The Legislative Presidency in Political Time:

Party Control and Presidential-Congressional Relations

Richard S. Conley
Associate Professor
Department of Political Science
University of Florida
234 Anderson Hall
Gainesville, FL 32611
(352) 392-0262 x 297
I. INTRODUCTION

On May 21, 2001, just four months into the presidency of George W. Bush, maverick Senator Jim Jeffords of Vermont made a shocking announcement that rocked the Washington establishment: He was leaving the Republican Party. According to Jeffords the leadership of the Grand Old Party (GOP) had increasingly sidelined moderates, and negotiations over the president’s budget pushed him over the edge. With the Senate evenly split 50-50 after the 2000 elections, Jeffords’ decision to become an Independent and throw his support to the Democrats robbed Republicans of organizational control of the upper chamber. The consequences for George W. Bush’s agenda were immediate and far-reaching. Changes in key committee chairmanships, including Finance, Education, and Judiciary, presaged turbulent relations between the White House and the Democratic Senate. Moreover, the new majority leader, Tom Daschle of South Dakota, was a veteran of prior battles with Republicans over the Contract with America and had few scruples about criticizing and blocking the president’s agenda and judicial nominees. Indeed, George W. Bush made stalled court appointments and differences with Senate Democrats over the creation of the new Department of Homeland Security the centerpieces in his indefatigable, and ultimately successful, mid-term campaign for Republicans to regain control of the Senate in 2002.

Bush seemingly realized what some scholars have argued for decades: Party control of Congress is indispensable for the legislative presidency. Other presidents’ bouts with opposition Congresses were as, if not more, arduous than Bush’s year and a half long skirmish with Senate Democrats. Bill Clinton waged protracted veto battles with Republican majorities for six of his eight years in office, endured a government shutdown, and faced the ultimate sanction, impeachment. In his second term Richard Nixon frequently found himself at odds with
congressional spending, used impoundment in an attempt to halt profligacy, and was finally chased from office by Watergate and a resurgent Democratic majority. And Republicans Gerald Ford and George H.W. Bush, who faced opposition Congresses for the duration of their presidencies, made extensive use of the veto power to halt Democratic activism in Congress. From this vantage point, “divided government”—when an opposition majority controls one or both chambers on Capitol Hill—can place the president’s agenda at a sharp disadvantage and is a recipe for gridlock and institutional combat.  

Such conclusions, however, are incongruous with select periods in the post-World War II political landscape. Divided government seemed to matter less to Dwight Eisenhower, who got along relatively well with Democrats during six years of split-party control of the White House and Capitol Hill from 1955-60. Richard Nixon had a surprisingly high “batting average” in Congress on his position votes during his first term (1969-72). And in the contemporary period, Ronald Reagan was remarkably successful in convincing the Democratic House to approve his first year agenda in 1981. 

Many scholars also reject the thesis that single-party control of Congress and the presidency is paramount for American national institutions to function well. As David Mayhew has shown, party control of the presidency and Congress does not affect the production of “significant” laws with lasting impacts on public policy. In addition, “unified government” is rare and has not necessarily been a boon to presidential legislative leadership. Between 1945 and 2004, single-party control of the White House and Congress has occurred only 4 out of every 10 years. The legislative records of Presidents Carter (1977-80) and Clinton (1993-94), in particular, were less than illustrious to many—and suggest that unified government in the
American context scarcely approximates “responsible party government” of the British parliamentary variety.

This chapter attempts to reconcile elements of this longstanding debate about party control of national institutions by focusing on the ways in which unified or divided government does matter for presidential legislative leadership. Single-party control facilitates positive presidential engagement of Congress and furnishes more opportunities for credit-claiming. Presidents prevail more often on congressional votes on which they express a position, and agenda synergy with Congress is consistently stronger. They are sometimes able to steer the congressional agenda. At other times, their role has been to cultivate support for continuing party objectives in Congress. Scholars focused solely on congressional lawmaking have overlooked these advantageous features of unified government for the legislative presidency.

Split-party control has had a much more variable impact on presidents’ success in Congress, agenda leadership, and legislative strategy. In the early post-War period, divided government had less effect. Presidents were often able to reach across the aisle to the opposition majority and its leadership to cobble together winning coalitions on floor votes. It is in the last several decades that assertive opposition majorities have set more of the policy agenda and have forced presidents to preempt Congress or take a more reactive role in the legislative game. Heightened partisanship and organizational reforms in Congress have hampered presidents’ efforts to construct cross-party coalitions. These factors have plummeted presidents’ legislative success rates and complicated agenda control. But they have also provided contemporary presidents with a powerful, if different, form of leverage over Congress. In this era of party-unity and narrow seat margins on Capitol Hill, presidents have turned increasingly to vetoes and veto threats to gain influence over lawmaking. Opposition majorities in Congress have little
hope of finding two-thirds majorities capable of overriding chief executives’ objections, enhancing the potency of even a mere veto threat by the president to win legislative compromise.

The chapter approaches the question of party control and presidential relations with Congress from an historical perspective. The first task is to outline a theory capable of explaining the conditions that subtend different forms of presidential leadership of Congress. The objective of the framework elaborated in the next section is to consider how the intersection of broad electoral dynamics and organizational features and voting patterns in Congress shapes types of leadership opportunities presidents have had under unified and divided government since 1953. Subdividing periods of unified and divided government within contextually appropriate “eras” in the post-World War II period places into sharper perspective individual presidents’ contrasting bases for influence and success. The subsequent section examines longitudinal data on presidential success on floor votes in Congress as well as presidents’ involvement in significant legislation—from agenda leadership to veto threats—to substantiate the central argument about the pivotal impact of shifting governing contexts and party control of Congress for the legislative presidency.

II. PRESIDENTIAL LEVERAGE AND THE “ERAS OF CONGRESS”

Presidential influence, or leverage, over Congress is best conceptualized by degree along a bounded scale. At one end of the spectrum is “positive leverage” ranging from assertive presidential direction of congressional lawmaking to cross-party coalition building when the president and Congress share agenda goals. On the other end of the spectrum is “veto leverage,” a defensive strategy of partisan coalition-building, vetoes, and veto threats to forestall congressional activism when the legislative agenda is sharply contested between the White House and the majority on Capitol Hill.
The broader electoral and institutional setting presidents have confronted has determined the type of leadership they are able to exercise along this continuum. The theoretical approach borrows from the “new institutionalism” perspective. As “rational actors,” presidents—whatever their partisan stripe—are likely to pursue similar strategies when faced with similar contextual circumstances vis-à-vis Congress. The notion of presidential influence in “political time” hinges on the ways in which party control of Congress has merged with presidents’ electoral resources and internal dynamics on Capitol Hill to mold presidential legislative strategy in predictable ways in the last fifty years. These criteria are critically important in understanding the historical patterns of presidential-congressional interactions as well as contemporary developments.

The Electoral Realm

One key factor in the president’s influence in Congress is his electoral resources. Bringing more members of his own party into Congress upon his election legitimizes the president’s agenda in the eyes of the press and the public. The president’s electoral popularity in members’ constituencies is also an important component of his “political capital.”

When members of Congress feel they owe their electoral victory to the president, “coattail” effects enhance the chief executive’s potential for influence over members generally. A president’s strong electoral linkage to co-partisans may bolster his ability to set and lead the congressional agenda. “Candidates receiving coattail votes,” James Campbell and Joe Sumners note, “may be a bit more positively disposed, out of gratitude, to side with a president who had helped in their election.” For their part, opposition members may fear electoral retaliation for failing to support a president who ran strong in their district. Many Southern Democrats, for example, were concerned that a failure to support Ronald Reagan’s early agenda in 1981 would
lead to their ouster, given his widespread victories in their constituencies. In sum, legislators on both sides of the aisle must be concerned with their support of an electorally popular president because they believe that their constituents pay attention to their voting records.

The problem for presidents in the latter period of the post-War era is that coattails, however measured, have declined considerably. Gone are the days when presidents were once able to realize significant seat gains in Congress and catapult members of their own party to victory. Greater electoral competition between the two parties in the electorate for the presidency, and the growth of congressional members’ incumbency advantage, are complementary explanations for the phenomenon.

[Figure 1]

The House of Representatives is typically the reference point in analyses of coattails since all 435 seats are contested every two years. Figure 1 shows “seat gain coattails” in the House from 1948-2004. The strong seat gains for Truman in 1948 and Eisenhower in 1952 reversed party control of Congress in the president’s favor. Lyndon Johnson’s landslide election brought 38 new Democrats to Congress, and most were strong advocates of the president’s “Great Society” agenda. Seat gains have tailed off significantly since the late 1960s. Ronald Reagan’s victory is the exception to the rule, but even the gain of thirty-three Republican seats in 1980 was well short of the threshold to allow the GOP control of the House. Similarly, Nixon (1968, 1972) brought a handful of Republicans to Congress but not enough to overturn Democratic control.

Another dynamic is also visible in Figure 1. The advent of “negative coattails,” whereby the president’s party loses seats in Congress upon his election, first occurred in 1960. John F. Kennedy’s inability to solidify his partisan base on Capitol Hill certainly called into question his
claim to a “mandate”—just as Democrats’ loss of ten seats with Bill Clinton’s election did little to legitimize his far-reaching agenda after the 1992 election. Both George H.W. Bush (1988) and George W. Bush (2000) witnessed seat losses for their party in Congress upon their election. For Bush-\textit{père} the lack of seat gain coattails forced him to confront a large Democratic majority. For George W. Bush the loss of 3 seats was the third consecutive loss for the GOP since 1996, which left Republicans narrowly in charge of the House. In 2004, Bush was able to add slightly to the GOP’s majority in the lower chamber following moderate seat gains in the mid-term elections of 2002.

In tandem with the loss of seat gain coattails, presidents’ electoral popularity at the constituency level has also declined vis-à-vis members’ own margin of victory. Members with district-level victory margins less than the president’s should fall under greater pressure to back his legislative stands. Eisenhower’s electoral popularity (1952, 1956) outpaced between half and nearly two-thirds of Republicans. Nixon ran ahead of over half of the GOP members elected in 1972. And Johnson’s 1964 victory trumped that of over half the Republican members in their districts—in part due to the effect of Barry Goldwater’s lackluster campaign.

Yet most other presidents have “run ahead” of fewer members of their own party or of the opposition party. Apart from Johnson, Democratic presidents have generally had few “marginal coattails” at the district level despite enjoying a majority of their copartisans in the House. John F. Kennedy (1960) and Jimmy Carter (1976) ran ahead of less than a tenth of Democrats, and hardly any Republicans. In the era of nearly consistent divided government in the last twenty years, Ronald Reagan (1980, 1984), George H.W. Bush (1988), Bill Clinton (1992, 1996) and George W. Bush (2000) ran ahead of no more than approximately a third of their co-partisans and typically less than a sixth of opposition members.
The critical point is that presidents today frequently confront members on both sides of the aisle whose electoral victories owe little to the campaign for the White House. Members’ incumbency advantage is a key factor in the disappearance of coattails. Incumbency advantage for members of Congress began to increase in the 1960s and by the mid-1980s nearly nine in ten members garnered 60 percent or more of the two-party vote at the district level—a much greater percentage of the vote than most presidents are typically able to marshal in their co-partisans’ constituencies, let alone in opposition members’ districts.\textsuperscript{10}

The increasingly tenuous electoral linkage between presidents and congressional majorities has weakened presidential influence in the legislative sphere. As an aid to President Kennedy noted, “If the President runs behind in your district, he becomes a liability. If the President can’t help you, why help him?”\textsuperscript{11} Under unified conditions, recent presidents like Carter or Clinton have had a more fragile basis from which to set the legislative agenda and pursue their own independent policy goals compared to Johnson. They have frequently had to resolve themselves to lend support for congressional priorities, with much more narrow windows of opportunity opening for the pursuit of their own agenda objectives. Under divided party control, members of the opposition party have few incentives to follow the president’s lead. Their constituents have rejected the president’s electoral bid. The president’s ability to construct cross-party coalitions erodes as coattails decline.

\textit{The Internal Configuration of Congress}

Another critical factor in the president’s influence in Congress is the internal configuration of Congress. The relative levels of centralization of the leadership structure on Capitol Hill and intra-party cohesion on floor votes operate together with presidents’ electoral resources to condition the degree to which they can steer the congressional agenda and construct
partisan or cross-partisan coalitions for their positions, whether under single- or split-party government.

Unified or divided government has occurred within distinguishable “eras” of Congress, as Roger Davidson calls them, marked by decisive turning points in leadership organization and voting alignments. Grasping the essential features of Congress in the “bipartisan conservative” (1947-64), “liberal activist” (1965-78) and “postreform/party-unity” (1979-present) eras clarifies the nexus between party control, institutional dynamics in Congress, and presidential influence across time. Congressional “time” moves at its own rhythm, defying the regular cycle of presidential elections.

**The “Bipartisan Conservative Era”**

The policymaking context on Capitol Hill from 1947 through the mid-1960s enabled presidents—especially those with longer coattails—to lobby individual members and party leaders on both sides of the aisle. Presidents found that members often looked to them for issue leadership. Weaker leadership coordination and lower levels of party-unity defined dynamics in Congress. The diffusion of power among senior committee members robbed the Speaker and majority leader of the tools for enforcing party cohesion in the House of Representatives. In the halcyon days of the “textbook Congress” of smoky, backroom bartering and “logrolling,” fewer votes pitted a majority of one party against a majority of the other.

Cross-party coalitions were frequent because both Democrats and Republicans were internally divided. Moderate members often held the balance over legislative outcomes on the floor of the House. James MacGregor Burns’ notion of “four-party” politics captured the essence of the period, as liberal Democrats and conservative Republicans in Congress faced a large contingent of their copartisans whose ideological stances were closer to the opposing
party. The influence of these cross-pressured legislators resulted in shifting voting alignments and de facto policy majorities that often changed according to the issue, no matter which party had the nominal majority in Congress. Despite Democratic control of Congress for all but two years (1953-54) from 1947-64, the conservative coalition of southern Democrats and conservative Republicans often carried the day on economic, defense, and social issues. In other cases liberal Democrats and moderate Republicans could join together on select bills such as civil rights and prevail.

The conservative coalition did often frustrate the agendas of Democratic Presidents Truman and Kennedy (not to mention Roosevelt)—despite the fact that each president had titular Democratic majorities in Congress. Southern Democrats, for example, bottled up Kennedy’s Medicare proposal in committee. Yet cobbling together winning cross-party coalitions was not impossible. Kennedy was successful in brokering intra- and cross-party support for other important elements of his “New Frontier” domestic agenda, including housing, manpower training, and urban development, by highlighting constituency benefits to legislators on both sides of the aisle. And through his perseverant leadership Lyndon Johnson was able to overcome staunch southern Democratic opposition to the 1964 Civil Rights Act by unifying liberal Democrats and moderate Republicans.

Under divided government from 1955-60 Republican President Dwight Eisenhower proved skilled at reading the congressional landscape and manipulating voting alignments on Capitol Hill to his advantage. Eisenhower successfully married southern Democratic and Republican support for his stands against domestic spending, including veto overrides occasionally attempted by the Democratic leadership. In other cases, such as civil rights and
foreign affairs, he reached across the aisle and marshaled the support of moderates in both parties for his stands.  

It is little wonder that in this “bipartisan conservative” era from the 1940s-1960s party control of Congress seemingly mattered less to the legislative presidency. The conservative coalition was the dominant voting alignment, whatever the partisan configuration of the White House and Capitol Hill. Unified government for Democratic presidents was a tenuous arrangement marked by internal divisions between northern and southern Democrats that undermined any basis for “party government.” The situation was compounded for Democratic Presidents like Kennedy who had no coattails. By contrast, the ever-popular Eisenhower played those divisions in Congress like a fine-tuned instrument, often negotiating behind the scenes in what Fred Greenstein typecasts the “hidden-hand” presidency. Given his relatively limited legislative agenda Eisenhower was able to enjoy more than a modicum of success in the legislative arena.

*The “Liberal Activist” Era*

The lack of strong intra-party cohesion and a decentralized setting in Congress continued into the early 1970s. Lyndon Johnson’s electoral landslide in 1964 momentarily broke the hold of the conservative coalition in Congress. Johnson’s coattails provided a *working* legislative majority of liberal Democrats (at least before the mid-term elections of 1966) that enabled him to direct the contours of lawmaking around his “Great Society” agenda. Much of the far-reaching legislation adopted from 1965-1972 passed by large bipartisan coalitions, which were a reflection of broad congressional agreement on public policies proposed or backed by the president.
Richard Nixon was caught up in the momentum of the consolidation of the Great Society agenda in Congress. During his first term he was generally unwilling to challenge the large Democratic majorities he confronted. Shifting policy coalitions sometimes permitted him to ally his administration with select policy endeavors and exercise some influence over the substance of legislation. But most of all Nixon sought opportunities for credit-sharing with Congress as he kept a keen eye on reelection. In light of the public mood for policy action, positive competition developed between the president and Congress to minimize protracted conflict.  

The continuing Democratic agenda on Capitol Hill was, nevertheless, anathema to Nixon’s policy preferences. The proof came after his landslide reelection in 1972. Nixon’s actions formed a critical turning point in executive-legislative relations. His extensive impoundment of funds for domestic programs and vetoes of congressional bills, followed by the Watergate scandal, set in motion an irreversible tide in Congress that brought about stronger party leadership and greater intra-party cohesion among Democrats. The post-Watergate environment on Capitol Hill presaged the twilight of the fluid legislative coalitions of yesteryear. 

Democrats judged structural reforms essential to fend off Nixon’s threat to the party’s agenda. They re-vamped the committee system to loosen conservatives’ grip. The House Speakership was strengthened to allow the Speaker greater control over committee appointments and the referral of legislation to committees. The party whip system was also extended to co-opt members into the leadership structure and guarantee stronger party loyalty. The objective was to reinforce Congress’ autonomous policymaking capacity.

The sum total of these reforms produced an environment scarcely conducive to President Ford for building cross-party coalitions under divided government. The reforms also entailed ramifications for President Carter under unified conditions. The Republican Ford, who had been
elected neither to the vice-presidency nor the presidency, had no electoral leverage over Congress. He faced an uphill battle in attempting to marshal Democratic support among leaders, committee chairs, or rank-and-file members upon assuming the presidency after Nixon’s resignation. He resorted frequently to the veto to halt domestic spending, casting a total of forty-eight vetoes in just over two years. Ford’s biggest challenge was warding off Democrats’ earnest attempts to override his vetoes. He strove to keep his small Republican minority unified and garner whatever Democratic votes he could to reach 33 percent in the House or the Senate—which was no easy task in light of Democrats’ significant gains in Congress in the 1974 elections.23

The context of Carter’s election, combined with stronger congressional organization, substantially weakened his influence over Congress, despite a Democratic majority in Congress from 1977-80. Carter was the first president to come to office following the McGovern-Fraser reforms, which marginalized the role of party and congressional leaders in the presidential nomination process. His “outsider” and “anti-Washington” candidacy for the White House may have been in step with public sentiment following Watergate, but it compounded a breach in comity between him and the Democratic majority in Congress.24

As Charles O. Jones argues, “Democrats (and some Republicans) came to think of themselves as an alternative government during Nixon’s second administration.”25 Though Nixon had departed, the mindset remained. Carter’s travails were connected to changes in congressional policymaking ability, which curtailed members’ need to look to him for policy leadership. In addition, Carter’s own agenda—the “politics of the public good” and an emphasis on deregulation—fit uncomfortably with his copartisans’ aspirations. Congress often (and belatedly) passed scaled-down versions of his proposals, such as the energy plan. Finally, his
vetoes “on principle” of Democratic constituency projects provoked a significant backlash and embarrassing overrides.

Carter was arguably most successful when he identified continuing legislative proposals or “promising issues”26 in Congress that were aimed at calibrating government policy with the new and difficult economic context of the mid- to late 1970s, such as banking regulation, social security taxes, and minimum wage legislation. Unified government did matter, even if Carter’s term hardly reflected the lionized “FDR” or “LBJ” models of strong presidential leadership of Congress. The electoral and institutional contexts surrounding Carter’s term were simply not commensurate with these Democratic predecessors.

The “Postreform/Party-Unity” Era

More than any other single factor, Ronald Reagan’s stunning legislative successes in 1981 marked another pivotal turning point in congressional organization and stability in voting alignments in Congress, with far-reaching consequences for the legislative presidency in the contemporary era. This defining moment in political time has continued to shape many of the contours of executive-legislative relations into the new millennium. The Democratic majority’s reaction against Reagan foreshadowed trends that would dominate two decades of nearly constant divided government—and would outlive the Democratic majority itself as the 1994 elections dramatically ushered in the first Republican majority in the House in forty years. Republicans only bolstered the trend toward “conditional party government” in Congress that Democrats began a decade and a half earlier.27

Reagan’s early agenda to cut domestic spending and taxes while increasing defense expenditures polarized Congress. His ephemeral legislative successes in 1981 owed to strong unity in the ranks of congressional Republicans and critical support from a waning contingent of
cross-pressured southern Democrats whose ideological positions were closer to the median GOP member—and in whose districts Reagan had been particularly popular in 1980. Cross-party voting alliances in the early 97th Congress (1981-82) represented a sort of “last hurrah” for the conservative coalition, which, in Reagan’s first year, was instrumental in pushing his agenda across the threshold of victory.

Just as their leadership reforms in the early 1970s had been a reaction against Nixon, Democrats in the early 1980s embarked on an institutional reform program that was aimed at thwarting Reagan’s ability to make the majority’s preferred legislation vulnerable to the combination of Republican challenges and southern Democrats’ defections from the party line. Progressive Democrats redoubled efforts to centralize power and authority in the leadership and reinvigorated the party whip organization. They bolstered the Speaker’s ability to control the referral of legislation to committees and to implement restrictive rules on floor amendments to bills. The objective was to insure greater intra-party cohesion and enable a growing liberal core in the Democratic majority to control more fully policy outcomes.28

Electoral forces that coalesced during Reagan’s term also fueled Democrats’ reformist impulse. Congressional scholars Joseph Cooper and David Brady argue that the institutional strength of parties in Congress is a reflection of polarized constituency configurations in the electorate.29 Rank-and-file Democrats found the benefits of centralizing power and authority in a stronger leadership organization a necessary and desirable practice in order to enhance the party’s agenda-setting capacity and safeguard constituents’ interests.30

Reagan’s early legislative successes provoked a sense of urgency for leadership reforms because the more steadfastly liberal Democratic membership in the 1980s resented the ability of a shrinking number of conservatives to thwart the majority’s policy aspirations. Membership
turnover and generational replacement of retiring senior Democrats with new Republicans in the South, as well as redistricting in the 1980s and 1990s, evaporated the traditional ideological rift between northern liberal and southern conservative Democrats. Indeed, by the 1990s, the few Democrats elected from the South were typically African-Americans whose ideological positions mirrored those of their colleagues across the nation. Thus, the “geographic realignment” of the southern electorate was a key factor in precipitating reforms as party competition increased with Republican gains in the Sunbelt.

By the end of 1982 the effects of Democrats’ efforts were palpable for President Reagan’s fortunes in the legislative sphere. The conservative coalition had all but disappeared as a structural force in the House. The more fluid voting alignments that Reagan had manipulated during his first year were replaced by growing inter-party unity. The president’s successive annual budgets were declared “dead on arrival” in Congress and House leaders put forth their own alternatives. Reagan increasingly turned to the veto to halt Democratic legislation that threatened his early policy accomplishments.

Reagan’s successor, George Herbert Walker Bush, inherited this highly structured policymaking environment on Capitol Hill after winning a bitter campaign in 1988 that left Democrats in charge of both chambers of Congress. Without much of a domestic agenda of his own, Bush focused instead on maintaining “veto strength” against the Democratic legislation he most vehemently opposed. Aided by party-unity voting in the House, Bush sought to insure enough Republican votes (= 33%) to sustain any override challenge to his vetoes. In this way he managed much legislative business through reactive veto threats aimed at forcing Democrats to drop objectionable provisions on bills ranging from the budget to social services. His threats
were buttressed by a nearly perfect veto record.\textsuperscript{31} Of the twenty-nine regular vetoes he cast, he suffered only a single override.

The importance of electoral and constituency factors as the driving force behind stronger party government in the House is accentuated by Republicans’ organizational choices following the 1994 elections, which reversed 40 years of Democratic control. All House GOP candidates signed the \textit{Contract with America}, campaigned on the policy goals in the platform, and felt compelled to make good on their promises.\textsuperscript{32} The principles of the \textit{Contract} served as a basis for Republican unity in much the same way that Democratic rules of the 1980s and 1990s “bonded” members and conditioned their legislative support.\textsuperscript{33} As Barbara Sinclair notes, Republicans were eager to give their leaders “many of the same tools that Democrats utilized when they were in the majority.”\textsuperscript{34} In the 104th Congress party-unity reached heights not seen for over a century.

The policymaking context on Capitol Hill following the 1994 elections redefined Bill Clinton’s legislative presidency. In his first two years in office Clinton had struggled to mount a legislative \textit{offensive} on health care reform, the federal budget, and crime. He confronted a hostile Republican minority and a frequently skeptical Democratic majority in Congress with which he shared few electoral connections. After 1994 the GOP \textit{Contract} supplanted Clinton’s agenda as the focus of policy debate in Congress and relegated him to the sidelines. Clinton was forced to turn to a \textit{defensive} strategy centering on veto leverage. His warning to the Republican majority that the president was still “relevant” to the legislative process because of his veto power was a harbinger of the intense policy battles that would follow.\textsuperscript{35} Clinton maximized party-unity to sustain his ability to threaten vetoes and force the GOP majority to compromise on policy specifics.\textsuperscript{36} And like his predecessor, George H.W. Bush, Clinton had a nearly perfect
veto record. Of the thirty-seven regular vetoes he cast from 1995-2000, he suffered only a single override.

From this brief narrative spanning the last 50 years, it is obvious that the post-reform/party-unity era has been the most salient for executive-legislative relations during times of divided government. Stronger party cohesion in Congress has transformed presidential strategy. With few coattails vis-à-vis the opposition party and unable to build cross-party coalitions, presidents have had to turn to veto leverage to gain influence over lawmaking dynamics. It is not simply a question of presidents enduring low “batting averages” for their legislative positions in Congress. Rather, as the next section elucidates, divided party control in the postreform/party-unity era has complicated presidents’ agenda-setting efforts and ability to claim credit for significant policy outcomes, which are more frequently driven by assertive opposition majorities. Stronger parties in Congress have also proved a mixed blessing to presidents under unified conditions. With few coattails and facing a more independent and better-organized membership within their own congressional base, Presidents Carter and Clinton had a weaker basis for autonomous policy successes—and often their most considerable policy accomplishments were to further longstanding party objectives blocked by their predecessors.

III. PRESIDENTIAL SUCCESS AND SIGNIFICANT LEGISLATION ACROSS ERAS

Data on presidents’ floor success in Congress and their involvement in significant domestic legislation substantiate the “eras” framework for grasping how executive-legislative relationships have changed with party control of national institutions over time. The much more variable impact of divided government on presidential success and legislative strategy contrasts significantly with the consistently higher presidential floor success rates and agenda synergy
with Congress under unified conditions. Let us now examine several key empirical indicators in greater detail.

**Presidential “Batting Averages” in Congress across the Eras**

One benchmark for testing the effect of party control of Congress for the legislative presidency is the rate of presidential-congressional “concurrence,“ or the percentage of times floor outcomes correspond to presidents’ positions. Figure 2 shows this measure of annual presidential success in the House of Representatives in times of unified and divided government.38

[Figure 2]

Consistently higher levels of presidential-congressional agreement during periods of unified control are unmistakable. Eisenhower (1953) and Johnson (1965) top the chart with success rates of over 90 percent. Similarly, Clinton (1993) and George W. Bush (2001-2003) enjoyed success rates of over 80 percent on their legislative stands. Carter’s (1978) batting average is the lowest among presidents under unified government, but never fell below 70 percent.

There is far more inconsistency in presidential success rates during divided government. In the bipartisan conservative era, Eisenhower’s (1955-60) success rate never dipped below 50 percent—and in 1956 and 1958 his legislative stands carried the day almost as frequently as under unified government in 1954. In the liberal activist era Nixon’s first term success rate is stunning. Executive-legislative concurrence never dropped below 70 percent. The data allude to Nixon’s strategic position-taking in favor of popular legislation during his first term as he eyed reelection. Following his successful 1972 campaign, Nixon’s success rate fell by almost half as he began to oppose congressional action more much more frequently.
It is during the postreform/party-unity era, however, that the effects of divided government on presidential-congressional concurrence have been most dramatic. Reagan’s success rate of over 70 percent in 1981 marks a clear dividing line. Following Democrats’ reorganization efforts his success rate fell steadily over time. In his last three years in office Reagan’s positions carried the day no more than a third of the time. With few exceptions, divided government for Reagan’s successors—Bush and Clinton—pushed presidential success rates below 50 percent.

Regression analysis enables a more systematic test of the net effects of party control on presidential success while controlling for the “natural” decay of presidents’ influence over the course of their terms. Many scholars posit that as presidents make decisions and take policy positions, their “political capital” wanes and members on both sides of the aisle may become disappointed or disaffected. Presidents’ batting averages, therefore, should be the greatest at the beginning of their terms under both unified and divided conditions.

Time-series regression confirms how congressional eras in the post-War period have differentially affected presidential floor success rates. Details on the analysis are in endnote. Time in office does take an inevitable toll for all presidents. Executive-legislative concurrence declines by about 2 percent for every year of a president’s term, regardless of party control. But all things being equal, under unified government presidents can expect success rates of approximately 87 percent. Divided government causes a variable drop in the president’s batting average. In the bipartisan conservative era the model does not predict dramatically lower presidential success rates compared to unified government. The equation estimates a success rate between 57 and 69 percent for Eisenhower, with the higher score coming in his first term. Even in the liberal activist era the model forecasts average presidential success rates to fall
between 60 and 69 percent, controlling for time in office. It is in the postreform/party-unity era that divided government has the most damning effect on presidential success. The model forecasts success rates no higher than 51 percent—and as low as 36 percent for two-term presidents like Reagan and Clinton.

The greater impact of divided government on presidential success is intrinsically linked to more stable, partisan voting coalitions in Congress, ideological conflict between presidents and opposition majorities, and party leaders’ authoritative control of the legislative agenda. In the postreform/party-unity era of divided government presidents now oppose bills reaching the floor far more than they support them. And they lack essential electoral resources to persuade opposition majorities to take voting stances against their majority leadership. By the end of Reagan’s second term he opposed nearly three-quarters of the congressional bills on which he took a position. Similarly, Clinton opposed approximately two-thirds of all bills that reached the floor. The current context stands in stark contrast to President Eisenhower, who had more opportunities to maneuver across party lines in Congress or President Nixon, who chose to ally himself to elements of the congressional agenda.

Presidential “batting averages” in the Senate are similar to the House, despite important contrasts in structural features between the chambers. Leaders in the Senate cannot set rules governing floor debate in the same way that their House counterparts can. Other antimajoritarian features of the Senate—including the filibuster and nongermaine amendments—render strong party leadership far more problematic in the upper chamber. Yet, while intra-party cohesion has been slower to coalesce in the Senate, “there is little question,” as Burdett Loomis posits, “that the Senate has grown more partisan since the 1970s, under Democratic and Republican regimes alike.”40
Time-series regression of presidential success rates in the Senate confirms that the “eras” approach also helps to explain executive-legislative concurrence in the upper chamber. Under unified government presidents can expect success rates of 86 percent, with time eroding their batting average by 2 percent for each year in office. Divided government in the bipartisan conservative era yields an expected drop, per se, of only 7 percent in Eisenhower’s annual success rate. But when presidents faced an opposition majority in either the liberal activist or postreform/party-unity era their success rates drop dramatically—by 17 and 16 percent, respectively—holding time constant. In other words, presidents in these two eras can expect batting averages between 52 and 69 percent, depending on their year in term. Although these success rates are slightly higher compared to the House, the data validate that the Nixon and Reagan presidencies were pivot points in prompting internally cohesive parties and growing executive-legislative disagreement in the Senate.

Significant Domestic Legislation, Presidential and Congressional Agendas, and Veto Politics

The foregoing analysis of presidential success rates accentuates that in recent decades divided government has had a profoundly negative impact on one benchmark measure of presidential influence in Congress. But the story does not end there. To appreciate more fully the disproportionate impact of divided government on presidential legislative strategy in the contemporary era, and subtle differences in presidential leadership in periods of unified control, it is vital to examine presidential involvement in significant or “landmark” bills.

Mayhew’s Landmark Bills

A reexamination of David Mayhew’s “significant” legislation in the post-War period furnishes a more substantial focus on agenda setting between the branches, presidential strategy, and legislative outcomes that further highlights differences in presidential legislative leadership
across time and by party control. Using historical “sweeps” of media and scholarly accounts of legislation that observers regard as having an enduring impact on American public policy, Mayhew assembled more than 300 laws from 1947-2002. He is most interested in providing evidence that divided government does not produce legislative gridlock. The proportion of laws produced under unified and divided government, he shows, does not differ greatly. Yet Mayhew fails to answer a critical question for scholars of the presidency: Are such laws the product of presidential or congressional agendas, and how does presidential strategy and engagement on such laws vary by party control across time?

[Tables 1 and 2]

Tables 1 and 2 re-categorize Mayhew’s significant laws by divided and unified government, respectively, for biennial congressional periods across the three eras. Landmark foreign policy laws were purged to leave a focus on the 260 domestic bills passed from 1953-2002. Detailed research of presidents’ State of the Union Addresses, statements, and legislative histories was undertaken to test the degree to which significant legislation had at least some correspondence to the president’s stated policy objectives—and if not, whether the president supported, opposed bills, or “stayed quiet” and took no position on bills inspired by Congress. Bill histories were also utilized to determine whether each bill was subject to “veto politics,” including threats, prior vetoes, and veto overrides. This approach paints a vastly more intricate picture of presidential-congressional engagement in the legislative realm on legislative enactments with durable impacts on domestic public policy.

Analysis of presidents’ involvement in “important” domestic lawmaking underscores the qualitative change in the way presidents have negotiated an increasingly contested agenda with opposition majorities through the veto power in the postreform/party-unity era. Presidents’
recourse to veto leverage, and the higher proportion of significant laws with no connection to presidents’ stated agendas, contrasts mightily not only with periods of unified government generally but also earlier periods of divided party control. The analysis also places into sharper perspective the subtleties involved in presidential management of shared agendas with Congress under unified government, depending on the strength of presidents’ institutional position across eras.

Table 1 shows that during divided government in the bipartisan conservative era the lion’s share of significant legislation passed emanated from Eisenhower’s priorities. Bills included the federal highway bill of 1956, the National Defense Education Act in 1958, and the civil rights bills of 1957 and 1960. No other period of divided government shows a similar linkage between significant legislation and the president’s agenda, even if legislative “output” was rather modest overall. On bills that percolated up from Congress, the president generally took favorable positions.

Eisenhower utilized the veto as a last resort on congressional bills. He vetoed a farm bill and a housing bill but managed legislative coalitions in Congress to block override attempts by the Democratic majority. He won compromise on later renditions of the bills. Eisenhower’s electoral popularity, the fluidity of legislative alignments in Congress, and a weak leadership organization on Capitol Hill were key ingredients in his leadership on landmark bills. His amiable relations with Democratic leaders and the conservative policymaking environment of the 1950s enabled both the White House and Congress to share credit for policy accomplishments, with members on Capitol Hill often looking to him to take the lead.

The liberal activist era marks a qualitative change in presidential management of divided government. Examination of legislative data lends credence to the thesis that President Nixon
was not the driving force behind many of the significant bills of the day.\textsuperscript{45} The data convey a highly varied legislative strategy, particularly in the 91st Congress (1969-70).

Nixon did garner a few clear policy victories. He successfully persuaded Congress to pass revenue sharing with the states, the extension of unemployment insurance coverage, and funds to improve the nation’s air transit system. Yet in three cases he threatened to veto his very own proposals when the Democratic majority went further than he liked. Engaged in a tug of war with Congress to take credit for popular policies, Nixon proposed a 10 percent increase in Old Age, Survivor, and Disability Insurance (OASDI) benefits as part of the Social Security increase of 1969. In a move to upstage the president, House Democrats adopted a 15 percent increase. Nixon backed down from his veto threat over the costs given the program’s widespread popularity.\textsuperscript{46} Similarly, Nixon threatened to veto a bill on coal-mine safety he had proposed after sparring with Democrats over workmen’s compensation issues. He yielded when more than a thousand West Virginia miners walked off their jobs in protest of his veto threat.\textsuperscript{47} Nixon was somewhat more successful in exacting concessions from Democrats on his proposal for a 5 percent surcharge on higher incomes in the 1969 Tax Reform Act.\textsuperscript{48}

The bulk of other legislation from 1969-74 (91st, 92nd and 93rd Congresses) was the product of congressional action. Nixon took no position on a third of the bills passed from 1971-74, including Supplemental Security Income (1972), the Higher Education Act of 1972 that established Pell Grants for college students, the Social Security increase of 1973, or the Housing and Community Development Act of 1974. In other cases, he publicly supported bills that originated in Congress in order to take a bit of credit—as he did on so many roll-call votes. Nixon supported the Equal Employment Opportunity Act of 1972, the Agricultural and Consumer Protection Act of 1973, and federal aid to health maintenance organizations (HMOs).
Nixon sought to avoid taking clear-cut opposition for many popular bills. He was generally loath to veto significant legislation, and twice he was overridden when he did—once in 1972 on water pollution and again in 1974 on the Freedom of Information Act. Many of his veto threats on congressional legislation were aimed at reducing the cost of bills, such as the AMTRAK rail passenger legislation of 1970. Still, in other cases, Nixon accepted legislation he had neither asked for nor wanted. The best example is the passage of price control legislation in 1970. The legislation was enabled the president to control inflation by imposing wage and price freezes. Nixon signed the bill reluctantly, contending that he would have rather vetoed it.\textsuperscript{49}

On balance, the evidence shows that Nixon was co-opted to a large degree by the continuing Democratic “Great Society” agenda in Congress that carried over from Lyndon Johnson’s term. On some policy issues the “public mood” in Congress and in the nation prompted Nixon and Democrats to find common ground. But it is erroneous to argue that the majority of landmark bills passed under Nixon’s watch were linked to his preferred agenda. Nixon recognized his limited leverage over Congress. He tried to portray himself as a conservative reformer while claiming credit for popular legislation as he postured for reelection. Thus, he “acted variously as initiator, acquiescer, footdragger, and outright vetoer. But the bills kept getting passed.”\textsuperscript{50}

The effect of stronger parties on presidential leadership of significant lawmaking under divided government is unambiguous in the postreform/party-unity era. The data accentuate three critical trends. First, few landmark bills are consistently connected with presidents’ stated policy objectives. No more than approximately a third of the bills are linked to the president’s stated agenda. Second, presidents “stay quiet” and take no position on congressional legislation approximately a third of the time on average. They either disagree with the legislation but
choose not to challenge it, or they seek to avoid calling attention to policy accomplishments spearheaded by the opposition. Bill Clinton is the exception. He frequently went out of his way to support congressional legislation in the 104th Congress. As Clinton eyed reelection in 1996 he sought to steal some of the thunder from popular elements in the Republican’s *Contract with America*, including congressional accountability, regulatory matters, and immigration reform. Finally, the veto power plays a considerably larger role in presidents’ negotiation with opposition majorities in the current era. A little more than one-third of all landmark bills involved the presidential veto in some form—either implied or applied.

Presidents’ increased use of veto threats underscores their adaptation to the highly partisan landscape on Capitol Hill. “Often the purpose of a veto threat is not to kill the legislation,” Barbara Sinclair posits, “but to extract concessions from an opposition majority that has major policy differences with the president but lacks the strength to override his vetoes.” Reagan, for example, threatened to veto agricultural and job training bills in the 97th Congress in order to coax Democrats to reduce spending levels. Similarly, in the 106th Congress Bill Clinton threatened to veto the “Ed-flex” education bill in order to force Republicans to drop an amendment that would have shifted money to existing special needs students rather than to his objective of hiring new teachers.

In many other cases presidents use veto threats in the bid to reframe the policy debate and preempt Congressional action with their own proposal. To gain an upper hand over policymaking they threaten to veto any measure that does not correspond to their preferences or contain key provisions. In an era of narrow party margins and heightened party-unity in Congress, their threats have been generally quite successful. George H.W. Bush threatened to veto his proposal for the savings and loan industry bailout in 1989 if Congress did not accord the
Treasury Department greater latitude in the bill’s implementation. In the 105th Congress Bill Clinton preempted congressional Republicans’ longstanding calls for a balanced budget. He issued multiple veto threats to indicate which domestic program cuts were “off the table.” Most recently, George W. Bush threatened to veto the USA Patriot Act if Congress refused to accord provisions for broader law enforcement leeway concerning suspected terrorists.

In a much more dramatic battle with Senate Democrats over homeland security, Bush saw momentum building in Congress to reorganize the federal government in the war on terrorism. After months of eschewing talk of reorganization, Bush launched his own proposal for reorganizing 22 existing agencies into a new Department of Homeland Security. When Senate Democrats refused to grant him the broad license he sought concerning hiring, firing, and appointments in the new entity, Bush threatened to veto the bill and it stalled. The president ultimately waged a successful electoral campaign on the issue, which brought about a Republican majority in the Senate and prompted the lame-duck Democratic majority in 2002 to pass the bill on the president’s terms.52

In examining Table 2 what distinguishes periods of unified government decisively from divided government in the postreform/party-unity era—and indeed, from split-party control more generally—is the proportion of significant legislation that is steadily connected with the president’s stated policy objectives and the absence of veto politics. Seventy-three to 100 percent of landmark bills are connected to presidents’ agenda, whatever the congressional era, and presidents explicitly supported whatever proportion of significant legislation was spearheaded by their congressional majorities. The data are a testimony to the consistently stronger agenda synergy between the branches that is fostered by unified party control.
It would be a mistake, however, to conclude that each president had equivalent leverage over Congress and was able to direct significant lawmaking during the relatively brief interludes of unified government in the last sixty years. A more discriminating analysis underscores that in recent eras President Carter and Clinton were better situated to facilitate continuing party objectives in Congress, some of which were blocked by their Republican predecessors under divided government. The more electorally autonomous membership in Congress, in conjunction with stronger leadership organization, often hindered advances on their own independent policy agenda. By contrast, Lyndon Johnson’s substantial leverage in the legislative realm translated into an unrivaled ability to manage and direct the congressional docket. Johnson’s landslide election in 1964 legitimized his “Great Society” agenda in a way that neither Carter’s narrow victory over Ford nor Clinton’s plurality in 1992 did for their campaigns. Moreover, Johnson’s coattails produced a largely deferential majority in Congress, which stood poised and willing to pass his policy priorities—a key ingredient missing for Carter and Clinton.

Much of the domestic legislation adopted from 1965-68 was Johnson’s initiative, from voting rights and bills connected to the war on poverty to environmental and regulatory legislation. The pace of legislation is nothing less than extraordinary. More landmark domestic bills passed in Johnson’s term than the Carter and Clinton single-party experiences combined. Many of the laws represented new programs targeted at urgent social issues, including the Elementary and Secondary Education Act (1965), the establishment of the Department of Housing and Urban Development (1965), and the Appalachian Regional Development Act (1965). Others represented continuing issues that carried over from Kennedy’s presidency and had been blocked by southern conservatives in the Democratic majority, such as Medicare and the minimum wage.
Johnson’s involvement in the legislative realm is unmistakable. Regulatory bills concerning environmental quality, food, and consumer rights often followed presidential blue-ribbon commissions he ordered. Johnson intervened in House organizational politics to force legislation, like Medicare, out of committee for a successful floor vote. He worked across party lines to co-opt Republican leaders Charlie Halleck and Everett Dirksen to build bipartisan consensus on social and civil rights legislation. He also had no qualms about giving legislators the “treatment,” his highly effective technique of direct persuasion through personal confrontation. To be sure, congressional action was not always quick on the thirty-seven landmark bills. Congress delayed passage of Johnson’s income tax surcharge proposal for nearly a year, and the national scenic trails system bill for three years. Sometimes Congress went beyond Johnson’s proposed framework, as it did by adopting more stringent rules in the Clean Waters Restoration Act of 1966. Regardless, Johnson’s policy objectives formed the core of the shared agenda with Congress. His strong leverage over Congress enabled him to direct the contours of lawmaking in the 89th and 90th Congress, the results of which left an indelible imprint on American social policy.  

Jimmy Carter, like Bill Clinton, had much weaker leverage over Congress. Several landmark bills were linked to Carter’s independent agenda, including trucking, airline, and railroad deregulation. Yet Carter lent his explicit support to several bills earlier blocked by President Ford that were clearly part of a continuing agenda on Capitol Hill. Carter reinforced support for surface mining legislation in 1977, which Ford had vetoed twice. He also lent his support to rework Ford’s stalled proposal on Social Security taxes and urged passage of the Clean Air Act amendments. Alaska lands, minimum wage, and banking legislation also
represented “unfinished business” in the Ford Administration on which Carter spurred congressional action.

In a like manner, Bill Clinton also expended much effort lending support for the carryover agenda in Congress and making incremental adjustments to existing domestic programs. Clinton’s potential to advance his independent agenda was more circumscribed. The Omnibus Deficit Reduction Act of 1993, though it gained not a single Republican vote, national service (Americorps), education goals (Goals 2000), and reforming college loan financing policies were among his greatest agenda victories. But as many priority bills were linked to the continuing agenda in Congress. Clinton’s predecessor, George H.W. Bush, had vetoed Democrats’ efforts to pass gun control, family leave, and “motor voter” bills. Clinton unequivocally supported the Family Leave and Medical Act, Motor Voter Act, and the Brady Bill and Omnibus Crime Act as a means of advancing the party agenda and sharing credit with Democrats in Congress for the passage of longstanding party objectives.

IV. CONCLUSION

Critics who contend that party control of Congress and the presidency does not matter often make several broad arguments. First, they tend to focus on the disappointments of presidential legislative leadership under Carter and Clinton—what did not pass in Congress versus what did. The failure of Clinton’s health care reform without a vote and the laborious passage of Carter’s energy plan are routinely cited as examples. Second, critics point out that unified government has not, even under the best circumstances, yielded “responsible party government” in the United States. Finally, scholars focused on legislative productivity posit, quite correctly, that the pace of landmark legislation is not stifled by split-party government.
This chapter has provided evidence to show precisely why party control of national institutions *does matter* to the legislative presidency, notwithstanding critics’ objections. Recent presidents have not profited from the type of leverage over Congress that a single president—Lyndon Johnson—did in an earlier era. Carter and Clinton struggled with a more autonomous membership and because of their lack of coattails. But they were able to facilitate the passage of many bills that had been blocked under former presidents, and such successes were often made possible by the president’s ability to marshal partisan unity. Higher levels of executive-legislative concurrence on floor outcomes testify to the greater agenda synergy between the branches. All told, even if presidents under unified government have differed significantly in their autonomous influence over Congress, single-party control extended opportunities for joint credit-claiming and the attainment of shared partisan policy goals across time.

Divided government has erected a much greater challenge to the legislative presidency in the postreform/party-unity era. Split-party control today bears little resemblance to the 1950s. The old adage that “the president proposes and the Congress disposes” has frequently been inverted. Assertive, policy-focused opposition majorities look less to the president for policy leadership and have steered the lawmaking agenda away from the president’s preferred direction. Organizational change and party cohesion have rendered presidents’ influence over individual legislators in the opposition much more difficult. Executive-legislative concurrence has fallen to historical lows for the post-War period. Presidents spend more time fending off the majority’s agenda and attempting to recast the national policy debate through vetoes and veto threats. Preemptive politics place a premium on presidents’ rhetorical skills and the manipulation of the public presidency to re-frame policy choices in order to claim a modicum of credit. George H.W. Bush was less adept at the new politics of this partisan era, at least in making a solid public
case for his frequent use of the veto. Bill Clinton was arguably more adroit in this regard, insofar as his successful reelection in 1996 hinged on convincing the electorate that he could, through the veto power, act as a “buffer” against the alleged excesses of the GOP majority.

The institutional and electoral politics surrounding George W. Bush’s legislative presidency accent the importance of party control of national institutions in the contemporary era. Unified government aided his early agenda and the passage of sweeping tax cuts. With his agenda stifled after losing Republican control of the Senate just a year into his term, Bush used veto threats and “strategic disagreement” with Democrats over the establishment of the Department of Homeland Security to campaign for a GOP Senate in the 2002 mid-term elections. As he stands poised for his second term, Bush’s moderate coattails in the House (and Senate)—and most importantly, a popular vote margin exceeding 3 million votes in the 2004 election—bode well for potential leverage over Congress. The question is how Bush will capitalize on the institutional context of his second term and which issues or combination of issues he will focus on, from the war on terror to pressing and thorny domestic problems.

Viewed through the lens of political time, the modern legislative presidency has shown remarkable resilience. George W. Bush, like his predecessors, has demonstrated a keen capacity to adapt to changing policymaking contexts and shifts in the balance of power and influence between the branches of our national institutions. Grasping the particular limits and opportunities presidents face in the legislative arena is key to appreciating the varied impact of party control of the White House and Capitol Hill.
Figure 1
Seat Gain Coattails, 1948-2004

Source: Compiled by author from Congressional Quarterly Almanacs.
Figure 2

Presidential Success Rates in the U.S. House of Representatives

Source: Congressional Quarterly Almanacs. Data are yearly presidential position vote success rates.
Table 1
Significant Legislation and Presidential-Congressional Agendas and Interaction, Divided Government, 1953-

**Bipartisan Conservative Era**

<table>
<thead>
<tr>
<th>Congress /# of Laws</th>
<th>President</th>
<th>Presidential Priority</th>
<th>Congressional Agenda - Supported</th>
<th>Congressional Agenda - No Position</th>
<th>Congressional Agenda - Oppose</th>
<th>Presidential Priority - Veto Threat</th>
<th>Congressional Agenda - Veto Threat</th>
</tr>
</thead>
<tbody>
<tr>
<td>84th [n=4]</td>
<td>Eisenhower</td>
<td>3 (75%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>85th [n=9]</td>
<td>Eisenhower</td>
<td>6 (67%)</td>
<td>1 (11%)</td>
<td>1 (11%)</td>
<td>1 (11%)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>86th [n=5]</td>
<td>Eisenhower</td>
<td>2 (40%)</td>
<td>1 (20%)</td>
<td>1 (20%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Liberal Activist Era**

<table>
<thead>
<tr>
<th>Congress /# of Laws</th>
<th>President</th>
<th>Presidential Priority</th>
<th>Congressional Agenda - Supported</th>
<th>Congressional Agenda - No Position</th>
<th>Congressional Agenda - Oppose</th>
<th>Presidential Priority - Veto Threat</th>
<th>Congressional Agenda - Veto Threat</th>
</tr>
</thead>
<tbody>
<tr>
<td>91st [n=20]</td>
<td>Nixon</td>
<td>8 (40%)</td>
<td>2 (10%)</td>
<td>3 (15%)</td>
<td>3 (15%)</td>
<td>3 (15%)</td>
<td>1 (5%)</td>
</tr>
<tr>
<td>92nd [n=15]</td>
<td>Nixon</td>
<td>3 (20%)</td>
<td>3 (20%)</td>
<td>5 (33%)</td>
<td>2 (13%)</td>
<td>1 (7%)</td>
<td>0</td>
</tr>
<tr>
<td>93rd [n=19]</td>
<td>Nixon/Ford</td>
<td>4 (21%)</td>
<td>6 (32%)</td>
<td>6 (32%)</td>
<td>0</td>
<td>0</td>
<td>2 (11%)</td>
</tr>
<tr>
<td>94th [n=14]</td>
<td>Ford</td>
<td>7 (50%)</td>
<td>0</td>
<td>6 (43%)</td>
<td>0</td>
<td>0</td>
<td>1 (7%)</td>
</tr>
</tbody>
</table>
Table 1 (continued)

**Postreform/Party Unity Era**

<table>
<thead>
<tr>
<th>Congress #/ # of Laws</th>
<th>President</th>
<th>Presidential Priority</th>
<th>Congressional Agenda - Supported</th>
<th>Congressional Agenda - No Position</th>
<th>Congressional Agenda - Oppose</th>
<th>Presidential Priority - Veto Threat</th>
<th>Congressional Agenda - Veto Threat</th>
</tr>
</thead>
<tbody>
<tr>
<td>97th [n=9]</td>
<td>Reagan</td>
<td>3 (33%)</td>
<td>3 (33%)</td>
<td>1 (11%)</td>
<td>0</td>
<td>0</td>
<td>2 (22%)</td>
</tr>
<tr>
<td>98th [n=6]</td>
<td>Reagan</td>
<td>2 (33%)</td>
<td>0 (0%)</td>
<td>2 (33%)</td>
<td>0</td>
<td>2 (33%)</td>
<td>0</td>
</tr>
<tr>
<td>99th [n=7]</td>
<td>Reagan</td>
<td>2 (29%)</td>
<td>0 (0%)</td>
<td>2 (29%)</td>
<td>0</td>
<td>0</td>
<td>3 (43%)</td>
</tr>
<tr>
<td>100th [n=10]</td>
<td>Reagan</td>
<td>3 (30%)</td>
<td>0 (0%)</td>
<td>1 (10%)</td>
<td>1 (10%)</td>
<td>0</td>
<td>2 (20%)</td>
</tr>
<tr>
<td>101st [n=9]</td>
<td>Bush (41)</td>
<td>2 (22%)</td>
<td>2 (22%)</td>
<td>2 (22%)</td>
<td>0</td>
<td>1 (11%)</td>
<td>0</td>
</tr>
<tr>
<td>102nd [n=5]</td>
<td>Bush (41)</td>
<td>1 (20%)</td>
<td>0 (0%)</td>
<td>1 (20%)</td>
<td>0</td>
<td>1 (20%)</td>
<td>0</td>
</tr>
<tr>
<td>104th [n=14]</td>
<td>Clinton</td>
<td>5 (36%)</td>
<td>5 (36%)</td>
<td>3 (21%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>105th [n=7]</td>
<td>Clinton</td>
<td>1 (14%)</td>
<td>2 (29%)</td>
<td>3 (43%)</td>
<td>0</td>
<td>1 (14%)</td>
<td>0</td>
</tr>
<tr>
<td>106th [n=5]</td>
<td>Clinton</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>4 (80%)</td>
<td>0</td>
<td>0</td>
<td>1 (20%)</td>
</tr>
<tr>
<td>107th [n=13]</td>
<td>Bush (43)</td>
<td>3 (23%)</td>
<td>4 (31%)</td>
<td>3 (23%)</td>
<td>1</td>
<td>2 (15%)</td>
<td>0</td>
</tr>
</tbody>
</table>

* Row percentages do not always equal 100% due to rounding.

*a* Congressional Quarterly did not begin recordkeeping of presidential positions until 1953; see text for discussion.

*b* Eisenhower vetoed the Housing Act of 1959 twice.

*c* Clinton vetoed welfare reform twice in the 104th Congress; he also issued prior vetoes on the budget.
Table 2

Significant Legislation and Presidential-Congressional Agendas and Interaction, Unified Government, 1953-94*

<table>
<thead>
<tr>
<th>Era</th>
<th>Congress/ # of laws</th>
<th>President</th>
<th>Presidential Priority</th>
<th>Congressional Agenda - Supported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bipartisan Conservative</td>
<td>83rd [n=8]</td>
<td>Eisenhower</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>87th [n=10]</td>
<td>Kennedy</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>88th [n=11]</td>
<td>Kennedy/ Johnson</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>89th [n=22]</td>
<td>Johnson</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>90th [n=15]</td>
<td>Johnson</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Liberal Activist</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>95th [n=11]</td>
<td>Carter</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>96th [n=9]</td>
<td>Carter</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>103rd [n=11]</td>
<td>Clinton</td>
<td>10</td>
<td>1</td>
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</tbody>
</table>

* Row percentages do not always equal 100% due to rounding.
REFERENCES


5. The more detailed argument and analysis is in Richard S. Conley, *The Presidency, Congress, and Divided Government: A Postwar Assessment* (College Station, TX: Texas A&M University Press, 2002).


11. Quoted in Light, *The President’s Agenda*, p. 28.


Ibid., pp. 96-102.


35 In an April 13, 1995 interview with CNN’s Wolf Blitzer and Judy Woodruff, President Clinton commented on the Republicans’ “100 days”: “Well, they had an exciting 100 days, and they dealt with a lot of issues that were in their contract. But let’s look at what happens now. The bills all go to the United States Senate, where they have to pass, and then I have to decide whether to sign or veto them. So now you will see the process unfolding. And I will have my opportunity to say where I stand on these bills and what I intend to do with the rest of our agenda. I have enjoyed watching this last 100 days, and have enjoyed giving them the chance to do what they were elected to do. And also I made it clear what I would not go along with.” *Public Papers of the President 1995* (Washington, DC: GPO, 1995), pp. 527-28.


37 Lyn Ragsdale, *Vital Statistics on the Presidency: Washington to Clinton* (Washington, DC: Congressional Quarterly, 1996). Ragsdale prefers the term “concurrence” to better reflect that presidents take positions on votes not only concerning their agenda but also legislation generated in Congress.

38 Data are from yearly *Congressional Quarterly Almanacs* of all presidential position votes.

39 To correct for serial correlation, estimates for the House model were generated using the Prais-Winsten (AR 1) technique in STATA 6.0. The dependent variable is the president’s annual success rate. The variable for time in office ranged from 1-8 years. The variables for each “era” are dummy variables for the respective period, and as such, provide a “stylized” account of the effect of divided government across time. The equation yields the following coefficients, all of which are significant at $p < .01$ or better:

$$\text{Presidential support} = 86.97 - 1.88 \times (\text{time in office}) - 13.89 \times (\text{bipartisan conservative era}) - 18.40 \times (\text{liberal activist era}) - 35.52 \times (\text{postreform/party-unity era})$$

N= 51; adjusted $R^2 = .69$; rho = .285; Durbin $h = 2.05$


41 Coefficients for the Senate support model were generated using ordinary least squares (OLS) regression. The equation yields the following coefficients, all of which are significant at $p < .05$ or better:

$$\text{Presidential support} = 86.52 - 2.05 \times (\text{time in office}) - 7.0 \times (\text{bipartisan conservative era}) - 16.90 \times (\text{liberal activist era}) - 15.85 \times (\text{postreform/party unity era}) + 21.90 \times (\text{George W. Bush, 2001-2002})$$

N= 50; adjusted $R^2=.61$; Durbin-Watson = 2.11 (indicating no serial correlation)

George W. Bush’s high Senate success rates in 2001 (88%) and 2002 (91%) are “outliers,” which may be explained by two factors. First, Bush’s batting average was artificially inflated by his strategic position-taking. He took very few positions on Senate votes in either year and steered clear of more controversial domestic policy issues. Second,
judicial appointments were not included in success rate calculations for the Senate to keep the data comparable to the House.

43 David Mayhew, Divided We Govern.

44 Congressional Quarterly Almanac 1956, pp. 375-92; Congressional Quarterly Almanac 1959, 245-56.
45 For an opposite perspective that credits Nixon with many of the policy accomplishments of the 91st-93rd Congresses, see Joan Hoff, Nixon Reconsidered (New York: Basic Books, 1994).


47 Congressional Quarterly Almanac 1969, pp. 735-46.

48 Congressional Quarterly Almanac 1971, p. 430.


50 David Mayhew, Divided We Govern, p. 82.


54 For details, see Conley The Presidency, Congress, and Divided Government, chapter 6.