

PIVOTAL POLITICS

A THEORY OF
U.S. LAWMAKING

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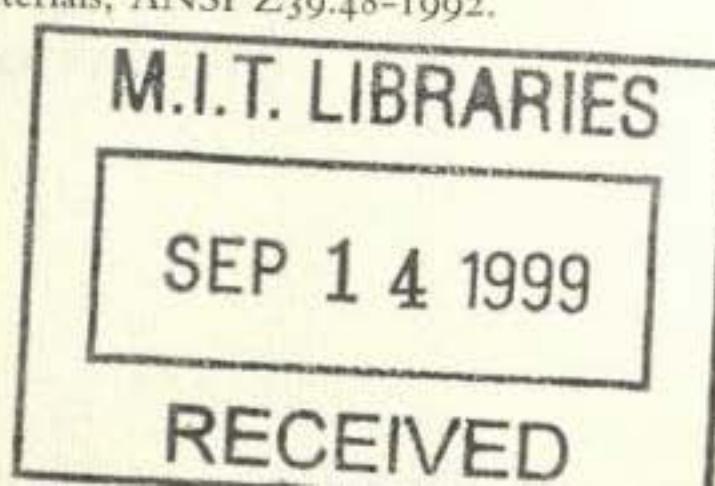
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❖ ONE

BASICS

It is often said that law is like sausage: those who like it should not watch it being made.¹ If so, then political scientists are gluttons for the grotesque. Long enamored with lawmaking, researchers of legislatures have amassed a fascinating set of case studies to help build an impressive edifice of knowledge about how bills become laws.²

In spite of the abundance of excellent descriptions of lawmaking in the United States Congress, however, there seems to be a shortage of good basic theories of lawmaking that incorporate presidential as well as congressional decision making. The objective of this book is to supply a theory that begins to satisfy this demand. With the exception of some minor twists and turns, the path of development is straightforward. I argue that numerous existing theories are limited in terms of their ability to explain basic facts about lawmaking in the United States. I propose a new and surprisingly simple theory of lawmaking that is consistent with the basic facts. I test the theory using macro- and microlevel data. I apply the theory to study otherwise elusive issues pertaining to presidents, power, and parties in U.S. national government. Finally, I speculate about how fruitful advances can be made beyond the basic theory of pivotal politics that is proposed, tested, and applied in this book.

1. The quotation is sometimes attributed to Otto Von Bismarck (Jones 1995).

2. Among many excellent case studies are Asbell 1978; Bailey 1950; Beer 1976; Jones 1975; Mann 1996; Redman 1973; Reid 1980; Waldman 1995; and Whalen and Whalen 1985.

BASIC FACTS

How might a short and simple summary of the many diverse and complex perspectives on U.S. lawmaking demonstrate the need for a new, basic theory? One approach is simply to identify basic facts of lawmaking, to survey extant theories (broadly defined), and to see whether their predictions are consistent with the facts. Two such facts pertain to gridlock and coalitions.

Gridlock

A 12-year streak of divided government from 1980 to 1992 corresponded remarkably well with a 12-year increase in the salience of the word *gridlock* in American political discourse. Examples are plentiful. In accepting the Republican nomination for the second term, President George Bush blamed "the gridlocked Democratic Congress" for the general inability of leaders in national government to negotiate their way out of a wide range of legislative impasses. Later, after the return to unified government, President Bill Clinton used the term under more hopeful circumstances. When the Senate passed a much-modified version of the Democrats' budget in 1993, President Clinton praised Senate leaders, saying, "Finally, we've done something to break the gridlock."³

The term *gridlock*, according to one etymological account, "first appeared in print in 1980 to describe a 'worst case scenario' for traffic in New York City, in which the grids or cross-patterns of the city literally locked, tying up traffic in all directions" (Dickson and Clancy 1993, 146). Transportation of the term into the political arena occurred soon thereafter, as gridlock came to refer to the persistent inability to enact major legislation when majorities on Capitol Hill and/or the president seem to prefer such enactments to the status quo. A more precise, analytic definition of political gridlock is given in Chapter 2. For introductory purposes, three items of clarification suffice.

First, although the modal form of finger pointing about the sources of gridlock suggests that the phenomenon is intricately related to interparty bickering, the core meaning of the concept itself is not inherently partisan. Because gridlock may characterize nonpartisan lawmaking as well as lawmaking in highly partisan environments, parties and partisanship should be viewed as hypothetical causes of gridlock rather than defining characteristics of gridlock.

3. David E. Rosenbaum, "Senate Approves First Step in President's Budget Plan," *New York Times*, March 26, 1993.

Second, although gridlock is a relatively new term, the class of political phenomena to which it applies is at least as old as separation-of-powers institutions of collective choice. Assorted synonyms for gridlock have been around since the Continental Congress, because passing important laws in the United States has never been easy. Grant McConnell, for instance, not only agrees that gridlock is a basic fact but also identifies another possible cause: "American institutions are studded with so many barriers to action that stalemate is the essential reality of the United States" (1966, 337). So, although occasional historic bursts of legislative productivity occur, such as Roosevelt's One Hundred Days, these are the exception—not the rule—in U.S. politics. As such, political stalemates were common well before the recent run of divided government turned gridlock into a trendy term.

Third, although the practical usage of the term is pejorative more often than not, the underlying phenomenon of gridlock is not necessarily a bad thing. Opponents of major policy change in a specific area obviously have an eye for the salutary attributes of stalemate. As Senate Majority Leader Bob Dole once quipped, "If you're against something, you'd better hope there is a little gridlock."⁴ Less obviously, and in a fully nonpartisan vein, gridlock can be viewed as essentially the same thing as policy stability, in which case its normative attributes can be defended in the absence of partisanship and self-interest.⁵

The first basic fact of U.S. lawmaking is that gridlock occurs often but not always. Therefore, a good theory of lawmaking ought to have the property that *gridlock is common but not constant*. Better yet, a good theory of lawmaking should identify conditions under which gridlock is broken.

Large, Bipartisan Coalitions

A minimum sufficient condition for breaking gridlock—that is, for enacting laws—is that simple majorities in the Senate and House vote for a bill and that the president signs it. The constitutionally defined minimum winning coalition, then, is small: half the House (plus one), half the Senate

4. Safire 1993, 305.

5. Having identified the normative side of gridlock, I shall *not* proceed to take a normative stance on the goods versus evils associated with gridlock or policy stability. In effect, my view is that a necessary condition for any tight normative argument of this form is the development of a more basic and sound understanding of lawmaking than currently exists. In other words, positive questions (generically, "What is?") must precede normative questions ("What should be?"), and this study is a positive pursuit first and foremost.

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(plus one), and the president. Practice departs from this theoretical minimum, however, in significant ways. Winning coalitions are normally much greater than minimum-majority sized, both at the level of roll call votes generally and votes on final passage more specifically. For example, David Mayhew (1974, 113) presents *Congressional Quarterly* data for the 1972 House and Senate, and his data show that in at least half of roll call votes winning margins were greater than 70 percent. Insofar as these data include many trivial votes, such as votes on approving yesterday's *Journal*, nonbinding "hurrah" resolutions, etc., they are perhaps not sufficiently selective. But even if the analysis is restricted to coalition sizes at the very end of the legislative process when votes are of the do-or-die sort, the finding is much the same. Consider, for example, all votes on final passage of laws enacted by the 102d and 103d Congresses (1991–94).⁶ The average size of the winning coalition on these 324 votes is 79 percent. Furthermore, such coalitions are typically bipartisan. For example, we can ask: In what fraction of the votes did at least 40 percent of Republicans join at least 40 percent of Democrats in the winning coalition (or vice versa)? The answer is considerably over one-half: 68 percent to be precise.⁷

A second basic fact of U.S. lawmaking, then, concerns coalition sizes and partisanship. Specifically, a good theory of lawmaking ought to have the property that *winning coalitions are bipartisan and greater than minimum-majority sized*. Better yet, a good theory of lawmaking should identify covariates of coalition sizes.

BASIC TERMS

Three esteemed presidency scholars recently wrote, "Almost everyone agrees that research on the presidency should be more theoretical. *Theory*,

6. Notice that this includes one unified-government Congress and one divided-government Congress. To bias the estimate downward, I exclude all resolutions (which often generate so-called hurrah votes) and measures that require supermajority support for passage (e.g., Constitutional amendments and bill considered under suspension of the rules). I omit votes on amendments not because amendments are unimportant—many are, of course, key—but rather because of the inherent ambiguity of such votes given parliamentary situations. For example, does a large coalition of yes voters on an amendment mean that most legislators prefer the amendment over the bill, or that they prefer the amended bill over the status quo? The first possibility seems likely; the second possibility is significantly less clear. In the case of votes on final passage, however, the second possibility seems quite clear.

7. The 40 percent threshold is arbitrary, of course. For a 50 percent standard, the answer is 62 percent; for a 30 percent standard, the answer is 76 percent. For simplicity, I pooled House and Senate observations even though average sizes (and bipartisanship) is greater in the Senate than the House. These differences are explored more thoroughly in Chapter 4.

however, turns out to be a remarkably plastic term, so different authors have different agendas when making this assertion" (Edwards, Kessel, and Rockman 1993, 13). I agree, and I have an agenda.

Because the issue of what ought and ought not to be designated as a theory is recurring and controversial, it is helpful to clarify the issue at the outset, even though the distinctions that follow will become blurred from time to time. At first pass it is useful to differentiate between a deductive, *positive theory* and an inductive set of *empirical generalizations*. In the best instances, positive theories are explicit and formal, and their derived propositions are logically explicit and sound. In William Riker's (1977) terms, the quintessential feature of such propositions is that they are "theorems in a theory." Likewise, in the best instances, empirically derived generalizations are carefully drawn and based on a large number of systematically selected observations. If so, Riker calls these "well-verified generalizations."

In the absence of empirical verification, a theory is only a set of interrelated abstract symbols that may or may not clarify and illuminate real-world behavior and outcomes. In the absence of an explicit theory, well-verified empirical generalizations state what happens, but they offer little insight into why it happens. Either way, the metaphorical glass of scientific discovery is only half full.

In contrast, when theorems in a theory and well-verified generalizations coincide, a major goal of science is attained by the joint contributions of the theoretical and the empirical pursuits. The goal is *law-like statements*. As Riker summarizes:

Law and axioms thus reinforce each other. The necessity of the inference makes the law seem reasonable, and the empirical validity of the law makes the axioms seem true. Thus, with a theory, there is a much stronger reason than mere observation to accept a scientific law. (1977, 15)

The methodological approach in this book is to try to fill the metaphorical glass by bringing deductive and inductive approaches together. Consequently, the topics covered will span theories (formal and informal) as well as empirical claims.

To call empirical claims *theories* in the absence of compatible deductive arguments is common but misleading. The manufacturing of empirical claims includes a wide range of inductive pursuits that, however useful, do not fit well under a rubric reserved for deductive activities, such as reasoning from first principles. Nevertheless, how others choose to use the term *theory*

is not a major concern here as long as the methodological distinction between deduction and induction is clear. Toward this end, I shall use the term *theory* to refer to arguments—preferably but not necessarily formal—in which assumptions are posited, and conclusions, results, or propositions are derived. I shall refer to other, less consciously deductive claims as *empirical generalizations* (or, sometimes, as *schools of thought*). It bears repeating that these two sets of phenomena can, do, and, in the best cases, should overlap. Their methodological starting points, however, are different. Theories begin with assumptions. Empirical claims begin with observations.

BASIC THEORIES OR SCHOOLS OF THOUGHT

Although volumes have been written about what various theories and empirically based schools of thought say about gridlock and coalition sizes in U.S. lawmaking, a short discussion must suffice here. Table 1.1 summarizes the discussion. Its main conclusion is simply that no existing theory or school of thought provides a precise explanation for the basic facts concerning gridlock, coalition sizes, and variation therein.

Responsible Party Government

In the traditional normative theory of responsible party government, parties adopt well-defined and differentiated platforms, a unified government is elected, majority party members in government act cohesively to enact and implement the platform, policy outcomes are realized, and this process repeats (Schattschneider 1942; American Political Science Association 1950). In this theory, gridlock is rare to nonexistent because cohesive parties always enact the platforms on which they run.⁸ Finally, although the theory does not directly assess the issue of sizes of coalitions, responsible parties with differentiated platforms surely would not coalesce in bipartisan fashion to pass legislation. This, in turn, seems to imply that winning coalitions will be equal to the size of the majority party.

In some respects, the theory of responsible party government is a dubious starting point. As noted, this theory was intended to be normative or prescriptive, not positive and descriptive. Moreover, its prescription was born out of a belief on the part of Schattschneider and most of the American

8. Alternatively, a strong necessary condition for gridlock is the absence of changes in preferences in the governing party.

Political Science Association committee that what should be true about U.S. lawmaking departed significantly from what was true about U.S. lawmaking. Postwar history continues to bear out this discrepancy. While U.S. parties adopt platforms in national conventions, their platforms are usually amorphous, frequently identical on many provisions, and hardly ever serve effectively as constraints during the campaign or after the election.⁹ Furthermore, U.S. governments in the postwar period have been divided more often than unified, and parties in government have been cohesive and in opposition only under special circumstances.¹⁰

Conditional Party Government

A belief in the significance of parties in U.S. lawmaking plus a tacit concession about persistent mismatches between normative theories and empirical realities have recently given rise to a distinctively weakened notion of party government—not *responsible* party government in the traditional and broadest sense but rather *conditional* party government (Rohde 1991; Aldrich 1995, chap. 7; Aldrich and Rohde 1995). This perspective is clearly intended to be descriptive—not normative. In conditional party government theory, the condition for party strength is stated in terms of legislators' preferences. If the parties' members have distinctly different preferences across parties but homogeneous preferences within parties, then the majority party is predicted to be sufficiently strong to pass *skewed* or *noncentrist* outcomes.¹¹

When the condition for conditional party government is met, gridlock will not occur for reasons comparable to those in responsible party government theory: the majority party is cohesive, disciplined, and decisive. Similarly, coalition sizes will be majority-party sized, because no rational minority-party member will join in passing *noncentrist* bills that favor the majority, and because the homogeneous majority-party members are in

9. It was widely reported in 1996, for example, that the Republican candidate for the presidency, Senator Robert Dole, openly confessed not to have read the Republican platform. (Nor, of course, had most Democrats or Republicans read their party's platform.)

10. For example, confining attention only to "significant enactments," Mayhew 1991 finds that most bills were passed by very large, bipartisan coalitions.

11. "Skewed" is Aldrich and Rohde's term. "Noncentrist" is Dion and Huber's (1996). In either case, the baseline is the chamber median voter or, in Aldrich's (1995) case, a multidimensional but informally defined counterpart thereof.

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Table 1.1
Theories or Schools of Thought and Their Implications

Theories or Schools of Thought (Authors)	Gridlock		
	Overall	In Unified Government	In Divided Government
Responsible party government (APSA, Schattschneider . . .)	Not likely	No	—
Conditional party government (Aldrich, Rohde)	Not likely	—	—
Divided v. unified government (Sundquist . . .)	Depends on government type	No	Yes
Median voter theory (Black)	Rare or nonexistent	—	—
Majoritarian chaos (McKelvey, Schofield . . .)	Rare or nonexistent	—	—
Stability-inducing theories (Shepsle . . .)	Common	—	—
Divide-the-dollar games (Baron and Ferejohn . . .)	Nonexistent	—	—
Reduced form theories			
Econ. theories of regulation (Stigler, Peltzman . . .)	Nonexistent	—	—
Electoral party competition (Downs)	Not likely	No	—
Balancing theory (Alesina, Fiorina, Rosenthal)	Rare or nonexistent	None	None

unanimous support of such bills. Therefore, coalitions also are purely partisan.

When the condition for conditional party government is not met, the predictions of the theory are less clear. This ambiguity is reflected in the following passage:

Conditional party government depends on intra-party homogeneity (especially in the majority party) and on inter-party differences. If there is *much* diversity in preferences within a party, a *substantial* portion of the members will be *reluctant* to grant strong powers to the leadership, or to *resist* the vigorous exercise of existing powers, because of the realistic fear that they *may be* used to produce outcomes unsatisfactory to the members in question. (Aldrich and Rohde 1995, 18; italics added)

Coalitions		
Size	Partisanship	Qualifications
Majority-party sized	Partisan	Theory is normative and authors argued that the normative ideal was not attained.
Majority-party sized	Partisan	Domain of theory is unclear, especially when the condition for party government is not met (see Chap. 8).
Majority-party sized	Partisan	Argument is informal, so it is unclear what is assumed and what is derived.
Small	Bipartisan	Theory is nonpartisan, so coalitions are bipartisan whenever distributions of party preferences overlap.
Small	Bipartisan	Theory is nonpartisan, so coalitions are bipartisan whenever distributions of party preferences overlap.
?	Bipartisan	Multidimensionality of the choice space makes derivation of testable predictions difficult.
Small	Bipartisan	Unidimensional collective goods version of the theory has implications approximating those of median voter theory (see above).
?	?	Focus is on inputs and outputs more than lawmaking processes within government.
Majority-party sized	Partisan	Party implementation of electoral platforms is assumed, not derived. Lawmaking domain is questionable.
Small	Bipartisan	Domain is electoral choice; lawmaking theory is implicit and not central to the authors' interests.

I return to this problem in Chapter 8. For now it suffices to note that the interpretations offered for conditional party government assume that the condition *is* met.

Divided versus Unified Government

Another set of literature is relatively explicit about conditions for gridlock or its complement, legislative productivity. Arising during the recent 12-year run of divided government, these studies attribute gridlock to precisely that: split party control of the Congress and the White House.¹² The sup-

12. See, for example, Sundquist 1981, 1988; Cutler 1988; Kelly 1993; and countless journalists. When looking for the latter, however, look before 1995.

porting reasons for this relationship vary somewhat across works, but the common element in the body of work on divided versus unified government is that interparty jockeying for advantage in the electoral arena has behavioral manifestations in the governmental arena that negate opportunities for bipartisan coalition building. In other words, programmatic parties in government cannot cooperate effectively if government is divided. In contrast, unified government is necessary and sufficient for breaking gridlock—or so goes the conventional wisdom. Referring to the 1992 election and its aftermath, Morris Fiorina aptly summarized this viewpoint:¹³

When Bill Clinton was elected, advocates of activist government breathed a sigh of relief. With unified government restored, the country could once again expect innovative programs, decisive government action, and efficient institutional performance. Such expectations were not just the exaggerated expectations of naive observers. Experienced congressional leaders convinced President-elect Clinton that he should ignore moderate Republicans and adopt a legislative strategy that relied exclusively on the Democratic majorities of Congress. For his own part, Clinton imprudently announced that he expected his first 100 days to be the most productive period since Franklin Roosevelt. (Fiorina 1996, 159)

We will see in Chapter 3 that, by some recent accounts (Mayhew 1991), the conventional wisdom about unified versus divided government has serious limitations. Nonetheless, it is a viewpoint to be taken seriously if for no other reason than it so clearly defines hypothetical conditions for gridlock. Similarly, as with other party-based schools of thought, the divided government perspective at least suggests (if not predicts) that coalitions in unified government will be majority-party sized and partisan.

Median Voter Theory

A certain degree of stretching is required to move from party theories or schools of thought to their empirical implications. Often, and especially as theories become more explicit and formal, the requisite amount of stretching diminishes. The classic median voter theory of Duncan Black (1958) provides a good example. This theory says that if an odd number of members of a majoritarian voting body (say Congress) can be ordered on an

¹³. An apt summary of conventional wisdom, however, is not to be equated with endorsement of it. See also the rest of Fiorina's excellent summary of recent literature.

issue space such that their preferences over policies are single-peaked, then the unique equilibrium outcome is that proposal corresponding to the median member's ideal or most-preferred point.

Application of median voter theory to U.S. lawmaking, gridlock, and coalition sizes is straightforward. Elections can be thought of as exogenous determinants of legislators' preferences, which are therefore sometimes called induced preferences. After each election, such preferences may and usually do change. Any time the position of the median legislator changes—as in the case of national partisan tides, for example—the old status quo (the previous-period median legislator's ideal point) is out of equilibrium. A new play of the lawmaking game then occurs, and the new median voter's ideal point is selected via majority rule as the new policy.

According to this theory, gridlock *never* occurs, except in the rare case in which the legislative median is perfectly constant. Similarly, winning coalition sizes are usually small, that is, near minimum-majority size, or $(n + 1)/2$.¹⁴ Finally, the theory is nonpartisan, so winning coalitions will be bipartisan in proportion to the extent that distributions of ideal points of the two parties overlap.

Majoritarian Chaos

Extensions of Black's median voter theory to multidimensional issue spaces led to the generation of several analytic results sharing the rubric of *chaos theorems*. The basic result is that, under a wide range of assumptions about voters' preferences, truthful revelation of such preferences (sincere voting) fails to yield stable policy outcomes. Majority rule, therefore, is utterly unpredictable or chaotic.¹⁵

If taken seriously as a positive theory of lawmaking (see, e.g., Aldrich 1995), chaos theories seem to predict no gridlock, because under all but exceedingly rare circumstances (Plott 1967) any status quo policy can be defeated by a majority vote.¹⁶ Predictions about coalitions are not easy to

14. More precisely, they are larger than minimum-majority sized in proportion to the size of the exogenous electoral shock (see Chap. 4).

15. See Riker 1980 for a classic review essay, and Diermeier 1997 for an excellent update. See also original works by Arrow 1951; Plott 1967; McKelvey 1976; and Schofield 1978.

16. Some theorists quite reasonably reject the premise of this interpretation, arguing that McKelvey's theory was not intended to be positive (Austen-Smith and Banks 1997). Another defensible objection to my positive interpretation is more subtle and goes something like this: not only is chaos consistent with the theory, but so too is policy stability at a (necessarily) noncore point in the multidimensional space. Under either of these alternative interpretations, the bottom-line assessment here is not affected. Specifically, chaos theories are not good positive theories for U.S. lawmak-

extract because these theories are not explicit about agenda formation. Under reasonable assumptions, such as centrally located status quo policies, though, coalitions are likely to be small and bipartisan: small because with a centrally located status quo policy it is difficult to find a large majority that wishes to change it; bipartisan because, as an empirical matter, party distributions overlap one another, and these theories do not recognize partisanship as a factor shaping voting decisions.

Stability-Inducing Theories

The characteristic inability of chaos theories to yield sharp predictions about collective choice gave rise to another class of formal theories that can be labeled *stability-inducing* theories. One distinguishing feature of these theories is obvious from the label: they are motivated by a perceived need to identify stable outcomes in analytic settings similar to those in which prior theories show that stable outcomes are not likely to exist. In other words, stability-inducing theories by definition take very seriously the problems of preference aggregation illustrated in Arrow's theorem (1951), strict sufficient conditions for a core illustrated in Plott's theorem (1967), and the prospect of endless majority cycling suggested by McKelvey's theorem (1976).

A second distinguishing feature of stability-inducing theories concerns how the so-called chaos problem is solved. Stability-inducing theories generally assume that some players (committees, more often than not) have special procedural rights, such as agenda setting and gatekeeping powers (Ferejohn 1986), restrictive amendment rules (Weingast 1989), or ex post vetoes (Shepsle and Weingast 1987). Intuitively, when exogenous constraints are imposed on some players' actions, collective choice behavior and outcomes tend to become more predictable.

Important works such as these have received a great deal of attention elsewhere, and it is not necessary to rehash the finer points of associated theoretical and empirical arguments.¹⁷ For present purposes the main ques-

ing. Either (1) they do not try to be predictive, or (2) they try to be predictive but predict the wrong thing (chaos, not gridlock), or (3) they try to be predictive but predict everything (and therefore explain nothing). Kramer, perhaps, puts it best: "To show that a particular set of premises is inconsistent, or that a certain model does not have an equilibrium (and therefore can't make any clear-cut empirical predictions which could be tested against data) is to show, basically, that the model has problems: these premises can't account for much" (Kramer 1986, 17).

17. See, for example, Cox and McCubbins 1993; and Krehbiel 1991.

tion is: What do these theories as a class say about gridlock and coalition sizes in U.S. lawmaking?

The good news is that stability-inducing theories succeed in their primary objective. They demonstrate the existence of stable outcomes where, in the absence of their superimposed institutional features, preference aggregation would be plagued by various forms of instability. This is very much the flavor of “structure-induced equilibrium” arguments (Shepsle 1979; Shepsle and Weingast 1981), and the corresponding prediction about gridlock in this class of theories is clear. It happens. Indeed, equilibrium outcomes in these models are, by definition, instances of gridlock.¹⁸

The not-so-good news is that stability-inducing theories as a class are not especially conducive to systematic data analysis. Part of this problem is attributable to the remarkable diversity of such theories and their corresponding differences in conditions for breaking gridlock and the sizes of coalitions that will enact new policies.¹⁹ Most of the problem, however, lies in the multidimensionality of the choice space in these theories—an uncontested feature of realism that nevertheless exacts a high price for empirically inclined researchers. If ultimately we are interested in testing whether these theories identify approximately the right conditions for policy change and predict approximately the sizes and partisanship of coalitions, then a prior theoretical challenge must be confronted. How are these endogenous features (gridlock, coalition sizes) related to the exogenous parameters (preferences and the status quo policy) of any given stability-inducing theory? In multidimensional settings, this is an exceedingly difficult question to answer generally and with testable implications.²⁰ Conse-

18. Somewhat more can be said about gridlock within some specific stability-inducing theoretical frameworks. For example, one such theory that brings the president, bicameralism, and committees all into the picture is Thomas Hammond and Gary Miller's (1987) theory of the “Core of the Constitution.” Hammond and Miller show that in bicameral settings with a presidential veto and congressional override (i.e., “institutional features”), stable (core) outcomes exist. More specifically, the requirements to pass new laws are increasingly demanding as the number of institutional constraints increases. Thus, a rough prediction that goes beyond “gridlock happens” might be that the number of institutional constraints is positively related to the propensity for gridlock.

19. For reviews, see Shepsle 1986; Shepsle and Weingast 1995; Weingast 1996; and Krehbiel 1988.

20. Technically inclined readers are advised to see for themselves by attacking the following problem, which, relatively speaking, is a simple and tractable theoretical problem of the stability-inducing type. Consider a three-person legislature whose members have Euclidean preferences and ideal points that form an equilateral triangle centered within a unit square (thus a two-dimensional space). Designate any one member as an agenda setter and stipulate that her proposal will be subject to a single majority vote against an exogenous status quo point. In other words, the proposal is not

quently, even under the questionable assumption that preferences and the status quo can be measured effectively over a multidimensional choice space, it remains unclear what the more precise predictions of stability-inducing theories are, and why.²¹

Divide-the-Dollar Games

In a series of influential papers employing noncooperative game theory, David Baron and John Ferejohn are more explicit about the sequence of play in a legislative game than is customary in earlier, stability-inducing theories.²² The consequence is favorable in terms of clarity of predictions. First, gridlock never occurs (though under some legislative procedures—namely, an open rule—delay may occur). Second, winning coalitions are almost always small and often are minimum-majority sized. Some extensions of these theories have slightly different implications. Susanne Lohmann and Sharyn O'Halloran (1994), for example, develop a divide-the-dollar theory for trade politics that incorporates a president and predicts no gridlock, minimum-majorities, and explicitly bipartisan coalitions.

Reduced-Form Theories

Finally, a set of miscellaneous theories has comparable, but somewhat remote, implications for gridlock and coalition sizes. None of these explicitly

subject to amendment. Identify the equilibrium outcome for all status quo points in the unit square. For any given status quo, q , is it possible to say not only that the resulting outcome, x^* , is stable (i.e., will not change if the game were replayed) but also what the unique one-stage outcome x^* is? Is the mapping from the two-dimensional status quo, q , into the two-dimensional outcome space, x , smooth? What is the size of the winning coalition for any given q ? If this problem was solvable, then repeat the exercise with two minor extensions that capture two major elements of U.S. lawmaking: the president and his veto right. Specifically, form a pentagon with five legislators' ideal points, and add a president whose ideal point is in the center of the pentagon and who has a veto subject to a $2/3$ override of the legislature. Answer the above questions for the pentagonal setup. Is this model testable?

21. As with chaos theories, stability-inducing theories do not exactly predict—but seem to suggest—that coalitions will be bipartisan and minimum-majority sized.

22. Baron and Ferejohn's choice space is, in effect, multidimensional in several of their theories, so one might regard these as stability-inducing theories, too. I categorize them separately for two reasons, one of which is quite subjective. First, they seem less motivated by cyclical majorities than in earlier stability-inducing theories. Second, their modeling technology yields sharper and sometimes different predictions than those of earlier theories. See Baron and Ferejohn 1987, 1989; and Baron 1989, 1991, and 1994.

characterizes collective choice (i.e., voting) within government, and most of them opt for a unitary-actor or reduced-form view of lawmaking.

Economic Theories of Regulation

Theories of regulation, proposed mainly by economists, focus on the responsiveness of governmental policy to the various interest group pressures brought to bear on politicians (see, e.g., Stigler 1971; Peltzman 1976; Becker 1983; and Grossman and Helpman 1994). As a general matter, these are neither voting theories of legislatures nor legislative-executive bargaining theories but rather theories that portray government as a unitary optimizing agent, subject to exogenous changes in the economic or political environment. (In the latter case, the economic theories are conceptually much like theories of pluralism in political science, although the methodology is much different.) Comparative statics of these theories almost invariably suggest that, when interest group pressures change, so, too, does the optimal governmental action. In other words, governmental responsiveness, not gridlock, is a central characteristic of these theories. The theories are necessarily silent about coalition sizes because government is not modeled as a collective, voting entity.

Downsian Electoral Party Competition

In another classic economic theory, Anthony Downs (1957) models an electoral process in a way that complements the prior (normative) theory of responsible party government. Parties adopt platforms and compete for votes only for the sake of gaining office, whereupon they implement their platforms. Gridlock rarely occurs, and divided government never occurs. Coalition sizes are presumably majority-party sized and partisan, although here, too, internal governmental processes are not modeled explicitly. In other words, the extracted predictions seem to be the same as from the theory of responsible party government. The chief differences are that Downs's theory is intended to be positive, but it is not intended to be a theory of lawmaking *per se*.

Balancing Theory

In a similar vein, a series of innovative works by Alberto Alesina, Morris Fiorina, and Howard Rosenthal (1991) and a book by Alesina and Rosenthal (1995) focus on electoral behavior. Nonetheless, these theories, too, have implicit but clear assumptions about the governmental arena. The basic behavioral postulate is that voters in the electorate derive utility from

a desired *balance* of governmental officials. Thus, for example, a moderate voter prefers a Republican president and a Democratic Congress to a unified Democratic government, because the divided government arrangement is believed to yield moderate policies compatible with the voter's preferences, while a unified Democratic government would be too liberal. Clearly, the implicit theory of lawmaking in balancing theory is that policies are a weighted average of preferences of the set of officials who make laws—for example, the president and the Congress.

Viewed as such, the balancing theory assumes (implicitly) that gridlock does not occur, because any electorally induced change in the composition of government changes the weighted average. As usual, coalition-size implications are hard to pin down, but for reasons approximating the interpretation of median voter theory, we would expect winning coalitions to be small, except in cases of exceptionally large interelection swings. Finally, like most other formal theories discussed, the balancing theory neither presumes nor derives different behavior by different party members, other than the fact that partisanship and preferences are likely to be correlated. So, coalitions will be bipartisan to the extent that interparty distributions overlap.

THE BASIC NEED

Overall, the theories and schools of thought that have a bearing on lawmaking exhibit a number of desirable properties. The responsible party government viewpoint outlines a vision of democratic government that has considerable normative appeal. The conditional party government theory—offered more as a positive than normative theory—focuses attention on issues of party strength and conditions under which the majority party in Congress can govern effectively. The distinction between divided and unified government brings the president into the picture and, also with a partisan focus, offers a hypothesis about conditions under which important laws are likely to be passed. Formal theories offer additional advantages: they tend to be explicit, they are cumulative in many respects, and often they generate plausible and testable propositions about observable political phenomena. Furthermore, some formal theories have received impressive levels of systematic empirical corroboration.²³

However, when it comes to the substantive crux of table 1.1—the two

23. See especially Alesina and Rosenthal 1995, and the voluminous literature on Downsian electoral competition.

basic facts of U.S. lawmaking—the theories and schools of thought falter, individually and collectively. Most extant theories predict either all gridlock or no gridlock. Only the relatively amorphous perspective about divided versus unified government offers a clear statement about necessary and sufficient conditions under which gridlock is broken, and its expectation, if anything, seems not to be borne out. Similarly, on matters of coalition size, most theories are either silent, require stretched arguments to obtain a prediction, and/or suggest predictions of small and/or partisan coalitions, which also seem inconsistent with the basic facts.

In summary, the basic need is for a new theory of lawmaking in the United States. The theory should predict that gridlock occurs often but not always, and it should identify testable conditions under which gridlock is broken. The theory should predict the regular formation of bipartisan coalitions of greater than simple-majority size, and it should identify testable conditions under which coalition sizes grow or shrink relative to baseline expectations. Last but not least, the theory should expose and clarify the essential constraints faced by lawmakers in a democratic society.

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.

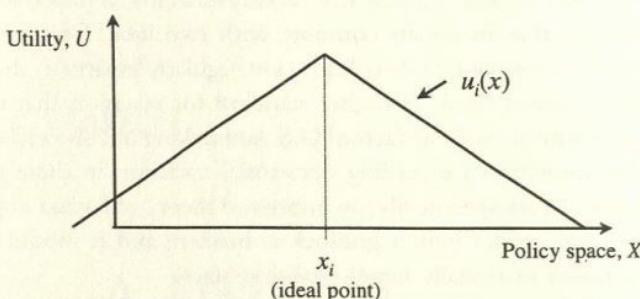


Figure 2.1
Single-peaked utility function for legislator i

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 $\frac{2}{3}$ majority override by the Congress. Similarly, the Senate's Rule 22 confers to each individual the right to engage in *extended debate*

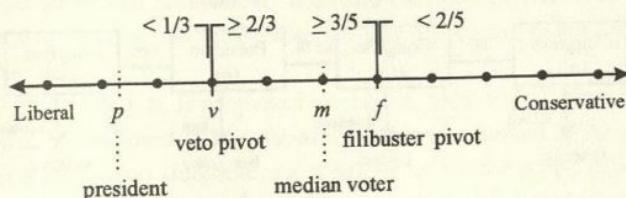


Figure 2.2
Pivotal legislators if the president is liberal

(filibuster) subject to a $\frac{3}{5}$ 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.

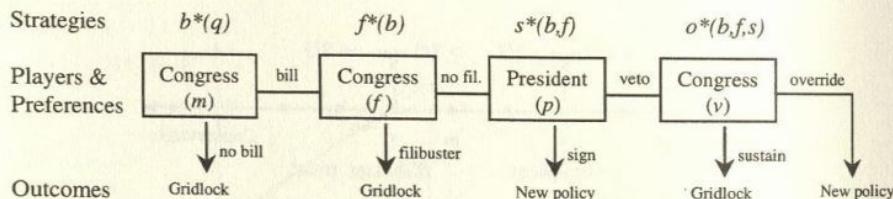


Figure 2.3
The pivotal politics model

ideal points to his right make up exactly or just more than $\frac{2}{3}$ of the legislature. The number of ideal points to his left therefore make up no more than $\frac{1}{3}$ 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 $\frac{3}{5}$ of the legislature. The number of ideal points to his right, then, make up no more than $\frac{2}{5}$ 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 $\frac{2}{5}$ and $\frac{3}{5}$.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 $\frac{1}{3}$ and $\frac{2}{3}$, 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 $\frac{2}{5}$ 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

Parties

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 Republican 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.

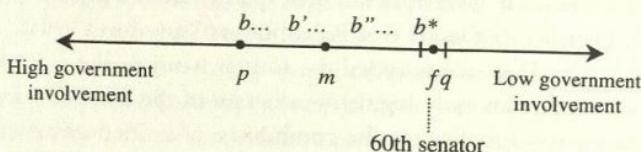


Figure 2.4
f is pivotal on the stimulus package: incremental change

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 and the bill.

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

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.

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 $\frac{2}{3}$ mark. Thus, the status quo (and gridlock) prevailed once again.

Who was pivotal? The $\frac{2}{3}$ 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* [1992], 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.

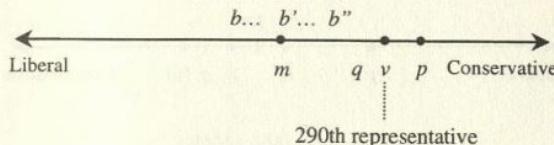


Figure 2.5
 v is pivotal on the family leave bill: gridlock

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 $\frac{2}{3}$ 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 $\frac{2}{3}$ congressional majority was no longer required. Furthermore, although a $\frac{3}{5}$ 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.

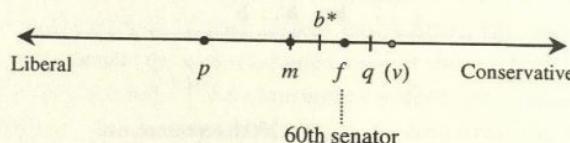


Figure 2.6
f is pivotal on the family leave bill: gridlock is broken

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 $\frac{1}{3}$ 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.

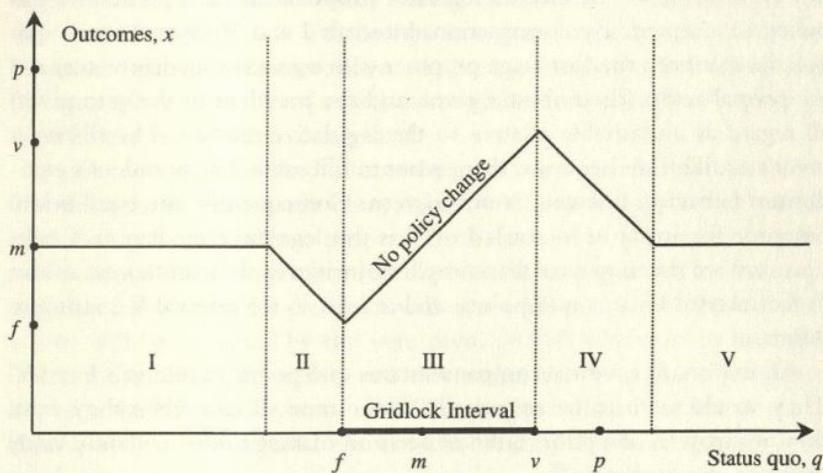


Figure 2.7
Equilibrium policies in the pivotal politics theory

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 $\frac{3}{5}$ for interval I status quo points, and at least $\frac{2}{3}$ 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

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 .

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

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 superma-

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.

joritarian 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

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).

Liberal — Unconstrained range of initial status quo points, q_1 — Conservative

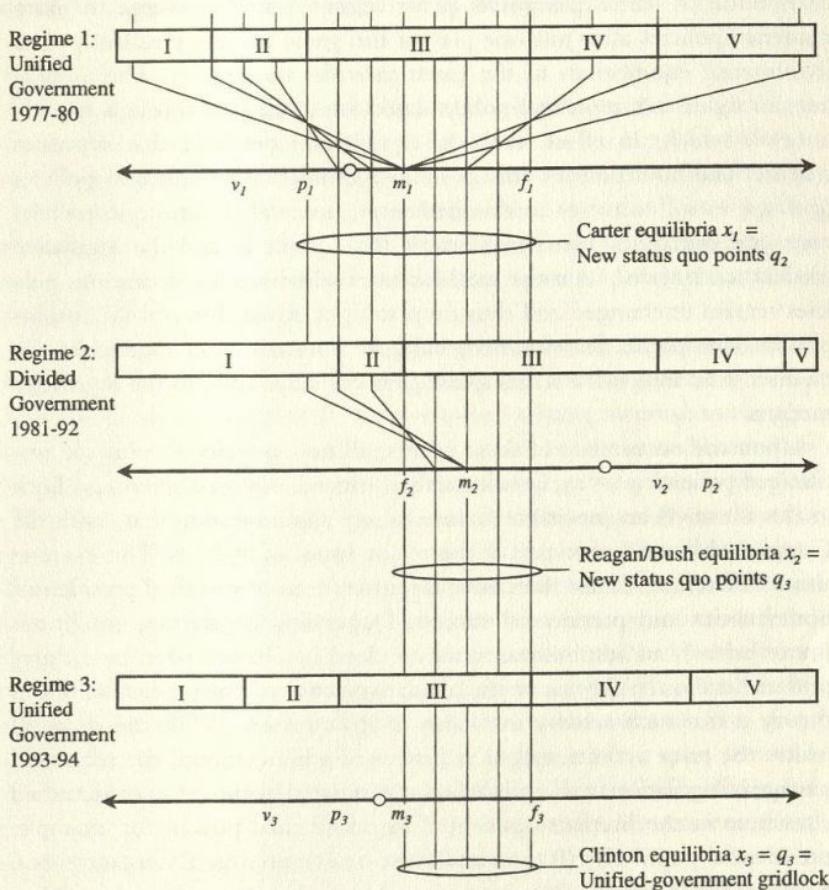


Figure 2.8
Quasi-dynamic properties of the theory

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 I 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 honey-

moons 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 ($q_2 = x_i$) 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 q_3 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?

Q II

EMPIRICAL
TESTS

EMPIRICAL
ESTIMATES

• THREE

GRIDLOCK

A common assertion of political scientists studying U.S. politics throughout the 1980s and into the early 1990s was that, for better or worse (by which was usually meant, for worse), divided government had become a "stylized fact" of contemporary American political life. The main implication was pithy. Get used to gridlock. Coincidentally or not (probably not), the high point for this perspective coincided almost perfectly with George Bush's stratospheric approval ratings in the wake of the Gulf War in 1991, when journalists and political scientists alike proclaimed that Bush was unbeatable but Congress would nevertheless remain Democratic. The subtext was the same. Get used to gridlock.

What happened next is well known. In 1992 Democrats maintained their majorities in the House and Senate while Democrat Bill Clinton was elected president on a campaign of change. The first noteworthy change was in the subtext of common political discourse. Gridlock will be broken.

Political scientists were neither oblivious to the unexpected turn of events nor rendered speechless on the subject. Divided government, after all, had been merely a stylized fact (now with more emphasis on *stylized* than *fact*). Theories of divided and unified government (now with more emphasis on *unified* than *divided*) may well survive the onslaught of recent events. Indeed, a critical empirical test for the conventional view of divided versus unified government was now at hand. Will the newly elected unified government do what its leaders had promised and what most political scientists had predicted? Will gridlock be broken?

The answers to these questions are subjects of ongoing debate, some portions of which are addressed below. A preliminary task, however, is to

break away from the composite and arguably oversimplified account of conventional wisdom and turn to some apparently less conventional views of divided and unified government. These come in two potentially complementary forms: empirical and theoretical. The corresponding focal points of this chapter are evidence (beginning with Mayhew's) and theory (beginning with the theory of pivotal politics). The methodological aim is somewhat daunting: to compress a large quantity of keen intuition about, and thick description of, contemporary U.S. government into a single, parsimonious, and measurable theoretical concept introduced in Chapter 2 as the *width of the gridlock interval*. Measurement and analysis of this concept then provides a preliminary comparative assessment of conventional and unconventional accounts of divided and unified government. The chapter first summarizes the origins of Mayhew's revisionist view about divided and unified government—more specifically, that party control does not much matter in U.S. national politics. It continues with a Mayhew-based but significantly modified empirical analysis, the chief property of which is that measures and interpretations of findings are explicitly formal-theory based. Overall, and with several limitations noted, the analysis provides preliminary support for the theory of pivotal politics.

A REVISIONIST VIEW OF DIVIDED GOVERNMENT AND GRIDLOCK

David Mayhew's *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946–1990* was a splash of cold water on the faces of researchers who subscribed uncritically to conventional views about divided and unified government. Summarized most generally, the focal question of Mayhew's book was: What difference does it make whether the government is unified or divided? By observing systematically investigations of executive misbehavior and lawmaking, Mayhew produced the answer: Not much.

The supporting evidence for the lawmaking component of this claim is systematically summarized in a regression equation that captures predictions about the opposite of gridlock—namely, the number of “important legislative enactments”—as a function of unified versus divided control and a handful of other variables identified by others as potential sources of variation. Table 3.1 is a reproduction of Mayhew's table 7.2. The most striking finding is in the first line. Controlling for other variables, unified and divided governments are essentially indistinguishable from one another in

Table 3.1
Mayhew's Findings

Variables	Estimates
Unified control	-0.59 (-0.53)
Start of term	3.47 (3.24)
Activist mood	8.52 (7.61)
Budgetary situation	0.53 (0.96)
Constant	7.90 (7.85)
<i>N</i>	22
Adjusted <i>R</i> ²	.756

SOURCE: Mayhew 1991, table 7.2. OLS estimates with *t*-statistics in parentheses.

terms of their propensities for gridlock or, conversely, for producing important legislative enactments. Although unified government seems to *suppress* legislative productivity, the coefficient is not statistically different from zero.¹

Depending on one's vantage point, this finding can have disturbing properties. From the vantage point of conventional accounts of U.S. government, the finding is disturbing because it fails to support the theory implicit in most schools of thought about divided government and gridlock.² From the vantage points of theorizing and hypothesis testing, the finding is disturbing because it is a null finding that, at the time of its discovery, lacked an explicit theoretical foundation. That is, Mayhew did not propose a theory of divided and unified government that accounts for *variation* in legislative productivity or *degrees* of gridlock. Rather, he measured

1. The appropriate level of statistical significance is subjective. Accordingly, in presenting quantitative findings, I depart from the convention of singling out with stars and daggers coefficients that meet arbitrary standards of significance. I will, however, consistently present *t*-statistics which enable readers to select and apply whatever standard they deem appropriate. Critical *t*s for a one-tail (two-tail) test are as follows for arbitrary levels: for .10 significance, 1.282 (1.645); for .05 significance, 1.645 (1.960); for .01 significance, 2.326 (2.576). Additionally, *p*-values are often reported (for two-tailed tests unless otherwise noted) in text or footnotes, as well as in tables in which specific hypotheses are tested. The *p*-value is the largest probability at which, given the coefficients and their standard errors, one would fail to reject the specified null hypothesis.

2. See Fiorina 1996, chapter 6, for a concise and balanced review of pre-Mayhew findings and assertions about the differences between divided and unified government.

and analyzed legislative productivity and discovered that whether the government is divided or not fails to account for variation. This observation is not intended to diminish the importance of Mayhew's finding. On the contrary, his finding serves as an essential empirical foundation on which to build a theory.

Before construction commences, a few additional observations about table 3.1 are in order. Apart from the constant term in the equation, only two statistically significant findings are reported: *start of term*, and *activist mood*. Neither of these were integral parts of what I take to be Mayhew's primary argument, which is that unified versus divided control is mostly inconsequential. Rather, Mayhew included these additional variables to inspect hypotheses about "factors that may help to overcome expected differences between unified and divided party control" (Mayhew 1991, table 7.1).³ In two of the three attempted sources of "alternative variation," significant effects are identified. The tricky issue is how to interpret them. Matters of interpretation are subjective, so the best we can hope for is a clearly defined subjective stance that is conducive to follow-up analysis. The stance I adopt has two components which are taken up below. First, Mayhew's start-of-term variable, while the product of an inductive search in his analysis, is portrayed in a complementary fashion here as an operational measure of an important exogenous component in the theory of pivotal politics. Second, the activist-mood variable is seen not as irrelevant to or inconsistent with the pivotal politics theory but rather as a relatively distant and crude measure of preferences that can be measured more directly than in Mayhew's analysis.

Start of Term

According to Mayhew, "start of term [represents] the idea that more laws are likely to pass during the first half of a four-year presidential term than during the second half" (1991, 176–77). This is intuitive, but it is necessary to flesh out why. Several related possibilities are available from extant presidency research. One interpretation of the variable is that it measures a

3. Of course, Mayhew (1991) should not be criticized for measuring and testing hypotheses about only three of the 18 factors identified in his table 7.1. Most of the factors originated elsewhere. Many are poorly defined (e.g., "norms," "electoral incentives," "events") and thus not immediately measurable. Finally, even if they were well defined and measurable, using 18 such measures to "explain" his 22 data points would be an achievement of dubious merit. The virtues of parsimony and measurability will be a recurring theme here.

honeymoon period for newly elected presidents. Closely related to this idea is that a president has or claims effectively to have a mandate immediately following his election. A third possibility is based on the empirical regularity that public prestige or presidential popularity are greater at the beginning than at the end of terms. Thus presidents can bargain more effectively with the Congress (Neustadt 1960; Rivers and Rose 1985) or go public with greater success (Kernell 1986) earlier than later in their terms.

Authors of these various accounts of presidential success tend to highlight the many subtle differences between them, and I do not dispute these differences. Nevertheless, an alternative approach to dwelling on differences is to identify a common, underemphasized component in these interpretations. Integral to each such argument is a notion of *preferences*. What is a honeymoon? A period of bliss, harmony, or relative agreement about whatever issues are at hand. Political translation: preference homogeneity. What is a mandate? A claim by newly elected officials that they have heard the voters and intend to implement voters' wishes. Translation: a voter-induced shift in elected officials' preferences. When can bargains be struck, whether by direct executive-legislative bargaining or by going public? When major preference shifts have occurred and/or during periods of relative preference homogeneity. For these reasons, start-of-term can be viewed as a rough proxy measure for election-induced shocks, which theoretically should be associated with increases in legislative productivity.

Additionally, these interpretations and observations suggest an alternative measurement strategy compatible with, but potentially more refined than, Mayhew's: to discern more directly interelection changes in preferences and their homogeneity, and to substitute this measure for the start-of-term dummy variable. This strategy, too, is adopted after inspecting the second of Mayhew's significant predictors of legislative productivity.

Activist Mood

Although Mayhew's start-of-term variable is statistically responsible for about 3.5 major bills per Congress in his analysis, the best predictor by a considerable margin is his variable, activist mood. Mayhew interprets this finding as follows.

Activist mood, coded so as to make Schlesinger's "public purpose" and Huntington's "creedal passion" eras match as well as they could a sequence of whole

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Congresses, which means 1961 through 1976, works extremely well. All else equal, the presence of that mood was worth some 8.5 laws per Congress. Moods remain elusive, but this quantitative result accords with the discussion in chapter 4: In lawmaking, nothing emerges more clearly from a postwar analysis than that something special was going on from the early or mid-1960s through the mid-1970s. (Mayhew 1991, 177)

What is meant by “works extremely well”? If it means accounts statistically for variation in the number of major enactments, then the claim is solid. If, however, it means provides a theoretical understanding about such variation, then there is room for improvement. Needed are clearer conceptions and better measures of “public purpose” and “creedal passion.” Mayhew notes, “A ‘mood’ seems to be one of those phenomena that drives political scientists to despair by being at once important and elusive” (1991, 160), and he proceeds to make progress toward conceptual clarification throughout chapter 6. As he notes later, however, moods remain elusive. My aim, therefore, is to push ahead, conceptually and operationally.

Conceptually, Mayhew’s mood variable can be viewed as a proxy measure for preferences.⁴ If so, then the claim that his analysis supports is that as public preferences become more amenable to high degrees of governmental activity, government will become more active. Simple enough. But what are the mechanics that occur between cause (public mood as preferences) and effect (governmental productivity of important enactments)? Presumably, the answer lies in elections, which cause changes in the configurations of preferences of legislators or presidents. Also simple enough. But to the extent that a refined measure of shifts in preferences caused by elections is devised along the lines suggested in the discussion of the start-of-term effect, only the most amorphous part of the concept remains. What is *mood* apart from preferences? This is not clear.

An additional source of doubt regarding activist mood is the manner in which it is measured in Mayhew’s analysis: a dummy variable is coded one only for the years 1961–76. If these are years known *a priori* to be years of high government productivity, then this variable seems ad hoc and/or destined to confirm the moods hypothesis. The operational task taken up below is to devise and employ alternative measures that capture better the waxing and waning of activist moods over the course of history.

To the extent that activist moods are manifested in activism—that is, high quantities of visible political participation—there is also, arguably, a preference intensity component.

in order to assess whether they covary predictably with legislative productivity.

REASSESSMENT OF LEGISLATIVE PRODUCTIVITY

Dependent Variables

The dependent variables in the analysis are all forms of Congress-to-Congress *changes in legislative productivity*. Measurement of legislative productivity is a subject of an ongoing controversy about which a neutral stance is adopted here.⁵ To facilitate comparisons with Mayhew's study I begin with a straightforward first-difference measure based on his "two-sweep" measure of "important legislative enactments."⁶ From his time series, the change in productivity for Congress t is calculated as the number of major enactments by Congress t minus the number of major enactments in Congress $t - 1$.⁷ The resulting variable is called *change in important legislative enactments*.

As a robustness check on the findings of the analyses of the Mayhew-based dependent variable, two additional dependent variables are also analyzed. Because some researchers have criticized Mayhew's measure as being too inclusive or not inclusive enough, the lists on which these alternative measures are based are, respectively, less and more inclusive than Mayhew's list. Both measures are adapted from Cameron and Howell (1996). The first alternative measure is *change in landmark enactments*, where the number of such enactments are defined by Mayhew's sweep 1 but not sweep 2 laws. The second measure is *change in ordinary enactments*, a class that includes all bills found in the summary section of the *Congressional Quarterly Weekly Report*.

Descriptive statistics for these and other measures are presented in table 3.2.

5. See, however, Kelly 1993; Mayhew 1993; and Cameron and Howell 1996.

6. Mayhew's first sweep is based on contemporary assessments such as journalists' end-of-session summaries. His second sweep is based on retrospective judgments of policy experts. See Mayhew 1991, chapter 4 generally and tables 4.1 and 5.1 specifically. See also Mayhew 1995 for an additional data point for, and excellent essay on, the 103d Congress.

7. In one respect this alteration is trivial: a set of variables x that explain variation of a dependent variable y can be differenced ($x' = x_t - x_{t-1}$) to explain changes in y ($y' = y_t - y_{t-1}$). The practical reason for forming the problem as one of explaining change in productivity is that in the case of one independent variable (change in the size of the gridlock interval), absolute values (width at time t) are not observable but changes are. See below for details.

Table 3.2
Descriptive Statistics of Variables for Legislative Productivity Analyses

Variable	N	Mean	S.D.	Min.	Max.
Change in significant enactments ^a	23	0.435	5.076	-8.00	10.00
Change in landmark enactments ^b	23	0.174	3.881	-5.00	9.00
Change in ordinary enactments ^b	23	-0.348	33.86	-72.00	79.00
Change in gridlock interval	23	1.466	6.182	-13.31	13.29
First two years of term	23	0.522	0.511	0.00	1.00
Change in activist mood ^d	23	0.000	0.302	-1.00	1.00
Change in domestic policy mood ^c	21	0.510	2.843	-4.08	5.98
Change in tax mood ^d	20	0.000	6.314	-14.00	10.00
Change in government regime	23	0.435	0.562	-1.00	1.00

^a SOURCE: Mayhew 1991.

^b SOURCE: Cameron and Howell 1996.

^c SOURCE: *The Political Methodologist* (newsletter), vol. 6, no. 1.

^d SOURCE: Niemi, Mueller, and Smith 1989.

Independent Variables

The Gridlock Interval

The pivotal politics theory is preference-driven. Preference changes occur most visibly when the composition of the Congress or the occupant of the White House changes. To test the theory, changes in preferences are assumed to be exogenous and thus are treated as components of the independent variable that is most closely related to the theory, *change in the width of the gridlock interval*. Two types of measurement techniques might be employed to approximate this abstract concept. One measure focuses on inter-election swings as proxy measures of changing preferences as manifested in the composition of the Congress and the presidency. Another focuses on revealed preferences of legislators and presidents during roll call voting and announced positions, respectively. The first, interelection swing method, allows for a closer link to Mayhew's study and requires somewhat less stringent assumptions than the latter, so I presently opt for it. The steps in construction of the measure are as follows. (Raw data are given in table 3.3, and illustrations are given in fig. 3.1.)

1. For each chamber, calculate the net percentage of seats that changed party, scoring net Democratic gains as positive and net Republican gains as negative.
2. For each Congress, compute the average of the two chamber-specific

Table 3.3
Measure of Change in Width of the Gridlock Interval

President	Election	Congress	House ^a	Senate ^a	Average	Change	Measure
Truman	1946	80	-12.87	-13.54	-13.21	Expansion	13.21
Truman	1948	81	17.24	9.38	13.31	Contraction	-13.31
Truman	1950	82	-6.44	-5.21	-5.82	Expansion	5.82
Eisenhower	1952	83	-5.06	-1.04	-3.05	Contraction	-3.05
Eisenhower	1954	84	4.37	2.08	3.23	Expansion	3.23
Eisenhower	1956	85	0.46	1.04	0.75	Expansion	0.75
Eisenhower	1958	86	11.26	15.31	13.29	Expansion	13.29
Kennedy	1960	87	-5.06	-2.00	-3.53	Indeterm.	0.00
Johnson	1962	88	-0.23	3.00	1.39	Contraction	-1.39
Johnson	1964	89	8.51	1.00	4.75	Contraction	-4.75
Johnson	1966	90	-10.80	-4.00	-7.40	Expansion	7.40
Nixon	1968	91	-1.15	-6.00	-3.57	Contraction	-3.57
Nixon	1970	92	2.76	-2.00	0.38	Expansion	0.38
Nixon	1972	93	-2.76	2.00	-0.38	Contraction	-0.38
Ford	1974	94	11.26	4.00	7.63	Expansion	7.63
Carter	1976	95	0.23	0.00	0.11	Contraction	-0.11
Carter	1978	96	-3.45	-3.00	-3.22	Expansion	3.22
Reagan	1980	97	-7.82	-12.00	-9.91	Contraction	-9.91
Reagan	1982	98	5.98	-1.00	2.49	Expansion	2.49
Reagan	1984	99	-3.22	2.00	-0.61	Contraction	-0.61
Reagan	1986	100	1.15	8.00	4.57	Expansion	4.57
Bush	1988	101	0.46	0.00	0.23	Expansion	0.23
Bush	1990	102	2.07	1.00	1.53	Expansion	1.53
Clinton	1992	103	-2.03	0.00	-1.15	Indeterm.	0.00
Clinton	1994	104	-11.95	-8.00	-9.98	Expansion	9.98

^a SOURCES: Ornstein et al. 1994, table 2.3; Barone and Ujifusa 1995.

values given by step 1. This in effect measures average congressional Democratic swing.⁸

3. With reference to the president and whether he was newly elected, determine *contraction* or *expansion* of the gridlock interval as follows. (Fig. 3.1 illustrates the spatial intuition underlying the measure.)

8. Percentages rather than raw Ns were used in step 1 so that this average assigns equal weights to each chamber.

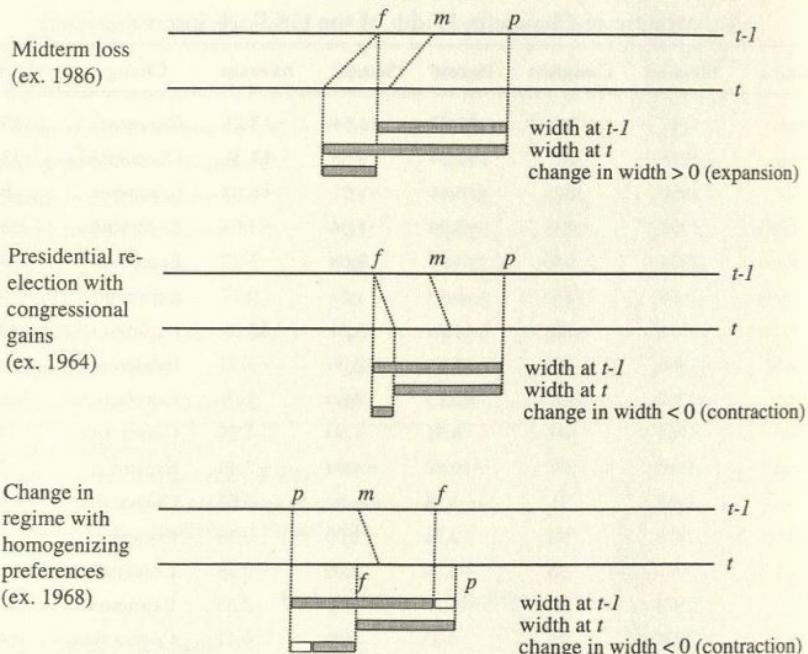


Figure 3.1
Examples of changes in the width of the gridlock interval

- Midterm elections. By definition, the president does not change, thus a midterm loss for the president implies an expansion of the gridlock interval. The greater is the antipresident congressional swing, the greater is the expansion of the gridlock interval. Spatially, this common scenario is one in which the president's ideal point remains fixed and the congressional median and filibuster pivots' ideal points move away from the president, thus expanding the gridlock interval as shown in the top of figure 3.1.⁹
- Presidential reelection. The measurement procedure is similar to the

9. Although the theory identifies the more interior of two ideal points (the president's and the veto pivot's) as the boundary of the interval, it is difficult to accommodate this fact into the measure without obscuring the intuition in the stronger assumption that the president is more moderate than the veto pivot (see also n.27 this chap.).

midterm case because again the president's ideal point is presumed to be fixed. Empirically, however, it is common for the president's party to gain congressional seats in such elections. Thus, *contraction* is the usual coding, again proportional to the congressional swing, as shown in the second example.¹⁰

- c) Change in the party of the president. Most elections of presidents from the former out party are also accompanied by congressional gains of the newly elected president's party and are thus homogenizing with respect to politicians' preferences. Accordingly, these are coded as *contractions*.
- d) Indeterminacies. The election of Kennedy in 1960 and election of Bill Clinton in 1992 are exceptional in that they coincided with (small) Republican congressional gains. By necessity an ad hoc coding rule is adopted: to code change in the width of the gridlock interval as zero.¹¹

Although the procedure for deriving this measure is not obviously related to prior studies of, or views about, divided and unified government, the measure actually embodies a large component of the multiple interpretations one can give to Mayhew's start-of-term dummy variable. It does so, however, with two noteworthy differences. First, it attempts to capture the magnitude of swings in preferences resulting from presidential and midterm elections. Second, it is closely related to a more parsimonious theory about executive-legislative relations than Mayhew's account. In these respects the measure of change in the width of the gridlock interval is in-

10. Successor presidents—whether elected or not—are treated identically (e.g., Kennedy to Johnson, Nixon to Ford, Reagan to Bush).

11. The arguments for alternative, contraction codings are as follows. For 1960, a large part of the small swing was undoubtedly a regression-to-the-mean effect attributable to the huge Democratic swing in 1958 which liberalized the Congress considerably. The subsequent election of a Democratic president was probably homogenizing in spite of the small Republican congressional swing, because Kennedy was probably closer to the 1961 median and filibuster pivots than Eisenhower had been to the 1959 pivots. There is no reason, however, why this conjectured contraction should be measured as proportional to the net *Republican* swing. Similarly, in 1992 a homogenizing interpretation can be given to the electoral outcome in spite of small Democratic congressional losses, thereby again rationalizing a contraction coding. Clinton ran as a "New Democrat" which, if true, implies that he was closer to the post-1992 congressional median and filibuster pivots than Bush had been to the pre-1992 pivots. But again, coding a contraction as proportional to the Republican swing seems indefensible. Zero codings are also ad hoc, though, so I ran separate regression analyses for all the tables presented using contraction codings for these two elections. The results were slightly more supportive of the gridlock-interval hypothesis this way, thus the findings reported below are, if anything, conservative with respect to the inferences drawn about the pivotal politics theory.

tended to be a theoretical improvement on, if not an empirical refinement of, Mayhew's start-of-term measure.¹²

Start of Term

As in Mayhew's study, this variable takes on a value of 1 in the first two years following a presidential election and a value of 0 otherwise.

Activist Mood

Following Mayhew, I also estimate the effect of changes in activist moods on legislative productivity. Several measurement strategies are implemented.

The most straightforward measure of *change in activist mood* of the electorate begins with Mayhew's definition (1 for years 1961–76 and 0 otherwise), but postulates that it was not an abrupt and immediately mature mood in 1961 that was constant through 1976, at which point it immediately and utterly died. Instead, the measure assumes an incremental waxing (value of 1) of this mood through the midpoint of the period followed, by a symmetric waning (value of -1) through terminal Congress.

Two additional measurement instruments are based on public opinion data.¹³ For much of the World War II postwar period, James Stimson (1991) has assembled survey responses to generate an index called domestic policy mood. It captures at least some of the spirit of Mayhew's discussion of "creedal passion" and "public purpose." The first difference of this variable, that is, *change in domestic policy mood*, is continuous rather than dichotomous and thus may be more closely related to changes in legislative productivity than the dummy-variable moods measure.

Similarly, Niemi, Mueller, and Smith (1989) systematically assemble and present survey data on Americans' attitudes toward taxes. A comparable tax mood variable is constructed in two steps. First, I calculate for each two-year period 100 minus the average percentage of respondents who answered that taxes are too high. The greater is the resulting number, the greater is the fraction of the population that seems not to be strictly opposed

12. As a validity check on this argument about the close similarity between the two measures, I calculated separate means of the gridlock interval measure for start-of-term and nonstart-of-term Congresses. They were -3.00 and 5.46, respectively. This difference is significant at $p < .001$.

13. The raw data on which these measures are based were provided by Scott Adler and Charles Cameron.

to a larger tax burden in exchange for more government services.¹⁴ Second, I calculate the first difference of the number, yielding *change in tax mood*.

Governmental Regime

The measure of *change in governmental regime* is the first difference in Mayhew's unified-control dummy variable. It takes on a value of -1 if the government just changed from unified to divided, a value of +1 if it changed from divided to unified, and a value of 0 in the case of no change.

HYPOTHESES

The data are used to test three sets of hypotheses:

1. The gridlock-interval hypothesis. Changes in the width of the gridlock interval should be negatively associated with legislative productivity. That is, expansion of the interval impedes legislative productivity while contraction facilitates legislative productivity.
2. Moods hypotheses. (a) Mayhew version: changes in activist moods should be positively related to changes in legislative productivity. (b) Pivotal politics theory version: controlling for width of the gridlock interval, the effect of moods will be negligible.
3. Governmental regime hypotheses. (a) Conventional wisdom version: a change to unified government should facilitate the passage of legislation while divided government should impede it. (b) Pivotal politics theory version: controlling for width of the gridlock interval, the effect of governmental regime on legislative productivity should not be significantly different from zero.

The gridlock-interval hypothesis is of the greatest direct theoretical importance. Not only does it focus attention on the independent variable that is uniquely related to the theory of pivotal politics. It also demands that the theory account for variation in legislative productivity in a predictable way rather than merely rationalize an approximate constant pattern, such as no difference between divided and unified governments (e.g., hypothesis 3b). In this manner, hypothesis 1 sets a higher standard for empirical support than that in studies in which the primary hypothesis is formulated as a null.

The moods hypotheses are of lesser theoretical importance. Although

14. The question allows answers of "too high," "about right," and "too low." At most 2 percent of respondents answered "too low." Thus it seems defensible to portray "about right" respondents as relatively receptive to an increase in taxes, thus governmental activity. Otherwise the variable would exhibit almost no variation.

moods were prominent components of Mayhew's inductive argument, their relationship to existing theories is remote. From the perspective of the pivotal politics theory, moods are not irrelevant but are translated into governmental preferences (exogenous in the theory) via an electoral mechanism. If the concept and measure of the gridlock interval accounts for variation in legislative productivity, it may be traceable to moods external to government, but this is a separate empirical question. Therefore the gridlock interval effect is best seen as proximal and direct, while the mood effect is distal and indirect. Mood measures are nevertheless included in the analysis to check the robustness of Mayhew's finding. One issue is whether moods retain their significance in the presence of the more explicitly theory-based variable, width of the gridlock interval. Another issue is whether the more fine-grained public opinion-based measures explain variation in legislative productivity better than simple dummy variables.

The governmental regime hypothesis, too, is not central to the pivotal politics theory, although it is certainly central to the conventional wisdom surrounding divided and unified government and to Mayhew's revisionist account. Mayhew, of course, found the variable not to be significant in predicting legislative productivity. This is the general expectation of pivotal politics theory, too, provided preferences are adequately measured. I therefore include the change in regime variable to check whether, or the conditions under which, Mayhew's important null finding persists in the presence of the gridlock-interval measure and for alternative dependent variables.

FINDINGS

Changes in legislative productivity of "important enactments" from the 80th through the 103d Congress (1947–94) are plotted in figure 3.2. Considerable variation is evident, including a consistent alternating positive-negative pattern in the first part of the time series. Extreme values of the change in productivity variable provide a useful starting point for the analysis because they comport well with received wisdom. The largest positive change comes in the 87th Congress (1961–62) after the election of John F. Kennedy and a return to unified government. This is consistent with romantic perceptions of Camelot and may be a key source of conventional wisdom regarding unified government and legislative productivity. It also marks the beginning of the "activist mood" period in May-

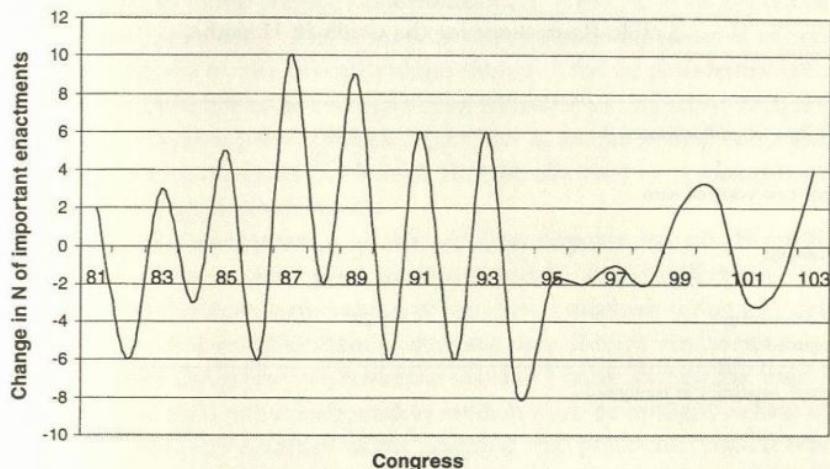


Figure 3.2
The dependent variable

hew's analysis. The largest negative value comes during the Ford years in the 94th Congress (1975–76)—the terminal two years of an eight-year run of divided government. This, too, is broadly consistent with received wisdom.

The main objective is not to generalize from extreme values, however, but rather to identify systematic patterns throughout postwar history. Regression analysis is a convenient method for this search. Table 3.4 begins in the most parsimonious manner possible by looking solely at the effects of the primary variable of pivotal politics theory: change in the width of the gridlock interval. Equation 1 shows that this variable alone accounts for considerable variation in legislative productivity and is statistically significant.¹⁵ As the gridlock interval grows by one unit—which, for example, happens when the president's party loses one Senate seat and 4.35 House

15. The coefficient's *p*-value is .011, indicating that there is a slightly greater than 1 in 100 chance that the null hypothesis of zero effect is falsely rejected in favor of the gridlock-interval hypothesis. An equation also was estimated using a dummy version of the change variable (one if expansion, zero otherwise), and this effect, too, was negative but of lesser significance (*p* = .063). Together, these findings suggest that not just the direction of change (contraction or expansion) in the gridlock interval matters; so, too, does the magnitude of such change (proportion of congressional seats the president gains or loses).

Table 3.4
Simple Regressions for the Gridlock Hypothesis

	1	2
Change in gridlock interval	−0.466 (−2.742)	
First two years of term		7.053 (4.615)
Constant	0.316 (0.338)	−3.636 (−3.294)
N observations	23	23
Adjusted R ²	0.229	0.504

NOTE: *t*-statistics in parentheses.

seats—the expectation is that about one-half (.466) fewer major enactments will be adopted in the present Congress than the prior Congress.¹⁶ The substantive significance of this finding can be highlighted quantitatively by asking: What is the expected difference in legislative productivity given the empirical regularities (but not necessities) of homogenizing presidential elections and midterm losses? The sample average change in the width of the gridlock interval for presidential election years is −3.0, while that for midterm years is 5.4. On average, then, a president can expect to produce about four fewer major enactments after the midterm elections than before.¹⁷ This quantified difference is due solely to measured election-based shifts in preferences.

Equation 2 in table 3.4 reports a complementary simple-regression finding: that a start-of-term dummy variable also has a strong effect on changes in legislative productivity. Two somewhat different interpretations can be offered. From a purely empirical perspective, this finding is not at all shocking: this relationship represented by the coefficient is transparent in figure 3.2. Moving toward a more theoretical perspective, however, the finding takes on a potentially deeper meaning. If as (normative) democratic theory tends to suggest (prescribe), quadrennial elections function as regular (and

16. Regressions using separate House and Senate measures were not conducted because chamber-specific measures of change in width of the gridlock interval are highly collinear ($r = .81$).

17. The average beginning-of-term productivity gain is $−3.0 \times −.466 = 1.40$ enactments. The average end-of-term productivity loss is $−(5.4 \times −.466) = 2.52$ enactments. These sum to 3.92, or about a four bill end-of-term slump. This is comparable to Mayhew's estimate of a 3.47 bill start-of-term surge.

healthy) shocks to the configurations of induced preferences of elected officials, then this dummy variable inadvertently captures the same set of concerns highlighted by the pivotal politics theory. That is, presidential elections tend empirically to be homogenizing elections (or, arguably, to signify mandates, reregister public attitudes, give rise to honeymoons, etc.); they tend to contract the gridlock interval and thereby lead to predictable increases in legislative productivity.

Perhaps this interpretation of start-of-term imputes too much intelligence onto what is, after all, a dummy variable. Stated differently: Is a deductive/theoretical interpretation of Mayhew's relatively inductive/empirical discovery defensible? That is, does the start-of-term variable fit comfortably under the rubric of preference shocks? I think so, but the issue is subjective. Luckily, some independent evidence can be brought to bear on it. What constitutes evidence of the assertion that preference shocks tend to be greatest at the start of presidential terms? One answer is: presidential initiatives. The connective logic is straightforward. If preference shocks give rise to lawmaking opportunities, if presidents attempt to seize such opportunities by requesting congressional action proportional to preference shocks, and, finally, if start-of-term is a reasonable proxy measure for preference shocks, then we should expect to see a well-defined pattern of presidential requests. Specifically, they should peak early in the term and drop off thereafter.

In a comprehensive study of domestic policy initiatives, Paul Light (1991) has collected the relevant data for a two-decade portion of the post-war period. Though used for entirely different purposes in his study, Light's data are strikingly supportive of the suggested interpretation of start-of-term effects. Figure 3.3 graphs Light's data. Requests are *almost* invariably greatest immediately after a presidential election, and the qualification is an understandable idiosyncrasy. Gerald Ford took over the presidency after a historically unique preference shock, and his proposal behavior reflects his rationally diminished expectations. At the very least, this helps to establish that there might be a relationship between start-of-term and preference shocks, and, thus, a still tighter relationship between Mayhew's analysis and mine. In any event, the start-of-term finding is worth noting if only as a potential link between Mayhew's analysis and the pivotal politics theory.

Table 3.5 reports on a comparable set of simple regressions that isolate the effect of different mood measures on changes in legislative productivity. In equation 1, the Schlesinger/Huntington/Mayhew measure is used, con-

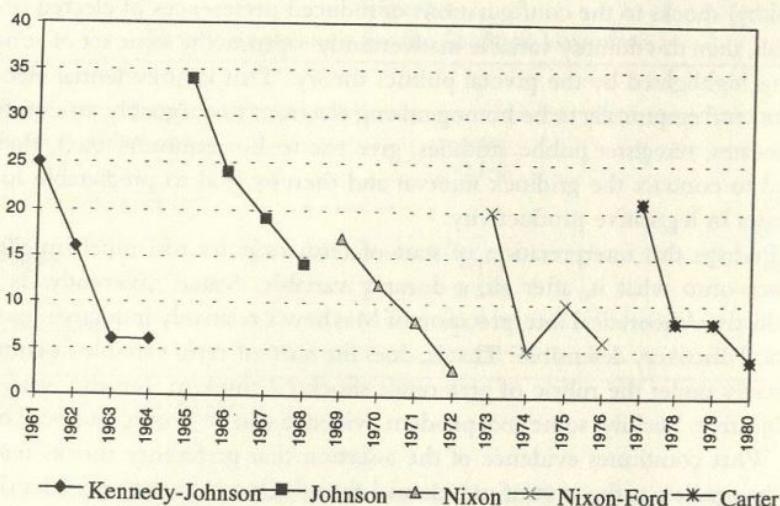


Figure 3.3
Presidents' request behavior

sistent with the notion of cycles of "public purpose"—that is, a waxing and waning of activist mood. Although the coefficient has the predicted sign, it is not significant.¹⁸ In equation 2, Stimson's domestic activist policy mood produces a coefficient that has the wrong sign but is insignificant. In equation 3, the Niemi et al.-based tax mood measure also generates an insignificant result. Overall, the mood hypothesis fails, at least for the time being.¹⁹

Of course, simple regressions such as these are vulnerable to charges of model misspecification. Table 3.6 therefore presents multivariate regression results that enable the three hypotheses to be tested simultaneously. Three parallel conclusions are evident. First, consistent with prior findings, the gridlock-interval measure consistently yields a statistically significant nega-

18. An alternative coding of change of mood resulted in a coefficient of greater but still marginal significance ($p = .095$), namely one which, in effect, presumes that the activist mood as defined by Mayhew was switched on in 1961, switched off in 1977, and was constant in the interim. In effect, this is a categorical variable for two Congresses—the 87th which was abnormally productive and the 95th which was average. As such, it seems quite ad hoc.

19. The reason the activist mood variable was significant in Mayhew's analysis is that he predicted an absolute number of important enactments and coded mood = 1 throughout the bulge of productivity in the middle of the time series.

Table 3.5
Simple Regressions for the Mood Hypothesis

	1	2	3
Change in activist mood	1.680 (0.990)		
Change in domestic policy mood		-0.170 (-0.412)	
Change in tax mood			0.077 (0.387)
Constant	0.117 (0.110)	0.325 (0.279)	0.100 (0.082)
N observations	23	21	21
Adjusted R^2	-0.001	-0.043	-0.047

NOTE: *t*-statistics in parentheses.

tive coefficient. This reinforces the support for hypothesis 1 and the pivotal politics theory. Second, each of three mood measures revisits Mayhew's argument that "something special was going on" in the 1960s through the mid-1970s. In a key sense this analysis sets a higher standard for his finding that the activist mood variable "works extremely well" (Mayhew 1991, 177). The issue is not whether more major enactments were passed in this period of "public purpose" and "creedal passion" but whether the waxing and waning of these moods correspond with changes in the number of major enactments from Congress to Congress. The answer again seems to be: no. The interpretation, however, should be cautious. The claim is not that normal citizens or even activist citizens' moods (or preferences) do not matter. Rather, it is that they do not matter in an empirically detectable way when more proximal, governmental preferences are taken into account.²⁰ The findings are thus consistent with the admittedly weak form of the hypothesis (2b) which represents the pivotal politics theory. Third, what is the effect of a change from divided to unified government on legislative productivity? The findings comport perfectly with Mayhew's shockingly unconventional thesis. Whether the government is divided or not fails to make a difference. More precisely, once the gridlock-interval effect

20. Conceptually, a more satisfactory way to explore hypothetical indirect mood effects would be to estimate a structural model in which governmental officials' preferences are endogenous with respect to citizen preferences but then exogenous with respect to legislative productivity. This is beyond the scope of this analysis and, in any event, would require better measures and more than 23 observations.

Table 3.6
Joint Tests of Hypotheses 1–3

	1	2	3
Change in gridlock interval	−0.455 (−2.647)	−0.649 (−3.020)	−0.456 (−2.438)
Change in activist mood	1.426 (0.940)		
Change in domestic policy mood		0.150 (0.415)	
Change in tax mood			0.028 (0.150)
Change in government regime	1.259 (0.731)	2.897 (1.542)	1.002 (0.479)
Constant	0.317 (0.333)	0.808 (0.815)	0.367 (0.333)
<i>N</i> observations	23	21	20
Adjusted <i>R</i> ²	0.215	0.262	0.154

NOTE: *t*-statistics in parentheses.

is taken into account, the governmental regime effect is not statistically different from zero. This fails to support hypothesis 3a which represents conventional wisdom, but it is consistent with hypothesis 3b which reflects Mayhew's finding and the pivotal politics theory broadly.

How robust are these findings? Two approaches can be adopted to address this question. One approach is to try to nullify the gridlock-interval finding (or to resuscitate the mood finding or the conventional wisdom about government regime) via indiscriminate expansion of the set of independent variables. Notwithstanding the dubiousness of such exercises, I did some of this and was unable to disconfirm the main findings in tables 3.4–3.6, with one exception. Addition of the start-of-term variable nullifies the gridlock-interval effect, in which case we confront again the puzzle of what the start-of-term effect really means: Honeymoon? Mandate? Proxy for contraction in the gridlock interval? With high multicollinearity between the start-of-term and gridlock-interval variables ($r = .70$), it is not likely that a confident answer can be found.

Another approach is represented in table 3.7 which reestimates the same equations as table 3.6 except using two different dependent variables. As discussed above, a spirited literature has emerged surrounding the issue of what constitutes a major bill. Cameron and Howell (1996) have proposed

Table 3.7
Joint Tests with Alternative Dependent Variables

	Landmark Enactments			Ordinary Enactments		
	1	2	3	1	2	3
Change in gridlock interval	-0.281 (-2.302)	-0.410 (-2.689)	-0.279 (-2.170)	-2.142 (-1.687)	-2.394 (-1.389)	-2.101 (-1.560)
Change in activist mood	0.831 (0.769)			6.426 (0.573)		
Change in domestic policy mood		0.051 (0.198)			0.725 (0.249)	
Change in tax mood			0.093 (0.728)			1.301 (0.972)
Change in government regime	3.005 (2.448)	4.072 (3.053)	2.717 (1.894)	7.273 (0.571)	10.193 (0.676)	6.827 (0.454)
Constant	0.244 (0.361)	0.621 (0.881)	0.413 (0.547)	0.869 (0.124)	0.971 (0.122)	1.329 (0.168)
N observations	23	21	20	23	21	20
Adjusted R^2	0.318	0.361	0.288	0.034	-0.048	0.060

NOTE: Source for dependent variables: Cameron and Howell 1996; *t*-statistics in parentheses.

no fewer than eight alternative measures of enactments, three-fourths of which are major in various ways. In the present context it suffices to employ two of these: their most significant category of "landmark enactments" which is composed of all and only Mayhew's sweep 1 laws,²¹ and their second-most inclusive category of "ordinary enactments" which includes all laws mentioned in the *Congressional Quarterly's* summary section. The purpose of equations 1-3 predicting landmark enactments is to provide a robustness check on the pivotal politics theory's ability to account variation in major bills. The purpose of equations 4-6 predicting ordinary enactments is to provide a robustness check on the pivotal politics theory's ability to account for variation in all but trivial legislation.

Again, three sets of findings parallel the three main hypotheses. The gridlock hypothesis continues to be supported, albeit with a qualification. The qualification is that in regressions focusing on ordinary enactments the coefficients, while of the right sign, are insignificant.²² The strong form of

21. See Kelly (1993) for an argument that this is a better list than Mayhew's "important enactments," and see Mayhew (1993) for an argument that it is not.

22. Their *p*-values range from .113 to .193.

the mood hypothesis continues to be lacking in support no matter what the dependent variable. And most interesting, the conventional wisdom form of the governmental regime hypothesis comes to life in two or three of the six equations.²³ A change from divided to unified government is associated with three or four more landmark enactments, controlling for the gridlock-interval effect. With a mean of about nine such bills over the time series, this effect seems substantively, as well as statistically, significant.²⁴

What might account for this breath of life for the conventional wisdom? I am not prepared to say, but I can offer a conjecture for future study. With minor exceptions, the only difference between Mayhew's important enactments and Cameron and Howell's landmark enactments is the inclusion in Mayhew's list of sweep 2 bills, which includes policy experts' retrospective judgments about important bills. (Sweep 2 bills are excluded Cameron and Howell's landmark enactments.) For the sake of argument, suppose there were a government-activism bias in journalists' year-end summaries of major legislation²⁵ and that such legislation is passed disproportionately during unified Democratic governments in the time series.²⁶ Suppose further that sweep 2 policy experts' lists counterbalance this bias because, for whatever reasons, they are inclined to see, say, deregulation legislation as equally significant as regulatory legislation. Then, by excluding sweep 2 bills, Cameron and Howell's list will have inflated legislative productivity under unified governments, and the positive effect in table 3.6 is an artifact of activism bias in the press. For immediate purposes, it matters little whether this speculation about measures has merit. Even in the best of circumstances, these data are soft, and the number of observations is small. That any robust findings at all have emerged is somewhat of a surprise.

Overall, the findings are sufficient for drawing three conclusions. First, the pivotal politics theory can consistently account for variation in legislative productivity in classes of important and landmark laws, though it fares somewhat less well within the broader class of ordinary laws. Second, public

23. The *p*-value for change in governmental regime in equation (3) is .076.

24. A fourth finding concerns the constant term in all the equations, which is not statistically distinguishable from zero. Although this is a null result, it is of some substantive interest, for it indicates that there is no secular trend in the production of major enactments, for example, due to economic growth, societal complexity, or increasing scope of government.

25. See, for example, Mayhew's discussion on journalists' "scripts" (e.g., Mayhew 1991, 90).

26. The sole case of unified Republican government in the time series was the 83d Congress (under Eisenhower).

moods are at best distant causes of legislative productivity across all classes of laws analyzed. Third, predictable and significant government-regime effects are rare but not nonexistent.

CAVEATS AND CONCLUSIONS

In any empirical analysis of this sort, there are soft spots. Accordingly, with two objectives in mind, known caveats are highlighted at the end of Chapters 3–9 in addition to drawing some suitably qualified conclusions. An immediate objective is to inform readers of weaknesses as well as strengths so that they can reach balanced assessments of the findings. A longer-term objective is to encourage researchers to seek improvements in measures and methods that eventually will lead to more convincing findings.

The most significant limitation of the analysis in this chapter is that, in general, it asks a lot from a small number of observations and a diverse set of measures. Any such measure can be picked to bits. Specifically, on the left-hand side of the equation, the measures of legislative productivity were known to be controversial even prior to undertaking this project. Nothing new has been added to this debate. On the right-hand side, the central and comparably questionable measure is the new variable, width of the gridlock interval. This measure has the main advantage of parsimoniously capturing the essence of pivotal politics theory, but it has several drawbacks as well. First, it implicitly assumes that the party affiliation of a legislator is a proxy for his or her preferences. In isolation, this assumption seems plausible enough. In the application, however, one might question whether a test of a nonpartisan theory should use partisan information in this manner. Second, the measure treats the House and Senate more or less identically even though the Senate but not the House has a supermajority cloture provision. Chamber-specific measures could have been developed, but this would have come at the cost of introducing multicollinearity and losing another degree of freedom in the low-N regressions. Third, the measure does not attempt to measure the president's preferences. This can be rationalized most simply assuming that the president's ideal point is exterior to the legislative pivots, v and f , which, in its most straightforward defense, is what the measure does.²⁷ But then this assumption, too, can be questioned.

27. An alternative but more complex justification for the measure also can be given based on weaker assumptions about the president. It allows the president's ideal point to shift probabilistically between designated intervals of the policy space. Because ultimately it leads to the same destination—the measure as used here—I state only the simpler (but stronger) assumption here.

In short, there are no free lunches, but there are undoubtedly alternative approaches with plausible defenses.²⁸

A broad substantive aim of this chapter was to explore the relationship, if any, between divided government and gridlock. As recently as 1990 the *if any* clause would have been viewed as a straw man, propped up only to knock down en route to an obvious alternative hypothesis: that divided government is a leading cause of gridlock. Beginning with Mayhew's seminal book a year later, however, the possibility that there is no relationship between divided government and gridlock has evolved into a straw man to be reckoned with. In Mayhew's book, as here, the central finding is: controlling for other factors, divided and unified governments are usually not significantly different in terms of their ability to produce major legislative enactments. The only exception comes with Cameron and Howell's measure of landmark enactments, which is essentially sweep 1 of Mayhew's important enactments.

The main findings in this chapter, however, are more significant than the frequent inability to reject a null hypothesis. I took a simple formal model of legislative-executive interaction—the pivotal politics theory—extracted alternative hypotheses about the relationship between preference changes and legislative productivity, measured preference attributes in a parsimonious fashion, and found significant positive support for the theoretically derived hypothesis relating the gridlock interval to legislative productivity. The pivotal politics theory, in other words, predicts more than Mayhew's eye-opening finding—that divided versus unified government *per se* does not affect legislative productivity. It also identifies and makes

28. One measurement strategy that addresses some of these drawbacks but introduces another problem is to use general-ideology measures of legislators' and the president's preferences and to calculate more directly the width of the gridlock interval as defined by the pivotal politics theory (see, e.g., Poole and Rosenthal 1985 and Groseclose, Levitt, and Snyder 1996 for examples of such measures; see Howell, Adler, and Cameron 1997 for a study of legislative productivity that employs Poole and Rosenthal's NOMINATE measures but finds null gridlock-interval results). Such an approach unquestionably imputes both cardinality and intertemporal comparability on the measures. My subjective but strong suspicion is that the measures are somewhat questionable when treated as if cardinal (e.g., a -1 to -9 change represents the same ideological distance as a 0 to $.1$ change), and very questionable when treated as intertemporally comparable (e.g., a $.5$ conservative in the Eisenhower administration in 1955 has the same overall views as a $.5$ conservative in the Reagan administration in 1995). Howell et al.'s figure 5 reinforces these *a priori* suspicions: their NOMINATE-based gridlock-width variable hardly varies. So, for various reasons, I chose not to use such measures in this chapter. Likewise, when Poole and Rosenthal's NOMINATE measures are used in later chapters, they are used only as ordinal data (with the exception of two tables included only for comparative purposes).

a prediction about a probable cause of legislative productivity: roughly, changes in the heterogeneity or homogeneity of elected officials' preferences. Furthermore, when this parsimonious preference-based concept is measured and incorporated into statistical analysis, other apparent causes, such as mood changes, evaporate.

Although these findings are subject to several qualifications, they advance the case for the pivotal politics theory a step beyond anecdotal support which is characteristic of much of the presidency literature and, to be even-handed, Chapter 2. Thus, to the degree that alternative forms of support are found as well, we have the beginnings of not only a basic knowledge of empirical regularities about U.S. government but also, potentially, a deeper understanding of why these regularities occur and what causes variation around central tendencies.