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ADVERSITY POLITICS: THE EFFECT OF STRUCTURE AND IDEOLOGY ON AMERICAN POLITICAL OUTCOMES

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ABSTRACT OF DISSERTATION

Jeffrey Allen Fine

The Graduate School
University of Kentucky
2006

ADVERSITY POLITICS:
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OUTCOMES

ABSTRACT OF DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the
College of Arts and Sciences
at the University of Kentucky

By
Jeffrey Allen Fine
Lexington, Kentucky
Director: Dr. Richard Waterman, Professor of Political Science
Lexington, Kentucky
2006
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ABSTRACT OF DISSERTATION

ADVERSITY POLITICS: THE EFFECT OF STRUCTURE AND IDEOLOGY ON AMERICAN POLITICAL OUTCOMES

Divided government has been studied at length in the political science literature, much of which has focused on the effect of this phenomenon on various legislative outcomes. Despite this high level of attention, the literature has employed a narrow definition of divided government that equates the phenomenon with “divided party control.” This dissertation demonstrates that divided government is comprised of several distinct components, of which party control is only part. To determine whether government is truly divided, one must include measures of both party (party control and the strength of party majorities) and ideology (in terms of the ideological distance between the president and Congress).

When previous studies of divided government are re-examined using these more appropriate measures of the components of divided government, it is clear that both party and ideology drive legislative outcomes. This dissertation demonstrates that divided government is a much more complex political phenomenon. Furthermore, this research suggests that the presidential-congressional relationship may be *less adverse* during periods of divided party control than periods of unified party control. This underscores the need to include measures that capture the components of divided government in future studies on related topics.

Jeffrey Allen Fine
August 1, 2006

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OUTCOMES

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This project has been a labor of love (and occasionally hate) for quite some time. What started as a research paper in a graduate seminar on the bureaucracy has evolved into a dissertation that rarely addresses bureaucratic topics directly. These changes of direction have been for the better, and are the result of a great deal of discussion and feedback from faculty and peers alike at the University of Kentucky.

This dissertation, and my other work as well, has benefited greatly from the wisdom and direction of Rick Waterman, the chair of my dissertation committee. Rick's willingness to devote much of his time to working with me as a graduate student furthered my development in political science, and his advice strengthened the dissertation at every stage of the process. His patience and flexibility over the last year have been especially important. The path to this final project went in many directions, through many discussions of Boston Red Sox baseball, but eventually made its way here.

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In addition to the assistance and advice on the dissertation itself, I also could not have completed this task without the assistance of my family and friends. Their friendship, humor, and support have kept me sane through this maddening process. My parents, Jo David and Catherine, have fostered my personal and academic goals from the beginning. Their own achievements, both personally and academically, continue to serve as a source of inspiration. Finally, I owe undying thanks to Amanda Cooper. Her love and friendship are more important to me than anything, and her support and sacrifices over the years have made this professional accomplishment possible.

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Chapter 1

Introduction

The Era of Divided Government

When the Republican Party increased its majority of seats in both the House of Representatives and the Senate in the 2004 election, it ensured itself of another two years of unified government under President George W. Bush. This unified party control has become rather uncommon in American national politics, especially over the last 40 years. There have been 29 congresses elected since 1949, of which 16 have faced a president from a different political party. Thirteen of the twenty-three congresses since 1967 have encountered divided government¹. The prevalence of this political phenomenon has made it a topic of considerable concern, both in the Washington community and in academia.

Immediately following the 2004 elections, the popular consensus was that the president had an increased ability to pursue his agenda in Washington. It was also assumed that had the Democrats gained a majority in either the House of Representatives or the Senate, the president's policy agenda would have been dead on arrival. Yet, as the 2006 congressional elections approach, it appears that the president received little benefit from unified government. His main domestic program, social security reform, never came up for a vote in Congress. Republicans also pleaded with the president to abandon

¹ Senator James Jeffords' (Vermont) changed his party affiliation from Republican to Independent in mid-2001. The Jeffords defection wrestled control of the Senate from the Republican Party, giving the Democratic Party the slimmest of majorities (50 Democrats, 49 Republicans, 1 Independent). The statistics on the prevalence of divided government treat the 107th Congress (2001-02) as being controlled by the Democratic Party, and thus a period of divided government.

any effort at tax reform. Furthermore, immigration reform deeply divided the more moderate Senate Republicans from their more conservative brethren in the House of Representatives. Hence, contrary to expectations, unified government did not lead to an active and successful political agenda. Additionally, polls show broad dissatisfaction with both the President and Congress and, as of the spring of 2006, it appears that the Democratic Party has at least a reasonable prospect of regaining a majority of seats in the House of Representatives for the first time since 1994. If the conventional wisdom about divided government is correct, such an outcome would stymie President Bush's ability to work with members of Congress for the remainder of his second term.

Although this conventional wisdom would lead one to believe that unified government provides a more advantageous political legislative environment for the president and Congress, this may not be the case, as the Bush example suggests. Despite assumptions about the effect of this political phenomenon, the degree to which divided government presents a *more adverse* political environment than unified government is really an empirical question, one over which there has been considerable disagreement. This disagreement is driven both by how "divided government" is conceptualized and measured.

Previous scholarship has used the terms "divided government" and "divided party control" interchangeably. This dissertation contends, however, that these are distinct concepts. "Divided government" is a function of both a partisan dimension and an ideological dimension. As such, party control is only one component of divided/unified government. In this dissertation, my objective is to reconcile some of the disparate findings within the scholarly literature as well as to explain apparent anomalies, such as

the failure of the Bush administration to govern with a Republican controlled Congress after the 2004 elections.

The Focus on Divided Government

Divided government and closely related subjects, such as the greater propensity of gridlock between the president and Congress, are much discussed and debated in the media and among private citizens. Divided government also has been a widely debated topic in the political science literature. Given the recurrence of divided government in recent decades, an increasing number of political scientists have examined questions related to this topic². While some have sought to explain the origins of divided government (Burden and Kimball 1998; 2002; Fiorina 1996), many others have studied the effect of divided government on various political outcomes (Binder 1999; 2003; Edwards, Barrett, and Peake 1997; Mayhew 1991). In fact, there have been well over fifty studies (many of them which I discuss in Chapter 2) examining this topic over the past decade or so. It is a central focus of attention among Congressional and presidential scholars (including those studying bureaucratic politics). Still, while it has received such vast attention recently, the literature has yet to come to a consensus about the effect of divided government on American political outcomes. Some have argued that there is no significant difference between unified and divided government. If these scholars are correct, then President Bush should have a similar ability to work with a Democratic Congress as he would a Republican legislature. Others have disagreed, contending that

² In this dissertation, I often refer to divided government, without also mentioning unified government each time. These terms are complements of one another, so any discussion of divided government is also a discussion of unified government. While these terms are not interchangeable, the statements made here could easily be reworded to address unified government instead of divided government.

divided government negatively affects political outcomes, posing a more adverse or deleterious political environment for both the president and for Congress. If this group of researchers is correct, then a Democratic Congress elected in 2006 could severely hamper President Bush's agenda in his final two years in office. What explains these conflicting findings on the effects of divided government?

This research contends that the seemingly contradictory findings on divided government are largely the result of our failure to understand what this political phenomenon really means. While most scholars have treated divided government as a one-dimensional concept, I argue that previous scholars have failed to address *both* of the components of divided government: party and ideology. Additionally, these components have varied greatly in the post-World War II period, making the findings of many previous studies dependent on the time period examined. In sum, by better understanding the components of divided government and their effect on political outcomes, we may be able to reconcile the differences found in the divided government literature.

Plan for the Dissertation

As I note here, there has been considerable research on the subject of divided government, though much of it comes to contradictory conclusions about the effects. In Chapter Two, I first provide a general discussion of what is meant by the term divided government. Then, I examine how it has been discussed in the literature to date, before expanding on the traditional definition of divided government. While most work has viewed divided government as a simple dichotomous political phenomenon, I describe various components of divided government, asserting that it is in fact much more

complex construct than is commonly thought. I then examine each component of divided government, and why we should expect each to affect presidential-congressional relations.

In Chapter Three, I address how the literature previously has operationalized divided government and then develops a new way to conceptualize and measure this phenomenon. The vast majority of studies has treated divided government as unidimensional, and has employed a dummy variable to measure divided government, a measure that I argue is both theoretically and methodologically flawed. I improve on this crude measure by measuring the components of divided government separately. I also consider how these variables can be measured in aggregate-level models.

Chapter Four examines the effects of divided government on three dependent variables that have been used in seminal studies of presidential-congressional relations. First, I examine presidential concurrence rates in Congress at the aggregate-level. Next, I re-examine one of the central studies of divided government by reanalyzing Mayhew's dependent variable, while considering the effect of the components of divided government on the number of major laws enacted in Congress. Lastly, I study the components of divided government with respect to failed pieces of legislation. Thus I examine both legislative success and legislative failure.

Chapter 5 evaluates the components of divided government in individual-level analyses. Rather than examining dependent variables that are aggregated to the two-year Congress, this chapter analyzes the effect of these components on the probability that the president will "win" on individual roll-call votes. The goal of this chapter is to

demonstrate the applicability of the measures developed in this dissertation to dependent variables at both the aggregate and individual levels.

Finally, in Chapters 6 I summarize the findings and discuss their relevance for the broader political science literature. Additionally, I discuss avenues for future research. The final chapter also discusses other variables that may be examined using the measures offered here.

Chapter 2

Understanding Divided Government

Key questions:

- What effect does divided government have on legislative outcomes?
- What does divided government mean? What are the components of divided government? Which components of divided government have been shown to affect legislative outcomes?

Previous Studies of Divided Government and Legislative Outcomes

It is conventional wisdom that it should be harder for presidents to work with Congress in periods of divided government rather than periods of unified government. Pundits, politicians, and scholars have discussed divided government as a deleterious political environment for both Congress and the president. Many treat this as an established fact, yet the political science literature has not reached a consensus on the issue.

Over the last 15 years, more than fifty separate studies have examined the causes of divided government, as well as the effect of divided government on countless dependent variables that are pertinent to the presidential-congressional relationship. This scholarship has generated seemingly conflicting results, with some finding support for the conventional perspective and others concluding that divided government does not impede executive-legislative cooperation. Although the vast literature on divided government examines its effect on dozens of different dependent variables, this dissertation focuses on those variables that are most closely tied to presidential-congressional relations. The primary concentration here is on *legislative* outcomes, including bill passage and failure. As we shall see in this chapter, in addition to legislative productivity, the literature has examined many presidential-congressional variables: “gridlock” in general, the judicial

and executive branch nomination/confirmation process, executive orders and other unilateral presidential actions, and congressional investigations of the executive branch.

Legislative Success and Failure

The political science literature's focus on divided government intensified in the wake of David Mayhew's (1991) now seminal work on the subject, *Divided We Govern*. Mayhew questioned the conclusions of early political science research that argued that divided government provided a more deleterious political environment than unified government. Mayhew examined the enactment of major pieces of legislation during periods of both unified and divided government (Cutler 1988; Sundquist 1988). His results challenged the conventional wisdom, as he found no statistically significant difference between the number of major legislative enactments during unified and divided government periods. Jones (1994) re-examined Mayhew's work, ultimately echoing the assertion that divided government did not hamper legislative innovation more than unified government. Given that these findings present such a stark contrast to conventional wisdom, the effects of divided government have been examined by many subsequent studies. For the most part these studies have challenged Mayhew's and Jones' conclusions.

Some of the criticism of Mayhew's work has revolved around his choice of dependent variables, the number of major pieces of legislation that passed during a two-year period. Edwards, Barrett, and Peake (1997) offered an early revision of the Mayhew conclusion in their study on legislative *failure* (also see (Coleman 1999)). They contend that while legislative success and failure seem, on the surface, to be essentially the same phenomenon, this is not the case. The number of legislative successes partly depends on

the total number of possible items on the legislative agenda. In other words, when many items are on the agenda, the number of successful bills may not change, but the number of *failed* bills may increase. Edwards, Barrett, and Peake (1997) demonstrate that there is a statistically significant difference between the number of bills that fail during periods of unified and divided government.

Other work on legislative failure focuses on the president's veto power. This veto power can be wielded formally by the president or presidents can simply threaten to use it to kill or shape legislation. Groseclose and McCarty (2001) and Woolley (1991) have shown that presidents are more likely to veto legislation during periods of divided party control. Presidents are also more likely to engage in veto bargaining when their party does not control both chambers of Congress (Cameron 2000). Research has thus shown that failure at various stages of the legislative process is more likely during periods of divided government.

Gridlock

The discrepancy between the studies of legislative success and legislative failure sparked a third wave of research on legislative productivity in Congress. Rather than focusing only on the number of bills that passed *or* failed, scholars interested in the legislative process also considered the total number of *possible* items on the agenda. In this vein, they examined the level of "gridlock" in Congress, and its relationship with divided government (Binder 1999; Binder 2003; Coleman 1999; Jones 1994). "Gridlock" is defined as the amount of legislation passed, divided by the total number of possible pieces of legislation (Mayhew 1991; Binder 1999; Binder 2003, for example). This calculation yields the *percentage* of issues that pass and fail during a given congressional

session. As Binder (2003) notes, “framed this way, gridlock is best viewed as the share of salient issues on the nation’s agenda that is left in limbo at the close of a Congress” (2003: 20). To measure the legislative agenda, Binder (2003) employs content analysis of news stories to determine the total number of *possible* pieces of legislation.³ Binder’s conclusion, that gridlock is more prevalent during divided than unified government, again challenges Mayhew’s conclusion while reaffirming the conventional wisdom about the deleterious effect of divided party control.⁴

Other scholars have offered rational-choice models of legislative gridlock, though not all of these reach conclusions similar to Binder. Keith Krehbiel (1998) examines the relationship between the president and Congress through the prism of “pivotal” actors. Rather than arguing that every member of Congress is an important player, Krehbiel asserts that the key actors are the median member of Congress, the 60th member necessary to invoke cloture (the “filibuster pivot”), and the 67th member necessary to overturn a presidential veto (the “veto pivot”). The preferences of these pivotal players in the system determine the “gridlock interval,” which affects how much legislation gets enacted in Congress (as well as the content of that legislation). According to Krehbiel, it is this gridlock interval, rather than divided government, that decreases the flow of legislation through the chamber and increases the amount of policy stagnation. However, according to Krehbiel gridlock is also possible when the presidency and Congress are

³ Binder (2003) creates five gridlock measures, with each of these representing a different level of legislative salience. After generating the total number of possible items for legislative enactment, Binder determines the amount of gridlock present in a given congressional session.

⁴ Jones (2001) also examines the antecedents of legislative gridlock. Though his measure of items on the legislative agenda differs from the Binder measure (he uses *Congressional Quarterly Weekly*, rather than the New York Times), the substantive conclusions of his piece are consistent with those of Binder (1999; 2003).

held by the same party. This model is similar to one offered by Brady and Volden (2006), as both models originated from collaborative work by all three of these authors (Brady, Volden, and Krehbiel 1994). In their book, Brady and Volden underscore the importance of the median member, as well as the other players that Krehbiel (1998) describes. In both of these works, however, the authors discuss how gridlock is possible under both unified and divided party control. Brady and Volden (2006) assert that the current Congress is an example of gridlock under unified government:

When this gridlock occurs under unified party control of government, we call it *unified gridlock*. Unified gridlock resulted under the 103rd Congress during the first two years of the Clinton administration. Unified gridlock explains the limits on major policy change in the 109th Congress today.

The prevalence of gridlock under both divided and unified party control again demonstrates some conflict in the literature, as the conclusions of these rational choice theories are not consistent with Binder's findings.

More recent work has revised the Krehbiel model, allowing for variation in the effects of party and preferences of members (Chiou and Rothenberg 2003; Epstein, Kristensen, and O'Halloran Forthcoming). Epstein, Kristensen, and O'Halloran (Forthcoming) challenge the Krehbiel conclusion that the width of the gridlock interval significantly affects legislation, as opposed to divided government. These scholars, employing a more appropriate measure of the gridlock interval (Krehbiel used shifts in party seats, while they use a measure of ideology), find that it does not have a significant effect, while divided government does significantly promote legislative stalemate. Chiou and Rothenberg (2003) find mixed evidence regarding the effect of divided government on gridlock. They examine the topic using various gridlock measures as the dependent

variable - the Binder (2003) measures and Coleman (1999) measure, for example. While divided government does significantly affect gridlock in some models, this finding is not universal.

A third set of studies re-examining Mayhew's conclusion utilize measures of legislative "productivity." These studies improve on the Mayhew data, as they typically have more nuanced classifications of "significant" legislation. Using these improved classifications, scholars have reached conclusions that also rival those of the original Mayhew study. Kelly (1993) finds that significant legislation is more likely during unified party control. Howell, Adler, Cameron and Reimann (2000) create four distinct categories of legislative significance, with different findings for each classification. While, like Kelly (1993), they find that the passage of the most important legislation is less likely during periods of divided government, Howell et al. (2000) find that the some legislation is actually *more likely* during divided government⁵. Again, the choice of dependent variable and the data choices made by specific researchers have important implications for examining the relationship between divided government and the likelihood of legislative passage/failure.

Yet, criticism of Mayhew's conclusion is not limited merely to the choice of dependent variable. It also involves the methods Mayhew employed. Howell et al. (2000) argue that the Mayhew data suffer from time-serial problems. Specifically, these authors demonstrate that the data utilized by Mayhew are non-stationary, biasing the results of his models. When the non-stationary nature of the data is taken into account,

⁵ Howell, Adler, Cameron and Reimann (2000) find that the legislation deemed the least important actually passes at a higher rate during divided government than during unified government. This seems to indicate that gridlock is likely on the legislation that both parties care about, and legislation that receives the most attention.

divided government *does* hamper legislative success in Congress. Meanwhile, Epstein, et al (Forthcoming) argue that Mayhew's main independent variable, policy activism, is atheoretical. In fact, its inclusion in the model may account for the non-significant finding with regard to the effects of divided government.

In sum, while early scholars challenged the conventional wisdom by arguing that there was no significant difference between unified and divided party control, this conclusion has been the subject of numerous subsequent studies, many of which refute Mayhew's basic findings.

Presidential Success Rates

Measuring the amount of legislative success and failure, or legislative productivity and gridlock, is obviously important for understanding legislative behavior. Some scholars, however, have postulated that these variables do not capture accurately the presidential-congressional dynamic. Bond and Fleisher (1990), for example, discuss at length different measures of "presidential success" in Congress. The measure they employ, "individual presidential support scores," allows us to understand how often Congress delivers a product that the president desires. These support scores, also referred to as "presidential success scores," first determine the bills on which the president has a clearly stated position. The support scores are simply the percentage of these bills in which a majority of the chamber votes with the presidential position. In other words, how often does Congress vote with the president?

Bond and Fleisher (1990) examine, among other things, the effect of divided government on these presidential support scores. They largely discuss this question in terms of "minority" and "majority" presidents, classifying chief executives by whether

his party held a majority or minority of seats in Congress. They conclude, “while unified party control is no guarantee of success on any given vote, the probability of defeat increases significantly when the branches are controlled by different parties” (230). This affirms the findings of others (Cutler 1988; Sundquist 1988) who argue that divided government does depress the success rate for certain legislation in Congress.

Other Presidential-Congressional Variables

In addition to the *amount* of legislation passed in Congress, scholars have also examined how divided government affects the content of legislation. Epstein and O’Halloran (1996; 1999) and Huber, Shipan, and Pfahler (2001) observed that while the number of legislative enactments does not vary between times of unified and divided government, the legislative *content* does. Congress delegates greater levels of discretion to the bureaucracy when a president of the same party inhabits the White House and less discretion during periods of divided government. Krutz (2001a; 2001b) also found that omnibus legislation is more prevalent when the president and the majority of Congress are controlled by different parties.

The success and failure of legislation is not the only dependent variable examined in presidential-congressional studies. Despite the great deal of attention paid to legislation, an increasing amount of attention has been paid to other presidential-congressional variables. Mayhew’s *Divided We Govern* (1991) not only examined legislative productivity, it also examined the proclivity of Congress to investigate the behavior of members of the executive branch. Mayhew’s conclusion with respect to these investigations is consistent with his conclusions about legislative enactments: the effects of divided and unified government are not significantly different from one

another. Although this dependent variable has not been revisited with the same vigor as Mayhew's legislative chapters, recent congressional investigations seem to present new evidence that rival this conclusion. The congressional investigations of the Clinton administration, many of which occurred during periods of divided government (and which obviously took place after the publication of the Mayhew study) suggest that executive branch investigations may indeed be more likely to occur during divided government – perhaps more so than during unified government. The paucity of congressional investigations during the present Bush administration suggests the same conclusion.

An increasing number of studies have considered the effect of divided government on presidential nominations. When different parties control the presidency and Congress, presidential nominations may be less likely to be confirmed by the Senate. This hypothesis has been tested in recent studies, which have found that divided government affects both the success rate of presidential nominees and the length of the confirmation process. These studies of presidential nominations include nominations to fill both executive branch positions and judicial vacancies. Much like the literature on legislative success and failure, this literature has presented conflicting accounts. Some scholars have demonstrated that divided government adversely affects the confirmation process (Binder and Maltzman 2002; McCarty and Razaghian 1999; Shipan and Shannon 2003). According to these scholars, divided government leads to delay in the confirmation process (Binder and Maltzman 2002; Shipan and Shannon 2003), though if the nominations are made early in a presidential term the confirmation is often inevitable. Still, some argue that presidential nominees are much more likely to fail during periods

of divided government (McCarty and Razaghian 1999), while others contend that there is no significant difference between the success rate of presidential nominees during unified and divided party control (Krutz, Fleisher, and Bond 1998). These findings apply both to judicial and executive branch nominees, underscoring the importance of revisiting the effect of divided government on a variety of outcomes.

Unilateral Presidential Actions

Recent work on presidential-congressional relations has examined instances when the president behaves *independently* of Congress to achieve some political goal.

Although this behavior is outside the traditional bounds of presidential-congressional relations, I examine these unilateral presidential actions because this recent work posits that the president intentionally avoids working with the legislature as a means of sidestepping political obstacles.

Kenneth Mayer has conducted extensive research on presidential use of executive orders. Mayer (2001; 1999) demonstrates a bizarre finding regarding the relationship between executive orders and divided government. Theoretically, we should expect presidents to issue more executive orders during periods of divided government, as presidents seeking change avoid a potentially adversarial Congress. However, Mayer finds the opposite to be true: Presidents issue more executive orders during periods of *unified* government. This perplexing conclusion has not been fully explained in the literature.

Other related work examines various unilateral actions that presidents engage in to circumvent a Congress controlled by an opposing party. Howell (2003) expands rational choice models of executive-legislative relations by including instances where the

president takes action without consulting Congress. Howell finds that these unilateral tactics are more common during divided party control, indicating that there is evidence that presidents do, in fact, act strategically (beyond the use of executive orders) to achieve political goals without the aid of members of Congress. As with several other dependent variables, the findings in the unilateral actions literature are somewhat contradictory, only heightening the need for further study of divided government's effects.

Across the span of these different dependent variables, and even within some, there is disagreement over the effects of divided government. Some of these findings support the conventional wisdom that states presidents and Congress should be less likely to work well together when they are controlled by different political parties. Other work, however, brings into question whether divided government actually poses a negative political environment at all. Before we can further examine whether divided government actually poses a more adverse political environment than does unified government, it is necessary to evaluate what divided government actually *means*. In so doing, we may be able to reconcile some of the differences that emerge in the scholarly literature.

Defining Divided Government

The term “divided government” has, to date, been defined in a rather straightforward manner: a period when the party that controls the presidency does not control both chambers of Congress. This definition emphasizes the most basic component of the divided government phenomenon: party control of political institutions. This traditional definition contradicts the justification for examining divided government

with respect to various dependent variables; namely that divided government represents a more adverse relationship between the president and Congress. Control of Congress by an opposition party itself may not necessarily pose a threat to the president and his agenda. Instead, there are other components than party control that matter when considering presidential-congressional relations. Rather than equating “divided government” with “divided party control,” I contend that these are distinct concepts. Divided government contains two theoretically distinct components, party control and ideology.⁶

Party Component

Party control is the obvious component of divided government, as these terms have been used interchangeably in the literature. In addition to mere *control* of legislative chambers, the degree to which the president’s party controls these chambers is also important. When the president’s party does not control a majority of seats in both the House of Representatives and the Senate, divided party control exists. This majority may hold only one extra seat or it may outnumber the opposition by a wide margin. However, very few individuals would argue that the size of a party’s majority (i.e. the

⁶ One possible component of divided government that will not be included here is congressional rules and procedures (See Evans 1999 for a thorough review of this literature). Although there are reasons to expect that rules and procedures of Congress affect legislative outcomes, it is difficult to measure these effects. As Evans (1999) notes, data necessary to examine “the linkage between rules and outcomes...are seldom available” (605-06). Further, the exclusion of rules in models of legislative outcomes will not bias the results of this research, as there is no theoretical reason to expect these rules to be related to divided government. It is possible, even probable, that the *use* of certain procedures is more common during divided government. However, the examination of these as dependent variables is beyond the scope of this research. Some factors typically grouped with rules and procedures - for example, the filibuster, decisions by committee and party leadership, and committee jurisdictions (Evans 1999)- will be discussed in relation to other components of divided government discussed above.

gap between the number of seats held by the majority party and the minority party) is irrelevant. Unified and divided party control is determined by seat allocations (along with the party of the president), and in this regard the distribution of seats determines the degree of party control

In addition to the size of the partisan majority (minority), there are other dimensions of the “party” component of divided government: party control of legislative committees and chamber leadership positions. When a political party controls a majority of seats in the House of Representatives and/or the Senate, that party also controls the chairmanship of every committee in that chamber. During periods of unified party control, the chairman of every congressional committee is from the same party as the president. During divided party control, however, the committee chairmen (in at least one chamber) are held by a party other than that of the president. Similarly, the allocation of seats on congressional committees is determined by the partisan composition of the entire chamber. The control of these committee leaders and seats are a function of party control of Congress, and is thus a component of the larger phenomenon of “divided government.”

The chamber leadership positions are also determined by partisan control. When the Republican Party retained its control of both the House and the Senate following the 2004 elections, they also maintained control of the congressional leadership positions. Specifically, Republicans hold all the positions of Speaker of the House of Representatives, Majority Leader, and Majority Whips. In the Senate, the Majority Leaders and Whips are Republicans by virtue of their majority party status, while the Democratic Party selects the Minority Leader and Whips in both chambers. These

chamber leadership positions are also a component of divided government, as they are a direct function of partisan control of each legislative chamber. During unified party control, the president's party holds the chamber leadership positions, while the opposition party controls these positions during periods of divided party control. The chamber leadership is thus another component of "divided government."

Ideological Component

Divided government may also bring with it an increased amount of ideological distance between the president and key members of Congress. As party control of a chamber differs from the party of the president, many potentially important congressmen and senators will be members of the opposition party. As a result, it is possible that the members from the opposition party will have policy preferences that are very different from those of the president. However, this may not always be the case. For example, Southern Democrats in the 1960s were far more conservative than the Democratic presidents of the same time (Kennedy and Johnson). This is true of both the rank-and-file members of Congress and also those in leadership positions. Just as the control of committee chairs and chamber leaders are variants of the party control of divided government, so too are the ideologies of these members variants of the ideological component. Those in leadership positions may have preferences similar to the average member from their party, or they may have preferences outside the mainstream. The ideology of these members is meaningful, as it represents the degree to which (dis)agreement exists between the president and members of the legislature.

As most studies have considered divided government in terms of party control, the relationship between ideology and divided government is an empirical question that

requires further attention. Despite the view that divided government poses a more “adverse” political environment, this conventional wisdom has not been tested fully, that is, considering these distinct aspects of divided government. Only some of the components of divided government have been included in previous studies, again with mixed results.

Merging Two Literatures

As discussed above, there is a great deal of literature examining the effects of divided government on various presidential-congressional outcomes. However, given that these previous studies have used “divided party control” to mean “divided government,” this research has not fully explored *both components* of the larger phenomenon of divided government.

The scholarly literature has not ignored the components of divided government altogether. On the contrary, these factors have been examined at great length, with various studies examining the effect of one of these components on a particular dependent variable. In the past, the literature examining party effects and ideology effects have treated these as competing forces. I contend that both of these are part of the larger “divided government” phenomenon, and that one or both of these may drive any particular legislative outcome. In other words, party effects and ideology effects are not mutually exclusive. By conceptualizing divided government only in terms of party control, and by viewing party and ideology as completely distinct, the literature examining the effects of these components of divided government provides contradictory

results. The phenomenon of divided government can be understood better by merging the literatures on party effects and ideological effects.

Party

As party control has been used to define divided government, the existing literature on divided government has really been an extensive review of this one narrow component of the larger divided government phenomenon. As discussed above, there is mixed evidence on the effect of party control. However, the literature on party effects are not confined to the “divided government” literature. The party component of divided government has also received a great deal of treatment in other areas of the political science literature.

Much has been written on the subject of political parties in the American system, with many studies examining legislative outcomes. While some scholars find evidence to support the claim that parties affect legislative behavior, this finding is not universal. Some scholars assert that political parties drive roll-call voting in Congress. This literature argues that it is partisanship of members of Congress, rather than the policy preferences of these members, that affects voting behavior (Aldrich and Rohde 1998; Aldrich and Rohde 2000; Aldrich and Rohde 2001; Hager and Talbert 2000; Snyder and Groseclose 2000; Strattman 2000). Not only are bills affected by partisanship, but so are presidential nominations. Additionally, party affiliation may drive coalition formation in Congress, as legislators will seek to bargain with other members of their own party as they seek a majority of support for a particular bill. (Binder, Lawrence, and Maltzman 1999).

Other work has yielded contradictory results about the effects of party control. The literature discussing the effects of divided government on legislative outcomes (or lack thereof) is essentially testing how party control shapes presidential-congressional relations. Research has indicated that party does not matter in terms of legislative outcomes, as no significant relationship exists (Jones 1994; Krutz, Fleisher, and Bond 1998; Mayhew 1991).

Much of the literature that evaluates models of party influence on presidential-congressional outcomes contrasts these hypothesized effects with those of competing variables. This literature argues that the apparent effect of political parties is actually the result of policy preferences of members. This literature concludes that it is the ideology of congressmen that shapes legislative outcomes in terms of roll-call voting (Brady and Volden 2006; Chiou and Rothenberg 2003; Epstein, Kristensen, and O'Halloran Forthcoming; Krehbiel 1993; Krehbiel 1995; Krehbiel 1998; Krehbiel 1999; McCarty, Poole, and Rosenthal 2001), the success of presidential nominees (Binder and Maltzman 2002; Shipan and Shannon 2003), and in terms of coalition formation (Krehbiel 1995; Krehbiel 1999).

As noted above, political parties are at the heart of the divided government literature, as most studies define divided government in terms of party control. However, the effect of political parties can extend beyond simply controlling legislative chambers and/or the presidency, particularly in terms of the *strength of partisan control* of the legislature. As such, I seek to separate party control (simply controlling a majority) from the effect of increasingly large (small) partisan majorities (deficits). This distinction is

grounded in the scholarly literature, and there is still disagreement over whether the strength of party seat allocations actually matters.

Party control and seat allocations are intimately related, as the president's party obviously holds more seats in the legislature during periods of unified party control than it does during divided party control. In this regard, Epstein, Kristensen, and O'Halloran (Forthcoming) note that "seat share is a more sensitive indicator of divided government." However, some scholars argue that the number (or percentage) of seats held by the president's party significantly affects presidential-congressional outcomes.

Light (1999) argues that, "party seats remain the gold standard for presidential agenda setting. Short-term gains in presidential approval can make the influence of those seats more liquid perhaps, but cannot convert a Republican seat into a Democratic seat unless than approval creates a coattail in the next election." Similarly, Rudalevige (2002) asserts that, "majority party presidents, quite simply, do better on the floor of Congress than do minority party presidents; and the larger the majority, the better the president does." The conclusion is that the size of a president's seat advantage (or deficit) is an important component of the larger phenomenon of divided government.

Bond and Fleisher (1990), in their work on presidential-congressional relations, demonstrate the importance of seat allocations to presidential success in Congress. However, rather than the raw number/percentage of seats held by the president's party, Bond and Fleisher examine the ideology of these members. They create four classifications of members: the president's base seats, cross-pressured members of the president's party, cross-pressured members of the opposition party, and the opposition party's base seats. The president can count on his base to consistently support his

agenda, and thus larger numbers of base members is advantageous. Likewise, a smaller number of base seats for the opposition party leads to higher levels of presidential success. The cross-pressured members are those whose ideology is closer to that of the median member of the *other* political party, often simply classified as moderate partisans. These majorities (presidential base seats, and cross-pressured members of the president's party) are typically larger during divided party control, and can significantly affect presidential-congressional relations (Bond and Fleisher 1990).

While these scholars argue that the number (or percentage) of seats held by the president's party is important for legislative success, Edwards, Barrett and Peake (1997) do not believe that every additional seat matters. They argue that "the most important increment to a party's coalition in Congress is the one that provides it the majority to organize a chamber. Each additional vote after 50% plus one does not add an equal increment to the power of the majority party." Given this disagreement in the literature, it is important to examine whether partisan seat allocations provide additional information about legislative outcomes, once controlling for the effect of party control of a simple majority.

To better understand the relationship between divided government and legislative outcomes, we need to determine the role that party plays in determining political outcomes when controlling for the ideological component of the phenomenon.

Ideology

A second component of divided government is ideological distance between the president and key members in Congress. Many scholars and pundits have assumed that the president and Congress will typically share policy preferences during periods of unified party control and have divergent preferences when divided party control exists.

However, party control and ideological (dis)agreement are distinct, and do not necessarily accompany one another. Given that these are separate components of the larger phenomenon of divided government, we can examine the relative effect of party and ideology, to see whether one component, both components, or neither component drives legislative outcomes. Questions such as these about the effect of party and ideology are not new to the literature on legislative outcomes. Rather, a great deal of literature has examined the effect of policy preferences, with many concluding that ideology plays a significant role in shaping legislative outcomes.

Recently, the effects of ideology on legislative outcomes have been explored in the literature on “gridlock.” These studies, discussed above, examine the role of preferences (both of presidents and key members of Congress) on various legislative outcomes. This gridlock literature has remained largely separate from the divided government literature, even though each addresses a separate component of the larger divided government phenomenon. This dissertation seeks to reconcile these two literatures, as they both help justify the expanded definition of divided government.

The gridlock literature, however, is not the only work on the effects of ideology. As discussed in the previous section, much of this literature pits party against ideology, attempting to determine which of these factors drives various congressional outcomes. Some scholars assert that party drives legislative behavior, regardless of the preferences of the members of these political parties (Binder, Lawrence, and Maltzman 1999; Cox and Poole 2002; Hager and Talbert 2000; Snyder and Groseclose 2000; Strattman 2000). Other scholars have taken exception to this claim, arguing that it is ideology that determines how members will vote, how coalitions will form, how long the confirmation

process will take, as well as many other outcomes (Binder and Maltzman 2002; Bond and Fleisher 1990; Bond and Fleisher 2000; Kingdon 1981; Krehbiel 1993; Krehbiel 2000; Poole and Rosenthal 1997). The disagreement between these two camps persists, as the literature has yet to reach consensus about the relative impact of party and ideology.

In addition to the work that has studied ideology and congressional behavior, some recent research has incorporated measures of ideological *distance* between key actors in the system. While Krehbiel's (1998) preference-based rational choice model discusses the relative position of "pivotal" players and the president, the model does not account for the specific ideology scores of these actors. More recent work (Epstein, Kristensen, and O'Halloran Forthcoming) has revised the Krehbiel model, determining the ideological distance between the pivotal member that Krehbiel (1998) and Brady and Volden (2006) posit. Epstein, et al. (Forthcoming) conclude that a larger gridlock interval (i.e. a larger ideological distance between key actors in the presidential-congressional relationship) does not significantly affect the level of policy stalemate in Congress, challenging the conclusions of Krehbiel (1998) and Brady and Volden (2006). Other scholars have incorporated ideological distance measures to study the confirmation process of judicial nominees. Shipan and Shannon (2003) find that the ideological distance between the president and the Senate determines both the success rate of nominees and the duration of these confirmation proceedings. The further apart the president and Senate are ideologically, the more likely the president's nominees will be stonewalled by the Senate. When, on the other hand, the president and Senate share similar preferences, nominees are confirmed with much greater speed and success. These

models are important, as they show that the *relative* ideology of different actors in the political system may shape presidential-congressional outcomes.

More recent literature on roll-call voting, gridlock, and legislative productivity has examined the effect of ideology in a slightly different light by focusing on the *polarization* of political parties (Aldrich and Battista 2000; Aldrich and Rohde 2001; Binder 1999; Bond and Fleisher 2000; Brady and Volden 2006; Jones, True, and Baumgartner 1997; Jones 2001; McCarty and Razaghan 1999). Rather than looking at the ideological distance between key actors, this literature considers the ideological distance between the Democratic and Republican members of Congress. According to these scholars, it is not the *number* of partisans that determine political outcomes, but rather the ideology of these members. When parties are more moderate, and thus ideologically proximate, we should expect more bipartisanship and compromise. This should promote legislative productivity. However, when political parties are ideologically divergent, finding common ground is exceedingly difficult. Under these conditions, stalemate is much more likely. As with the other components of divided government, there is variation in how well these hypotheses hold up empirically. Party polarization appears to lead to policy gridlock (Binder 1999; Bond and Fleisher 2000; Jones 2001), as well as lengthening the confirmation process for presidential nominees (McCarty and Razaghan 1999). Given these findings, it would seem logical that polarization would also lead to incrementalism, as divergent parties should keep sharp policy changes in check. Jones, True, and Baumgartner (1997), however, do not find this to be the case. Again, the findings in the literature are contradictory.

Much of the literature does not separate the effect of congressional leadership on the presidential-congressional relations from those of party described above. Given that the majority party controls the chamber leadership positions, the preferences of these leaders are entirely determined by party control. There are also reasons to expect these leaders to affect presidential-congressional outcomes (Bond and Fleisher 1990; Chiou and Rothenberg 2003; Jackson 1974; Kingdon 1981; Sinclair 1995).

The chamber leadership (such as the Speaker of the House, House and Senate Majority/Minority Leaders, House and Senate Majority and Minority Whips) is able to shape the behavior of their members throughout the legislative process (Bond and Fleisher 1990; Chiou and Rothenberg 2003; Jackson 1974; Kingdon 1981; Sinclair 1995). These leaders can relay preferences of the administration to members in the legislature, affect the referral of legislation to particular committees, organize members to filibuster or invoke cloture, cue voting behavior among partisans on the floor, and provide benefits (punishments) for members who support (do not support) the party line (Bond and Fleisher 1990; Chiou and Rothenberg 2003; Jackson 1974; Kingdon 1981; Sinclair 1995). While it is clear that the president's party holds the majority leadership positions during unified party control and the opposition party does so during divided party control, the ideology of these leaders vary widely (as will be discussed at greater length in Chapter 3). Presumably the preferences of the leaders are closer to those of the president during unified party control and farther away during divided party control. It is unclear whether the *preferences* of these leaders, relative to the rank-and-file and president, also affect legislative outcomes. However, this is another empirical question that needs to be tested.

In addition to these *chamber* leadership positions, those in control of congressional committees are also important. The president's party controls the leadership of every congressional committee (and additionally control a majority of the seats on every committee) during unified party control, while the opposition party controls these positions in at least one legislative chamber during divided party control. Despite party playing a role in determining the pool from which these leaders are selected, it is possible to have a wide range of preferences represented by these chairmen.

Bond and Fleisher (1990) describe the power that committee chairman can have on presidential-congressional outcomes, stating that "decisions of committee leaders to support or oppose the president's preferences on issues that come through their committees are nonetheless a major determinant of success" (1990). Committee chairmen help determine to which subcommittee legislation will be referred, whether hearings will be held on particular issues, and whether legislation is referred from the committee back to the floor of the chamber (Cox and McCubbins 1993; Sinclair 1983; Sinclair 1995; Smith and Deering 1984; Talbert, Jones, and Baumgartner 1995). Given the importance of committee chairmen in the legislative process, it is especially important to include these key actors when examining presidential-congressional dependent variables. These congressional leaders are included within the "ideology component" as their *preferences* vary widely and may explain differences in behavior across chairmen from the same political party.

Although these components have been included in previous research to some extent, they generally are included separately rather than collected in the same research. Yet *all* of these components together determine the amount of agreement between the

president and Congress. In other words, it is the cumulative effect of these various components that determines just how “divided” or “unified” government really is.

Conclusions

As discussed above, a great deal of scholarly attention has been paid to the topic of divided government, examining whether this political phenomenon hampers presidential-congressional relations. Divided government seems to affect some areas of presidential-congressional relations adversely but not others. Despite copious discussion, the literature has not come to a consensus about the effects of divided government, leaving us unsure whether divided government is actually more deleterious for presidents than unified government.

Although this phenomenon has received so much attention in the literature, divided government has been defined narrowly in terms of party control of political institutions. While many may have assumed that divided party control is accompanied by a more adverse relationship between the president and Congress, this has not been established empirically. This research contends that party and preferences represent distinct components of the larger phenomenon of divided government. Furthermore, despite the wealth of research on divided government, no empirical work to date has examined which component(s) of divided government are most likely to affect various political outcomes. Perhaps some components of divided government affect the success/failure of legislation, but not judicial nominations. Perhaps other components of divided government affect the proclivity of presidents to veto legislation, or of committees to kill legislation. Without developing models that can test the *relative* effects of different

components of divided government, we will not truly understand how divided government affects presidential-congressional relations.

Is it possible then that these seemingly contradictory findings on the effects of divided government are the product of the narrow definition and measures most commonly used to operationalize “divided government”? As a step towards addressing this question, the next chapter offers measures of the *components* of divided government that are consistent with the broader definition offered above. By creating distinct variables to capture these different components, we can test their relative effect on legislative outcomes.

Chapter 3

Measuring Adversity between Congress and the President

Key questions:

- How is divided government traditionally measured?
- What are the assumptions and limitations of the divided government dummy variable?
- How can we operationalize the components of divided government?

Why Measurement Matters

As Chapter Two demonstrates, the literature examining the effects of divided government is divided, with seemingly contradictory findings and theories that do not fully explain a wide range of political outcomes. While some scholars have found no significant difference between periods of unified and divided government, others have found that the latter hinders presidential-congressional relations and legislative outcomes. I argue that these contradictory findings may be the result, at least in part, of the measures used to operationalize the phenomenon. More specifically, the failure of previous scholars to incorporate measures that allow for the *relative* test of the *components* of divided government may account for this divided literature.

Both the ideological and partisan components of divided government discussed in the previous chapter may have an effect on legislative outcomes. However, the literature has to date equated “divided government” with “divided party control.” Not only are there reasons to believe that these components may shape presidential-congressional relations, but there are also reasons to expect *variation in these components over time*. Given both the seemingly contradictory findings and the dynamics of the components of divided government, there is a need in the literature for measures that allow scholars to distinguish “party control” for the broader concept of “divided government.” In this

chapter, I discuss the various measures that will be used to test the impact of each component on various legislative outcomes. By testing the relative effect of each of these components on commonly examined dependent variables, I hope to reconcile the seemingly contradictory findings on the effects of divided government.

Previous Measures of Divided Government

At first glance, divided government appears to be a rather simple concept to operationalize. When the president of the United States is of one party and the other party controls both chambers of Congress, divided government exists.⁷ Given the apparent simplicity of measuring the phenomenon, the vast majority of scholars employ a dummy variable to measure divided and unified government.⁸ Early work on divided government (Mayhew 1991; Sundquist 1988) examined the phenomenon using this dichotomous variable, with most subsequent researchers utilizing the same measure (Alt and Lowry 1994; Binder 1999; Binder 2003; Binder and Maltzman 2002; Brady and Volden 2006; Edwards, Barrett, and Peake 1997; Jones 2001; Krehbiel 1998; Krutz 2001a; Krutz, Fleisher, and Bond 1998). Of the dozens of studies that tackle the causes and effects of divided party control, relatively few scholars have quantified it using a

⁷ If one party controls the House while the other party controls the Senate, then another form of divided government, sometimes called “mixed control,” exists. Most studies, however, treat both forms of divided government in the same way. In the post-World War II period, “mixed control” only occurred from 1981 to 1986, when the Republican Party controlled the presidency (Reagan), the Senate, but not the House of Representatives.

⁸ Studies that make a distinction between divided control and mixed control typically operationalize divided government in the following way: Divided government = 1, Mixed control = .5, Unified government = 0.

variable other than the dummy measure (Bond and Fleisher 1990; Conley 2003; Shipan and Shannon 2003).

While the traditional divided government dummy variable seems straightforward, it is not without problems. This dummy variable is loaded with assumptions that have both methodological and theoretical implications.

Assumptions of the Dummy Variable

Although the use of a dummy variable to capture the presence or absence of divided government appears to be a *methodological* choice, the decision to employ such a measure is *theoretically* important as well. Not only has the literature *defined* “divided government” as “divided party control,” but it has also *operationalized* divided government strictly based on party control. Given that party control is only one component of the larger divided government phenomenon, use of the dummy variable is problematic in several meaningful ways.

The dummy variable (also referred in this dissertation as the “divided government dummy variable”) makes two key assumptions, which have both methodological and theoretical implications. The first assumption, as stated above, is that *party control* of the presidency and legislature matters, as this variable takes on a value of 1 or 0 based only on whether the party that controls the presidency also controls both chambers of Congress. Implicitly, the dummy variable assumes that the other components discussed in the previous chapter do *not* matter (e.g., ideology) – that it does not matter how much the chief executive shares preferences with members of the two parties or with their most influential members. Additionally, it assumes that party control, rather than the degree of

party control (“party seats”) matters, as this measure cannot distinguish larger seat majorities (deficits) from small ones.

The second assumption made by use of the dummy variable is that the nature of divided government has remained constant. The use of a dummy variable assumes that all periods of unified government and all periods of divided government are equal, as they are assigned the same numeric value. In other words, when examining legislative outcomes, the use of a dichotomous variable assumes that the effect of divided government on these outcomes is the same during divided government in the 1990s as it was during divided government in the 1950s. If, however, the components of divided government have varied in a meaningful way, this assumption would be flawed.

Whether intentional or not, other scholars have made these assumptions through their use of this measure. There are reasons to question both of these assumptions.

Challenging the Assumptions of the Divided Government Dummy

There are many reasons to question the assumptions made by the use of a dichotomous measure to capture divided government. The justification for challenging the assumption that *only* party control matters, rather than something else, is largely provided in the previous chapter. Neither the ideology component of divided government nor the seats dimension of the party component is captured by the dummy variable, despite the theoretical reasons for believing that each affects legislative outcomes. Which component of divided government (party, ideology, both, neither) drives legislative outcomes is an empirical question, rather than a conclusion that has been well established in the literature.

There is a myriad of reasons to question the assumption that divided government has not changed over time. There has been a great deal of variation in the components of divided government over time. Again, if something other than party control matters, then this variation should substantively affect legislative outcomes. It is possible that unified government during the Eisenhower administration did not have the same impact on legislative outcomes that it does today during the Bush administration, as the result of variation in one (or both) of the components. Similarly, it is possible that, as these components of divided government have varied over time, divided government has posed more or less of a deleterious political environment.

Variation in Party Seat Allocations

In the post-World War II period there have been wide variations in the number of seats that the president's party held in both the House and the Senate. For example, during 1965-66 under Lyndon Johnson there were 68 Democratic senators and 295 House members from the president's party. In 2003 under George W. Bush there were 51 Republican senators and 229 Republican House members. Both governed during periods of unified party control, yet on the basis of congressional seats held by the party of the president, Johnson was in a much more commanding position than was Bush, who had slim majorities in both the House and the Senate. While LBJ could afford to lose members of his own party and still achieve success on his legislative agenda, George W. Bush could afford no defections. Hence, while both presidents experienced unified party control, there were important variations in their ability to influence Congress. Yet, a dummy variable treats each case as being the same.

Variation in Ideology

Along with the variation in seat allocations over time, there has also been a great deal of variation in the ideology of members of Congress and presidents in the post-World War II period. Chapter 2 reviews the literature on party polarization (Aldrich and Battista 2000; Aldrich and Rohde 2001; Binder 1999; Bond and Fleisher 2000; Brady and Volden 2006; Jones, True, and Baumgartner 1997; Jones 2001; McCarty and Razaghian 1999), which argues that the average Democrat and the average Republican have become ideologically more disparate in recent decades. The recent polarization of Democratic and Republican members of Congress is likely the product of several factors. First, as conservative Southern Democrats were retired from public life by gerrymandering, the Democratic Party became more liberal (Lublin and Voss 2003). Second, Northern Democrats become more liberal as well (Brewer, Mariani, and Stonecash 2002). This polarization has left fewer moderates in Congress than there were in the 1950s, 1960s, and 1970s. Further polarization in the 1990s (Bond and Fleisher 2000) means that there are also fewer cross-pressured legislatures with whom presidents from opposing parties can bargain easily (Bond and Fleisher 1990).

The shifting preferences of congressmen became even more pronounced following the 1980 elections. Not only did control of the Senate change from Democratic control to Republican control for the first time since 1955, but the preferences of the members also shifted. Brady and Volden (Brady and Volden 2006) describe these changes:

The new Congress differed significantly from the 96th Congress. The Senate was Republican for the first time in twenty-six years; liberal Senators including George McGovern (D-SD), Birch Bayh (D-IN), Gaylord Nelson (D-WI), and Frank Church (D-ID) had been defeated in 1980. They were replaced by

conservative Senators like Dan Quayle (R-IN), Robert Kasten (R-WI), Steven Symms (R-ID), Charles Grassley (R-IA), and James Abdnor (R-SD)...Both the mean and the standard deviation show[ed] about a 40 percent drop from any Senate scores over the 1969-1980 period...In addition to the Republican majority, there were a sufficient number of conservative Democrats to ensure that the filibuster could not be used often or effectively.

Thus, dramatic variation exists in the ideological preferences of members of Congress over the last 50 years.

In addition to shifting ideology of members of Congress, the ideology of presidents has also varied widely. Since World War II, the American people have elected strong liberals (such as Kennedy and Clinton), strong conservatives (such as Reagan and George W. Bush), as well as more moderate presidents from both political parties (Eisenhower and LBJ)⁹. Table 3.1 presents presidential ideology (DW-Nominate scores) over time.

- Table 3.1 about here -

When examining the varying effect of ideology on presidential-congressional outcomes, however, one should consider not simply the raw scores of members of Congress and presidents, but rather the *relative* ideological position of these actors over time.

Over the last 50 years, the ideological distance between the president and Congress has also varied. Consider the differences between the political environment Eisenhower confronted in 1958 and George W. Bush in 2002 (Poole 2003; Poole and Rosenthal 1997). Under Eisenhower, the House and Senate were controlled by the Democratic Party, many of whom were conservative Southern Democrats. Given that Eisenhower was fairly moderate, the ideological distance between the president and

⁹ These classifications of presidential ideologies are based on Poole and Rosenthal's (1997; 2003) DW-Nominate scores. Negative scores are more liberal, and high positive scores represent more conservative individuals.

Congress was relatively small. George W. Bush faced a more contentious political environment, with a majority of seats in the Senate held by the Democratic Party following the defection of Jim Jeffords. As Bush is one of the most conservative presidents ever, and as the Democrats that controlled the Senate were much more liberal than was the Senate under Eisenhower, the ideological distance between the president and the Senate was quite large. Consequently, as the preferences of both the president and Congress have varied widely over the last 50 years, so too has the ideological gap between the preferences of these actors.

Variation in the Correlation between Party and Ideology

Aside from variation in the ideology of members of Congress, the relationship between party and ideology of congressmen has also changed over time. Figure 3.1 presents the correlation between party and ideology in the House of Representatives over time, while Figure 3.2 presents the correlation between party and ideology in the Senate¹⁰.

- Figures 3.1 and 3.2 about here -

As these figures show, partisanship and ideology were not as highly correlated in the 1950s and 1960s (81st through 91st Congresses). This is largely the result of the many Democratic congressmen, many of whom were from southern states, who had fairly conservative ideologies. However, over the last 25 years, the correlation between party and ideology has strengthened as members of Congress have become more ideologically

¹⁰ These figures present the correlation (Pearson's r) between a member's partisanship and his/her ideology, using Poole and Rosenthal's DW-Nominate score (Poole 2003; Poole and Rosenthal 1997).

polarized (Poole 2003; Poole and Rosenthal 1997). Table 3.2 presents the mean correlation coefficient between party and ideology for each decade since 1950.

- Table 3.2 about here -

As the Democratic and Republican congressional delegations have polarized, the party label has become more informative (Hager and Talbert 2000). In the 1950s and 1960s, knowing a members' partisanship did not provide as much information about the ideology of those members. Today, however, a member's partisanship is more strongly related to his/her ideology.

Variation in Chamber Leadership

In addition to changing preferences among the rank-and-file members of Congress over time, there have also been shifts in the chamber leadership. Consider the effect that replacement of more moderate legislators like Robert Dole and Robert Michel with more ideological leaders like Trent Lott, Newt Gingrich, Dick Armey and Tom Delay had on politics in Washington. A more nuanced measure that captures party change effects, including the increasing ideological distance between the two parties' leadership teams and the president is better suited to this purpose.

Still, as Cox and McCubbins (1993) note, it is the party leadership that sets the political agenda and determines the leadership of the congressional committees. A change from Tom Foley to Newt Gingrich therefore could have a major impact on presidential relations with Congress, even if there were only a modest corresponding shift in the ideology of the median legislator.

Thus, the ideology of congressional leaders relative to the ideology of the rank-and-file members of their party and to the president are meaningful when examining legislative

outcomes. Additionally, the ideology of these leaders can vary widely as a result of electoral and idiosyncratic factors.

Variation in Committee Leadership

As with the ideology of these other members, the preferences of committee chairman have also varied widely in this time period. During the Kennedy administration, many of the committee chairmen were Southern Democrats whose preferences were far from those of the president. Contrast this situation with that faced by Bill Clinton from 1993 to 1994. Although both presidents governed during periods of unified party control, the committee chairmen during Clinton's first two years were much more liberal. As a result, the ideological distance between the president and these members of Congress was much smaller. This example is demonstrative of a recent trend in the preferences of committee chairmen.

Before the committee reforms of 1975, committee chairmen were selected based on seniority. Following these reforms, both the Democratic and Republican parties were freer to select committee chairmen that were more ideologically extreme. As with the dramatic shift in preferences of the average member following the 1980 election, the committee chairmen in the 97th Congress (1981-82) differed greatly from the chairmen controlling the congressional committees in the 96th Congress (1979-80). Strong liberals were replaced in the 97th Congress by much more conservative members (Brady and Volden 2006). Both political parties have selected much more extreme committee chairmen in recent years. As the committee chairmen shift from moderates to more extreme members of the majority party, legislation may shift from the ideal point of the median member of the legislature to a point closer to the preferred point of the committee

chairman. If this is occurs, then a shift in the ideology of the committee chairmen may affect legislative outcomes, even when no shift in the membership of the chamber has occurred. As such, not only is there variation in this component of divided government, but this variation is important in terms of legislative outcomes (Epstein and O'Halloran 1999).

Hence, while the vast majority of studies of divided government employ this dummy variable, previous scholars have not tested the assumptions that are inherent to this measure.

Other Problems with the Dummy Variable

Aside from issues related to the assumptions made by the dichotomous measure, there also are serious problems with the use of a dummy variable to measure divided government in the post-World War II time period. First, prior to Bill Clinton's presidency, all Democratic presidents since Harry Truman (Kennedy, Johnson and Carter) governed during times of unified party control, while all of the Republican presidents (Eisenhower, Nixon, Ford, Reagan, and G. H. W. Bush) governed during periods of divided party control, most for a majority of their time in the White House. Therefore, as Mayer (1999) asserts, "Simply testing for differences between presidents under divided and unified [party control] is no different than testing for differences between Democratic and Republican presidents...". While the Clinton presidency now provides us with a Democratic President and a Republican controlled Congress, and George W. Bush a Republican president and a Republican Congress, the use of a dummy variable to measure divided government in the pre-Clinton period may be picking up only the difference between Democratic and Republican administrations.

Measuring the Components of Divided Government

The inclusion of more nuanced and theoretically appropriate measures will allow for the relative test between the components of divided government. Party control is the easiest component to quantify, as the president's party controls a legislative chamber or it does not. I employ a dichotomous variable to capture party control, where the variable takes on a value of 1 when the president's party controls the legislative chamber and 0 when the president's party does not control that chamber. Again, this dummy variable capturing party control is operationalized in exactly the same way as the "divided government dummy variable" that has been used in the majority of studies on this topic to quantify "divided government." This dissertation contributes to the literature by expanding the definition of divided government to more accurately capture the level of congruence or adversity between the president and Congress. In doing so, I will not use dummy variables aside from the party control dummy variable, but rather continuous measures that contain high levels of variation.

Measuring Party Seat Allocations

As discussed in Chapter Two, there are two dimensions to the party component of divided government. In addition to simple party control, as discussed and operationalized above, the *strength of party control* is also meaningful. This second dimension of the party component is operationalized based on the percentage of each legislative chamber that is controlled by the president's party.

It usually is not difficult to measure the party seat allocations in the House and Senate¹¹. The data on these breakdowns are readily available (Ragsdale 1996). As this research examines presidential-congressional relations, I consider the percentage of seats controlled by the president's party and by the opposition party. More specifically, I examine the percentage of seats held by the president's party in both the House and the Senate: that is, the percentage of seats held by the president's party minus the percentage of seats held by the opposition party. This variable takes on a positive value when the president's party holds the chamber majority and a negative value when the opposition holds the majority of seats. As such, this provides a continuous measure of the party component, as opposed to the dichotomous measure that typically has been used in the past. The percentage of seats held by the president's party in the House and Senate are presented in Figures 3.3 and 3.4, respectively.

- Figures 3.3 and 3.4 about here -

Measuring Ideology and Leadership

Previous scholarship has operationalized ideology in a variety of ways. One could include measures that capture the ideology of the median legislator in Congress (Brady and Volden 2006; Shipan and Shannon 2003), the median member of the majority party (Conley 2003), or the ideology of certain "pivotal" members of the system (Brady and Volden 2006; Epstein, Kristensen, and O'Halloran Forthcoming; Krehbiel 1998). These ideology scores could be included by themselves, or these variables could be

¹¹ Measuring seat allocations can be more complicated at times, as it is possible for the number of seats held by the president's party to shift over a two-year period. Members of Congress occasionally die in office, retire from public life, leave Congress to seek a different political office, or are selected by the president to fill an executive branch position. While these seats are vacant, or when someone from an opposing party replaces these members, the allocations can change. Seat allocations can also change when a member of Congress changes his/her party affiliation, as was the case when James Jeffords (Vermont) defected from the Republican Party to an Independent affiliation.

subtracted from the president's ideology score to capture the ideological *distance* between the president and these actors. As this research seeks to determine the level of presidential-congressional adversity, it seems most appropriate to include measures of ideological distance, so that we have a variable that quantifies the level of harmony or discord between the policy preferences of the president and Congress¹².

While these ideology measures capture the ideological distance between the president and Congress, and how this distance varies over time, they are not without limitations. Using the median member of the majority party as the “key” actor, like the divided government dummy variable, assumes that party control matters. As the aim of these measures is to avoid making the assumptions of the divided government dummy variable, using the median member of the majority party is problematic. Another problem endemic to several of these ideology members is that they do not vary *within* congressional sessions. Although the distance between the president and these key actors vary over time, they rarely vary within a two-year period¹³. In this research, I include the ideological distance between the president and the median legislator in some models.

¹² This research uses the absolute distance because we do not care whether Congress is more conservative or liberal than the president, only that its ideology is different from it. That is, I do not hypothesize that presidents that are far more liberal than members of Congress are more or less disadvantaged than those who are more conservative than members of Congress, though this may in fact be an interesting question for further research.

¹³ It is possible to construct a model based on the Krehbiel “pivotal politics” model that would vary based on the specific issue area. To do so, one would need to sort members on more than just the traditional one dimension of preferences used to calculate ideology. If the median legislator, the veto pivot, and the filibuster pivot were allowed to vary based on the content of the specific legislation, these measures would vary both across congressional sessions and within sessions. This would strengthen their applicability to different studies and data sets.

Measuring chamber leadership and committee leadership is more complicated. One possibility would be to include measures that capture the power of the chamber leadership and committee chairmen. However, the powers of these have not varied much over the last 50 years¹⁴. These leaders have varied in terms of their policy preferences, especially when compared to the preferences of other political actors. As with the previous measures that capture the ideological distance between key actors and the president, the same can be done with the chamber leadership and committee chairmen. Figure 3.5 presents the ideological distance between the president and the Speaker of the House, and Figure 3.6 presents the ideological distance between the president and the Senate Majority Leader. Similarly, Figures 3.7 and 3.8 display the distance between the president and the average chairmen of the standing committees in the House and the Senate¹⁵.

- Figures 3.5 through 3.8 about here -

While each of these measures is incorporated into some of the models, I focus on the distance between the president and committee chairmen. These committee chairmen are critical actors in the system. Almost all legislation is referred to committee, and the vast majority of this legislation fails at this stage of the legislative process. Thus, the ideological distance between these actors and the president are expected to affect legislative outcomes. Chapter 5 examines several recent examples in much more detail,

¹⁴ While the powers themselves have not changed greatly, the use of these powers by the leadership has varied more widely. This variation is likely the product of leadership preferences, rather than what is driving leadership behavior.

¹⁵ As new standing committees are created, old ones are abolished, or in some cases names are changed or committees are consolidated, the total number of standing committees across Congresses often changes. I examine the chairs of all of the standing committees in the Senate and the House. Names of the committee chairs and leaders were derived from the *Congressional Directory* for each Congress in the data set.

illuminating the expected impact of committee chairmen ideology on outcomes.

Additionally, use of the committee chairmen scores allows for theoretically driven variation within each congressional session, as each piece of legislation can be tied to specific committees and their respective chairs. As with some of the other ideological distance measures, the chamber leadership does not vary within a congressional session. Given that the intention here is to explain variation both across legislative sessions and within legislative sessions across issue areas, the committee chairmen are the more appropriate congressional actors to include in the present analyses.

Over the course of the post-WWII time period, the distance measures are consistent with prior expectations regarding divided government: there is usually greater ideological distance between the president and the committee chairs in times of divided party control than there is in periods of unified party control. However, there is also a great deal of variation in these measures, both during periods of unified and divided party control. These variables allow for examination of the *effect of this variation* on legislative outcomes. A perusal of Figures 3.7 and 3.8 shows that *the ideological difference between the president and the committee chairs has increased considerably over time*. When Kennedy became president in 1961, representing a shift from divided to unified party control, there was relatively little change in the ideological distance between the president and the average committee chair in Congress¹⁶. Rather than decreasing, as one would expect, the distance actually increased slightly from .22 (Eisenhower and the 86th Congress) to .24 (Kennedy and the 87th Congress). The explanation is that conservative Southern Democrats largely controlled the leadership of Congress and its committees. Hence, while Kennedy was operating in a period of unified government, the

¹⁶ This ideological distance will be discussed in greater detail later in the chapter.

ideological adversity that he faced was similar to that of his Republican predecessor. The next shift to divided party control occurred with Nixon in 1969. Here the shift was larger, from .05 (Lyndon Johnson and the 90th Congress) to .38 (Nixon and the 91st Congress). With the move to unified party control following Carter's election in 1976, we witnessed a similar shift (from .34 to .09). With the arrival of Ronald Reagan in 1981, however, the magnitude of the shift increased dramatically. The ideological distance between Carter and the average committee chairs in the 96th Congress was only .03, while for Reagan and the 97th Congress it was .85¹⁷. The transition from George H. W. Bush to Clinton in 1993 (.81 to .02) was accompanied by a shift similar to 1981. Likewise, the Republican takeover in the 104th Congress in 1995 increased the ideological distance for Clinton from (.02 to .77).

Again, these new measures of ideological adversity contain a great deal of variation over time, raising the possibility that the partisan and ideological components of divided government pose a worse political environment today than they did earlier in the 20th century. The variation in these components, along with different scholars examining different segments of this longer time period, may help explain some of the contradictory findings that dominate the divided government literature.

Examining Aggregate-Level Dependent Variables

These measures of adversity - by way of the components of divided government - are relatively straightforward when examining outcomes that only involve one legislative chamber. Several presidential-congressional variables are specific to one legislative chamber. In the Senate, this includes the duration and outcome of presidential nominees

¹⁷ This shift is consistent with the changes noted by Brady and Volden (2006) about the changes linked to the 1980 election.

for executive and judicial branch vacancies, treaties, and the outcome of legislation in the Senate (including legislative failure via filibuster). Although the House does not play a role in the confirmation process for nominees or treaties, examining whether legislation successfully makes it though the House would be another example of single-chamber outcomes.

For these single-chamber variables, measures of the components of divided government can be used. When, for example, a researcher is examining the confirmation process for judicial nominees, s/he can employ measures of party control, party seat allocations, chamber leadership, and committee leadership in the Senate. However, measuring presidential-congressional adversity is much more difficult when examining outcomes that span both legislative chambers.

The problem in dealing with dual-chamber outcomes is in reconciling the differences between the two chambers. Krehbiel (1998) circumvents the problems associated with a two-chamber system by developing a rational choice model of presidential-congressional interaction using a hypothetical unicameral legislature. While this parsimonious model allows Krehbiel to avoid pitfalls associated with bicameral differences, it is obviously unrealistic in the American context (Chiou and Rothenberg 2003; Epstein, Kristensen, and O'Halloran Forthcoming).¹⁸ As such, Krehbiel overcomes the problem of a bicameral system without solving the problem itself. How, then, can scholars deal with the American bicameral system without simply imposing an artificial unicameral legislature?

¹⁸ The national legislature, as well as nearly all of the state legislatures, is bicameral. The Nebraska state legislature is the lone exception in the American context.

One solution would be to take the average value of the two chambers for each variable of interest. However, as Edwards, Barrett and Peake (1997) note, “there is no clear manner of averaging percentages of party majorities in each house, especially in 1981-1986 when different parties were in the majority of each house.” To average across chambers creates an atheoretical measure that does not adequately reflect seat allocations in either chamber, let alone the entire Congress. A second solution to this problem is to only use the values for either the House or the Senate, but not both. However, only including values for one chamber without a reason to do so is also atheoretical.

Measures of “Greater Adversity”

In this research, I overcome this difficult methodological hurdle by making a *theoretically driven* choice between the values of two legislative chambers. Given that this research examines legislative outcomes, many of which must successfully pass in both the House and the Senate, one solution is to examine the chamber that poses the greater obstacle to presidential-congressional relations. If the “more adverse” chamber still does not present a deleterious environment for presidential-congressional relations, the legislative process should run relatively smoothly. When, however, one legislative chamber is highly averse to working with the president, we should expect high levels of gridlock and low levels of legislative productivity.

During the Reagan administration, concerns about the filibuster aside, the House of Representatives had the greater potential to block legislation that the president supported from 1981-1986, particularly since Democratic controlled committees could block legislation from ever reaching the House floor. On the other hand, following the defection of Senator James Jeffords to the Democratic Party in 2001, George W. Bush had a greater political affinity with

his partisans in the House than he did with the Senate. This is not to say that the Senate under Reagan or the House under Bush posed no obstacles to the president's agenda. However, these chambers were likely *more favorable* for presidential-congressional relations. Therefore, I conceptualize the two chambers in terms of their potential opposition to the president's program; that is, which chamber is likely to provide the greater impediment to the president. These measures are referred to as the *Greater Adversity* measures, for each of the components of divided government included in the models.

Party Control

Measuring party control in aggregate models is straightforward, as the president's party either controls both chambers of Congress or it does not. Here, the dummy variable that is traditionally used to measure divided government is actually appropriate. This variable takes on a value of 1 when the president's party controls both chambers of Congress (i.e. unified government) and a value of 0 when the opposition party controls at least one chamber of the legislature. One could also use a measure that allows for "mixed control," where the president's party controls one, but not both, legislative chamber.

Party Seat Allocations

To measure seat allocations for legislative outcomes that span both chambers, a *Greater Adversity Seats Measure* can be created. To do so, I select the chamber (House or Senate) where the opposition party holds a greater percentage of seats to develop a measure of greater seats adversity, a measure of the chamber that represents the greater impediment to the president for each session of Congress. Figure 3.9 presents a graph of this measure.

- Figure 3.9 about here -

Not surprisingly, the data show that presidents who govern during divided government must deal with a larger number of members of the opposition party (at least in one of the congressional chambers). While the measure thus provides a certain degree of face validity, there are limitations to this measure. There is still some measurement error, since it is more difficult to pick up the votes of one percent of House seats (4.35 House members) than it is to convince one percent of Senators (one Senator) to switch their vote. Thus, even a slightly higher percentage of seats in the Senate may not represent as much of a threat to presidential success as a smaller seat percentage in the House. While this certainly introduces measurement error, its greatest impact will be in those cases where the House and Senate seat allocations are nearly evenly split between the two parties.

It is also possible that the threat to presidential-congressional relations does not manifest itself through seat allocations, but rather vis-à-vis the minority party's use of the filibuster in the Senate. If the House of Representatives is identified as the more adverse chamber by the *Greater Adversity Seats Measure*, as it was during the Reagan administration, there may still be instances where the president and the Senate are at odds with one another. For example, if the Democrats in the Senate filibustered legislation that the president supported, then the House may not be the most adverse chamber. In this event, the "greater adversity" measure would be a conservative measure of presidential-congressional discord.

Ideology and Leadership

As with the measure of seat allocations, the *Greater Adversity Ideology* measures are conceptualized as the ideological distance between the president and members of Congress in terms of the chamber that represents the greater impediment to presidential-congressional

relations. From this perspective, the greater the ideological distance in one chamber, the less amenable it should be to successful work between these actors. In developing these measures, I include measures of the ideological distance between the president and three of the actors described above: (1) the median legislator, (2) the chamber leadership, and (3) the committee chairmen¹⁹. Increased ideological distance between any of these leaders and the president should negatively impact presidential-congressional relations. Figures 3.10-3.12 present the various *Greater Adversity Ideology Measures*.

- Figures 3.10 through 3.12 about here -

Measures of “Lesser Resistance”

Selecting the chamber that presents the most adverse political environment for the president and Congress is not the only option. Alternatively, one could select the legislative chamber that presents the smallest amount of adversity between these actors. As any legislation must pass through both chambers for success, considering the chamber that poses the “lesser resistance” to presidential-congressional relations serves as the lowest threshold that must be cleared for any chance of passage. When the distance between the president and Congress is small in the “lesser resistant” chamber, productivity should have a much higher likelihood than when the lesser resistant chamber still poses an adverse political environment. This represents the cases where presidents have the greater opportunity for legislative success. In addition to having the greater opportunity for passage of favorable legislation, the “lesser resistance” chamber also represents the body in which the president has the greater ability to

¹⁹ In models that examine aggregate-level outcomes (Chapter 4), the *Greater Adversity Ideology* measure captures the distance between the president and the *average* chairmen of the standing committees in that chamber. In models that examine individual-level outcomes (Chapter 5), the *Greater Adversity Ideology* measure incorporates the ideology of the chairman of the referring committee(s).

block legislation that he does not endorse. It is also possible that achieving legislative success in one chamber may put additional pressure on the other one to act.

These measures are constructed in a similar fashion to the *Greater Adversity* measures described above. First, the chamber in which the president's party contains the largest percentage of seats is used to calculate the *Lesser Resistance Seats* measure. If the president's party does not have a majority of seats in either legislative chamber, this ideological distance will be larger, making presidential-congressional relations more difficult. The *Lesser Resistance Ideology* measures are created by determining the legislative chamber in which the ideological distance between the president and Congress is the smallest for that time period. Figure 3.13 presents the *Lesser Resistance Seats Measure*, and Figures 3.14-3.16 present the *Lesser Resistance Ideology Measures*.

- Figures 3.13 through 3.16 about here -

By employing either the *Greater Adversity* or *Lesser Resistance* measures, I can examine the relative effect of the components of divided government on legislative outcomes.

Conclusions

Almost all of the previous studies of divided government (both as an independent and as a dependent variable) have defined the phenomenon as simply a function of party control. As a result, the literature has tended to examine the phenomenon using a dichotomous variable. This dummy variable takes on a value of "1" when divided party control exists, and "0" when unified party control exists. While the choice of measures appears to be only a methodological one, it also has theoretical implications. The use of a dichotomous variable makes two key assumptions about divided government. First, it

assumes that party control, rather than the other components of divided government, is driving results. There is a wealth of literature that asserts that the strength of the party majority and the ideology of key members of Congress may affect legislative outcomes, suggesting that this assumption needs further examination. The second assumption of the divided government dummy variable is that the effects of divided government have been consistent over time (i.e. all periods of unified government and all periods of divided government are the same). If this assumption is correct, then the effects of divided government on legislative outcomes in the 1950s should be the same as the effect of divided government on outcomes in the 1990s and 2000s. Yet, the components of divided government have varied widely over the last 50 years, raising concerns over this second assumption. This, too, is an empirical question that should be tested.

By incorporating measures of the components of divided government, rather than a measure that only captures party control, I seek to test these assumptions to see whether divided government truly poses a more deleterious political environment for presidential-congressional relations. These measures allow for the *relative* test of the components of divided government, overcoming both the methodological and theoretical limitations inherent in this vast literature.

Additionally, the *Greater Adversity* and *Lesser Resistance* measures allow for the examination of the components of divided government and outcomes involving both a single legislative chamber and both legislative chambers. I first employ these measures in models that analyze aggregate-level legislative outcomes (Chapter 4). I then examine the effect of the components of divided government on individual roll-call votes (Chapter 5).

TABLES AND FIGURES: CHAPTER 3

TABLES:

TABLE 3.1: PRESIDENTIAL IDEOLOGY (DW-NOMINATE SCORES)

| | |
|------------|--------|
| Eisenhower | 0.318 |
| Kennedy | -0.547 |
| Johnson | -0.314 |
| Nixon | 0.454 |
| Ford | 0.349 |
| Carter | -0.475 |
| Reagan | 0.564 |
| H.W. Bush | 0.463 |
| Clinton | -0.475 |
| W. Bush | 0.562 |

TABLE 3.2: AVERAGE PARTY-IDEOLOGY CORRELATION BY DECADE

| Decade | House | Senate |
|---------------|--------------|---------------|
| 1950s | .7582 | .6865 |
| 1960s | .7936 | .7192 |
| 1970s | .7991 | .7421 |
| 1980s | .8567 | .8446 |
| 1990s | .8869 | .9001 |
| 2000s | .9092 | .8423 |

FIGURES:

FIGURE 3.1: PARTY / IDEOLOGY CORRELATION - HOUSE (DW-NOMINATE)

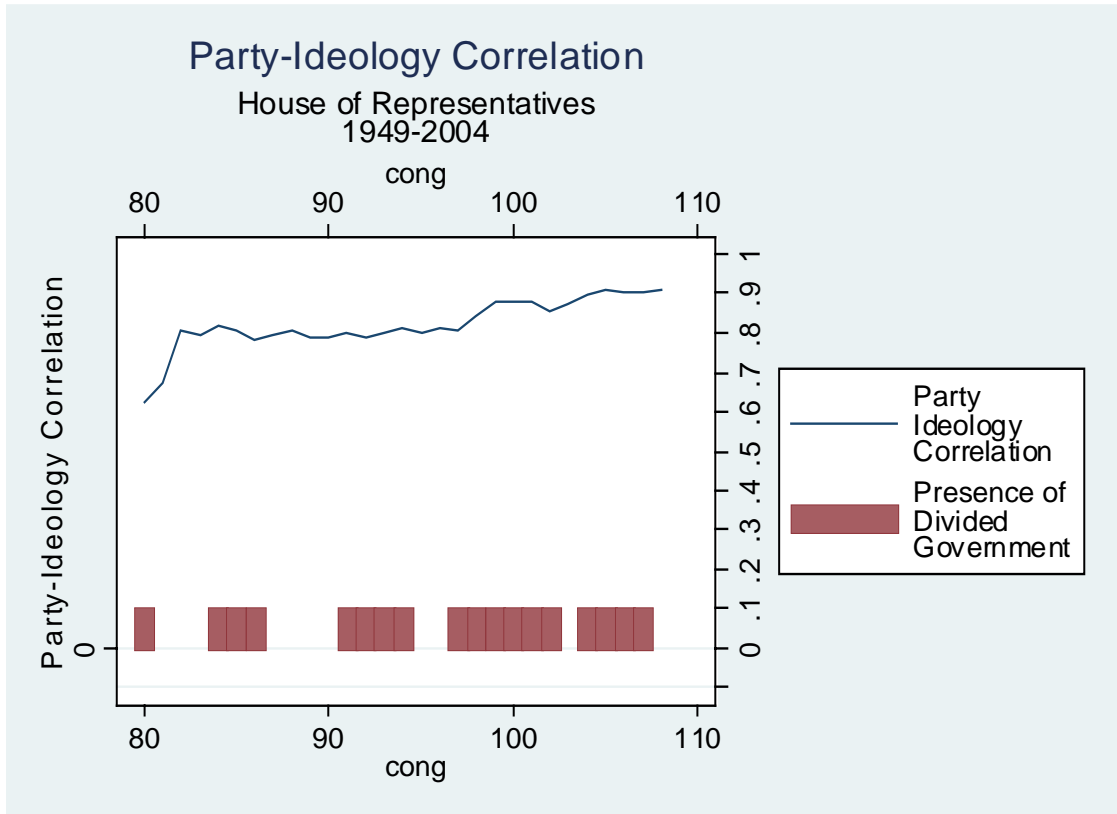


FIGURE 3.2: PARTY / IDEOLOGY CORRELATION - SENATE (DW-NOMINATE)

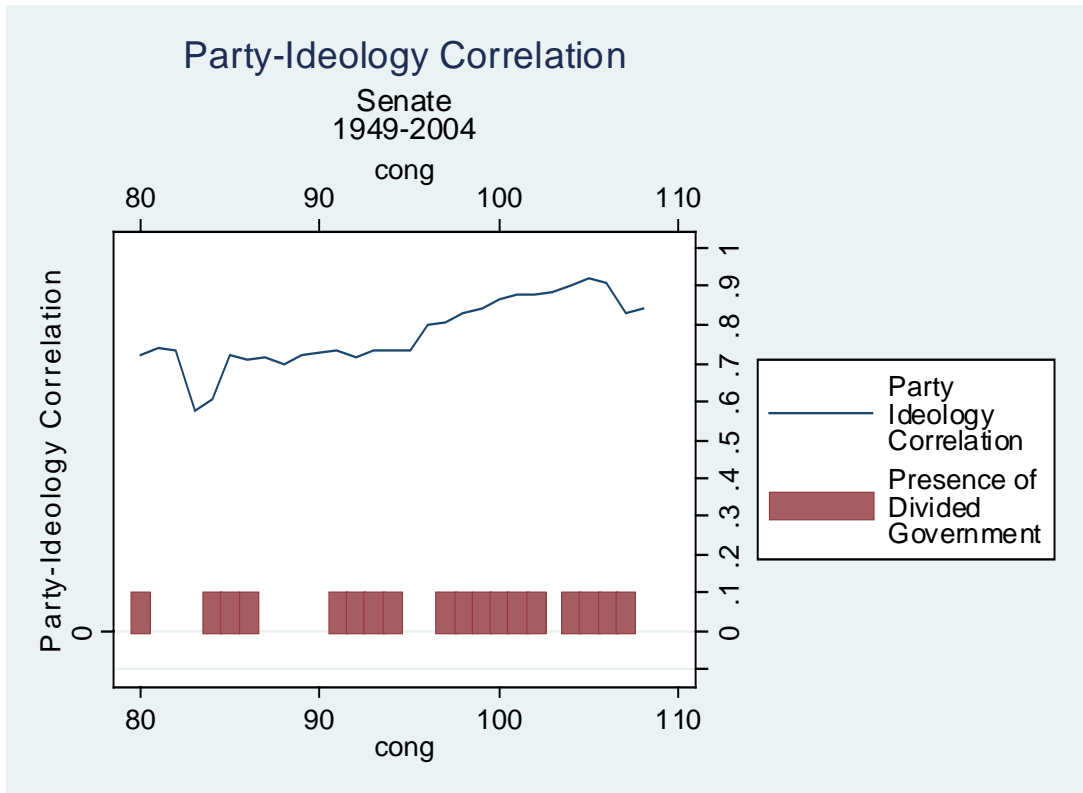


FIGURE 3.3: PERCENTAGE OF SEATS HELD BY PRESIDENT'S PARTY - HOUSE

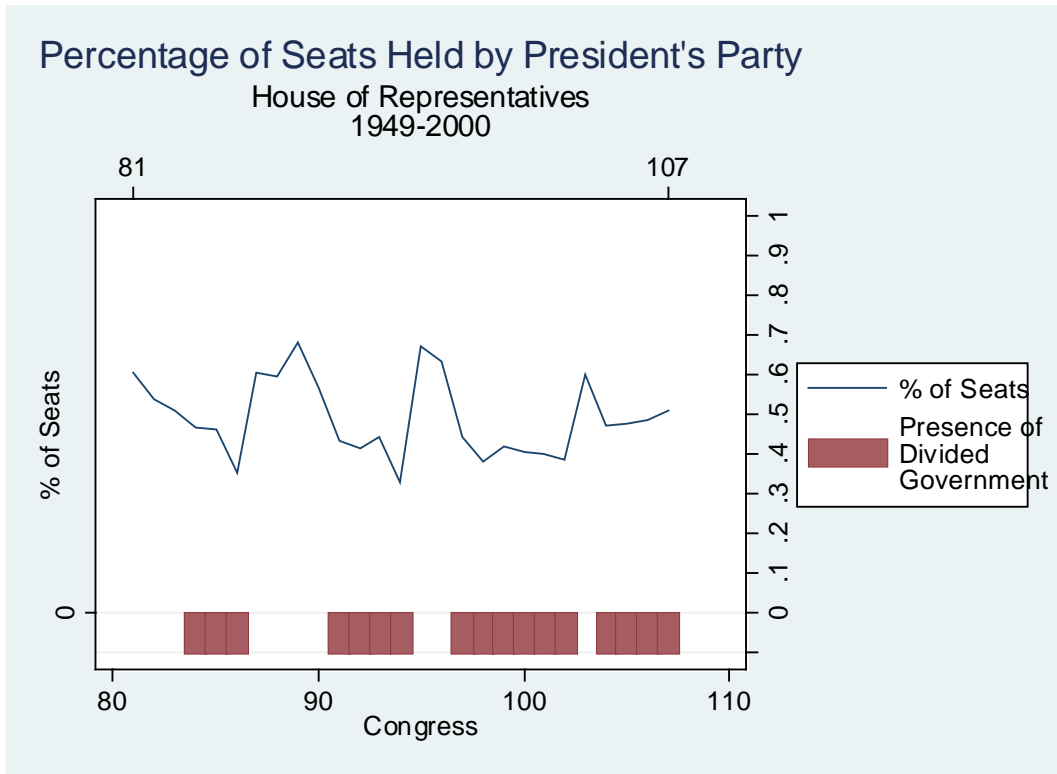


FIGURE 3.4: PERCENTAGE OF SEATS HELD BY PRESIDENT'S PARTY - SENATE

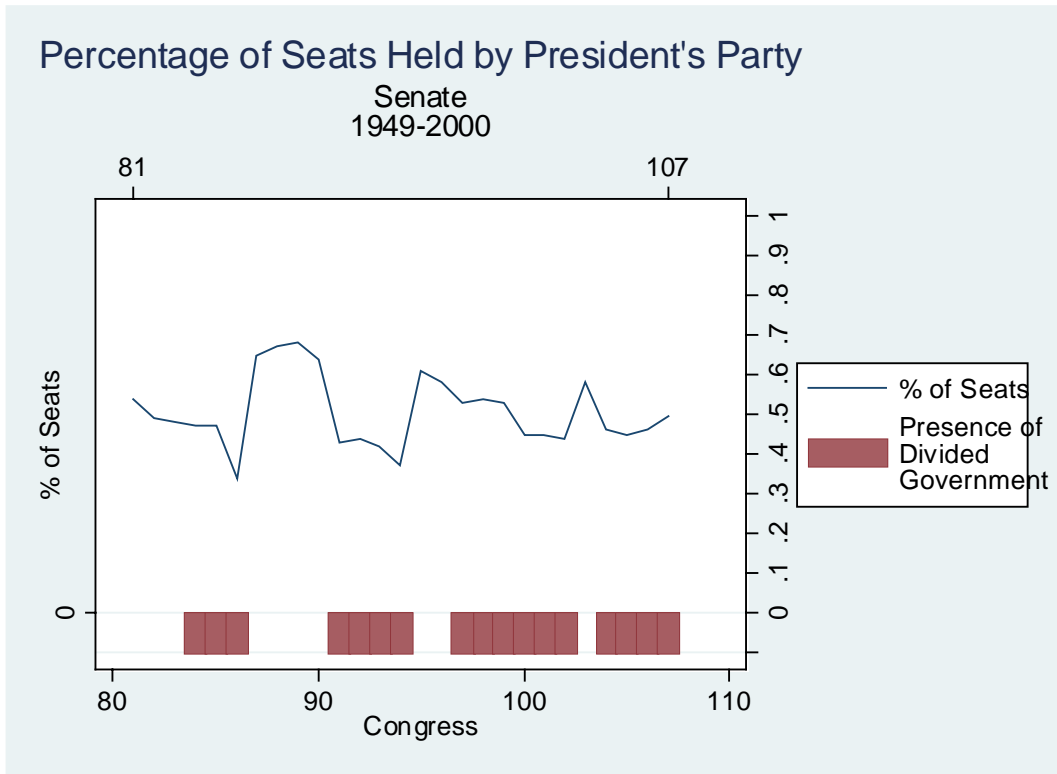


FIGURE 3.5: IDEOLOGICAL DISTANCE BETWEEN PRESIDENT AND SPEAKER OF THE HOUSE

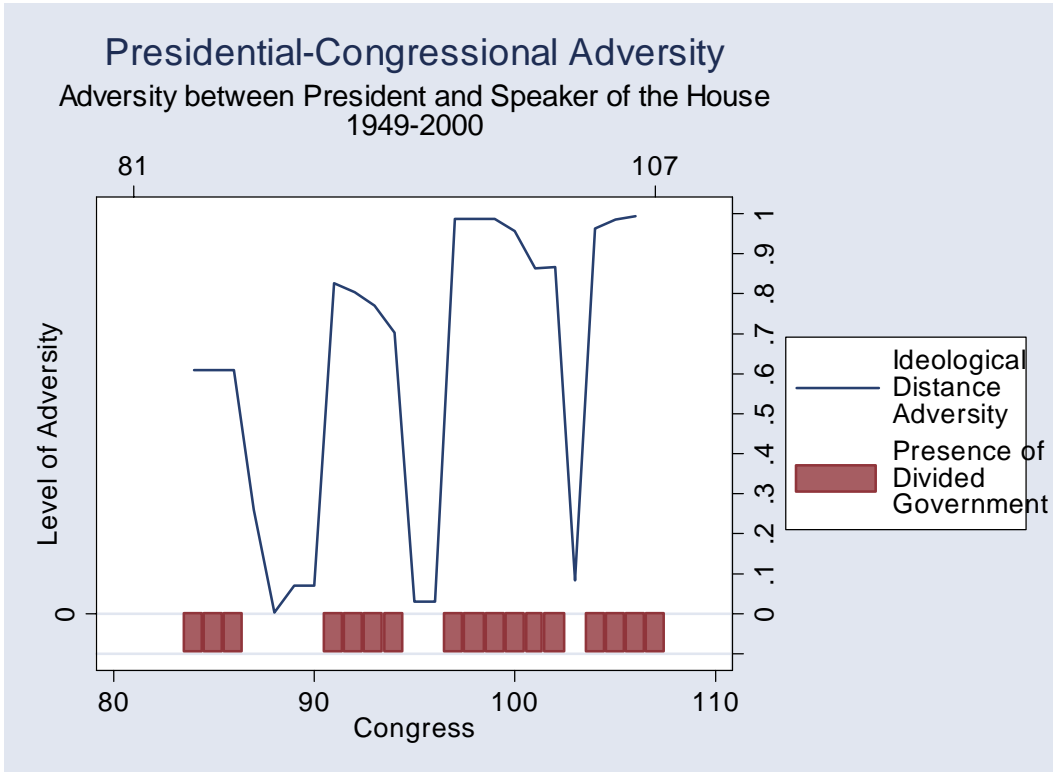


FIGURE 3.6: IDEOLOGICAL DISTANCE BETWEEN PRESIDENT AND SENATE MAJORITY LEADER

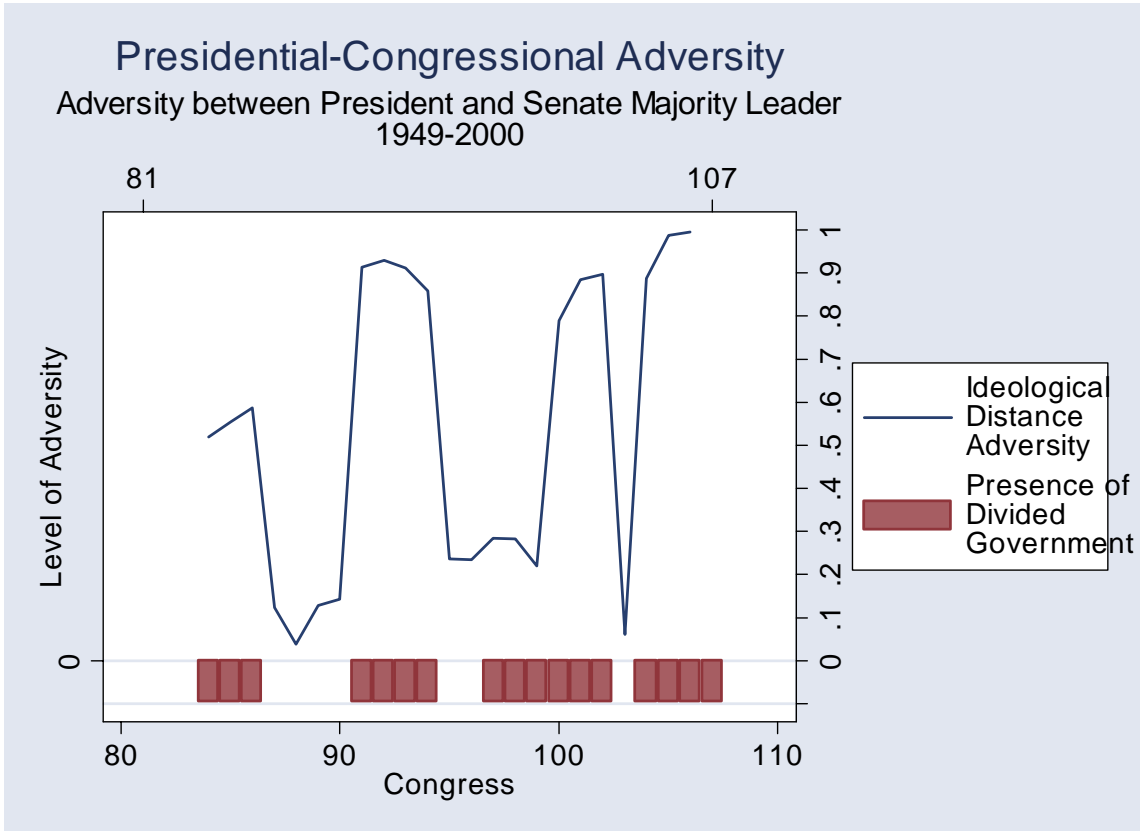


FIGURE 3.7: IDEOLOGICAL DISTANCE BETWEEN PRESIDENT AND COMMITTEE CHAIRMEN - HOUSE

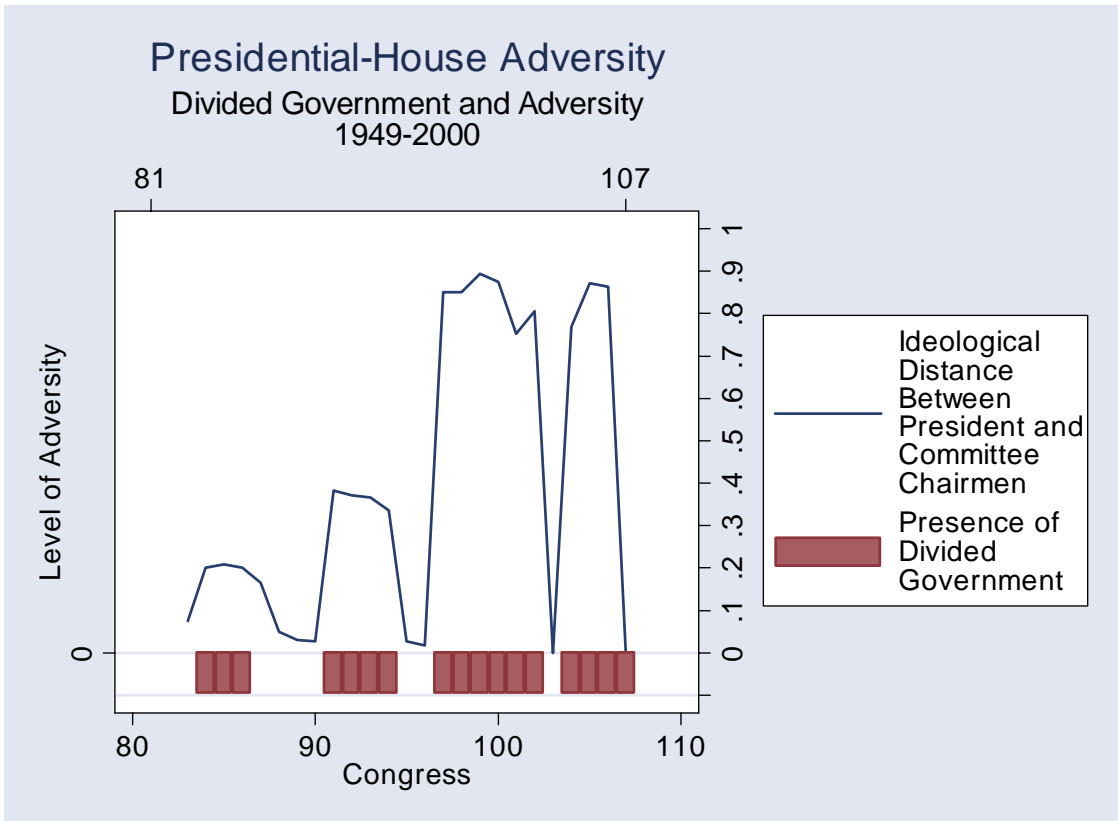


FIGURE 3.8: IDEOLOGICAL DISTANCE BETWEEN PRESIDENT AND COMMITTEE CHAIRMEN - SENATE

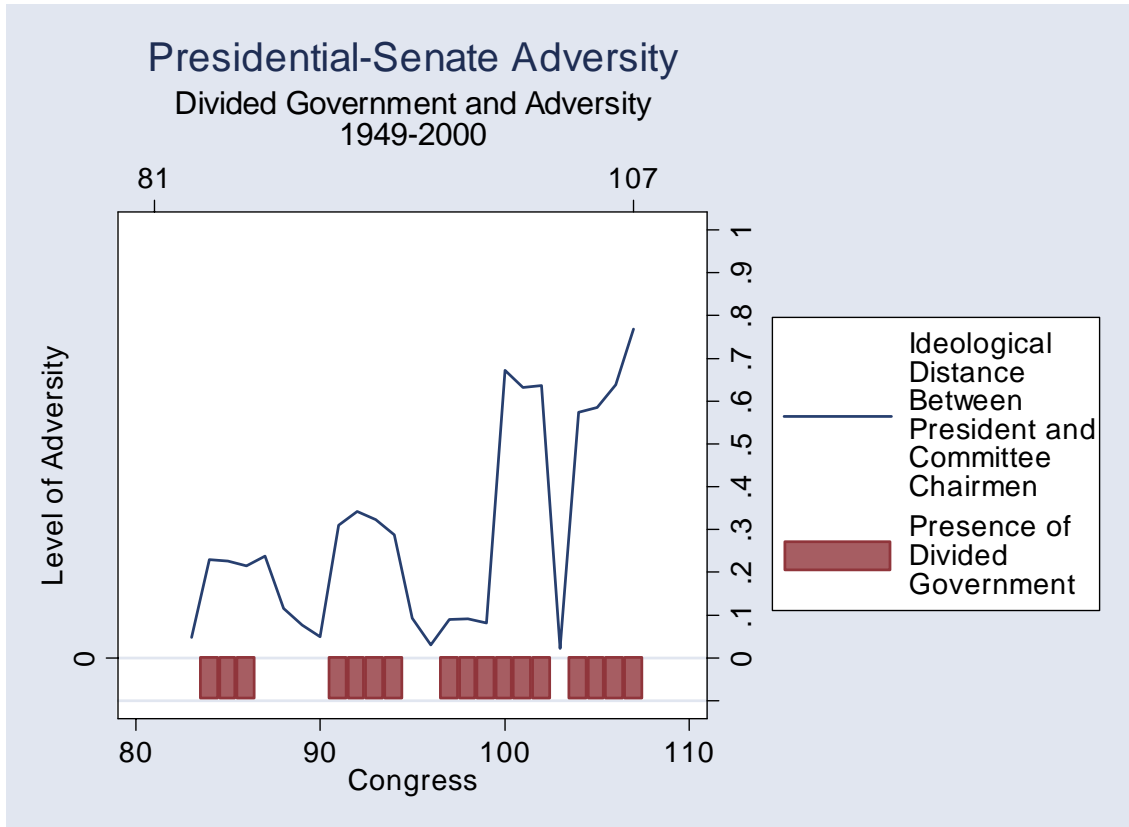


FIGURE 3.9: GREATER ADVERSITY SEATS MEASURE

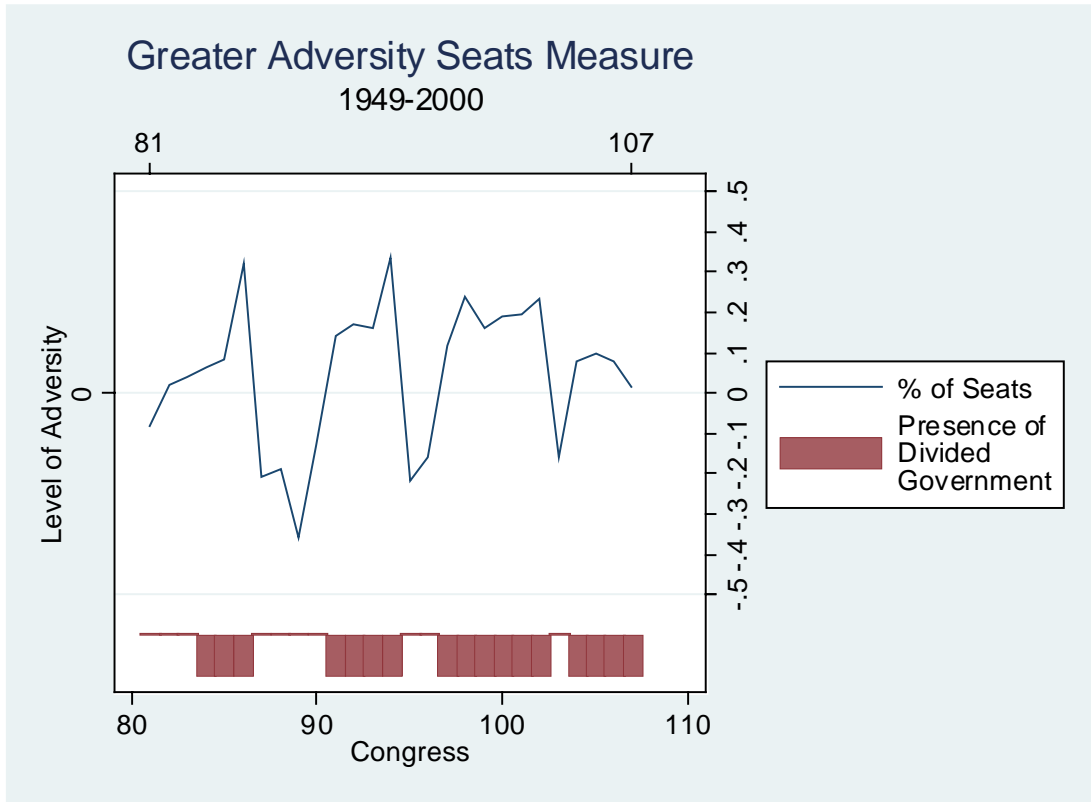


FIGURE 3.10: GREATER ADVERSITY IDEOLOGY MEASURE – MEDIAN MEMBER

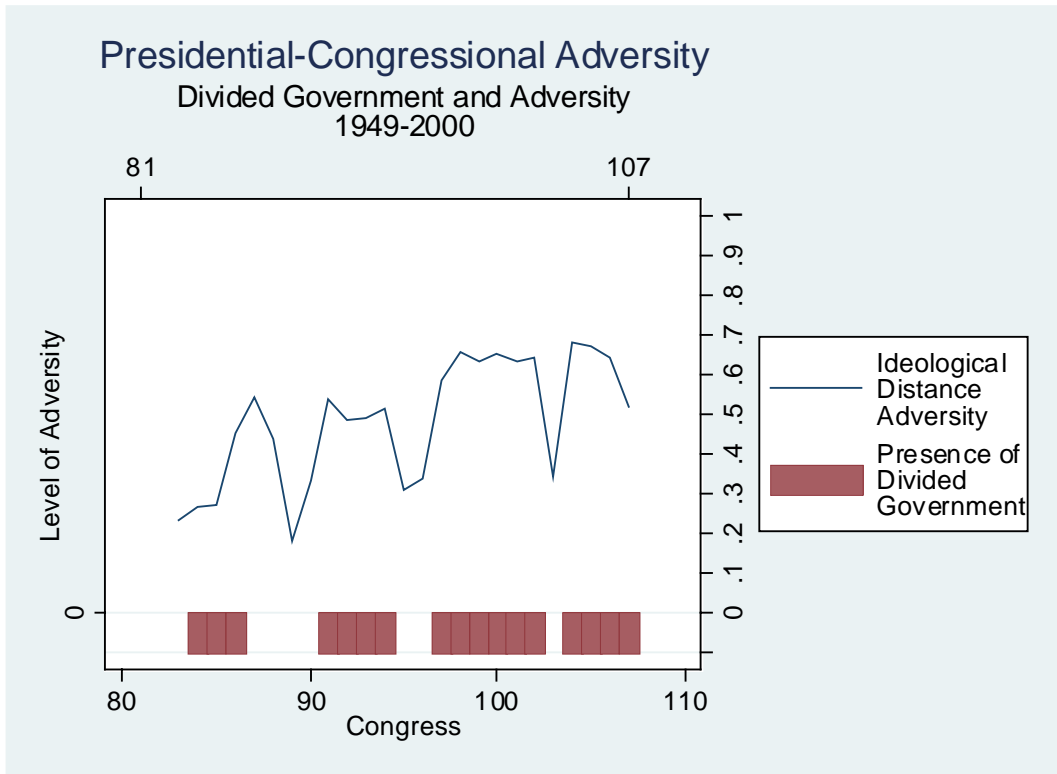


FIGURE 3.11: GREATER ADVERSITY IDEOLOGY MEASURE – CHAMBER LEADERSHIP

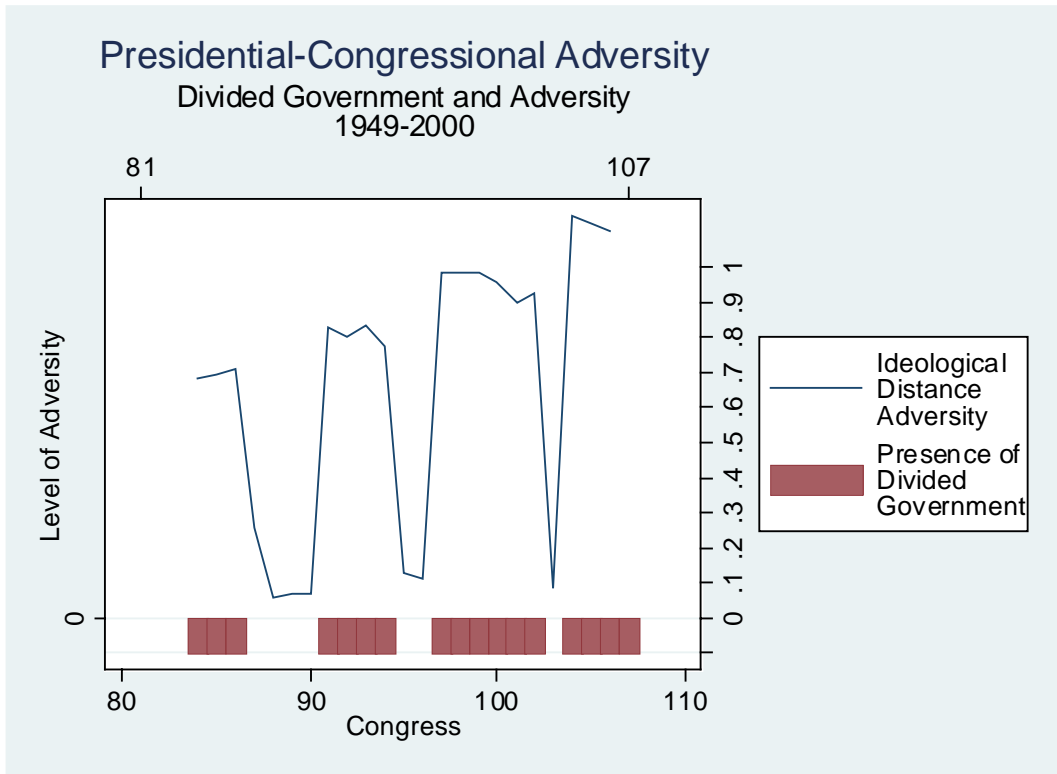


FIGURE 3.12: GREATER ADVERSITY IDEOLOGY MEASURE – COMMITTEE CHAIRMEN

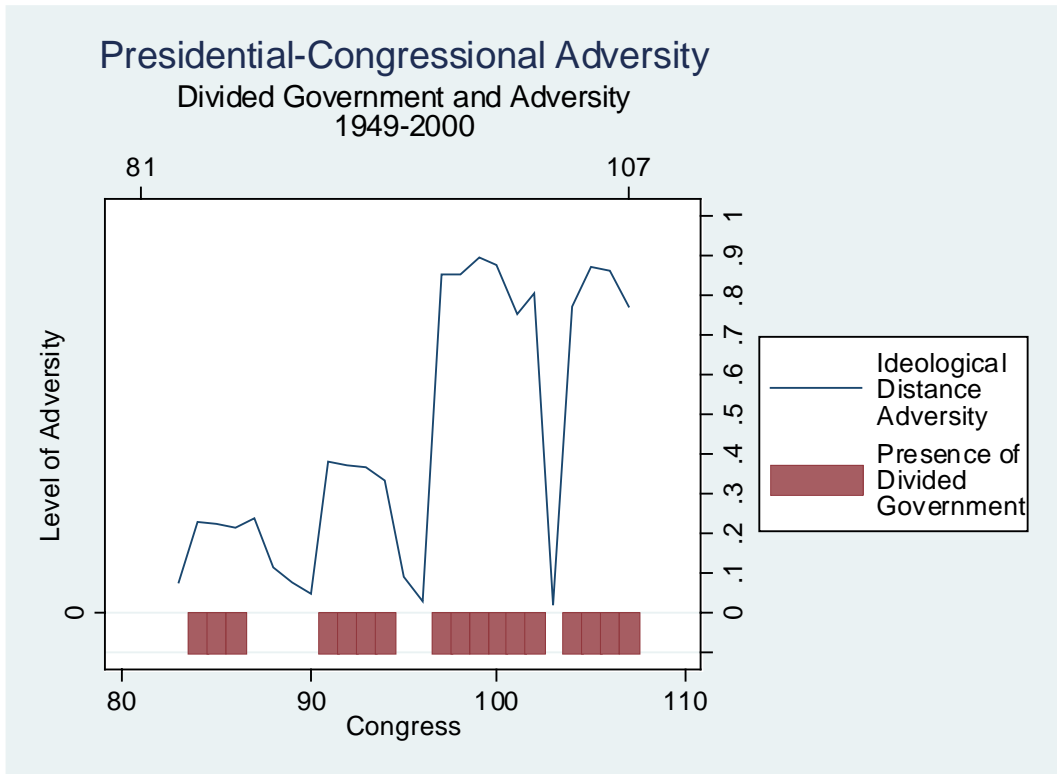


FIGURE 3.13: LESSER RESISTANCE SEATS MEASURE

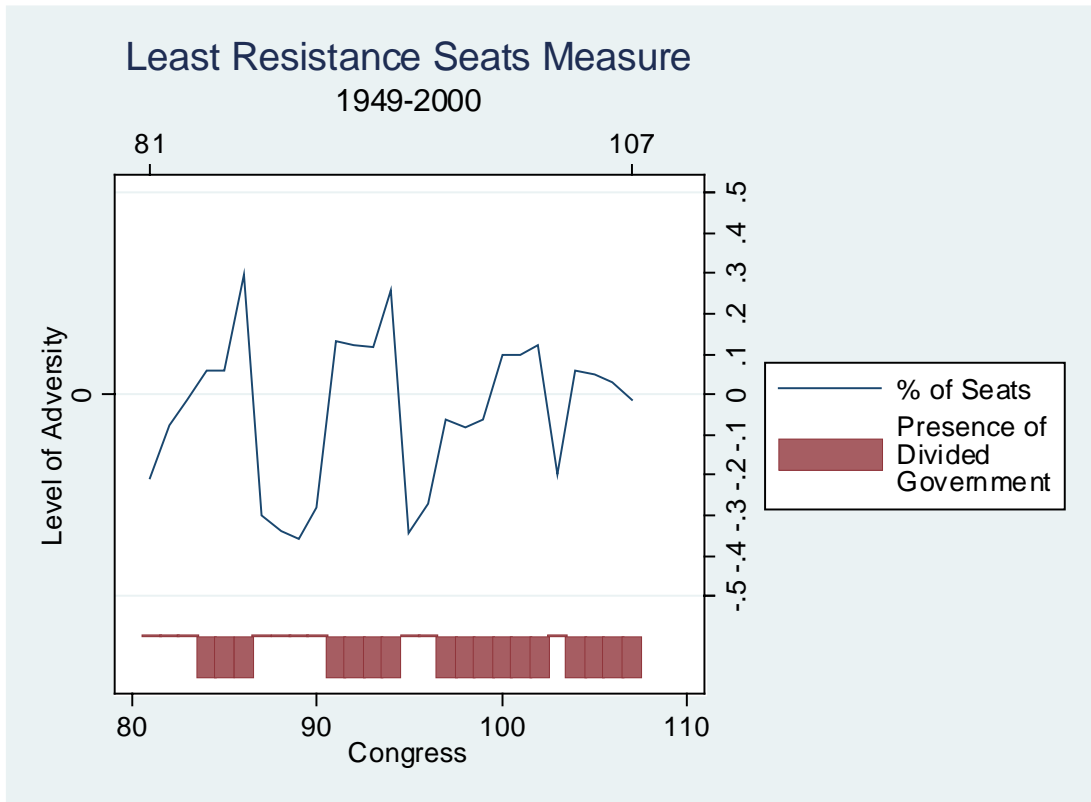


FIGURE 3.14: LESSER RESISTANCE IDEOLOGY MEASURE – MEDIAN MEMBER

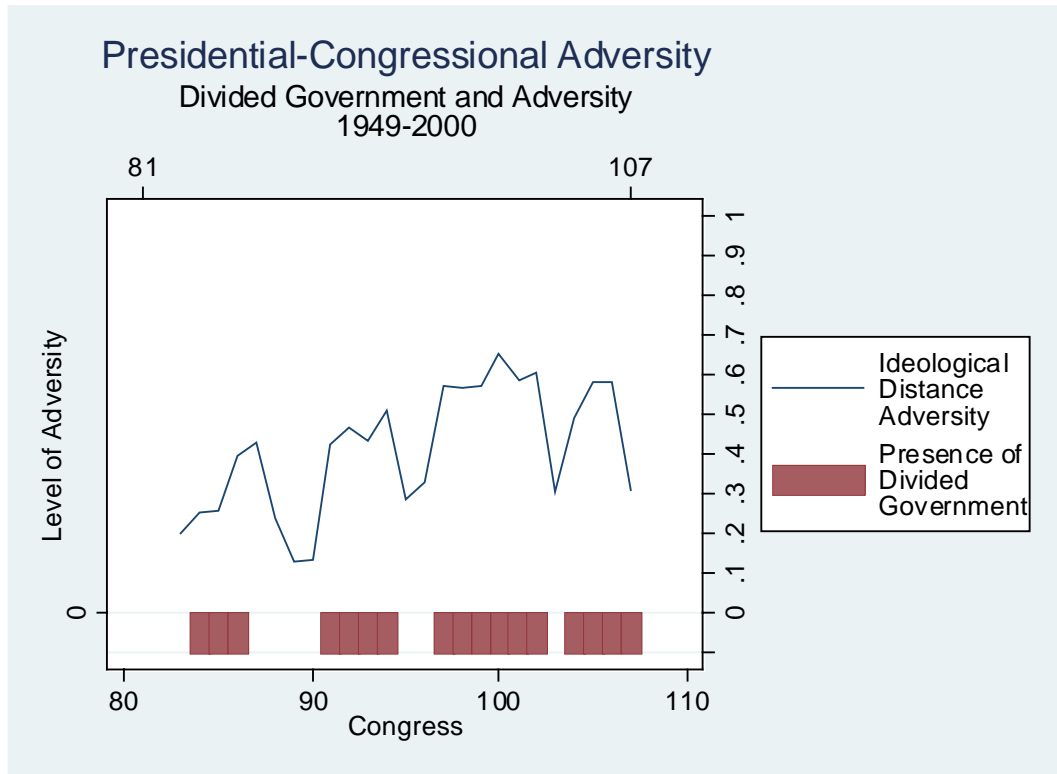


FIGURE 3.15: LESSER RESISTANCE IDEOLOGY MEASURE – CHAMBER LEADERSHIP

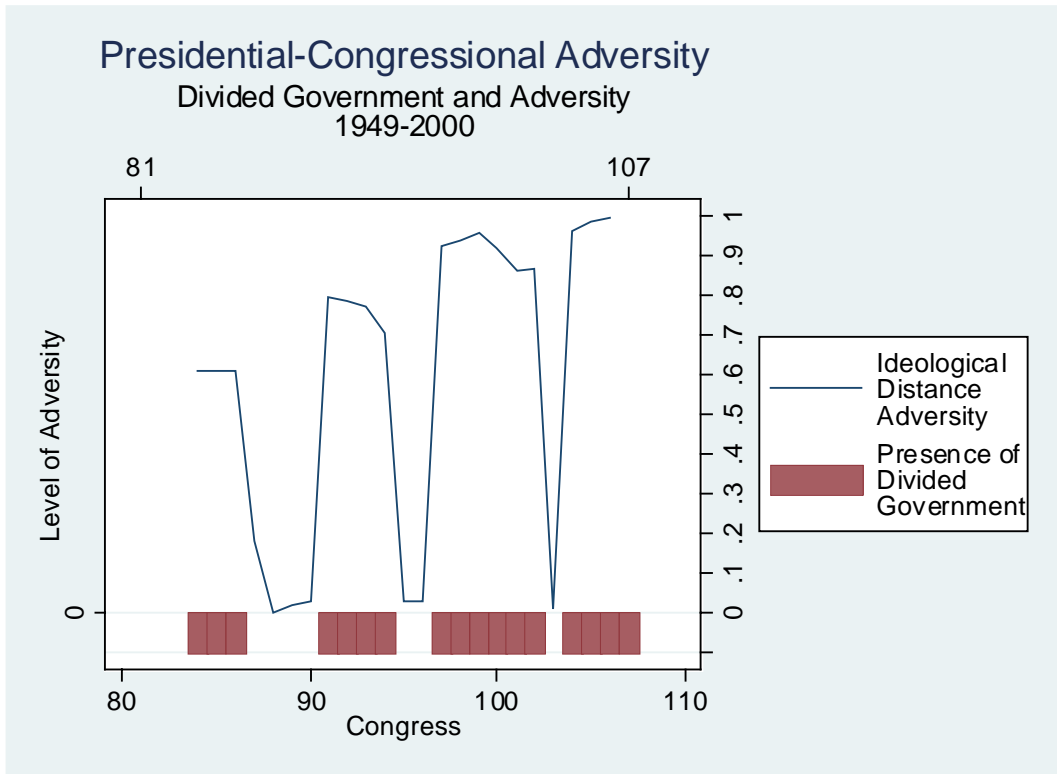
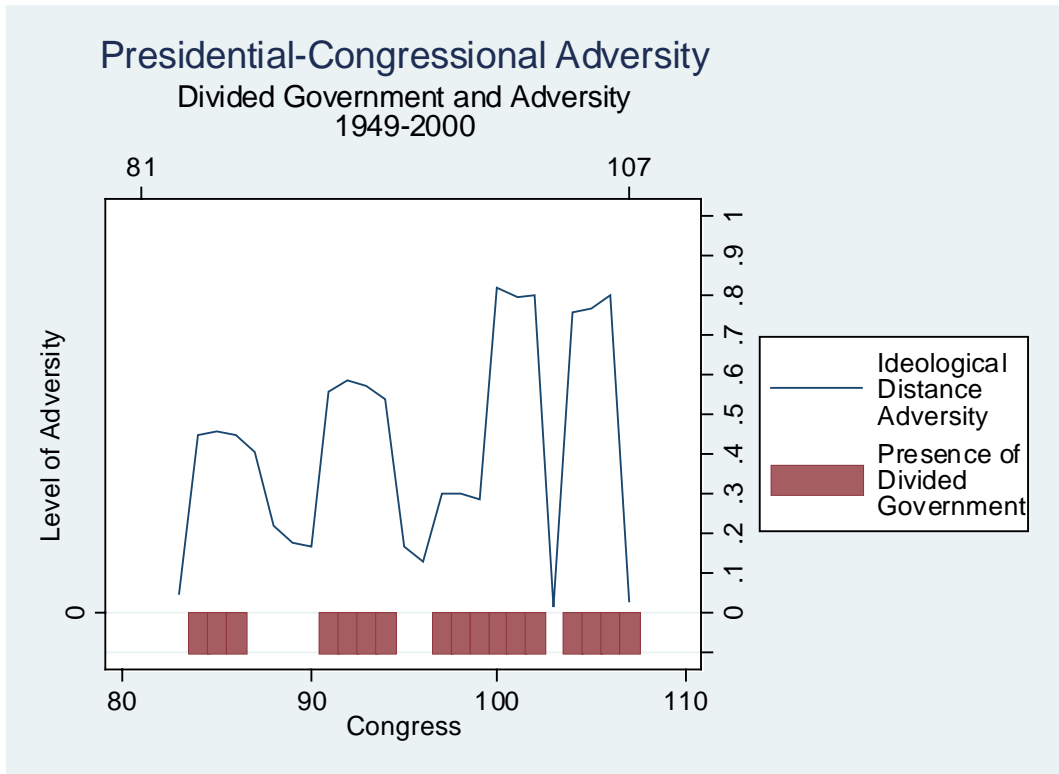


FIGURE 3.16: LESSER RESISTANCE IDEOLOGY MEASURE – COMMITTEE CHAIRMEN



Chapter 4

The Effects of Adversity: Aggregate Models of Legislative Outcomes (1945-2002)

Key questions:

- What effect do the components of divided government have on aggregate-level legislative outcomes?
- Do the results of aggregate-level models support the assumptions made by the traditional dummy variable used in most divided government studies?

As discussed in Chapter Two, the political science literature has yet to reach a consensus about the effects of divided government. While there is empirical evidence that divided government hampers presidential-congressional relations (Binder 1999; Binder 2003; Cutler 1988; Edwards 1976; Sundquist 1988), there is also much support to the contrary (Jones 1994; Mayhew 1991). It is possible that the seemingly contradictory findings are the result of the way in which divided government is defined and measured. The dichotomous variable typically employed in the literature fails to account for the various components of divided government, and assumes that the phenomenon of divided government has remained constant over time. Chapter Three discussed the limitations of the traditional definition and measure of divided government, and offered ways to operationalize the components of divided government.

In this chapter, I avoid making the assumptions that plague the literature on divided government by examining the effect of the *components* of divided government on legislative outcomes. Additionally, I consider whether divided government creates a similar political environment today as it did earlier in the post-World War II period. To test the effect of the components of divided government on legislative outcomes, I employ three dependent variables that have been used in seminal studies of presidential-congressional relations: presidential success in Congress, the amount of significant

legislation that is enacted by Congress, and the amount of legislation that fails in Congress. The presidential success rate models are derived from Bond and Fleisher's book *The President in the Legislative Arena* (1990), the amount of significant legislation that Congress enacts re-examines Mayhew's (1991) study, and the amount of failed legislation is based on the work of Edwards, Barrett, and Peake (1997).²⁰

Each of these three dependent variables will be examined at the aggregate-level, with the two-year Congress serving as the unit of analysis. Additionally, each of these variables considers outcomes that span both legislative chambers, looking at the entire Congress together rather than the House and Senate separately. Given this unit of analysis, and the fact that these models combine the outcomes of the House and Senate into a single measure, I employ the *Greater Adversity* and *Lesser Resistance* measures introduced in the previous chapter.

For each of the three dependent variables, I run four OLS regression models. The first model examines the bivariate relationship between the traditional divided government dummy variable and the dependent variable. While I do not fully replicate the original model offered by each of these previous studies, the effect of divided party control (which they call "divided government") on the dependent variable should be consistent with previous findings. The second model seeks to test whether the effects of divided party control on the dependent variable have been consistent over time. To

²⁰ Given that I am replicating these studies, with some adjustments, the unit of analysis and number of observations small (under 30) in each model. Some of the original models in these books have even fewer observations, as they were published in the early 1990s. The authors have continued to collect these data, and made them available for download online. This allows me to re-examine their dependent variables over a slightly expanded time period. Additionally, I have run diagnostics for each model to ensure that the results are not skewed by the presence of outliers in these limited data.

illustrate the possible shift over time, I break the traditional dummy variable into two separate dummy variables. The reason for replacing one dummy variable with two dummy variables is it allows an examination of potential changes in the effects of divided government over time. The third model includes the *Greater Adversity Ideology* and *Greater Adversity Seats* measures, as well as several control variables. The fourth model substitutes the *Lesser Resistance Ideology* and *Lesser Resistance Seats* measures, also including the control variables.

Control Variables

In each model, I include a series of control variables that previous scholars have found to impact presidential-congressional outcomes: presidential approval rating, the national budgetary situation, and bicameral differences. The effect of presidential approval ratings on congressional voting with the president was examined in numerous studies (Brace and Hinckley 1991; Brace and Hinckley 1992; Edwards 1989; Ostrom and Simon 1985; Rivers and Rose 1985). These studies found that the presidential approval rating impacts roll-call voting with the president, if only at the margins (Edwards 1989). Given that the unit of analysis for the three dependent variables examined in the chapter is at the level of each Congress, I include the mean presidential approval rating over the two-year period.

Several important works have controlled for the national budgetary situation. Most notably, Mayhew (1991) and Binder (2003) included measures of the national budgetary situation in their models, arguing that a more favorable budgetary situation may positively affect presidential success rates. While both the Mayhew variable and the Binder variable are similar, I use Binder's budgetary situation variable as it extends throughout the course of the entire time period of this research.

Lastly, I include Binder's (2003) measure of bicameral differences. Binder argues that when disagreement between the House and the Senate is high, we should expect higher levels of gridlock. This measure captures differences or agreement between the House and the Senate by examining voting behavior in conference report votes. This variable takes on a high value when members of the House and Senate do not vote in the same direction on a conference report, and a low value when the two chambers are in agreement. In examining the presidential-congressional relationship and its effect on legislative outcomes, it is especially important to control for disagreement that arises *within* Congress itself. As the approval of both chambers is necessary for legislative outcomes, divergent policy preferences may shape each of the three dependent variables examined here. This inter-chamber disagreement would hinder legislative productivity without being the product of the presidential-congressional dynamic. For that reason, bicameral differences is an important control in the present research.

This discussion of control variables has two notable omissions: Mayhew's (1991) variables capturing the "start of term" and "activist mood" periods. Many scholars who re-examined the conclusions of Mayhew fully replicated his models, including each of his variables (Edwards, Barrett, and Peake 1997). However, there is considerable theoretical justification for excluding these variables. The start of term dummy variable is supposed to capture a honeymoon effect, as we should expect higher legislative success at the beginning of a president's term. Higher presidential success during the first two years of a president's term than during the last two years is largely the product of seat allocations. As the president's party has, with rare exceptions, lost seats in Congress during the midterm election, much of this start of term effect may be captured by the

seats measures²¹. The second variable, Mayhew's "activist mood" measure, is more problematic. Mayhew included this measure to capture a period where a substantially higher amount of legislation passed in Congress (Mayhew 1991). As Epstein, Kristensen, and O'Halloran (Forthcoming) note, this "the activist mode variable seems to be arbitrarily defined by the empirical surge in legislation in the 1960's and in the first half of the 1970's. Since the variable lacks a theoretical foundation it seems somewhat problematic to rely on model specifications that include it." In other words, this variable explains variation, but is not theoretically driven. For this reason, I do not include this atheoretical measure in the subsequent models.

Pre-1981 & Post-1981 Dummy Variables

In addition to the main explanatory variables and the control variables, I also include two other variables (in Model 2, as stated above): a pre-1981 divided party control dummy variable and a post-1981 divided party control dummy variable²². Again, this party control dummy variable has, in previous scholarship, been used to quantify "divided government." These variables are included in Model 2 for each of the dependent variables, in lieu of the traditional divided government dummy variable. These two dummy variables are included to illustrate whether the effects of party control has been consistent in the pre-1981 and post-1981 period. If in the models one of these two dummy variables is significant, while the other is not, then the effect of divided party control has varied over the course of the 1945 to 2002 time period. Given that previous scholars have

²¹ The models were also run with a "start of term" dummy variable included. The substantive results do not change when this variable is omitted.

²² The pre-1981 variable is coded "1" in periods of divided party control before 1981, and "0" during unified party control as well as periods of divided party control that occur from 1981-2000. The post-1981 dummy is coded in a similar fashion, coded as a "1" only in post-1981 periods of divided party control.

examined different time periods, it is possible that their findings and conclusions are time contingent.

These two dummy variables are broken at 1981 for several reasons. First, much has been written about the shift that occurred following the 1980 presidential and congressional elections. As discussed in Chapter 3, 1981 marked a sharp change in the ideology of the president, the ideology of Congress as a whole, and the ideology of committee chairmen (Brady and Volden 2006). The 1980 election also resulted in the first Republican-held Senate since the Eisenhower administration. Additionally, the 97th Congress marked the first full period of divided party control following the committee reforms of 1975, allowing committee chairmen to be selected by party caucuses rather than by seniority. Finally, the 1981 breakpoint conveniently divides the post-World War II period nearly in half.

Presidential Success with Congress

The first set of models examines presidential success rates in Congress from 1953-1996. This is measured as the average presidential success rate for Congress: $(\text{Success rate in the House} + \text{success rate in the Senate})/2$.²³ To determine the success rate for the president in each chamber, one must first identify roll-call votes on which the president has a stated position. The success rate is then calculated by dividing the number of roll-calls that the president receives his preferred outcome by the total number

²³ The dependent variable averages the value for the House and the Senate. I use this combined dependent variable, rather than running separate models for the House and Senate, as it is most comparable with the other dependent variables examined in this chapter. The other two dependent variables, the number of major legislative enactments and the number of legislative failures, deal with outcomes that span both chambers. Thus, to evaluate the results of separate House and Senate models with respect to the other two models, which examine outcomes that span both bodies, would be more difficult.

of votes on which s/he has a stated position²⁴. Bond and Fleisher (1990) provide a thorough justification of this measure, and why it is superior to others (such as “presidential box scores”).

In their book, Bond and Fleisher (1990) conclude that presidential success is significantly hampered by the presence of divided government. According to this seminal study, when the president does not have a majority of seats in both chambers of Congress (referred to as “minority presidents”), his success rate drops significantly. In addition to the traditional divided party control dummy variable, Bond and Fleisher (1990) also include a measure that combines both party seats and ideology. They break members of Congress into four camps: the president’s base (those who vote with the president’s party a majority of the time), cross-pressured members of the president’s party (those that vote more with the majority of the opposition party than with the president’s party), cross-pressured members of the opposition party (those that vote more with the majority of the president’s party than with the opposition party), and the opposition party’s base (those that vote with the opposition party a majority of the time). As the voting behavior of these members manifests itself in the Poole and Rosenthal DW-Nominate scores, these seat allocations are essentially constructed based on ideology. As the president has a larger base, s/he likely has a larger group of members that are ideologically proximal. When Congress is comprised of a larger portion of cross-pressured members, there are likely more moderates (more conservative Democrats, and more liberal Republicans). A large opposition base presents the president with the largest

²⁴ This variable is a percentage, on a 0 to 1 scale. The values of this variable range from .455 (100th Congress) to .875 (88th Congress).

impediment to success in Congress, likely facing a legislature that is further ideologically from his/her own position.

Building on this work, I employ OLS regression to re-examine the Bond and Fleisher data, which they have extended through 1996.²⁵ I first examine the bivariate relationship between divided party control and presidential success rate, then consider whether the effect of divided party control on this dependent variable has been consistent over time, and finally expand the model to include *both* components of divided government. I replicate the work of Bond & Fleisher (1990), though I substitute my seats and ideology for the Bond and Fleisher seats measure. Given that party seats and ideology are theoretically distinct components, I prefer separate measures so that the relative effects can be better understood. With respect to these models, I present 7 hypotheses:

Hypothesis 1a: Divided Party Control Dummy – In the bivariate models, I expect a negative relationship between the divided party control dummy variable and presidential concurrence rates.

Hypothesis 1b: Divided Party Control Dummy – In the multivariate models, I do not expect to find a significant relationship between divided party control and the dependent variable when I control for seats and ideology.

Hypothesis 2: Pre-1981 and Post-1981 Divided Party Control Dummy Variables – The effects of divided party control have not been constant over time. Because of the more hostile political environment in Washington today (see (Brady and Volden 2006; Kernell 1986)), I expect to find that there is no significant relationship between pre-

²⁵ These data were updated by the author, and obtained via Richard Fleisher's web site (<http://www.fordham.edu/politicalsci/profs/fleisher/richfleisher.html>).

1981 divided party control and the dependent variable. I expect to find a negative relationship between post-1981 divided party control and presidential success in Congress. If party control only exerts a significant influence on the dependent variable during one time period, then the effect of divided party control has not been constant over time.

Hypothesis 3: Greater Adversity Party Seats – Seats adversity will negatively affect presidential success in Congress. As the president’s party faces a larger seat deficit (in the chamber with the largest seat deficit), his overall success rate in Congress should decrease.

Hypothesis 4: Greater Adversity Ideology - Ideological adversity will negatively affect presidential success in Congress. As the distance between the preferences of the president and committee chairmen increases, the president’s success rate should decrease.

Hypothesis 5: Lesser Resistance Party Seats – Seats adversity will negatively affect presidential success in Congress. As the president’s party faces a larger seat deficit (in the chamber where he has the *most seats*), his overall success rate in Congress should decrease.

Hypothesis 6: Lesser Resistance Ideology – Ideological adversity will negatively affect presidential success in Congress. As the distance between the preferences of the president and committee chairmen increases, the president’s success rate should decrease.

Hypothesis 7: Presidential Approval Rating – Presidential approval will positively affect presidential success in Congress. Higher levels of presidential approval should increase legislative success, even if only “at the margins.”

The results of these models are presented in Table 1. The success rate is similar to a measure used by Bond and Fleisher (1990; 1994; also see Ragsdale 1998: 390-91). The data cover the years 1949-2000 or the 81st through the 106th Congresses²⁶.

-Table 4.1 about here –

Model 1 examines the bivariate relationship between the divided party control dummy variable and presidential success. The results confirm conventional wisdom (and H1a), as divided party control significantly decreases the president’s success rate in Congress. Model 2 examines whether the effects of divided party control on presidential success rates have been constant over time. To test the hypothesis that the effects of divided party control changed over time (H2), Model 2 breaks the divided party control dummy variable into two periods, from 1949-1980 and 1981-2000 onward (the period in which the greatest level of ideological polarization emerges). The results show that divided government exerts a significant effect on presidential success in both periods (although the coefficient is larger – more negative – in the post-1981 era). This indicates that presidential success is significantly lower during periods of divided party control in both the pre-1981 and post-1981 time periods. This suggests that the findings of studies examining presidential success in a smaller time period (such as Bond and Fleisher’s work, which ends in 1990) are not time contingent.

²⁶ The data for 1963 reflect the distance scores for John F. Kennedy, as his assassination occurred in late November. Thus, the distance scores for the 88th Congress are the average scores for Kennedy in 1963 and Johnson in 1964. The data for 1974 reflect the average scores for Nixon and Ford, as Nixon’s resignation occurred in the middle of the year. Thus, the distance scores for the 93rd Congress are the average of Nixon’s 1973 scores and the combined Nixon/Ford scores of 1974.

Model 3 examines the effect of the Greater Adversity (GA) measures. As hypothesized (H4) ideological adversity is negatively and significantly related to presidential success. As the ideological distance between the president and the committee chairmen increases, his chances of success in Congress drop. On average, a one standard deviation increase in ideological adversity would lead to a 4.2% decrease in presidential success in Congress. Surprisingly, with respect to H3, party seat allocations do not significantly affect success rates in the GA model. When the president's party controls a larger percentage of the seats, his success rate does not increase. There are two possible interpretations of this result. First, it may be the product of the way in which the dependent variable is constructed, as it averages the success rates across the House and Senate. Thus, the president does not need to have a large seat majority in *both* chambers for his concurrence rate to increase. Rather, s/he can have a high success rate in one chamber, despite a more adverse situation in the other chamber. In other words, the president can face an increasingly large deficit in one chamber, yet still have a similar success rate overall (or perhaps an even higher success rate, given what happens in the other chamber). A second explanation is that the a majority may. Additionally, the traditional divided government dummy variable is not significant in the Greater Adversity model, indicating that party control does not exert an independent influence on presidential success in Congress. By including measures of the *other components of divided government*, the party control measure does not affect the dependent variable. This suggests that the assumption made by the use of the traditional dummy variable, that party control matters, may not be accurate. In fact, neither the dichotomous party control nor the continuous party seats variable significantly affects presidential success. If party exerts any influence on this dependent variable, it does so indirectly through ideology.

None of the control variables is significant in Model 3. While the final version of Model 3 includes presidential approval, it does not include either budgetary situation or bicameral differences. Again, neither variable is significantly related to this dependent variable. Additionally, given the small number of observations (and thus the limited degrees of freedom), these variables were excluded from the final analyses.

Model 4 examines the effect of the Lesser Resistance (LR) measures. The results of the LR model are similar to those of the GA model, though the Lesser Resistance Ideology Measure is significant at the .01 level. The lower the difference between the ideology of the president and members of Congress the greater the potential for success (and vice versa). A one standard deviation increase in ideological distance between the president and the average committee chairman translates to a 9.44% decrease in success, on average. As with the GA model, seats are not significant in the LR model. Again, this may be the product of the aggregated dependent variable, where the effects of one chamber have the opportunity to be minimized by an opposite effect in the other legislative body. As with the GA model, the divided party control dummy variable is not significant after including the ideology and party seats measures, again underscoring that the assumptions made by the dummy variable may be incorrect. As with the GA models, neither party variable significantly affects presidential success, while the ideology component of divided government is statistically significant.

Additionally, the LR model explains the highest amount of variation in presidential concurrence rates over this time period. While the adjusted r-squared in the other three models ranges from .53 to .61, the LR variables explain approximately 73 percent of the variation in aggregate presidential success in Congress. Thus the chamber that provides the least opposition to the president, both ideologically and in terms of seats, is most influential in terms

of how much success presidents will have with Congress.²⁷ This may be because presidents turn first to the chamber that offers them the best chance of getting legislation enacted in the hope that passing a bill in that chamber will put more pressure on the one that exhibits greater adversity. While this possibility is not tested here, presidents may act strategically by turning first to the chamber where they perceive the lesser amount of resistance to their agendas. Additionally, the control variable here is significant, as increases in presidential approval are associated with a higher probability of presidential success. As this is the less adverse chamber, it is possible that these members are more sensitive to the president's approval rating. The more adverse chamber may attempt to stymie the president's agenda, regardless of how popular s/he may be. The lesser resistance chamber, however, may be more likely to support the president when his/her approval is high, but may be more reticent to support an unpopular president regardless of similar preferences. As was the case with the previous model, the other two control variables (budgetary situation and bicameral differences) were not significant and were subsequently excluded from the final models.

Re-Examining Mayhew: Enacting New Laws

One of the seminal studies of divided government is David Mayhew's analysis of major sources of legislation from 1949-1990 (the 80th – 101st Congresses). Interestingly, he

²⁷ When the dependent variable is separated between chambers, the Greater Adversity model better fits the data in the House of Representatives, though the overall results are similar to those presented here with respect to the averaged dependent variable. The Lesser Resistance model better fits the Senate data. These findings should not be surprising, as the House of Representatives is typically the chamber that poses the Greater Adversity, while the Senate is typically the chamber that presents the lesser resistance to the president, both ideologically and in terms of seat allocations. This is especially true of the 1981-1986 period, when the president's party controlled the Senate but not the House of Representatives.

found no differences in the number of major laws enacted by the Congress during periods of divided or unified party control (referred to as “divided government” in his book). One conclusion derived from Mayhew’s study is that divided party control is not as great an impediment to presidential leadership of Congress as conventional wisdom would suggest. Again, Mayhew’s use of party control to define divided government still leaves the larger question of whether “divided government” is significantly different than “unified government” unanswered. As a result, his findings require re-examination with measures that capture both components of divided government.

To re-examine this research, I use Mayhew’s extended Sweep One and Sweep Two data, including pieces of legislation that were deemed significant at the time of enactment as well as those that have been viewed as significant in retrospect. As with the Bond and Fleisher (1990) data, Mayhew has updated his data beyond the years examined in his book.²⁸ I re-examine the Mayhew data, including the measures of both the party and ideology components of divided government.

For the models examining the number of major laws passed by Congress, I present 7 hypotheses:

Hypothesis 1: Divided Party Control Dummy – Based on Mayhew’s conclusions, I do not expect to find a significant relationship between divided party control and the number of major legislative enactments.

Hypothesis 2: Pre-1981 and Post-1981 Divided Party Control Dummy Variables – I hypothesize that the effects of divided party control have not been constant over time.

²⁸ Mayhew has updated his original dataset (1947-1990) to contain every Congress through 2002. These data are available on Mayhew’s *Divided We Govern* data page (<http://pantheon.yale.edu/~dmayhew/data3.html>).

I expect to find that there is no significant relationship between pre-1981 divided party control and the dependent variable. I expect to find a negative relationship between post-1981 divided party control and major legislative enactments in Congress. If divided party control only exerts a significant influence on the dependent variable during one time period, then the effect of divided party control has not been constant over time.

Hypothesis 3: Greater Adversity Party Seats – Seats adversity will negatively affect the number of major laws passed in Congress. As the president’s party has fewer seats in a legislative chamber (in the chamber with the largest seat deficit), the number of major laws passed should decrease.

Hypothesis 4: Greater Adversity Ideology - Ideological adversity will negatively affect major legislative enactments. As the distance between the preferences of the president and committee chairmen increases, the fewer major laws should be passed by the legislature and signed by the president.

Hypothesis 5: Lesser Resistance Party Seats – Seats allocations will significantly affect Mayhew’s dependent variable, with a higher percentage of seats translating into a larger number of major laws passed. As the president’s party faces a larger seat deficit (in the chamber where he has the *most seats*), fewer major enactments are expected.

Hypothesis 6: Lesser Resistance Ideology – Ideological adversity will negatively affect major legislative enactments. As the distance between the preferences of the president and committee chairmen increases, the fewer major laws should be passed by the legislature and signed by the president.

Hypothesis 7: Presidential Approval Rating – Presidential approval will not significantly affect legislative productivity in Congress. Higher levels of presidential approval will not increase the proclivity of Congress to enact major laws.

- Table 4.2 about here -

Table 4.2 presents the results of these models, which employ Mayhew's legislative dependent variable, the amount of major legislation that is passed in Congress.²⁹ Model 1 confirms Mayhew's original conclusion. As is evident in the table, the divided party control dummy is not related to the amount of major legislation enacted (which includes both sweeps of Mayhew's measure). Model 2 again breaks up the divided party control dummy variable into the two periods discussed above. Unlike the findings with regard to presidential success, there is a change in the effect of divided party control over time. Consistent with H2, the pre-1981 divided party control variable is not significant, while the post-1981 variable is statistically significant. This suggests that Mayhew's non-finding may be time-dependent, as the lack of a relationship in the early period may have hidden the significant relationship that is present after the 1980 elections. Mayhew's original study only included 9 years after the 1981

²⁹ Mayhew also controls for a start of term dummy. Since much of this effect is captured by the seats and ideology measures, I do not control for it in the models presented here. All of the models were run with it included, and it was neither significant nor did it effect the significance of other variables in the models. Also, Mayhew includes an activist dummy variable. When included, this variable is significant in all of the Mayhew models, but not in the presidential success rate or failed legislation models. The variable is based on the idea that the period from the mid 1960s to the mid 1970s was a period exemplified by an activist mood. Yet, the dummy selects on the dependent variable by fitting increases in legislation over that period. As noted by Epstein, Kristensen, and O'Halloran (Forthcoming), and discussed in Chapter 3, this variable is largely atheoretical and that including it does little to explain variations in this period. Indeed it is tautological. There is increased legislative activity and hence there is an activist mood. Because of this theoretical tautology, and the fact that it is not related to outcomes in the other models, I do not control for it here.

break. This also indicates that the second assumption of the divided party control dummy variable, that the effects of divided government are constant over time, appears to be flawed.

Models 3 and 4 introduce the variables that capture both of the components of divided government. Model 3 employs the GA measures, along with the traditional dummy variable (which again signifies “party control”). Ideological distance is not related to the number of major laws passed in Congress in either the GA or the LR models. The seat allocation measure, however, is significant in the Greater Adversity Model (yet not in the Lesser Resistance Model). So, while the dichotomous party *control* variable is not significant, the continuous party *strength* variable (party seats) is significant. This is an interesting result. Given that legislative *success* (here measured in terms of major laws passed) requires passage in both chambers of Congress, this finding should not be overly surprising. When presidential-congressional relations are favorable in one chamber, yet not the other, we should not expect high numbers of legislative success. Thus, the Lesser Resistance Model may indicate the baseline capacity for passage, but the *more adverse chamber* still dictates whether a law will pass. Thus, the percentage of seats held by the president’s party in the GA chamber should be a better indicator of legislative productivity. This conclusion is further supported by the higher Adjusted-R² in the Greater Adversity Model (explaining 15% of the variation in the Mayhew DV, as opposed to less than 3% of the variation explained in the LR model). Additionally, party control is not significant in either the GA or the LR models, suggesting that party control does not independently drive legislative passage. Again, the significance of party seats in the GA model indicates that the party component is still important in determining legislative outcomes. Developing and employing measures of the other components of divided government demonstrates that some of these components do in fact have a deleterious impact

on the amount of major laws passed by Congress. This finding, while contrary to those of Mayhew, is consistent with some of the more recent studies on divided government (Binder 1999; Binder 2003; Coleman 1999). This also underscores the value of the expanded definition of divided government that I offer here.

None of the control variables is significant in any of the models examining Mayhew's dependent variable. Budgetary situation and bicameral differences were again excluded from the final models presented in Table 4.2. Even though it is not significantly related to legislative enactments, presidential approval is included in these models, as it was significantly related to presidential concurrence in one of the models.

Failed Initiatives

Edwards, Barrett and Peake (1997) examined legislation that *failed* in Congress, rather than how many bills passed.³⁰ They hypothesized that the amount of failed legislation should be higher in periods of divided government (again defined and operationalized as divided party control), a point that they then supported statistically. This dependent variable is calculated as the raw number of failed pieces of legislation³¹. As with the previous two dependent variables, I re-examine this research by examining the effect of the components of divided government, rather than relying on the traditional party control definition and dummy variable used in this study. For these models, I offer the following 7 hypotheses:

³⁰ Edwards, Barrett, and Peake (1997) examine legislative failure in their study, as Mayhew's examination of the number of major laws enacted in Congress is dependent on the total number of bills introduced. Thus, this dependent variable is distinct from legislative passage; it is possible to have a high number of major laws that are enacted as well as a high number of major legislative failures over the same period, or vice versa.

³¹ This variable has a maximum value of 40 failed initiatives (93rd Congress) and a minimum value of 9 failed initiatives (83rd Congress).

Hypothesis 1: Divided Party Control Dummy – Based on the conclusions of Edwards, Barrett, and Peake (1997), I expect to find a significant relationship between divided party control and the amount of failed legislation in Congress. More pieces of legislation should fail during periods of divided party control than during unified party control.

Hypothesis 2: Pre-1981 and Post-1981 Divided Party Control Dummy Variables – I hypothesize that the effects of divided party control have not been constant over time. I expect to find that there is no significant relationship between pre-1981 divided party control and the dependent variable. I expect to find a positive relationship between post-1981 divided party control and major legislative failures in Congress. If divided party control only exerts a significant influence on the dependent variable during one time period, then the effect of divided party control has not been constant over time.

Hypothesis 3: Greater Adversity Party Seats – Seats adversity will be positively related to the number of failed pieces of legislation in Congress. As the president's party has more seats in a legislative chamber (in the chamber with the largest seat deficit), the number of failed laws should decrease.

Hypothesis 4: Greater Adversity Ideology - Ideological adversity will positively affect legislative failure. As the distance between the preferences of the president and committee chairmen increases, more legislation should fail to pass.

Hypothesis 5: Lesser Resistance Party Seats – Seats allocations will significantly affect the dependent variable, with a higher percentage of seats translating into a fewer

pieces of failed legislation. As the president's party faces a larger seat deficit (in the chamber where he has the *most seats*), more failed policies are expected.

Hypothesis 6: Lesser Resistance Ideology – Ideological adversity will positively affect legislative failure. As the distance between the preferences of the president and committee chairmen increases, more legislation should fail to pass.

Hypothesis 7: Presidential Approval Rating – Presidential approval will not significantly affect legislative failure in Congress. Higher (lower) levels of presidential approval will not decrease (increase) the amount of failed legislation in Congress.

- Table 4.3 about here -

Table 4.3 presents the results of the models examining this dependent variable.

Consistent with their results, Model 1 confirms that there is a significant bivariate relationship between the divided party control dummy variable and the amount of legislation that fails in Congress. Model 2 examines the effects of divided party control in the period until 1980 and the period from 1981 onward. While the pre-1981 dummy variable is not statistically significant, the post-1981 variable is positively related to legislative failure (significant at the .05 level). Thus, in the post-1981 period, divided party control was more likely to produce legislative failures. This is consistent with H2, indicating that the effects of divided party control are not constant over the two time periods.

In Models 3 and 4, the divided party control dummy variable is again replaced with variables that capture the components of divided party control. The Greater Adversity Model (Model 3) suggests that more legislation fails when the president and committee chairmen are ideologically divergent, which is consistent with H4. As the distance increases between the

president and Congress, legislative failure is significantly higher. However, the GA party seats variable is not significantly related to legislative failure. It is possible that the lack of statistical significance here is also affected by committee chairmen, or even by use of the filibuster. The vast majority of legislation fails in committee, and these committee effects may operate independently of seat allocations. It is also possible for legislation to be killed via a Senate filibuster, a tactic that gives substantial power to members of the minority party. Thus, the president's party may have more seats in a legislative chamber, yet legislation can still fail. Party control again has no effect on legislative failure, once the other components of divided party control are included in the model.

Model 4 presents similar results to Model 3, though party seat allocations are statistically significant in the LR model. While the dichotomous party control variable is not statistically significant, again the party component of divided government is related to legislative failure in terms of party seats. The ideological distance variable is again significant, and in the expected direction (H6). The LR Seats measure is significantly (and positively) related to the dependent variable, suggesting that a larger seat majority (or smaller seat deficit) should translate into fewer failed pieces of legislation. The presidential approval variable is negative and significant in both Models 3 and 4, suggesting that lower levels of presidential approval will increase the proclivity of legislative failure. Again, neither budgetary situation nor bicameral differences is significantly related to failed legislation, and both were excluded from the final models presented in Table 4.3.

The results of the failed legislation models reinforce the importance of examining the components of divided government. Much like the findings of Mayhew, the Edwards, Barrett, and Peake results appear to be time-dependent. While the overall

effect of the divided party control dummy variable (Model 1) confirms their findings, Models 2-4 suggest that the effects of divided government on legislative failure is more complex than their results suggest. Both the party and ideology components exert an influence on legislative failure, though it is party strength (seats) that matters rather than party control.

Conclusions

The analyses presented here suggest that the previous studies of divided government have theoretical and methodological limitations. The results suggest that the assumptions of the traditional divided government dummy variable are not supported. First, the models indicate that party control is not driving legislative outcomes, as previous scholarship has contended. Instead, once party seat allocations and the ideological distance between the president and the legislature are included in the models, party control does not independently affect the dependent variables examined here. The second assumption, that the effects of divided government have been constant over time, also appears to be incorrect. Divided government, and the components of the phenomenon, appears to have a more deleterious impact on legislative outcomes in recent years than it did at the beginning of the post-World War II period. As party seat allocations and the ideological distance between the president and Congress has varied greatly over this time period, the overall phenomenon of divided government has been more complex than the traditional definition and measure have suggested.

TABLES: CHAPTER 4

TABLE 4.1: OLS REGRESSION ANALYSIS OF PRESIDENTIAL CONCURRENCE RATES

| | Model 1 Divided Party Control Dummy | Model 2 Pre-1981 & Post-1981 Dummies | Model 3 Greater Adversity | Model 4 Lesser Resistance |
|--|---|--|--|--|
| Divided Party Control | -.209 (.041)*** | ----- | -.057 (.108) | -.053 (.097) |
| Pre-1981 Divided Government | ----- | -.162 (.045)*** | ----- | ----- |
| Post-1981 Divided Government | ----- | -.257 (.045)*** | ----- | ----- |
| Greater Adversity Party Seats | ----- | ----- | -.212 (.207) | ----- |
| Greater Adversity Ideology | ----- | ----- | -.157 (.084)* | ----- |
| Lesser Resistance Party Seats | ----- | ----- | ----- | -.055 (.148) |
| Lesser Resistance Ideology | ----- | ----- | ----- | -.353 (.098)*** |
| Presidential Approval | ----- | ----- | .002 (.002) | .003 (.001)** |
| Constant | .823 (.033)*** | .823 (.031)*** | .66 (.108) | .68 (.097)*** |
| N | 22 | 22 | 22 | 22 |
| Adjusted R ² | .5385 | .6026 | .6072 | .7340 |

Dependent Variable: presidential concurrence rate in Congress
 OLS Regression coefficients with standard errors in parentheses
 * p < .10 ** p < .05 *** p < .01

TABLE 4.2: OLS REGRESSION ANALYSIS OF MAJOR LEGISLATIVE ENACTMENTS

| | Model 1 Divided Party Control Dummy | Model 2 Pre-1981 & Post-1981 Dummies | Model 3 Greater Adversity | Model 4 Lesser Resistance |
|--|---|--|--|--|
| Divided Party Control | -.967 (.915) | ----- | 3.13 (2.25) | -2.08 (2.10) |
| Pre-1981 Divided Government | ----- | .033 (1.08) | ----- | ----- |
| Post-1981 Divided Government | ----- | -1.74 (1.01)* | ----- | ----- |
| Greater Adversity Party Seats | ----- | ----- | -10.06 (4.96) ** | ----- |
| Greater Adversity Ideology | ----- | ----- | -1.91 (1.98) | ----- |
| Lesser Resistance Party Seats | ----- | ----- | ----- | -2.14 (4.60) |
| Lesser Resistance Ideology | ----- | ----- | ----- | 3.86 (2.93) |
| Presidential Approval | ----- | ----- | -.054 (.043) | -.056 (.046) |
| Constant | 6.3 (.718)*** | 6.3 (.696)*** | 8.23 (2.61)*** | 8.72 (2.99)*** |
| N | 26 | 26 | 23 | 23 |
| Adjusted R ² | .0046 | .0657 | .1504 | .0252 |

Dependent Variable: Number of major legislative enactments in Congress (Mayhew)

OLS Regression coefficients with standard errors in parentheses

* p < .05

** p < .01

*** p < .001

TABLE 4.3: OLS REGRESSION ANALYSIS OF LEGISLATIVE FAILURE IN CONGRESS

| | Model 1 Divided Party Control Dummy | Model 2 Pre-1981 & Post-1981 Dummies | Model 3 Greater Adversity | Model 4 Lesser Resistance |
|--|---|--|--|--|
| Divided Party Control | 6.39 (3.76)* | ----- | 4.68 (7.50) | 7.29 (6.54) |
| Pre-1981 Divided Government | ----- | 3.70 (4.21) | ----- | ----- |
| Post-1981 Divided Government | ----- | 10.16 (4.66)** | ----- | ----- |
| Greater Adversity Party Seats | ----- | ----- | 18.39 (16.86) | ----- |
| Greater Adversity Ideology | ----- | ----- | 14.77 (7.02)** | ----- |
| Lesser Resistance Party Seats | ----- | ----- | ----- | 25.28 (14.47)* |
| Lesser Resistance Ideology | ----- | ----- | ----- | 19.66 (10.97)* |
| Presidential Approval | ----- | ----- | -.434 (.142)*** | -.434 (.144)*** |
| Constant | 18.44 (2.84)*** | 18.44 (2.79)*** | 39.64 (8.75)*** | 33.70 (9.80)*** |
| N | 21 | 21 | 19 | 19 |
| Adjusted R² | .0864 | .1206 | .4260 | .4096 |

Dependent Variable: number of failed pieces of legislation in Congress (Edwards, Barrett, and Peake)

OLS Regression coefficients with standard errors in parentheses

* p < .05

** p < .01

*** p < .001

Chapter 5

The Effects of Adversity: Presidential Success on Individual-Level Roll-Call Voting (1989-2002)

Key questions:

- What effect do the components of divided government have on individual-level legislative outcomes? Are these effects consistent with the conclusions of the aggregate-level models?
- Do the results of individual-level models support the assumptions made by the traditional dummy variable used in most divided government studies?

In Chapter 4, I examined the effects of adversity on three dependent variables (presidential success in Congress, the number of major legislative enactments, and the amount of failed legislation) in aggregate models. The results suggest that divided government is more complex than has been previously discussed. There are several components of divided government, and not all of these components are significantly related to legislative outcomes. Furthermore, while the majority of studies in the literature define divided government in terms of divided party control, it does not appear to be significant once the other components are included. Instead, it is the *strength* of the party majority and the ideological distance between the president and Congress that drive legislative outcomes in the aggregate models.

The models examined in the previous chapter do have several limitations, each of which will be addressed in this chapter. All of the dependent variables studied in Chapter 4 have been tracked in the post-World War II period, with the two-year Congress as the unit of analysis. As the models replicated previous studies of divided government using those data, the analyses had a small number of observations. Additionally, given the aggregate nature of the dependent variables used in Chapter 4, I employed the adversity measures that are comprised of only one legislative chamber or the other, by way of the

Greater Adversity and Lesser Resistance Models. Similarly, much of the variation in these variables is reduced by aggregation to the two-year Congress. Lastly, the aggregate models do not allow for measures to vary based on the content of specific bills.

Similar to the aggregate-level models of presidential concurrence rates in Congress, this chapter examines congressional voting with the president at the level of the individual roll-call vote. Other research has shown that there can be markedly different results in aggregate and individual-level models that parallel each other (Erikson, MacKuen, and Stimson 2002). To demonstrate that the results presented in the previous chapter are not the product of these limitations, I examine individual-level data in models that do not suffer from these afflictions.

Individual-Level Models of Presidential Success

The current analysis examines every vote in the House or the Senate on which the president stated a position from 1989 to 2002, a total of 2177 votes. This dataset was created by expanding the Bond and Fleisher individual-level data (1990) through 2002. To do so, I examined the *Congressional Quarterly Almanacs* for 1997-2002, which track whether the president has a stated position on each roll-call vote (Austin 2003). Once identifying the relevant presidential position votes, I collected data on the vote outcomes, vote date, presidential approval rating, and referring committee(s).

This time period includes periods of unified and divided government under both a Democratic and Republican president: unified government with a Democratic president from 1993-1994, divided government with a Democratic president from 1995-2000, unified government with a Republican president from January to June of 2001, and

divided government under a Republican president from 1989-1992 and from June, 2001 to 2002.

The dependent variable here is whether the president “won” on a particular roll-call vote. In other words, this variable is coded as a “0” when the president opposed a bill that was passed in that specific chamber, and when the president favored a bill that was defeated in that chamber. The variable is coded as a “1” when the president supported a bill that passed, and when he opposed a bill that was defeated in a vote. As this is a dichotomous dependent variable, I employ a logit model to determine which variables affect the probability of a presidential victory on a specific roll-call vote.

The independent variables used in this model are the same as those used in the previous chapter, though the operationalization of these variables has changed as a result of the individual-level unit of analysis. The previous chapter examined dependent variables that spanned both legislative chambers, and as a result employed the Greater Adversity and Lesser Resistance measures. As this chapter analyzes the outcome of each individual vote, the GA and LR models are not necessary. To examine the effect of the components of divided government on presidential success in this manner requires a slightly different measure than those used in Chapter 4. The measures used here are specific for each particular vote.

The model presented here examines the effect of the components of divided government on individual-level presidential success. Measuring party control is straightforward, though here it captures whether the president’s party controls the chamber in which the specific vote is held. For example, when the president’s party controls the House of Representatives (but not the Senate) in 2002, a vote in the House

would be coded as a “1” for party control, while a vote in the Senate would be coded as a “0.” The party seat allocation variable here, “seats adversity,” measures the difference between the percentage of seats held by the president’s party and the opposition party in that specific chamber. Positive values of this variable present a more favorable situation for the president, as he holds a seat majority in that chamber. Conversely, negative values translate into a seat deficit for the president in that chamber. The “ideological adversity” measure again captures the distance between the president and the committee chairmen. However, examining presidential success at the level of the individual roll-call vote allows for a more precise measure of the preferences of committee chairmen. For each vote, I determined to which committee each roll-call vote was referred³². I then calculated the ideological distance between the president and the chairman of the committee to which the bill was referred.³³ Operationalizing the components of divided government in this manner allows for a much more precise examination of these relationships.

As with the Chapter 4 models, I control for the president’s approval rating and budgetary situation. The presidential approval measure used in the previous models was the average approval rating in the Gallup Poll over a two-year period. This certainly strips much of the variation from the original approval data. The current analysis includes the approval rating of the president at the time of the roll-call vote³⁴.

³² The Library of Congress’s THOMAS website contains committee referral information for every bill introduced since 1989 (<http://thomas.loc.gov>).

³³ For bills that were referred to multiple committees, I calculate the average score for the chairmen of these committees.

³⁴ It is not appropriate to control for bicameral differences in a model that examines outcomes that are specific to only one legislative chamber. Binder’s measure was developed for her study of gridlock, which examines the lack of productivity in

For this individual-level model, I present 5 hypotheses:

Hypothesis 1: Party Control – I expect party control to be significantly related to presidential success in the bivariate model. When the other components of divided government are included, I expect party control to no longer affect success (based on the findings from Chapter 4).

Hypothesis 2: Party Seats Adversity – Seat allocations will be significantly related to presidential success. As this variable represents the gap between the percentage of seats held by the president’s party and the percentage held by the opposition party, the relationship is expected to be negative. When the opposition party holds a larger percentage of seats than the president’s party, the president’s success rate should decrease.

Hypothesis 3: Ideological Adversity – I expect the ideological distance between the president and relevant committee chairmen to be significantly and negatively related to presidential success. As the distance between these actors increases, the probability of a presidential victory on a roll-call vote should decrease.

Hypothesis 4: Presidential Approval Rating – I expect presidential success to be significantly related to presidential success, in the positive direction. President’s with a higher approval rating should have more success in Congress, even if this effect is smaller (and only “at the margins”).

Hypothesis 5: Budgetary Situation – I expect the national budgetary situation to be significantly related to presidential success, in the positive direction. As hypothesized

Congress as a whole (again, a dependent variable that spans both chambers). As the models presented in this chapter examine votes either in the House or the Senate, no such control is necessary.

by Mayhew (1991) and Binder (2003), president's should have more success in Congress when the economy is doing well.

-Table 5.1 about here –

Table 5.1 presents the Logit analysis, examining determinants of presidential success on individual-level roll-call votes. In Model 1, party control is significantly related to presidential success, and in the expected direction (H1). The probability of a presidential victory on a vote is increased when his/her party also controls the legislative chamber. Presidential approval is also positively related to the dependent variable, as higher approval ratings translate into a higher probability of a presidential victory (consistent with H4). In Model 1, budgetary situation is not statistically significant.

Models 2 and 3 substitute the other components of divided government for party control of the legislative chamber. As expected (H2 and H3), both the strength of the president's partisan majority (seats) and ideological adversity measures are significantly related to presidential success, and in the negative direction. As the president's party faces a larger seats deficit in a chamber, his probability of success decreases. Similarly, as the ideological distance between the president and the relevant committee chairmen increases, the likelihood of a presidential victory in Congress decreases.

Model 4 presents the full model, with each of the components of divided government included, along with the president's approval rating. Once party seat allocations and ideological distance are included in the model, party control is no longer statistically significant (consistent with H1). Party seats and ideology remain significantly related to the dependent variable, and in the expected direction (H2 and

H3)³⁵. These findings are consistent not only with the hypotheses, but also with the results of the aggregate-level models presented in Chapter 4. These findings underscore that both party and ideology affect legislative outcomes at the individual level, though the influence of the party component manifests itself through the size of the partisan majority rather than through simple control of the chamber (as has previously been argued in the literature).

The two control variables, presidential approval at the time of the vote and the national budgetary situation, are significant at the .01 level in both Models 3 and 4. While presidential approval has a positive effect on roll-call success for the president (consistent with H4), the national budgetary situation *negatively* related to presidential success (contrary to H5). This is a counter-intuitive finding, as it suggests that the president should have more success in Congress when the national budgetary situation is poor.

Because the magnitude of the effects are difficult to compare using logit coefficients, I now present predicted probabilities, generated using CLARIFY³⁶. Table 5.2 presents the effect of a change in each of the components of divided government, while holding the values of the other values constant.

-Table 5.2 about here –

³⁵ Party control is highly correlated with ideological adversity. Thus, it is possible that party control is also significantly related to presidential success rate. However, the potential multicollinearity does not question the significant effect of ideology and seat allocations on presidential success rate, as any multicollinearity would only inflate the standard errors of these variables and decrease their significance levels. Given their significance in the face of potential multicollinearity, these may be conservative estimates of the effects of these other components of divided government.

³⁶ CLARIFY was developed by Michael Tomz, Jason Wittenberg, and Gary King, and is available on King's webpage (<http://gking.harvard.edu/stats.shtml>). This program generates predicted probabilities of Y, given specifications of X(s) inputted by the user.

With the other variables at their mean, a change from unified party control to divided party control translates into an 8 percent decrease in predicted presidential success (61 percent under unified party control versus 51 percent under divided party control). A one standard deviation increase in the seats adversity measure would yield a 16 percent decrease in the predicted probability of a presidential victory on a vote. This change is significant at the .01 level. Lastly, a one standard deviation increase in the ideological distance between the president and relevant committee chairman would lead to a 23 percent decrease in the predicted probability of presidential success, holding the values of the other variables constant.

While these predicted probabilities provide a more meaningful interpretation of the logit coefficients, it is hard to visualize what a “one standard deviation change” would mean in terms of “real world” scenarios. The following section presents more tangible examples that illustrate the effect of the components of divided government.

Recent Examples

In June of 2000, Senator James Jeffords of Vermont switched his partisan affiliation from Republican to Independent, shifting the balance of power from a slim Republican majority (50-50, with Vice President Cheney serving as the tie-breaker) to a slim Democratic majority (50-49, with Jeffords caucusing with the Democrats). Following the Jeffords defection, conservative pundits asserted that it was likely that the liberals in control would stymie President Bush’s agenda, causing a high likelihood of policy gridlock. While this view may have been valid, what remained unclear is what aspect of the new Democratic majority would have this effect. One possibility is that

having a simple majority of seats would have allowed Tom Daschle and his colleagues to enact favorable policies and suppress the president's agenda when bills came up for a vote. The Republican minority, however, still had the ability to filibuster, barring an unlikely cloture vote involving 10 Republicans. A second possibility is that the shift in partisan control of the committee leadership might have affected policy outcomes. In other words, the power of the committee chairmen to serve as gatekeepers may have been driving gridlock, by killing legislation without ever allowing it to come up for a vote. A third possibility is that some combination of these factors would drive gridlock, as Democratic committee chairmen could kill unfavorable legislation in committee, while the Democratic majority would have the votes on any bills that were referred back to the floor. Based on the analyses presented thus far, it seems likely that party control itself did not affect legislative outcomes in the wake of the Jeffords defection. Rather, the shift in the committee chairmanships and the slight shift in party seat allocations may have been more important.

Other recent scenarios have been centered on committee chairmen, and how they may affect outcomes in Congress. When the Republican leadership determined which senators would become chairmen of which committees following the 2002 midterm elections, several of their choices were quite conservative. One of the most glaring examples was the selection of Jim Inhofe of Oklahoma to serve as chairman of the Environment and Public Works committee. In roll-call votes in the 107th Congress, Inhofe had a zero percent rating from the League of Conservation Voters, an interest group that rates members of Congress on their degree of environmentally-friendly voting (League of Conservation Voters 2006). Nevertheless, Inhofe was made the chairman.

Would we expect Inhofe to behave differently than a more moderate alternative? Should the probability of an environmental bill that was referred to committee in the Senate be markedly different than if, for example, Lincoln Chafee had been the committee chairman?

More recently, Arlen Specter's rise to become chairman of the Senate Judiciary Committee in the 109th Congress was a controversial one. Specter, one of the more moderate Republican senators, would be replacing Orin Hatch. The debate over this change revolved around the potential effect of Specter's ideology on the Republican (and Bush administration) agenda. Specifically, there were concerns over the fate of judicial nominees. Was this debate warranted? Should we expect a Specter-led committee behave differently than one led by Orin Hatch?

While these are different scenarios, they are all related to the questions addressed in this dissertation. If party control drives outcomes, as the traditional definition of party control assumes, then the Inhofe chairmanship (versus a more moderate Republican chairman) should have no effect on committee outcomes, as the party control of the chamber (and thus, the committee) would be the same under either chairman's rule. Similarly, if party seat allocations matter, we also should not expect a difference between these chairmen, as again the seat allocations would be exactly the same in either scenario. If, however, the *ideology* of the chairman matters, either alone or in terms of the distance between the committee chairman and other actors in the system, then we should expect a significant difference between Inhofe and a moderate alternative. In the case of the Jeffords defection, party control of the chamber shifted from Republican to Democratic control, though the seat allocations were nearly identical. The shift in party control

triggered a change in the committee chairs as well, replacing Republican chairmen with the ranking Democrat on the committee. Again, in most cases this translated into a significant shift in the ideology of the committee chairmen. Based on the logit model presented earlier in this chapter, what effect should we expect these changes to have on presidential success?

To evaluate these scenarios substantively, I again use CLARIFY to generate expected probabilities for the model presented earlier in this chapter.

-Table 5.3 about here –

The Jeffords defection changed each of the components of divided government, though some of the changes were larger than others. While party control of the Senate shifted from Republican to Democratic hands, there was almost no change in party seat allocations. The Senate went from having 50 Republicans and 50 Democrats to having 49 Republicans, 50 Democrats, and 1 Independent. The shift in the ideology of the committee chairmen was much more dramatic. Under Republican control from January to June of 2001, the average DW-Nominate score for the committee chairmen was .306688, relatively conservative. Not surprisingly, when the Democrats seized the gavels in the committee chambers, the average ideology score of the chairmen became -.37931, a relatively liberal score. As seen in Table 5.3, the Jeffords defection presented a markedly different political environment than had existed only weeks prior. Before Jeffords switched his party affiliation, the predicted probability of a Bush victory on a roll-call vote was rather high, 77.81 percent. However, once Jeffords began caucusing with the Democrats, the predicted probability of a Bush success dropped to 48.15 percent, a 29.66 percent decrease in predicted success. While this may be partly the product of a

shift in party control, the large shift in the ideological distance between the president and committee chairman likely played a more critical role. To isolate the effect of a change in committee chairmen, I revisit the other examples discussed earlier.

-Table 5.4 about here –

Returning to Inhofe's chairmanship of the Environment and Public Works committee allows us to examine the effect of a change in a committee chairman's ideology on the probability of a presidential victory. Given that the ideological adversity score significantly affects the probability of presidential success (as discussed above), what is the relative impact of Inhofe's chairmanship compared to a more conservative alternative? According to Inhofe's DW-Nominate score, he was the third most conservative member of the 109th Senate. President Bush's DW-Nominate score is rather conservative as well. Thus, the distance between the president and Inhofe ideologically is relatively small overall. If, however, John Warner of Virginia (the 2nd ranking Republican on the committee) had been named the chairman of the committee, the ideological distance between the president and the chairman of this committee would have been larger. As Table 5.4 shows, the difference between Inhofe as chairman as opposed to Warner translates into a 3 percent difference in predicted presidential success on a roll-call vote, holding all other variables constant (with the president's party controlling the chamber, and holding a 55-44-1 majority in seats). If a more moderate Republican had been chairman (Lincoln Chafee, for example), the change in predicted presidential success would further decline. While the shift from Inhofe to Warner is relatively small, the shift from Inhofe to Chafee would drop the probability of a presidential victory by another 5 percent (despite the presence of the same majority of

seats held by the Republicans). If only party control mattered, then the ideology of any given committee chairman should be irrelevant, once we know the party affiliation of that chairman. In other words, unless ideology mattered, there should not be a major difference between two Republican chairmen of the same committee. The results show that the selection of committee chairman is not an insignificant one, and can dramatically affect legislative outcomes. Furthermore, the results suggest that ideology component of divided government is an important determinant of presidential success.

Arlen Specter's ascension to the chairmanship of the Senate Judiciary Committee in 2005 was also meaningful, justifying the fears that his rule would hamper the president's success on issues within the jurisdiction of this committee. Again holding the other variables at their real levels in the 109th Congress (Republican control and a 55-44-1 majority), the predicted level of presidential success under Specter is significantly lower than under the previous chairman of this committee, Utah's Orin Hatch. Table 5.4 shows that a shift from Hatch to Specter as chairman of this committee translates into a 6 percent decrease in the predicted probability of a Bush victory on a bill referred to the Judiciary Committee.

A final example shows a more stark difference: President Clinton during the 106th Congress, a period of divided government in which the Republicans held a 54-46 majority in the Senate. Jesse Helms was the Chairman of the Senate Foreign Relations committee. The distance between the DW-Nominate score of the president and Senator Helms was 1.292 (Clinton = -.492, and Helms = .8). Consider the difference between Jesse Helms as chairman compared to the next Republican chairman of this committee, Richard Lugar. Lugar's DW-Nominate score is .277, for a distance of .769 from

President Clinton. With Jesse Helms as the chairman, the probability of a Clinton victory on a bill referred to the Senate Foreign Relations committee is 43 percent. If Lugar had been the chairman of this committee while Clinton was president, the predicted probability of a Clinton victory would have been 59 percent, despite the Republican control of the chamber leadership (and majority of votes on the floor). Thus, a change from a more extreme committee chairman to a moderate alternative here would have meant a 16 point difference in the predicted probability of a presidential win, even with the same party controlling the chamber and the same seat allocations between the parties.

These examples underscore the need for the expanded definition of divided government, one that allows for both partisan and ideological components. Rather than party control driving presidential success, it is the allocation of seats between the president's party and opposition party as well as the ideological distance between the president and key congressmen that matter.

Conclusions

This chapter examined whether the aggregate-level results presented in Chapter 4 still hold when examining individual-level data. The analyses presented here compensate for the shortcomings of the models presented previously, expanding the number of observations to over 1,500, and incorporating variables that are operationalized in an issue-specific manner. Analyzing presidential success on every congressional roll-call vote from 1989 to 2002, I find that the party seat allocations and ideological distance between the president and relevant committee chairmen are statistically significant, while again party control does not appear to exert an independent effect on the dependent

variable. This further questions the traditional definition of divided government, which states that “party control matters.”

Furthermore, the subsequent analyses presented in this chapter demonstrate the substantive impact that these components can have on legislative outcomes. Using recent examples, I show that shifts in the components of divided government can have meaningful effects on presidential-congressional relations.

TABLES: CHAPTER 5

TABLE 5.1: LOGIT ANALYSIS OF PRESIDENTIAL SUCCESS ON INDIVIDUAL ROLL-CALL VOTES

| | Model 1 Divided Party Control Dummy | Model 2 Adversity Measures | Model 3 Adversity Model with Controls | Model 4 Full Model |
|------------------------------|---|---|---|------------------------------|
| Party Control | 1.96 (.177)*** | ----- | ----- | .309 (.463) |
| Ideological Adversity | ----- | -1.68 (.245)*** | -1.01 (.360)*** | -1.11 (.390)*** |
| Seats Adversity | ----- | -2.68 (.652)*** | -4.72 (.894)*** | -5.37 (1.32)*** |
| Presidential Approval | .014 (.005)*** | ----- | .020 (.006)*** | .021 (.006)*** |
| Budgetary Situation | -.005 (.005) | ----- | -.027 (.008)*** | -.030 (.009)*** |
| Constant | 1.10 (.281)*** | .151 (.172)*** | .348 (.327) | .454 (.348) |
| N | 1962 | 1522 | 1423 | 1423 |
| Pseudo R ² | .0663 | .0892 | .0962 | .0968 |

Dependent Variable: presidential success on individual vote

Logit coefficients with standard errors in parentheses

* p < .10 ** p < .05 *** p < .01

TABLE 5.2: CHANGE IN PREDICTED PROBABILITIES

| | | <u>Predicted Presidential Success Rate:</u> |
|-----------------------------|-----|---|
| Party Control | | |
| Unified: | 61% | |
| Divided: | 53% | |
| | | Change: -8% |
| Seats | | |
| Low Adversity: | 62% | |
| High Adversity: | 46% | |
| | | Change: -16%*** |
| Ideological Distance | | |
| Low Adversity: | 66% | |
| High Adversity: | 43% | |
| | | Change: -23%*** |

* p < .10

** p < .05

*** p < .01

TABLE 5.3 – CHANGE IN PREDICTED PROBABILITIES: JEFFORDS DEFECTION

| | Recent Example: 107th Congress: | |
|--|--|----------------|
| Before Jeffords Defection | | |
| <hr/> | | |
| Party Control | Republican | |
| Seat Allocations | 50 Republicans, 50 Democrats | |
| Ideological Distance | | |
| Between President and Committee Chairmen | 0.255312 | |
| Predicted Presidential Success Rate | | 0.7781 |
| After Jeffords Defection | | |
| <hr/> | | |
| Party Control | Democratic | |
| Seat Allocations | 49 Republicans, 50 Democrats | |
| Ideological Distance | | |
| Between President and Committee Chairmen | 0.94131 | |
| Predicted Presidential Success Rate | | 0.4815 |
| Overall Change in Predicted Presidential Success: | | -0.2966 |

TABLE 5.4 – CHANGE IN PREDICTED PROBABILITIES: COMMITTEE CHAIRMEN

**Recent Example: 109th Congress:
Unified Party Control; 55 Republican seats**

| Committee | Chairman | Predicted Presidential Success Rate |
|--------------------------------|-----------------|--|
| Committee | Chairman | Pr(Success): |
| Envir. & Pub. Works | Inhofe (R-OK) | 85% |
| | Warner (R-VA) | 82% |
| | Change: | -3% |
| Judiciary | Hatch (R-UT) | 82% |
| | Specter (R-PA) | 76% |
| | Change: | -6% |

**Recent Example: 106th Congress:
Divided Party Control; 54 Republican seats**

| Committee | Chairman | Predicted Presidential Success Rate |
|--------------------------|-----------------|--|
| Committee | Chairman | Pr(Success): |
| Foreign Relations | Helms (R-NC) | 43% |
| | Lugar (R-IN) | 59% |
| | Change: | 16% |

Chapter 6

Conclusions and Implications

Divided government is one of the most widely examined topics in the political science literature. This research has been particularly common over the past two decades, as scholars grappled with the political reality that divided party control is a more prevalent part of American national government. Yet, despite the voluminous literature examining this phenomenon, there is still considerable disagreement about the effect of divided government on various political outcomes. While some scholars have asserted that divided government does not hamper presidential-congressional relations, others concluded that periods of divided government seriously affect the political relationship between these two constitutional actors. The present research contends that we have a limited understanding of what divided government really means, as well as what aspects of divided government actually affect presidential-congressional relations.

At first glance, divided government appears to be a relatively easy concept to define. The definition employed to date asserts that this phenomenon is synonymous with “divided party control.” Given this narrow definition, the vast majority of the studies of divided government use a dichotomous variable to capture this phenomenon. This dissertation contributes to the literature on divided government by expanding this definition to include both the party and ideological components of divided government. This broader conceptualization of divided government is a better reflection of just how much agreement or disagreement (adversity) exists between the president and Congress.

By offering a more appropriate definition of divided government, my research allows studies to employ measures that capture the theoretically distinct components of

divided government to determine just what aspect of the presidential-congressional relations affects any particular outcome. Rather than the traditional dummy variable used in past research, scholars can examine party control, party seat allocations, and ideology separately. Using these measures provide the added benefit of allowing researchers to avoid making the assumptions inherent to the dummy variable that is used in most “divided government” studies. This research demonstrates that these assumptions, that (1) Party control of institutions is all that matters, and (2) the effects of divided government have been constant over time, appear flawed when examined empirically. If these assumptions were correct, then the use of a dichotomous variable would be appropriate. However, *the analyses presented in the current research demonstrate that divided government is a much more complex phenomenon than has been previously discussed.* Rather than only being a function of party control, *divided government actually contains several distinct components.* In addition to the party control that is so commonly associated with the phenomenon, *divided government is also a function of the number of seats held by the president’s party in each legislative chamber, as well as the policy preferences of the actors in this relationship.*

These components of divided government, and their effect on legislative outcomes, fit with existing and newly developing theories in the political science literature. Much scholarship has discussed the effect of parties and partisanship on a wide range of legislative outcomes. While the divided government literature speaks directly to this broader literature on the effects of parties, by assuming that party control is all that matters, these two literatures have remained distinct in the discipline. The other components of divided government also have their place in the broader literature, as

much has been written on the effect of seat majorities and ideology on the legislative process. In fact, much of the literature on party effects has been engaged in an ongoing debate with participants in the literature asserting that ideology drives outcomes. The current research seeks to reconcile the divided government literature with the broader gridlock literature on legislative outcomes by testing empirically the relative effects of the components of divided government. The results here demonstrate that it is seat allocations and ideological distance between the president and Congress (here operationalized as the committee chairs), rather than party control, which drive a variety of legislative outcomes.

Additionally, this research demonstrates that *the components of divided government have varied widely in the post-World War II period*. In the 1950s, 1960s, and 1970s, divided government posed a less deleterious political environment than it has in recent decades, largely because the elected officials were less polarized. As discussed in Chapter 3, President Eisenhower likely faced a slightly *less adverse* political environment during a period of divided government in the 1950s than did his successor, John F. Kennedy, who governed with a Democratic House and Senate. The conservative Southern Democrats were ideologically closer to the Republican Eisenhower than to the more liberal Democratic Kennedy. As the Democratic delegations became more liberal in recent decades, and as the Republican delegations became more conservative (through electoral and idiosyncratic factors), the ideological component of divided government began to play a larger role in derailing presidential-congressional relations. This underscores the conclusion that based on the *components* of divided government, there may be a more adverse relationship between the president and Congress during a period

of unified party control than during divided government, a possibility that has been ignored in the divided government literature.

This dissertation suggests that scholars examining the effects of divided government should incorporate the expanded definition of divided government offered here, as well as the measures of the components of divided government.

Implications

The conclusions of this research have many implications for the broader political science literature. As discussed above, this research has implications for the debate over the antecedents of legislative success and failure. Given the relative significance of the components of divided government, this research finds greater support for those who argue that ideology rather than parties drives legislative outcomes (Brady and Volden 2006; Krehbeil 1998). While party control may have some effect, it is clear that simply controlling the chamber itself does not guarantee legislative victory for the president. Even if the same party controls the House or the Senate, as demonstrated in Chapter 5, the presence of different committee chairs with different ideologies can greatly impact the likelihood of presidential success. Thus, we need to move beyond a mere focus on party control. The *strength* of the seats majority (or deficit) and the ideological (dis)agreement between the president and key legislators are central to our understanding of presidential-congressional relations.

These findings suggest that the vast majority of studies that define divided government only in terms of party control may need to be reexamined, as this political phenomenon is much more nuanced than it has appeared previously. This seemingly

simple situation is in fact more complex, as divided government has several components that are theoretically distinct. Given these separate elements, the use of a dummy variable is not appropriate for understanding the effect of divided government on any dependent variable. In most studies, divided government is included in the model because it is assumed to present a more deleterious political environment for presidential-congressional relations. However, use of the dummy variable in these research projects capture only party control, not whether the relationship is adverse. Conceptually, many of the studies that examine divided government do so because they believe the policy preferences of the president and members of Congress will be more divergent during divided party control than unified party control. Theoretically, these scholars want to examine a different component of divided government (ideological adversity), yet the use of a dummy variable actually examines only party control. The use of this flawed dichotomous measure may mask the true nature of the relationship, explaining why so many discrepancies exist in the present literature. Using the expanded concept of divided government and these more nuanced and theoretically appropriate measures, scholars may be able to reconcile some of the seemingly contradictory findings that have become commonplace in the divided government literature. *This research has addressed this void by contributing theoretically and methodologically distinct components of divided government.*

Lastly, this research contributes to the literature examining presidential-congressional relations in three other ways. Many scholars have wrestled with the problem of how to examine congressional outcomes that involve both the House and the Senate. *The creation of the Greater Adversity and Lesser Resistance Models allow*

scholars to examine dependent variables that span both legislative chambers, without having to simply take the average of the House and the Senate. In addition, the current study adds to the divided government literature by incorporating measures that more explicitly *bring the president back into the model.* While previous work has focuses primarily on the congressional side of this relationship, modeling the position of congressmen in relation to the president provides a more meaningful measure of their relative policy positions. Finally, *it also provides a theoretical rationale for bringing committee chairs into the analyses.* This is of particular importance for future research, particularly as the unit of analysis moves toward more policy specific areas.

Future Research

While the current research has advanced our understanding of divided government and tested the effects of the components of divided government on various legislative outcomes, this work presents several avenues for future research. First, the models presented in this dissertation can be broken down further to determine whether the effects of the components of divided government are constant across legislative chambers. More specifically, the analyses presented in Chapter 5 combine roll-call votes in the House and the Senate into a single model. It is possible to separate these roll-call votes into their respective chambers to determine whether each component of divided government has the same effect in each chamber. To do so would allow researchers to test whether the power of committee chairmen is significantly different in the House and the Senate. If the committee chairmen in the House of Representatives are more powerful than their Senate counterparts, then we should expect the ideological adversity

component to have a more significant impact on presidential success rates in the House than in the Senate. Additionally, if the presence of the filibuster in the Senate does increase the need for a legislative supermajority, then seat allocations may be more important in the Senate than in the House. The larger membership in the House may also affect the importance of seat allocations. These are empirical questions, ones that can easily be addressed with the data generated for the current research.

A second area to extend the current research is to examine the effects of the components of divided government on other dependent variables (including an analysis of the possible changing effects of this phenomenon over time). Chapter Two discussed numerous dependent variables that have been studied with respect to divided government (e.g., executive orders, vetoes). Given the prominence of the methodologically and theoretically dubious dummy variable by most of these scholars, it would be valuable to reexamine previous findings using the components of divided government posited here. For example, one could test the effect of the components of divided government on the fate of judicial nominations, executive orders, and legislative “gridlock.” Importantly, re-examining studies of judicial nominations and confirmations would allow a researcher to employ issue specific measures of ideological adversity by incorporating the preferences of the chairman of the Senate Judiciary Committee. By re-examining previous studies of divided government with these new measures, we may be able to reconcile the contradictory findings that have prevented the divided government literature from reaching a consensus on the effects of this phenomenon.

This research may also be extended by examining the effects of the components of divided government on other stages in the legislative process. The vast majority of

studies on legislative outcomes examine roll-call votes or legislative productivity/success. However, most legislation dies in committee without ever being referred to the chamber floor for consideration. Thus, many studies of legislative success are selecting on the dependent variable through their examination of roll-call votes, by considering only the most successful bills – those that make it to the floor for a vote. By considering the antecedents of legislative success and failure at the committee stage, we may better understand the effect of the components of divided government on the legislative process.

These future studies would build on the contributions made by this dissertation, further developing our understanding of the complexity of divided government. By incorporating the components (and their respective measures) of divided government into the broader literature, we will be able to better understand the effect of this common political occurrence on countless American political outcomes.

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