TWO

A THEORY

Who is pivotal in U.S. lawmaking? This is a difficult question insofar as "the United States has the most intricate lawmaking system in the world" (Jones 1994, 297). However, based on the hope that even a simple theoretical answer to a difficult question is better than no answer at all, this chapter introduces a theory of pivotal politics that is unabashedly elementary by contemporary modeling standards. The theory not only answers the question of who is pivotal in U.S. lawmaking but also generates a sizable set of empirical implications that will be the focus of the following four chapters. After a brief overview of the general properties of good theories—assumptions, results, and interpretations—this chapter turns to their specific manifestations in the pivotal politics theory.

Assumptions in a formal theory are not intended to be comprehensive and unequivocally true. If they were comprehensive and unequivocally true they would simply restate or describe reality as we know it, and they would be much too complex from which to derive testable propositions about political behavior. Instead, assumptions are intended to satisfy aims that are at once more modest descriptively and more constructive analytically. They should reflect the essence of choice settings with sufficient simplicity that the model itself remains tractable, because a model that cannot be solved is not a data-ready model. What, then, are the essential features of U.S. lawmaking settings? One plausible answer is separation of powers, heterogeneous preferences, and multistage collective choice.[1]

Theoretical results, of course, are derived from assumptions. In light of

1. A noteworthy omission from the model that will surface regularly is parties.

the discussion in Chapter 1, a minimal requirement for an improved theory of lawmaking is that its results comport with two basic facts: gridlock is common but not constant, and coalitions are regularly bipartisan and greater than simple-majority sized. A higher standard for results is that they not only comport with these basic facts of U.S. lawmaking but also yield predictions (or interpretations) regarding occasional variation in these approximate constants. More specifically, an improved theory of lawmaking should identify *conditions* under which gridlock is broken, and it should account for some *variation* in (usually large) coalition sizes.

Interpretations constitute another class of desirable properties of a useful theory. An improved theory of U.S. lawmaking also should help to account for anomalies or puzzles that are not necessarily empirical motivations underlying the necessarily sparse assumptions of the theory. For example, why do we often have gridlock even in unified governments (Mayhew 1991, 1995)? Why do presidents launch fewer policy initiatives the longer they are in office (Light 1991)? Why does presidential popularity diminish over the course of terms (Hinckley 1990)? And why are ideological moderates, of all people, so often frustrated about U.S. lawmaking? To the extent that a new theory can answer questions such as these in addition to providing an explanation for more basic facts, it will have added appeal.

ASSUMPTIONS

Assumptions of the theory cover preferences, players, policies, procedures, and behavior. These can be addressed in varying degrees of mathematical precision and generality. Here I opt for a relatively informal and example-based exposition.[2]

Policy Space

Collective choice occurs via voting over proposals or policies that can be arranged on a line. That is, the *policy space is unidimensional*. It is convenient and intuitive to think of the policy space as a continuum on which liberal policies are located on the left, moderate policies are located in the center, and conservative policies are located on the right. Because the policy space is continuous, it is possible to consider policies at any point between liberal and conservative extremes. Finally, an exogenous *status quo point*, q, reflects

2. See Krehbiel 1996a for a formal exposition.

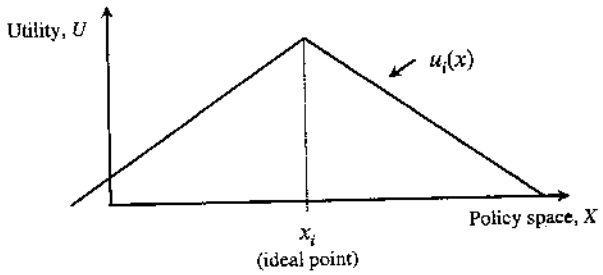


Figure 2.1
Single-peaked utility function for legislator *i*

existing policy and can be interpreted as the outcome from a prior period of decision making.

Players and Preferences

Players in the game are generically referred to as *lawmakers* and include a president and n legislators in a unicameral legislature. Each player has an *ideal point* in the policy space, that is, a policy that yields greater benefits to the player than all other policies. Each player's preferences are *single-peaked,* meaning that as policies in a given direction farther and farther from an individual's ideal point are considered, utility for that player never increases. Figure 2.1 shows a simple example of one player with an ideal point x_i and a single-peaked utility function $u_i(x)$. For convenience and spatial intuition, it is helpful further to assume that utility functions are symmetric. Therefore, for any two policies y and z in the policy space, a player always prefers that policy which is closer to his ideal point.

Procedures

In contrast to generic pure-majority-rule voting models, the capacity of politicians to enact policies in this theory is tempered by two *supermajoritarian procedures:* the executive *veto,* and the Senate's *filibuster* procedures. The U.S. Constitution confers to the president the right to veto legislation subject to a $^2/_3$ majority override by the Congress. Similarly, the Senate's Rule 22 confers to each individual the right to engage in *extended debate*

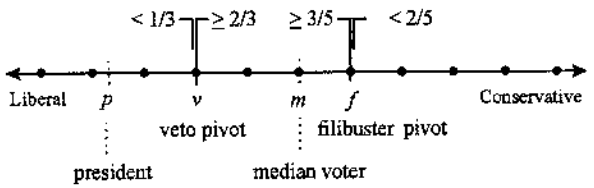


Figure 2.2
Pivotal legislators if the president is liberal

(filibuster) subject to a $^3/_5$ vote to end debate (invoke cloture). Under configurations of legislative preferences to be specified, the filibuster, too, effectively raises the voting requirement for policy change.

Pivots

Webster's *New World Dictionary* defines a *pivot* as "a person or thing on or around which something turns or depends." This commonsense definition transports well into the pivotal politics modeling framework. The "something" that depends on the pivots in the theory is the collective choice, that is, the law. The focus of the modeling exercise is to discern which of n legislators or the president is pivotal in various lawmaking situations and why.[3]

Among the n legislators (for convenience, n is odd), two players may have unique pivotal status due to supermajoritarian procedures, even though these players possess no unique parliamentary rights. A third player, the median voter, is also singled out for baseline purposes. These are illustrated in figure 2.2 which shows an eleven-person legislature and a liberal president. The key pivots in the most basic version of the pivotal politics theory are the *filibuster pivot* with ideal point f and the *veto pivot* with ideal point v. These are defined with reference to the president, whose ideal point is p.

If, as shown, the president is on the left (liberal) side of the median voter m, then the veto pivot is the legislator for whom his ideal point and all

3. The present use of the term *pivotal* is narrower than that in many game-theoretic models. For example, in coalition theory a player is sometimes said to be pivotal if his or her departure from a winning coalition renders the coalition nonwinning, in which case every member of a minimum winning coalition is necessarily pivotal. The narrower meaning employed here will become clear as the chapter progresses.

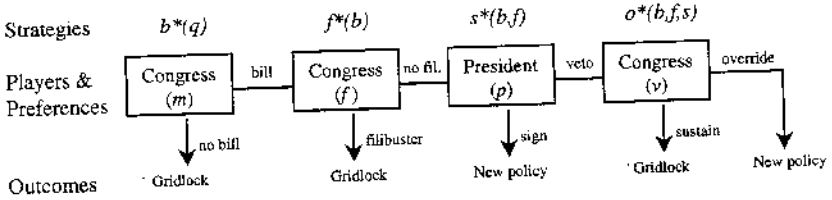


Figure 2.3
The pivotal politics model

ideal points to his right make up exactly or just more than $^2/_3$ of the legislature. The number of ideal points to his left therefore make up no more than $^1/_3$ of the legislature. For the eleven voters in figure 2.2, for example, the veto pivot is the fourth voter from the left. A similar definition can be given for a president on the right (conservative) side of the median voter m.

The definition of the filibuster pivot follows a similar fractional algorithm. If the president is on the left (liberal) side of the median voter m, then the filibuster pivot is the legislator for whom his ideal point and all ideal points to his left make up exactly or just more than $^3/_5$ of the legislature. The number of ideal points to his right, then, make up no more than $^2/_5$ of the legislature. For the eleven-voter case, this would be the seventh voter from the left, as shown in figure 2.2. If the president were instead on the right (conservative) side of the median voter m, then the filibuster pivot will be on the opposite side of the median, likewise splitting ideal points into exact or approximate groups of $^2/_5$ and $^3/_5$.[4]

Sequence of Play

A formal version of the four-stage model is shown in figure 2.3.[5] First, to reflect the strictly accurate procedural fact that it takes only a simple majority to pass a bill in Congress, the median voter of the legislature moves by choosing any bill b in the policy space, or by deciding to accept the exogenous status quo point, q. Though seemingly dictatorial, this one-player choice is more appropriately interpreted as a strategic simple-majoritarian action by the median voter on behalf of all voters with ideal points to one

4. Operationally these fractions are sometimes $^1/_3$ and $^2/_3$, depending on the era studied. See Chapter 5.

5. The game is finite and noncooperative with complete information.

side of m. This is tantamount to assuming that the legislature decides under an *open rule*. That is, no restrictions are placed on amendments or on who can offer them.[6]

Second, if a bill, b, is proposed in stage 1, then the filibuster pivot with ideal point f as defined above chooses whether to mount a filibuster, which leads to a status quo outcome, or whether to let the game proceed to the next stage. This one-player choice likewise can be interpreted as a $^2/_3$ minority action even though it is modeled as an individual's strategy.

Third, if the filibuster pivot does not filibuster in stage 2, then the president with ideal point p decides whether to sign or to veto the bill. (In reality, this stage may be reached when a filibuster is mounted but cloture is subsequently invoked.)

Fourth, if the president vetoes the bill, then the veto pivot with ideal point v decides whether to sustain or to override the president's veto. As with stages 1 and 2, this unilateral action represents the behavior of a bloc of voters with identical preferences with regard to the two surviving policies in question—the bill, b, and the status quo, q. Thus, the model condenses a large number of individual choices into a tractable but plausible simplifying structure.

Behavior

Players in the game are assumed to adopt strategies that maximize their utility, conditional on the expectation that all other players in future stages of the game do likewise. The equilibrium concept is subgame perfect Nash.[7] In more common terms, the behavior captured by this equilibrium concept can be summarized as strategic proposal, voting, and veto behavior by players in a multistage, interbranch supermajoritarian setting. Players know the game, know each others' preferences, understand who is the pivotal voter in any given setting, and adopt optimal strategies accordingly. More formally, an equilibrium is an optimal bill, b^*, which is a function of the exogenous status quo, q, and which is predicated on rational expectations

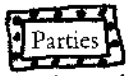
6. The amendment and voting processes do not have to be modeled explicitly because the median voter, in effect, always represents at least a majority composed of himself and all the legislators with ideal points to one side of m. Because of this feature, it is a misnomer to think of the median voter as an individual "gatekeeper" or "monopoly agenda setter" as in previous theories such as those pertaining to committee power (e.g., Denzau and Mackay 1983). Elaboration follows the introduction of additional features of the model.

7. For a lucid discussion of this concept, see Kreps 1990, 421–25.

about future behavior; an optimal filibuster choice f^* which is a function of b and which is predicated on rational expectations about future behavior; an optimal veto choice v^* which is a function of b and f and which is predicated on rational expectations about future behavior; and an optimal override choice, o^*, which is a function of b, f, and v.

Equilibrium and Gridlock

One analytic focal point is on the institutional basis for *gridlock*. To capture not only stalemate in government but also the sense of majority disappointment or injustice that sometimes accompanies it, gridlock is defined as the absence of policy change in equilibrium in spite of the existence of a legislative majority that favors change. In figure 2.3, notice that outcomes labeled *gridlock* are those, and only those, in which a pivotal player chooses the status quo over the proposed policy (or, in the case of stage 1, chooses the status quo directly). Unless the status quo policy exactly equals the median voter's ideal point ($q = m$), a gridlock outcome invariably is an equilibrium outcome, in which at least a legislative majority wishes to move the status quo policy in the same direction, yet cannot do so.[8]



No special assumptions are made about the ability of political parties to shape individual lawmakers' decisions. This, admittedly, is a judgment that is likely to be controversial. The present aim is not to preempt or stifle controversy but rather to clarify the issue so that neutral readers can form independent judgments after a substantial amount of evidence is presented. Three preliminary observations are relevant in this regard.

First, considerable empirical evidence suggests that parties in government are not strong in the United States. In the prewar period, few works are

8. Any such baseline could be used. For example, gridlock could be defined as the absence of policy change in equilibrium in spite of the existence of a *president* who favors change. In support of this definition, one could make a case that, as a representative of the nation as a whole, the president makes for a better *normative* benchmark. My preference is to adopt a plausible *positive* baseline instead—the legislative median—because it underscores the puzzle of gridlock proportional to the degree of merit in the baseline model. It seems unlikely that many students of U.S. politics seriously expect lawmaking outcomes to lie at the president's ideal point. In contrast, empirical support for median voter theory in legislative studies is nontrivial.

as comprehensive and convincing as E. E. Schattschneider's, whose summary is worth quoting at length:

> On difficult questions, usually the most important questions, party lines are apt to break badly, and a straight party vote, aligning one party against the other, is the exception rather than the rule. (1942, 130)
>
> . . . when all is said, it remains true that the roll calls themselves demonstrate that *the parties are unable to hold their lines in a controversial public issue when the pressure is on.*[9]
>
> The condition described in the foregoing paragraph constitutes *the most important single fact concerning the American parties.* He who knows this fact, and knows nothing else, knows more about American parties than he who knows everything except this fact. (1942, 131–32; italics in original)

In the postwar era, research on party strength in government is mixed by comparison and will be taken up again in Chapters 8 and 9.[10] For now, on the whole, and controversy notwithstanding, suffice it to say that there is no shortage of studies that provide at least a partial defense for the nonpartisan approach taken in the pivotal politics theory.

Second, it bears emphasis that the nonpartisan modeling choice is, at this juncture, a theoretical postulate—not an empirical argument. As such, the proper perspective for neutral readers is the following. If the choice to

9. Schattschneider's footnote, which reads as follows, is more forceful, still.

> The success of the parties in concealing this condition from the public is remarkable. Yet the testimony of competent scholars is unanimous: "[I]n the main the bills which come up do not interest the party as party" (Chamberlain 1936, 155). "[I]t is impossible to speak realistically of party responsibility for legislation in the United States" (Odegard and Helms 1938, 153). "On the majority of issues the party takes no stand" (Herring 1940, 29). See also Lowell 1901, 319–542. Merriam and Gosnell say that "the bulk of legislation is either non-partisan or bipartisan" (1929, chap. 2n.3, 55). Robert Luce, who has had extensive legislative experience, says that "the great bulk of the work confronting Congress and Legislatures is not essentially political. . . . Party platforms are futilities. No thoughtful legislator feels himself bound by the make-weights thrown in to catch a few stray votes" (1922, 504). Luce quotes Mr. James W. Good, for 10 years chairman of the House Committee on Appropriations, as saying of the work of that committee: "I do not recall now a single instance during my work of the Committee on Appropriations when the party lines were drawn." Merriam and Gosnell estimate that the percentage of party votes in four representative state legislatures ranges from 1 per cent to 6 per cent of the total. "The remaining part of the legislation is local, special or non-partisan in character" (1929, chap. 2n.3, 55).

10. On the strong-party side of the ledger, enter Cox and McCubbins 1993; Rohde 1991; Aldrich 1995; Aldrich and Rohde 1995; Dion and Huber 1996; and Sinclair 1992. On the weak-party side (in varying degrees of explicitness and forcefulness), consider Burns 1963; Clausen 1973; Gross 1953; Huntington 1965; Mayhew 1974; Manley 1970. More recent empirical studies include Schickler and Rich 1997; and Krehbiel 1993, 1995, 1997a.

model lawmaking as a nonpartisan game is flawed, then the data are less likely to corroborate the theory. Judgments regarding this assumption (or nonassumption, more precisely) ought therefore to be suspended.

Finally, in spite of the nonpartisan analytic status of the theory, its assumptions and results are amenable to party-related interpretations, and the model eventually can be used to address party-related empirical questions. For example, under the plausible assumption that Democratic presidents are left-of-center on the liberalism-conservatism spectrum, the theoretical pivots in the pivotal politics theory will be as shown in figure 2.2 during Democratic administrations and mirror images of figure 2.2 during Republication administrations. Likewise, we eventually extract hypotheses about divided versus unified government from the theory even though the individual-level behavioral postulates are invariant to party affiliations and regime type.

RESULTS

Formal theories attempt to elucidate behavior by making explicit behavioral postulates, by stipulating a game form or constraints on behavior, and by deriving equilibrium strategies given the above. The pivotal politics theory adopts this methodological approach and shares the aim of elucidating behavior. Unfortunately, for an audience that may be uncomfortable with or wary of this approach, stating theoretical results (theorems, propositions, etc.) up front in their most general form may obscure as much as elucidate the game's behavioral content. This is not an excuse for refusing to derive and present formal, general results. It is only a defense for a relatively inductive or case-based style of presenting what is ultimately a deductive and general result about pivotal players and lawmaking. The answer to the question "Who is pivotal?" is clear in the theory for any given status quo and configuration of preferences. There are several such situations, however, each of which takes on some distinctive properties. The general statement of the equilibrium of the game, then, can be constructed intelligibly from the ground up with reference to recent instances of pivotal politics.

Case 1: The Economic Stimulus Package and the Filibuster Pivot

The war-room mantra for the Clinton-Gore campaign in 1992 was, "It's the economy, stupid!" Democrats campaigned aggressively and effectively on the assertion that the U.S. economy was in bad shape and that, upon the return to unified government, their party could improve it. In the meantime, Democrats alleged that Republicans "just don't get it," which, evidently, is why Democrats added the fourth word to their mantra.

Not surprisingly, an early legislative strategy in the Clinton administration was to try to capitalize on the confluence of unified government, an electoral mandate, momentum, and a honeymoon by proposing an ambitious set of programs that would infuse federal funds into the economy to jump-start a recovery.[11] The economic stimulus package, as it came to be called, consumed a great deal of the administration's time and effort in the early months. The original bill included high-technology purchases for the federal government, summer jobs for youths and unskilled workers, social programs for the poor, and numerous public works projects aimed at creating jobs and spurring economic development. When bundled together in a supplemental appropriations bill, these goodies came with a price tag of $16.3 billion.[12]

After swift and smooth House passage, the ride got rough for the new administration. A divided vote in the Senate Appropriations Committee was a harbinger for the disagreements on the Senate floor. Surprisingly to some, the first obstacles were put up by Democrats, not Republicans. Fiscal conservatives (and overall moderates) such as David Boren of Oklahoma, John Breaux of Louisiana, and Richard Bryan of Nevada wanted to enact spending cuts elsewhere before appropriating money for the stimulus package. As a compromise, they proposed cutting the cost of the bill in half and coming back to the other half after the normal appropriations process had run its course. Eventually, the three B senators dropped their demands after receiving a letter from Clinton, who pledged to propose spending cuts if Congress failed to meet the deficit reduction targets in the congressional budget resolution. But Republicans were not convinced that a stimulus package was needed, or did not view such pledges as credible, or both. Forty-two of the 43 Republicans signed a letter to Minority Leader Bob Dole promising to initiate a filibuster unless major changes to the bill were made. Several Democrats, too, continued to press for changes, including Dennis DeConcini of Arizona, Herb Kohl of Wisconsin, and Bob Graham of Florida. The threatened filibuster occurred, multiple cloture votes were taken, cloture was not invoked, and, to round up cloture votes and

11. In retrospect (and as Republicans had claimed during the election), the economy was probably well on the way to recovery even before this initiative was launched. Nonetheless, it was launched.

12. *Congressional Quarterly Almanac* (1993), 706.

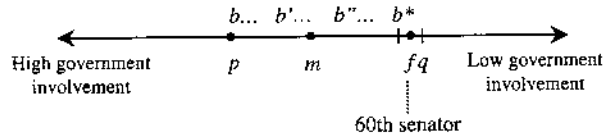


Figure 2.4
f is pivotal on the stimulus package: incremental change

bill support, the bill was eventually diluted nearly beyond recognition. What had been a complex $16 billion omnibus initiative became a simple $4 billion measure to extend unemployment benefits. It passed on a voice vote.

Who was pivotal? The case can be analyzed in the pivotal politics framework to answer this question. As shown on figure 2.4, the standard liberal-conservative spectrum can be given somewhat more precise labels pertaining to the desired level of government involvement in the economy. Liberals tend to favor high involvement (a large cash infusion); conservatives tend to favor low involvement (status quo or lower levels of cash infusion). Notwithstanding his self-proclaimed New Democrat credentials in other spheres, President Clinton clearly lay on the liberal end of this spectrum, and his initial legislative proposal reflected it. Congress, however, does not take-or-leave presidential proposals as offered, and, besides, it quickly became evident that this proposal would have been left behind—not taken—as originally offered. Thus began a long and tortuous process of diluting the bill (b, b', b'' . . .). The parliamentary device that made such dilution necessary for passage of any package at all was, of course, the filibuster. A credible blocking coalition of 41 or more Republicans and moderate-to-conservative Democrats refused to vote to invoke cloture unless and until the provisions of the bill were sufficiently moderate, relative to the status quo, q, that 60 senators preferred the bill to the status quo.[13] In the end, the scope of the package was small. The dramatic "change" that had been promised repeatedly in the election was incremental at best, and the reason it was not larger than incremental is that the supermajoritarian requirement of cloture has the effect of making f, the sixtieth percentile senator, pivotal. Given this, the equilibrium legislative proposal is the bill, b^*, which leaves the filibuster pivot, f, indifferent between the status quo, q, and the bill, b^*. Given such a bill, cloture is invoked (or the filibuster is called off because the obstructionists know their blocking coalition has been eroded), the bill is passed (by a bipartisan supermajority), and the president signs the bill (even though its content is a far cry from the initial proposal and even a substantial cry from what the median voter in the Congress wanted). In short, while this is not a case of gridlock in the sense of complete policy stalemate, it is a case of incremental change and disillusionment by moderates, attributable to supermajoritarian procedures.

13. Technically, the sixtieth senator, who is pivotal, needs only to be indifferent between the status quo and the bill.

Case 2: Family Leave and the Veto Pivot

As early as 1985, Democrats in Congress argued that the United States was alone among industrial nations in its failure to guarantee parents leaves of absence from their jobs in order to care for their newborns. From the mid-1980s and into the 1990s, however, Republican presidents, backed by small-business interests, argued that mandated family leave would undermine companies' competitiveness by disrupting their day-to-day operations. In the early years of this dispute, Congress threatened to act, or did act, on family leave legislation, only to see their efforts fail to come to fruition. In 1986 and 1987, for example, family leave legislation did not make it to the floor, although there was some committee activity. In 1988 and 1989, a wider assortment of committees took favorable action on family leave, but the bill languished in the Senate because of filibusters and Senate Majority Leader George Mitchell's inability to muster the requisite 60 votes to invoke cloture.

By 1990 and 1991, congressional support for the idea of family leave had increased. A key development was that moderate Republicans, such as Labor Secretary Lynn Martin and Representative Marge Roukema of New Jersey, came on board and became more assertive in giving the cause a bipartisan voice. Bipartisanship was also facilitated by the growing affinity of Republicans for family values and by considerable weakening of the family leave bill over the years. As a result, proponents obtained greater than simple-majority support in both chambers in 1991. In the Senate, Republican Kit Bond of Missouri proposed a substitute bill to the Democrats' stronger version; the substitute passed 65–32. The House then passed the bill 253–177. In spite of these seemingly comfortable majority margins, however, the bill languished in conference committee in 1991 because the vote margins were not comfortable *supermajority* margins. President Bush

was clearly opposed even to the weakened legislation, so congressional leaders opted not to force Bush's hand, which had a firm grip on a veto pen.

In 1992 the conferees met and weakened further their version the provisions of the family leave bill.[14] The aims were twofold: obviously, to attract still broader support; less obviously (perhaps), to embarrass the reelection-seeking president for being on the minority side of what was widely perceived as a majoritarian cause. So, on the eve of the Republican National Convention, the Senate passed the conference report on the bill by a voice vote.[15] Since 65 senators had earlier voted for a stronger bill, a veto-proof majority seemed within reach. (Three of the senators who missed the earlier vote had since voiced support for the bill.) In the House, however, support seemed to be waning by the time the Congress reconvened after the convention. On September 10, the House voted 241–161 to pass the conference report—about 50 votes short of that required to override Bush's certain veto.[16]

The veto occurred on September 22. The resulting preelection rhetoric was predictably intense, and the Senate, after four years and 32 vetoes from Bush, finally overrode the president 68–31. House proponents, however, fared less well, falling 27 votes short of the ⅔ mark. Thus, the status quo (and gridlock) prevailed once again.

Who was pivotal? The ⅔ voter in the House, or veto pivot v, as illustrated in figure 2.5. Similar to the case of the economic stimulus package, the history is one of fluid proposals, not take-it-or-leave-it agenda setting. Bill proponents often start with strong proposals to sharpen attention on the issues, float trial balloons, or mobilize support among more ideological legislators. Sequential proposals of this sort are not explicitly captured in the pivotal politics theory. What the theory does say, however, is that given a status quo point and a profile of preferences such as those in figure 2.5, the veto-pivotal voter with ideal point v must be made to favor the bill or

14. Exempted now were also the highest-paid 10 percent of companies' work forces. Eligibility was further restricted to employees who had worked at least 25 hours per week for the previous 12 months. As testimony to the weakness of the bill as well as Democratic frustrations regarding its dilution, House Speaker Tom Foley said, "This is not a generous bill. It would not require even one day of paid leave" (*Congressional Quarterly Almanac* [992], 55). (The bill would require only *unpaid* leave.)

15. Senator Christopher Dodd of Connecticut had sought a roll call vote, but Republican leaders objected and threatened delaying tactics that would have resulted in passage only after the convention recess.

16. Still, the bill had attracted 37 GOP supporters, adding credibility to supporters' claims that it was a bipartisan coalition.

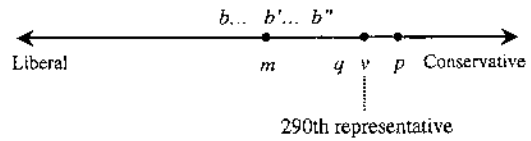


Figure 2.5
v is pivotal on the family leave bill: gridlock

to be indifferent between the bill and the status quo for a new law to be passed. When this is not possible—as was the case in 1992 on the family leave bill and with the status quo, q—gridlock occurs.

In brief, the ⅔ override provision in the Constitution makes lawmaking difficult whenever the president opposes policy changes that congressional majorities favor. In this sense, the pivotal politics theory captures the central tendency to gridlock in U.S. lawmaking.[17]

Case 3: Family Leave and the Filibuster Pivot

Family leave was a salient election issue during the presidential campaign of 1992. On the campaign trail, Al Gore spoke often of his ability to take time off from the Senate to be with his son who was critically ill after being struck by a car. After the election, the new 103d Congress acted quickly on the new family leave bill. HR 1 passed the House 265–163 on February 3, 1993. The next day the Senate passed its own version 71–27, which the House subsequently accepted 247–152.

Although these vote margins were similar to those of the previous Congress, one thing was much different: the new president favored the bill, so a ⅔ congressional majority was no longer required. Furthermore, although a ⅗ majority was still required to overcome a possible filibuster in the Senate, this was not a problem insofar as the Senate had crossed that threshold in the previous year. So, on February 5—after approximately eight years of legislative efforts—the family leave bill was signed into law. At last, gridlock was broken.

17. While this may seem to occur due to the presence of divided government (e.g., during the Bush administration), we saw above and will see again below that unified-government gridlock is also common in the theory.

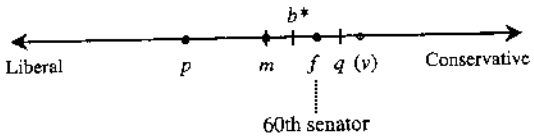


Figure 2.6
f is pivotal on the family leave bill: gridlock is broken

Who was pivotal? The situation is illustrated in figure 2.6. The old veto pivot *v* is unimportant in light of the new president, *p*, who prefers any plausible leftward change in policy. Large leftward changes are still not possible, however, because of the filibuster threat. Therefore the bill, *b**, represents the optimal legislation given the 3/5 senator's pivotal status. It leaves the filibuster pivot, *f*, indifferent between the bill and the right-of-center status quo.[18]

Generalization of Cases: Conditions for Gridlock and Change

The three examples provide hints of hope with regard to the basic needs of a good theory of lawmaking as discussed in Chapter 1. Gridlock happens often but not always. Coalitions are typically bipartisan and significantly larger than simple-majority size. What remains is to illustrate the result of the pivotal politics theory more generally, to explore more precisely the analytic conditions under which gridlock is broken, and to clarify the reasons supermajoritarian coalitions almost always form.

Figure 2.7 graphs equilibrium outcomes and emphasizes that the behavior within the theory is dependent not only on the configuration of pivotal players (*f*, *p*, or *v*) but also on the location of the status quo point, *q*. The horizontal axis fixes players' ideal points: the liberal filibuster pivot, *f*, the median voter, *m*, the veto pivot, *v*, and the conservative president, *p*. We can interpret the situation either as unified Republican government or divided government with a Republican president. The vertical axis represents

18. In practice, the bill that passed was probably right of *b** as indicated by the 71 votes it attracted in the Senate. An outside-the-model rationalization of this fact is that Democrats did not want to push their luck by proposing a more liberal bill than passed but was vetoed during the 102d Congress. An inside-the-model rationalization is that *f* represents not just a single voter but a faction of 11 or more voters with identical preferences on this issue. In either case, the qualitative features of the model are well illustrated by the case.

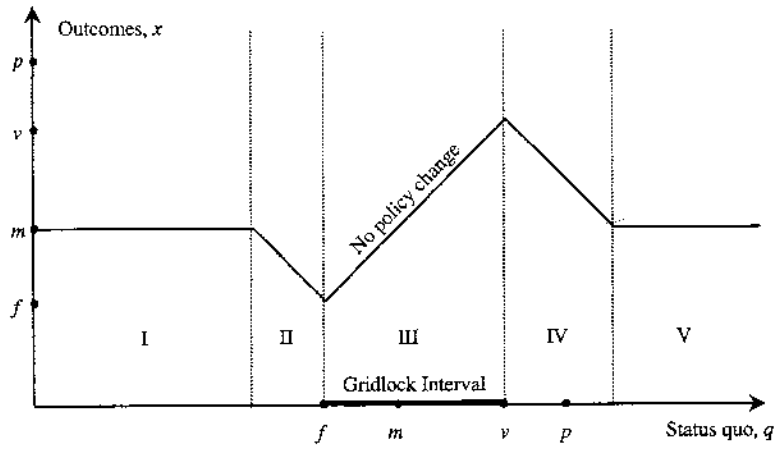


Figure 2.7
Equilibrium policies in the pivotal politics theory

equilibrium outcomes, *x**, that correspond with any permissible status quo point, *q*, along the horizontal axis.

The primary substantive and analytical concerns are as follows. For any given status quo point, *q*, what legislative and executive behavior occurs in equilibrium? When equilibrium strategies are played, what is the resulting policy outcome, and why? When and why does gridlock occur? When gridlock does not occur, how large are winning coalitions? Elsewhere the game is presented formally, including a statement of the proposition summarized in figure 2.7 and proofs for this and other propositions (Krehbiel 1996a). The discussion here emphasizes the behavioral intuition captured in the game.

The behavior that generates outcomes is best understood through piecemeal discussion of five intervals in which the status quo may lie prior to governmental decision making. Any of three things may happen: *full convergence* to the legislative median *m*; *partial convergence* toward the legislative median; or *gridlock*—that is, no change in the status quo in spite of the fact that a majority exists that favors change.

Full Convergence

Full convergence occurs only when the status quo is extreme relative to the ideal points of the president and pivotal legislators. For status quo points

in intervals I or V, the median legislator proposes his ideal point, and this policy is accepted. By construction, intervals I and V denote status quo policies that both the first-stage proposer (the legislative median voter) and the pivotal actors (the filibuster pivot, and the president or the veto pivot) all regard as undesirable relative to the legislative median. The filibuster pivot's equilibrium behavior, then, is not to filibuster. The president's equilibrium behavior, likewise, is not to veto. Consequently, the equilibrium outcome for any q in intervals I or V is the legislative median m. Coalition sizes are much greater than simple majorities in these instances: at least $^3/_5$ for interval I status quo points, and at least $^2/_3$ for interval V status quo points.

An important caveat accompanies status quo points in intervals I and V. They would seem to be empirically uncommon. If and when they exist, they are artifacts of a prior round of decision making under evidently vastly different circumstances.[19]

Partial Convergence

Partial convergence toward m occurs when the status quo lies in interval II. The behavioral intuition is as follows. The median voter again would like full convergence, but he knows that if he were to propose his ideal point $b = m$, such a policy would be defeated via filibuster. By construction, interval II consists exclusively of policies that the filibuster pivot and everyone to her left prefers to m. An optimizing median legislator, therefore, tempers (in this setting, liberalizes) his proposed bill, b, to make the filibuster pivot indifferent between b and q. Such a proposal has several noteworthy properties. First, it does not elicit a filibuster. Second, neither does it elicit a veto.[20] Third, since it is signed into law it yields a new policy that is closer to the median voter's ideal point than was the status quo, but not as close as the median voter would like. Fourth, the winning coalition is greater than simple-majority size. Finally, this is a spatially symmetric scenario to the second family leave case above. All that has changed is that the relevant filibuster pivot, f, is left-of-center here while she was right-of-center on family leave in the 103d Congress.[21]

Partial convergence also occurs when the status quo lies in interval IV. The behavioral dynamics are comparable to those in interval II, except that now the optimal legislative proposal in the first stage is tempered by the preferences of the veto pivot rather than the filibuster pivot. The first-stage proposer knows that the president will veto a bill that is too liberal if such a veto will be sustained by the veto pivot and all legislators to his right. Thus, the optimal proposal is one that makes the veto pivot indifferent between the bill and the status quo. This proposal elicits no veto precisely because such a veto would be overridden. Again, the winning coalition is much larger than a bare majority.

A proper understanding of this theory in comparison with others rests crucially on several technically fine but substantively major distinctions. When partial convergence occurs in this theory, the temptation is substantial to equate its equilibrium behavior with that in Romer and Rosenthal's seminal agenda setting model (1978). Indeed, both models yield similar and nonobvious comparative statics: the worse is the status quo policy from the first-mover's perspective, the better off is the first mover in equilibrium. Accordingly, it may be tempting to interpret the first mover here as empowered by a restrictive procedure such as monopoly agenda-setting authority and a closed rule on the floor, akin to the single take-it-or-leave-it vote by the electorate in Romer and Rosenthal's theory. Comparative statics aside, however, the present model differs significantly from Romer and Rosenthal's. First, the ostensible agenda setter here is the centrally located median voter (in the legislature); the agenda setter in Romer and Rosenthal's theory is a budget-maximizing preference outlier relative to the median voter (in the electorate). Second, the rule here is open in the sense that amendments may be proposed by any legislator; the rule in the setter model is closed in the sense that amendments are prohibited by all voters in the electorate. Thus, third, the institutional arrangements are such that, in this model, the term *agenda setter* is best not used at all. No legislator in the pivotal politics theory enjoys parliamentary rights that exceed those

19. Various subtleties can be added. First, one exception to this regularity is annual appropriations for discretionary spending, in which case the status quo is indeed extreme (zero $ appropriations) because of the statutorily defined budget process and its provision for annual appropriations. I revisit this situation in detail in Chapter 9. Second, what else might account for extreme status quo points? Either of two things suffices, but it should be noted that both of these are not captured by the theory (hence, the assumption is that the status quo is exogenous). One possibility is that decision makers acquire new and largely unexpected information about the relationship between existing (status quo) policies and their consequences. Upon learning this, they realize that the status quo is not what they formerly thought, so they act to fix it. A second and analytically identical possibility is that they acquire new information about the preferences of their constituents which, likewise, leads them to believe that the consequences of the status quo are not what they thought.

20. A veto threat is not credible because the president and the veto pivot both prefer b to q.

21. This may be a literal "she." By some accounts and on some issues, the filibuster pivot in the 103d Congress was Senator Nancy Kassebaum, a Republican from Kansas.

of any other legislator. Anyone may propose; anyone may filibuster; anyone may vote to invoke cloture or to override a presidential veto.[22]

Gridlock

Finally, no convergence occurs in the theory for centrally located status quo points, namely, those in interval III. For any left-of-center status quo in this interval, a moderate-to-conservative legislative majority would like to pass a more conservative policy. It cannot do so, however, because such a proposal would be killed by a liberal filibuster. Analogously, for any right-of-center status quo in this interval, a moderate-to-liberal legislative majority would like to pass a more liberal policy. It cannot do so, however, because such a proposal would be vetoed, and the veto would be sustained.[23] The behavioral intuition in these situations is consistent with many popular complaints about gridlock during the Reagan-Bush years. Notwithstanding the existence of Democratic or democratic majorities favoring change, change often failed to occur. Furthermore, when gridlock was alleged, much more often than not the fingers of blame pointed to 1600 Pennsylvania Avenue, where the chief resident had an abundant supply of veto pens. Clearly, this was the case on family leave prior to 1992. Finally, notice that within the gridlock interval *losing* coalitions are typically *larger* than bare-majority sized—a fact that contributes to frustration with, and caustic rhetoric about, gridlock.

Summary

When status quo policies are moderate, cloture and veto procedures prohibit further convergence to centrally located policies. Because supermajoritarian procedures have antimajoritarian consequences in this fashion, it is hardly surprising that the term *gridlock* is often uttered with disdain. Nor is it surprising that gridlock is often casually associated with divided government. Realize, however, that the proposition on which figure 2.7 is based is invariant to the type of governmental regime. Because legislators in this theory act not as partisan loyalists seeking a larger collective aim but rather as individual utility maximizers, it makes no analytic difference whether government is unified or divided. Gridlock occurs, and occurs often, in either case. And when gridlock does not occur, winning coalitions are large because of the omnipresence of supermajority pivots.[24]

22. Similar comparisons can be made between the pivotal politics theory and the class of stability-inducing theories discussed in Chapter 1. There is no question that the pivotal politics theory, like stability-inducing theories, embodies institutional features (senatorial cloture and the presidential veto) and yields stable outcomes. Nor is there any claim that the pivotal politics theory constitutes a bold new step in formal modeling; on the contrary, the theory is elementary by contemporary standards. Nonetheless, there are noteworthy substantive differences between the two types of models that, while subtle, seem not to be mere instances of hair splitting. First, notice that if the filibuster and the veto procedures are taken out of the model, a stable median legislator outcome occurs. Therefore, the institutional features in pivotal politics theory are not needed to induce stability, so it would seem somewhat odd to call such features "stability-inducing." Second, the institutional features in pivotal politics theory do not grant special parliamentary rights to any specific legislators as stability-inducing theories do. If a player is pivotal in pivotal politics theory, her pivotal status is jointly due to the location of the status quo and her position in the ordering of ideal points—not to an ad hoc designation as a gatekeeper or a veto player as is customary in stability-inducing theories.

23. Alternatively, it could be killed by a *president-side filibuster*. This is not modeled presently because the veto pivot or president (the closer to m) is the real constraint. However, president-side filibusters resurface in Chapter 5.

INTERPRETATIONS

Interpreted more broadly, the pivotal politics theory not only meets the bare-necessities standard pertaining to gridlock and coalition sizes, but it also adds some insights into other observations and anomalies prevalent in prior research on lawmaking. These include gridlock in unified government, presidential honeymoons, patterns of policy initiatives, and trends in presidential popularity.

Gridlock in Unified Government

In their rapid reactions to the election of Bill Clinton in 1992, journalists such as Richard Cohen hailed the new regime as a "dramatic shift from a divided government stuck in neutral to one in which a single party was operating the vehicle and had well-defined goals" (Cohen 1994, 2). In their rapid reactions to the first half of Clinton's term, however, editorial assessments even of friendly newspapers were much different. *The New York Times* put it this way: "Bill Clinton and the Democrats have failed to persuade the American people that they *[sic]* can govern as a party . . . even when [the majority party] has the keys to the Capitol and the White House." *The Washington Post* concurred: "It's back to gridlock . . . of a nasty internecine kind that makes the Bush administration seem like a checkers game by comparison." Even the public seemed to agree, with only 19 percent of respondents saying that Congress accomplished more

24. The examples in this chapter have assumed that the president's ideal point is exterior to the interval (f, v). In a more general version, the gridlock interval is defined by $(f, \min[v, p])$ for $p > m$, or by $(\max[v, p], f)$ for $p < m$. A still more complex version can allow for a president whose ideal point is more moderate than the "president-side" filibuster pivot (see n.23), however this complexity seems unneeded for the most part.

than it does in a typical two-year period and 52 percent saying it accomplished less.[25] Should this turnabout be surprising? A closer look of the pivotal politics theory suggests that it should not, and thus helps to explain the puzzle of gridlock in unified government.

The theory clarifies the central role the status quo plays in identifying conditions for policy change in a separation-of-powers system, but it can be criticized for two related reasons. First, the status quo is an exogenous parameter in the theory. Second, the theory is multistage but not repeated, thus it is essentially static.[26] How does the substantive conclusion about the probable pervasiveness of gridlock change in a more dynamic setting? For example, is it empirically possible and analytically demonstrable that when divided government gives way to unified government—or, when regimes abruptly switch as in 1992—the ostensibly rare conditions for breaking gridlock are nevertheless met?

To answer these questions and to try to shed more light on the contemporary political scene, we can conduct a simple experiment in which recent U.S. political history is viewed through the lense of the pivotal politics theory. This approach is quasi-dynamic.[27] Specifically, we begin by considering the Carter administration (unified government, left-of-center president). For reasons that will eventually become clear, we initially place no constraints on the location of status quo policies along the liberal-conservative spectrum. Then, under historically defensible suppositions about how preferences and unified/divided government regimes changed up until the Clinton administration, we identify equilibrium changes in policy over time. In other words, after an unconstrained start, status quo points are generated endogenously by replaying the static game under new parametric assumptions that represent what empirically were dynamic changes. The objective is to obtain a better sense of the real-world likelihood of breaking gridlock by thinking through the prior generation of otherwise exogenous status quo points.

25. This paragraph is extracted from the introduction of Mayhew 1995, whose essay provides a much more systematic set of observations that comport with these summary statements. The remainder of the section is extracted from Krehbiel 1996a which was written prior to Mayhew's essay and, indeed, early in the Clinton administration.

26. See Baron 1994 for a truly dynamic theory with convergence properties very similar to the pivotal politics theory (albeit with restrictive procedures and without supermajoritarian pivots).

27. More precisely, it is a repeated application of a static model, not a fully dynamic model. A behavioral defense for this approach is that legislators have short time horizons. An analytic defense is that dynamic theories are more complex and are plagued by multiplicity of equilibria (see Baron and Ferejohn 1989).

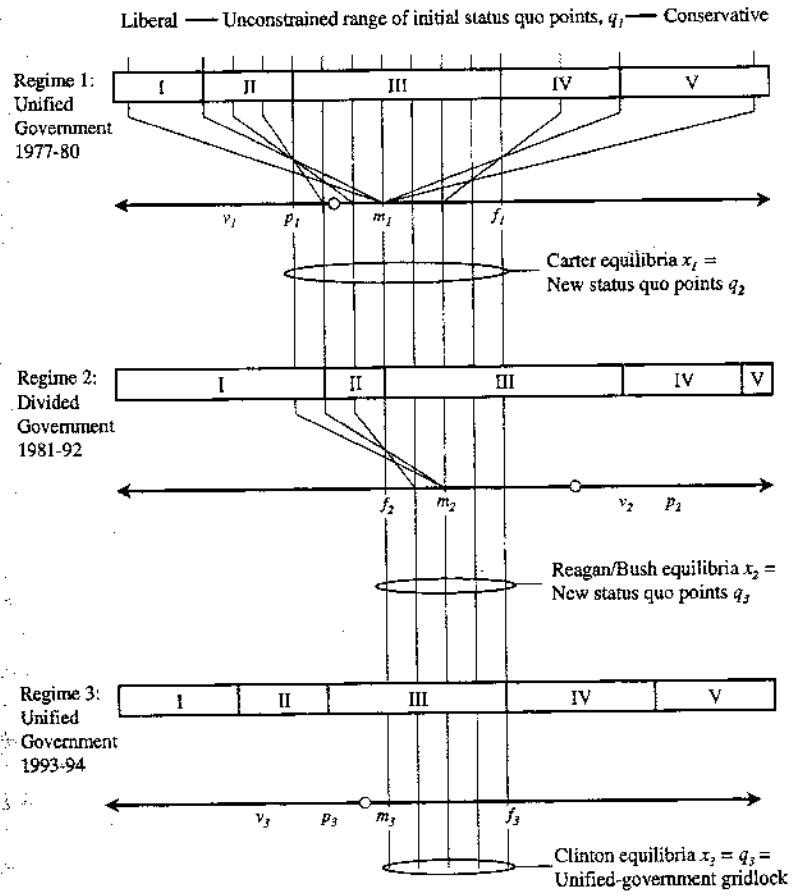


Figure 2.8
Quasi-dynamic properties of the theory

Regime 1

Jimmy Carter was elected in 1976. Along with 292 House Democrats plus enough Senate Democrats to give his party a 61–38 majority in the upper chamber,[28] Carter ushered in the first era of unified government since 1968.

Figure 2.8 represents major regime shifts over the subsequent two de-

28. Senator Harry Byrd from Virginia was an independent.

cades. The initial question is how much the hypothetical unrestricted initial distribution of status quo points q_1 for regime 1 will converge to more moderate policies after just one play of the game for any possible q. The five-interval equilibrium to the game provides the answer. The vertical lines in figure 2.8 represent policy trajectories that pass through specific intervals which, in effect, embody equilibrium behavior that stipulates whether and how policies change. Thus, all interval I status quo policies ($q < 2p_1 - m_1$) converge to the median m_1. Interval II status quo policies map into outcomes between Carter's ideal point p_1 and the legislative median m_1. Interval III is the gridlock interval where, by definition, policies remain unchanged and thus drop straight down. Interval IV consists of status quo points for which the filibuster constrains convergence to the median. And interval V status quos again converge fully to the legislative median.

Upon the occurrence of these events, all new policies x_1, plus old unchanged policies $q_1 = x_1$, become stable. Indeed, as noted above, gridlock in this theory is an inevitable feature of *any* administration that, with the Congress, has made one pass at the major issues of its term. The exercise also yields refined if not alternative interpretations of so-called presidential honeymoons and presidential success. Depending on starting conditions (more below), an administration may indeed be characterized by a flurry of initial and ostensibly successful legislative activity. The prediction of this theory is that such activity inevitably drops off soon. While the drop-off makes the prior activity appear as if it were a honeymoon, the successful passage of legislation in this model is not generated by those forces identified elsewhere in the literature as central to presidential power: for example, presidential popularity (Rivers and Rose 1985), prestige (Neustadt 1960), going public (Kernell 1986), persuasion (Neustadt 1960), or signaling (Matthews 1989; McCarty 1997). Rather, it is a more straightforward consequence of old policies being out of equilibrium given new preferences. Similarly, so-called presidential success in the present context means only the passage of new policies—not the passage of changes that represent closely the new president's preferences. Often new policies will have diverged widely from the president's ideal point in order to obtain passage, in which case the success is deceptive. For example, in figure 2.8, suppose the status quo is $q_1 = 2p_1 - m_1$ (on the boundary of I and II). Given equilibrium behavior, this "success" moves policy to m_1, and is indeed a case of gridlock being broken. Notice, however, that this "successful" president is indifferent between the old and new policies. In short, ostensible honeymoons in this theory are artifacts of congressional preferences—not instances of congressional deference toward the president.

Regime 2

Shown in the middle of figure 2.8, the Reagan-Bush years marked a change not only to divided government ($p_2 > m_2$) but also to a more conservative Congress ($m_2 > m_1$). Now the theory can be applied to the divided-government Reagan-Bush years.[29] In conjunction with the Carter regime of unified government, the Reagan-Bush regime of divided government yields a prediction about whether, which, and how the policy remnants of the Carter years will change.

Carter equilibria x_1 become Reagan-Bush status quo points q_2. The rightward shift of preferences plus the change to divided government also causes the spatial locations of the behavior-determining intervals to change. Some regime 2 status quo policies ($q_2 = x_1$) are much more liberal than the 1980s median legislator ($q_2 < 2f_2 - m_2 < m_2$) and are thus in interval I. For reasons described above, these status quos converge fully to the new legislative median under divided government. Somewhat less liberal status quos lie in the relatively narrow interval II. Here the left-of-center filibuster pivot (in all likelihood a Democrat) dampens the convergence toward the legislative median. Policy changes, but only incrementally. All remaining endogenously generated status quo policies are in interval III, which is the gridlock interval for divided government. Here the vertical lines drop straight down, signifying no policy change and thus status quos that will be inherited by the next administration. Finally, theoretical behavior for status quo points in IV and V is therefore empirically nonexistent given the brief period of prior history in the exercise.

Regime 3

After a status-quo-unconstrained start and only one regime change, the interval of history-based and theory-consistent status quos has contracted substantially. The funneling effect of liberal policies toward the regime 2 median creates Reagan-Bush outcomes x_2 which serve as status quo points for Clinton. These are located at or near the 1980s congressional median

[29] Insofar as Republicans captured the Senate in 1980, some readers may question use of the term *divided government* through 1986 when the Democrats regained control. Few would question that Reagan was more conservative than the congressional median, though. Analytically $p > m$ is all that matters—not the label for the case in which $p > m$. Similarly, the magnitude of the rightward shift in medians is not important; only the direction is.

m_2. Given the regime shift in preferences as a consequence of the 1992 election (and, in the case of the Senate, the secular loss of seats throughout the 1990s), the new median m_3 becomes more liberal than the old median m_2. Furthermore, we assume that the Clinton-regime filibuster pivot f_3 is the same as that during the Carter-regime f_1.[30]

Piecing these observations and assumptions together, this application of the theory broadly predicts what is appropriately termed *unified-government gridlock*. All history-based status quo points lie in the unified-government gridlock interval III (p_3, f_3), thus no new policies are to be expected.[31]

What actually happened? As always, assessments are somewhat mixed. On the positive/high-productivity side of the argument are researchers who stress that President Clinton received historically high levels of individual-vote-based congressional support and who argue that when the president announced a position on a roll call vote, his position commanded a majority of votes.[32] The methodological limitations of such analyses are significant, though, and, in any event, these assessments are distinctly in the minority. On the negative/low-productivity side of the argument are observers from a broad spectrum of professions and employers. A more typical sample of wrap-ups follows.

> The 103d Congress was going to be different. With one party in control of the Senate, the House, and the White House for the first time in 12 years, and a large freshman class eager to prove that Congress can get things done, it was supposed to be the end of gridlock. But barring a quick burst of activity, it will not be so. (*New York Times* op-ed, "Before Congress Quits," September 20, 1994)

30. Altering the location of f_3 either strengthens the conclusion to which we are working or leaves it unchanged.

31. The broad-brush prediction of unified gridlock stands in stark contrast with the empirical implication of the balancing theory, which is approximated by the hollow dots in figure 2.8. The antithesis of gridlock, of course, is immediate and nonincremental change in policy associated with any and all exogenous changes in congressional-median and presidential preferences. This is exactly what Alesina et al.'s balancing theory implicitly assumes: left-of-center policies under Carter, abruptly right-of-center policies under Reagan-Bush, and abruptly left-of-center policies again under Clinton. If anything, this interpretation of the balancing theory is charitable. A more literal interpretation is that policies would change at every election—not just upon switching regimes between divided and unified government. For example, to the extent that Bush was more liberal than Reagan, the balancing theory also predicts a leftward shift in policy within regime 2 in figure 2.8.

32. See Bond and Fleisher 1995 for a first-year assessment of Clinton and Congress that uses president's position data. See Bond and Fleisher 1993 for a "congressional support" argument in an unusually upbeat essay whose title tells all: "Clinton and Congress: End of Gridlock."

> The 103d Congress that began by boasting that it would break gridlock is coming to an end mired in it. (*Wall Street Journal* op-ed, "Glorious Gridlock," October 4, 1994)

> With a Democrat in the White House and with Democrats firmly in control of Congress, government gridlock would end. The executive and legislative branches would work together, with a minimum of rancor. That was the prediction. That hasn't been reality. (*National Journal* cutline for Richard E. Cohen's "Some Unity!" September 25, 1993, 2290)

Finally, what about the constitutional and weak-party mechanics underlying the modal assessment of the 103d Congress and unified government?

> Clearly, unified government does not provide the administration with the automatic ability to move its initiatives ahead. . . . The administration will appeal to party loyalty, but lacking the ability to command it, will engage in the painstaking process of assembling majorities, issue by issue, in a Congress whose members remain willing (often eager) to assert their constitutional powers. Madison lives! (Rieselbach 1993, 10, 11)

In summary, the exercise in dynamics sheds some light on recent events and provides clear answers to the two broader questions raised at the beginning of the section. How does the earlier conclusion about the probable pervasiveness of gridlock change in a more dynamic setting? It is strengthened. The dynamic application focuses attention on empirically plausible status quo points, whereas the general results cover all status quo points. Regardless of whether the government is unified or divided, the model exhibits weak dynamic convergence. Any given governmental regime, unified or divided, has only so much to do that is politically feasible. Furthermore, when something can be done—that is, when status quo policies are not in the gridlock interval—that which is feasible is typically incremental. Is it, then, empirically possible and analytically demonstrable that, when divided government gives way to unified government, the ostensibly rare conditions for breaking gridlock are nevertheless met? Of course it is empirically possible for unified government to break gridlock. Indeed, this had been the hope and expectation of critics of divided government. This empirical expectation, however, has at best a weak analytic basis within the present framework, and recent events seem to provide at least a weak form of support for the theory.

Presidential Honeymoons, Initiatives, Popularity, etc.

The funnel-like form in figure 2.8 has additional interpretations that serve to bring the theory a step or two closer to more conventional studies of the presidency, albeit in a rather loose way. In addition to numerous historical accounts of FDR's Hundred Days, research suggests that newly elected presidents consistently try to exploit their honeymoon period by initiating a burst of significant legislation early in their terms. With reference to the pivotal politics theory, it is easy to see that quick and dramatic starts begin with relatively extreme status quo policies. By definition, these are clearly out of equilibrium with respect to congressional and presidential preferences, many of which changed in the recent election.

But after a brief bout of this legislative version of picking sweet ripe cherries, the prospects for further legislative success become sour. Fewer out-of-equilibrium policies remain uncorrected so, other things being equal, the quantity of executive (and legislative) initiatives decreases. Furthermore, those remaining old policies that are out of equilibrium with respect to current preferences are less badly (distantly) out of equilibrium. Thus, second- and third-wave initiatives that are crafted to win take on a much more incrementalist hue or fail quickly to attract large and enthusiastic supporting coalitions. Moderates in government may continue to plug away at the tortuous process of coalition building, but increasingly they will become frustrated. This is because, even if their coalition is successful, the extent of policy convergence is dampened by supermajority pivots. And, of course, often gridlock will prevail because the requisite supermajority coalition cannot be assembled. Finally, if the rough account provided above is approximately accurate, public reactions to governmental action (or the lack thereof) is also predictable. Like moderates in Congress, the public, too, will become increasingly frustrated at slow, incremental, and often unsuccessful legislative efforts.

At the level of stylized facts, these expectations are reasonably well borne out. Paul Light (1991), for example, has quantified domestic policy initiatives of many postwar presidents, and—as will be shown in more detail in the next chapter—they steadily decline throughout presidents' terms. Hinckley (1990, fig. 6.1), among others, has graphed presidential approval ratings over time and found a similarly robust regularity; they begin high and drop off as the term progresses. Finally—though much more difficult to quantify—there seems to be a biennial wave of congressional retirees, prevalent of which are moderates. While craving more time with their families, moderates are also prone to complaining about the decline of comity in Congress, partisan gridlock, and the general frustration of the daily grind of lawmaking.[33]

CONCLUSION

The theory of pivotal politics identifies a single, conceptually tidy, necessary and sufficient condition for breaking gridlock. Policy change requires that the status quo must lie outside the gridlock interval, as defined by the president, filibuster, and veto pivots in theory and illustrated in figures 2.7 and 2.8 as interval III. Chapter 3, accordingly, operationalizes the width of the gridlock interval and tests the hypothesis that this width is negatively related to legislative productivity.

More generally, from the standpoint of the basic facts identified in Chapter 1, the pivotal politics theory seems promising. It implies that gridlock is common but not constant, and it identifies the condition under which it will be broken. Furthermore, when gridlock is broken, it is broken by large, bipartisan coalitions—not by minimal-majority or homogeneous majority-party coalitions.

The theory has some bonus features as well. Loosely applied, it serves as a rationalizing device for one of the biggest recent surprises in U.S. politics: unified government gridlock. Also loosely applied, it provides a sort of lens through which we can better envision other regularities: honeymoons, fast starts, and eventual fizzles within presidential terms; intraterm decreases in the number of presidential initiatives; declining presidential popularity; and frustrations of moderate legislators.

The remaining concern is whether this rather loose set of arguments-via-anecdotes or carefully selected sets of observations can be tightened. That is, can the pivotal politics theory be used fruitfully not just as a rational-

33. It is probably premature to call this a basic fact. Nevertheless, 1996 seemed to have been an exceptionally good year for moderate burnout. As the list of retiring moderates grew longer and longer, journalists more often than not grieved: "Why couldn't it have been Strom Thurmond?" some asked. See, for example, Lloyd Grove, "The So-Long Senators," *Washington Post*, January 26, 1996, who puts Sam Nunn, Bill Bradley, Nancy Kassebaum, Alan Simpson, and Bill Cohen in the category of frustrated moderates. See, also, David Broder, "The Party's Over," *Washington Post*, August 11, 1996, who mentions all of the above plus John Danforth, George Mitchell, Paul Simon, Gary Hart, and Paul Tsongas. Still other recent senatorial retirees include James Exon, Bennett Johnston, Howell Heflin, and Mark Hatfield. A final add-on is Warren Rudman, who hit the circuit to peddle a book in which the themes of gridlock, bitter partisanship, and burnout are salient.

izing device but as a theory that accounts for variation in more systematically collected data? I address this question in the next four chapters. The data and methodological approach in each chapter have distinctive strengths as well as weaknesses. The intention is to be explicit about both strengths and weaknesses so that readers are ultimately well-equipped to form their own judgments. The questions always to keep in mind have been introduced and illustrated above. Who is pivotal in the theory as it applies to the situation? What are the corresponding empirical expectations? Are the expectations borne out in data?

II

EMPIRICAL TESTS