

Supplementary Materials

The Political Determinants of Public Support for Obstruction of Supreme Court Nominees

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A Real-World Data on Popular Discussion of Obstruction of Court Nominees

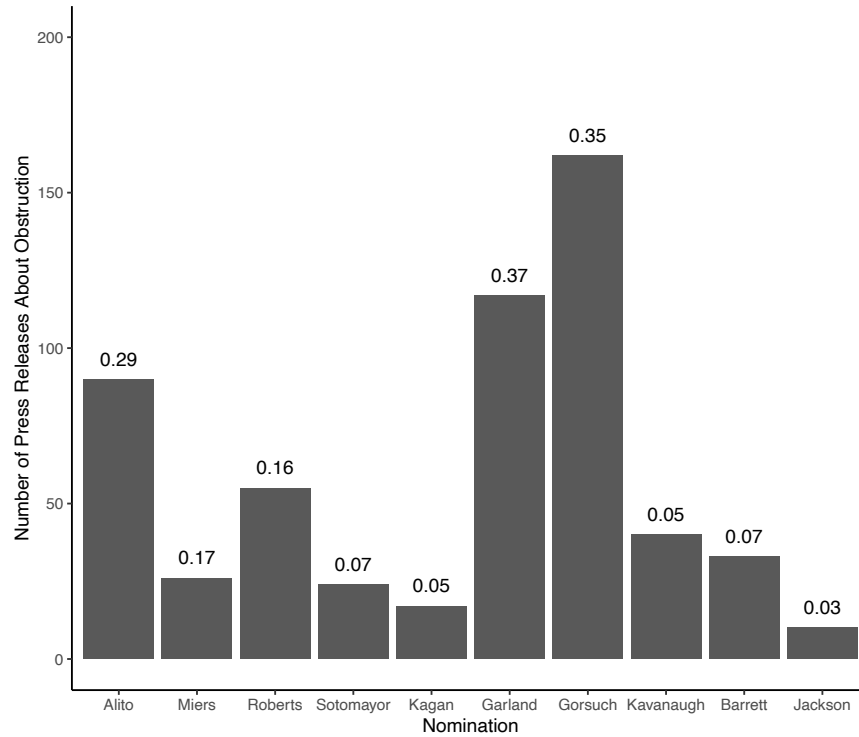
A.1 Discussion of Obstruction in Senator Press Releases

I draw upon an original dataset of 3,813 Senate press releases that mention one of the last ten Supreme Court nominees during the time period of their nominations to assess the frequency with which procedural components related to obstruction and delay appear in a Senator’s public discussion of the nominations. I conduct string searches of the text of the press releases to find instances of five general types of discussion of procedure and obstruction: holding hearings (e.g., “fair hearing”), holding a floor vote (e.g., “up or down vote”), the filibuster (“filibuster”), cloture (“cloture”), and changes to the filibuster (e.g., “nuclear option”). As these string searches are only some of the ways in which obstruction is invoked, they provide a conservative estimate of the true amount of obstruction discussion. Data come from a novel data collection of every press release issued by a U.S. Senator about a Supreme Court nominee from the years 2005–2022 and were gathered via a combination of manual collection from Senate website archives, collection from a ProQuest database of Senate communications, and parsing an existing dataset of Senator press releases from 2005–2007 (Grimmer 2013).¹ Overall, the string searches indicate approximately 15.1 percent of press releases reference one of these five general discussions of procedure, obstruction, and delay.

Figure A.1 presents the rate at which these press releases discussed obstruction and delay in each of the ten nomination contexts of my data. The nomination contexts in which obstruction was a larger component of the process (e.g., the Alito, Garland, and Gorsuch nominations) have a larger proportion of press releases that reference obstruction. Table A.1 presents five examples of how these press releases talk about obstruction. In general, the tactics of obstruction tend to be discussed in detail and are accompanied by a justification by the Senator about how their position is appropriate. The statements tend to have a clear partisan viewpoint attached to them.

¹Grimmer, Justin. 2013. *Representation Style in Congress: What Legislators Say and Why It Matters*. Cambridge University Press.

Figure A.1: Senator Press Release Discussion of Obstruction by Supreme Court Nomination



Note: The y -axis of the figure denotes the number of Senate press releases that discussed at least one of five distinct aspects of obstruction (holding hearings, a floor vote, the filibuster, cloture, or changes to the filibuster) from the last ten Supreme Court nomination contexts (x -axis) as determined by string searches. Numbers plotted above the bars denote the proportion of all press releases within a given nomination context that reference obstruction. Data come from 3,813 Senator press releases that mention one of the last ten Supreme Court nominees during the time period of their nominations.

Table A.1: Examples of Senator Press Release Discussion of Obstruction

Senator and Date	Discussion Topic and Nominee	Obstruction Discussion
Edward Kennedy (D-MA, December 22, 2005)	Hearings (Alito)	I urge you to provide Congress and the American people with answers about the Administration’s recently disclosed domestic electronic surveillance activities... The Senate Judiciary Committee has announced plans to hold hearings on these issues early next year and these issues will also be a subject of the confirmation hearings on Judge Alito beginning January 9. In seeking Judge Alito’s views on these issues the Committee must be able to review any relevant information and documents from the Administration in advance of both these hearings . With so much at stake I respectfully urge you to provide these documents swiftly so that the Senate Judiciary Committee, Congress, and the American people can make informed decisions on these intelligence gathering activities.
Mike Enzi (R-WY, October 31, 2005)	Floor Vote (Roberts)	I hope we will have another relatively clean, calm confirmation process that will end in a timely up or down vote... We should not be denied an up or down vote by those who put partisanship above principle.
John McCain (R-AZ, August 3, 2009)	Filibuster (Sotomayor)	However, Miguel Estrada, in spite of his qualifications and remarkable background – in spite of the fact that millions of Latinos would have taken great pride in his confirmation – was filibustered by the Democrats seven times , most recently in 2003 because many Democrats disagreed with Mr. Estrada’s judicial philosophy. This was the first filibuster ever to be successfully used against a court of appeals nominee.
Tim Kaine (D-VA, April 6, 2017)	Cloture (Gorsuch)	U.S. Senator Tim Kaine released the following statement on Senate Republicans changing the rules after the nomination of Judge Neil Gorsuch failed to receive the 60 votes needed to invoke cloture: We have given Judge Gorsuch serious consideration. He’s been granted meetings, hearings, a Committee vote, full floor debate, and a vote from the full Senate, and he fell short of the bipartisan support needed to move forward with final confirmation to the Supreme Court. The President should have put forward a nominee who can garner support from both sides of the aisle. A Supreme Court nominee was subject to the 60-vote threshold because it is such a consequential, lifelong appointment. Senate Republicans’ decision to change the rules because Judge Gorsuch cannot obtain sufficient bipartisan support is the wrong approach for the country. After meeting with Judge Gorsuch, reviewing his judicial decisions, listening to his testimony before the Senate Judiciary Committee, and hearing from thousands of his constituents, Kaine announced last week that he would vote against cloture and final confirmation for Gorsuch’s nomination.
Mitch McConnell (R-KY, April 5, 2022)	Changes to Filibuster (Jackson)	During President Obama’s terms, Republicans took up the same hardball tactics that Democrats had just pioneered. But our colleagues recoiled at the taste of their own medicine and broke the rules to escape it. They preferred to detonate the ‘nuclear option’ for the first time ever rather than let President Obama’s nominees face the same treatment they’d just invented for President Bush’s.

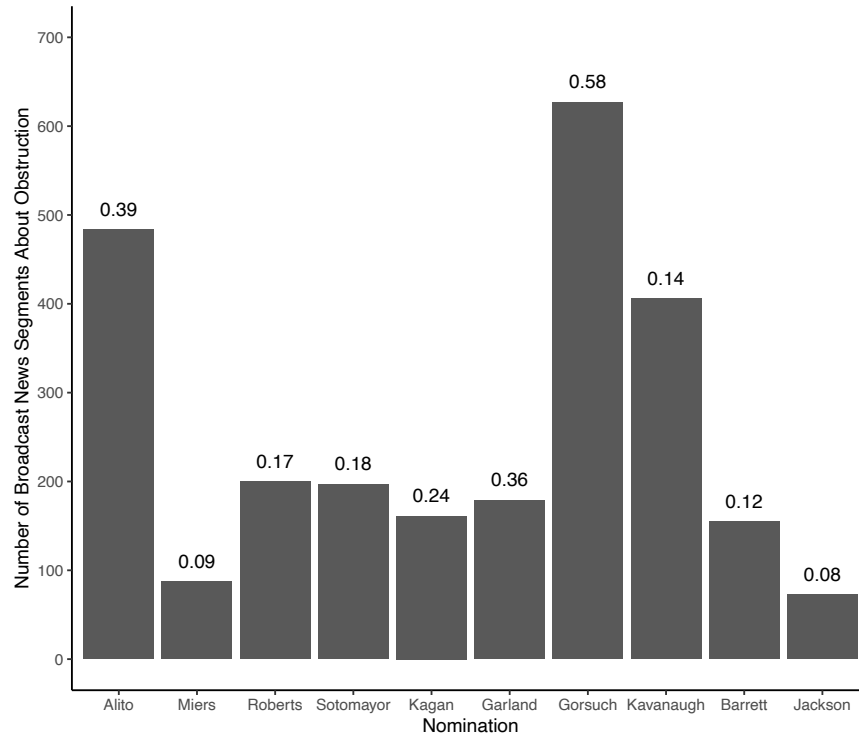
Note: Table presents examples of Senator press release discussion of obstruction and procedure from five Supreme Court nomination contexts.

A.2 Discussion of Obstruction in Broadcast News Transcripts

I draw upon an original dataset of 11,835 broadcast news transcripts cataloged by LexisNexis that mention one of the last ten Supreme Court nominees during the time period of their nominations to assess the frequency with which procedural components related to obstruction and delay are discussed in media coverage of Court nominations. I conduct string searches of the text of the transcripts to find instances of five general types of discussion of procedure and obstruction: holding hearings (e.g., “fair hearing”), holding a floor vote (e.g., “up or down vote”), the filibuster (“filibuster”), cloture (“cloture”), and changes to the filibuster (e.g., “nuclear option”). As these string searches are only some of the ways in which obstruction is invoked, they provide a conservative estimate of the true amount of obstruction discussion. Transcripts come from ABC, CBS, CNN, Fox Business, Fox News, MSNBC, NBC, PBS NewsHour, and NPR. Overall, the string searches indicate approximately 21.7 percent of news transcripts reference one of these five general discussions of procedure, obstruction, and delay.

Figure A.2 presents the rate at which these broadcast news transcripts discussed obstruction and delay in each of the ten nomination contexts of my data. The nomination contexts in which obstruction was a larger component of the process (e.g., the Alito, Garland, and Gorsuch nominations) have a larger proportion of news transcripts that reference obstruction. Table A.2 presents five examples of how these news transcripts talk about obstruction. In general, the tactics of obstruction tend to be discussed in detail and are accompanied by an explanation of the political implications of these procedural tactics.

Figure A.2: Broadcast News Discussion of Obstruction by Supreme Court Nomination



Note: The y -axis of the figure denotes the number of broadcast news transcripts that discussed at least one of five distinct aspects of obstruction (holding hearings, a floor vote, the filibuster, cloture, or changes to the filibuster) from the last ten Supreme Court nomination contexts (x -axis) as determined by string searches. Numbers plotted above the bars denote the proportion of all transcripts within a given nomination context that reference obstruction. Data come from 11,835 news transcripts cataloged by LexisNexis that mention one of the last ten Supreme Court nominees during the time period of their nominations.

Table A.2: Examples of Broadcast News Discussion of Obstruction

Network and Date	Discussion Topic and Nominee	Obstruction Discussion
ABC News (Good Morning America, March 16, 2016)	Hearings (Garland)	George Stephanopoulos: The question is how will they respond. Let's take that to John Karl at the White House as well. Jon Karl, so far we've seen the leader of the Senate, Senate Republicans' Mitch McConnell say there's no chance that any pick from the President is even going to get a hearing. So does Judge Merrick Garland's background actually make any difference in how this is going to play out? : Jonathan Karl: Republicans have said no, it simply doesn't matter who it is. The President could send the reincarnation of Abraham Lincoln up here maybe, and they would, they would say no. They have said no hearings, no vote, no confirmation of anybody that President Obama would pick.
Fox News (Fox and Friends, October 15, 2020)	Floor Vote (Barrett)	Brian Kilmeade: What should our viewers know that could happen next that could turn this very smooth, polite process on its head? One thing I heard about is not giving you guys the quorum you need to having two Democrats show up in committee and two show up on a House vote – on the floor vote. : Sen. Mike Lee: They are not going to deter us. We're going to get Amy Coney Barrett confirmed. We're not going to let them pull a Kavanaugh or any other form of trick here that would deter us from getting her confirmed. This is happening.
NBC News (The Today Show, October 31, 2005)	Filibuster (Alito)	Ann Curry: Earlier this morning, President Bush nominated conservative Judge Samuel Alito to the US Supreme Court... some Democrats are already today saying that a bitter confirmation fight is likely. Some are even vowing a filibuster. On this issue of ideology, specifically, I think, a lot of people listening will be wondering about his position on abortion.
MSNBC (The Beat with Ari Melber, September 28, 2018)	Cloture (Kavanaugh)	Kasie Hunt: So this is a procedural step. We shouldn't make too big of a deal about it... So what this represents is everybody in the Senate, Republicans, and Democrats, saying, "OK, we've agreed we're going to talk about this guy." But both sides are pretty clear now that they are not actually going to hold a vote, the cloture vote, which of course is a Senate code for talking about the vote that is technically a filibuster. Still only takes 50 votes, and then a final vote. That won't happen until at least a week from today based on the agreement that was made here.
CNN (CNN Newsroom, April 5, 2017)	Changes to Filibuster (Gorsuch)	Brooke Baldwin: Let's switch gears and talk about the showdown that we're all going to be covering at the end of the week with regard to Judge Neil Gorsuch, Trump's Supreme Court pick. Right? We know Democrats have enough votes to filibuster, but we have heard the promises from Senate Majority Leader Mitch McConnell to change Senate rules forever, go with this nuclear option requiring a simple majority for confirmation. : Maeve Reston: The competing pressures here are that the White House really needs a win and they want Gorsuch confirmed. They think that the Democrats are being a party of no. They have made the point that they think this is a very qualified nominee, that there is no one – they don't think that it should be about politics in this case.

Note: Table presents examples of broadcast news discussion of obstruction and procedure from five Supreme Court nomination contexts.

B Descriptive Statistics and Question Wordings: Scalia and Kennedy Surveys

B.1 Descriptive Statistics: Scalia Survey (February 2016)

Table B.1: Descriptive Statistics: Scalia Vacancy Survey (February 2016)

Category	Proportion	Category	Proportion
Gender		Education	
Male	.443	No high school	.005
Female	.557	High school, no degree	.060
		High school degree	.174
		Vocational training	.053
		Some college	.239
		Associate's degree	.113
		Four-year degree	.218
		Some graduate school	.035
		Graduate degree	.103
Race		Income	
White	.801	Under \$20,000	.183
Black	.111	\$20,000 to \$49,999	.331
Asian	.025	\$50,000 to \$74,999	.189
Other racial group	.063	\$75,000 to \$99,999	.106
		\$100,000 or more	.100
Partisanship		Ideology	
Democrat	.463	Liberal	.372
Republican	.371	Moderate	.214
Independent/Other/Not sure	.167	Conservative	.320
		Don't Know	.094

Note: Cell entries indicate unweighted sample proportions for each demographic and political category. Non-answer responses are omitted from sample proportions. Leaners are coded as partisans. $N = 1,951$.

B.2 Descriptive Statistics: Kennedy Survey (July 2018)

Table B.2: Descriptive Statistics: Kennedy Vacancy Survey (July 2018)

Category	Proportion	Category	Proportion
Gender		Education	
Male	.432	No high school	.019
Female	.568	High school, no degree	.085
		High school degree	.162
		Vocational training	.037
		Some college	.229
		Associate's degree	.102
		Four-year degree	.193
		Some graduate school	.056
		Graduate degree	.117
Race		Income	
White	.700	Under \$25,000	.151
Black	.118	\$25,000 to \$49,999	.164
Hispanic or Latina/o	.107	\$50,000 to \$74,999	.192
Asian	.058	\$75,000 to \$99,999	.133
Other racial group	.016	\$100,000 to \$124,999	.148
		\$125,000 to \$149,999	.090
		\$150,000 or more	.104
		Prefer not to say	.018
Partisanship		Ideology	
Democrat	.442	Liberal	.294
Republican	.389	Moderate	.420
Independent/Other	.168	Conservative	.286

Note: Cell entries indicate unweighted sample proportions for each demographic and political category. Non-answer responses are omitted from sample proportions. Leaners are coded as partisans. $N = 1,402$.

B.3 Question Wordings: Scalia and Kennedy Surveys

The Supreme Court approval questions are worded as follows:

- Scalia Vacancy: "Do you approve or disapprove of the job the Supreme Court is doing? Strongly approve/somewhat approve/somewhat disapprove/strongly disapprove."
- Kennedy Vacancy: "Do you have a favorable or unfavorable view of the U.S. Supreme Court? Very favorable/somewhat favorable/somewhat unfavorable/very unfavorable."

The vacancy knowledge questions are worded as follows:

- Scalia Vacancy: "How much have you heard about the death of Supreme Court Justice Antonin Scalia on Saturday, February 13, 2016? A lot/some/not much/nothing at all."
- Kennedy Vacancy: "How much have you heard about President Trump's nomination of Brett Kavanaugh to the Supreme Court? A lot/some/not much/nothing at all."

B.4 Similarities in Questions Measuring Attitudes toward Obstruction

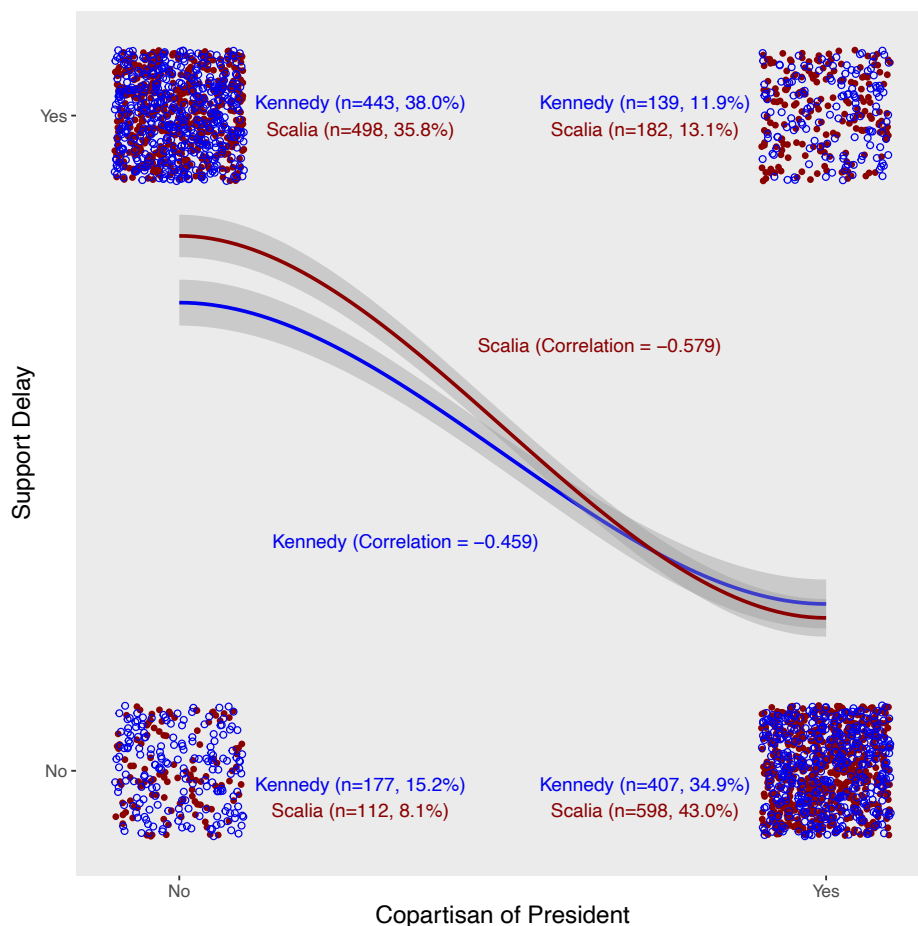
The two surveys I employ in the first analysis are from different partisan contexts and political realities. This provides some notable benefits, including helpful variation and a stronger claim to external validity. Nevertheless, given the differences in the contexts, it is important to assess whether the same underlying concept of attitudes toward delay is being measured by both surveys. Helpfully, the wording of the question measuring attitudes toward delay is quite similar across surveys. For both vacancies, it asks respondents about whether action should be taken on the nomination before or after the upcoming election. While the questions vary in who the primary actor is (the president or Senate), both are grounded in the same substantive type of delay that was being discussed in the real world at the time – considering and filling a vacancy before or after the upcoming election.

To further assess whether these questions tap into the same underlying concept of an attitude toward obstruction and delay, I conduct additional analyses of the separate surveys. While the surveys and respondents are distinct, the surveys share variables that are plausibly related to underlying attitudes toward obstruction. As in my main analysis, I first subset the surveys to include only partisans (with leaning independents coded as partisans). Then, for each context, I calculate the pairwise correlation of binary support for delay and binary partisan alignment with the nominating president. The correlation is -0.579 for the Scalia vacancy and -0.459 for the Kennedy vacancy. Second, I calculate the same correlation but for binary ideological alignment with the president (with liberals coded as ideologically aligned for the Scalia vacancy and 0 otherwise; and conservatives coded as ideologically aligned for the Kennedy vacancy and 0 otherwise). The correlation is -0.435 for the Scalia vacancy and -0.425 for the Kennedy vacancy. These similarities are suggestive that key political attitudes are similarly related to attitudes toward delay in both contexts and that the survey questions are tapping into a similar concept.

Further, mean levels of support for obstruction by partisan groups are similar across the individual contexts. For the Scalia vacancy, overall mean support is 49.8 percent; mean support is 23.3 percent for copartisans, 55.7 percent for independents, and 81.6 percent for outpartisans. For the Kennedy vacancy, overall mean support is 51.3 percent; mean support is 25.5 percent for copartisans, 58.1 percent for independents, and 71.5 percent for outpartisans.

Finally, I plot the pairwise relationship between partisan alignment and support for delay in Figure B.1. Each individual (jittered) dot is a survey respondent; respondents in the Scalia vacancy are plotted in red and those in the Kennedy vacancy are plotted in blue. Loess smoothed lines plot the relationship between the two variables. I also present descriptive statistics for the number and percentage of respondents for each survey that fall into each bin of the two-by-two relationship. Generally, while some variation across the two surveys emerges, the relationship between partisanship and support for delay appears similar across the two surveys. This provides further suggestive evidence that the two survey questions tap into a similar underlying concept.

Figure B.1: Pairwise Relationship Between Presidential Copartisanship and Support for Delay



Note: The figures shows the pairwise relationship between copartisanship with the president (x -axis) and support for delay (y -axis). Respondents in the Scalia vacancy are plotted in red and the Kennedy vacancy are plotted in blue. Loess smoothed lines plot the relationship between the two variables. The number and percentage of respondents in the survey that fall into each of the two-by-two bins are also plotted. Surveys are subset to include partisans only.

C Regression Results: Support for Delay

C.1 Coding Leaners as Independents

Table C.1: Determinants of Support for Delay in Considering Court Nominees: Leaners as Independents

	<i>DV: Support for Delay</i>			
	(1)	(2)	(3)	(4)
	Pooled	Scalia	Kennedy	Pooled
Party Alignment	-0.55*	-0.61*	-0.45*	-0.44*
	(0.02)	(0.03)	(0.03)	(0.07)
SC Approval	-0.11*	-0.06*	-0.17*	-0.08
	(0.02)	(0.03)	(0.03)	(0.05)
Vacancy Knowledge	-0.06*	-0.07	-0.06	0.08*
	(0.02)	(0.04)	(0.03)	(0.04)
White	0.04	0.10*	-0.05	0.03
	(0.02)	(0.03)	(0.03)	(0.02)
Age	-0.01	-0.01	0.002	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Male	-0.02	-0.0004	-0.04	-0.02
	(0.02)	(0.02)	(0.03)	(0.02)
Education	-0.01	-0.005	-0.01	-0.01
	(0.004)	(0.01)	(0.01)	(0.004)
Scalia Vacancy	0.06*			0.06*
	(0.02)			(0.02)
Party Alignment × SC Approval				0.04
				(0.08)
Party Alignment × Vacancy Knowledge				-0.28*
				(0.08)
SC Approval × Vacancy Knowledge				-0.13*
				(0.06)
Party Alignment × SC Approval × Vacancy Knowledge				0.17
				(0.09)
Constant	0.90*	0.90*	0.95*	0.84*
	(0.04)	(0.06)	(0.05)	(0.04)
Observations	1,931	1,002	929	1,931
R ²	0.36	0.43	0.30	0.37
F Statistic	130.85*	104.51*	55.51*	92.27*

Note: Coefficients are results from OLS regressions with standard errors in parentheses. Surveys are subset to include partisans only. Independents who lean towards one party are coded as independents. Models (1) and (4) pool results across both the Scalia and Kennedy vacancies. Models employ survey weights to account for respondents' likelihood of appearing in the survey. *p<0.05.

C.2 Four-Point Court Approval Measure

Table C.2: Determinants of Support for Delay in Considering Court Nominees: Four-Point Court Approval Measure

	<i>DV: Support for Delay</i>			
	(1)	(2)	(3)	(4)
	Pooled	Scalia	Kennedy	Pooled
Party Alignment	-0.53*	-0.61*	-0.41*	-0.53*
	(0.02)	(0.02)	(0.03)	(0.13)
SC Approval (4-Point)	-0.07*	-0.03*	-0.11*	-0.07*
	(0.01)	(0.01)	(0.02)	(0.03)
Vacancy Knowledge	-0.03	-0.03	-0.02	0.24*
	(0.02)	(0.03)	(0.03)	(0.09)
White	0.03	0.10*	-0.07*	0.02
	(0.02)	(0.03)	(0.03)	(0.02)
Age	-0.01	-0.003	-0.01	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Male	-0.01	0.01	-0.04	-0.01
	(0.02)	(0.02)	(0.03)	(0.02)
Education	-0.01	-0.01	-0.005	-0.01
	(0.004)	(0.01)	(0.01)	(0.004)
Scalia Vacancy	0.03			0.04*
	(0.02)			(0.02)
Party Alignment × SC Approval (4-Point)				0.05
				(0.05)
Party Alignment × Vacancy Knowledge				-0.41*
				(0.14)
SC Approval (4-Point) × Vacancy Knowledge				-0.07*
				(0.03)
Party Alignment × SC Approval (4-Point) × Vacancy Knowledge				0.09
				(0.05)
Constant	1.00*	0.89*	1.13*	0.95*
	(0.04)	(0.06)	(0.06)	(0.08)
Observations	2,417	1,251	1,166	2,417
R ²	0.33	0.42	0.26	0.34
F Statistic	143.79*	123.56*	58.91*	102.47*

Note: Coefficients are results from OLS regressions with standard errors in parentheses. Surveys are subset to include partisans only. The measure of Supreme Court approval is a four-point measure, where higher values indicate greater Court support. Models (1) and (4) pool results across both the Scalia and Kennedy vacancies. Models employ survey weights to account for respondents' likelihood of appearing in the survey. *p<0.05.

C.3 Full Regression Results

Table C.3: Determinants of Support for Delay in Considering Court Nominees: Full Regression Results

	DV: Support for Delay			
	(1)	(2)	(3)	(4)
	Pooled	Scalia	Kennedy	Pooled
Party Alignment	-0.53*	-0.60*	-0.42*	-0.44*
	(0.02)	(0.02)	(0.03)	(0.06)
SC Approval	-0.11*	-0.06*	-0.15*	-0.06
	(0.02)	(0.02)	(0.03)	(0.04)
Vacancy Knowledge	-0.03	-0.04	-0.03	0.13*
	(0.02)	(0.03)	(0.03)	(0.04)
White	0.03	0.10*	-0.06*	0.02
	(0.02)	(0.03)	(0.03)	(0.02)
Age	-0.01	-0.003	-0.01	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)
Male	-0.01	0.01	-0.04	-0.01
	(0.02)	(0.02)	(0.03)	(0.02)
Education	-0.01	-0.01	-0.01	-0.01
	(0.004)	(0.01)	(0.01)	(0.004)
Scalia Vacancy	0.04*			0.04*
	(0.02)			(0.02)
Party Alignment × SC Approval				0.05
				(0.07)
Party Alignment × Vacancy Knowledge				-0.25*
				(0.07)
SC Approval × Vacancy Knowledge				-0.16*
				(0.05)
Party Alignment × SC Approval × Vacancy Knowledge				0.15
				(0.08)
Constant	0.88*	0.84*	0.93*	0.81*
	(0.03)	(0.05)	(0.05)	(0.04)
Observations	2,417	1,251	1,166	2,417
R ²	0.33	0.42	0.25	0.34
F Statistic	142.99*	123.93*	56.49*	100.86*

Note: Coefficients are results from OLS regressions with standard errors in parentheses. Surveys are subset to include partisans only. Models (1) and (4) pool results across both the Scalia and Kennedy vacancies. Models employ survey weights to account for respondents' likelihood of appearing in the survey. *p<0.05.

C.4 Logistic Regression Models

Table C.4: Determinants of Support for Delay in Considering Court Nominees: Logistic Regression Models

	<i>DV: Support for Delay</i>			
	(1)	(2)	(3)	(4)
	Pooled	Scalia	Kennedy	Pooled
Party Alignment	-2.45*	-2.88*	-1.86*	-1.96*
	(0.10)	(0.15)	(0.14)	(0.32)
SC Approval	-0.62*	-0.43*	-0.78*	-0.30
	(0.10)	(0.16)	(0.15)	(0.25)
Vacancy Knowledge	-0.19	-0.25	-0.17	1.06*
	(0.13)	(0.23)	(0.15)	(0.26)
White	0.19	0.69*	-0.33*	0.13
	(0.12)	(0.20)	(0.15)	(0.12)
Age	-0.05	-0.02	-0.05	-0.06
	(0.05)	(0.07)	(0.07)	(0.05)
Male	-0.07	0.06	-0.23	-0.07
	(0.10)	(0.15)	(0.14)	(0.10)
Education	-0.04	-0.04	-0.03	-0.04
	(0.02)	(0.04)	(0.03)	(0.02)
Scalia Vacancy	0.22*			0.23*
	(0.11)			(0.11)
Party Alignment × SC Approval				0.26
				(0.39)
Party Alignment × Vacancy Knowledge				-1.69*
				(0.39)
SC Approval × Vacancy Knowledge				-1.23*
				(0.32)
Party Alignment × SC Approval × Vacancy Knowledge				1.12*
				(0.48)
Constant	1.90*	1.72*	2.12*	1.47*
	(0.20)	(0.35)	(0.26)	(0.24)
Observations	2,417	1,251	1,166	2,417
Log Likelihood	-1,271.85	-573.17	-673.56	-1,246.53
Akaike Inf. Crit.	2,561.69	1,162.33	1,363.11	2,519.06

Note: Coefficients are results from logistic regressions with standard errors in parentheses. Surveys are subset to include partisans only. Models (1) and (4) pool results across both the Scalia and Kennedy vacancies. Models employ survey weights to account for respondents' likelihood of appearing in the survey. *p<0.05.

C.5 Contextual Effect of Partisan Alignment

Table C.5: Determinants of Support for Delay in Considering Court Nominees: Contextual Effect of Partisan Alignment

	DV: Support for Delay
Party Alignment	-0.44* (0.03)
SC Approval	-0.11* (0.02)
Vacancy Knowledge	-0.04 (0.02)
Scalia Vacancy	0.13* (0.03)
Scalia Vacancy × Party Alignment	-0.17* (0.04)
White	0.01 (0.02)
Age	-0.01 (0.01)
Male	-0.02 (0.02)
Education	-0.01 (0.004)
Constant	0.86* (0.03)
Observations	2,417
R ²	0.33
F Statistic	131.02*

Note: Coefficients are results from OLS regression with standard errors in parentheses. Surveys are subset to include partisans only. The negative coefficient on the interaction between *Scalia Vacancy* and *Party Alignment* indicates that the president's copartisans are considerably less supportive of the use of obstruction than outpartisans of the president in the Scalia than Kennedy vacancy. Models employ survey weights to account for respondents' likelihood of appearing in the survey. *p<0.05.

C.6 Separate Regressions for Approval and Knowledge Interactions

Table C.6: Determinants of Support for Delay in Considering Court Nominees: Separate Regressions for Interactions

	DV: Support for Delay	
	(1)	(2)
Party Alignment	-0.63* (0.03)	-0.40* (0.04)
SC Approval	-0.17* (0.02)	-0.11* (0.02)
Vacancy Knowledge	-0.03 (0.02)	0.04 (0.03)
White	0.03 (0.02)	0.03 (0.02)
Age	-0.01 (0.01)	-0.01 (0.01)
Male	-0.01 (0.02)	-0.01 (0.02)
Education	-0.01 (0.004)	-0.01 (0.004)
Scalia Vacancy	0.04* (0.02)	0.04* (0.02)
Party Alignment × SC Approval	0.15* (0.04)	
Party Alignment × Vacancy Knowledge		-0.17* (0.04)
Constant	0.92* (0.04)	0.83* (0.04)
Observations	2,417	2,417
R ²	0.33	0.33
F Statistic	129.72*	130.07*

Note: Coefficients are results from OLS regressions with standard errors in parentheses. Surveys are subset to include partisans only. The models conduct separate interactions for Court approval and vacancy knowledge with party alignment with the president. Models employ survey weights to account for respondents' likelihood of appearing in the survey. *p<0.05.

D Observational Analysis of Intensity of Obstruction

D.1 Survey Questions and Information

Table D.1: Survey Questions about Obstruction and Delay in the Nomination and Confirmation Process

Question Text	Date	Intensity	% Support (C/O/I)	Ind. Level
Democrats in the Senate say that they need to see more documents from John Roberts' career in government before they are willing to vote on his nomination. Do you think that the White House should have to provide Senate Democrats with more documents, or do you think the Senate Democrats have enough information now to vote? If you have no opinion, please just say so.	September 2005	Weak	23/89/56	✓
Do you think United States Senators would be justified, or not justified in using the filibuster to prevent Samuel Alito's nomination from coming to a vote?	November 2005	Moderate	20/67/48	
Suppose all or most of the Democrats in the Senate oppose Alito's nomination. Do you think they would be justified—or not justified—in using Senate procedures, such as the filibuster, to prevent an up-or-down vote on his nomination?	November 2005	Moderate	26/81/54	✓
Suppose all or most of the Democrats in the Senate oppose Alito's nomination. Do you think they would be justified—or not justified—in using Senate procedures, such as the filibuster, to prevent an up-or-down vote on his nomination?	January 2006	Moderate	13/69/48	✓
If senators did not agree with President (Barack) Obama's Supreme Court nominee on controversial issues like abortion and gay marriage, do you think they would be justified, or not justified in using the filibuster to prevent the nomination from coming to a vote?	April 2010	Moderate	33/74/56	
If Senators did not agree with Elena Kagan on controversial issues like abortion and gay marriage, do you think they would be justified, or not justified in using the filibuster to prevent her nomination from coming to a vote?	May 2010	Moderate	26/69/38	
Which of the following statements comes closer to your view? President Obama should nominate the next Supreme Court justice this year. The winner of the 2016 Presidential election should nominate the next Supreme Court justice next year.	February 2016	Severe	23/84/49	✓
President (Barack) Obama has said that he will nominate someone to fill the (Supreme Court) vacancy (caused by Antonin Scalia's death). Do you think the Republican leadership in the Senate should or should not hold hearings on the nominee?	February 2016	Severe	39/32/28	✓
Suppose all or most of the Republicans in the Senate oppose (Barack) Obama's (Supreme Court) nominee. Do you think they would be justified—or not justified—in using Senate procedures, such as filibuster, to prevent an up-or-down vote on the nominee?	February 2016	Moderate	26/80/49	✓
Do you think the Republican leadership in the Senate should or should not hold confirmation hearings to evaluate (Merrick) Garland as a potential Supreme Court justice?	March 2016	Severe	27/43/31	✓

Note: The table presents question wordings, the date of the survey, the type of obstruction and percentage support for obstruction for the president's copartisans, outpartisans, and independents from surveys of Americans about attitudes toward obstruction and delay of the Supreme Court confirmation process. The final column indicates whether I can draw upon individual-level data from the survey.

Table D.2: Survey Questions about Obstruction and Delay in the Nomination and Confirmation Process (Continued)

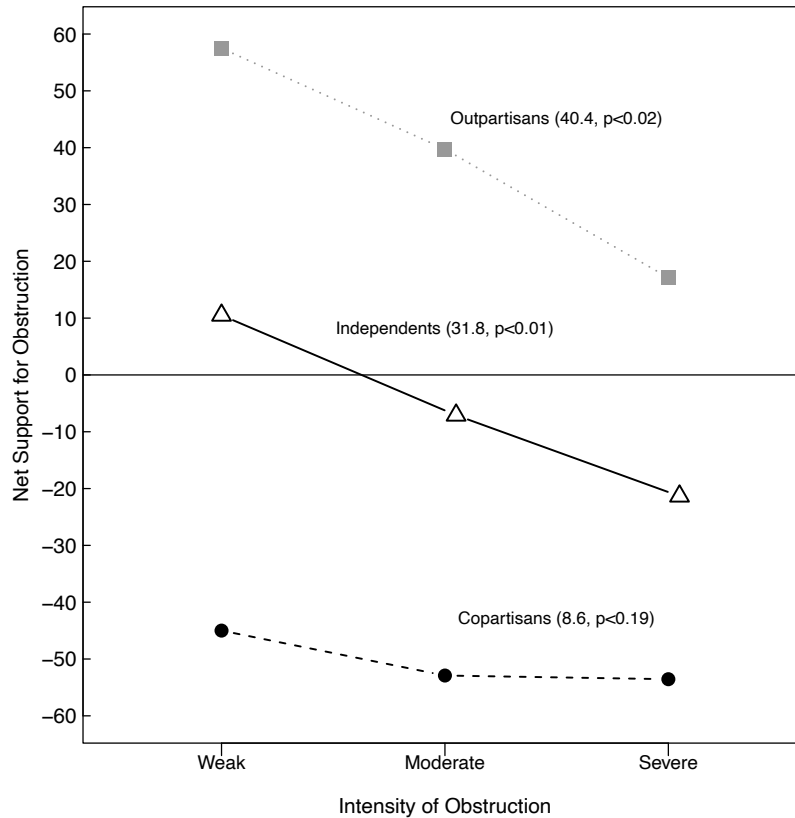
Question Text	Date	Intensity	% Support (C/O/I)	Ind. Level
Barack Obama has nominated Merrick Garland to the Supreme Court. What do you think the Senate should do—should the Senate hold a vote on whether to confirm Merrick Garland or should the Senate wait until next year for the new president to nominate someone?	March 2016	Moderate	22/67/48	✓
As you may have heard, President (Barack) Obama recently nominated Merrick Garland to fill the current vacancy on the Supreme Court. Now that the nomination has been made, do you think the US Senate should or should not hold hearings to consider Obama’s nominee?	March 2016	Severe	12/41/27	✓
Do you think the Senate should consider the nomination of Merrick Garland to the Supreme Court, or do you think the Senate should not consider any Supreme Court nomination until there is a new President?	March 2016	Severe	8/65/33	
Do you think the Republican leadership in the Senate should or should not hold confirmation hearings to evaluate (Merrick) Garland as a potential Supreme Court justice?	April 2016	Severe	25/39/28	✓
Barack Obama has nominated Merrick Garland to the Supreme Court. What do you think the Senate should do—should the Senate hold a vote on whether to confirm Merrick Garland or should the Senate wait until next year (2017) for the new president to nominate someone?	May 2016	Moderate	27/77/49	✓
Suppose all or most of the Democrats in the Senate oppose (Neil) Gorsuch’s (Supreme Court) nomination. Do you think they would be justified—or not justified—in using Senate procedures, such as the filibuster, to prevent an up-or-down vote on the nominee?	January 2017	Moderate	25/80/56	✓
Do you think Senate Republicans were right or wrong to prevent for 10 months a vote on Merrick Garland, who was President (Barack) Obama’s nominee to the Supreme Court?	February 2017	Moderate	10/73/34	
Do you think that Senate Democrats should allow a vote on the nomination of Neil Gorsuch to the Supreme Court or prevent a vote on the nomination of Neil Gorsuch to the Supreme Court?	February 2017	Moderate	6/53/24	
Which of the following statements come closer to your view? The Senate should consider and vote on Brett Kavanaugh’s nomination this year, before the midterm election, The Senate should wait until next year to consider and vote on Brett Kavanaugh’s nomination, after the midterm election.	July 2018	Severe	21/72/53	✓
Democrats in the Senate say that they need to see more documents from (Supreme Court nominee) Brett Kavanaugh’s career in government before they are willing to vote on his nomination. Do you think that the federal government should have to provide Senate Democrats with more documents, or do you think the Senate Democrats have enough information now to vote? If you have no opinion, please just say so.	August 2018	Weak	16/89/59	✓
President (Donald) Trump has said that he will nominate someone to fill the (Supreme Court) vacancy. Do you think the Republican leadership in the Senate should or should not hold hearings on the nominee?	September 2020	Severe	24/68/46	
As you may know, Trump has nominated Amy Coney Barrett to serve on the U.S. Supreme Court. Do you think the current U.S. Senate should hold hearings and vote on her nomination, or should filling this seat on the Supreme Court be left to the winner of the presidential election and a Senate vote next year?	October 2020	Severe	20/87/53	

Note: The table presents question wordings, the date of the survey, the type of obstruction and percentage support for obstruction for the president’s copartisans, outpartisans, and independents from surveys of Americans about attitudes toward obstruction and delay of the Supreme Court confirmation process. The final column indicates whether I can draw upon individual-level data from the survey.

D.2 Alternative Analysis (Net Support)

Figure D.1 presents average levels of net support for obstruction (y -axis) for partisan groups for weak, moderate, and severe forms of obstruction. For each survey, net support is calculated by subtracting the percentage of respondents from each partisan group who oppose obstruction from the percentage who support obstruction. I then average these net support values to create the figure. Overall, the results from this analysis mirror those in the main text.

Figure D.1: Intensity, Partisanship, and Net Support for Obstruction

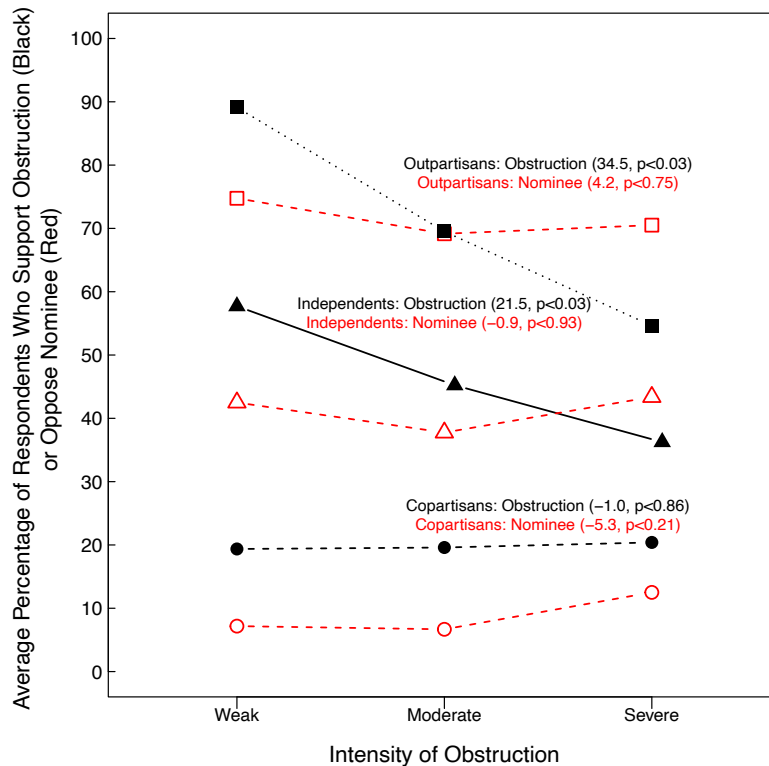


Note: Plot shows average levels of net support for the use of obstruction across weak, moderate and severe instances of obstruction from 22 nationally-representative surveys questions. Net support is plotted for the president's copartisans, outpartisans, and independents. Plotted numbers and p-values reflect the difference in net support between weak and severe instances of obstruction for each partisan group.

D.3 Aggregate Analysis Accounting for Nominee Support

In assessing the relationship between intensity of obstruction and support for its use, it is important to consider the extent to which attitudes toward obstruction are distinct from general attitudes toward a nominee. Theoretically, the scholarship I discuss in the main text leads me to expect that different forms of obstruction will be viewed differently by the public. This means that the public should necessarily think differently about at least some procedural methods than they do about the nominee. To assess this point, Figure D.2 replicates the main text aggregate-level analysis of the relationship between intensity and support for obstruction while also plotting average levels of percentage opposition to nominees for each partisan group and intensity level in red. Data come from 13 nationally-representative survey questions. The wording of opposition to the nominee questions varies by survey, but common questions include asking about general support or opposition to the nomination or whether respondents have positive or negative opinions of the nominee. In general, within partisan groups, there is little difference in opposition to the nominee across types of intensity.

Figure D.2: Intensity, Partisanship, Nominee Support, and Support for Obstruction



Note: Plot shows average levels of percentage support for the use of obstruction (black points and solid lines) and average percentage opposition to the nominee (red points and dashed lines) across weak, moderate, and severe instances of obstruction from 13 nationally-representative survey questions. Percentage support for obstruction and opposition to the nominee is plotted for the president’s copartisans, outpartisans, and independents. Plotted numbers and p-values reflect the difference in percentage support for obstruction (black) or opposition to the nominee (red) between weak and severe instances of obstruction for each partisan group.

D.4 Individual-Level Analysis: Full Regression Results

The results in Table D.3 come from an analysis of individual-level data for 14 survey questions about obstruction. The results largely parallel the results from the aggregate analysis in both substantive and statistical significance. One difference is that the president's copartisans are predicted to be slightly more supportive of moderate obstruction than weak in this analysis. However, this difference is of small substantive magnitude and may be a function of the particular surveys I am able to draw upon for the individual-level analysis. In the aggregate analysis I draw upon 11 moderate obstruction questions; in the individual-level analysis I can draw upon 6. The aggregate level of copartisan support for obstruction for the moderate questions I can get individual-level data for is 23.1 percent; this is somewhat higher than the aggregate average across all surveys (21.2 percent) and the average for surveys I cannot get individual-level data for (18.9 percent).

Table D.3: Regression Results: Intensity, Partisanship, and Support for Obstruction

	DV: Support for Delay		
	(1)	(2)	(3)
Copartisan of President	-0.24*	-0.35*	-0.38*
	(0.01)	(0.05)	(0.05)
Outpartisan of President	0.21*	0.33*	0.29*
	(0.01)	(0.05)	(0.05)
Moderate Intensity	-0.07*	-0.07	-0.05
	(0.01)	(0.04)	(0.04)
Severe Intensity	-0.15*	-0.11*	-0.10*
	(0.01)	(0.04)	(0.04)
Copartisan of President × Moderate Intensity		0.09	0.11*
		(0.05)	(0.05)
Copartisan of President × Severe Intensity		0.11*	0.15*
		(0.05)	(0.05)
Outpartisan of President × Moderate Intensity		-0.05	-0.03
		(0.05)	(0.05)
Outpartisan of President × Severe Intensity		-0.20*	-0.16*
		(0.05)	(0.05)
White			-0.03*
			(0.01)
Male			-0.01
			(0.01)
Obama			-0.01
			(0.01)
Trump			0.08*
			(0.01)
Constant	0.56*	0.54*	0.55*
	(0.02)	(0.04)	(0.04)
Observations	13,724	13,724	13,724
R ²	0.19	0.20	0.21
F Statistic	808.98*	430.63*	297.15*

Note: Coefficients are results from OLS regressions with standard errors in parentheses. Independent respondents are the reference category. Model (3) includes respondent covariates and nominating president fixed effects (with President Bush as the reference category). *p<0.05.

D.5 Within-Respondent Analysis

The February 24-27, 2016 CNN/ORC survey asked two questions about obstruction: one moderate (“Do you think [Republicans] would be justified – or not justified – in using Senate procedures, such as the filibuster, to prevent an up-or-down vote on the nominee?”) and one severe (“Do you think the Republican leadership in the Senate should or should not hold hearings on the nominee?”). Average respondent support for moderate obstruction (as opposed to severe) is 20.4 percentage points higher for all respondents, 1.9 percentage points lower for copartisans of the president, 17.5 percentage points higher for independents, and 43.4 percentage points higher for outpartisans. Table D.4 presents the results of OLS regressions of support for obstruction as a function of obstruction intensity. In model (2), I include respondent fixed effects to hold constant respondent-level characteristics. Both models include standard errors clustered at the respondent level as respondents evaluated two obstruction questions. In both models, I find significantly lower support for severe as compared to moderate obstruction.

Table D.4: Regression Results: Within-Survey Support for Obstruction

	DV: Support for Delay	
	(1)	(2)
Copartisan of President	-0.30*	
	(0.06)	
Severe Intensity	-0.17*	-0.20*
	(0.08)	(0.03)
Outpartisan of President	0.25*	
	(0.06)	
Copartisan of President × Severe Intensity	0.19*	
	(0.08)	
Outpartisan of President × Severe Intensity	-0.26*	
	(0.08)	
Constant	0.54*	0.10*
	(0.06)	(0.01)
Respondent Fixed Effects		✓
Observations	1,872	1,872
R ²	0.19	0.58
F Statistic	89.27*	1.39*

Note: Coefficients are results from OLS regressions with robust standard errors clustered by respondent in parentheses. *p<0.05.

D.6 Regression Results: Accounting for Nominee Support

Table D.5: Regression Results: Accounting for Support for Nominee

	DV: Support for Delay	
	(1)	(2)
Copartisan of President	-0.23*	-0.28*
	(0.04)	(0.05)
Outpartisan of President	0.21*	0.20*
	(0.04)	(0.04)
Moderate Intensity	-0.06	-0.07
	(0.04)	(0.04)
Severe Intensity	-0.12*	-0.13*
	(0.04)	(0.04)
Support Nominee	-0.33*	-0.37*
	(0.01)	(0.03)
Copartisan of President × Moderate Intensity	0.08	0.09*
	(0.05)	(0.05)
Copartisan of President × Severe Intensity	0.18*	0.19*
	(0.05)	(0.05)
Outpartisan of President × Moderate Intensity	-0.005	0.004
	(0.05)	(0.05)
Outpartisan of President × Severe Intensity	-0.10*	-0.09
	(0.05)	(0.05)
Copartisan of President × Support Nominee		0.08*
		(0.03)
Outpartisan of President × Support Nominee		0.02
		(0.03)
White	-0.06*	-0.06*
	(0.01)	(0.01)
Male	-0.01	-0.01
	(0.01)	(0.01)
Obama	-0.10*	-0.10*
	(0.01)	(0.01)
Trump	0.04*	0.03*
	(0.01)	(0.01)
Constant	0.74*	0.76*
	(0.04)	(0.04)
Observations	8,008	8,008
R ²	0.32	0.32
F Statistic	283.51*	246.44*

Note: Coefficients are results from OLS regressions. The models account for respondent support for the nominee.
*p<0.05.

D.7 Regression Results: Logistic Regression

Table D.6: Logistic Regression Results: Intensity, Partisanship, and Support for Obstruction

	DV: Support for Delay		
	(1)	(2)	(3)
Copartisan of President	-1.14*	-1.58*	-1.76*
	(0.05)	(0.22)	(0.23)
Outpartisan of President	0.90*	1.75*	1.57*
	(0.05)	(0.23)	(0.23)
Moderate Intensity	-0.34*	-0.28	-0.20
	(0.07)	(0.19)	(0.20)
Severe Intensity	-0.76*	-0.42*	-0.44*
	(0.07)	(0.20)	(0.21)
Copartisan of President × Moderate Intensity		0.41	0.54*
		(0.23)	(0.24)
Copartisan of President × Severe Intensity		0.48*	0.70*
		(0.24)	(0.24)
Outpartisan of President × Moderate Intensity		-0.55*	-0.40
		(0.24)	(0.24)
Outpartisan of President × Severe Intensity		-1.23*	-1.00*
		(0.24)	(0.24)
White			-0.16*
			(0.05)
Male			-0.07
			(0.04)
Obama			0.01
			(0.07)
Trump			0.43*
			(0.08)
Constant	0.33*	0.17	0.21
	(0.08)	(0.18)	(0.19)
Observations	13,724	13,724	13,724
Log Likelihood	-8,032.51	-7,957.71	-7,909.87
Akaike Inf. Crit.	16,075.03	15,933.42	15,845.74

Note: Coefficients are results from logistic regressions with standard errors in parentheses. Independent respondents are the reference category. Model (3) includes respondent covariates and nominating president fixed effects (with President Bush as the reference category). *p<0.05.

D.8 Regression Results: Coding Leaners as Independents

Table D.7: Regression Results: Coding Leaners as Independents

	DV: Support for Delay		
	(1)	(2)	(3)
Copartisan of President	-0.23*	-0.36*	-0.36*
	(0.01)	(0.03)	(0.03)
Outpartisan of President	0.25*	0.36*	0.35*
	(0.01)	(0.03)	(0.03)
Moderate Intensity	-0.06*	-0.05*	-0.005
	(0.02)	(0.02)	(0.02)
Severe Intensity	-0.16*	-0.16*	-0.11*
	(0.01)	(0.02)	(0.02)
Copartisan of President × Moderate Intensity		0.08*	0.08*
		(0.04)	(0.04)
Copartisan of President × Severe Intensity		0.19*	0.19*
		(0.04)	(0.04)
Outpartisan of President × Moderate Intensity		-0.09*	-0.07*
		(0.04)	(0.03)
Outpartisan of President × Severe Intensity		-0.15*	-0.15*
		(0.03)	(0.03)
White			-0.03*
			(0.01)
Male			-0.01
			(0.01)
Obama			-0.03*
			(0.01)
Trump			0.06*
			(0.01)
Constant	0.54*	0.54*	0.53*
	(0.01)	(0.02)	(0.03)
Observations	13,724	13,724	13,724
R ²	0.16	0.17	0.17
F Statistic	653.14*	346.15*	240.01*

Note: Coefficients are results from OLS regressions. The models code leaners as independents. *p<0.05.

D.9 Regression Results: Pooling Moderate and Severe Obstruction

Table D.8: Regression Results: Pooling Moderate and Severe Intensity

	DV: Support for Delay
Copartisan of President	-0.35* (0.05)
Moderate/Severe Intensity	-0.08* (0.04)
Outpartisan of President	0.33* (0.05)
Copartisan of President × Moderate/Severe Intensity	0.10* (0.05)
Outpartisan of President × Moderate/Severe Intensity	-0.14* (0.05)
Constant	0.54* (0.04)
Observations	13,724
R ²	0.19
F Statistic	635.35*

Note: Coefficients are results from OLS regressions with standard errors in parentheses. Instances of moderate and severe intensity obstruction are pooled together. *p<0.05.

E Experimental Analysis of Intensity of Obstruction

E.1 Descriptive Statistics: CloudResearch Survey (December 2023)

Table E.1: Descriptive Statistics: CloudResearch Survey (December 2023)

Category	Proportion	Category	Proportion
Gender		Education	
Male	.500	Some high school, or less	.008
Female	.495	High school graduate or GED	.127
Other	.002	Some college, no 4-year degree	.307
		College graduate	.417
		Post-graduate degree	.141
Race		Income	
White	.650	Under \$25,000	.146
Black	.130	\$25,000 to \$50,000	.233
Hispanic or Latina/o	.126	\$50,000 to \$75,000	.243
Asian/Native Hawaiian/Pacific Islander	.046	\$75,000 to \$100,000	.156
Native American/Alaskan	.002	\$100,000 to \$200,000	.185
Multiple racial groups	.040	\$200,000 or more	.036
Other racial group	.004		
Partisanship		Ideology	
Democrat	.573	Very liberal	.182
Republican	.268	Somewhat liberal	.318
Independent	.159	Moderate	.254
		Somewhat conservative	.166
		Very conservative	.079

Note: Cell entries indicate unweighted sample proportions for each demographic and political category. Proportions may not add to 1 due to rounding or nonresponse. Leaners are coded as partisans. $N = 1,250$.

E.2 Experimental Setup and Question Wordings

In designing the experiment, I aimed to create a realistic setup that held the context similar across the control and three intensities of obstruction. All respondents were randomized into an introductory vignette about either President Biden or Trump winning the 2024 presidential election but Republicans or Democrats respectively winning the Senate; thus, partisans were randomized into seeing a copartisan or outpartisan president. The experiment was conducted in December 2023; at the time of the survey each of these setups was externally valid. The text of the vignette is below:

- Suppose that, in the 2024 elections, President [Biden/Trump] is reelected and that [Republicans/Democrats] win a majority of seats in the Senate. Imagine that a vacancy then emerges on the U.S. Supreme Court. President [Biden/Trump] will propose a nominee and the nominee will be sent to the [Republican/Democratic]-controlled Senate, who then makes decisions about whether to consider and vote on the nominee.

Then respondents were presented with a hypothetical nominee with a number of varying characteristics (including race, law school, previous job, and immigrant status). The particular varying characteristics are not a part of this analysis, rather, they help create a realistic experimental setup and ensure that any specific nominee characteristic is not a driver of the main results.

After, respondents were presented with the primary treatment: the Senate’s treatment of the nominee. Respondents were randomized into receiving either a control statement or one of three forms of obstruction. All respondents received a general prompt about the Senate’s behavior that was drawn from real-world statements from Senators about handling Supreme Court nominees.² The text of the shared prompt is below:

- Now, suppose that the nominee gets sent to the [Republican/Democratic]-controlled Senate and the [Republican/Democratic] leadership in the Senate make the following statement about how they will handle the nomination: This is an important Supreme Court nomination and the Senate has the authority to determine how to proceed with the nomination.

Respondents then received one of four statements: either a control (proceeding in a timely manner), weak obstruction (additional documents before proceeding), moderate obstruction (holding hearings but not a final vote), or severe obstruction (no hearings or consideration of the nominee). These statements were similarly drawn from real-world discussion by Senators, as well as the survey questions asked by pollsters about obstruction that I use in my observational analysis.³

²See, e.g., this *CNN* editorial from John Cornyn (R-TX) about the Senate’s “authority to determine whether to proceed with the nomination” of Merrick Garland: <https://www.cnn.com/2016/03/18/opinions/supreme-court-nomination-cornyn/index.html> (archived: <https://perma.cc/FD9D-JJZN>).

³For the weak treatment, consider this press release from Chuck Grassley (R-IA) about a “thorough review” of documents he requested from Ketanji Brown Jackson’s work for the United States Sentencing Com-

I aimed to construct realistic treatments that fit into the same overarching context so that the only varying dynamic was the type of obstruction under consideration.⁴ The text of the obstruction treatments are presented below:

- Control statement: We will proceed in a timely manner in scheduling hearings and voting on this nominee. We will give the nominee a thorough examination reflective of the important decision this is.
- Weak intensity statement: While we will proceed with scheduling hearings and voting on this nominee, we first need to obtain and review additional documents from when this nominee worked as a lawyer for the federal government. This is too important a decision to rush through without a thorough examination of the necessary information.
- Moderate intensity statement: While we will proceed with giving this nominee full hearings and a thorough examination, we will not be holding a final vote on the nominee. There is no requirement for us to give presidential appointees a vote, and we do not feel that this nominee warrants a final vote by the full Senate.
- Severe intensity statement: We will not proceed with scheduling hearings for this nominee. There is no requirement for us to give presidential appointees hearings, and we do not feel that this nominee warrants consideration by the Senate.

mission: <https://www.judiciary.senate.gov/press/rep/releases/judiciary-ranking-member-requests-information-on-judge-jacksons-tenure-at-us-sentencing-commission> (archived: <https://perma.cc/E793-M4FT>). For the moderate treatment, the above Cornyn editorial quotes Harry Reid (D-NV) as saying “nowhere in [the Constitution] does it say the Senate has a duty to give presidential appointees a vote.” For the severe treatment, consider this Grassley press release about how the Senate “shouldn’t consider the nomination, and shouldn’t hold hearings” for a Scalia replacement: <https://www.grassley.senate.gov/news/news-releases/supreme-court-vacancy-floor-speech-biden-malarkey> (archived: <https://perma.cc/P647-W72E>).

⁴My moderate treatment is not about the use of the filibuster, as this was not a feasible obstruction tactic in the post-nuclear option era in which the experiment was conducted.

E.3 Additional Results: Removing “Neither Oppose Nor Support”

Table E.2 presents the treatment effects for each partisan group. Respondents who answered “neither oppose nor support” to the outcome question evaluating the Senate’s behavior are omitted from the analysis. The results parallel the main analysis, although the magnitudes of the treatment effects are somewhat larger for the independent and copartisans groups in this analysis. Further, the weak treatment, while still not statistically distinguishable from zero, is somewhat substantively different from the control condition for these two groups.

Table E.2: Experimental Results: Intensity and Support for Obstruction, Omitting Middle-Ground Respondents

	Weak	Moderate	Severe	Average Support (All Non-Control Conditions)
Outpartisans	-0.4	-38.4*	-33.0*	66.9
Independents	-8.9	-63.9*	-55.6*	48.2
Copartisans	-11.7	-56.2*	-60.6*	24.4

Note: Table entries present the treatment effect of each obstruction condition as compared to the control for each partisan group. Average support for the Senate’s behavior under the three obstruction treatment conditions is presented in the final column. Stars indicate statistical difference from the control condition; * $p < 0.05$. $N = 1,007$.

E.4 Additional Results: Coding Leaners as Independents

Table E.3 presents the treatment effects for each partisan group; leaners are coded as independents. The results parallel the main analysis.

Table E.3: Experimental Results: Intensity and Support for Obstruction, Coding Leaners as Independents

	Weak	Moderate	Severe	Average Support (All Non-Control Conditions)
Outpartisans	0.4	-36.3*	-28.5*	57.1
Independents	3.9	-35.3*	-34.3*	32.8
Copartisans	-5.4	-37.4*	-41.2*	22.0

Note: Table entries present the treatment effect of each obstruction condition as compared to the control for each partisan group; leaners are coded as independents. Average support for the Senate's behavior under the three obstruction treatment conditions is presented in the final column. Stars indicate statistical difference from the control condition; * $p < 0.05$. $N = 1,250$.

E.5 Additional Results: OLS Regression Results

Table E.4: Experimental Results: OLS Regression

DV: Support for Senate's Treatment of Nominee	
Copartisan of President	-0.05 (0.08)
Outpartisan of President	0.23* (0.08)
Moderate Obstruction	-0.34* (0.10)
Severe Obstruction	-0.26* (0.09)
Weak Obstruction	-0.005 (0.09)
Man	-0.02 (0.03)
College Degree	-0.03 (0.03)
Income Over \$75,000	-0.0004 (0.03)
White	0.01 (0.03)
Knowledge of SC (4 questions)	0.04* (0.01)
Copartisan of President × Moderate Obstruction	-0.04 (0.11)
Copartisan of President × Severe Obstruction	-0.15 (0.11)
Copartisan of President × Weak Obstruction	-0.02 (0.10)
Outpartisan of President × Moderate Obstruction	-0.02 (0.11)
Outpartisan of President × Severe Obstruction	-0.06 (0.10)
Outpartisan of President × Weak Obstruction	0.02 (0.10)
Constant	0.44* (0.08)
Observations	1,250
R ²	0.23
F Statistic	22.52*

Note: Coefficients are results from OLS regressions with standard errors in parentheses. Independent respondents in the control condition are the reference category. *p<0.05.