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CHAPTER 17

THE CONSEQUENCES OF DIVIDED GOVERNMENT

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PRESIDENT George W. Bush saw a new legislative environment in January 2007, and it could not have been an attractive sight. His party, "thumped" in the 2006 midterm election, as the president put it, had lost its Senate and House majorities. Divided government had returned.

And with the return of divided government, the president's legislative successes dipped markedly. Bush was unusually successful as a legislative leader during his first six years in office, scoring an average of 81 percent support from Congress on those votes on which he took a public position. And for a year and a half of those six, Bush faced divided government. But divided government in 2007 and 2008 proved not nearly as accommodating to the president's preferences as was divided government in the wake of 9/11 in 2001 and 2002. Presidential support fell to only 38 percent for 2007, as measured by *CQ Weekly*—one of the lowest presidential support scores recorded since it began keeping records. Only Bill Clinton fared worse, in 1995, when Republicans took control of both houses of Congress for the first time in forty years.

The loss of Capitol Hill to Democrats signaled a loss of the president's agenda control, and the president turned to a different toolset to implement his preferences. Prior to 2007, Bush had resorted to the veto only once. Over the next two years, Bush would use his veto pen more frequently. Unable to persuade Congress, President Bush relied on his formal constitutional powers in an attempt to blunt the Democratic legislative agenda.

For the new Democratic majorities in the House and the Senate in 2007, their elevation to majority status promised to expose the incumbent administration's mismanagement and to pass a wide array of popular proposals in short order. The early signs suggested great success in "draining the swamp" of executive branch malfeasance through aggressive use of congressional oversight hearings. Thomas Mann and his colleagues at Brookings tallied the number of oversight hearings during the first six months of the 109th Congress, a time of unified Republican government, and compared it to the number undertaken by Democrats over the same period in the 110th Congress, a time of divided government. The results are striking: over 600 oversight hearings were held in the latter Congress, an increase of more than 50 percent (Mann, Reynolds, and Hoey 2007). But the heavy production of significant legislation, as promised by the Democrats, did not fare as well.

The question of whether divided government affects government output and operation is part of a larger and older debate within political science. That debate concerns whether or not parties matter in a system of separated powers, and if they do, how? To ask about the state of scholarship on divided government is to ask whether scholars have developed any consensus on what place parties have in the American political system and what, if anything, parties do to alter political forces and outcomes. Therefore we begin by asking: what is the nature of political parties in a system of separated powers? We then jump ahead to discuss the most recent empirical manifestation of that debate: does party control of government matter? Lastly, we discuss what has yet to be learned about divided government and offer some thoughts about future research directions.

PARTIES, RESPONSIBLE AND OTHERWISE, IN A SEPARATED POWERS SYSTEM

Scholars have long been concerned with the adverse consequences of divided control of government (Wilson 1885; Key 1961; Sundquist 1983; Burns 1963; APSA 1950; Schattschneider 1942). Those studying political parties, in particular, have argued that parties serve to bring together what the Constitution puts apart. Woodrow Wilson criticized the constitutional architects for designing a "federal system that . . . parcels out power and confuses responsibility" (1885, 187). The answer, he contended,

was responsible parties that brought "the legislature and executive side by side in intimate but open cooperation" (1885, 97-8). By implication, a government controlled by one party is more efficient, responsive, and productive. In particular, it will produce more legislation and generate less interbranch antagonism than one where party control is divided between the executive and legislative branches. E. E. Schattschneider wrote that "a major party mobilizes a majority in order to take control of government and accepts responsibility for the whole conduct of public policy" (1942, 63). Parties, in pursuit of the whole conduct of policy, seek ways to obtain control of both the executive and legislative branches; they are not content with controlling only one.

What do responsible parties do and why is unified government beneficial? Responsible parties (1) make policy commitments; (2) carry them out when in office; (3) develop policy alternatives when out of office; (4) differ sufficiently to offer voters a significant and substantive choice; and (5) run on their record in the next election (Ranney 1973, 43). Voters, in short, can hold the ruling party responsible for the conditions in the country for both failures and successes. Divided government, scholars argued, precluded this sort of responsibility.

To advocates of responsible parties, the president played a key role. The president was uniquely positioned to mobilize the public behind the party's program (Schattschneider 1942, 2), although the American political system—in particular the separation of powers and federalism—made presidential leadership of responsible parties difficult, even if desirable. Parties, Schattschneider emphasized, and especially the president's leadership, provided a welcome centralizing tendency to a system suffused with decentralization. In his critique of Congress and the federal constitutional system, Wilson laments that there is no one to be "trusted in order that when things go wrong it may be quite plain who should be punished" (1885, 187, emphasis in the original). The president should be the person to receive the blame for when things go wrong, but also be responsible for setting the nation's priorities and direction. Both Wilson and Schattschneider agree that the presidency is to provide the accountability in a system of responsible parties and that he should be judged on his ability to make good on his promises.

Wilson, once he became president, tried to put into practice what he preached. He proposed a wide array of legislative programs under the banner of the New Freedom and convinced the Democratic leadership within both houses to require members to pledge support for his legislative agenda. The Democratic congressional caucus became an arm of the presidency itself. Although much of Wilson's domestic agenda flew through Congress quickly during his first term, the limits of his ability to command Congress became all too clear at the close of the First World War with the return of divided government to Washington. Wilson's legislative successes declined. It was one thing to lead one's party, it was another to lead Congress. Unified government seemed to make both tasks easier, but by no means assured. Witness FDR's legislative successes between 1933 and 1935, in the depths of the Great Depression, and compare them to his inability over time, also during unified government, to build congressional southern Democratic support for a more expansive New Deal.

Critics of the responsible party vision argued that American parties served critical systemic needs for the American polity exactly because they were *not* responsible. Yes, parties did serve to put together what the Constitution set to put apart, as Wilson argued. Parties, however, are not responsible agents of the electorate, but merely tools through which officeholders win elections. American parties serve as a force for social cohesion and harmony in a tremendously heterogeneous society. (Herring 1940; Pomper 1971, 918). American parties helped government govern—but not, however, because they highlighted difference and division and distinction. Parties were organizationally and regionally decentralized entities that had to tolerate a diversity of preferences among their ranks, build internal compromise at each level of government, and work with the leaders of the other major party due to the likelihood that fellow partisans would not all march in lockstep. There was no particular reason to assume unified government would be markedly different from divided government in the production of significant policy or other measures of output and performance.

Can presidents, according to the functionalist perspective, unite the party behind a common agenda? The answer is not only no, but presidents should not even try. “Localism and factionalism,” according to Pendleton Herring, “are the twin demons the president must exorcise, and our presidents are reduced to using spells and incantations” (Herring 1940, 219). The president’s place in the constitutional and party system is relatively weak. He does not, in Herring’s view, have a party machine at his command like many legislators do. And members of Congress must satisfy constituents back in the district to win reelection, regardless of the president’s particular policy priorities.

For the most part, the debate between the functionalists and the responsibilists remained at a theoretical and normative impasse (Coleman 2003). What, in fact, can American parties do, do they do it, and when do they do it? Up through the late 1980s, party scholars produced impressive studies on voting in Congress, on party identification in voting, and on party organization, including the provision of resources to candidates during campaigns, their recruitment activities, and the role of party activists. The solid empirical work vastly improved our understanding of how parties operated, but the old normative and theoretical debate between the responsibilists and the functionalists never quite went away.

After scholars in the 1980s and 1990s noted a heightened party polarization in evaluations of presidents’ job performance, marked resurgence in party voting among the electorate, a surge in intraparty unity and interparty conflict in roll-call voting in Congress, and the increasing involvement of parties in electioneering, the question of whether parties were responsible or not reemerged with new vigor (e.g., Pomper 1998). Given that this resurgence was occurring largely during a time of divided government, when public trust in government was low and critics were lambasting the government’s handling of key national problems, the responsibilist–functionalist dispute no longer made much sense. How could it be that responsibility and responsiveness were high during divided government, given the responsibilists’ preference for unified government? How could it be that divided government was making it difficult to act, given functionalist promises that American parties were

designed precisely to navigate between and provide a bridge over group differences? One thing was clear: the onset of divided government with these newly responsible and responsive parties created an empirical conundrum not easily explained by the field’s dominant theoretical framework. It was to the apparent and possible negative consequences of divided government under this new party arrangement in the 1980s and early 1990s that party scholars now turned their attention.

DIVIDED WE GOVERN—OR NOT

E. E. Schattschneider long ago offered an explanation for why the volume of legislation produced by the president and Congress should not and does not vary between divided and unified governments: the nature of the American two-party system generated relatively moderate parties, creating an incentive to bargain and compromise (1942, 89–91). Nevertheless, the notion that unified control should yield greater legislative productivity did not disappear. The arrival of party polarization in the 1980s and especially 1990s seemed to undermine Schattschneider’s notion that American parties were moderate and eager seekers of political compromise. Political observers bemoaned the arrival of gridlock and the apparent rise in incivility between the president and his opponents, and between partisans on Capitol Hill. Divided government, a relative rarity in the first half of the twentieth century, became commonplace and served as the latest explanation—joining the distinguished company of interest group dominance, iron triangles, the influence of the South in national politics, weak parties, political culture, and defective constitutional structure—for the seeming inability of government to act quickly and responsively.

To explain the inaction and political rancor, political scientists Benjamin Ginsberg and Martin Shefter (1990) posited that politicians in the post-war era, unable to establish decisive victories in the electoral arena with unified control of government, increasingly turned to other forms of “institutional combat.” They argued that investigations, media revelations, and legal proceedings had become critical venues in the struggle for power during periods of divided government, with an eye to creating enough damage to the party in control that the electorate would have little choice but to establish unified control in order to clean up the mess.

The politics by other means thesis was met skeptically among many political scientists. David Mayhew’s (1991) rejoinder to Ginsberg and Shefter made a convincing and seemingly sound empirical argument: divided government appeared to affect neither the ability of the president and Congress to enact significant legislation, nor the volume of congressional investigations of the executive branch. Using contemporary year-end summaries of significant legislation produced by the *Washington Post* and the *New York Times* and the policy evaluations of later scholarly experts, Mayhew found 12.8 significant acts signed into law on average in unified

government and 11.7 in divided government (1991a, 76). The difference was not statistically significant. Using the front page of the *New York Times* as his guide, Mayhew identified 30 high-publicity investigations of the executive branch between 1946 and 1990. He identifies 15 during 18 years of unified party control, and 15 during 26 years of divided control, suggesting no discernible relationship between divided government and the frequency of congressional investigations.

Echoing past party literature, Mayhew argued that the American system of separated powers was the key. That system made it difficult for government to pass legislation regardless of party control of the presidency and Congress, while at the same time it "nudg[ed] officials toward deliberation, compromise, and supermajority outcomes." And the institutional jealousies woven into the Constitution, along with the responsibilities to different electorates, make it sensible for Representatives and Senators to seek out instances of waste, fraud, and abuse in the executive branch to advance their own political careers, even if the cost might be paid by a president of their own party.

Mayhew's *Divided We Govern* was a powerful empirical rejoinder to the normative pleas for responsible political parties. As Mayhew concludes, "political parties can be powerful instruments, but in the United States they seem to play more of a role as 'policy factions' than as, in the British case, governing instruments." American parties, no matter the wishes of Wilson or Schattschneider, should not and could not be responsible. Functionality, not responsibility, was the role of parties in the American system.

Keith Krehbiel's *Pivotal Politics* (1998) served to further advance the notion that divided party control means little in America's system of separated powers. Because successful navigation of America's legislative process requires supermajorities, gridlock will be a common feature of both divided and unified government. It should be equally difficult for the president and Congress to produce legislation in divided and unified government—proposed legislation requires majorities in both houses, the assent of sixty Senators in the Senate to foreclose a filibuster (and even more in previous decades), and the concurrence of two-thirds of the members in both houses to overturn a veto. These so-called "pivot" points in the system, Krehbiel argues, mean party majorities are equally thwarted in divided and unified government. Only radical change in the preferred policy by the electorate will unlock dramatic bursts of legislative activity.

Krehbiel's analysis is part of a deeper and broader critique of political parties. He argues in a series of articles that the alleged power of political parties—to induce individual legislators to vote against their preferences, to control the legislative agenda, and to stack congressional committees with party loyalists—does not match "what is [often] seen on the street" (Krehbiel 1999; also 1997, 2000; Krehbiel and Wiseman 2001). Standard measures of party strength, such as presidential support scores or party unity in roll-call votes, conflate the strength of parties with the individual preferences of legislators (1999, 2000). A truly strong president and party would be able to induce members to vote against their personal preferences (see Covington 1988).

Although precise and insightful, Krehbiel's approach is not without conceptual problems. Disentangling party effects from preference effects remains notoriously difficult, and some studies show that switching parties changes members' voting behavior, presumably in the absence of major shifts in preferences (McCarty, Poole, and Rosenthal 2001). Perhaps more important, Krehbiel relies on a thin conception of parties that separates congressional parties from the rest of the party universe. While one is reluctant to haul the shopworn "but what causes the preferences?" tool out of the analytical toolbox yet again, in this instance it is particularly pertinent. The preference cohesiveness found in Krehbiel's analysis did not "just happen," but was, at least arguably, the concerted result of the actions of party organizations, party activists, and, to some degree, party voters in the electorate. Parties, broadly construed, had a hand in creating the very preference unity that in Krehbiel's approach undercuts their ability to be considered significant and necessary parts of congressional analysis.

PARTY CONTROL MATTERS

Research since Mayhew's pathbreaking contribution has produced a range of results, including some that warn scholars about overemphasizing the importance of divided government. Jones (1994, 1997) finds that significant policy can be made in a variety of partisan arrangements. Skowronek (1993) reaches similar conclusions. The cycle of "political time" suggests that presidents can achieve spectacular short-term success by pursuing what amounts to a triangulation strategy between the two parties—a hallmark maneuver of the Eisenhower, Nixon, and Clinton presidencies—without having much long-term impact on their party's direction after they leave office. Examining the presidency of George H. W. Bush, Quirk and Nesmith (1994) suggest that factors other than divided government, such as budget deficits and confused signals from public opinion, predominantly account for policy deadlock.

Overall, however, the findings in recent research strongly support the premise that party control matters. Kelly (1993) argues that innovative legislation should be considered an important departure at its time of adoption and deemed significant years later by experts, rather than meet only one of these criteria. Using this definition, Kelly finds that the production of important legislation is significantly greater during periods of unified government. Howell et al. (2000) provide the most elaborate compilation of significant enactments, and find that while enactment of major legislation does not appear to vary significantly between unified and divided government, enactment of landmark statutes does so at a rate of about two or three statutes per congressional term.

Four studies merit extended discussion for their contribution to the debate. Edwards, Barrett, and Peake (1997) conclude that there is more potentially significant

legislation that fails to pass during divided than unified government, especially when the president takes a clear stance against the legislation. Looking only at legislation that passes suffers from selection bias: successful legislation may be unusually likely to garner bipartisan support. Edwards, Barrett, and Peake conclude that divided government increases the chances of potentially significant legislation failing by 45 percent, and the president is crucial to this differential rate of failure.

Building on the concept of what failed to happen in the legislative arena, Binder (1999, 2003) argues that the number of bills passing is an incomplete measure of gridlock. The numerator is just as important as the denominator: any measurement of policy production must consider the size of the policy agenda facing Congress at any given moment. Like Mayhew, Binder uses the *New York Times* to develop a measure of the nation's policy agenda. Dividing the prospective policy agenda by items which the president and Congress actually enacted into law yields a gridlock score for each Congress (2003, 37–8). The policy production of the president and Congress—once the size of the prospective agenda is considered—is greater in periods of unified government.

Coleman (1999) advances a theoretical and empirical argument concerning party control. Employing a variety of legislative productivity measures yields the conclusion that Mayhew's findings are an outlier: other indicators of significant legislative output establish that unified government is more productive than divided. More importantly, Coleman theoretically accounts for the institutional features of policy making and party responsiveness to the public. Incorporating the public's policy mood and institutional features serving to block policy production—such as the filibuster pivot, transactions costs, and intraparty factionalism—Coleman finds that the unified government productivity premium is even more pronounced than in analyses not accounting for these features (1999, 830, table 3). Coleman emphasizes that not all divided government or unified government is of a piece: there is a range of contexts under which divided and unified government occur, and these contexts significantly differ in how they are likely to affect legislative productivity.

Epstein and O'Halloran (1996, 2004) focus on a different aspect of law making—delegation to the executive branch. They hypothesize that as the president and Congress diverge ideologically, congressional willingness to delegate discretion to the executive branch declines. Examining individual and party voting on delegating discretion, vetoes over discretion, the structure of delegation, and the strategic design of institutions, they find that in each instance, divided government negatively affects the decision to delegate additional power and responsibility to the executive branch (see also McCubbins, Noll, and Weingast 1989; Volden 2002; cf. Krause 2003).

These studies on the whole lend support to a conceptualization of political parties as cartels. Applied most notably to congressional parties by Cox and McCubbins (1993), this approach emphasizes how the shared fate of a brand name creates incentives for a majority party to organize and control policy making in a manner consistent with its policy preferences. If this is the president's party, a boost in productivity is a likely outcome. Aldrich (1995) notes that politicians create parties to overcome problems of collective action and to provide collective goods to their

members. The electoral brand name, campaign finance, and public policy are among the goods or resources parties can provide (Sinclair 2006; Parker 2008). The cartel notion should, however, be extended with care when used to incorporate both the president and the congressional party. The diverging electoral bases of presidents and their partisan supporters in Congress, their varying and overlapping length of term, and the term limits facing presidents but not members of Congress, create ample opportunities to encourage defection from the cartel. Whether this encouragement for defection increases or not during divided government—and how much strain the president-congressional party cartel can withstand—are compelling questions for future research.

But if party does not matter, then why does the voting behavior of party switchers in Congress change dramatically—especially when the only thing that changed is how the member chose to label his aggregate preferences (McCarty, Poole, and Rosenthal 2001)?

LOOKING BEYOND LAWS

Much of the research on divided government has focused on legislative outputs. This is sensible, both practically and substantially. Although there can be and has been considerable debate about how one might measure significant legislation and whether a measure of productivity should also consider that which failed to pass, the enactment of laws as a practical matter is relatively easy to quantify. Substantially, the passage of laws is arguably the most important function of government and the place where one ought to search for the most sweeping consequences of divided control.

Since the early 1960s, the attention of presidential scholars has been heavily focused on the president's ability to persuade Congress on legislation, and this has contributed substantially to the study of party control of government. Recent research has, however, begun to draw scholarly attention back to presidents' unilateral use of power, including executive orders, executive agreements, proclamations, and signing statements (Cooper 2002; Howell 2003; Mayer 2001). Mayer and Price (2002) examine the president's issuing of significant executive orders and find no relationship between party control and the quantity of the orders. Employing a different measure of significant executive orders, Howell (2005) classifies 228 orders (from 1945 to 2001) as significant as opposed to 51 (from 1949 to 1999) in the Mayer and Price study. He finds strong evidence that divided government and large and cohesive congressional majorities dampen the president's issuance of significant executive orders. In tandem with the legislative productivity literature, this finding depicts presidents as seeking the arena that is most suited to advancing their agenda, whether that be during divided or unified government. With unified government,

presidents can rely more on the legislative process, while with divided government, unilateral action becomes increasingly attractive.

The president's use of his commander in chief powers also varies systematically depending on party control. Howell and Pevehouse (2007) find that party control does not much affect the president's deployment of small numbers of troops abroad; or the president's actions in cases involving long-time American or Soviet Union allies. Significantly, however, they find that presidents facing opposite party control of Congress, especially if that party is large and cohesive, are generally less likely to exercise military force than presidents working with a Congress in which their party has a majority. They also find that presidents facing these conditions of a cohesive opposition majority party are less likely to respond militarily to specific conflicts and will take a longer time before deploying a military response to a foreign incident. Large, cohesive, opposite party majorities weaken the president's ability to raise public support for military action and weaken his ability to signal credible foreign policy commitments to foreign allies and adversaries.

Researchers have explored a number of other areas outside the confines of legislative production. Divided government is found to produce a variety of effects: rising deficits (McCubbins 1991), delayed executive appointments (McCarty and Razaghian 1999), and delayed judicial confirmations (Moraski and Shipan 1999; Binder and Maltzman 2002; Bell 2002). Cameron (2000) finds that various permutations of veto politics—veto use, threats, sequential veto bargaining, and “blame game” vetoes—increase in frequency and substantive significance during divided government, especially divided government with ideologically distinct parties. Nicholson, Segura, and Woods (2002), using National Election Study data from 1972 to 1994, find that divided government is related to higher presidential approval. Although divided government after 2006 did not rescue George W. Bush from his plummeting approval ratings, Bill Clinton emerged from the budget showdown with Congress in the winter of 1995–6 stronger and more popular than ever. If presidents win the competition for public approval in divided government, might that be one factor explaining how the presidency strengthened during the post-1945 era of divided government (cf. Bond, Fleisher, and Wood 2003)?

Mayhew (1991a) found in his initial analysis of high-publicity investigations of the executive branch that there was no difference in the number of probes undertaken in divided and unified government. But in a later account (Mayhew 2005), he identified a pattern of greater numbers of investigations during periods of divided party control. Any investigation of malfeasance contains within it the possibility of adverse consequences for the president. A committee-based charge of malfeasance is an inherently significant event that may or may not be made substantially more important by the media attention it receives. Are investigations of executive branch malfeasance rooted in the power of partisan majorities, and hence more likely to emerge in divided rather than unified government? Recent accounts suggest they are. Kriner and Schwartz (2008) and Dull and Parker (n.d.), using two different datasets of investigations, find more and longer congressional investigations of the president and executive branch during divided government.

DIRECTIONS FOR FUTURE RESEARCH

Our assessment of the research on party control of government is that this literature demonstrates broad and significant effects of divided government. This remains a fertile area for research. In this section, we identify several possible paths for future studies (see also Cameron 2002 for additional suggestions). We focus in particular on avenues that may benefit research into the presidency and largely set to the side other possible research directions regarding divided government.

Enlarging Datasets

Studies of divided government run into the classic problem of small-*n*. Most studies focus on the period after the Second World War and on congressional sessions, relying on a little over two dozen observations. Although it is possible to make statistical inferences from such a small sample, it is difficult to test many hypotheses without running into computational difficulties. There are two remedies for this. The first is to extend the time series. Scholars could push the time line back to the late nineteenth century, an era thought to feature greater party responsibility and a greater willingness on the part of the president to defer to Congress in law making, compared to the postwar era. Clinton and Lapinski's (2006) legislative importance estimates for all statutes passed by Congress between 1874 and 1994 provide one source of data. A second remedy is to make more refined measurements within a particular time series. Rather than measuring the consequences of divided government biennially, scholars could explore annual, quarterly, or monthly effects. Theory should drive which of these is employed. This remedy would allow for clearer tests of existing divided government hypotheses and the development of more sophisticated ones. For example, the simultaneous and perhaps interactive effects of presidential approval and party control on presidential persuasiveness are bluntly measured by congressional term and perhaps even by year. Generally, extending the time series this way will likely make it harder to find effects of party control, as this will typically be constant across months and quarters.

Resort to the Courts

Do the courts prove to be an especially attractive arena for the pursuit of political goals during divided government? Unable to get preferred legislation passed through Congress or signed by the president during divided government, are interest groups more likely to file suits or write *amicus curiae* briefs in the hope of pushing the courts to act where the president and Congress cannot? Or perhaps the exact opposite occurs. Those organizations and interest groups shut out of the legislative process during unified government, such as those of a liberal persuasion during the first six

years of George W. Bush's administration, might turn more often to the courts as the place of last resort. The recent attention paid by interest groups to judicial nominations and their willingness to spend substantial sums on television, print, and internet advertising to either block or advance particular nominations underscores the relative lack of attention given by scholars to the third branch in considering the consequences of divided government. Interesting work has looked at factors explaining the Supreme Court's willingness to reargue cases (Hoekstra and Johnson 2003) and found that reargument is associated with increased levels of uncertainty on the Court, such as a minimum winning coalition or a large amount of ideological distance between the opinion writer and the Court median. Might external factors producing uncertainty, such as divided government and its possible impact on future judicial nominations by the president, also affect how the court approaches cases on its docket or its willingness to reargue a case?

Getting Comparative

Another approach to the limited-*n* problem is to expand our intellectual universe beyond national American government. This might prove salutary not only for the reason of enlarging datasets, but for theoretical reasons as well. To the extent that party theory is designed to explain outcomes at the American national level, it is not as general as it might be in the study of executive-legislative relations. Of course, context may be highly consequential for outcomes, but scholars can do a better job evaluating the significance of context by expanding the range of contexts they consider. Something that seems consequential to the president-Congress relationship at the American national level but nowhere else might well be reevaluated to determine if indeed it is as significant at the national level as first thought.

Three possibilities are worth pursuing. First, comparisons among the American states deserve more attention as an effort to understand executive-legislative relations under different forms of party control and independent executive action under those forms. Particularly at a time when state governments appear to be very active, they are an attractive arena in which to understand the significance of party control under varying circumstances.

Second, we would do well to look outward beyond the United States. Though divided government in the American form is relatively unusual, there might well be fruitful comparisons between divided and unified government in the United States and various forms of majority coalitions in other countries. Just as not all unified government or divided government is of a piece, neither are the governing coalitions in other systems.

Lastly, scholars could consider what amounts to comparative case studies of divided government across US history. The premise here is that an episode of divided government in the late nineteenth century might fundamentally differ from that in the 1950s, which might differ from the 1970s, which in turn might differ from the 1990s. Coleman (1999) advanced the idea that not all divided or unified government

is equivalent; Conley (2002) finds support for this idea; and Mayhew (2005) touches on the possibility of enhancing analysis through comparisons across type of divided government. Classic case comparison methods would be fruitful here. Generally, in case comparisons, there are four categories: similar inputs, similar outcomes; similar inputs, different outcomes; different inputs, different outcomes; different inputs, similar outcomes. Episodes of divided government in American history might be compared to develop a sense of contextual richness—a sense of time and place, a sense of the experience of an episode of divided government by the actors on the ground—that is difficult to achieve in systematic quantitative analysis. At the least, this can enrich our understanding of how divided government plays out in practical terms. At the most, there is the promise of unearthing new, important explanatory factors about the consequences of divided government.

Thinking Across Time

The study of American political development emphasizes that sequence and timing matter in politics. Events early in a path take on disproportionate structural significance in determining or shaping later politics. The sequence in which subsequent events happen also heavily shapes future events. At a more general level, the same kind of analysis might be pursued through the application of game theory.

The logic of this research suggestion builds off our prior point about comparing episodes of divided government. How divided government plays out, and what consequences it has, may depend heavily on initial starting conditions, very early decisions, the sequence of later decisions, and the length of the entire episode of divided government. Did it matter for the way that divided government worked in the Bush years that 9/11 happened when it did and the Iraq War happened when it did? Most observers would certainly offer a casual "yes" in response to that question. The challenge for scholars is to determine whether that casual yes is correct, and if so, how.

The questions are multiple. Where in the sequence, for example, did a particular heated judicial confirmation case occur? What effects might that have had on later events, including presidential unilateral action, legislative productivity, oversight hearings, and investigations? How long did the episode of divided government last? Is there a theoretical reason to believe that the difficulties of governance and the difficulties of presidential leadership will grow or subside the longer divided government is in place? Is that true for both presidential persuasion and the use of unilateral action? What was the sequence of events that observers at the time attributed primarily to the existence of divided government and how might these have precluded future options by affecting interpretations of political actors at those times? Does it make any difference if the divided government starting point is a presidential rather than midterm election? Does the length of the gap between the current bout of divided government and its predecessor have any implications for how politics will proceed—i.e., how distant are the memories and how much

turnover has there been? To what degree did previous periods of divided government produce institutional changes that a later period has to operate within? What kinds of events seem to have a particularly significant ability to increase or decrease the probability of certain other future events?

Politics happens in sequence and time. To be clear, we strongly advocate broadly systematic studies of the consequences of party control that do not delve into these details. We do, however, suggest that scholarly understanding of the consequences of divided government would grow even stronger by taking into account the kinds of questions posed in studies of American political development.

Evaluating Party Responsiveness

To date, little effort has been made to link the consequences of divided government to the theoretical questions that inspired the divided government research agenda: Do parties matter? And if so, how do they matter? How can research tie back to these founding questions?

Parties provide a linkage function between the people and their elected officials regardless of whether they are responsible or functionalist and regardless of whether they intend to do so or not. The crux of the debate between these two schools of thought is how parties serve to link the two. Responsible party theorists stress responsiveness and the implementation of policy. Functionalists stress the unifying function of parties and their ability to help elected officials win elections. Parties, of course, do both, and that is the point. Across history, they may be more or less responsible and more or less functional, but they are almost certainly some of both (Coleman 2003). Parties have to win elections and they have to implement policy; both imperatives require parties to be responsive to the electorate. The question should be: how does unified or divided government affect the responsiveness of parties?

As Coleman (1999) argues, responsiveness is the key to the party government model. That responsiveness, rather than raw numbers of enactments, should be most important to the party government school is unsurprising. Schattschneider was deeply interested in government responding to general and not just narrow interests. Responsiveness in that sense requires that government produce policy initiatives when the public demands them, but it also requires that government attend to maintaining the status quo when the public is content and uninterested in moving in new legislative directions. Skowronek suggests that the best way for the president of "articulation," also known as the "orthodox innovator," to find the most political trouble is by overreaching his public warrant for action. Generally, this means presidents like John Kennedy, Lyndon Johnson, and the two Bushes going beyond implementation of the dominant regime's policy prescriptions or straying away from its core premises.

Simply comparing the number of significant laws produced in a given congressional session is at the very least not the whole point of responsiveness. The important question is does government provide activism when the public demands

it, and otherwise provide stability during periods of public satisfaction? In short, is unified government more responsive to the policy mood of the public than divided government? If so, is this due to changed presidential behavior? Our point here is not that scholars need to take a stance on whether such responsiveness is or is not desirable as a normative matter. The point is that to test and challenge theories empirically, scholars need to be sure they are truly testing the theory and not striking down straw men.

Consider, for example, the increased willingness to use legislative holds, cloture motions, and filibusters in the Senate and the rise of closed and modified rules in the House (Sinclair 2000, 2006). Certainly, the increased ideological distance between senators and representatives over the past three decades is partly responsible and a component of the larger pattern of increased party polarization, which makes it difficult to blame divided government alone for obstructionism. Consider this legislative obstructionism in the light of presidents' increasing reliance on unilateral action with executive orders, executive agreements, and so on (Cooper 2002; Howell 2003; Mayer 2001). With Congress pushing toward inaction, the president pushes toward action. This raises two questions. One is whether the president's increased use of unilateral action during divided government is caused by divided government, or is it more directly related to obstructionist tactics? This draws back to our earlier point that not all divided government is the same. If divided government has occurred more frequently while there has been a secular trend toward greater obstructionism, analysts need to be careful to disentangle cause and effect. A broader question is what impact do obstructionist and unilateral tactics have on the political system at large, and on political parties specifically, over the long term? What do they say about government responsiveness to the public?

We do not have a ready answer. Consider the initial "politics by other means" thesis. Frustration with the lack of electoral mandates and with divided control of government leads presidents and legislators to pursue their conflict in other venues. Unable to be responsive to the public, the president and legislators increasingly pull the courts and the bureaucracy into their conflicts, seeking an edge that they hope will yield electoral victories. The act of delay can serve to preserve and entrench past policy victories and rouse partisans to contribute funds and be energized, possibly increasing the likelihood of unified control in the future.

But here is another take on the same story. What if parties increased the use of obstructionist tactics exactly because they were being responsive and not because of any frustration with the inability to govern? The causal mechanism is not divided government at all, but rather the need to be responsive to an increasingly vocal party activist base. Parties would be responding responsibly, albeit yielding inaction by standard measures of government performance.

To date, responsiveness has been defined either explicitly or implicitly as an adequate response to public demands and to the alleviation of collective problems. Question marks might well be put around virtually every word in that depiction: "adequate" "response" to "public" "demands" and to the "alleviation" of "collective" "problems."

Studies of divided versus unified government have an action bias that arises from responsible party theory. There is an undercurrent that unified government can be more responsive, and responsive means action rather than inaction. Analysts, therefore, test whether the president was able to *do something* in unified government that he could not do in divided, or do something in divided that he need not do in unified. Research tests whether the president and Congress are more likely to *do more* in unified than divided government. These studies have created a rich base of knowledge about the consequences of party control. Indeed, the authors of this essay have contributed to that set of studies. It would be a worthy pursuit, however, for scholars to think more deeply about what responsiveness requires, what happens analytically if we do not assume that responsiveness requires the president and Congress to take action, how that intersects with the study of party control effects, and how that in turn affects our understanding and study of the presidency.

CONCLUSION

Digesting the excellent empirical work on divided government produced over the last two decades suggests that party control does indeed produce a range of consequences that vary across divided and unified control. No one suggests that important legislation is not signed into law by the president during divided government, that presidents do not issue important executive orders during unified government, or that presidents do not pursue military commitments and conflicts during divided government. The debate is about the quantitative differences on the margin between the two forms of party control, and in some studies the qualitative and substantive differences as well. The research shows consistently that divided government has specific, measurable, significant effects on public policy and government action.

In conclusion, we briefly revisit the theoretical questions that initially spawned the debate about the consequences of party control. What do parties do? Do they matter? What constitutes party responsiveness and responsibility? E. E. Schattschneider (1960) argued that parties are distinct from interest groups because they seek to expand the scope of conflict, suggesting that they are responsive to more than narrow interests.

But in practice, parties do not always seek to expand conflicts and at times can be subject to the concerns of narrow constituencies, maybe particularly so in times of extreme polarization when each small constituency can present itself as a vital part of the party coalition. Parties will expand the scope of conflict if they have the resource capability and if doing so is required to win elections. In a polarized political atmosphere, however, the cost of conflict expansion is great and generally unnecessary. Political parties might be just as apt to minimize the scope of conflicts if this leads to favorable electoral consequences. When asking whether parties are

responsive or not it is worth asking to whom are parties responsive (Parker 2008). For researchers, it is also important to ask whether and how the tendencies toward conflict expansion and conflict contraction vary between the president and the rest of his party under conditions of divided and unified control. Several streams in the presidency literature, notably the various aspects of going public, suggest that modern presidents push toward conflict expansion. Studies of the political parties to which presidents belong, however, including the legislative parties and party organizations, suggest parties often have good reasons to narrow conflicts.

The irony is that parties, in seeking to be responsive to their supporters in the short run, may have made responsiveness less achievable in the long run by doing considerable damage to the system of separated powers. Responsibility, in that sense, might be shunting aside functionality. Pursuing responsiveness through obstruction and through politicization of the bureaucracy and the courts, parties over the last three decades may have made it more difficult for the president and Congress to govern—however scholars choose to measure governing.

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CHAPTER 18

CONNECTING INTEREST GROUPS TO THE PRESIDENCY

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SINCE Franklin Roosevelt laid the foundations of the modern presidency, organized interests have paid increasing attention to that office and to the executive branch in general. Given the steady growth in the programmatic reach of the federal government, we can scarcely regard this as remarkable. What is noteworthy, and more than a bit disconcerting, is the relative lack of scholarly attention accorded the connections between organized interests and the executive branch in general, and the presidency in particular. Even as lobbying has increased and executive power has grown, scholars have largely concentrated on the myriad connections between legislators and interests, while paying far less attention to the presidency.

The Framers designed the Congress to encourage access from citizens and their organized groupings, and twentieth-century legislators have cultivated relationships with interest groups and many other organizations, such as corporations, universities, and various governmental units. More than 30,000 lobbyists have registered to represent interests on Capitol Hill; important hearings are filled to overflowing with these Washington representatives, who either press for or defend against change, or simply monitor the proceedings. All this makes sense, in that the stakes are high, and the wording of one sentence of a single bill can translate into millions of dollars in benefits or costs for a given group.