The Legislative Impact of Divided Government

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Theory: The best test of the impact of divided government on legislative gridlock is to examine seriously considered, potentially important legislation that *failed* to pass under conditions of divided and unified government. To do so requires separate analyses of legislation the president opposes and supports.
Hypotheses: Divided government will be associated with the president opposing more legislation and with more legislation the president opposes failing to pass. It will not be associated with the president supporting less legislation or with more legislation the president supports failing to pass. Important legislation is more likely to fail to pass under divided government.
Methods: We used regression analysis of the failure of legislation to pass and the relative success of legislation over the 1947–92 period.
Results: Presidents oppose significant legislation more often under divided government, and much more important legislation fails to pass under divided government than under unified government. Furthermore, the odds of important legislation failing to pass are considerably greater under divided government. However, there seems to be no relationship between divided government and the amount of significant legislation the administration supports or that passes.

The issue of divided government is once again at the forefront of discourse on American politics. With the Republicans firmly in control of both houses of Congress and the Democrats holding the presidency, the United States is once more experiencing party conditions that have typified post-World War II politics—albeit the usual party control of the two institutions has been reversed.

For most of this period, commentators have bemoaned what they saw as the gridlock resulting from divided government, echoing James Mac-Gregor Burns' lament that

> We have been too much entranced by the Madisonian model of government. . . . The system of checks and balances and interlocked gears of government . . . requires the consensus of many groups and leaders before the

nation can act; . . . we underestimate the extent to which our system was designed for deadlock and inaction (Burns 1963, 60. See, more recently, Burns 1990).

Recently, David Mayhew (1991) has challenged concerns about gridlock. He tested for the consequences of divided party government by comparing the passage of legislation under divided and unified government. Finding that about the same amount of important legislation seems to pass under divided government as under unified government, he concluded that divided government does not contribute to gridlock.

Other scholars have also concluded that divided government does not hinder the legislative process. Charles O. Jones holds that divided government is a legitimate, even productive, form of lawmaking. "Presidents continue to make proposals and Congress continues to legislate, even when voters return divided government to Washington" (1994, 196). Jones also concludes that studies like Mayhew's, focusing on the legislative process, instead of the presidency, support the notion that divided government is not an obstacle to productivity. In a later work, Jones continues to advocate the notion that "there is no reason to assume that deadlock will result" from divided government (1995, 28).

Nevertheless, other authors are not convinced that divided government is inconsequential. Samuel Kernell (1991) maintains that divided government leads to institutional conflict. As a result, major legislation is a product of a structured bargaining process that can often lead to delay and diluted policy changes. Gary Cox and Mathew McCubbins (1991) find that divided government has important implications for taxation policy, while McCubbins (1991) attributes the rapid increase in federal spending (and thus budget deficits) in the 1980s to divided government. I. M. Destler (1985) concludes that divided government has been detrimental to United States foreign policy.

James Sundquist (1992) makes a frontal assault on Mayhew's conclusions, charging that Mayhew overlooks the impact of divided government on delay in the passage of policy and on the dilution of measures. Sundquist asks, for example, whether the 1990 Clean Air Act should be counted as a success or a failure of the political system after its 13 year impasse, most of which occurred under divided government (1992, 103–4).

The divergent findings of scholars lead us to conclude that a more systematic examination of divided government is necessary. Certainly, there remain many unanswered questions. As one scholar put it, "research into the puzzle of divided government is in its infancy. As a discipline, we have a long way to go in unraveling the problem" (Kelly 1993a, 483). In this article we hope to make some progress toward this goal.

Theory

Our central concern is the contribution of divided government to legislative gridlock. The inhibiting potential of divided government is also the concern driving Mayhew's analysis. He reaches conclusions about the impact of divided government by examining the levels of legislation that *passed* under different conditions. In essence, he infers that divided government does not contribute to gridlock by examining legislation that was *not* obstructed.

If our concern is whether or not divided government obstructs the passage of legislation, we ought to investigate legislation that was proposed but that did *not* pass. Comparing the failure of potentially important legislation under divided and unified party government is the best test of the constraining impact of divided government.

Early in his book, Mayhew announces that he will only look at things that passed but does not justify this strategy (1991, 36). Later he lists many legislative failures, but then asks rhetorically, "What can one say?" His answer is that failures occur all the time (1991, 94–9), but he makes no systematic comparisons of the failure of legislation over time. That is our objective in this article.

Conflict between the executive and legislative branches may contribute to legislative gridlock if Congress prevents the passage of legislative proposals the president supports or if the president serves as a brake on legislation initiated by Congress. If the White House takes a stand on legislation, the president may be for it or against it. The strategic position of the president is different in each of these situations, however, with different implications for the impact of divided government.

When the opposition party controls one or both houses of Congress, its members will be well-positioned to propose legislation that the president is likely to oppose. Thus, we would expect that there would be more instances when the president opposes legislation under divided government than under unified government. Unified government, on the other hand, brings the president some relief from having to oppose legislation, since his party dominates the legislative process. Thus, we hypothesize that *the president will oppose more legislation under divided government than under unified government.*

In addition, the chief executive's important restraining powers, epitomized by the veto (Edwards and Wayne 1997, 338–42), make it likely that when the president opposes legislation, it will fail to pass. Thus, given the increased opportunities to oppose legislation under divided government and the strength of the president's checking ability under the separation of powers system, we hypothesize that *divided government will increase the amount of legislation that the president opposes that fails to pass.*

The situation is quite different when the president supports legislation, however. It is not likely that the president will support less legislation under divided government. The responsibilities and expectations of the modern presidency force the chief executive to support a wide range of policy proposals under *both* divided and unified government, providing ample opportunities for failure in both contexts. Thus, we hypothesize that *the president will support similar amounts of legislation under divided government and unified government.*

In addition, since the president's party is not necessarily a reliable source of support (Edwards 1989, chaps. 3–5), unified government may not substantially increase the president's likelihood of success. Usually the president must develop broad bipartisan support to pass major legislation—whether or not his party is in the majority in Congress. The history of important bills such as the Social Security Act of 1935, the Civil Rights Act of 1964, the Voting Rights Act of 1965, Medicare (1965), the Clean Air Act of 1970, and the Tax Reform Act of 1986 shows the importance of forming large coalitions in the Madisonian model of decentralized government.

Because the president must support policy proposals under both divided and unified government and because divided government is only one of many obstacles that legislation faces on the path to enactment (see, for example, Bond and Fleisher 1990; Edwards 1989; Jones 1994; and Peterson 1990), we hypothesize that *divided government will have little impact on the amount of legislation the administration supports that fails to pass.*

Gridlock is most often viewed as a matter of sums rather than of proportions. Mayhew (1991), for example, focuses exclusively on the amount of legislation passed under divided and unified government, not whether a smaller percentage of the legislation that was proposed actually passed. This is a reasonable orientation. If it is correct that divided government has little impact on the success of legislation the president supports, then *divided government will not affect the proportion of legislation the president supports that passes.* Similarly, if it is correct that the president's blocking power is great under both divided and unified government, then *divided government will not affect the proportion of legislation the president opposes that fails to pass.* On the other hand, if the president successfully opposes more legislation under divided government than under unified government, then *the odds of legislation failing to pass will be greater under divided government than under unified government.*

In sum, we expect to find that the president opposes more legislation under divided government than under unified government and that more legislation fails to pass under divided government. We also hypothesize that the president supports similar amounts of legislation under divided

government and unified government, and that divided government has little impact on the amount of legislation the administration supports that fails to pass. Finally, we expect to find that divided government affects neither the proportion of legislation the president supports that passes nor the proportion of legislation the president opposes that fails to pass. However, legislation should be more likely to fail to pass under divided government than under unified government.

Data

Central to both Mayhew's and our research is the data on which our conclusions are based. Both studies involve substantial data collection efforts, and both inevitably involve a series of judgments. Thus, it is important to clearly understand the data base we employ.

Seriously Considered Legislation

Not all proposed legislation should be taken seriously. Some proposals, by both members of Congress and the administration, are simply symbolic gestures to satisfy constituents or to make rhetorical points. Since our concern is with legislation that failed to pass because of divided government, we must omit legislation that failed to pass simply because no one, including those who proposed it, ever took it seriously.

How do we know such legislation when we see it? We began with all the bills that failed to pass that were discussed in *Congressional Quarterly*'s yearly *Almanac* for the years 1947 to 1992.[1] Each volume devotes several hundred pages to examining legislation in the relevant session of Congress. If a bill attracted any attention, it would be covered by CQ. We identified more than 2,000 bills that failed to pass that deserved a further look.

We then asked whether Congress took any formal action on each of these proposals. If a committee or subcommittee in at least one house of Congress held hearings on the bill, we counted it as seriously considered. This decision rule is similar to Mayhew's suggestion that "Perhaps, for any Congress, an agenda could be assembled for research purposes out of proposals that make it to the 'much talked about' stage" (1991, 36).

For those bills on which no formal action was taken, we investigated further to determine whether the absence of hearings was the result of a disagreement over policy or simply the benign neglect of a frivolous measure. Bills meeting the former criterion, such as Gerald Ford's proposal for a Government Energy Corporation and Truman's Brannan Plan for subsidizing agriculture, were included in our analysis.

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[1]Mayhew's study covered the period of 1947–90. In a more recent paper, he extended his study and found seven significant laws that passed in 1991–92 (1995, 27–8).

To determine whether a bill failed to pass, we simply examined the seriously considered bills that did not become law by the end of that Congress. We did not use individual years, or sessions; failure to pass in the first session of a Congress is neither determinative of the eventual outcome nor critical to the bill's impact.

Significant Legislation

We want to limit our investigation not only to legislation that was considered seriously, but also to legislation that, if passed, would have been important. Mayhew limits his analysis to "important" legislation that he identified through making two sweeps through recent history. The first sweep relies on contemporary judgments, especially those in the annual congressional wrap-ups in the *New York Times* and the *Washington Post.* The second sweep is based on the retrospective judgments of policy specialists, as expressed in books and articles, about the importance of bills that became law (1991, chap. 3).

Determining objectively the "importance" of legislation is not easy. Mayhew devotes only one sentence to defining the concept: "In principle, the term 'important' will connote both innovative and consequential" (1991, 37).[2] We should not be surprised, then, when other scholars take exception to Mayhew's results (see, for example, Kelly 1993a, 1993b). We agree, nevertheless, that "innovative and consequential" are at the heart of what most political observers mean when they term legislation "important."

Our task is more difficult than Mayhew's, however, as we must judge the *potential* significance of legislation that did not pass. Sometimes these judgments are easy, such as in the case of constitutional amendments, the defeat of legislation (such as Medicare) that passed in a later year and was considered important then, and other highly visible bills, ranging from civil rights to a guaranteed annual income, that would have produced major changes in public policy.

At other times, we had to exercise more refined judgment, just as Mayhew did. Our coding was informed by the same end of the year reviews on which he relied, and we also relied heavily on the *Congressional Quarterly Almanac* for each year to both identify bills that did not pass and to evaluate their potential importance. Although our concern is less to make exact comparisons with Mayhew than to determine what potentially important legislation failed to pass, we nevertheless employed Mayhew's list of important legislation that *did* pass as a guide to the potential importance of legislation.

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[1]Of course, his selection of legislation illustrates his meaning in considerable detail.

Like Mayhew (1991, 40), we included constitutional amendments and Senate treaty ratifications, and we excluded congressional resolutions, general appropriations acts, very-short-term measures such as one-year extensions of laws, statutory amendments taken by themselves, and extensions or reauthorization acts that offered little new substance. When bills that were technically amendments or riders, ranging from hikes or expansion of Social Security or the minimum wage to efforts to limit funding for abortion, were important, we counted them as such. We also took note if an appropriations bill represented a major departure in public policy.

We did not include failed nominations to executive branch positions or to lower courts, but we did include nominations to the Supreme Court, including Abe Fortas, Homer Thornberry, G. Harrold Carswell, Clement Haynesworth, and Robert Bork.[3] It is not clear that the fact that John Tower was not confirmed as secretary of defense had a major impact on defense policy. Nominations to the Supreme Court are another matter, and they also often represent some of the most intense battles fought on Capitol Hill.

When a bill fails to pass, supporters may bring it up again in the same Congress. For example, in the 94th Congress, President Ford twice vetoed bills which would have regulated strip mining. Under President Bush there were multiple attempts to remove China's most favored nation trading status, and there were many efforts to extend funding for abortions. Within each Congress, we count such efforts as only one policy that failed to pass.

Mayhew excludes defense policy, arguing that it is usually bipartisan anyway (1991, 41). We see no reason to omit defense issues, however, and a few make our list. Mayhew also misses some important authorizing and restraining amendments in the foreign policy area (1991, 41–2) that we include.

In the end, the process of identifying potentially important legislation remains a series of judgments rather than straightforward codifications. We found a total of 638 seriously considered, potentially important policies that failed to pass over the 46 year period from 1947 through 1992.[4]

It is important to note, as Mayhew points out (1991, 35), that as in 1981, many important policy changes can be bundled together in one bill. This is not usually the case,[5] but when it does occur, it may distort any

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[3]Since Haynesworth and Carswell were nominated for the same position, we count this as one policy failure. Similarly, since Thornberry's nomination was dependent upon Fortas being elevated to chief justice, we also count their nominations as one failure.

[4]The list of these policies will be available upon request over E-mail in September 1999.

[5]One instance in which it occurred was in 1953 when a proposal for statehood for Alaska and Hawaii composed one bill as opposed to separate bills in other years.

analysis based on counting bills. Thus, we have been attentive to this possibility to ensure that it does not artificially affect our results.

Potential for Conflict

The central premise of the argument against divided government is that it produces gridlock because a president of one party opposes or is opposed by a congressional majority of the other party. Thus, once we have a list of the seriously considered important legislation that did not pass, we must determine whether the administration took a stand on the legislation. It is only this legislation that should be affected by divided government.

We identified 519 seriously considered and potentially significant bills on which the president took a stand and which failed to pass over the 1947–92 period.[6] Table 1 shows the number of these bills for each Congress.

Like Mayhew (1991, 35), we are not interested in whether or not presidents succeed. Instead, we are concerned with whether the political system is more prone to gridlock regarding important legislation under divided government than under unified government.

Disaggregation

It is possible to disaggregate our data further and do separate analyses for each house of Congress. This turns out not to be productive, however, since there is not much variance between the two houses. We might expect that the Senate, with its filibuster rules, would be at the core of gridlock, but this is not the case. Although 90 bills passed the House but not the Senate, 83 bills passed the Senate but not the House. Two-thirds of the legislation is coded the same for each house: 250 of the 519 bills passed neither house and another 96 passed both houses but failed to be resolved in conference or were vetoed successfully. In addition, our concern with divided government is a concern with *systemic* output, and thus it makes sense to evaluate the results of the system rather than its components.

Analysis

To evaluate the impact of divided government on the failure of legislation, we must turn to multivariate analysis. Like Mayhew, we employ regression analysis. Our primary independent variable is the existence of unified or divided government, measured as a dummy variable with "1"

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[6]To identify the president's position, we relied on the *Congressional Quarterly Almanac* for each year of our study, presidential papers for relevant presidents, and the *New York Times*.

Table 1. Summary of Failed Legislation

Congress	Years	President	Party Division	Failed Bills President Opposed	Failed Bills President Supported	Total Failed Bills with Presidential Position
80th	1947–48	Truman	Divided	3	17	20
81st	1949–50	Truman	Unified	3	17	20
82nd	1951–52	Truman	Unified	1	9	10
83rd	1953–54	Eisenhower	Unified	3	6	9
84th	1955–56	Eisenhower	Divided	4	6	10
85th	1957–58	Eisenhower	Divided	4	6	10
86th	1959–60	Eisenhower	Divided	7	7	14
87th	1961–62	Kennedy	Unified	1	14	15
88th	1963–64	JFK/LBJ	Unified	5	18	23
89th	1965–66	Johnson	Unified	4	19	23
90th	1967–68	Johnson	Unified	1	12	13
91st	1969–70	Nixon	Divided	7	15	22
92nd	1971–72	Nixon	Divided	17	18	35
93rd	1973–74	RMN/GRF	Divided	19	13	32
94th	1975–76	Ford	Divided	22	18	40
95th	1977–78	Carter	Unified	5	22	27
96th	1979–80	Carter	Unified	8	18	26
97th	1981–82	Reagan	Divided	9	18	27
98th	1983–84	Reagan	Divided	13	20	33
99th	1985–86	Reagan	Divided	13	8	21
100th	1987–88	Reagan	Divided	22	7	29
101st	1989–90	Bush	Divided	23	7	30
102nd	1991–92	Bush	Divided	23	7	30
Totals				217	302	519

representing divided government and "0" representing unified government.[7]

[7]Because one could argue that there are varying degrees of divided government, we experimented with interval measures, such as the percentage of the party in opposition to the White House in the House and the Senate. We report the results using the dichotomous variable for divided government for several reasons. First, the dichotomous variable lends itself to more straightforward interpretation. Second, there is no clear manner of averaging percentages of party majorities in each house, especially as in 1981–86 when different parties were in the majority in each house.

Finally, the dichotomous variable is a more valid indicator of divided government than an interval measure. The debate over divided government is a systemic question centered on who has a majority in Congress rather than the size of that majority. Our tests of the impact of divided government should address the central issues of our concern. Moreover, there is good reason for the focus on which party holds a majority. There can be little doubt that the most important increment to a party's coalition in Congress is the one that provides

Following Mayhew, we also include several control variables that might influence the success of legislation independently of the existence of divided government. The degree of slack resources may influence the success of important legislation. The *budgetary situation* variable is the budget surplus or deficit as a percentage of government outlays, averaged over the two years of a Congress (1991, 176–7). The measure ranges from +21% to −24%.

Variation in the passage of legislation might be the result of the greater success that presidents enjoy in the first two years of their tenure following their first election. Thus, following Mayhew we employ a *start of term* variable. This is a dummy variable, with "1" representing the first two years, and "0" representing all other years (1991, 176–7).

As Table 1 shows, some eras experience more seriously considered, important legislation than others. If we find that more legislation failed in an active era such as the 1960s under unified government than in the 1950s under divided government, should we conclude that divided government is not a constraint on the passage of important legislation?

We should not. Clearly, we need to control for the level of legislative activity of an era. Mayhew uses a dummy variable for *activist mood*, with "1" representing 1961–76 and "0" all other years. This measure is rather blunt, however. As Table 1 shows, potentially significant legislation was regularly considered in Congress in virtually every period except for the 1950s.

Mayhew recognizes the importance of placing the success of legislation under unified and divided government in perspective, and he struggles with the issue of developing a measure of Congress's agenda. Ultimately, he abandons his efforts to deal with it, noting that it is a difficult problem (1991, 34–6). However, we have an inventory of what failed to pass as well as what passed, so we are in a position to compare the relationship of the passage of legislation to the failure of legislation.

In the first part of our analysis, we adopt Mayhew's *activist mood* measure along with the rest of his model as we examine the *number* of seriously considered, potentially important bills that failed to pass. Given the prominence of Mayhew's study, it makes sense to make a straightforward comparison of what passed with what failed to pass. However, we then reanalyze the data and employ a ratio measure of what seriously considered, significant legislation before each Congress failed to pass and what did pass.

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it the majority to organize a chamber. Each additional vote after 50% plus one does not add an equal increment to the power of the majority party. In sum, divided government is not an interval variable. Employing interval measures did not substantially affect the results.

Table 2. Legislation President Opposed

Congress	Years	President	Party Division	Failed Bills President Opposed	Vetoes Overriden	Total Bills President Opposed
80th	1947–48	Truman	Divided	3	2	5
81st	1949–50	Truman	Unified	3	1	4
82nd	1951–52	Truman	Unified	1	1	2
83rd	1953–54	Eisenhower	Unified	3	0	3
84th	1955–56	Eisenhower	Divided	4	0	4
85th	1957–58	Eisenhower	Divided	4	0	4
86th	1959–60	Eisenhower	Divided	7	0	7
87th	1961–62	Kennedy	Unified	1	0	1
88th	1963–64	JFK/LBJ	Unified	5	0	5
89th	1965–66	Johnson	Unified	4	0	4
90th	1967–68	Johnson	Unified	1	0	1
91st	1969–70	Nixon	Divided	7	0	7
92nd	1971–72	Nixon	Divided	17	1	18
93rd	1973–74	RMN/GRF	Divided	19	2	21
94th	1975–76	Ford	Divided	22	0	22
95th	1977–78	Carter	Unified	5	0	5
96th	1979–80	Carter	Unified	8	0	8
97th	1981–82	Reagan	Divided	9	0	9
98th	1983–84	Reagan	Divided	13	0	13
99th	1985–86	Reagan	Divided	13	1	14
100th	1987–88	Reagan	Divided	22	3	25
101st	1989–90	Bush	Divided	23	0	23
102nd	1991–92	Bush	Divided	23	1	24
Totals				**217**	**12**	**229**

Legislation Opposed by the Administration

We have argued that the strategic position of the White House is different when the president opposes legislation than when he supports it. Thus, it is necessary to examine each situation separately. We hypothesize that the president will oppose more potentially significant legislation under divided government than under unified government and that divided government will increase the amount of legislation that the president opposes that fails to pass.

In Table 2 we find that the president opposed 217 bills that failed to pass and had vetoes of 12 additional pieces of important legislation overridden during the period of this study. These 229 bills were much more likely to occur under divided government than when the government was unified. Presidents opposed 37% of the potentially important legislation under con-

Table 3. The Impact of Divided Government on the Number of Important Legislative Acts which the Administration Opposed that Failed to Pass

Variable	B	Standard Error	t-statistic	p
Divided Government	6.68	1.67	4.00	0.000
Start of Term	−1.40	0.87	−1.61	0.108
Budgetary Situation	−0.25	0.08	−2.97	0.003
Activist Mood	4.00	2.50	1.60	0.110
Constant	3.57	2.78	1.29	0.199
Adjusted-R^2	.75			
Standard Error	3.44			
N	23			
Durbin-Watson statistic prior to correction		0.89 (p = .0006)		
Durbin's H statistic after correction		1.49 (p = .139)		

The coefficients are estimated using maximum likelihood iterated generalized least squares to correct for first order autocorrelation.

sideration in Congress in periods of divided government but only 12% during unified government.

In the Kennedy-Johnson years, there were 2.75 bills per Congress that the administration opposed, compared to 17 per Congress in the Nixon-Ford years under divided government. Similarly, there were only 6.5 bills per Congress that the administration opposed that failed under Carter, but there were 18 under the divided governments of the Reagan and Bush years. The general level of legislative activity was much less in the Truman and Eisenhower eras than in later years, so we should expect the numbers to be smaller—and they are. Truman opposed five bills in the divided government during the 80th Congress (1947–48), and only three per Congress in the unified government of his second term. Eisenhower opposed only three bills in the unified 83rd Congress (1953–54), but the number rose to an average of five in the next three Congresses under divided government. As we expected, the president is much more likely to oppose potentially significant legislation under divided government than under unified government.

The results of regressing the failure of legislation that the administration opposed on divided government while controlling for the effects of start of term, budgetary situation, and level of legislative activity are shown in Table 3.[8] Since the least squares estimates were first order autocorrelated,

[8]We conducted two different tests for multicollinearity. First, we ran a cross-correlation table with all the independent variables. None of the correlations were higher than .16, indicating the absence of multicollinearity. We also employed the auxiliary R^2 test, which regresses each independent variable with all the others at one time. None of the auxiliary R^2 results were higher than .064, again indicating the absence of multicollinearity.

we estimated the coefficients using maximum likelihood iterated general-
ized least squares.[9]

The impact of divided government is substantial. We find a strong posi-
tive relationship between the number of bills that the administration op-
poses that fail to pass and the context of divided government. Divided gov-
ernment adds 6.7 potentially important bills to those the administration
opposes that fail to pass. Given Mayhew's findings of 11.9 important pieces
of legislation passing per Congress, an addition of 6.7 bills would be a 56%
increase in the amount of significant legislation that we would expect to
have passed under unified government. Clearly, *divided government mat-
ters.*

The *budgetary situation* variable indicates that legislative failures in-
crease as budgetary resources become more scarce. The *start of term* and
the legislative *activist mood* variables did not have a statistically significant
influence on the failure of legislation, however.

We have discovered that when the president opposes congressional ini-
tiatives, divided government has a significant influence on the political sys-
tem's output of important legislation. All legislative situations are not the
same, however, and we must also examine legislation supported by the
White House.

Legislation Supported by the Administration

We have seen that presidents oppose more legislation under divided
government than under unified government. In order to play a leadership
role, however, they must support a wide range of potentially significant
bills under all conditions of party control. Opportunities for failure for these
bills should be similar under both divided and unified government, because
divided government is but one of many obstacles that legislation faces on
the path to enactment. Thus, we hypothesize that the chief executive will
support similar levels of potentially important legislation under both di-
vided and unified government. We expect, moreover, that divided govern-
ment will not have a significant impact on the amount of legislation that
the administration supports that fails to pass.

We found 302 instances of potentially important legislation supported
by the administration that failed to pass. Using Mayhew's work, we also
found 262 bills supported by the president that passed (274 minus the 12
overridden vetoes).[10] These are shown in Table 4.

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[9]This modified Cochrane-Orcutt procedure is explained in Beach and MacKinnon
(1978). To test for serial correlation after this correction, we used the Durbin's H statistic.
The results are reported in the tables, and the procedure is outlined in White (1993, 139–
40). The Shazam 7.0 software was used for the analysis.

[10]We determined presidential support for bills that passed by the president's willingness
to sign the bill.

Table 4. Legislation President Supported

Congress	Years	President	Party Division	Passed Legislation (Mayhew)	Failed Bills President Supported	Passed Bills President Supported	Total Bills President Supported
80th	1947–48	Truman	Divided	10	17	8	25
81st	1949–50	Truman	Unified	12	17	11	28
82nd	1951–52	Truman	Unified	6	9	5	14
83rd	1953–54	Eisenhower	Unified	9	6	9	15
84th	1955–56	Eisenhower	Divided	6	6	6	12
85th	1957–58	Eisenhower	Divided	11	6	11	17
86th	1959–60	Eisenhower	Divided	5	7	5	12
87th	1961–62	Kennedy	Unified	15	14	15	29
88th	1963–64	JFK/LBJ	Unified	13	18	13	31
89th	1965–66	Johnson	Unified	22	19	22	41
90th	1967–68	Johnson	Unified	16	12	16	28
91st	1969–70	Nixon	Divided	22	15	22	37
92nd	1971–72	Nixon	Divided	16	18	15	33
93rd	1973–74	RMN/GRF	Divided	22	13	20	33
94th	1975–76	Ford	Divided	14	18	14	32
95th	1977–78	Carter	Unified	12	22	12	34
96th	1979–80	Carter	Unified	10	18	10	28
97th	1981–82	Reagan	Divided	9	18	9	27
98th	1983–84	Reagan	Divided	7	20	7	27
99th	1985–86	Reagan	Divided	9	8	8	16
100th	1987–88	Reagan	Divided	12	7	9	16
101st	1989–90	Bush	Divided	9	7	9	16
102nd	1991–92	Bush	Divided	7	7	6	13
Totals				**274**	**302**	**262**	**564**

As we hypothesized, the president is about equally likely to support significant legislation under divided government as when the government is unified. Truman supported 25 bills in the divided government during the 80th Congress (1947–48), and averaged 21 per Congress in the unified government of his second term. Eisenhower supported 15 bills in the unified 83rd Congress (1953–54), and an average of 13.67 in the next three Congresses under divided government. In the Kennedy-Johnson years, the administration supported 32.35 bills per Congress, compared to 33.75 per Congress supported by the White House in the Nixon-Ford years under divided government. Similarly, there were 31 bills per Congress that the administration supported under Carter, and 27 per Congress in Ronald Reagan's first term. The only anomaly is the substantial decline in bills after 1985, reflecting the limited legislative agendas of the second Reagan and the Bush administrations.

The data in Table 4 also show that for bills the president supported, there is little variation in the number of bills that failed to pass under unified and divided government. Seventeen bills that Truman supported failed to

Table 5. The Impact of Divided Government on the Number of Important Legislative Acts that the Administration Supported that Failed to Pass

Variable	B	Standard Error	t-statistic	p
Divided Government	−1.71	1.93	−0.89	0.376
Start of Term	−0.16	1.06	−0.15	0.879
Budgetary Situation	0.01	0.09	0.16	0.875
Activist Mood	2.51	2.72	0.92	0.356
Constant	13.50	2.66	5.08	0.000
Adjusted-R^2	.34			
Standard Error	3.93			
N	23			
Durbin-Watson statistic prior to correction	0.84 ($p = .0003$)			
Durbin's H statistic after correction	0.81 ($p = .139$)			

The coefficients are estimated using maximum likelihood iterated generalized least squares to correct for first order autocorrelation.

pass in the divided government of 1947–48, the same as under the unified government of 1949–50. Six bills Eisenhower supported failed to pass in the unified government of 1953–54, almost exactly the same as the average of 6.33 bills that he supported that failed to pass in the three Congresses he experienced under divided government.

In the unified government of the Kennedy-Johnson years, there were 15.75 bills per Congress that the administration supported that failed to pass, compared to 16 per Congress in the Nixon-Ford years under divided government. Similarly, there were 20 bills per Congress that the administration supported that failed during Carter's four years, nearly the same number as the average of 19 that occurred in Reagan's first term. The number decreased to 7.25 bills per Congress in the 1985–92 period, as we would expect given the limited agendas of the presidents.

Table 5 provides the results of regressing the failure of legislation that the administration supported on divided government while controlling for the effects of start of term, budgetary situation, and activist mood. The results show no statistically significant relationship between divided government and the number of bills supported by the administration that fail. Moreover, none of our control variables reach conventional levels of statistical significance.

Since all but one of the cases of divided government in this study consist of a Republican president and a generally more liberal and activist Democratic Congress, it is possible that the similarity in the success of legislation presidents support under divided and unified government is the

result of an activist majority in Congress. Perhaps such activist Congresses support legislation endorsed by Republican presidents in some form in order to pass *something*. If there were more examples of Democratic presidents facing conservative Republican Congresses, we might find gridlock in its most stark form. In this case we would have evidence that divided government affects legislation the president supports as well as legislation the White House opposes.

It is difficult to test the hypothesis that the impact of divided government on legislation the president supports is masked by the activism of Democratic Congresses. However, we can examine the one case of a Democratic president facing a Republican Congress (President Truman in 1947–48). Truman was less successful in obtaining the passage of legislation he supported during divided government than he was under unified government in the following two Congresses, but the differences are too modest to be conclusive (32% to 38%, respectively).

In addition, if the activism of Democratic Congresses encourages support of Republican presidents, we would expect that Democrats would be even more enthusiastic in supporting the initiatives of Democratic presidents. Yet we find that Democratic presidents under unified government enjoy only a 44% success rate on potentially significant legislation, while Republican presidents facing Democratic majorities in Congress obtain a 49% success rate. This advantage is not the result of congressional Democrats giving Republican presidents more support than congressional Republicans accord Democratic presidents, however. Democrats and Republicans in Congress give presidents of the other party similar levels of support (Edwards 1989, 42).

A more definitive test of the hypothesis must await additional instances of Democratic presidents facing Republican Congresses. History, in the form of the 104th Congress, is accommodating these scholarly needs.

The Odds of Failure

We have hypothesized that divided government will affect neither the proportion of legislation the president opposes that fails to pass nor the proportion of legislation the president supports that passes. Both of these hypotheses are supported by our data.

Using the figures in Tables 2 and 4, we find that presidents succeed in blocking 94% of the legislation they oppose under divided government and 92% under unified government. In addition, there is a 52% failure rate of legislation the president supports under divided government and a similar 54% rate under unified government. Presidents do not need unified government to thwart legislation to which they are opposed, and unified government does not provide them assured support for the legislation they endorse.

Table 6. The Impact of Divided Government on the Ratio of Failed Important Legislation to Passed Important Legislation

Variable	B	Standard Error	t-statistic	p
Divided Government	0.768	0.28	2.70	0.007
Start of Term	−0.648	0.17	−3.80	0.000
Budgetary Situation	−0.045	0.01	−3.37	0.001
Constant	1.70	0.32	5.26	0.000
Adjusted-R^2	0.63			
Standard Error	0.60			
N	23			
Durbin-Watson statistic prior to correction		1.07 ($p = .008$)		
Durbin's H statistic after correction		0.67 ($p = .503$)		

The coefficients are estimated using maximum likelihood iterated generalized least squares to correct for first order autocorrelation.

However, the activism of the opposition party creates greater necessity for the White House to block legislation under divided government, and we have hypothesized that significant legislation is more likely to fail under divided government than under unified government. To test this hypothesis, we compute the odds of failure by dividing the number of seriously considered, important bills on which the president took a position that failed to pass in a Congress by the number of important bills (as determined by Mayhew) that passed. We can estimate the impact of divided government on those odds by regressing the ratio of failed bills to passed bills on divided government while controlling for the effects of start of term and budgetary situation, as in our previous analysis. We omit the *activist mood* variable because the ratio nature of the dependent variable controls for the level of legislative activity in a Congress.

In Table 6, we find the odds of legislation failing to pass under unified government (reflected in the constant term) are 1.7 to 1. Divided government increases those odds by .768, so the odds of potentially significant legislation failing under divided government are 2.468 to 1. Thus, divided government increases the odds of potentially significant legislation failing by 45%, a substantial impact. Start of a president's term and slack budgetary resources diminish the odds of failure, as we would expect.

Conclusion

Does divided government have a significant influence on the passage of important legislation? It does. Presidents oppose significant legislation more often under divided government, and much more seriously considered, important legislation fails to pass under divided government than un-

der unified government. Furthermore, the odds of such legislation failing to pass are considerably greater under divided government. The pre-Mayhew conventional wisdom was correct: *divided government inhibits the passage of important legislation.*

Yet an important modification to the critique of divided government is necessary. Divided government is a constraint only on the passage of legislation that the administration opposes. We have identified an independent impact only on *congressional* initiatives. There seems to be no relationship between divided government and the amount of administration-supported potentially significant legislation that fails to pass, although it is possible that the impact of divided government is masked by the willingness of activist Democratic Congresses to support legislation favored by Republican presidents. Presidents must support a wide range of policy proposals under both divided and unified government, and much of it fails to pass in both contexts. Unified government does not provide them assured support for the legislation they endorse, and divided government is only one of many obstacles that legislation faces on the path to enactment.

By examining the failure as well as the passage of potentially important legislation under divided and unified party government, we are able to obtain a more complete picture of the consequences of divided party control. Furthermore, by analyzing separately the different strategic positions presidents occupy when supporting and opposing legislation, we can identify the conditions under which divided government is most likely to inhibit the passage of legislation.

There is much more to investigate regarding the impact of divided government. We have not addressed the complex issue of the dilution of legislation through interbranch bargaining, nor have we discussed the years of delay that divided government may cause for legislation that does eventually pass. That is for future work.

Finally, we pass no normative judgment regarding the degree of gridlock that we do find. We agree with Charles O. Jones that we should not *assume* that "action by one institution to negate the policy intent of the other is necessarily bad" (1991, 28). This is also a question for another paper.

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