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Presidential Leadership

The Vortex of Power

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Chapter 3

A Primer on the President's Legislative Program

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Presidential leadership often involves getting other policy actors to support or do what the president wants. Among these policy actors, the Congress is the most prominent. An important component of presidential leadership is therefore the ability to secure congressional approval for the president's legislative program, which Cameron and Park define as a "comprehensive set of requests for new or modified laws. . . ." In relation to the leadership model presented by Fine and Waterman in Chapter 2, success in passing the president's program provides a quantifiable measure of presidential outcomes.

Yet a president faces considerable obstacles when he or she tries to secure congressional passage of a program, including a greater propensity for divided government (where at least one house of Congress is not controlled by the party of the president). This often results in high levels of gridlock (and a larger gridlock region or interval in Congress that can block presidential initiatives). Presidential success in dealing with Congress, then, is *contingent* on these and other political factors, which in turn define whether opportunities exist for policy action. To use a metaphor, if *policy windows* are open (representing greater political opportunity), then a president has a greater chance of gaining congressional approval for his or her legislative program. When the policy window is closed, however, a president has much less chance of success with Congress. Whether policy windows are open or closed is contingent on many factors.

For example, presidential success with Congress is related to which actor takes the lead in writing legislation. On this point, Cameron and Park ask, "why should Congress pay any attention to a bill drafted by the president's minions?" Certainly, Congress and its individual members have their own policy preferences, some of which differ from the president's interests. How much influence

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the president has is therefore contingent on congressional policy preferences, as well as the salience that members have toward an issue. It also depends on how much political cost legislators are willing to invest in writing new legislation. If they can pass a bill written by the president that they agree with, or at least one that is close to their preferred policy position or preferences without having to invest valuable time writing the legislation, they will have more time for constituency service, campaigning, and raising campaign funds. However, the more a president's policy position differs from the median or middle member of Congress, or when the level of congressional salience increases and members care more about existing differences between the president's position and their own, a president will find it more difficult to secure the passage of legislation he or she prefers. Again, presidential success is contingent on a variety of political factors.

This chapter helps us to understand the contingent nature of presidential leadership. Following Richard Neustadt's idea of presidential *burden sharing*, Cameron and Park examine when Congress is likely to allow the president to write legislation, as well as when Congress is most likely to offer an alternative of its own. They also provide a series of innovative models that demonstrate the propensity of presidential leadership under different contingencies. In other words, "under the right circumstances the president can act as a bill-drafting service for Congress." As a result, "the president can use proffered bills not simply to stimulate congressional action, but to shape" its content. Presidents can be more active in this role when "policy windows" are open and when social movements exist to favor policy change.

The chapter therefore addresses in new and innovative ways an important relationship between the president and Congress. Sections 1–3A and 5 are easily accessible for all undergraduate students, while sections 3B and 4 are more methodologically sophisticated and may be more accessible for upper-division undergraduates and graduate students.

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1. Introduction

One of the most important tools of modern presidents is the "legislative program," a comprehensive set of requests for new or modified laws, typically in the form of draft bills, submitted to Congress for its consideration. Indeed, a leading authority calls the legislative program a "cornerstone of presidential-congressional relations, part of the definition of the 'modern' presidency" (Rudalevige 2002).

The president's legislative program has no constitutional or statutory basis. Rather, presidents began drafting bills and offering them to Congress on a piecemeal basis in the nineteenth century. Joseph

Cannon, Speaker of the House from 1903 to 1911, once explained the practice to a constituent:

> The President of the United States frequently suggests legislation that is desirable, and sometimes transmits drafts of proposed bills. Frequently, also, the heads of the executive departments, who are members of the President's cabinet, by communication, suggest to one or the other Houses of Congress legislation that is desired, and even communicates the forms or drafts of bills, the enactment of which they recommend. During the most strenuous years of the Civil War much of the financial legislation was drafted by Mr. Fessenden, Secretary of the Treasury, who had long experience in the Senate and was familiar with its methods. In later years the Senate has shown some sensitiveness at the activity of cabinet officers in drafting bills for its consideration, but in the House these drafts have always been, and still are, received as suggestions for legislation. (Cannon, n.d.)

As Cannon indicates, the practice of submitting draft bills could be controversial in a period when presidents and cliques of senators competed for political primacy. But presidents persisted in the practice. It was not until President Truman, however, that the chief executive fully institutionalized the legislative program, directing members of his administration to draft a comprehensive set of bills and present them to Congress. As Neustadt has related, President Eisenhower resisted the practice in his first year in office, but adopted it thereafter at Congress's insistence (Neustadt 1955). All subsequent presidents followed him in this regard.

By the late 1950s, administrative agencies submitted approximately 1,000 items to Congress annually, with the president himself providing messages and bills for about 100. Using *Congressional Quarterly*, the *Public Papers of the Presidency*, and records in the presidential libraries, political scientist Andrew Rudalevige identified more than 6,900 presidential proposals from 1949–1996 (inclusive), about 144 per year (2002, 166).

Scholars of the presidency have investigated the legislative program and uncovered some intriguing regularities, which we review below. Nonetheless, the conceptual foundations of the president's legislative program remain murky. Several questions stand out. On the one hand, why should Congress pay any attention to a bill drafted by the president's minions—why shouldn't Congress simply continue on its merry way, regardless of legislative musings from the other end of Pennsylvania Avenue? On the other hand, if congressmen swoon into submission when presidents proffer a bill (or do so regularly some percentage of the time), why doesn't the president inundate the legislature with a flood of bills, over and over and over again, until he achieves all his legislative objectives?

These questions alert us to the likely *contingent effectiveness* of the legislative program: under some circumstances, a proffered bill may

dramatically alter what Congress would have done, absent the bill; but under other circumstances, the impact of a proffered bill may be negligible. If so, what factors make a proffered bill influential, and what factors limit its impact?

The goal of this chapter is to shed some light on these questions. We proceed as follows. In the following section, we survey known empirical regularities in the president's legislative program. We review what political scientists have learned about the volume of the president's proposals (presidential legislative activism), the content of proposals, Congress's response to proposals, and the policy impact of proposals.

In Section 3 we turn to theory. We review three theoretical ideas that have been advanced for understanding the president's program. Then, we develop one of these into a full-blown model, which we call the *burden-sharing model.* To the best of our knowledge, this is the first formal model of the president's legislative program. The burden-sharing model is based on an idea advanced by Richard Neustadt. He suggested that under the right circumstances the president can act as a bill-drafting service for Congress. The model shows how, by doing so, the president can use proffered bills not simply to stimulate congressional action, but to shape the content of legislation. The burden-sharing model helps explain some of the empirical regularities observed by political scientists.

In Section 4, we use the burden-sharing model to undertake a new analysis of presidential legislative activism. The burden-sharing model suggests that presidents should become legislative activists when policy windows open in Congress and simultaneously the public clamors for major new legislation. Using new data on social movement activism collected for this chapter, standard measures of congressional gridlock, and Rudalevige's counts of annual proposals from 1963 to 1996, we test the model's predictions. The data clearly display the predicted patterns. Section 5 concludes. An appendix provides additional technical details.

2. What Do We Know? The Empirical Regularities

Political scientists and historians have described how different presidents constructed their legislative program. Richard Neustadt, for example, described the process in the first Eisenhower administration (Neustadt 1955). According to Neustadt, the president first canvassed his administration for ideas. Then his top aides reviewed the suggestions, and in consultation with the president himself, selected a smaller number as "the program." These items were then worked up by the departments, the Bureau of the Budget, and top

aides. Subsequently, the program was vetted by Republican leaders on the Hill. Most of the actual bill drafting was handled in the departments.

Historical accounts suggest that other presidents have done something similar. However, as Andrew Rudalevige convincingly documents, presidents have often preferred to craft innovative, high-priority programs "in house," using their own staff rather than that of the departments.

Beyond the bare facts about process, what do we know about empirical regularities in the legislative program? Several excellent studies use systematic data to uncover reliable patterns. Three studies stand out as particularly notable: Peterson (1990), Edwards and Barrett (2000), and Rudalevige (2002). A variety of other studies are also helpful.[1] In this section, we review what these studies uncover.

First, a brief word about research approach. Several scholars (e.g., Peterson and Rudalevige) attempted to identify all presidential proposals and then drew random samples (or subsets) of items to track. Consequently, their studies provide detailed evidence about what happens when a president proffers a bill—but they cannot tell us anything about what happens when he does not. In other words, they cannot say anything about what *difference* proffering makes (nor do they claim to). In contrast, Edwards and his coauthor explicitly compare presidential initiatives with purely congressional ones—but they limit their attention to the most "legislatively significant" proposals, those proposals sophisticated observers typically rank as the most important of a congressional session. So their study provides a highly selective view of proposals. Nonetheless, Edwards and Barrett can make statements about the apparent difference proffering makes, at least for very important bills. We say "apparent," however, because *presidents themselves select the bills they proffer, and presumably do so strategically.* Even if we perceive a big impact from the bills presidents chose to proffer, we cannot assume they would have gotten the same bang from bills they explicitly chose *not* to proffer. What social scientists call "selection bias" precludes this inference, however natural it seems.[2] (We return to this point shortly.) Edwards and Barrett do not try to correct for selection bias statistically. In fact, doing so would require either data of near-experimental quality or a well-developed theory of proffering decisions. By the same token, however, Edwards and Barrett are careful not to claim too much for their findings.

Volume: When Are Presidents Legislative Activists?

The data painstakingly collected by Rudalevige and by Edwards and his coworkers provides a solid base for charting periods of legislative activism by presidents. Figure 3.1 displays these data by Congress, from the 81st Congress (1947–48) to the 104th (1995–96).[3]

Figure 3.1. Legislative Activism by Presidents, 1949–1995

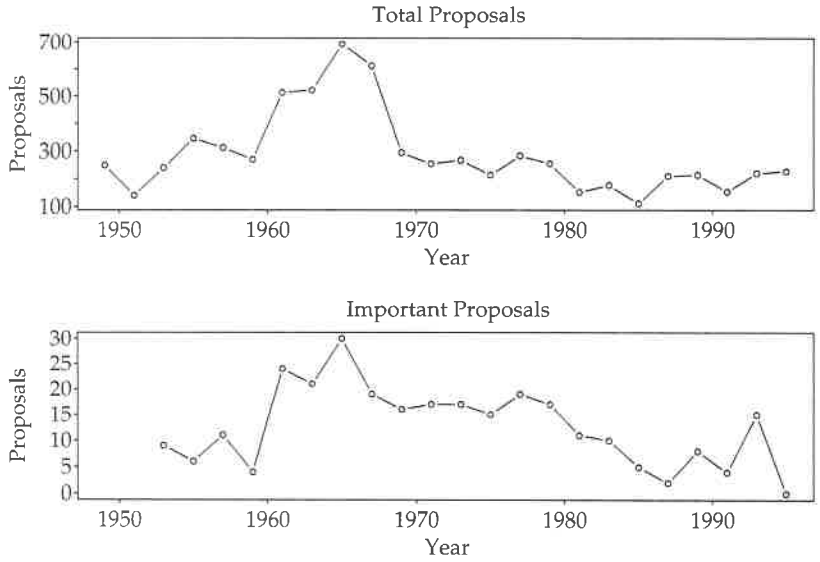


Figure 3.1 tells an interesting story. In the modern era, presidential legislative activism rose dramatically from a low period in the early 1950s to a historic high in the mid-1960s. The high water mark was the 89th Congress, LBJ's Great Society Congress. Presidential legislative activism then declined steadily for the next two decades, through the mid- to late 1980s. It then rebounded slightly, at least until the end of the first Clinton administration (the series end in 1996). Of course, even in the period of declining activism, presidents continued to present many important proposals, especially during the 1970s. Over the whole period, the number of important proposals tracked the total number of proposals, at least roughly. More specifically, in an average Congress in the post-War period "important" proposals (as scored by Edwards and Barrett) constituted about 4.5 percent of all proposals, with the percentage for most Congresses falling between 3 percent and 6 percent.

What explains the tides of presidential legislative activism? Very little attention has been directed at this question. We return to it in Section 5, where we present one of the first statistical studies of this data.

Content: What Do Presidents Proffer to Congress?

What do presidents choose for their legislative programs? For example, does the general tenor of items—liberal versus conservative—reflect the mood of the public, or is it more responsive to presidential ideology? Do presidents predictably respond to economic conditions, widely perceived social ills, and so on, or do they show little concern with those matters?

Unfortunately, the proposal data have not been analyzed from this perspective. However, it is possible to make some educated guesses, because scholars have examined a closely related question: which items do presidents emphasize in their public rhetoric? (Presidential rhetoric is part of a comprehensive legislative strategy, so presumably the program itself may show similar patterns.)

Particularly useful is the work of Jeffrey Cohen (especially 1997, Chapters 4–6). Cohen studied the statements presidents made in their State of the Union messages, focusing on economic policy, civil rights, foreign policy, and domestic policy. He examined the number of mentions of those areas, the specificity of the mentions, and their general liberalism.

Broadly speaking, Cohen found that presidents were somewhat responsive to objective conditions, but much less responsive to public opinion. (Interestingly, public opinion appears to respond to presidential rhetoric). Consistently, however, more liberal presidents and more conservative ones tend to emphasize more liberal and more conservative items, respectively. This finding—that presidents are driven more by their ideological agendas than responsiveness to the public—is quite consistent with micro-oriented case studies of presidential action, for example, Jacobs and Shapiro's recent study of the Clinton healthcare plan (2000). Those scholars show how President Clinton attempted to manipulate public opinion in favor of his preferred legislative outcomes, rather than shape his proposals to reflect public desires (such that they were).

It would be quite surprising if similar patterns did not hold for the legislative program as a whole. But, this remains an open question.

Response: What Happens to the President's Proposals in Congress?

Are the president's proposals seriously considered by Congress? Are they considered by both chambers? Do they pass both chambers? Do enacted proposals give the president most of what he wants? How do these patterns vary between unified and divided party government? In addressing these questions we are on firmer ground, as they are central to the work of Peterson, Edwards and Barrett, and Rudalevige.

First consider whether Congress takes the president's proposals seriously. In their study, Edwards and Barrett adopted an expansive definition, scoring a proposal as "on the agenda" if a committee or subcommittee held hearings on the president's bill. Among the 4–5 percent of presidential proposals between 1953 and 1996 that

Edwards and Barrett considered highly significant, congressional committees or subcommittees held hearings on an astonishing 98 percent. Peterson employed a more restrictive definition, requiring Congress either to pass or definitively defeat a proposal; otherwise, he classified it as terminated via inaction. Using this definition, he found Congress took serious action on 75 percent of the 299 bills he tracked in his random sample of presidential proposals from 1953–1984.[4] However, this number varied considerably depending on the importance of the proposal. He scored 22 percent of the proposals in his random sample as "most important," implying a far less restrictive definition than that of Edwards and Barrett. But in this large group of relatively important proposals, Congress took serious action on 84 percent. However, Congress did so for only 62 percent of the proposals Peterson scored as less important.[5]

At the top end of the importance scale these numbers are so large, apparently for both unified and divided party government, that they raise an interesting question: who is leading whom? Can presidents achieve a 98 percent consideration rate simply by tossing a major proposal into the legislative hopper? Or does a consideration rate like this indicate that presidents preemptively submit bills in areas that are likely to see major congressional action anyway? Then, at the lower end of the importance scale, presidents may submit bills in an effort to stimulate action, with considerable but far from universal success. We return to these points subsequently.

Now consider the success of presidential initiatives. Does Congress enact legislation that incorporates some or all of the position advanced by the president in his proposal? Peterson (1990); Edwards and Barrett (2000); Edwards, Barrett, and Peake (1997); and Rudalevige (2002) all address this question.

Table 3.1 summarizes Peterson's findings, calculated from data presented in Peterson (1990).[6] As discussed above, Congress was more likely to give a definitive resolution to more important proposals than less important ones (84 percent versus 62 percent, a 35 percent increase). But, if Congress acted on a less important proposal, it was much more likely to provide some success to the president (76 percent versus 58 percent, a 31 percent increase).

Table 3.1. Success of Presidential Bills in Congress (Peterson Data)

Proposals	*N*	*Serious Action Taken*	*Proposal Rejected (if serious action taken)*	*Some Presidential Success (if serious action taken)*
Most important	67	84%	41%	58%
Less important	232	62%	23%	76%

Calculated from Table 5.3 in Peterson (1990, 183).

Edwards and Barrett, who tracked 256 of the most significant proposals made by presidents between 1953 and 1996, found that 42 percent of those that made it onto the congressional agenda become law. Because the proposals they studied were apparently much more significant on average than those Peterson scored as "most important," this rate appears quite compatible with those reported in Table 3.1.

Importantly, Edwards and Barrett contrast the success rate for major proposals under unified government versus divided party government—and find a large difference. In particular, Congress enacted 53 percent of the president's major proposals under unified party government, but only 28 percent under divided party government, a decrease of 47 percent. Thus, Congresses controlled by the opposition party were far less likely to enact the president's proposals.[7]

Rudalevige tracked 384 presidential proposals initiated between 1949 and 1996. He scored these proposals similarly to the Peterson data, but did not distinguish between more important and less important proposals. Overall, he found some presidential success in 61 percent of proposals (2002, Table 7.1). This figure is intermediate between Peterson's 76 percent for less important proposals and 58 percent for more important proposals, and appears quite compatible with these estimates. It is considerably higher than Edwards and Barrett's 48 percent, but this is probably due to their focus on the most important proposals.

Although Rudalevige does not report data for unified versus divided party government per se, it is possible to calculate a measure using the data in his tables. In particular, he scored defeat or inaction as "0," some or marginal presidential success as "1," substantial presidential success as "2," and complete presidential success as "3." Using these measures, the mean or average overall presidential success score in his sample of proposals was 1.4—almost midway between marginal and substantial presidential success (2002, Table 7.1). In his sample, 42 percent of the proposals were unified government proposals while 58 percent were divided party proposals. For the unified party government proposals, the average success score was 1.7, somewhat shy of substantial presidential success. However, for the divided party government proposals, the average presidential success rate was only 1.2, slightly better than marginal success.[8] This 30 percent decline in average success score shows quite clearly the differential success rates discovered by Edwards and Barrett.

Aside from the significance of proposals and unified versus divided party control of the government, are there other reliable predictors of the success or failure of presidential proposals? Rudalevige's analysis is most helpful in this respect.[9] First, he found the percentage of seats held by the president's copartisans in Congress was an important predictor of success. This result is broadly similar to the unified/divided party government finding, and is also compatible with earlier studies

of presidential success in roll call voting in Congress (see, e.g., Bond and Fleisher 1990).

Second, Rudalevige found evidence that success fell with increasing ideological distance between the president and the House Rules Committee. This finding may attest to the importance of that committee, but it is also helpful to remember that Rules is a "leadership" committee. In other words, this ideological distance may be a proxy for distance from the leadership of the majority party in the House—or, put differently, a measure of the ideological polarization between the president and the House majority party. Third, Rudalevige found that increased presidential popularity boosted the prospects of success. Fourth, he found that specific characteristics of proposals correlated with success. In particular, foreign policy proposals did better than domestic ones; simpler proposals tended to do better than more complex ones; reorganization plans did particularly well; and proposals developed in the White House seemed to do somewhat worse.

We now know that presidential rhetoric can have powerful effects on the public, and through them, Congress (Canes-Wrone 2005). Hence, the president's use of rhetoric may be an important contributor to the success or failure of programmatic initiatives. However, students of the legislative program have not yet integrated presidential rhetoric into their studies of program success. This is an obvious path for future research.

Impact: What Difference Does Proffering Make?

What difference does the president's legislative program make? That is, what would have happened to public policy if the president had not proffered a bill when he did? What would have happened if he had, when he did not?

These are hard questions to answer. As discussed earlier, presidents strategically choose which bills to proffer and what to include in them. Presumably, they intervene where they have a chance to affect outcomes in ways important to them. Consequently, inferences about counter-factuals are difficult. For example, Congress might well have passed a civil rights bill in 1964 or 1965. So President Johnson's intervention may not have affected the probability of passage of *some* civil rights bill at all. But the *form* the actual Civil Rights Bill took probably owed something to LBJ's intervention. More generally, if presidents focus on "hot" areas (i.e., those most likely to be passed by Congress anyway) and ignore "cold" ones, a simple comparison of passage rates between items in and out of the program will spuriously overstate the president's impact. And (conversely) if one fails to compare the content of enacted program items relative to enacted *non-program* items, one will miss a real impact from presidential intervention. On the other hand, presidents may proffer bills in areas

Table 3.2 Enactment Rates for Highly Important Proposals (Edwards and Barrett Data)

	Presidential Initiatives	*Congressional Initiatives*
Overall	42%	25%
Unified Party Gov't	53%	20%
Divided Party Gov't	28%	26%

From Table 6-6 in Edwards and Barrett (2000).

where congressional action is potentially malleable, and pass over those areas where it is not. So it may be quite false to suggest that a proffered bill could have made a difference in some area the president chose to avoid.

No analysis deals satisfactorily with these problems—nor would doing so be easy, absent near-experimental quality data or a well-developed theory of the presidential program. Nonetheless, Edwards and Barrett supply useful information by contrasting the enactment rates of significant presidential initiatives with those of comparably significant congressional ones. (No study contrasts the *content* of enacted presidential bills with the content of enacted nonpresidential bills.) These rates are shown in Table 3.2.

As shown, presidential initiatives are much more likely to pass than purely congressional ones—*but only under unified party government*. During divided party government, the respective passage rates are virtually identical. Moreover, the passage rate of nonpresidential (that is, purely congressional) proposals during unified government is lower than during divided party government. This may well indicate that presidents preemptively proffer bills during unified government in many areas in which enactments are likely.

Summary

Thanks to the hard work of some excellent scholars, political scientists have charted presidential legislative activism. In addition, data on the content of presidential programs now exists. At present, relatively little is known about why presidential legislative activism rises and falls or what determines the broad content of presidential programs. In contrast, much has been learned about the correlates of success in Congress. First, the most important presidential initiatives almost invariably receive scrutiny in Congress. On the other hand, Congress frequently ignores less important initiatives. Second, success is related to large majorities of copartisans in Congress, with an absence of ideological polarization between presidents and congressional leaders, with presidential popularity, and with simpler, less important initiatives, especially in the area of foreign policy.

More broadly, it is unclear whether presidents proffer bills preemptively in an effort to shape enactments that probably would have occurred anyway, or whether they proffer bills to stimulate action where it was unlikely. The almost invariable consideration by Congress of the most significant presidential proposals under both unified and divided party government suggests the "preemption" strategy—either that or an almost fantastic degree of presidential power. On the other hand, the variable success of presidents in gaining consideration of less important items seems to suggest the "stimulus" strategy.

These effects underscore the contingent nature of presidential influence. Nonetheless, even a modest degree of success in altering the content of the most significant enactments represents a huge impact on public policy by presidents. Small wonder, then, that the president's legislative program has become such an important part of the modern presidency.

3A. Theories of the President's Program

What explains the potency of bills proffered by the president? In this section, we review political scientists' theories about the presidential program. Then, we develop one of these ideas in detail.

Burden Sharing, Coordination, and Information Superiority

Political scientists have suggested three causal mechanisms by which a bill written in the administration and proffered to Congress could actually affect what Congress does: burden sharing, coordination, and information superiority.

The first causal mechanism, burden sharing, was originally suggested by Richard Neustadt. Neustadt observed that the presidential program is a "downtown" drafting service (1955). As he noted, "From a congressional point of view, 'service,' not domination, is the reality behind these presidential undertakings."

Neustadt, somewhat characteristically, did not elaborate his insight in much detail. However, the basic idea seems straightforward. As many case studies attest, legislative policy entrepreneurs (i.e., leaders in a policy area) need plausible vehicles to advance their ideas. Poorly drafted bills make poor vehicles, because everyone knows that sloppily drafted bills miss their policy targets, engender horrific implementation problems, provoke litigation or tests in court, and lead to a sea of red ink. Thus, legislative entrepreneurs must research a bill extensively, draft it carefully, and keep redrafting it as they continually negotiate with others. The process is extremely laborious. However, the president can dramatically reduce the burden facing a legislative entrepreneur by using the vast resources of the executive branch to craft a well-formulated bill and then assist its sponsor. In turn, the lower cost of legislating makes the president's ready-made product more attractive to legislative entrepreneurs, provided the content appears reasonable.

Subsequent analysts have not done much with Neustadt's idea. Yet it affords a simple way to model the president's program. Moreover, the resulting model makes strong empirical predictions. We will return to the burden-sharing model shortly.

The second theoretical lens for understanding the presidential program is the coordination approach. The basic idea is that, even in the same objective situation, multiple outcomes might hold together equally well as stable social situations (that is, there is the possibility of multiple equilibria in political situations). This can occur because people's expectations about one another's behavior create a self-reinforcing dynamic. For instance, everyone driving on the left-hand side of the road and everyone driving on the right-hand side are both stable outcomes for motorists in a country: given your expectations about other people's behavior, you have no incentive to alter your driving behavior.

In the driving example, either equilibrium seems equally good. In many other examples, however, a self-enforcing equilibrium may be very unattractive for the participants but no one can change it unilaterally. Suppose, for example, a small town refuses to hire teenagers from a particular neighborhood, because they believe these teens are poorly educated. Because employers will not hire them, the neighborhood's teenagers have little incentive to remain in school and work hard. This situation is an equilibrium, because no employer has an incentive to change his behavior (since if he does, he will hire a poorly educated teenager), and no teenager has an incentive to work hard in school (since no one will hire him if he does). But this is a bad equilibrium for both employers and the teenagers, since the employers would prefer a larger pool of educated teens as potential employees, and the teens would be very happy to stay in school if doing so would result in employment.

Using this logic, suppose most congressmen wish to legislate on a pressing national problem. But if most congressmen spend most of their time on constituency service, the prospects of successful legislation are low. And if the prospects of successful legislation are low, each congressperson should indeed spend most of his or her effort on constituency service—even though he or she, like the majority, would prefer to legislate.

As this example illustrates, unless the participants in a bad equilibrium like this find some way to coordinate their actions and expectations about each other's behavior, so everyone switches simultaneously, they will remain stuck in a bad equilibrium.

In the spirit of this insight, Gary Miller (1993), among others, suggested that presidents could exercise legislative leadership by creating "focal points." That is, a president can make particular legislative targets highly salient to congressmen, interest groups, and the public. Then, the interested parties can coordinate their efforts to pass a few bills, rather than fruitlessly scatter their efforts over a disjointed multitude of bills or other activities.

A closely related idea involves coordination failures, which occur when one chamber passes legislation but the other fails to follow, or the two chambers pass irreconcilable bills (nonidentical bills passed by the House of Representatives and the Senate). Such coordination failures could occur because the president did not supply a viable focal point. Edwards and Barrett report that during unified government some 11 percent of the president's major initiatives died from this kind of legislative coordination failure, but during divided party government 22 percent of major congressional initiatives did (2000, Table 6-9). The 11 percentage-point difference can be seen as (arguably) the benefit of presidential coordination across the chambers.

Although the basic idea of presidential coordination has a degree of appeal, it also presents problems. First, why can't the congressional leadership play the coordinative role? And if they can, why do members of Congress need the president's focal points? Second, if the purpose of the legislative program is simply to coordinate efforts in Congress, why must the president actually draft bills? Why can't he simply announce the focal points and save himself and his aides a great deal of work? Finally, what empirical predictions does the coordination theory actually make, aside from "presidential leadership can work"? Perhaps not surprisingly, the coordination approach has never been developed in much detail.

The third theoretical lens, the information superiority approach, is perhaps the most intriguing of all. This approach tries to ground the power of the president's program in the information advantages of the executive branch. And surely these are substantial, for the executive branch can call on the specialized expertise and programmatic knowledge of thousands of civil servants as well as top experts. Arguably, then, the executive can draft better bills than any congressional committee. These informational advantages may create a degree of deference to the president's proposals, particularly if the president and Congress are close to one another ideologically.

As promising as the information superiority approach is, however, it must resolve a number of difficult theoretical issues. For example, what can Congress learn from a bill proffered by the executive branch? Suppose Congress can "back out" the special information of the executive from the content of the president's bill.[10] Then the committee effectively expropriates the executive's expertise. It may then reject the president's bill in favor of one it drafts itself, since its own bill may bring it a more preferred outcome ideologically. Of course, if the committee can do this, the supposed information superiority of the executive vanishes—along with much of the president's incentive to proffer bills.

Despite these and other problems, the information superiority approach probably represents the best avenue for constructing a rich and convincing theory of the presidential program. But until the theoretical issues are resolved in a rigorous way, it remains only an intriguing notion.

3B. A Closer Look at Burden Sharing

Let us return to the simplest of the three theoretical lenses, burden sharing. The basic idea of the burden-sharing model is very simple. Suppose Congress must assume an "entry cost" or opportunity cost, k, when it writes a bill and tries to pass it (for example, k could represent a cost in time that could be dedicated to constituency service instead of writing legislation). This cost will be higher when policy is abstruse and technically complex or when Congress faces many demands on its time, for example, during crises or during the run-up to an election. If Congress bears k, the legislature can craft a bill to suit itself. Or, *the president can assume* k *for Congress, supplying it with a ready-made bill* (that is, the president assumes the cost of writing legislation, not the members of Congress). In this case, however, Congress must take the president's product without modification, since researching the subject matter and rewriting the bill would essentially require expending k (that is, Congress must accept the president's bill as is, otherwise it will cost them additional time to rewrite it).[11]

This simple idea seems to capture Neustadt's idea of a "downtown drafting service." And, it is easily explored in depth using the standard spatial model of legislating.[12] Within this framework, we can investigate what Congress would do in the absence of a presidential bill, when the president should offer bills, how he should position their policy content, and how the president can combine proffered bills and the veto power as two pillars of an integrated legislative strategy.[13]

Building Blocks

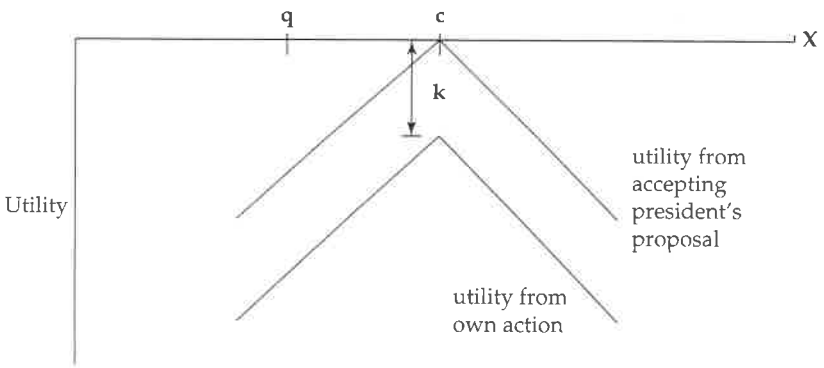
The key elements of the model are *players, policies, preferences,* and *sequence.* The *players* are the president, Congress (focusing on the median or ideologically middle voter in Congress and abstracting from bicameralism), and the veto-override player or legislator at the 60th percentile in Congress (as it were).

As shown in Figure 3.2, *policies* are indicated in a policy space, X, a line (e.g., a tax rate, tariff rate, extent of restrictions on abortion, extent of privatization of social security, or more generally liberalism versus conservativism). Specific policies are points on the line. A particularly important policy is q, the status quo, the policy in effect at the beginning of the players' (members of Congress and the president) interactions.

The players' *preferences* are indicated by utility functions or how much policy benefit or gain players receive from a particular presidential proposal, which show how a player regards policies—more preferred policies yield higher utility. Thus, in Figure 3.2, the median voter in Congress prefers a policy located at c (his or her "ideal point") to one located at q (the status quo policy). Thus, if we think of X as representing a policy and c, or Congress's ideal point, as being a more conservative alternative to the existing status quo or q, the median or middle member of Congress would prefer the more conservative position to the status quo. We assume the president and veto-override player have similar utility functions, but with ideal points $p,v > c = 0$. (Obviously, there are "mirror" cases when those players' ideal points lie to the left of Congress's.)[14]

An important aspect of the utility functions involves issue saliency. We assume greater or lesser saliency does not affect the location of the players' ideal points but does affect the intensity with which they feel losses from non-ideal policies. In terms of Figure 3.2, greater saliency increases the steepness of the utility functions; that is, the greater the saliency of an issue, the greater the potential intensity of legislative feelings on a particular issue, the greater their perceived gain/benefit or loss will be. Let the parameter α denote the saliency of

Figure 3.2 Policies and Congressional Utility in the Burden-Sharing Model



an issue—larger values of α denote more salient issues. Issue saliency will play an important role in the empirical analysis that follows.

Another key feature of the model is k, the cost Congress faces from crafting legislation itself. Because of k, Congress evaluates a bill that it crafts itself somewhat differently than it evaluates one freely proffered by the president. In particular, if a bill proffered by the president yields Congress utility $\overline{u}$, crafting the same bill itself yields Congress only $\overline{u} - k$.

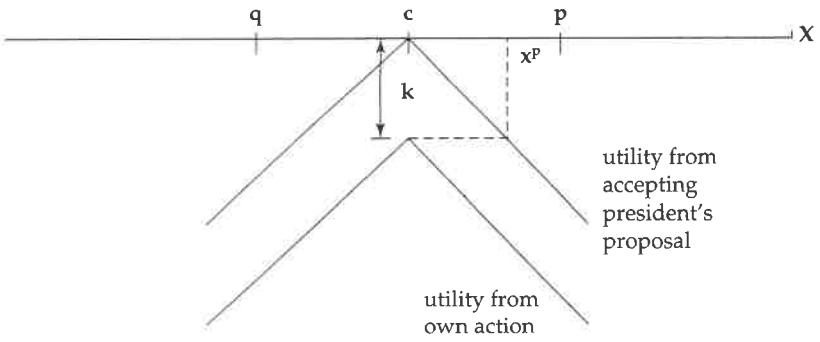
The sequence of play is as follows. First, the president proffers a bill x^p. Second, Congress responds. Congress has three possible actions: it can simply do nothing (so q or the status quo remains in place); it can enact the president's bill unchanged (thus avoiding k); or, it can initiate its own proposal x^c, paying the cost k to do so. Third, if Congress moves forward with a bill (either x^p or x^c) the president may either sign the enacted bill (in which case the final policy is the enacted bill); or, the president may veto the enacted bill. Fourth, if the president vetoes the bill in play, the veto-override player in Congress may sustain the veto (in which case q becomes the final policy) or override it (in which case the vetoed bill becomes the final policy).

This is a game of complete and perfect information and it is easily solved using backward induction, a basic technique of modern game theory. We omit formal proofs, but the results are easy to understand. They fall into three broad cases, given by the configuration of the status quo and ideal points of Congress, president, and the veto-override player.

Case 1. q < c < p. In this configuration (shown in Figure 3.3) both Congress and president face a status quo policy that is more "liberal" than either wishes. Congress, acting unilaterally, would move policy to its most preferred position, its ideal point ($x^c = 0$). The president would certainly accept this bill since he prefers Congress's ideal point to the status quo. But, the president would like to move the policy even further in a "conservative" direction. Can the president preemptively proffer a bill to move policy further than Congress would choose, acting unilaterally?

As shown in Figure 3.3, the answer is yes. If Congress acts unilaterally, it evaluates policy using the lower of the two utility functions in Figure 3.3, since it must pay k in order to legislate (that is, there is a cost to offering its own bill). It will set policy to $x^c = c$, yielding it utility of $-k$. But if the president crafts a bill for Congress, Congress evaluates it using the higher of the two functions. There are a range of presidential bills that Congress will see as good as or better than $x^c = c$, since with these bills Congress can avoid paying any cost or k. Of these bills, the bill the president most prefers is located at $x^p = k/\alpha$, as shown in Figure 3.3. Of course, this bill lies partway between p and c—in some sense it is a "compromise" between what the president and Congress want. Accordingly, in this configuration, the president

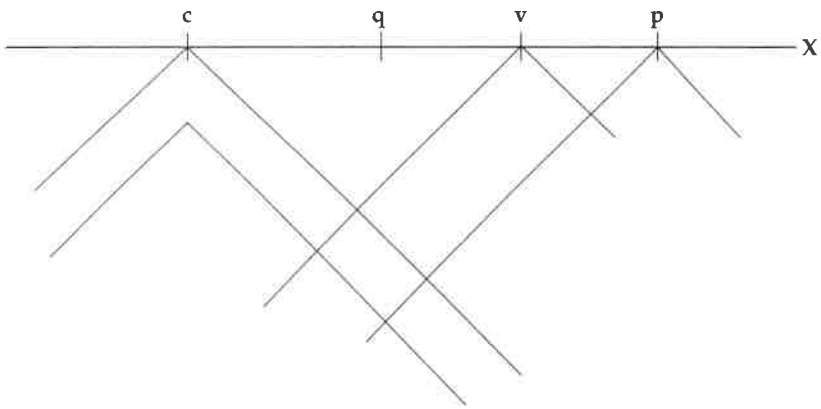
Figure 3.3 Policymaking When $q < c < p$



offers a compromise bill, which Congress accepts and enacts. However, if k is large enough or α (congressional salience) small enough, or if p (the president's preferred position) is close enough to c, the president can offer a bill located at his ideal point, which Congress will accept. In either case, the president does not veto the bill, so it becomes law.[15]

***Case 2.* $c < q <$ min$\{p,v\}$.** In this configuration (shown in Figure 3.4), Congress and the president are in a zero-sum situation (that is, any gain by one policy actor will result in a loss by the other): any movement in policy favored by Congress will be opposed by the president, and vice versa. The ability of the president to defend the status quo with the veto becomes critical—and in this configuration, the veto-override player will support the president.[16] No bill that the president would be willing to proffer can alter this basic calculation.

Figure 3.4 The Gridlock Configuration

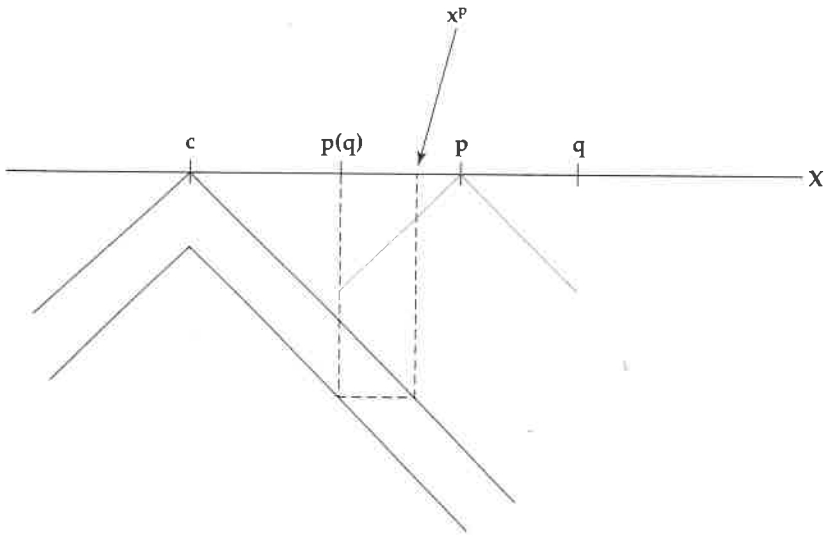


In short, this is a gridlock configuration and no policy change is possible.

***Case 3.* $c <$ min$\{p,v\} < q$.** This is the most subtle configuration. To begin, let us suppose $c < p < v < q$. If we think of this as ideological preferences along the spatial model presented in Figure 3.4, then we can conceptualize it as Congress's preference being ideologically to the left of the president's policy preferences, which is in turn to the left of the congressional veto-override member's preference, which in turn is to the left of the status quo policy. In this configuration, the aim of Congress acting unilaterally is to pass the most attractive bill acceptable to the president, since the veto-override player is a relative outlier. In other words, Congress can do better by passing a bill acceptable to the president than by gearing the bill to win an override vote.

This configuration is shown in Figure 3.5. Here, the best bill that Congress could pass is indicated by $p(q)$—a bill the president views as equivalent to the status quo. This bill $x^c = p(q)$ yields Congress a degree of utility or policy gain, shown using the lower of Congress's two utility functions, since Congress would have to pay k in order to write this bill. However, note that the president could offer Congress a bill gratis that would yield as much or more utility, since Congress could avoid k (that is, the president's bill would be evaluated using the higher of the two utility functions). The best such bill for the president to offer is $x^p = p(q) + k/\alpha$. That is, the point the president can offer a bill he prefers is to the right of the one Congress would prefer,

Figure 3.5 Policymaking When $c < p < q$



but Congress will accept it because it will reduce the costs of writing legislation itself—without moving it too far away from its own policy preferences.

Now suppose $c < v < p < q$ or $c < v < q < p$ with the veto-override player now between Congress and the president. In this case, Congress acting unilaterally will wish to appeal to the veto-override player rather than the extremist president. Logic similar to that in the previous case will lead Congress to write a bill $x^c = v(q)$ analogous to $p(q)$; that is, a bill located as far to the left of v as q is to the right of v. And again, the president has a powerful incentive to proffer a bill preemptively that Congress will choose instead, namely, $x^p = v(q) + k/\alpha$.

The reader will note that if k is sufficiently large (or q close enough to the ideal point of the critical veto-override player, either p or v) the president can proffer a bill situated at his own ideal point, which Congress will accept.[17]

Issue Saliency

It is worth highlighting how issue saliency affects presidential strategy in the burden-sharing model. First, in the gridlock configuration, greater issue saliency has no effect because the president and Congress are at loggerheads. Suppose, however, that a status quo policy lies outside the gridlock region. In that case, what is the effect of greater issue saliency?

The first effect is obvious: Congress is more likely to find it worthwhile to legislate. This is because increased issue saliency raises the benefits from enacting legislation, while the cost of doing so remains the same.

What about the effects on the president's incentive to proffer bills? On the one hand, greater issue saliency means the president cares more about the issue. So, the benefit he gains from "bending" legislation in his preferred direction is greater. On the other hand, increased issue saliency forces the president to position the content of a proffered bill closer to Congress's ideal point. He must do this if he is to prevent Congress from legislating unilaterally. So, the value of proffering a bill declines.

In the model laid out here, it turns out that these two factors exactly cancel one another (it takes some algebra to show this, which we omit). This means the model makes a very clear prediction: for policies outside the gridlock region, increased issue saliency increases the probability that the president proffers a bill, even though the bill will offer greater compromises to Congress. The increased probability of proffering a bill reflects Congress's greater likelihood of legislating.

Summary

The burden-sharing model provides a simple rationale for a contingently effective presidential program. The model's empirical predictions are summarized in Table 3.3.

The model makes predictions both about the probability the president proffers a bill and about the content of proffered bills (based on the assumption that the president wishes the bills to be passed). First, the president has little incentive to proffer a bill if the policy lies in the gridlock region. Otherwise, however, the president has a powerful incentive to proffer bills, especially if the issue's public salience is great and the cost of legislating is low. In general, the president will proffer bills preemptively, in order to shape the content of enactments that Congress would likely undertake anyway. Typically, these preemptive bills will be "compromise" bills, but ones quite favorable to presidential interests. However, under special circumstances—for example, when the president's preferences are close to those of Congress (as in unified party government) or when policy is technical and abstruse or when Congress is distracted or overwhelmed or the issue salience is very low—the president can achieve his ideal policy. Greater issue saliency forces the president to make greater compromises to Congress, while greater legislation costs allow the president to offer fewer compromises in bills he chooses to proffer.

Does the model go any distance in explaining the empirical regularities discussed in the previous section? At least in some cases, the answer seems to be yes. For example, if the model is correct, the president proffers in policy areas that *Congress would have considered anyway* or in areas where *Congress will welcome the administration's bills*. If this is correct, it is hardly surprising that Congress considers 98 percent of the most important presidential bills.

The model also helps explain why presidents have so much success during unified party government. When the president's ideal point is close to that of Congress (see Figure 3.2), the president has wider latitude in placing bills that Congress will accept. In contrast, consider

Table 3.3 Empirical Predictions of the Burden-Sharing Model

	Probability President Proffers a Bill	*Content of Proffered Bill*
Policy in gridlock region	Zero	—
Policy outside gridlock region		
—Increased salience of issue	Up	Increased accommodation of Congress
—Increased cost of legislating	Down	Decreased accommodation of Congress

the situation when the president's ideal point is far from Congress (see Figure 3.4). In this case, small errors in placement (due to "incomplete information" about k or congressional preferences) can easily lead to rejection of the president's proposals.

The model also suggests that scholars may not have measured "presidential success" in quite the right fashion. Mostly, (the model suggests) the president is trying to shape congressional action by making it easier for Congress to "do the right thing" as the president might understand it. Thus, when the president is conservative, successfully proffered bills should "bend" policy in a more conservative direction *than would have occurred absent presidential intervention*, and similarly, the bills a liberal president successfully proffers should "bend" policy in that direction. Presidential success lies in these "bends" in policy, not in the percentage of what the president got relative to his initial request (which was strategically chosen anyway).

The burden-sharing model is just a starting place for thinking theoretically about the president's legislative program. Like all such frameworks, its success lies in explaining observed regularities, predicting new ones, and stimulating better theory. With the model in hand, let us turn to a closer look at presidential legislative activism.

4. Explaining Presidential Legislative Activism

The burden-sharing model suggests some simple ideas for structuring an investigation of an underresearched topic, presidential legislative activism. When does a rational president proffer many bills to Congress, and when does he proffer few?

First, as discussed in Section 3, the burden-sharing model emphasizes *preemptive action* by the president. So, straightforwardly, the model directs us to look at periods when large-scale congressional action is eminent. In such moments, presidents will want to be legislative activists in order to mold the content of the legislation Congress would likely enact anyway. So the critical question is: when will large-scale congressional action be eminent? The spatial model at the center of the burden-sharing approach points to periods when president and Congress can find legislative common ground for many status quos. In other words, it points to periods when the "gridlock interval" in Figure 3.4 is small, so that policy windows (or the opportunity to enact new policies) are open.

Critically, however, open policy windows are only a necessary condition for legislative activism, not a sufficient one. In addition, Congress must face intense *demands* to produce legislation, for even if Congress can legislate, it will not do so if organized groups and public opinion do not create the necessary incentives.

From the perspective of the burden-sharing model, then, it is the *combination* of open windows and intense demands on Congress that leads to presidential legislative activism. In these periods, the model suggests, presidents will want to proffer many bills, in order to shape the content of subsequent legislation.

Second, the burden-sharing model emphasizes the costly nature of legislating to Congress. For Congress, expending time and effort on legislation is always costly, if only in terms of forgone opportunities. The most obvious case when the opportunity cost of legislation increases is in the run up to congressional elections. Thus, the model leads us to expect fewer presidential proposals in those periods, as Congress is less likely to act on them.

A Closer Look at Presidential Legislative Activism

Figure 3.6 displays Rudalevige's data by year of term within administration. The mean annual number of proposals per administration is shown with a dotted line. Table 3.4 displays complementary data. Four patterns stand out.

First, *average legislative activism varied widely across administrations.* Three presidents, Truman, Reagan, and Bush (41), displayed relatively low levels of legislative activism, averaging less than 100 proposals annually. Eisenhower, Nixon, Ford, and Carter were "moderate" legislative activists, averaging between 120–150 proposals annually. Finally, Kennedy and Johnson were "intense" legislative activists, averaging more than 250 proposals annually. Notably, average activism rose and declined more or less symmetrically around the Johnson administration. President Clinton can be scored as either a nonactivist or a moderate activist, depending on the exact cutoff one chooses. If one scores Clinton as a moderate, then the moderate activists averaged about 50 percent more bills per year than the nonactivists, and the intense activists more than three times as many. (The annual averages across the three groups are 88, 132, and 293).

Second, *variation in activism over the years of a term within an administration was much smaller.* The nonactivists tended to be nonactivists or moderates every year; the activists were activists in almost every year of the administration. The presidents we labeled moderates often surged into activism or slumped in nonactivism, but nonetheless tended to stay fairly close to a moderate average. Variance (or changes from year to year) in proposing increased with average activism, a statistical pattern known as "heteroskedasticity." As is often the case, taking logarithms stabilizes the variance and eliminates heteroskedasticity. We can then see (in the fourth column of Table 3.4) that proposals in the first Eisenhower administration were particularly variable. The Ford presidency stands out for low variance.

Figure 3.6 Presidential Legislative Activism From Truman to Clinton (Rudalevige Data)

Annual Presidential Proposals, 1949–1995

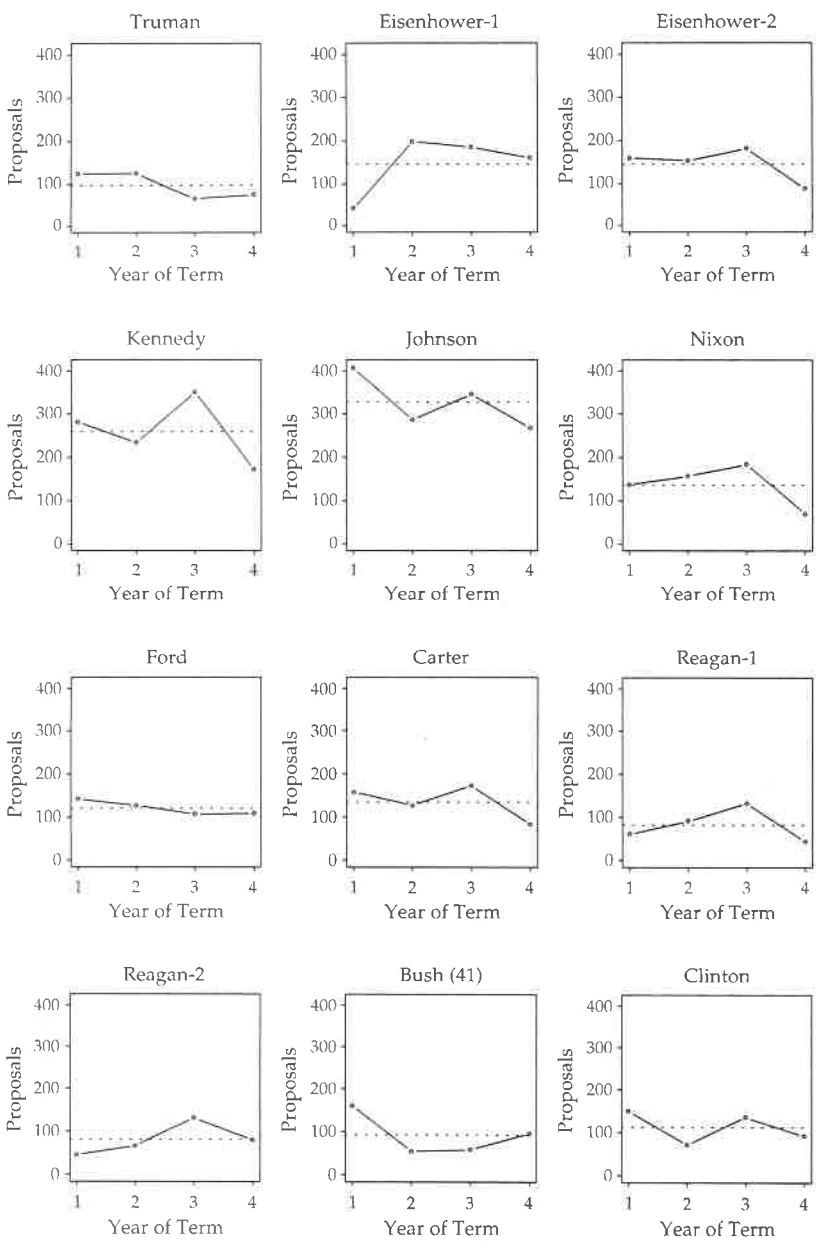


Table 3.4 Legislative Activism by Administration (Rudalevige Data)

Administration	*Average Annual Proposals*	*SD of Annual Proposals*	*Average Annual Proposals (log)*	*SD of Annual Proposals (log)*
Truman	97	32	4.5	.4
Eisenhower—1	146	71	4.8	.7
Eisenhower—2	145	40	4.9	.3
Kennedy	259	75	5.5	.3
Johnson	326	64	5.8	.2
Nixon	137	49	4.9	.4
Ford	120	17	4.8	.1
Carter	134	39	4.9	.3
Reagan—1	82	38	4.3	.5
Reagan—2	80	37	4.3	.4
Bush (41)	92	49	4.4	.5
Clinton—1	112	37	4.7	.3

Note: Logarithms are natural logarithms.

Third, *variation within terms was broadly predictable.* In particular, the first and third years of a term often displayed about the same number of proposals. The fourth year usually displayed a considerable decline, averaging about 25 percent relative to the third year. The second year was quite variable, but averaged about a 15 percent drop relative to the first year. From this perspective, the Carter administration displays the "most typical" pattern. The unusually high variance of the first Eisenhower administration was due to the low number of proposals in the first year (as noted by Neustadt), with many items that more typically would have appeared in the first year seemingly appearing in the second. The low variance of the Ford administration was due to an unusually elevated number of bills in the fourth year. The anomalous appearance of the Bush administration seems to reflect proposals deferred from the third year to the fourth, probably due to the Gulf War of 1991.

In sum, most presidents seem at least somewhat susceptible to a broad rhythm within the four years of an administration. But the underlying strategic situation determining the "baseline" of activism—low, moderate, or intense—varies widely across administrations. Explaining this "baseline" is a major challenge for any theory of presidential legislative activism. We now turn to the "baseline" conditions suggested by the burden-sharing model.

Policy Windows and Legislative Demands

In Section 3B, we discussed the gridlock configuration and the gridlock region (recall Figure 3.4). It is possible to measure this distance, using estimates of ideal points developed by political scientists.

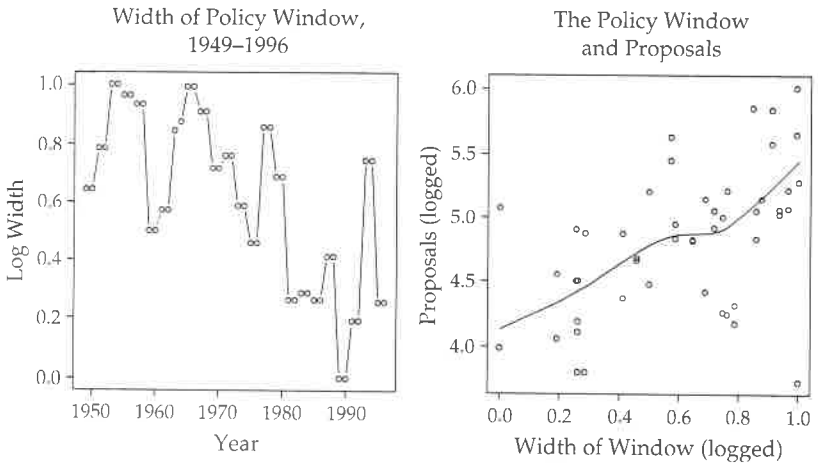
Then, when the gridlock region is small, one can say the policy window is wide; when the gridlock region is large, the policy window is narrow; that is, the larger the potential for gridlock in Congress the less opportunity there is for presidents to successfully propose legislation. (We supply details in the Appendix.)

The left-hand panel in Figure 3.7 displays this measure of the policy window. In the period under study, the policy window was widest in the early Eisenhower administration and during the Johnson administration. It was narrowest in last two years of the second Reagan administration. Statistically, the right-hand panel shows the bivariate relationship between the policy window and the number of presidential legislative proposals. As shown, a wider window correlates with greater activism (the glaring outlier in the lower right-hand corner of the panel is 1953, year one of the first Eisenhower administration).

Political scientists do not have a standard measure of social demands for legislation. However, a plausible measure might look to the activity of social movements. As African Americans, environmentalists, and women mobilized in pursuit of social objectives, their conceptions of a better world led to demands for much new legislation. Thus, we create a simple measure of social movement activity: the number of front page stories in the *New York Times* mentioning "civil rights," "women," and "environment" and "movement." (We exclude clearly inappropriate stories and stories covering congressional action or legislation.)

The left-hand panel in Figure 3.8 presents this measure of social movement activity. After 1963, the measure has a degree of face plausibility—it appears to track common conceptions of social movement activity. Prior to 1963, however, the measure fails to capture the growing civil rights activity that actually existed. So the measure is hardly perfect. Nonetheless, the right-hand panel in Figure 3.8 suggests that the measure does correlate with presidential legislative activism. (The negative relationship at the lowest levels of activity may reflect the poor quality of the pre-1963 data.)

Figure 3.7 The Width of the Policy Window and Presidential Legislative Activism



The burden-sharing model suggests presidents will become legislative activists when the policy window is wide *and* Congress faces intense demands for legislation. One can capture this idea by interacting (multiplying) the two separate measures. The interaction assumes large values only when both of the separate measures have large values. The left-hand panel displays this measure. As shown in the right-hand panel, the interaction correlates with presidential activism, perhaps even better than either of the two separate measures.

Figure 3.10 confirms the implications of Figure 3.9. The number of proposals and the extent of the interaction effect closely move together for the period examined, especially after 1962.

Multivariate Analysis

A sound analysis of presidential legislative activism demands a multivariate approach.[18] However, time-series data always require special care. Because the issues involved are rather technical (involving the stationarity of the series), we address them in an appendix. The results reported there indicate that straightforward ordinary least squares regression is appropriate for analyzing the data, but only after 1962. The earlier figures also suggested that measurement

Figure 3.8 Social Movement Activity and Presidential Legislative Activism

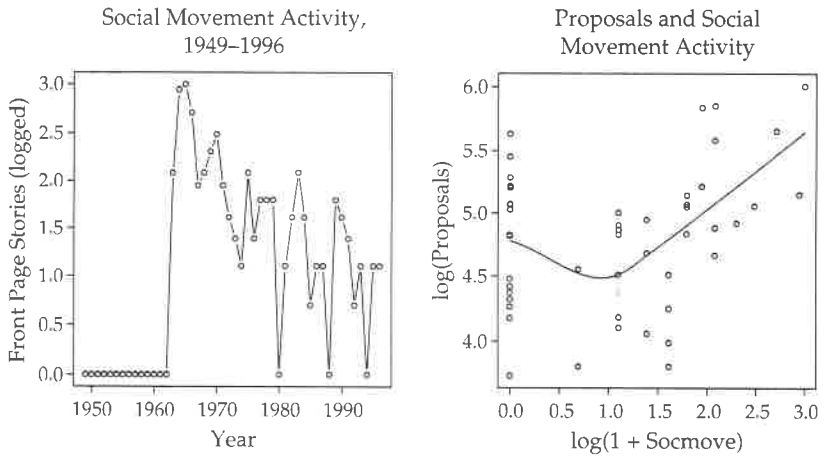
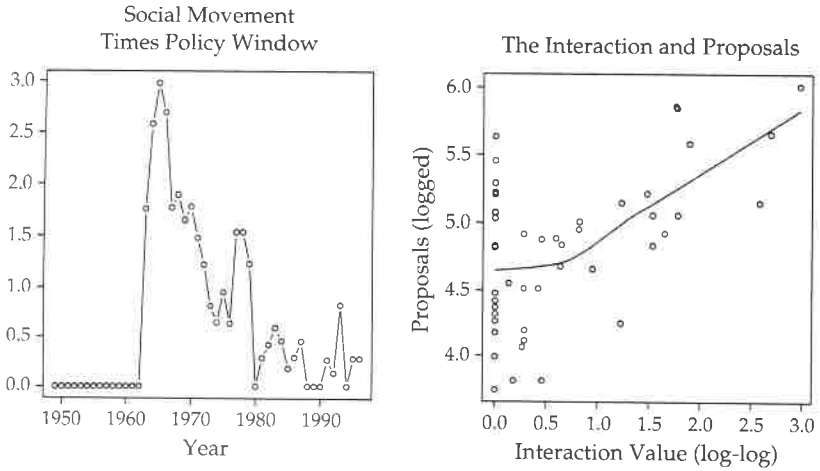


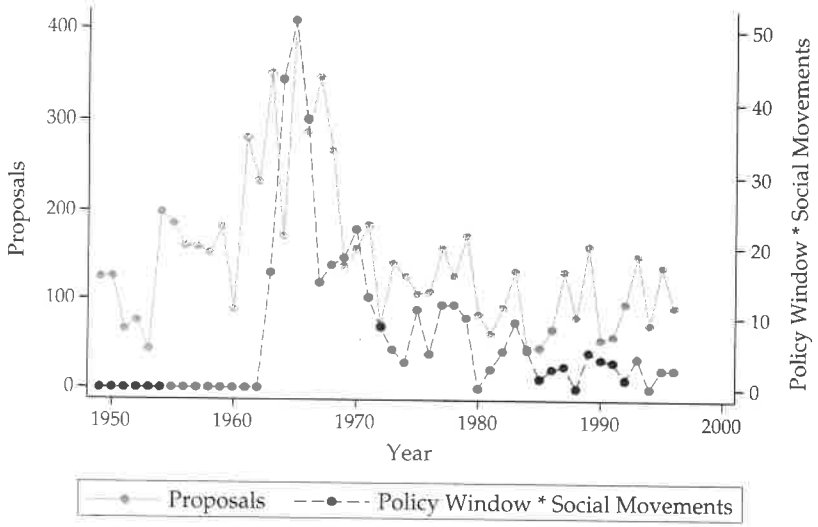
Figure 3.9 The Combination of Open Windows and Intense Demands, and Presidential Legislative Activism



error in the social movements variable precluded an earlier analysis in any event. Consequently, we focus on the post-1962 data in the statistical analyses that follow.

Table 3.5 presents six simple regression models for the post-1962 data using the variables discussed above. Model 1 is the simplest possible model. It contains only the key variable, the interaction of the policy window variable, and the social movement variable. Model 2 adds two variables indicating the second and fourth years of a term. Model 3 combines these into one variable indicating congressional election years. Models 4 and 5 add the policy window and social movement variables, each separately, to the interaction term and the election year variable. Model 6 adds both these variables simultaneously (this is the "saturated" model that many statistical analysts would see as most natural).

Figure 3.10 Time Series: Presidential Legislation Activism and the Interaction of Policy Windows and Social Movements



Most striking is the way the key variable, the interaction, strongly affects presidential legislative activism. By itself, the interaction term explains almost half of the variance in the number of proposals proffered to Congress. Using Model 3, a change in its value from its high point in the post-1963 period (2.97 in 1965) to its low point (0 in 1980 and 1988–90) is estimated to decrease presidential proposals from 389 to 85 in noncongressional election years, and from 300 to 66 in election years.[19] As long as the interaction variable is included in the model, adding its component parts singly or jointly adds essentially nothing to the model. The Durbin-Watson statistic indicates no problems with serial correlation, a finding confirmed by Breusch-Godfrey tests (not shown).

As expected, proposals drop in congressional election years. Moreover, the effect appears to be the same in the midterm and presidential election years, justifying combining the second- and fourth-year variables into one election-year variable.

Across all the models, the values of the variables are quite stable. This is clear for the election year variable, but taking into account the different specifications, the estimated effects of the policy window and social movement variables are also quite stable over the models.

Figure 3.11 compares the fit of Model 2 with the actual data. As shown, the model tracks the actual data remarkably quite well, with the exception of a few isolated years.

The message of the statistical analysis is quite clear: *when the policy window opens after a social movement gains steam, presidents become legislative activists.* Absent those conditions, the size of the president's legislative program is much smaller. The macrolevel counts analyzed here cannot prove that activist presidents move preemptively in order to shape prospective congressional legislation. But if they were doing so, these are the statistical results one would expect.

5. Conclusion

Political scientists have long argued that the president's legislative program is important. But in the absence of systematic data, that im-

Table 3.5 Regression Analysis of Presidential Legislative Activism

	Model 1	*Model 2*	*Model 3*	*Model 4*	*Model 5*	*Model 6*
ln(Policy Window) * ln(Social Movement)	.53*** (.08)	.52*** (.08)	.51*** (.07)	.40*** (.13)	.60*** (.13)	.34 (.35)
Year 2	—	-.25* (.15)	—	—	—	—
Year 4	—	-.27* (.15)	—	—	—	—
Congressional Election Year	—	—	-.26** (.12)	-.28** (.12)	-.28** (.12)	-.28** (.13)
ln(Policy Window)	—	—	—	.40 (.37)	—	.48 (.69)
ln(Social Movements)	—	—	—	—	-.12 (.16)	.04 (.28)
Intercept	4.30*** (.10)	4.45*** (.11)	4.45*** (.11)	4.35*** (.15)	4.56*** (.19)	4.28*** (.44)
Degrees of freedom	32	30	31	30	30	29
Adjusted R^2	.48	.62	.63	.63	.62	.62
Durbin-Watson Stat.	2.08	1.84	1.84	1.89	1.90	1.88

Note: The dependent variable in all models is ln(Proposals). In each cell, the topmost number is the coefficient and lower number the standard error.

***: significant at the .01 level.

**: significant at the .05 level.

*: significant at the .10 level.

No mark: not statistically significant.

Figure 3.11 Actual Versus Predicted Levels of Presidential Legislative Activism

portance was hard to demonstrate. And in the absence of tightly argued theories, it was difficult to explain why proffering bills should matter.

Newly available data, painstakingly collected by presidential scholars, has dramatically expanded our knowledge of empirical regularities in the presidential program. At least for important bills, Congress is extraordinarily willing to consider presidential initiatives. And Congress is somewhat responsive to them, at least when the legislature contains a large band of copartisans ideologically proximate to the president. But this hardly exhausts the new data: much remains to be learned.

We have argued that the president's program is also theoretically tractable, in the same way that the presidential veto, presidential direct action, and presidential rhetoric are (Cameron 2000; Howell 2003; Canes-Wrone 2005). To that end, we constructed one of the first formal models of the presidential program, the burden-sharing model.

Although the burden-sharing model is just a first step toward a robust theory of the presidential program, it affords a simple way to understand some of the known empirical regularities. Moreover, it suggests new ways to think about the legislative program, including presidential legislative activism. Using the new data and some simple

ideas from the model, we showed that presidents appear to respond in a sensible way to their legislative opportunities. In particular, presidents expand their legislative program when large-scale congressional action appears likely, as if they were trying to shape that legislation by preemptively proffering bills. They contract the legislative program when policy windows close, the public mutes its demands for legislation, and Congress is distracted by an impending election. Though much has been learned about presidential strategy in this area, much remains to be learned.

Appendix

The Policy Window Variable

We identified the gridlock region as the distance between the ideal point of the median voter in Congress and the nearer of the ideal points of the president and veto-override player. We measured this distance for the Senate, using Keith Poole's "optimal classification scores" (see http://voteview.com/). Call this measure "*grdlk*." Then we define

$$Window = 1 + 1.718\frac{|\max(grdlk) - grdlk|}{\max(grdlk) - \min(grdlk)}$$

This creates a standardized measure ranging from 1 (when *grdlk* attains its maximum value in the series) to 2.718 (when *grdlk* attains its minimum value in the series). Log(Window) then has values between 0 and 1. This is the series used in the analysis.

Stationarity of Variables

A time-series variable is "stationary" if its mean, variance, and covariance are all time invariant. If the variables in a time-series analysis are not stationary and OLS is used, the regression will report a significant relationship between the explanatory and response variables that does not really exist, a so-called spurious regression (Granger and Newbold 1977). Accordingly, we examined the stationarity of the variables with a statistical test designed to uncover nonstationarity (a unit root test). We employed the DF-GLS test, which has shown particularly good properties in this regard. The results are summarized in Table 3.A.1.

When the DF-GLS unit root test is applied, all the variables except the policy-window variable are estimated as unit-root nonstationary. When the post-1962 data is used, however, all the variables are estimated as stationary, which allows us to use OLS for the post-1962 data.

Table 3.A.1 Unit-Root Test Results

	Whole Period	*Post-1962*
Ln(proposals)	Nonstationary	Stationary (Detrending)
Ln(window)	Stationary (Detrending)	Stationary (Detrending)
Ln(socmove)	Nonstationary	Stationary (Detrending)
Ln(window) * Ln(socmove)	Nonstationary	Stationary (Detrending)

DF-GLS (Dickey-Fuller Generalized Least Square) Test is used with SIC (Schwart Information Criteria) for lag length selection.

Notes

1. For example, Light (1999), Fett (1974), and related work on other parts of legislative strategy such as "going public," especially Cohen (1997) and Canes-Wrone (2005).
2. For a sophisticated treatment of the same problem in studying a president's decisions to "go public," see Canes-Wrone (2001).
3. The data on all proposals may be found in Table A1 in Rudalevige (2002) (Rudalevige splits 1974 into two periods, due to the change from Nixon to Ford—that year is combined here). The data on "important" proposals is from Table 6-1 in Edwards and Barrett (2000).
4. Peterson used data collected by *Congressional Quarterly* for 1953–1974 and then added similar data through 1984 using the *Public Papers of the President* and the *Weekly Compilation of Presidential Documents*. Peterson then drew a random sample from this universe, excluding foreign policy proposals.
5. Rudalevige scored his data similarly to Peterson's, but his tables combine the categories "no action" with "actively defeated." Thus, one cannot see how many proposals were actively considered by Congress.
6. If Congress took a presidential proposal seriously but it failed, Peterson scored it as "opposition dominance." If it passed in some form, he scored it as either "compromise," "presidential dominance," or "consensus." We aggregate the last three categories as "some presidential success."
7. Peterson does not report success rates by unified versus divided party government. He does so by administration (e.g., 1990, Table 7.1) but does not distinguish between more important and less important proposals, so that the meaning of different rates is not clear.
8. We calculate these using the data in Table A.7 in Rudalevige (2002, 184–185).
9. Edwards and Barrett did not undertake a multivariate analysis. Peterson did, for example, with respect to the innovativeness of proposals, but not with respect to success per se.
10. In other words, suppose there is a separating equilibrium in the implied signaling game between president and Congress. For a discussion

of related issues in the context of congressional committees and the floor, see Chapter 2 in Krehbiel (1991).

11. This is clearly an extreme assumption, which might comport better with an information-based model. Thus, one might see the burden-sharing model as a "reduced form" informational model.
12. We review the standard spatial theory of legislating below. Readers who wish to learn more may want to consult, for example, Krehbiel (1998).
13. The third pillar is presidential rhetoric, "going public." Using the approach created by Canes-Wrone and her coauthors (see Canes-Wrone 2005), one could integrate all three. But doing so is outside the scope of this chapter.
14. The function for Congress if it legislates on its own is: $-\alpha|x| - k$, where α is the saliency parameter discussed below and k is the cost of legislating.
15. The following subcase deserves quick mention: suppose q lies to the left of c but within k/α distance of it. In that case, a unilateral move of the status quo will not be worth the effort to Congress. Therefore, this policy will not be "on Congress's agenda." In this case, the president can proffer a bill located at $x^p = -q > 0$, successfully putting his bill on the congressional agenda, leading to an enactment. (If $-q \leq p$, the president would offer his ideal point.) In other words, the president's bill will stimulate Congress to enact legislation, when otherwise it would not.
16. Note that it does not matter whether $p < v$ or $v < p$, provided $q < \min[p,v]$.
17. The critical condition is $x^c + k/\alpha \geq p$. However, some simple algebra shows that $x^c = 2p - q$ when $c < p < q,v$ and $x^c = 2v - q$ when $c < v < q,p$. So the condition reduces to $k \geq \alpha(q - p)$ and $k \geq \alpha(q - v)$, respectively.
18. Because the dependent variable involves counts, some analysts would advocate Poisson or negative binomial regressions rather than the ordinary least squares estimates shown here. But given the magnitudes of the counts, these approaches are likely to gain little. And, of course, the OLS estimates are easier to interpret. Thus, we present the OLS estimates.
19. This is calculated as, for example, $e^{4.45+.51*2.97} = 389$.

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