momentum by moving early. The early stages of an administration present a president with the least well-organized opposition, the most appreciative Senate support, and the most compliant Senate factions. Presidents-elect, after all, often have defeated the opposition's *de facto* leadership, leaving its congressional supporters turned inward and in disarray. Moreover, after an election, the public typically rallies to support the new president and affords the administration what many consider a "honeymoon" period of reduced partisan criticism and scrutiny, all reflected quicker compliance to presidential nominations. As former White House Chief of Staff James A. Baker III noted, the early period emphasizes "...what the new administration has in mind. And you don't have people on the other side attacking you. You're pretty free to name your people, make your choices, set your priorities and your objectives" (Kumar, *et al* 2001). From the perspective presented here, such initiative can dominate the "first hundred days," thereby heading off obstructionists.

As part of an emphasis on initiative, TPP suggests that all presidential responsibilities carried out through appointments have a partisan policy dimension and a non-partisan "stand-up" aspect. The latter reflects Hamilton's earlier reference to the "system of administration" of the national government. Positions high on the latter dimension play critical roles in realizing a common national purpose, something that represents a presidential "duty" rather than a partisan prospect. Therefore, where CDT typically treats all positons as only having a broader or narrower, partisan portfolio to bargain over, TPP sees some positions as offering leadership on a national responsibility. Those positions, e.g., an Assistant Secretary of Treasury for Terrorism Finance, carry such responsibilities, typically outside of the partisan fray and one seemingly more *apparent* to the public and to other national politicians as such. All these elements then would limit opportunism.

The Pace of Policy. The conditions for opportunism rest not simply with Senators' ideological zealousness nor just with the leadership's potential for retribution, but also with the probability of detection. Besides gaining the upper hand through planning and initiative, leaders can reinforce these efforts by sending a further signal: "Now, I am watching you."[9] Two circumstances, however, limit leadership's will to watch: the demands of other work, e.g., the "pace of policy," and the centrality of the policy positions involved.

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[9] A President, like Lyndon Johnson in his recorded phone conversations, would call and tell a Senator, "I saw your comment last night on xxx and I just wanted to let you know what I thought about that."

On appointments, detection and potential retribution diminish, as the President and Congress move into the core of the policy process, e.g., as the budget process heats up or as "required" legislation swings to the fore. In effect, the Senate's pace of policy — its referred bills, co-sponsorships, hearings, budgets, appropriations, markups, compromises, clotures, amendments, procedures, votes, reports — becomes synonymous with an increasing tolerance for opportunism. Coupled with a growing number of nominations before each committee, attentiveness to nominations (intolerance of obstruction and detection) declines further.

TPP Basic Hypotheses. To summarize, the politicized presidency evokes a number of expectations, (H_2), some of which carry across the various stages in the appointments process:

H2a. *Party Structure Facilitates Coordination Across All Stages.* The larger the relative size of the President's party in the Senate, the more likely the President will effectively coordinate anti-obstructionist efforts.

H2b. *Initiative — Executive Action in the First Hundred Days Reduces the Pace of Deliberations Across All Stages.* The earlier an administration begins the appointments process for a nominee the shorter the deliberations on that nominee in both the Executive and Senate.

H2c. *Initiative — Nominations for Stand-up Responsibilities.* Agency positions with a larger mix of principal constitutional responsibilities reduce opportunism.

Some effects vary across the appointments stages and generally differ from those found in CDT:

H2d. *Coordination Hastens Deliberations in all Senate Stages.* The greater the level of Executive-Senate coordination, the quicker the appointments process will proceed in the Senate.

H2e. *Initiative — Transition Planning Reduces Executive Stage Deliberations.* The earlier the president-elect begins planning the transition, the shorter the duration of executive vetting. Planning carries a significant and negative coefficient regardless of stage.

H2f. *Initiative — The Larger Pool of Vacant Positions Shortens Executive Deliberations.* The larger the number of vacant PAS positions an administration has available to fill, the more easily an administration can fit nominees to positions.

H2g. *Pace of Policy — An Increasing Senate Workload Emboldens Opportunism in the Senate.* As the Senate begins to address its primary responsibilities for policy, opportunism increases.

To reiterate, the expected impact of a growing distinctiveness remains the same across the two theories: all else held constant, a determined opposition defined by a clear distinction between the two parties will likely increase opportunism thereby lengthening deliberations. Many of the remaining expectations of the two theories differ substantially, however, with far more detailed expectations from the TPP. The politicized presidency theory places far more emphasis on how executive leadership shapes the appointment process. For example, presidential initiative affords administration nominees a serous advantage. The Senate's capacity for policy development places a critical limit on the president's prospects for filling out the administration in a timely way. Additionally, the theory recognizes the political and operational realities of both the executive and legislative branches, and suggests that the unique realities of each affect the other's behavior.

MODELING DISTINCTIVENESS, INITIATIVE, & COORDINATION

Our analysis surveys 3,700 nominations made during the first two years of six presidencies, including the first 14 months of the Trump administration.[10] We concentrate on nominations made during an administration's first two years because we focus on understanding how an administration stands-up the national government.[11] These data track nominations through all the stages in the process:

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[10] The data for the intent to nominate come from the National Archives, *Public Papers of the President* series and, in some instances, reports in *The New York Times* or *The Washington Post*. The other dates derive from Senate records maintained by the Library of Congress.

[11] The political dynamics of replacing PAS positions when vacancies occur throughout an administration's later stages may share some commonalities with the appointments process during the initial stand-up of the national government.

from the date the President announces an "intent to nominate," to submitting the nomination to the Senate, to when the committee of jurisdiction reports the nomination, to the Senate's final disposition (whether by vote or by returning the nomination). For nominations returned to the President at the end of the second session, the data report the date returned as disposition, and the analysis treats these observations as censored by the duration of the Congress.[12] The data cover a wide-range of PAS positions, but exclude US marshals, most US attorneys, low-level ambassadors, and all judicial appointments except to the Supreme Court. Because our timeframe differs substantially from that of McCarty and Razaghian and overlaps to a degree with the others, we provide a replication of their models using our data in the online supplement.

Dependent Variables. For the analysis reported here, we employ three main dependent variables measuring the duration of executive vetting, of time spent in committee, and leading to the final Senate disposition. The duration of executive vetting equals the date the President submits a nomination to the Senate minus the relevant election date. The duration of committee vetting equals the date the committee reports the nominations minus the date the administration submitted the nomination. The duration of final Senate disposition equals the date of disposition (or the date the Senate returns the nomination) minus the date the committee of jurisdiction reported the nomination.

Independent Variables. Table 1 summarizes the independent variables employed.[13] These include some variables directly associated with CDT as operationalized in previous studies (especially McCarty and Razaghian and Ostrander 2015) and a series of controls common to many models. The latter includes, for example, an indicator of the appointee's gender and a measure of the President's popularity. The former includes an indicator of whether the appointment belongs to an independent regulatory commission and a basic indicator of the agency's policy realm.[14] The online appendices provide a more detailed summary of hypotheses related to these variables. The appendix also includes robustness models using variables from Hollibaugh and Rothenberg (2018).

As suggested, TPP implies several additional variables associated with the notion of opportunism and a more fluid coalition circumstance. These variables redefine party structure, and operationalize the pace of policy (workload), various forms of executive initiative, and leadership coordination. Beginning with coordination, we employ a measure of party structure that generalizes divided government and corrects common measures of party imbalance to point to the president's support. Our measure compares the proportion of the Senate held by the President's party minus the proportion held by the opposition party. This difference has a negative value when the President's party occupies the minority (divided government), and positive when it holds the majority (unified control). We rely on *Congressional Quarterly's* indices of presidential support to construct a leadership coordination measure. Because TPP proposes that presidents work not only within their party, but also sometimes across party lines, to create coalitions of support, we employ a measure of Senate-executive coordination that encompasses executive efforts on both fronts. *Congressional Quarterly* measures presidential support by tallying Senators' votes on legislation on which the President takes a position. This measure constitutes a *de facto* assessment of the president's Senate influence. We conduct a principal component analysis of both the non-unanimous and key vote support measures from both the President's party and the opposition party. We use the first factor score of the eigenvalue decomposition of these four variables as the measure of Senate-executive coordination. For robustness, we report in the Appendix results with these variables separately.

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[12] See footnote 2. Where the Senate returns a nomination (say at its August recess) only to have the president re-nominate that individual, the data ignores the return and continues scoring the original nomination.

[13] Note, some variables required scaling adjustments to accommodate comparable measurements. Both the measure for distinctiveness (D-Nominate) and party imbalance range from 0.0 to 1.0. Rescaling these variables permits more reasonable comparisons with other variables by generating a change closer to one standard-deviation in the independent variable.

[14] The latter ranges from those policy realms with the greatest amount of non-partisan services (primarily constitutional duties) associated with the notion of "standing up" the national government to those policy areas most often associated with partisan disputes (like taxation, labor regulation, and welfare).

Table 1. Independent Variables in the Empirical Models

Type of Effect	Measure	Definition and Sources
Polarization	Distinctiveness	The difference in the two parties' mean DWNominate scores, first dimension (Source: McCarty, Poole, and Rosenthal 1997).
Presidential Coordination	Party Imbalance	The difference between proportions of the majority and minority.
	Party Closeness	The difference between proportions of the majority and minority parties with the President's party as the positive value.
	Divided Government	Whether the President's party has the Senate minority.
	Senate-Executive Coordination	First factor score from a principal component analysis of Congressional Quarterly's yearly presidential support scores among Senators in the president's party and the opposition party. Employs both the non-unanimous and key position scores.
Presidential Initiative	Duration of Transition Planning	The inauguration date minus the date the campaign began planning for its transition. (Source: White House Transition Project interviews.)
	During First 100 Days?	Does the intent to nominate (or nomination itself or committee report or final vote) come in the first hundred days?
	New Administration?	Does the intent to nominate (or nomination itself) come in the first 90 days?
	Critical (*Stand-up*) Personnel Level	Personnel positions as described by the National Commission on Reform of the Federal Appointments Process, emphasizing critical government responsibilities.
	White House — Positions Yet to Fill	The number of vacant PAS positions the administration has to fill minus those for which it has issued an intent to nominate or a nomination.
	Days Since the Inauguration	How many days beyond the Inauguration did the administration announce its intent to nominate.
Pace of Policy (*Institutional Workload*)	*Senate Roll Call Votes*	Numbers of votes taken as recorded in the Senate *Journal*.
	Weekly averages	Nominations, Committee Reports, Nominations disposed of.
Controls for Policy Types	EX Personnel System Level	Personnel positions as described in *Plum Book*, reflecting importance within the common federal personnel system.
	Defense Nomination?	Specific PAS nomination to the Department of Defense.
	IRC Nomination?	Specific PAS nominations to an independent regulatory commission.
	Other types of jurisdictions.	Range of policy types by their policy purviews. .
Other Controls	Republican President?	A Republican administration or not.
	Presidential Approval	Monthly Gallup public approval
	Female Nominee?	The nominee's gender.

Three variables operationalize initiative. The first introduces a measure of transition planning, the length of transition planning undergone by the campaign. The second considers the number of positions the administration has yet to fill as a measure of the administration's flexibility at fitting nominees to positions. Lastly, the model employs the standard measure of the administration's "first 100 days."[15]

We include two specific measures of the pace of policy. For the Senate, we follow McCarty/Razaghian by using the number of Senate roll-call votes in a month. In the committee stage model, we measure these variables based on the date the Senate received a nomination, and in the disposition stage model, the date that the committee reports the nomination. In the executive stage, we employ a measure of the weekly throughput of nominations identified when the administration announces its intent to nominate.

Finally, we control for the time each nomination spent in the prior stage, a measure which crosses between initiative (planning) and coordination. Nominations vetted more carefully by the executive, we suggested, proceed through the committee faster because of a better fit between the nominee and the position, while nominations that get held up in the Senate committee likely experience some obstruction at the disposition stage.

Estimation. The basic testing relies on a survival-time model. Since obstruction invariably succumbs, the probability that the Senate disposes of a nomination increases with time, until the Senate adjourns, thereby censoring the data. Hence, the hazard rate should increase or the expected time until confirmation should decrease every day in the deliberations processes. These facts suggest an accelerated failure time Weibull model, with monotone hazard rates that either increase or decrease exponentially with time. While the most recent appointments study, Hollinbaugh and Rothenberg (2018), employs a split-population model, we do not track whether the nominations in our sample fail during the administration. The data here only track whether or not the Senate confirms the nomination during the Congress. Thus, using a censored Weibull model constitutes an appropriate choice. Unlike previous studies, the analysis here utilizes a *shared frailty* accelerated failure time model, which helps to address potential non-independence among observations within each administration/Congress by estimating a different intercept for each.[16]

Empirical Analysis of the Hypotheses

Table 2 reports the results of our model on the pace of deliberations across all three stages, and Figure 2 graphs the marginal effects of our main independent variables. These empirical results generally highlight the importance of recognizing the appointments process in its stages and distinguishing between opportunism and obstruction — how leadership initiative and coordination shapes coalitions, how the pace of policy diverts attention from appointments, and how organization workload shapes deliberations (H2a through H2h).

Appointments Politics in Its Stages. Two important patterns stand out when seeing the appointments process through a prism that separates out its stages. First, some variables have a constant presence, affecting deliberations in every stage. Two variables have such an effect — distinctiveness and initiative. Consistent with TPP, both of these have their most substantial effect during executive vetting rather than in the Senate. Distinctiveness sets the context and leadership sets a course. A one standard deviation increase in distinctiveness prolongs executive vetting by 80 days, while taking the lead on identifying and announcing a nominee early, within the first 100 days, shortens the entire executive vetting process by about 41 days.

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[15] Note, McCarty and Ragazhian use 90 days as a measure of initiative.

[16] Shared frailty models include a random intercept for panels or clusters of observations. The main different between a shared frailty model and tradition mixed or hierarchical model with a random intercept is that the shared frailty model assumes a Gaussian distribution, while the hierarchical model assumes a normal distribution.

Table 2. A Weibull Model of Deliberations by Stages, 1981-2018

Type of Effect	Model	Types of Deliberations>> / Measure	Executive Search and Vetting		Senate Committee Vetting		Full Senate Disposition	
			Coeff.	s.e. ‡	Coeff.	s.e. ‡	Coeff.	s.e. ‡
	TPP	Constant	6.008*	1.155	1.070*	0.270	2.538*	0.743
		Previous Stage	—	—	0.000	0.000	0.004*	0.001
Polarization	CDT	Distinctiveness (in 10ths)	0.324*	0.120	0.354*	0.034	0.665*	0.097
Presidential Coordination	TPP	Party Closeness (in 10ths)	−0.036	0.027	−0.033*	0.015	0.115	0.074
		Senate-Executive Coordination	—	—	−0.010*	0.023	−0.250*	0.046
Presidential Initiative	TPP	Transition Planning (by 10s)	−0.017*	0.008	—	—	—	—
		Less Critical (*Stand-up*) Personnel	0.008*	0.003	0.089*	0.011	0.025	0.019
		Positions Yet to Nominate (by 10s)	−0.038*	0.000	—	—	—	—
		During the First 100 Days	−0.176*	0.013	−0.547*	0.050	−0.474*	0.093
Pace of Policy	TPP	Senate Roll Calls per month	—	—	0.004*	0.001	0.003*	0.001
		Weekly Throughput	0.001	0.001	0.002	0.001	−0.018*	0.002
Controls for Policy Types (*v. Treasury*)	CDT	IRC Appointment?	0.010	0.011	−0.033	0.041	0.113	0.071
		Defense Nomination?	0.036	0.025	0.060	0.092	−0.518	0.153
		Foreign Policy Nomination?	0.016	0.024	−0.237*	0.089	−0.612*	0.149
		Justice Nomination?	0.013	0.028	0.147*	0.102	−0.288	0.171
		Commerce Nomination?	0.057*	0.028	0.130	0.104	−0.556*	0.175
		Infrastructure Nomination?	0.030	0.024	−0.213*	0.088	−0.319*	0.147
		Non-Departmental Nomination?	0.023	0.022	0.170*	0.083	−0.485*	0.134
		Agriculture Nomination?	0.034	0.031	0.285*	0.155	−0.400*	0.193
		Labor Nomination?	0.042	0.028	0.054	0.109	0.257	0.182
		Social Welfare Nomination?	0.035	0.024	0.121	0.090	−0.750*	0.148
Other Controls[†]	—	Republican President?	0.247	0.372	0.054	0.057	−0.212	0.277
		Presidential Approval Rating	0.001*	0.005	0.001	0.019	0.010*	0.003
		Female Nominee?	0.003	0.009	−0.009	0.034	−0.023	0.056

Notes: † Censored model replaces learning variable. ‡ Clustered standard errors.
* p-values <.05   Summary Statistics:

	Executive Search and Vetting	Senate Committee Vetting	Full Senate Disposition
n	n=3,339	n=3,073	n=3,028
LLR	LLR= −1320.739	LLR= −4070.104	LLR= −5321.272
ρ	ρ=4.352(0.053)	ρ=1.244 (0.017)	ρ= 0.753 (0.009)

At the committee stage, polarization increases committee vetting by 18 days on average, around a 34% increase (committee deliberations usually take about 53 days), while initiating the nomination to Congress within the first 100 days shortens the committee vetting process by 26 days. These variables affect the final Senate disposition stage by six and four days, respectively (the final Senate vote typically takes place 15 days after committee approval).

Second, those variables that affect deliberations in a few stages, play a role in the early stages where setting the agenda for a nomination dominates. These include the initiative variables, the most critical stand-up positions, which complete executive vetting nearly 10 days more quickly than the less critical positions, and pass through Senate committee vetting almost 25 days faster. This variable suggests expedited treatment for those positions primarily emphasizing national goals and non-partisan government activities equivalent to presidential *duties* rather than the president's partisan agenda.

These variables measuring the impact of initiative and coordination counter the impact of distinctiveness, balancing obstruction with limited opportunism in ways consistent with the TPP. For example, the degree to which the President coordinates with Senate leadership shortens Senate approval in both the committee and final disposition stages. Between committee deliberations and senate full disposition, the impact of a one standard deviation increase in presidential coordination shortens these stages by about seven and three days, or about 15% and 20% respectively.

The effect of good transitions planning, another form of initiative, further speeds Senate deliberations. Increasing the length of transition planning from Trump's 70 days to GW Bush's 540 days, decreases the duration of executive vetting by nearly 170 days.

Another variable, the relative size of the President's party (H2a), influences the executive and committee stages, but appears to have no influence on the duration of the final stage. A one standard deviation increase in the relative size of the President's party in the Senate shortens executive vetting by eight days, and committee vetting by two days, but the variable does not have a statistically significant effect on the final Senate deliberations. Focusing on the Senate as a whole misses this distinction that seemingly underscores the important difference between Senators' standing in these two stages. In comparison with the full disposition stage during which every Senator has equal standing, the committee stage has become the locus of opportunism where only a few Senators can exercise their standing. In CDT, where the full Senate pivots occupy theoretical attention, this pattern of behavior makes no sense. Instead, as Nicholas Howard and Jason Robarts have pointed out (2015), the complexity of Senate floor votes often permits Senators to employ convoluted holds frequently *against members of their own party*, and this reality may account for the null result on party structure when applied to floor deliberations.

In sum, focusing on appointments across the three stages clearly has the advertised analytical effect — underscoring the traditional arts of leadership — planning, initiative, and coordination — that CDT eschews by assumption.

Leadership Coordination. As suggested in H2d, leadership coordination plays an important role in the Senate stages. A one standard deviation increase in Senate-executive coordination, decreases Senate committee deliberations by seven days, and decreases time awaiting a final disposition by about three days.

The effect of party structure (H2a), which helps to facilitate this coordination, seems to play a less clear role, however. A one standard deviation increase in the relative size of the president's party shortens executive deliberations by nearly eight days, and Senate committee deliberations by just about two days. At the Senate disposition stage, however, the Senate's party structure has no discernable effect.

Presidential Initiative. Across all three stages, Presidential initiative presents a consistent effect, confirming H2b, H2c, H2e, and H2f. The longer the administration's transition planning (H2e), for example, the quicker the administration identifies and vets candidates, ultimately submitting a larger number of nominations, fitting those nominations more precisely to a broader pool of positions, in turn speeding deliberations (H2f), as well. Planning leads to a faster start, leading to more nominations submitted during the first 100 days, which proceed more quickly through committee vetting, and a faster final disposition as well (H2b).

Figure 2. Marginal Effects Plots of Main Covariates from Weibull Model

Coordination

Initiative

Pace of Policy

Polarization
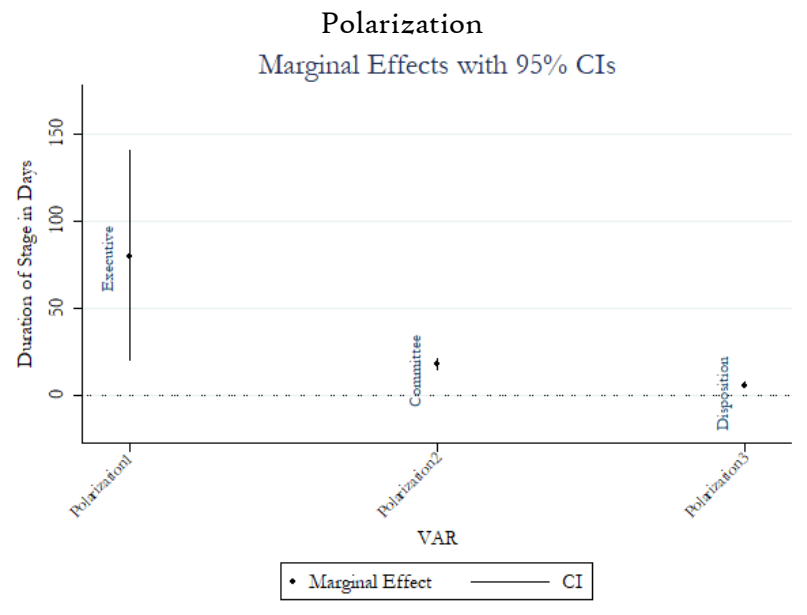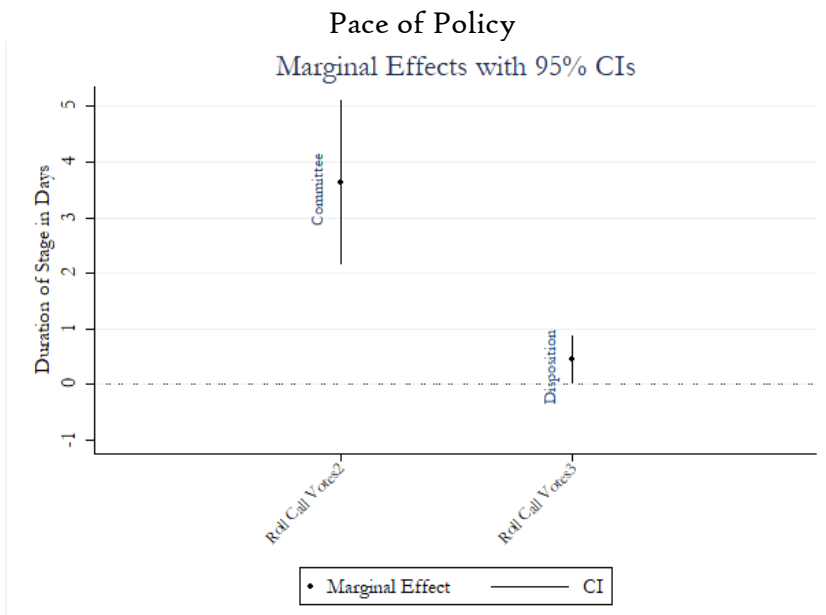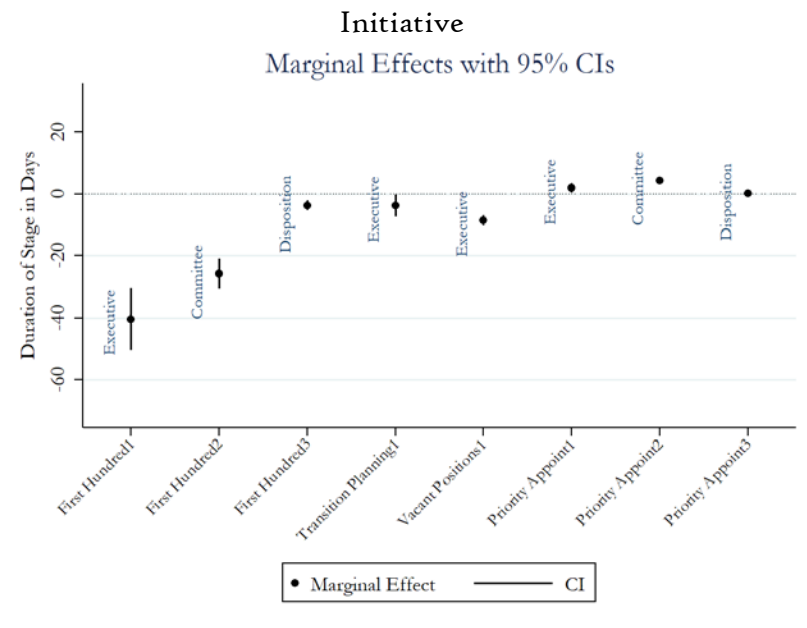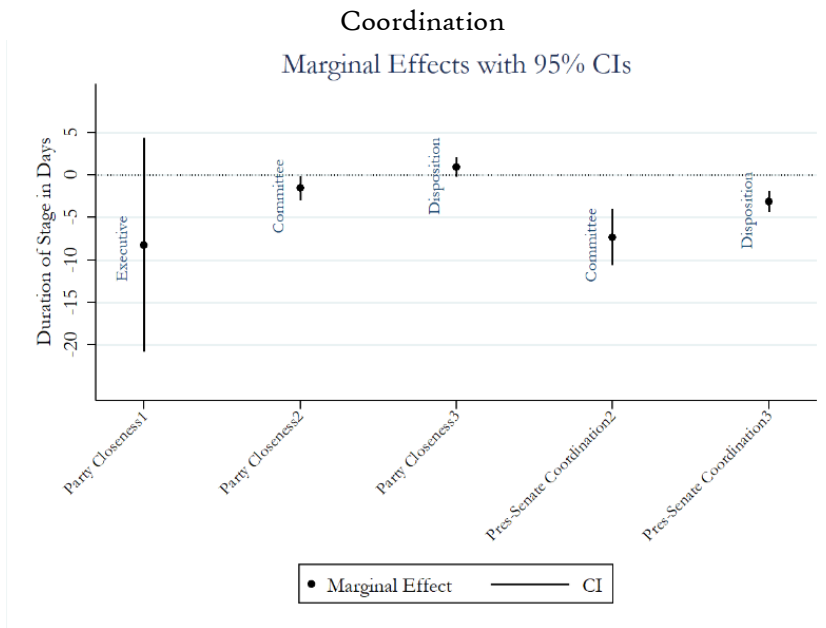
Planning also matches nominees to the duties critical to standing up the American government and those positions get expedited deliberations (H2c). Every additional ten days a president spends planning the administration shortens the average length of executive vetting by about four days. Similarly, for nominations announced during the first one hundred days, executive vetting decreased by 41 days on average! In addition, those nominations received by the Senate during the first one hundred days moved through committee 26 days more quickly, and when reported from committee during the first one hundred days, nominations moved to final vote four days earlier.

In effect, the candidate and president-elect's active leadership in preparing the administration's early efforts advance their appointments significantly, regardless of the array of Senate forces and temperaments. And that effect of initiative continues to advance the president's fortunes throughout the time period under evaluation here.

The Pace of Policy. The pace of policy (H2g), as measured by Senate activity, further demonstrates that the Senate's operational realities affect appointments. As it turns its attention to policy, the Senate leadership devotes less time focused on appointments, thereby increasing opportunism. In addition, the increasing political wrangling over policy presents other opportunities to use appointments as bargaining chips, further increasing opportunism. During the committee stage, a one standard deviation increase in the number of roll call votes, prolongs the process by four days.

In the final deliberative stage, the transfer of resources to expand the numbers of nominations considered (measured by the coefficients on *Throughput*) lengthens deliberations regardless of partisan polarization. This effect clearly suggests the kind of trade-offs TPP contemplates in Senate deliberations. During the executive vetting stage, for example, a one standard deviation increase ($\sigma=8$) in the number of nominations processed by Senate committee slows the average final vote of approval by two days. Similarly, a one standard deviation increase in Senate committee processing time decreases the wait for a final vote of approval by about the same amount.

The Details of Policy Positions. Both models suggest that less attentiveness to "lesser" positions encourage forms of opportunism. Unlike CDT research that employs the standard federal personnel system's designations, the TPP assesses positions with respect to that position's potential contribution to Hamilton's "system of administration." In TPP models, less critical appointments take around two days longer to clear the executive and around 4.3 days longer to clear committee. By the time these positions reach the floor disposal stage, no significant delay occurs. In effect, then, both the administration and the Senate committees most responsible for these responsibilities tend to stand up these appointments more quickly and the full Senate concurs.

The rest of Table 2 results on positions evaluate specific CDT variants on the importance of different policy types. These types play a particular role in Hollinbaugh and Rothenberg's analysis. By contrast, Ostrander 2015 highlights two control variables, and neither performed well — nominations for independent regulatory commissions and for the national defense did not perform as expected in either direction. Recall Ostrander conjectured that the importance of policy considerations distinguished IRC nominations and Defense nominations from other policy positions. While we use the Treasury as the base category for the regression output in Table 2, when we use defense nominations as the base category instead, the results suggest that these nominations are approved more quickly by Senate committee than commerce, justice, social welfare, and non-departmental nominations, but approved more slowly than are nominations pertaining to agriculture, infrastructure, and foreign policy. This pattern was different in the disposition stage, when Defense nominations were only approved more quickly relative to the Treasury and Labor Department nominations. Ultimately, none of the policy relevant distinctions between nominations seemed to play a consistent role in affecting the appointments process.

Controls. Recall that in the TPP framework, partisan distinctiveness sets a context but does not determine opportunism. So, technically it constitutes a control variable. In that role, it clearly has an effect: a standard deviation increase in distinctiveness increases deliberations in the executive stage by 80 days, the Senate committee stage by 18 days, and the final disposition by six days.

Other, more common control variables did not perform as predicted by CDT. The Republican president dummy variable, for example, never carries a significant coefficient. These results contradict the findings in McCarty and Razaghian (1999), who suggested Republican administrations would face more obstruction because their nominees' posed anti-establishment policy preferences. Instead, the flat effect on deliberations probably suggests the balancing effect of transition planning, critical to half the party's presidents. We noted then that scholars generally understand the Reagan and W. Bush transitions to have had the strongest planning, and, consistent with TPP, these efforts resulted in a speedier uptake of responsibilities and better appointments preparations. On the other hand, the Clinton presidency posed an almost classic example of poor transition planning. Together, these two patterns placed half of the Republican administrations in good stead while leaving half the Democratic administrations in the bad.

Increasing presidential approval lengthens the pace of deliberations, and the coefficient achieves significance in the executive and disposition stages, but this effect differs completely from that proposed by Ostrander. The gender of the appointee proves irrelevant.

To summarize, the results of our models confirm the important role of the presidents and other leaders, both in terms of effective initiative and coordination with the Senate. Indeed, the results across all models confirm this point. The level of planning undertaken by an administration shortens the amount of time necessary for identifying and vetting appointees, as does pressing the president's initiative during the first 100 days. All these actions, in turn, allow the Senate to expedite those nominations through its own processes. These patterns, derived from institutional strengths, dampen as the pace of policy intensifies and as leaders turn their attentions to those issues. The more the pace of policy accelerates into the heart of the policy-making process, the less attention to appointments the president and Senate leaders give and the greater the opportunism.

Collectively, these results suggest that appointment politics matter more than standard scholarship suggests. Elections and the circumstances of the partisan divides matter, but they only set the context, they do not dictate the politics. As we suggest in the conclusion, our approach and its empirical support provide good news for those concerned with the fate of the appointments process and its implications for the system of administration it supports. Far from being a hopeless, eternal quest made insurmountable by partisan rancor, as the congressional dominance theory implies, a feasible reform program should support executive initiative, leadership coordination, and managing the balances between capacity and workload.

IMPROVING THE APPOINTMENTS PROCESS

To date, political science research has treated the constitutional struggle between the executive and legislative branches as unrelated to the question of presidential appointments and the system of governance that they facilitate. This despite the fact that appointments have made some of the most important constitutional history and have animated a good deal of current affairs. The most advanced theories in political science have also minimized the president's role in forming coalitions, concentrating too much on the Senate's deliberative processes, its objectified parties, and its most dramatic procedures. This focus dovetails with the orthodox opinion of pundits and other observers who describe the appointments process as hopelessly mired in polarized, partisan politics.

These theories and opinions suggest only one policy implication — presidents must better identify nominees that would make confirmation a foregone conclusion — and only one course of action — defeat obstructionists. Inside the Senate, majority parties have adjusted the deliberative process intending to accomplish the latter. For example, in 2013 the Democratic majority reduced the amount of debate available after cloture from 30 hours to 8 hours (Rybicki 2018) while reducing the majority necessary to invoke cloture. In addition, in the same year, invoking what became known as the "nuclear

option," the majority exempted from the filibuster rule all presidential nominations except Supreme Court posts (Peters 2017; Berman 2017). While keeping the cloture reform in place, the Senate applied a sunset provision to the debate limit, ending that reform 2014. The change in using the filibuster on nominations remains in effect and has expanded now to all nominations in the executive and judiciary. The current Republican Senate majority has begun to re-invoke the debate limit (Carney 2017, 2018; Editorial Board, *WSJ* 2018).

While no available dataset can assess whether these reforms have mattered, contemporary assessments still rate the appointments process a disaster and as Figure 1 illustrated delayed deliberations remain. Our research suggests that addressing a polarized Senate might easily have no effect on appointment politics, as seems the case. Instead, our research underscores coordination, initiative, and planning during the campaign and a more aggressive transition period. All of these would enable presidential administrations to stand themselves up, especially when the president leads a unified government. The greater priority the president gives to appointments before the legislative process gets underway, the more readily the Senate responds and acquiesces.

Thus, our research focuses on reforms that target capacity in both institutions to carry through on planning, initiative, and coordination. Such reforms, designed to improve the system's overall efficiency without directly jeopardizing partisan positions, could make it easy for Senators to find common ground, thereby undermining partisanship without having to directly address it.

In the past five administrations, the average number of nominations put forward before the August recess has amounted to around 340 nominees. If an administration planned for the appointments process during the campaign and the transition, and then introduced these nominations before the end of the first 100 days, the stand-up rate could improve by about 33 percent. Again, nothing changes about the partisan response to the administration's nominations, yet this one change in initiative and the pace of appointments would alter the system's efficiency and reduce opportunism.

Standing-up the government faster in this way, of course, would present some operational challenges. Five changes would underwrite further this proposed objective. These proposals address the apparent tradeoff between the pace of deliberations and pace of policy caused by the ossified staffing in both the executive and the Senate.

    a) Establishing permanent, confirmation staffs on Senate policy committees.
    b) Increase authorization for the Executive to hire more temporary investigators and to publish earlier the full listing of presidential positions.
    c) Increase authorization for the US Office of Government Ethics to hire more auditing staff.
    d) Require the Senate to expand its outreach to the national presidential campaigns prior to the election.
    e) Authorize the creation of an Office of Presidential Personnel Management, including a permanent professional support staff managed by three presidential appointees (PA).

The failure to find a solution for the wrangling and the lengthening deliberations on presidential appointments and the resultant increasingly slow government stand-up represents a national tragedy, and not simply a partisan failure. As Hamilton implied, to tie up presidential nominations threatens more than just the electoral viability of the national candidate occupying the presidency. It also enfeebles the national government, undermines its defenses, and enervates the exercise of American power in the international arena. Designing reforms to take into consideration the role of presidential initiative and institutional capacity represents a unique opportunity for the legislative and executive branches to demonstrate a capacity to act and to improve national governance. They need not eliminate today's partisan rancor to reform the broken appointments process. Reforms, none inherently partisan, provide a foundation for a better appointments process that will enable future government leaders to fulfill their responsibility to staff the essential government processes, before partisanship can take hold.

REFERENCES

Asmussen, Nicole. 2011. "Female and Minority Judicial Nominees: President's Delight and Senators' Dismay?" *Legislative Studies Quarterly,* 36(4): 591–619.

Ba, Heather, Brandon Schneider, and Terry Sullivan. 2018. "Trump is Setting Records in How Few People He Has Appointed — And How Long They Take to Confirm," *The Washington Post — Analysis*, (January 18).

Berman, Russell. 2017. "How Democrats Paved the Way for the Confirmation of Trump's Cabinet," *The Atlantic*.

Bond, Jon, Richard Fleisher, and Glen Krutz. 2009. "Malign Neglect: Evidence That Delay Has Become the Primary Method of Defeating Presidential Appointments." *Congress and the Presidency.* 36:226-43.

Calvert, Randall L., Mark J. Moran, and Barry R. Weingast. 1987. "Congressional Influence Over Policy Making: the Case of the FTC," in Mathew McCubbins and Terry Sullivan, editors, *Congress: Structure and Policy.* New York: Cambridge University Press.

Carney, Jordain. 2017. "Republicans Considering Broader Change to Senate Rules," *The Hill*, April 5.

Carney, Jordain. 2018. "GOP Advances Proposal to Change Senate Rules," *The Hill*, April 25.

Editorial Board. 2018. "Breaking the Shumer Stall," *The Wall Street Journal.* March 27.

Hammond, Thomas and Jeffrey S. Hill. 1993. "Deference or Preference? Explaining Senate Confirmation of Presidential Nominees to Administrative Agencies." *Journal of Theoretical Politics* 5:23-59

Harris, Joseph. 1953. *The Advice and Consent of the Senate.* Berkeley: University of California Press.

Hollibaugh, Gary E. and Lawrence S. Rothenberg. 2017. "The When and Why of Nominations: Determinants of Presidential Appointments," *American Politics Review,* 45,2: 280-303.

Hollibaugh, Gary E. and Lawrence S. Rothenberg. 2018. "The Who, When, and Where of Executive Nominations: Integrating Agency Independence and Appointee Ideology," *American Journal of Political Science,* 62,2(April):296-311.

Howard, Nicholoas and Jason Roberts. 2015. "The Politics of Obstruction: Republican Holds in the U.S. Senate," *Legislative Studies Quarterly* 40, 2:273-94.

Johnson III, Clay. 2008. "Recommendations for an Effective 2008 Transition," *Public Administration Review*, 68, 3(July/August):624-6.

Kumar, Martha, George C. Edwards, III, James Pfiffner, and Terry Sullivan. 2001. "Meeting the Freight Train Head On: Planning for the Transition to Power," *Presidential Studies Quarterly,* 30,4(December):754-69.

Lewis, David. 2008. *The Politics of Presidential Appointments.* Princeton: Princeton University Press.

McCarty, Nolan and Rose Razaghian. 1999. "Advice and Consent: Senate Responses to Executive Branch Nominations 1885- 1996," *American Journal of Political Science*, 43, 4 (October):1122-43.

McCarty, Nolan M., Keith T. Poole, and Howard Rosenthal. 1997. *Income Redistribution and the Realignment of American Politics. AEI* Studies on Understanding Economic Inequality. Washington, DC: *AEI* Press.

McCubbins, Matthew and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms," *American Journal of Political Science,* 28:216-79.

Moe, Terry. 1985. "The Politicized Presidency," in *The New Direction in American Politics*, ed. John E. Chubb and Paul E. Peterson, Washington, DC: Brookings Institution.

Nathan, Richard P. 1975. *The Plot that Failed: Nixon and the Administrative Presidency.* New York: John Wiley.

O'Connell, Anne Joseph. 2010. *Waiting for Leadership: President Obama's Record in Staffing Key Agency Positions and How to Improve the Appointments Process.* Washington: Center for American Progress.

Ostrander, Ian. 2015. "The Logic of Collective Inaction: Senatorial Delay in Executive Nominations," *American Journal of Political Science*, 60, 4 (October):1063-76.

Peters, Jeremy. 2013. "In Landmark Vote, Senate Limits Use of the Filibuster," *The New York Times*, 21 November.

Rybicki, Elizabeth. 2018. *Changes to Senate Procedures in the 113th Congress Affecting the Operation of Cloture*, CRS Report for Congress, R42996.

Smith, Steven S. 2014. *The Senate Syndrome: The Evolution of Procedural Warfare in the Modern U.S. Senate.* Norman: University of Oklahoma Press.

Sullivan, Terry. 1990. "Explaining Why Presidents Count: Signaling and Information," *The Journal of Politics*, 52,3(August):939-62.

Sullivan, Terry. 2018. *Making a Difference: LBJ and the Tradecraft in Presidential Leadership.* Manuscript. Princeton: Princeton University Press.

United States, House of Representatives, Committee on Governmental Affairs. Various years. *United States Government Policy and Supporting Positions (The Plum Book).* Washington: US Government Printing Office.

SUPPORTING INFORMATION

The supplemental information included in this document provides a replication of the research in McCarty and Razaghian (1999), Ostrander(2015), and Hollibaugh and Rothenberg(2018).[17] In addition, the document provides further analysis of independent variables associated with the primary research reported in our manuscript.

Section A assesses a series of hypotheses derived from congressional dominance theory (CDT) as applied by McCarty and Razaghian (1999) to appointments politics and later expanded on by Ostrander 2015.[18] We attempt to replicate their results using their measures and techniques but employing a separate dataset, some 3,700 observations of presidential nominations from 1981 through 2018.

Section B presents a replication of Hollibaugh and Rothenberg's (2018) analysis using observations common to both our databases. Again, we employ their measures and techniques but rely on our data. The common observations cover non-judicial and non-foreign service appointments made during the first two years of each presidential administration (Reagan-Obama), for which an "ideal point" (cfscore) exists in Bonica's (2014) *Database on Ideology, Money in Politics, and Elections*[19]. Section B also presents a robustness analysis of our main models but including their main variable of interest *nominee-filibuster divergence.*

Finally, Section C returns to our main analysis and presents robustness models using the components of the P*resident-Senate coordination* variable that we employ.

A. REPLICATING MCCARTY AND RAZAGHIAN

Principal Hypotheses. McCarty and Razaghian (1999) suggests three primary hypotheses about the pace of Senate deliberations: (H1a) partisan distinctiveness, (H1b) divided government, and (H1c) an interaction that amplifies distinctiveness. These three appear in the main manuscript.

The Rank and Policy in Positions. In addition to the three principal hypotheses, McCarty and Razaghian (1999) make two claims related to the type of positions under consideration. First, because lower level positions have less control over policy formation, fewer Senators will pay attention to nominations associated with these positions. Since Senators who wish to challenge the administration's nominees will remain more determined than those Senators who support the President and try prevent obstruction, then any hierarchy of positions will also describe a pattern of increasing obstruction and, hence, delay:

> H1a. *Determined Obstruction Distributed Across Positions.* Using the hierarchy inherent in the PAS system[20] as a stand-in for a position's decreasing importance, it suggests an increasing unwillingness of supporters to resist obstruction for those nominations. So, a variable describing the range of positions carries a significant and positive sign on the length of deliberations.

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[17] See references in Ba, Schneider, and Sullivan 2018, Presidential Leadership and Initiative in Appointments Politics, manuscript, the White House Transition Project.

[18] The relevant citations for CDT: McCubbins and Schwartz 1984 and Calvert, Moran, and Weingast 1987.

[19] Bonica, Adam. 2016. Database on Ideology, Money in Politics, and Elections: Public version 2.0 [Computer file]. Stanford, CA: Stanford University Libraries.

[20] The PAS personnel system describes positions within the system in a hierarchy. Secretaries of cabinet agencies carry a designation in this system as "EX I," deputy cabinet secretaries carry a designation as "EX II" along with the heads of critical regulatory boards, e.g., the Federal System, and so on through to boards and other positions which have no executive branch and policy-making responsibilities, e.g., foreign service positions and judges.

Ostrander (2015) and McCarty, and (Razaghian 1999) also suggest that an agency's policy jurisdiction could impact deliberations. While McCarty and Razaghian emphasize the degree to which those policy responsibilities define differences between the parties, Ostrander emphasizes a presidential interest in "seeking greater control over a bureaucratic agency" and controlling the number of positions at the top of an agency. McCarty and Razaghian emphasize the significance of social welfare, labor, and education as partisan agencies while other agencies clearly carry the primary, non-partisan duties of the nation, e.g., infrastructure, defense, and foreign policy, with agriculture and treasury somewhere in the middle as a potential baseline.[21] Hence:

> H1b. *Obstruction Distributed Across Agency Policy Agendas.* Agencies primarily engaged in policy that defines partisan cleavages will receive longer deliberations. Appointees to social welfare (Education, Housing, Health, and Veterans Affairs) agencies, Justice, and Labor will experience longer deliberations than those to the Treasury, Agriculture, Infrastructure (Energy, Interior, and Transportation) agencies, defense and foreign policy.

Ostrander makes two significant predictions. First, because independent regulatory agencies (IRCs) typically do not allow for acting agency heads to rise up from the career ranks as they do in cabinet-line agencies, delays in these agencies have a larger impact on policy change. Second, reflecting the non-partisan or "stand up" value in security, Ostrander predicts fewer delays for defense nominations.

> H1c. *Independent Regulatory Commissions.* Nominations to IRCs generally experience greater obstruction.
>
> H1d. *Defense Stand-up Exemption.* Nominations to the Defense Department experience less obstruction.

A New Deal Hypothesis. Because Democrats created a large number of federal agencies during the post-War period (covered by their data), McCarty and Razaghian also hypothesize that Republican administrations would more likely propose appointments bent on dismantling or undermining the policies in those agencies' purviews. In response, Democratic opponents — whether in the majority or minority — would more often obstruct these nominations with more vigor, resulting in generally slower Senate deliberations during Republican presidential administrations.

> H1e. *Slower Republican deliberations.* Appointments made by Republican presidents should experience longer Senate deliberations than those made by Democratic presidents.

Other Controls. Lastly, a number of other effects appear elsewhere in the empirical literature on appointments though the congressional dominance explanation would suggest no clear expectation on these potential effects. For example, Ostrander (2015) argues that the Senate yields to a popular president and has shorter deliberations for "earlier" nominations (see also McCarty/Razaghian), although he makes no clear argument as to why that would happen among determined opponents. Asmussen (2011) suggests the importance of minority nominations to cross-cut obstructionism on some positions. Ostrander reconfigures this argument to focus on gender.

Though some have raised the possibility that the Senate's legislative "workload" would affect the pace of deliberations, congressional dominance theory makes no clear claim about its effect since it would not deter determined opponents, nor undermine the empowerment of Senate procedures. Similarly, dominance theory suggests no important connection with the "age of an administration" although others (e.g., Ostrander 2015) raise such a potential effect.

Lastly, McCarty/Razaghian suggest that familiarity with a nominee (through repeated consideration) would undermine determination and so within the congressional dominance framework, would thereby speed up deliberations. That suggestion would pose a reasonable control:

E1.   *Gender Effect.* Deliberations for slow for nominations of "minority" candidates.

E2.   *Presidential Approval Effect.* As the president's public approval rises, the pace of deliberations shortens.

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[21] Of course, some policies, like trade and hence "commerce" and "treasury" would present a baseline.

E3.   *Learning Effect.* Deliberations will speed up for nominations that the Senate has considered previously.

E4.   *Early Administration Stand-up.* Senate deliberations shorten in the early stages (first 90 days) of an administration.

A Replication Analysis

Table A-1 reports a genuine replication of the dominance model reported by McCarty and Ragazhian 1999, using newer appointments data (from the 97th through the 115th Congress). In addition to replicating their model using a dependent variable that models only the whole of Senate deliberations, the table also reports the results of their model across all three appointments stage. As with McCarty/Razaghian, all the analyses employ accelerated time Weibull models without clustered standard errors.

Unlike the basic McCarty/Razaghian specification, the three staged models do reflect the explanation and analysis introduced in the main manuscript, where we treat the data in the Senate committee and disposition stages as censored. The Senate committee model treats as censored all appointments which the committee does not report and instead returns to the President at the end of the Senate, in accordance with Senate rule 30, §5 and §6. The disposition model treats as censored appointments that never receive a final Senate vote and end on the last day of the Senate session, again under Senate rule 30. McCarty/Razaghian handle the problem of appointments which persist across more than one Congress differently. They define the Senate duration of an appointment by the date the Senate confirms the nomination minus when it received the nomination. If a confirmed appointment began in a previous session and the Senate had returned it, they assign it a value of 1 on a dummy variable – *Previously Considered,* using this dummy variable as a control for learning. To replicate their method in the first specification, we also do not treat the data as censored but instead use a dummy variable to denote which observations may have abbreviated duration values. This treatment or the censored treatment does not seem to alter the results.

Our analysis replicates most of McCarty/Razaghian's significant results. For example, it supports the expectations on distinctiveness and party structure (H1a-H1c). Increasing partisan distinctiveness by one standard deviation (equal to a change of .1) under unified government increases the average duration of Senate deliberations by 18 days, while the same increase under divided government lengthens deliberations by 42 days. Divided Government has the effect of increasing Senate deliberations at all but the lower levels of observed distinctiveness (lower levels of distinctiveness range from 0.55 to 0.65, while the upper range of this variable equals 0.85).

Interestingly, at the lowest level of distinctiveness, divided government *decreases* Senate deliberation by about 6 days. Those marginal effects reflect the problem of CDT's assumed party structure discussed in the main manuscript. Note that when divided government interacts with lower distinctiveness, the impact on deliberations drops below zero — actually shortening deliberations. Earlier, we suggested such an effect might reflect that divided government and its generalization in the variable "party imbalance" (positive and statistically significant) suggested theoretical difficulties with handling obstruction and its pre-conditions.

On the other hand, the coefficient on the new administration dummy variable (negative and significant) supports the addition of that variable in the general deliberations model and the coefficients on the Republican president dummy variable and the level of appointment variable reflect expectations H1d and H1h. And while McCarty/Razaghian made no attempt to justify those effects, the limited comments they employed to establish H1e (on policy domains) did not find support in the empirical patterns. Those policy domains did not produce statistically significant coefficients in almost all instances and most of the coefficients presented carried the wrong sign.

Table A-1. Weilbull Model Replicating McCarty/Razaghian Analysis of Senate Deliberations, using data from 1981-2018

| Type of Effect	Type of Deliberations>> Measure	Total Senate Deliberations		Executive Search and Vetting		Committee Vetting		Floor Disposition	
		Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.
	Constant	2.616*	0.215	4.529*	0.054	1.172*	0.194	−1.370*	0.324
Polarization	Distinctiveness (in 10ths)	0.275	0.226	−0.034*	0.006	2.379*	0.221	0.473*	0.031
Presidential Coordination	Divided Government	−1.421*	0.425	−0.932	0.119	−0.551	0.433	−4.376*	0.750
	Divided Government•Distinctiveness	0.234*	0.064	1.536	0.179	1.313*	0.652	6.173*	1.152
	Party Imbalance (in 10ths)	0.168*	0.030	6.650	0.840	0.117*	0.03	0.249*	.054
Presidential Initiative	New Administration? (first 90 days)	−0.648*	0.064	−0.819*	0.016	−0.489*	0.064	−0.237*	0.103
	Days Since the Inauguration (in 1000s)	0.090	0.124	0.003*	0.000	0.579*	0.100	0.700*	0.200
Pace of Policy	Senate Roll Calls per month	0.004*	0.001	—	—	0.005*	0.001	−0.008*	0.002
	Total Nominations Yet Outstanding	−0.001	0.001	—	—	−0.001	0.001	−0.001	0.001
Position Types (v Treasury)	EX Personnel System Position	0.129*	0.014	0.020*	0.004	0.126*	0.014	0.107*	0.024
	Defense Nomination?	−0.056	0.090	0.026	0.026	0.050	0.089	−0.405*	0.168
	Foreign Policy Nomination?	−0.284*	0.087	0.010	0.025	−0.118	0.087	−0.586*	0.146
	Commerce Nomination?	0.101	0.102	0.055	0.029	0.277*	0.101	−0.343	0.191
	Infrastructure Nomination?	−0.273*	0.086	−0.004	0.025	−0.133	0.086	−0.121	0.162
	Non–Departmental Nomination?	0.022	0.079	0.012	0.023	0.236*	0.079	−0.280	0.148
	Agriculture Nomination?	−0.110	0.115	−0.009	0.033	−0.192	0.114	0.201	0.236
	Justice Nomination?	0.178	0.098	0.019	0.028	0.285*	0.099	0.033	0.186
	Labor Nomination?	0.245*	0.104	0.009	0.031	0.125	0.107	0.284	0.183
	Soc. Welfare Nomination?	−0.086	0.087	−0.016	0.025	0.214*	0.087	−0.577*	0.162
Other Controls	Republican President?	0.342*	0.060	−0.013	0.017	0.170*	0.0611	0.189	0.101
	Repeated Nomination (learning)	−1.241*	0.080	—	—	—	—	—	—
	Summary Statistics:	n=3,346 LLR= −4411.6 LR χ² =1276.9* ρ=1.232 (0.016)		n=3,472 LLR= −1273.1 LR χ² =7181.1* ρ=4.090 (0.063)		n=3,172 LLR= −4198.584 LR χ² =772.7* ρ=1.240 (0.016)		n=3,162 LLR= −55516.2 LR χ² =807.1* ρ= 0.736 (0.012)	

Source: Compiled by authors.

Figure A-1. Marginal Effects Plot of Divided Government for Replication Model
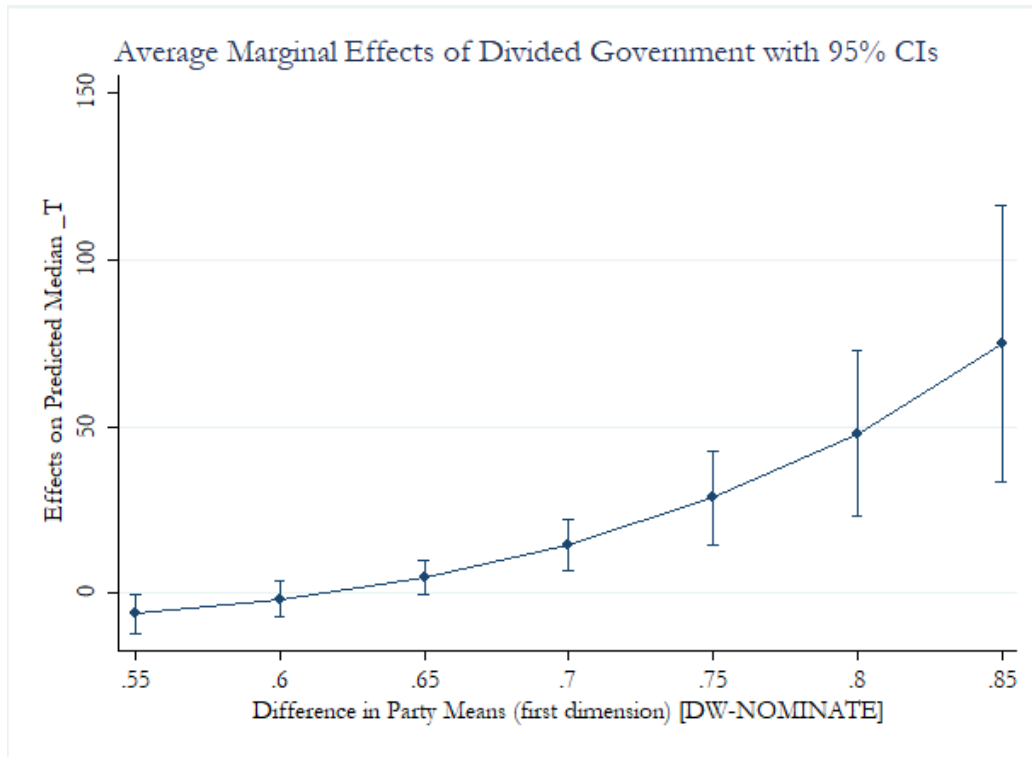

Figure A-2. Marginal Effects Plot of Divided Government at the Senate Committee Stage
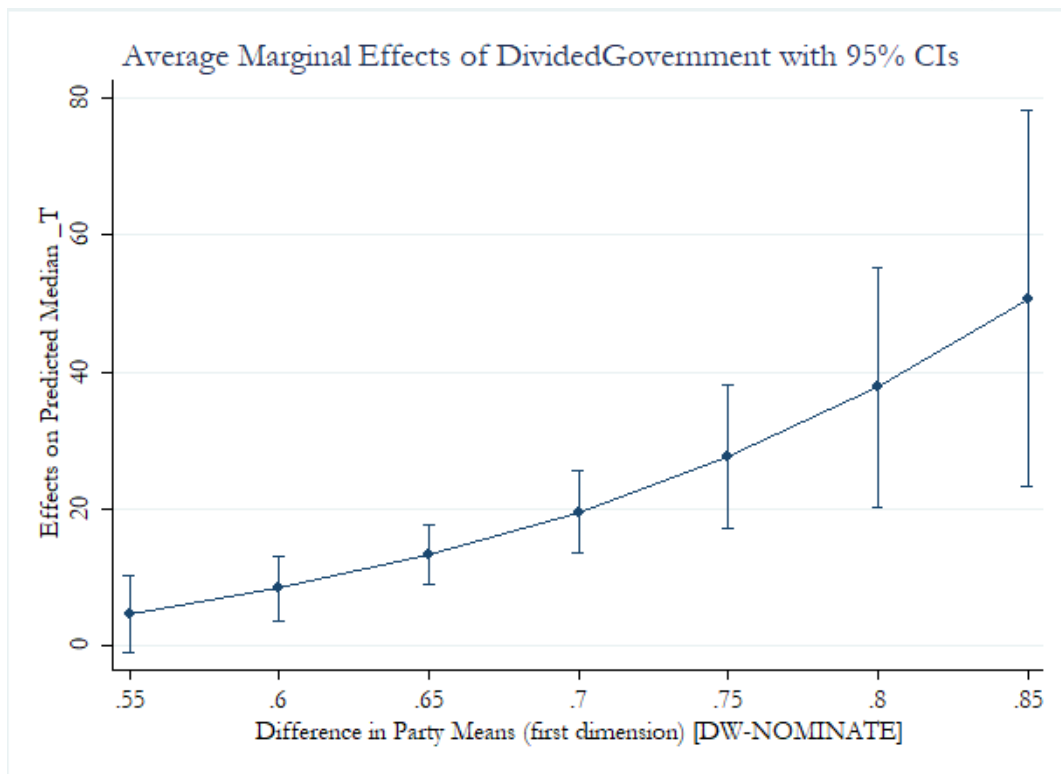
Assessing the congressional dominance explanation across the three stages of the process suggest that the Senate committee stage model most closely resemble McCarty/Razaghian's results. The effects of distinctiveness, divided government, and the interaction between the two carry all have a statistically significant coefficient with the expected sign. The marginal effect of divided government seems stronger at the Senate committee stage (see Figure A-2): always positive and statistically significant, regardless of the level of distinctiveness. The effect ranges from 5 days at low levels of distinctiveness to 50 days at high levels of distinctiveness coefficients on all of the control variable except the agency variable also have the appropriate signs and expected statistical significance.

Figure A-3. Marginal Effects Plot of Divided Government at the Senate Disposition Stage
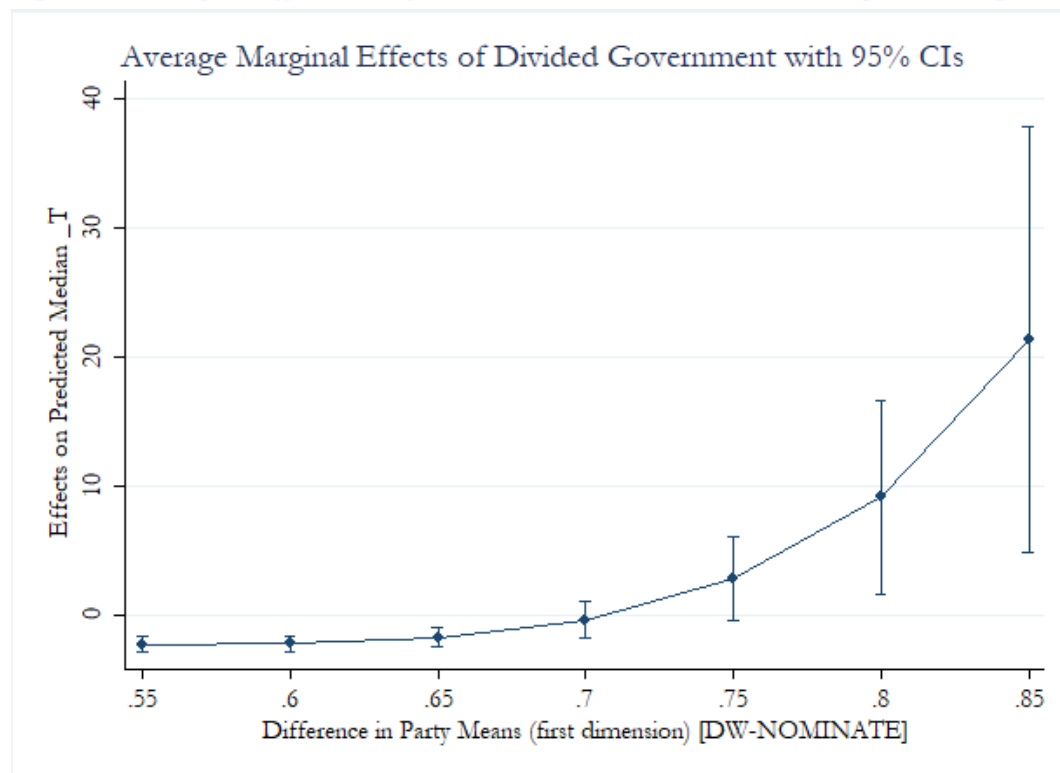
At the Senate disposition stage, the model results vary slightly. While the coefficient on distinctiveness, divided government, and the interaction term have the expected sign and statistical significance, the marginal effect of divided government (Figure A-3 actually reports a significant effect *reducing the length of disposition*). Only at the very highest levels of distinctiveness (i.e., 0.8 to 0.85) does divided government actually increase the duration of deliberations in the disposition stage.

In the disposition stage, several control variables also lose statistical significance including republican president and the new administration dummy variable. The Senate workload variable carries a significant but *negative* sign. And, again, the effects of various agencies differ considerably.

All in all, then, the replication results across the two Senate stages suggest that the bulk of the dominance effects take place not in the full Senate but within the confines of Senate deliberations at the committee stage. As illustrated earlier in Figure 1, the committee represents the vast bulk of Senate deliberations and so the basic dominance model reflects this basic fact. Where parties clash in the open and with the most fanfare, the congressional dominance model seems least well adapted.

The results of distinctiveness (party polarization), divided government, and the interaction term carry through as well in the executive stage reflecting again this somewhat unexpected pattern that the greatest party polarization effect occurs outside the most apparent clash of parties. At the lower level of distinctiveness (.55) the marginal effect of divided government significantly reduces the duration of

candidate vetting by 22 days. At the highest level of distinctiveness (.85), divided government increase the duration by nearly 112 days, on average (Figure A-1 through Figure A-4). Distinctiveness has the expected and significant effect. Distinctiveness has a drastically different effect on the duration of executive vetting under the two forms of government. Under divided government, a one standard deviation increase in distinctiveness lengthens the executive vetting process by 29 days. While under unified government, a one standard deviation increase in distinctiveness shortens executive vetting by about six days. Republican administrations take no longer than democratic administrations to complete identify and vet candidates. However, administrations do vet higher ranking candidates more quickly than lower ranked candidates, just as the Senate does. The executive also vetted candidates more quickly during the early parts of a new administration than afterwards.

Figure A-4. Marginal Effects Plot of Divided Government at the Executive Stage
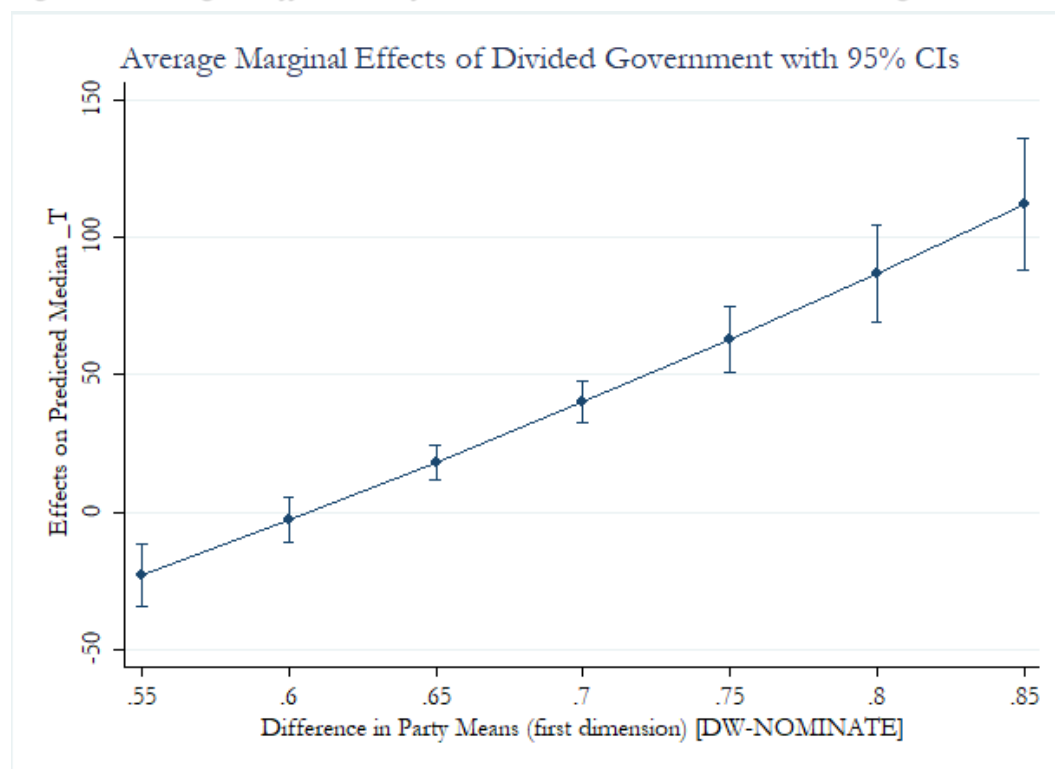
In sum, then, across the stages, the congressional dominance theory suffers somewhat. For example, divided government only has a clear positive effect on deliberations at high levels of party distinctiveness. Lower levels reverse this central effect, shortening deliberations. And again this empirical pattern suggests the conceptual difficulties associated with a fixed factional structure and the accompanying assumptions about party structure. This pattern seems consistent with the argument presented in the main paper that presidential leadership and coordination with party leaders has a considerable effect on the ways in which coalitions form over appointments.

Secondly, workload and initiative as conceived of in the dominance explanation produced mixed results when considering their roles in the separate stages. For example, though the roll call version of senate workload performed as expected at the committee stage, it reversed its role in the final Senate floor stage. The difference between Republican and Democratic presidents varied across the stages as well. In the broad model, the results reflect a resistance to Republican nominees (H1h), possibly the reflection of their commitments in policy to reducing programs central to democratic policy-making over the previous decades and supported by majorities of that party. This expected resistance and partisan pattern associated with policy origins only appears during committee deliberations. Finally, in

considering the policy effects proposed by McCarty/Razaghian, those variables performed erratically at best, reflecting inconsistencies across the stages and satisfying almost none of the expectations.

B. ROBUSTNESS STUDIES INCORPORATING IDEOLOGY

Hollibaugh and Rothenberger (2018) conduct the most recent analysis of presidential appointments, and advance a set of hypotheses consistent with the congressional dominance framework. However, rather than rely on a measure of party polarization as an indication of ideological divide between the Senate and the president, Hollibaugh and Rothenberger use a person-specific measure of ideology based on campaign finance records to operationalize the ideological divide. They also account for whatever ideological bias may be embedded in government agencies. Instead of operationalizing the party structure of the Senate via relative party size, as McCarty and Razaghian do, they examine the extent of ideological alignment between the president and the Senate via average ideal point scores sourced from Bonica's (2014) component analysis of campaign finance records. They further improve upon this analysis by considering the ideological alignment of the president and the Senate with the nominee and the agency to which the nominee will be appointed. Hollibaugh and Rothenberger (2018) specifically examine the following hypotheses relevant to the data and analysis we conduct here on the *duration* of vetting and confirmation:

H3a.   Deliberations should lengthen as the difference increases between the nominee's ideology and that of the relevant Senate filibuster pivot.

H3b.   Deliberations about a nominee should lengthen when the position involved has more independent decision-making authority.

We first replicate their analysis using the smaller dataset that includes the overlap of their dataset and ours. We then evaluate these hypotheses at all three stages of the appointments process, along with our variables and report them inTable B-1. Finally, to demonstrate the robustness of our variables to the inclusion of Hollibaugh and Rothenberger's ideology variables, we run our models and include the most widely available of their variables – the difference between the nominee's ideal point and that of the Senate filibuster pivot. We report these models in Table B-2. We do not include measures of the variables that rely on the ideology of the agency to which the nominee will be appointed because this several restricts the same to less than 1200 observations out of the 3700 we have gathered.

The data that Hollibaugh and Rothenberger rely on as a measure of ideology derive from Bonica (2014) and involve mostly for upper and mid-tier nominees who have previously run for public office and made their campaign finance records publicly available, or for those persons who have made substantial campaign contributions. The data cover the last two years of the Reagan administration through the first two years of the Obama administration. To produce the replication and robustness models using the ideology variables employed by Hollibaugh and Rothenberger, we combine their data with ours. Recall that our data covers the first two years of each administration beginning with Reagan, through to Obama, as well as the fourteen months of the Trump administration. The overlapping data has substantially fewer observations than we employ in our primary analysis, and far fewer observation than the dataset employed by Hollibaugh and Rothenberg. We also employ accelerated time Weibull models rather than split population models because we conclude our period of observation at the end of a Congress and not necessarily with the conclusion of each nomination. Despite these differences, we can confirm most findings of each study using this substantially smaller sample.

Table B-1. A Replication of the Congressional Dominance Ideology Model, using data from 1989 2010

Type of Effect	Types of Deliberations>> Measure	Total Senate Deliberations		Executive Search and Vetting		Senate Committee Vetting		Full Senate Disposition	
		Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.
	Constant	3.856*	0.147	4.775*	0.060	4.105*	0.134	1.432*	0.231
Polarization	Nominee-Filibuster Divergence	0.447*	0.087	−0.004	0.035	0.275*	0.079	0.372*	0.138
	President-Agency-Senate Convergence	0.081*	0.037	−0.015	0.015	0.074*	0.034	0.087	0.061
	President-Agency Convergence	0.118*	0.025	−0.003	0.009	0.041	0.022	0.220*	0.041
	P-A-S Convergence•P-A Convergence	−0.027	0.026	0.008	0.010	−0.024	0.023	0.037	0.042
Presidential Coordination	Policy Independence	0.066	0.034	0.001	0.013	−0.025	0.030	0.214*	0.058
Presidential Initiative	New Administration?	−0.160	0.104	−0.656*	0.041	−0.128	0.090	−0.091	0.188
	During the First 100 Days	−0.749*	0.080	−0.957*	0.033	−0.691*	0.072	−0.423*	0.194
Pace of Policy		—	—	—	—	—	—	—	—
		—	—	—	—	—	—	—	—
Pace of Appointments		—	—	—	—	—	—	—	—
		—	—	—	—	—	—	—	—
Position Type	Agency Decision-Maker Independence	0.062	0.040	0.036*	0.017	−0.026	0.037	0.314*	0.067
	Top Tier Appointment?	−0.408*	0.078	−0.071*	0.031	−0.464*	0.069	−0.200	0.124
	Mid Tier Appointment?	−0.125	0.066	−0.024	0.027	−0.223*	0.061	−0.008	0.106
Other Controls[†]	Presidential Approval Rating	0.730*	0.123	−0.053	0.047	0.345*	0.118	−0.141	0.191
	Term Year	−0.060	0.063	0.735*	0.026	−0.124*	0.058	0.210*	0.101

Notes: * p-values <.05   Summary Statistics:

n=1,351 LLR= −1914.1	n=1,370 LLR= −896.4	n=1,278 LLR= −1670.2	n=1,278 LLR= −2355.8
LRχ^2=297.9*	LRχ^2=1899.2*	LRχ^2=244.3*	LRχ^2=149.6*
ρ=1.093 (0.021)	ρ=2.681 (0.057)	ρ=1.251 (0.026)	ρ= 0.695 (0.014)

Table B-2. Robustness for Politicized Presidency Model, Including Nominee-Senate Ideological Difference, using similar data from 1980-2017

Type of Effect	Types of Deliberations>> Measure	Total Senate Deliberations		Executive Search and Vetting		Committee Vetting		Full Senate Disposition	
		Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.
	Constant	1.184*	0.327	13.708*	0.235	1.423*	0.333	−3.345*	0.540
	Previous Stage	−.000	0.000	—	—	−0.000	0.000	0.004*	0.001
Polarization	Distinctiveness (in 10ths)	0.349*	0.041	−0.606*	0.024	0.305*	0.043	0.450*	0.069
Coordination	Party Imbalance (in 10ths)	0.021	0.023	−0.665*	0.02	−0.04	0.022	0.343*	0.038
	President-Senate Coordination	−0.141*	0.029	—	—	−0.090*	0.029	−0.260*	0.045
	Nominee-Filibuster Divergence	0.197*	0.063	−0.015	0.021	0.180*	0.064	−0.012	0.110
Presidential Initiative	Length of Transition Planning	—	—	−0.048*	0.002	—	—	—	—
	First Hundred Days	−.631*	0.061	−0.191*	0.03	−0.675*	0.062	−0.328*	0.117
Pace of Policy	Senate Roll Calls per month	0.002	0.001	—	—	0.003*	0.001	0.003*	0.002
	WH Workload (in 10s)	—	—	−0.035*	0.001	—	—	—	—
	Weekly Throughput	0.003*	0.001	−0.001	0.001	0.003	0.002	−0.027*	0.002
Position Types (v Treasury)	Less Critical (Stand-Up) Personnel	0.079*	0.014	0.014*	0.005	0.082*	0.014	0.024	0.025
	IRC Nomination?	−0.074	0.053	0.022	0.018	−0.113*	0.053	0.115	0.093
	Defense Nomination?	−0.340*	0.120	0.028	0.042	−0.404*	0.120	−0.060	0.208
	Foreign Policy Nomination?	−0.477*	0.114	0.011	0.040	−0.443*	0.115	−0.272	0.199
	Commerce Nomination?	0.101	0.131	0.045	0.045	0.085	0.132	−0.246	0.227
	Infrastructure Nomination?	−0.408*	0.114	0.026	0.040	−0.405*	0.115	−0.122	0.197
	Non–Departmental Nomination?	−0.110	0.108	0.024	0.037	−0.016	0.108	−0.322	0.187
	Agriculture Nomination?	−0.345*	0.144	0.055	0.049	−0.334*	0.144	−0.309	0.251
	Justice Nomination?	−0.034	0.131	0.036	0.046	0.013	0.132	0.033	0.228
	Labor Nomination?	0.101	0.138	0.053	0.047	−0.068	0.140	0.689*	0.240
	Soc. Welfare Nomination?	−0.267*	0.116	0.043	0.040	−0.104	0.116	−0.592*	0.199
Other Controls	Republican President?	0.089	0.079	−3.610*	0.113	0.053	0.088	0.020	0.144
	Presidential Approval	0.007	0.003	−0.001	0.001	0.004	0.002	0.030*	0.004
	Female Nominee?	0.012	0.042	0.005	0.015	−0.027	0.042	−0.038	0.073

Summary Statistics:

	Total Senate Deliberations	Executive Search and Vetting	Committee Vetting	Full Senate Disposition
	n=1,722 LLR= −2171.859	n=1,252 LLR= −814.735	n=1,740 LLR= −2213.788	n=1,721 LLR= −3018.588
	LR χ² =511.21*	LR χ² =3128.8*	LR χ² =501.9*	LR χ² =529.78*
	ρ=1.329 (0.024)	ρ=3.809 (0.084)	ρ=1.314 (0.024)	ρ= 0.766 (0.013)

Table B-2 presents the results of the replication analysis. Again, the first column of this table presents a replication of their main model of Senate deliberations, while the subsequent three columns re-estimate this model using the three different dependent variables that we employ: length of executive identification and vetting, length of Senate committee deliberations, and duration of time between committee report and the final Senate vote of disposition. Using this smaller sample, we are able to replicate one of the main results of Hollibaugh and Rothenberg's model of Senate deliberations. The coefficient on *nominee-filibuster divergence* is positive and statistically significant. This effect holds at both the Senate committee *and* the Senate disposition stages as well. However, it would seem that the president does not consider this factor when identifying and vetting candidates (see column 2). We are not able to replicate the result of *agency-decision maker independence* on total Senate deliberations, probably due to the change in sample size. We do find that the coefficient on *agency-decision maker independence* is positive and statistically significant at the executive stage (column 2) and at the Senate disposition stages (column 4), however.

Table B-2 presents the results of the three main models from our manuscript, but including the *nominee-filibuster divergence*. We exclude *agency-decision maker independence* simply because using this variable results in the loss of an additional 330 observations from data availability and necessitates the loss of all observations from Presidents Reagan and Trump. In these models, we can confirm the effect of several of our main variables, including President-Senate coordination, roll call votes, senate actions on legislation, the effect of the first hundred days. Also, the coefficient on *nominee-filibuster divergence* is again positive and statistically significant in the Senate committee stage. However, the change in the sample does result in loss of significance for our length of planning variable. The effect of party imbalance is more inconsistent across the stages, and the effect of throughput is no longer statistically significant. The results provide good reason to suspect that both ideological differences and the political strategies of the executive affect the appointments process, though at this point neither responds well to changes in sample size and composition.

C. ROBUSTNESS STUDIES OF FACTORS IN COORDINATION

This section explores the robustness elements of our Senate-Executive coordination measure. This analysis assures that the components themselves follow a pattern common to the main measure. Table C-1 uses the CQ key votes component and Table C-2 employs non-unanimous votes.

Only the non-unanimous support from the opposition fails to reflect the results found in the general study, Table 2, using the main variable. The coefficients on key vote support from both the President's party and the opposition, along with non-unanimous support from the President's party all carry the same sign and significance level as the first factor from the principal component analysis. Because the variables co-vary, including them sometimes created convergence issues, so the variables appear reported singularly in most of the robustness models. Additionally, convergence issues also required us to drop the previous stage variable from the last model in Table C-2.

Despite the convergence issues, the results suggest a fair amount of robustness to using the separate measures of the Senate's support for the President in lieu of the first factor from the principal component analysis.

Table C-1. Robustness Models for Senate Stages Using Key Position Support

Type of Effect	Types of Deliberations>> / Measure	Senate Committee Vetting		Senate Committee Vetting		Full Senate Disposition	
		Coeff.	s.e.	Coeff.	s.e.	Coeff.	s.e.
	Constant	2.803*	0.277	2.525*	0.236	−0.304*	0.343
	Previous Stage	−0.000	−0.000	0.000	0.002	0.004*	0.001
Polarization	Distinctiveness (in 10ths)	0.439*	0.056	0.223*	0.021	0.251*	0.07
Presidential Coordination	Party Closeness (in 10ths)	−0.083*	0.019	−0.006	0.018	0.265*	0.034
	Key Position Support (from Opposition)			−0.020*	0.005	−0.038*	0.007
	Key Position Support (from Same Party)	−0.026*	0.005			−0.004*	0.001
Presidential Initiative	Less Critical (Stand-up) Personnel	0.090*	0.012	0.087*	0.012	0.030*	0.019
	During the First 100 Days	−0.566*	0.050	−0.553*	0.051	−0.264*	0.092
Pace of Policy	Senate Roll Calls per month	0.004*	0.001	0.004*	0.001	0.002	0.002
	Weekly Throughput						
Position Type (v Treasury)	IRC Appointment?	−0.041	0.041	−0.031	0.041	0.025	0.070
	Defense Nomination?	−0.069	0.092	−0.056	0.092	−0.427*	0.154
	Foreign Policy Nomination?	−0.245*	0.089	−0.244*	0.090	−0.546*	0.150
	Justice Nomination?	0.139	0.103	0.128	0.103	−0.129	0.172
	Commerce Nomination?	0.121	0.105	0.119	0.105	−0.483*	0.176
	Infrastructure Nomination?	−0.226*	0.089	−0.227*	0.088	−0.248	0.148
	Other Nomination?	0.166*	0.083	0.165*	0.083	−0.428*	0.139
	Agriculture Nomination?	−0.275	0.115	−0.294*	0.116	−0.414	0.194
	Labor Nomination?	0.046	0.109	−0.052	0.109	0.213	0.183
	Social Welfare Nomination?	0.104	0.090	0.119	0.090	−0.751*	0.149
Other Controls†	Republican President?	0.032	0.069	0.179*	0.068	−0.122	0.100
	Presidential Approval Rating	0.002	0.002	0.002	0.002	0.024*	0.004
	Female Nominee?	−0.012	0.034	−0.020	0.034	−0.029*	0.06

Notes: † Censored model replaces learning variable. *Summary Statistics:* n=3,073 LLR= −4066.287; n=3,073 LLR= −4071.01; n=3,028 LLR= −5329.287
‡ Jointly significant with party closeness χ^2=72.03 p>χ^2=.00   LRχ^2 =657.37* ρ=1.245 (0.017) LRχ^2 =647.93* ρ=1.240 (0.017) LRχ^2 =886* ρ= 0.750 (0.010)
* p-values <.05

Table C-2. Robustness Models for Senate Stages Using Non-Unanimous Vote Support

Type of Effect	Measure / Types of Deliberations>>	Senate Committee Vetting Coeff.	s.e.	Senate Committee Vetting Coeff.	s.e.	Full Senate Disposition Coef.	s.e.	Full Senate Disposition Coeff.	s.e.
	Constant	2.575*	0.334	1.643*	0.235	0.956	0.470	−2.752	0.372
	Previous Stage	0.000	0.000	0.000	0.000	0.005	0.060	−	−
Polarization	Distinctiveness (in 10ths)	0.322*	0.041	0.259*	0.024	0.483	0.060	0.394*	0.040
Presidential Coordination	Party Closeness (in 10ths)	−0.026	0.018	−0.048	0.015	0.253	0.029	0.186*	0.025
	Nonunanimous Support (from Opposition)			0.004	0.002	−	−	0.022*	0.005
	Nonunanimous Support (from Same Party)	−0.015*	0.006		0.008	−0.042	0.010	−	−
Presidential Initiative	Less Critical (*Stand-up*) Personnel	0.089*	0.012	0.088*	0.012	0.036	0.019	0.068*	0.019
	During the First 100 Days	−0.520	0.050	−0.500*	0.050	−0.280	0.091	−0.529*	0.090
Pace of Policy	Senate Roll Calls per month	0.004*	0.001	0.003*	0.001	0.001	0.001	0.001	0.001
	Weekly Throughput	0.002	0.001	0.002	0.001	0.009*	0.001	−0.009*	0.001
Position Type (v Treasury)	IRC Appointment?	−0.035	0.041	−0.033	0.041	0.033	0.071	0.007	0.072
	Defense Nomination?	−0.053	0.092	−0.040	0.092	−0.418*	0.154	−0.443*	0.156
	Foreign Policy Nomination?	−0.236*	0.090	−0.235*	0.090	−0.521*	0.150	−0.562*	0.152
	Justice Nomination?	−0.133	0.103	0.142	0.103	−0.122	0.172	−0.077	0.174
	Commerce Nomination?	0.128	0.105	0.131	0.105	−0.476*	0.176	−0.489*	0.177
	Infrastructure Nomination?	−0.220*	0.088	−0.215*	0.089	−0.229	0.148	−0.305*	0.150
	Other Nomination?	0.172*	0.083	0.172*	0.083	−0.400*	0.139	−0.333*	0.141
	Agriculture Nomination?	−0.278*	0.116	−0.282*	0.116	−0.376	0.194	0.417*	0.196
	Labor Nomination?	0.063	0.109	−0.063	0.109	0.258	0.183	0.175	0.185
	Social Welfare Nomination?	0.128	0.90	0.137	0.090	−0.736*	0.149	−0.693*	0.151
Other Controls†	Republican President?	0.024	0.057	0.080	0.061	−0.250*	0.095	−0.217*	0.095
	Presidential Approval Rating	0.001	0.002	0.000	0.001	0.021	0.004	0.015	0.004
	Female Nominee?	−0.010	0.034	−0.007	0.034	−0.015	0.057	0.0004	0.058

Notes: † Censored model replaces learning variable. *Summary Statistics:* n=3,073 LLR=-4076.744 n=3,073 LLR= -4077.745 n=3,073 LLR=-5339.349 n=3,028 LLR= -5315.6
* p-values <.05   LRχ² =636.46*   LRχ² =634.45*   LRχ² =315.78*   LRχ² =882.4*
‡ Jointly significant with party closeness   χ²=6.91   p>χ²=.03   ρ=1.240 (0.017)   ρ=1.240 (0.017)   ρ= 0.746 (0.009)   ρ= 0.740 (0.009)