Supplementary Appendix for "From Textbook Pluralism to Modern Hyper-Pluralism: Interest Groups and Supreme Court Nominations, 1930-2017," published in 2020 in the *Journal of Law and Courts*

A   Appendix

A.1   Validating newspaper measures

As discussed in Section 3 in the article, our analyses are dependent on the *New York Times* and the *Los Angeles Times* sufficiently covering each nominee to capture the breadth and depth of interest group involvement in nominations, as well as the types of tactics employed. In this section we present evidence for the validity of the measures.

First, we compare our measure of mobilization to the number of groups that participate before the Judiciary Committee's hearings for nominees. There are two types of participation: some groups will testify before the Judiciary Committee at the behest of the chair of the committee; other groups can submit a statement into the record noting their views on the nominee. While prior work (which is often based on the measure used in the *Supreme Court Compendium* (Epstein et al. 2015)) combines these measures, using them in tandem is potentially problematic because the number of groups testifying is subject to the discretion of the chair. Accordingly, we collected the number of groups who participated in the hearings by submitting a written statement.

Before turning to the comparison of this measure to ours, it is worth noting that we would not expect a perfect correlation between the two. First, participation before the committee is a relatively "cheap" activity for an interest group, compared to some of the costlier tactics like advertising and grassroots mobilization. By contrast, newspaper coverage of an interest group's nomination activity is a higher bar that more strongly indicates which groups took meaningful (i.e. newsworthy) interest in a nomination fight. Thus, the hearings measure is likely to capture relatively smaller groups whose sole mobilization is done via that activity, rather than a broader-based mobilization strategy. (In addition, our impression is that

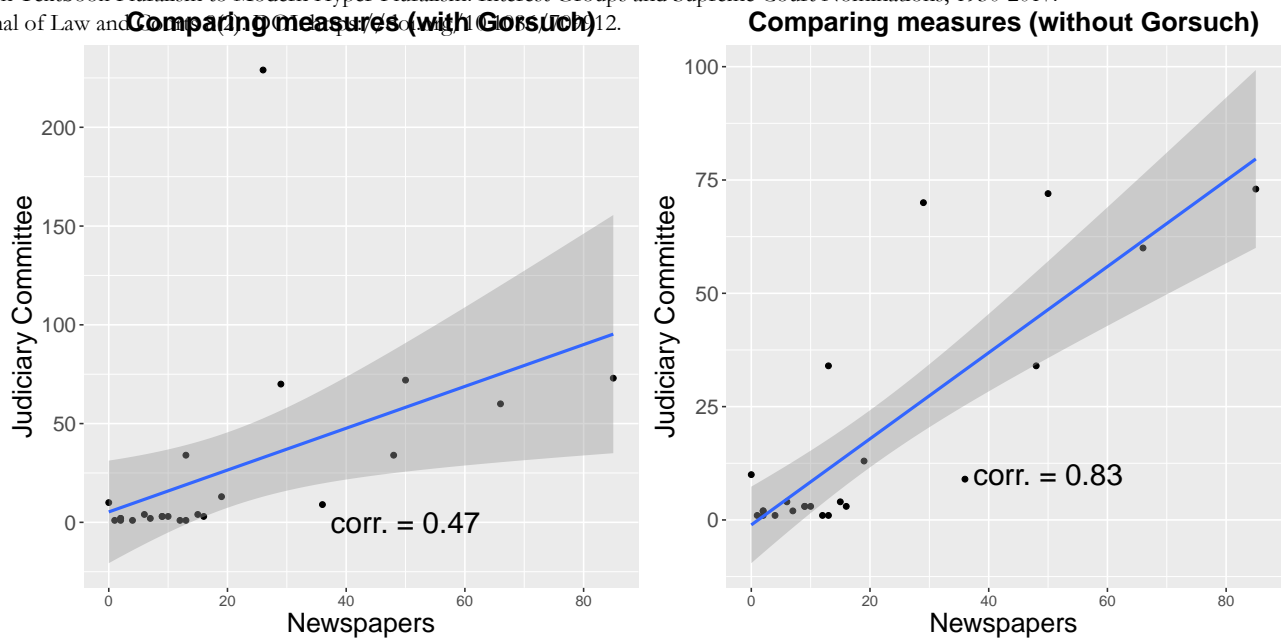**Comparing measures (with Gorsuch)**   **Comparing measures (without Gorsuch)**

Figure A-1: Comparing the newspaper measure of group mobilization to the number of groups that submit statements to the Judiciary Committee. See text for details.

the level of hearings participation for nominees in the 21st century reflect how easy it has become for interest groups, especially smaller or local groups, to simply email a letter to the committee to be included in the record). Second, as we showed in the article, the majority of mobilization actually occurs *before* the hearings, meaning that the hearings data will miss much of the interest group activity that occurs over the course of a nomination fight.

Nonetheless, it is still useful to know whether our measure tracks with the hearing data. Figure A-1 presents two scatterplots comparing the newspaper measure of mobilization to the Judiciary Committee measure; the lines and shaded regions depict loess lines with confidence intervals. It turns out that the nomination of Neil Gorsuch in 2017 triggered an unusually large number of groups that submitted letters to the Judiciary Committee (our measure reveals more routine mobilization). Inspecting the hearing data reveals that there were more "joint letters" filed by a collection of like minded groups than usual—for example, 122 "money in politics groups" filed a single letter with the Committee. Accordingly, the left plot in Figure A-1 includes Gorsuch, while the right plot excludes him. Both plots reveal a positive correlation between the two measures; excluding Gorsuch, the correlation is .84,
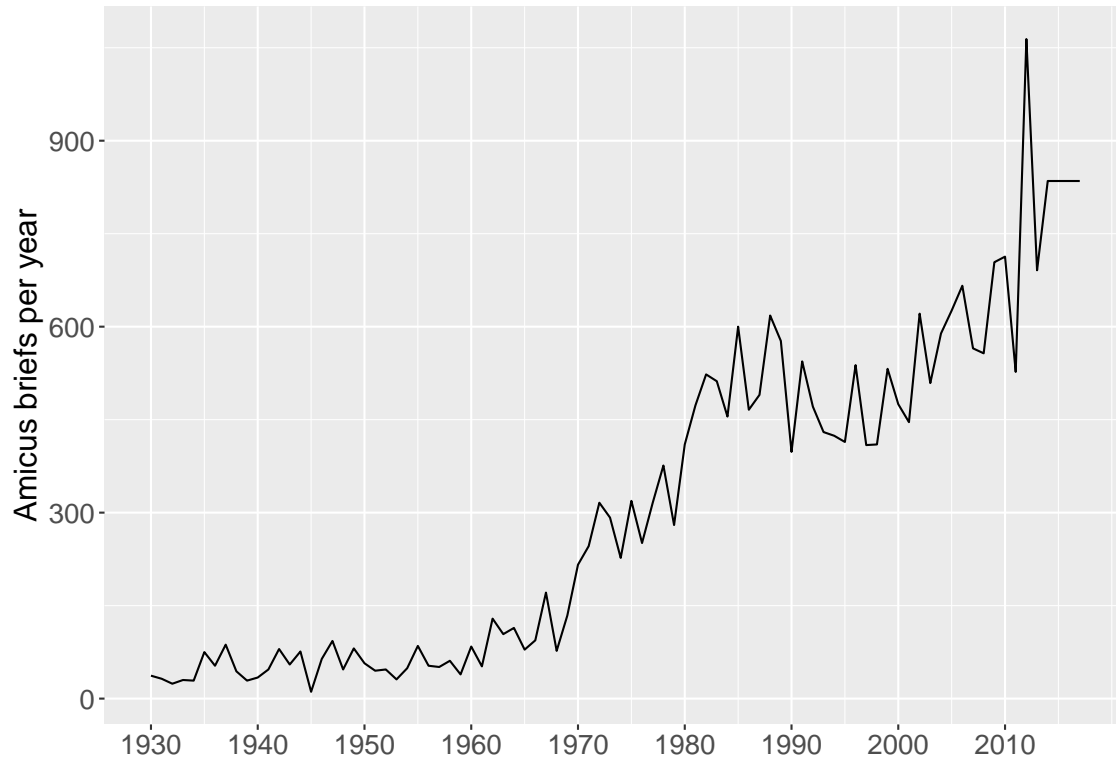
Rising number of amicus briefs over time

Figure A-2: The number of amicus briefs filed with the U.S. Supreme Court (at the merits stage), by year.

suggesting that our measure at least enjoys some degree of validity.

Amicus briefs Second, as discussed in the article, we use the yearly number of amicus briefs filed with the U.S. Supreme Court as a proxy for the size of the larger interest group environment. The data for 1946-2001 comes from Collins Jr (2008). We collected the data for 1930-1945, while John Szmer generously provided us with the data from 2002 on. Figure A-2 depicts the number of briefs over time.[1]

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[1]One compatibility issue is that Collins' data is at the docket level, and briefs that address multiple dockets are counted for every docket they address. To estimate the total number of unique briefs from the Collins (2008) data, we assigned to each (Lawyer's Edition) citation the maximum number of amicus briefs associated with one of its dockets. Not all briefs address all dockets, however: sometimes different dockets within a case will have different number of amicus briefs. Even if every docket is associated with the same number of briefs, one cannot rule out whether these are the same briefs for each docket. Hence, although it is impossible to tell the precise number of unique briefs from the docket-level totals, the highest number of briefs associated with one docket within a citation is a lower bound of the number of unique briefs for that citation. Our results are unchanged if we simply use the unadjusted Collins measure.

In addition to this function as a control, it is also useful to look at the over time trends in amicus filings, which also serves as a validity check for our newspaper-based measure of of interest group mobilization. The time trend is shown in Figure A-2, and shows that the trends in amicus filings are very similar to what we found for Supreme Court mobilization. From 1930 to the 1960s, we see a distinct "early period" with a lower number of filings. Beginning in the 1960s and 1970s, we see an explosion in the number of filings, followed by a leveling off in the last two or three decades. This trend, of course, does not prove that the newspaper coverage is fully capturing group mobilization. However, because the amicus measure is completely exogenous to newspaper coverage but nevertheless exhibits the same basic temporal patterns, it gives us more confidence that our measure is capturing the most important trends in interest group participation in nomination politics.

A.2 Additional Figures and Tables

Timeline of nominations   Figure A-3 depicts a timeline of the nominees we analyze. Successful nominations are at the top of the figure; unsuccessful nominations are at the bottom. Shaded regions indicate Democratic presidents.
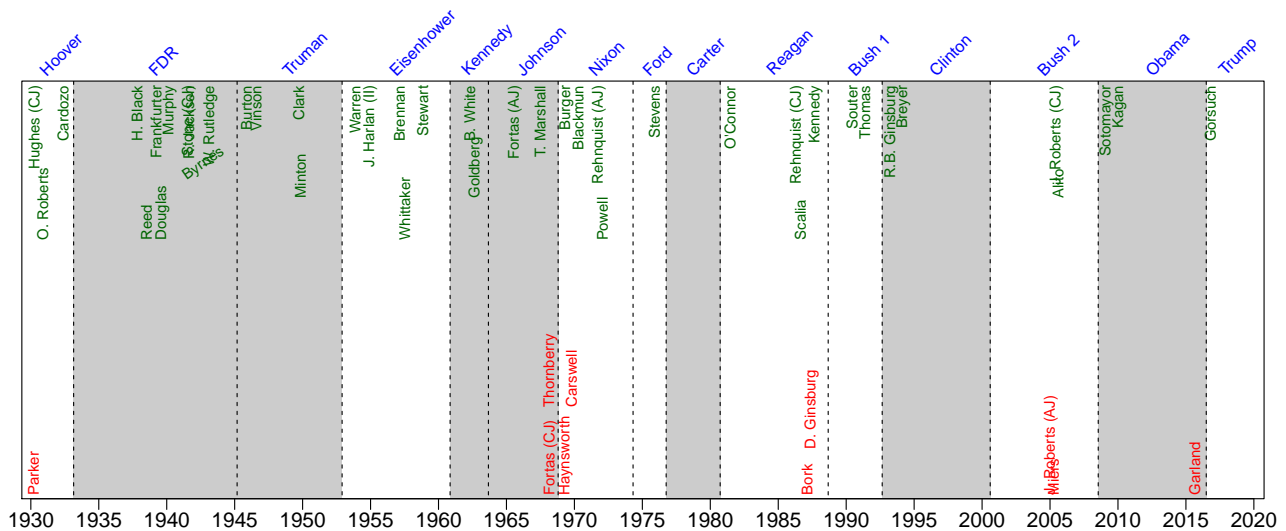

Figure A-3: Timeline of nominations, 1930-2017. Successful nominations are at the top of the figure; unsuccessful nominations are at the bottom. Shaded regions indicate Democratic presidents.

Levels of mobilization over time, based on newspaper mentions   As discussed in footnote A-4, examining the number of unique groups per nominations may mask variation in the *intensity* of activities. Figure A-4 is similar to Figure 1, except it shifts the unit of analysis to the number of "mentions" of interest group activities per nomination.

Predicted mobilization over time, based on model of opposing groups   Table A-1 replicates Table 2 from the article, using as the dependent variable the number of groups who mobilized in opposition to each nomination. Figure A-5 replicates Figure 8 in the article, except it is based on Model (4) in Table 2. In both, the key results are substantively the same across the two dependent variables.
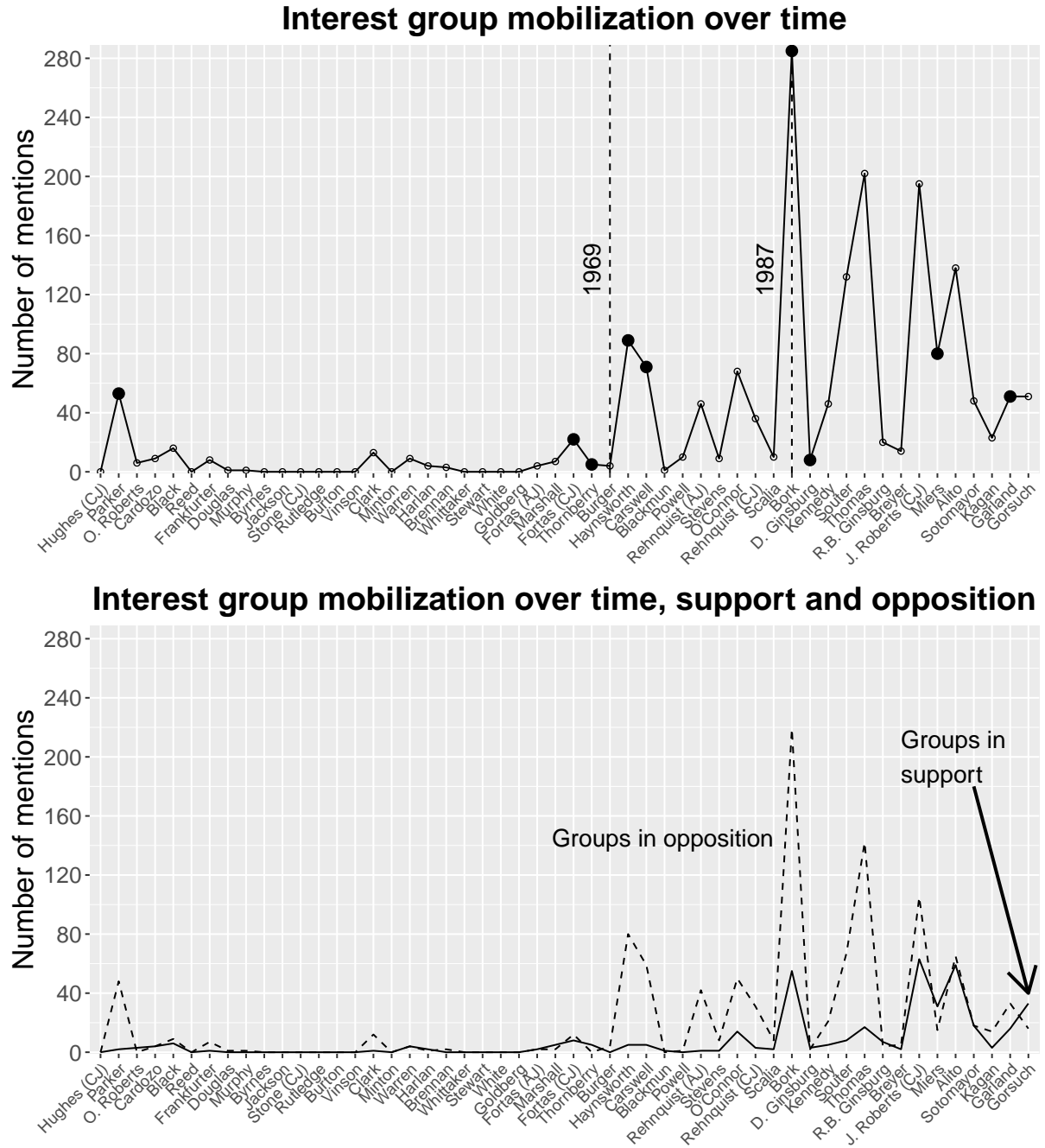
Figure A-4: A) Interest group mobilization over time (mentions). The points display the number of unique mentions of interest group activities; the solid dots denote unsuccessful nominees, while the open dots denote confirmed nominees. The vertical dashed lines at the Burger (1969) and Bork (1987) nominations demarcate what we argue are three distinct eras. B) The dotted line depicts the number of mentions of groups opposed to the nominee, while the solid line depicts mentions by groups supporting the nominee.

	(1) All	(2) Pre-1970	(3) Post-1970	(4) All
Constant	0.66	8.04*	-1.30	1.24
	(1.62)	(4.03)	(4.75)	(2.05)
Quality	-2.38*	-4.21*	-2.52*	-2.64*
	(0.60)	(1.24)	(0.67)	(1.27)
Extremity	1.76	-0.06	2.04$^+$	0.15
	(1.15)	(2.19)	(1.13)	(2.13)
Amicus briefs	0.20	-1.10	0.70	0.28
	(0.48)	(1.08)	(1.06)	(0.49)
Time	0.02	0.04	0.01	0.00
	(0.02)	(0.04)	(0.03)	(0.04)
Time difference	0.02	-0.31	0.02	-0.01
	(0.09)	(0.30)	(0.08)	(0.10)
Lagged opposing groups	-0.05*	-0.55*	-0.05*	-0.05*
	(0.02)	(0.25)	(0.02)	(0.02)
Lag $\times$ time difference	0.02	0.15	0.02	0.02
	(0.01)	(0.15)	(0.01)	(0.02)
Extremity $\times$ time				0.04
				(0.04)
Quality $\times$ time				0.00
				(0.03)
$\ln(\alpha)$	-0.25	0.22	-1.32*	-0.27
	(0.33)	(0.51)	(0.42)	(0.33)
N	50	29	21	50

Table A-1: Negative binomial models of mobilization. In each model, the dependent variable is the number of groups mobilizing in opposition in ach nomination. * indicates significance at $p < .05$ and and $^+$ indicates significance at $p < 0.10$.
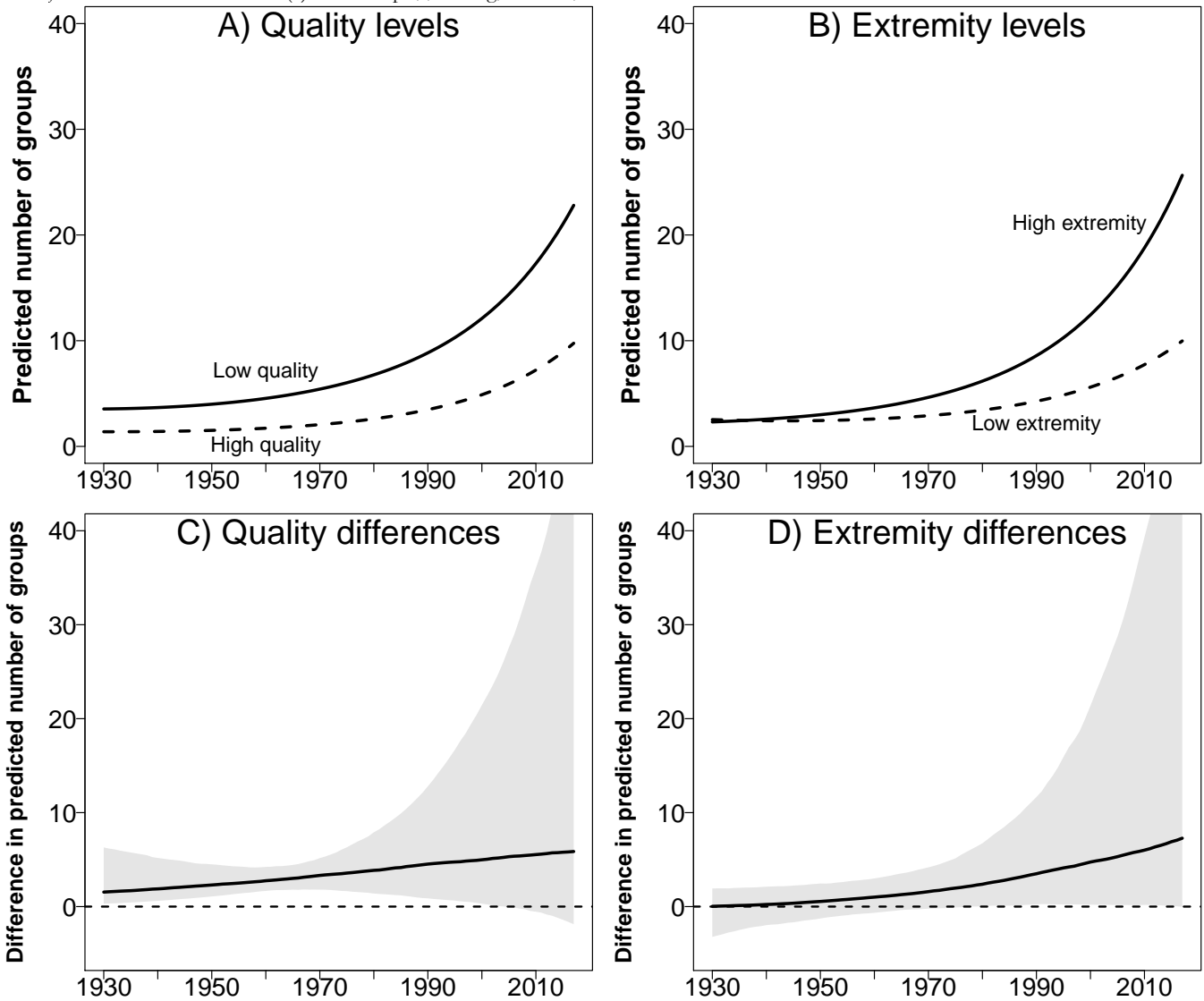
Figure A-5: Predicted oppositional mobilization by high and low levels of quality and ideological extremity, based on Model (4) in Table A-1.

Frequency of mobilization by groups in the Judiciary Committee Figure A-6 replicates Figure 2 in the article, using the frequency of mobilization in terms of groups' participation in the Judiciary Committee hearings on each nominee. The distribution is similar, with most groups being "one-shot" participants.
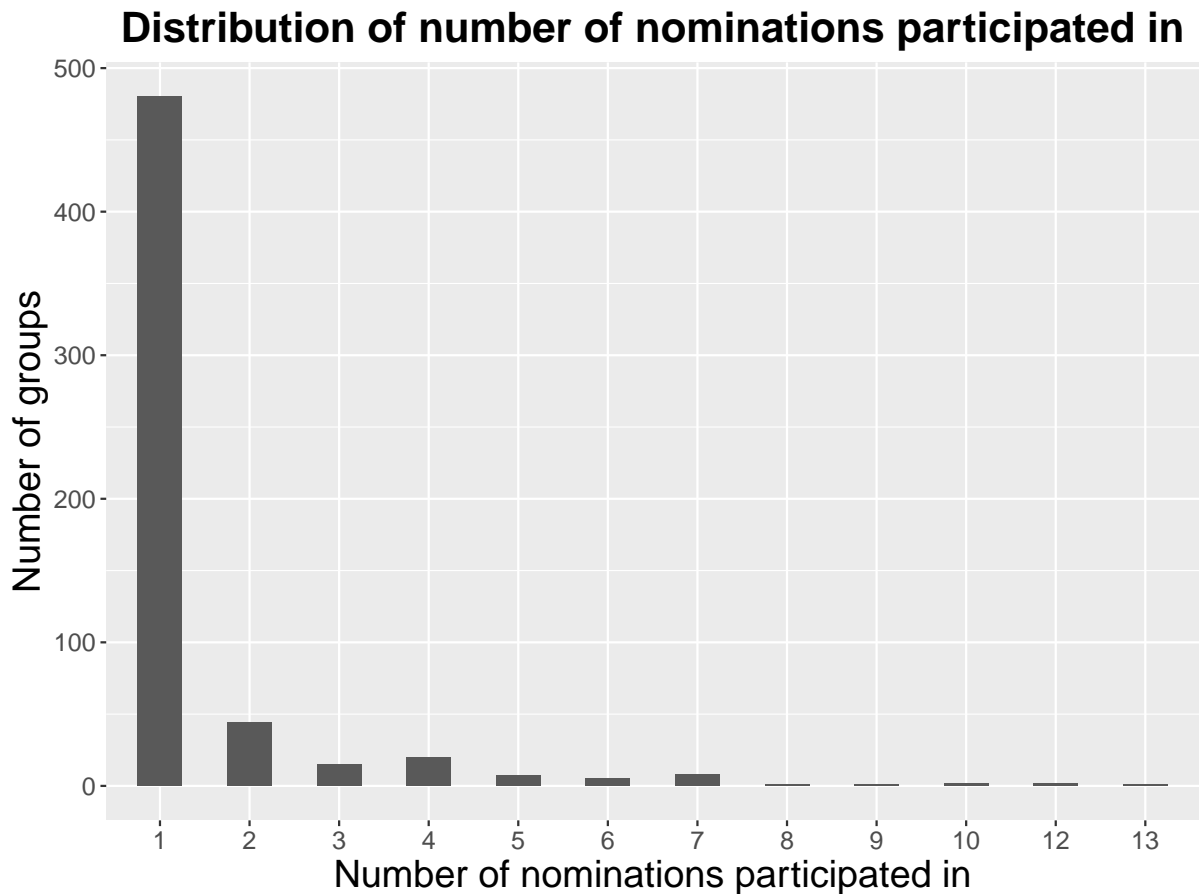

Figure A-6: The frequency of mobilization across interest groups, using participation in the Judiciary Committee hearings on each nominee. The horizontal axis depicts the number of nominations participated in, while the vertical axis depicts the aggregate number of groups for each level of participation.

List of group taxonomy Table A-3 presents the types of interest groups coded in the data, along with their respective "classes" (in bold)—see Figure 4 in the article.

Corporations/businesses
Corporations/Businesses
Identity groups
Elderly/Disabled
Identity—African American
Identity—Latino
LGBT
Religious
Women's groups
Occupational groups
Think Tank
Trade/Professional Associations
Unions
Public interest (citizen) groups
Abortion—pro-choice
Abortion—pro-life
Anti-Communist
Civil Rights/Civil Liberties
Education
Environment
Firearms/Guns
Government Reform
Health
Ideological—conservative
Ideological—liberal
Tax
State/Local groups
State/Local
Other
Other

Table A-2: Types of groups coded in newspaper data

List of tactics Table A-3 presents the list of tactics coded in newspaper data.

Inside

Personal contact with members of Congress or staff (direct lobbying, personal meetings, direct phone calls)
Disseminate in-house research to members of Congress or staff (or study, poll, etc.)
Testify (or provide affidavit, submit written testimony, or accompany witness)
Send letter/fax to member of Congress or staff
Personal contact with White House official
Campaign Contribution

Outside

Press conference/Press release/statement to press or journalist (quoted in article)
Article in membership journal
Television Ad
Radio Ad/Interview
Newspaper Ad/Editorial
Internet Ad/create website
Disseminate in-house research to public (or in-house polls, reports, memos)

Grassroots

Demonstration/Protest/Rally/picketing
Letter-writing campaign (having members or constituents write congressional offices)
Phone Banking (having members or constituents call congressional offices)
Hold Grassroots Meeting
Fundraising (depends what the fundraising is for)
Poll of membership/study of constituency
Formal Organizational Action (pass resolution, etc.)
Mobilize membership through mass communication (email blast, fax blast, etc.)
Grassroots Advocacy Unspecified (describe in comments section)

Other
Praise (unspecified)
Denounce (unspecified)

Table A-3: List of tactics coded in newspaper data.

References

Collins Jr, Paul M. 2008. *Friends of the Supreme Court: Interest Groups and Judicial Decision Making.* Oxford: Oxford University Press.

Epstein, Lee, Jeffrey A Segal, Harold J Spaeth and Thomas G. Walker. 2015. *The Supreme Court Compendium: Data, Decisions, and Developments, 6th Edition.* Washington, D.C: CQ Press.