

The Politics of Divided Government

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Gary Cox and Samuel Kernell, political science professors at the University of California—San Diego, examine the causes and consequences of "divided government": the situation in which the White House and at least one house of Congress are controlled by different parties. As the chapter introduction indicates, this is a very common situation since World War II. "Divided government" is much more common than "unified government."

The Cox and Kernell reading is taken from the last chapter of a 1991 book with chapters written by a number of different authors. In this last chapter of the book Cox and Kernell edited, they summarize key findings from throughout the text and refer to the authors of other chapters by last name. They tie the causes of divided government to the American party system. In effect, without using the phrase they support the notion that the "candidate-centered" nature of modern politics increases the chances of divided government. Some of their explanation of causes needs to be reconsidered a bit since they were analyzing a situation that seemed to make a Republican president and a Democratic Congress the natural split. Since 1994, as well as in 1947–1948, the division has involved a Democratic president and a Republican Congress.

One of the first things that the beginning student learns about U.S. political parties is that they serve various important "functions" in the larger political system. Prominent among these functions is that of providing "a force for unification in the divided American political system." In addition to connecting state and federal politics, U.S. political parties are looked to as vehicles to link the constitutionally separated powers exercised by the president, House, and Senate—harnessing them all to an overall national purpose. In this way, the governmental paralysis that might ensue if the branches could not agree or the working at cross-purposes that might result if they pursued different aims can be avoided.

Although modern textbooks still mention the need to unify what the constitution has put asunder, they are apt nowadays to note that political parties have not always been up to the task in recent decades. Governmental paralysis, such as that evidenced in the 1990 budget standoff, has been a frequent complaint. And U.S. foreign policy has been decidedly at cross-purposes on occasion: While the Reagan administration pursued a hard-line policy toward the Sandinista regime in Nicaragua—elements of which had been specifically forbidden by Congress and the carried on in secret—Speaker James Wright and the Democrats in the House of Representatives pursued their own quite different policy, independently of White House control.

Statewide and conflicting actions rather than vigor and complementary actions, are to be expected given that no single party has controlled all branches of government in recent years. A party can unify government if it wins control of both the executive and the legislative branches; but if no party wins such a broad electoral mandate, then to the institutional separation of power contrived by the Founding Fathers must be added a partisan separation of purpose.

The question—whether parties act out their textbook role, promoting vigorous government by unifying constitutionally separate powers or, in contrast, exacerbate the divisions in U.S. government by entrenching themselves in distinctive institutional bastions—then becomes one of frequency. If the electoral system is structured in a way that promotes party sweeps of all branches of government or if mass behavior by itself produces sweeps, then parties can perhaps perform their unifying function and overcome the institutional separation of powers. But if the electoral system regularly produces divided control, then partisan differences will magnify, rather than diminish, the importance of the institutional separation of powers. Moreover, the direction of causality may be the opposite of that suggested in the textbooks. Rather than clean party sweeps in the electoral system unifying separate institutions, the institutional separation of powers may actually disunity electoral competition. The notion that parties are characterized by electoral nuclei, with each nucleus specializing in the task of winning control of a particular office or in-

situation, is a well-known one in the literature on party organization. What we may have been seeing since about the mid-1950s is an increase in the degree to which the party nuclei clustering around the Senate, House, and presidency are separate organizations with separate electoral imperatives.

THE CAUSES OF DIVIDED GOVERNMENT

The first theme appears most prominently in the essays by Jacobson and Petrocik. Both emphasize that different issues matter in presidential and congressional elections and that the parties (or their appropriate nuclei) seem to have established advantages on different sets of issues (the Republicans on "presidential" issues, the Democrats on "congressional" issues). Thus, for example, Jacobson uses survey data to demonstrate both a Republican advantage on such "national" issues as the budget deficit, foreign affairs, and defense policy and a Democratic advantage on the more district-specific issues entailed in domestic policy.

There is even an explanation for why different parties might acquire advantage in different institutionally defined issue areas. To put it more baldly than its many proponents would, this explanation is that voters want aggressive benefit-seekers (that is, Democrats) for their own districts, coupled with tightfisted (that is, Republican) presidents to keep overall spending and taxes to a reasonable level. As long as voters act as if they think this way, there will be a tendency toward divided control; whichever party gains the advantage as the "provider of benefits" automatically loses a step as the "controller of spending and taxes."

Petrocik complements this institutionally focused explanation with one that looks more to the nature of the electoral coalitions to which the two parties cater. Executive elections tend to be difficult for the party with the larger and more heterogeneous coalition—the Democrats. Their very success in adapting to all the varied electoral niches in the legislative arena is a handicap when it comes to waging a unified campaign for the presidency.

Waterberg adds another dimension to the argument by noting the structural advantages that the

Republicans have acquired in the presidential nomination process. The Democrats have unintentionally developed a nomination process that exacerbates intraparty squabbling, with consequent damage to their general election prospects. Both of these explanations for the prevalence of divided government at the federal level—one focusing on the parties' differential successes at establishing credible and attractive positions on different sets of issues, the other on the parties' different nomination procedures—are brought into question by the high incidence of divided partisan control in the states. Fiorina and Petrocik, too, suggest that the forces producing divided government may be at work throughout the federal structure. If so, previous explanations based exclusively on national politics may be too "level specific."

Fiorina argues that our current electoral system makes change in partisan control of a legislative body unlikely, relative to change in partisan control of an executive office. This leads to a recurrent pattern wherein the electorate punishes the dominant party by electing a governor (or president) of the opposite party. In some ways, this line of thought stands the old notion of a referendum vote on its head. Instead of the legislative vote being a referendum on the executive, the executive vote is a referendum on the party controlling the legislature; whenever things are going badly, the verdict is negative, and divided government results.

THE CONSEQUENCES OF DIVIDED GOVERNMENT

The extent to which different party nuclei now face different electoral contexts (different issues, different rules of the game, or different electoral exposures) is the primary explanation given here for the recent frequency of divided government. The consequences of this division in control at the federal level are dealt with in the essays by Kernell, Cox and McCubbins, McCubbins, and Stewart.

One important consequence of divided government, with which the essays by Kernell and Stewart deal, is institutional conflict. Even after more than two hundred years of accumulated practice and precedent, there remains considerable ambiguity in the

Constitution's prescriptions. As a result, both parties aggressively—and strategically—assert the prerogatives and powers of whatever branches of government they happen to control.

Another important consequence of divided government, taken more or less as a given in all these essays, is that all major policy decisions are now the result of an institutionally structured bargaining process, with each party possessing a veto. Knowing little more than this about U. S. politics, coupled with a bit of bargaining theory, one can account for some of the prominent features of our recent governmental experience.

Note first that the parties have three broad bargaining options. They can bargain "within the beltway," accepting the cards that the electoral and constitutional systems have dealt them. They can attempt to expand the context within which bargaining occurs by appealing beyond the beltway to public opinion. Or they can seek to prosecute policy without the assent of the other party. Let us consider each of these options in reverse order.

The last option is largely a decision not to bargain and instead to pursue policy goals with the resources available to whatever branches of government one controls. One of the most dramatic examples is the pursuit of separate foreign policies by the Reagan administration and the Wright speakership regarding Nicaragua. Such attempts by one or the other branch to "go it alone" must eventually come into conflict with the regular policymaking process, as Colonel Oliver North and Admiral John Poindexter found out. As long as each branch is willing to defend its constitutionally mandated role, in other words, unilateral pursuit of policy can only be a temporary strategy—a postponement of bargaining, rather than a total avoidance of it. Nonetheless, the ability to pursue a policy unilaterally can present the other branch with a fait accompli that it is difficult or impolitic to overturn. The president's use of his war-making powers under the War Powers Act—illustrated by President Bush's handling of the 1991 Gulf war—is a case in point.

In addition to the "go it alone" option, there is also the option of "going public." The most prominent is a bridge-burning tactic: making public commitments to particular positions in order to raise the

costs of reneging and thereby strengthen one's bargaining position. This was exemplified by George Bush's "read my lips" pronouncement, before he changed it to "read my hips."

The third option is bargaining within the beltway, on the terms established by electoral outcomes and constitutional prescriptions. Such bargaining is typically characterized by delay and brinkmanship, careful attention to reversion points, and the selling out of junior partners. We shall say a few words about each of these by way of illustration.

Delay is one of the primary techniques in *any* bargaining game in which the assent of all parties is necessary to an agreement; moreover, it is virtually the only credible "within the beltway" method that the parties have to demonstrate toughness and determination. Thus, when the parties are far from agreement yet some agreement must be reached (as has notoriously been true in budget politics of the Reagan and Bush administrations), one finds that the early stages of negotiation seem to go nowhere. Agreements are reached only at the eleventh hour or after, as the pressures of budgetary chaos mount and extort compromises from the opposing sides.

The game that the parties play is something like the game of chicken. The worst outcome for both is no agreement, but neither wants to be the one to back down first. As the fiscal year deadline nears, the risk of the "no-agreement" outcome increases, and the side that fears this outcome more backs down. Willingness to delay—and thereby increase the risk of the "no-agreement" outcome—is the primary mechanism for demonstrating toughness (and for bluffing).

There seems to be some doubt about this line of analysis in the journalistic world. For example, an analysis of the 1990 budget crisis referred to divided government as the "snap" explanation for the recurring budgetary paralysis, of which 1990 was the latest and greatest example. The analysis went on to argue that "it is not clear whether the government would act more decisively if the same party controlled Capitol Hill and the White House. Democratic Jimmy Carter's rocky relations with a Democratic-controlled Congress provide a sobering counterexample." Yet, if one looks at the record, one finds that the delay in appropriations bills during Reagan's first

six years was, at least when measured by how much of the federal government was financed in omnibus continuing resolutions, significantly greater than the delay under Carter. In Carter's four years (FY 1978 to FY 1981), an average of \$55 billion in appropriations was effected through omnibus continuing resolutions. The corresponding figure for Reagan's first six years (FY 1982 to FY 1987), when the Republicans also held the Senate, was over five times as large.

A second important feature of the bargaining context, not so obvious as budgetary brinkmanship, is that vetoes mean different things in different policy areas. The key consideration is the "reversion point"—the policy that will stand in force if no agreement is reached. In some policy arenas, such as taxation, failure to reach an agreement means that the status quo is perpetuated. In others, such as appropriations, failure to reach an agreement means that substantial cuts in spending will ensue. Which kind of reversion point a given policy arena has affects the bargaining outcome in sometimes nonobvious ways, as is illustrated amply in the essays by Kennell, Cox, and McCubbins, McCubbins, and Stewart.

Finally, in politics one generally bargains with those who can deliver the votes. This simple maxim means that Republican presidents ultimately have to deal with the Democrats, who control Congress, rather than with their Republican colleagues, who do not. The consequence has been frequent strains in the relationship between congressional Republicans and their presidents—as we saw in the dramatic disagreement over the 1990 budget.

A strong indication of the frequency of these institutional strains within the Republican party is the lowered party cohesion among House Republicans when their party controls the White House. A straightforward regression analysis of Republican unity on roll call votes from the 73rd to 100th congresses shows two things: First, party cohesion among House Republicans has steadily eroded over this time period; second, House Republicans have been significantly less cohesive when their man is in the White House.

A similar regression analysis of Democratic unity on roll calls shows that the House Democrats have not suffered nearly as much of a decline in party cohesion over the same period and—more important

for present purposes—that they do not experience a significant decline in cohesion when there is a Democratic president. This latter finding makes some sense when one recognizes that Democratic presidents since Woodrow Wilson (except Harry Truman during the 80th Congress) have always bargained directly with the legislative leaders of their *own* party. Just like Republican presidents, they often seek the bulk of votes needed to pass legislation from the majority party. This, together with the natural desire of legislative leaders to maintain the majority status of their party and hence to please the party's constituencies, leads to legislation that the Democratic party can support. It is instructive to recall that during the 80th Congress (the one instance in which a Democratic president faced a Republican Congress), Democratic legislators complained about the president's lack of consultation with them. For example, when Truman introduced his tax proposals in that Congress, the ranking member of the Ways and Means Committee complained: "We Democrats were not called into consultation when the bill was being prepared."

A CASE IN POINT: THE BUDGET CRISIS OF 1990

The general points just made about the consequences of divided government for bargaining within the beltway are all nicely illustrated in the budget crisis of 1990. Long before there was a crisis, it was recognized that both the Republican president and the Democratic Congress would have to agree to the major outlines of the budget—after all, both had a veto. In light of this fact, the two sides set up a working group composed of a large number of key congressional and White House players, charged with developing a workable compromise. Many months later, this working group had produced nothing but an occasional headline about whose intransigence was preventing progress.

This might have been anticipated. Delay meant an increased chance that no budget would pass and hence that either the government would be forced to close, the automatic cuts of the Gramm-Rudman Act would be invoked, or both. Willingness to incur these fearsome reversionary outcomes was the primary method by which each negotiator could demonstrate

the depth of his or her commitment to whatever point was at issue. Thus, the interminable wrangling that characterized the initial attempts at making a budget, though far from inevitable, was not surprising.

In the next stage of the negotiations, the group assigned to come up with a proposal was pared down to just the majority and minority party leadership of the House and Senate and the top White House negotiators. Brinkmanship continued, but finally, at the last moment, a deal was cut.

The fatal flaw in this deal can be diagnosed as a premature selling out of the junior partners. The congressional Democrats had insisted that any budget compromise receive not only a public endorsement from the president but also the votes of a majority of House and Senate Republicans. In this way, the Democrats insured themselves against being blamed in the upcoming election for any new taxes or other unpopular features of the package. But by the same token, the Democrats' insistence on Republican support in Congress empowered a group that was rarely so empowered: If a majority of Republicans chose to vote against the budget, they could kill it.

Partly for this reason, the initial large group of negotiators and the final smaller group had both included Republicans. And it is likely that their input was taken more seriously than in other White House congressional negotiations in which the Democrats had not insisted on Republican support in Congress. But neither the leaders nor the followers in the House Republican party were united in their view of their president or the budget package to which he agreed. Indeed, many of them were utterly dismayed by Bush's renunciation of his "no new taxes" pledge—this very pledge formed an important part of both their personal ideology and their campaign strategy. But from the president's perspective, it was the price he had to pay to get the Democrats to agree on a budget. What did he get in return? Primarily, it seemed to have been avoidance of the reversionary outcome—implementation of the Gramm-Rudman Act's across-the-board budget cuts—and avoidance of the blame for this outcome.

The outcome itself was terrible for both sides: the Democrats particularly feared the damage to their domestic programs, and Bush especially loathed the cuts in defense spending. In the game of budgetary

chicken, Bush's position was perhaps less strong—given his engagement in the Middle East with Saddam Hussein—and he blinked first (by renouncing his pledge on taxes). But Bush may also have recognized that the final stage of the game before implementation of the Gramm-Rudman cuts was a final, take-it-or-leave-it offer from the Democrats in Congress. Such an offer was unlikely to be much better than a compromise arrived at earlier, and, if the president vetoed it, the Democrats were in a good position to lay most of the blame for the resulting broad cuts at the door of the White House.

The important thing to note about what the president apparently got out of his recantation on taxes is that it benefited him, not congressional Republicans. Many congressional Republicans, especially in the House, would have preferred a hard-line maintenance of the "no new taxes" pledge. But Bush, given a choice between what looked best for the next presidential election and what some firebrands in the House thought best for the impending midterm elections, chose predictably.

In other words, to deal with the party that controlled Congress, the president followed the path of many of his predecessors and sold out his junior partners in Congress. Given the rare opportunity to retaliate effectively, these junior partners—led by Minority Whip Newt Gingrich—did so. Despite the fact that the president had made a nationally televised appeal for passage of the budget compromise, it became obvious well before the end of the vote in the House that the Republicans would not come up with their required majority. This freed a great many Democrats who had been holding back from a hard decision, and the bill went down to a resounding defeat.

One might wonder about the strategic reasoning of the Republicans who voted against the budget compromise. After all, in the next round of negotiations between the White House and Congress, their interests were even less well represented because both sides knew that it would have to be mostly Democratic votes that passed any agreement. And the budget that passed was clearly worse from the perspective of those Republicans who voted against the initial proposal. As *The Economist* put it in a brief budget postmortem: "The five-year package eventu-

ally passed stuck closely to the budget-summit deal rejected by the House in early October. . . . The main changes were a smaller rise in petrol taxes, an increase in the top income-tax rate from 28% to 31% and a smaller bite out of Medicare." If one asks who benefited from these changes, the answer seems to be oil-state Democrats (via smaller petrol taxes) and liberal Democrats (via an increased top income tax rate and a smaller bite out of Medicare).

But it was probably more an electoral than a policy calculation that led these Republicans to vote in the way that they did, and they may have held out some hope that Bush would once again hang tough on taxes—all the way to the election. In any event, the kind of divisions among House Republicans that the vote on the initial budget proposal revealed were not unusual or unprecedented, as indicated by the regression results on Republican voting cohesion presented earlier.