

Presidential Success on the Substance of Legislation

Andrew W. Barrett
Matthew Eshbaugh-Soha
University of North Texas, Denton

The topic of presidential success in Congress is central to the study of American politics. Yet existing research does not sufficiently assess the president's success at shaping the substance of legislation. To help remedy this deficiency, the authors measure the degree of presidential success on 191 important statutes from 1965 to 2000 and find that presidents typically accept significant concessions to ensure passage of legislation. Using factor and regression analyses, the authors demonstrate that several factors—including the presence of unified government, the president's approval ratings, and the point in a president's tenure—affect the extent to which the president receives what he wants concerning legislative content.

Keywords: *president; Congress; bargaining; legislation*

The key to success in the American lawmaking process is building winning coalitions through bargaining and compromise (Arnold 1990; Elving 1995; Jones 1994; Neustadt 1960; Peterson 1990). Over the past four decades, scholars have devoted considerable attention to assessing how successful presidents are in navigating this process, primarily focusing on tallying presidential wins, losses, and levels of presidential support derived from roll-call votes. Missing from this literature are explorations of the consequences that battles between the executive and legislative branches may have on the substance of legislation. As Neustadt first stated in 1960, presidents must bargain with legislators in our system of separate institutions sharing powers to achieve their policy goals. Neither Neustadt nor subsequent scholarship, however, answers how much presidents bargain over legislative content to develop winning congressional coalitions. This question is significant because the president may win a political battle with Congress by signing a bill he supports into law but lose the legislative war if he has bargained away provisions he desired most to ensure its passage.

In this article, we explain variation in the degree of presidential success on the content of 191 important laws enacted over a thirty-six-year period. Our new ordinal measure of success—which focuses on the president's give-and-take with Congress over legislative content—encourages us to consider that some tools that do not affect presidential wins and losses

may impact the content of legislation. As such, we find that the honeymoon period (which decreases success) and presidential approval ratings (which increase success) affect the president's success on the substance of legislation differently than roll-call measures of success. Additionally, we find that Presidents Johnson through Clinton generally compromised when they signed legislation, even though they received most of what they wanted substantively. We also find that conditions of unified government increase the president's success in Congress. Lame-duck status and congressional gridlock affect the substance of legislation as well.

The Degree of Presidential Success in Congress

Richard Neustadt first argued in 1960 that presidential power is the power to persuade and the power to persuade is the power to bargain. Despite more than forty years of research, most scholarship on presidential-congressional relations has not sufficiently tapped the give-and-take over the substance of legislation

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that transpires during the lawmaking process. Most studies operationalize presidential success in Congress as presidential box scores (such as those produced by *Congressional Quarterly*); success rates on roll-call votes (Bond and Fleisher 1990); or support scores, which measure the percentage of votes on which a legislator supports the president's position (Edwards 1989). Each of these measures aids our understanding of presidential success in Congress, but each also is limited (Bond, Fleisher, and Krutz 1996; Covington 1986; Jones 1994; Lindsay and Steeger 1993). Although each gauges how often the president wins on a set of bills or how many legislators support him on a series of votes, they cannot account for the degree of presidential success on legislative content.

An example from the Carter administration helps illustrate this point. Two major pieces of legislation proposed by President Jimmy Carter became law in October 1978: a civil service reform bill and a comprehensive energy package. Although Congress passed both of these presidential initiatives, Carter received more of what he wanted from the civil service than energy legislation. The civil service reform bill "contained all but one of the basic changes the president had proposed" even though it was "reworked extensively by both the House and the Senate."¹ Conversely, the final version of the energy package "contained only remnants of the tough plan originally presented by Carter."² Measures of presidential legislative success based on roll-call votes would credit Carter with two equivalent legislative victories because each presidential bill became law. Nevertheless, these two cases demonstrate that passage of legislation does not necessarily produce equal victories across congressional statutes.

A few scholars have moved beyond traditional measures of presidential legislative success to explore it in terms of legislative content. Peterson (1990) distinguished between presidential initiatives where the president dominated the lawmaking process and proposals on which he compromised. Likewise, Rudalevige (2002) differentiated between presidential proposals where the president received virtually all he wanted and bills where he received more and less than half of the provisions he desired. Jones (1994) argued that the legislative process is not presidency-centered but that lawmaking varies in terms of which branch of government is "preponderant." Krutz (2001) extended Jones's analysis of legislative preponderance to omnibus legislation in addition to analyzing the president's ability to shape such legislation. Finally, the literature on veto bargaining explores whether and to

what extent the president can elicit changes in a bill by threatening or using a veto (e.g., Cameron 2000; Kiewiet and McCubbins 1988).

Our study is built upon the same premise as this small body of research, particularly that a cooperative give-and-take best explains executive-congressional relations. Yet these previous studies do not fully explain presidential success at shaping legislation. Peterson (1990) and Rudalevige (2002) only examined presidential policy proposals, ignoring congressional initiatives, which are the basis for the majority of legislative battles that transpire between Congress and the president (Edwards and Barrett 2000). Jones's (1994) analysis is more concerned with describing the levels of participation by the president and Congress in the lawmaking process than with systematically explaining the degree of presidential success on important statutes. Krutz (2001) explored only one type of legislation, omnibus bills. Finally, even though the veto bargaining literature uses the executive-legislative bargaining relationship to explain the propensity for the president to veto, threaten vetoes, and exact concessions from legislators, the veto threat is only one tool at the president's disposal.

Presidential Power and Bargaining: Theory and Hypotheses

Congress as an institution depends upon the willingness of its members to compromise to produce legislation (Elving 1995). The lawmaking process is protracted and complicated with dozens of opportunities for unsatisfied legislators to kill legislation, including simple inaction by committee chairs or party leaders. With more than five hundred individuals divided into two legislative bodies, little can be accomplished without building majority coalitions through bargaining and compromise.

Undoubtedly, legislators often "need" presidential leadership on policy priorities (Neustadt 1960) to help them overcome their many collective action problems (Moe 2002). Yet the president must also compromise with Congress, because he cannot rely on his formal powers alone to influence the lawmaking process (Neustadt 1960). With the exception of the veto power, the Constitution grants the president only limited legislative authority (such as "from time to time give to the Congress Information of the State of the Union"). Like other participants in the legislative arena, presidents must bargain to build winning coalitions to secure passage of legislation (see, among

others, Peterson 1990), by offering to reshape their proposals more to the liking of important legislators or support congressional initiatives as long as they receive something in return.

Presidents, however, are only one among several cues that legislators use to decide how to vote (Kingdon 1981), with much coalition building taking place independent of presidential involvement (Arnold 1990). Moreover, presidents must overcome several obstacles unique to their office when attempting to build congressional coalitions (Edwards 2000). These include, but are not limited to, the president's limited tenure in office as well as a different electoral clock and constituency than members of Congress. Each of these provides different incentives for presidents and legislators to bargain, compromise, and ultimately agree on legislative language. The hierarchical nature of the executive, in contrast to the more decentralized legislature, also exacerbates presidential responsibility and accountability while obscuring that of Congress. Given the difficulty of the lawmaking process itself and the unique obstacles facing the president in building congressional coalitions, presidents will likely be forced to make concessions on most bills they support, as they bargain with legislators to secure their passage. Therefore, we hypothesize that *presidents will need to compromise on the substance of legislation before they sign most bills into law.*

Fluctuations in the legislative and public environment, including party control of Congress, conditions of gridlock, the point in a president's tenure, and presidential popularity should affect the president's bargaining position and, therefore, his degree of legislative success. Party control in Congress is by far the most important factor affecting presidential success in the legislative arena (Edwards 1989; Bond and Fleisher 1990). This is not surprising because legislators and presidents of the same party share similar ideological beliefs and usually agree on which policy solutions are appropriate for social problems and public concerns. Political goals further link legislators and presidents of the same political party, as they invariably attempt to win reelection on similar policy records. For these reasons, presidents will likely have to bargain less with legislators of their political party and will receive more of what they want on legislation when their party controls Congress. Thus, *unified government will increase the degree of presidential success on the substance of legislation.*

Even under conditions of unified government, many factors can complicate an already complex lawmaking

process, creating gridlock and decreasing legislative productivity. An ideological division can occur between the two chambers of Congress, forcing the president to satisfy divergent perspectives, even within his own party. Party animosity and polarization can increase, causing all political actors to dig in their heels and refuse to compromise over even the smallest of issues. A determined and unified minority party in the Senate can wreak havoc on that chamber's legislative agenda through the use of the filibuster, thwarting the will of a majority coalition. Given any of these or a number of other conditions, lawmaking may halt, producing few important pieces of legislation. As the level of legislative productivity decreases, the president will be forced to bargain more with congressional leaders to break through the gridlock.³ In other words, a legislative process mired in gridlock puts the president at a bargaining disadvantage: he will need to make more legislative concessions to ensure that the proposals he supports reach his desk. Hypothetically, *the president will be less successful in shaping the substance of legislation when congressional gridlock increases.*

The strength of the president's bargaining position also varies throughout his term in office. Much scholarly research (Eshbaugh-Soha 2005; Lockerbie, Borrelli, and Hedger 1998; Pfiffner 1988) tells us that presidents usually achieve their highest rates of legislative success during their honeymoon period, when they are in the good graces of the public, the press, and their fellow elected officials following victory in a national election. Examining presidential success on legislative content, however, alters the likelihood that a president's most successful time in office will be during his honeymoon. According to Light's (1999) "cycle of increasing effectiveness," newly elected, and thus largely inexperienced, presidents and their staffs will be less skilled in bargaining with congressional leaders than they will be later in their tenure. Thus, *presidents will be less successful shaping the substance of legislation early in their tenure.*

Despite their increasing effectiveness as their time in office progresses, *presidents will struggle shaping the substance of legislation late in their terms, as they become "lame ducks."* If reelected, the president's power slowly diminishes as his time in office wanes (Grossman, Kumar, and Rourke 1998). The press (who look for stories from new challengers for the Oval Office) and members of Congress (who see the president's relevance fading) increasingly ignore second-term presidents. Presidents not only propose

fewer policies during their second terms (Eshbaugh-Soha 2005), they have less sway with legislators due to the “cycle of decreasing influence” (Light 1999).

Public attitudes also should influence the president’s bargaining position. Despite evidence to the contrary (Bond and Fleisher 1990; Collier and Sullivan 1995), presidents, White House staff, and legislators believe that public approval is important to the president’s success in Congress (Edwards 1997; Neustadt 1960; Rivers and Rose 1985). Theoretically, public support will improve the president’s bargaining position as members of Congress will not want to risk alienating their constituents by opposing a popular president’s policy preferences. Therefore, we hypothesize that *the higher his level of approval, the more a final statute will reflect the president’s policy preferences.*

The president is not merely dependent upon outside factors to improve his bargaining position, however. One step the president himself can take is to introduce legislation. Shaping the definition of alternatives—or setting the policy agenda—is the supreme power in American politics (Schattsneider 1960; Kingdon 1995). By initiating action on a legislative issue, the president frames the debate (Covington, Wrighton, and Kinney 1995) and has the greatest power to shape the substance of these initiatives. Even if he is forced to make some concessions by other legislative actors during the lawmaking process, the final statute is more likely to reflect the president’s wishes as the original proposal contained all the White House wanted. Consequently, *the president will receive more of what he wants on bills that he initiates.*

The veto threat is another legislative tool that should increase the president’s bargaining position. An explicit threat of a veto from the White House informs legislators that the president may thwart all of the hard work they have devoted to passing a bill they may need to ensure their reelection. If they wish that bill to become law, legislators may have to move closer to the president’s policy preferences. As a number of scholars have shown (Cameron 2000), these threats are a way for presidents to wrestle legislative concessions from Congress. However, given that a veto threat is most likely to be issued when the president is largely dissatisfied with the content of a bill, we hypothesize that, even though an explicit veto threat is likely to win some concessions from congressional negotiators as previous research has shown us, *the presence of a veto threat will be correlated with less presidential success on legislative content.*

Measuring the Degree of Presidential Success

To measure presidential success regarding legislative content, we use Mayhew’s (1991) list of important legislation (updated by Mayhew himself) to develop a sample of statutes from 1965 to 2000. We limited our analysis to important legislation, because presidents are more attentive to important policy initiatives (Schroedel 1994) and significant pieces of legislation increase the likelihood of bargaining between the president and Congress (Cameron 2000). When important legislation is debated, the intensity of legislative battles also should increase since so much is at stake both politically and in terms of policy making regarding these proposals, providing for a good test of presidential success regarding the substance of legislation.

We eliminated 35 laws from Mayhew’s (1991) list of 226 important enactments for the time period we examined—leaving us with a sample of 191 statutes—for the following reasons. First, we removed 5 bills whose content the president had no interest shaping, bills the president opposed and simply wanted defeated or killed. Similarly, we excluded 14 statutes where we found little or no evidence that the president was involved in the lawmaking process. In these 14 cases, the president may have supported passage of the legislation in question, yet our sources provided insufficient information to make any reasonable coding decisions about the president’s position. During the 105th Congress (1997-1998), President Clinton, for example, supported passage of the Adoption and Safe Families Act, yet our sources said nothing about what he thought of the specific content of this proposal or provided any evidence that he helped secure its passage.⁴

We also eliminated treaties, treaty implementation legislation considered under fast-track authority, and constitutional amendments. These types of proposals do not follow the regular legislative process. Only the Senate ratifies treaties, legislation considered under fast-track authority cannot be amended, and the president has no formal role in amending the Constitution. Finally, we excluded three bills debated during Nixon’s presidency but signed by President Ford shortly after Nixon’s resignation. In these cases, we could not attribute bargaining success or failure to Ford, nor determine his preferences on these bills, as he had only been in office shortly before signing them. The appendix provides a complete list of laws we excluded from our analysis.⁵

Each author separately coded the content of each law to determine roughly how much of the final bill

matched what the president wanted. To do this, we used each proposal's legislative history, provided by *Congressional Quarterly Almanac* and presidential signing statements available in the *Public Papers of the Presidents*. Legislative histories were vital to coding our presidential success scores given their details about each bill, including frequent references to the president's position as it moved through the legislative process.⁶ Signing statements were less useful as the president almost always praised the passage of each law included in our sample. Nonetheless, despite his tendency toward positive spin, the president often stated his problems or objections with the laws he was signing in these statements, giving us additional information we could use to code legislative content. Using these sources, we each assigned a score indicating how much of what the president wanted was part of the final statute. In assigning a score, we relied on the original proposal as a baseline.

Our scale for the substance of legislation is as follows:

- 5 = The president received virtually everything he wanted (with the inclusion of only a few minor provisions not wanted by the president).
- 4 = The president received most of what he wanted, yet he accepted a number of significant provisions he either opposed or did not want included.
- 3 = The substance of a bill was a relatively equal compromise between the president and congressional leaders.
- 2 = The bill contained a few significant provisions that the president wanted, yet the majority of the bill was not what he wanted.
- 1 = The president supported passage of legislation to deal with a legislative issue, but the bill passed by Congress was nothing like what he wanted.

A few examples of laws in which the authors' scores were identical help illustrate our coding decisions. In most cases, *CQ Almanac* and the *Public Papers of the Presidents* provided more detailed information about the content of legislation than what we present here.

1. The Organized Crime Control Act of 1970 was coded as a 5. Originally proposed by a member of Congress, this bill was "heartily" endorsed by President Nixon,⁷ who successfully added several of his own provisions to the final version, including federalizing illegal

gambling. President Clinton's Goals 2000 national education plan was also coded as a 5 as it "closely tracked" the president's original proposal.⁸

2. Both authors coded the substance of President Johnson's Air Quality Act of 1967 as a 4. Even though the president was happy with most of the content of the final statute, it did not authorize the federal government to set national uniform emission standards for specific pollutants, a key feature of the original administration proposal. Likewise, trucking deregulation legislation during the Carter administration was coded as a 4 since the version signed by the president did not deregulate the industry as much as originally proposed.
3. The Comprehensive Employment and Training Act of 1973 was "a significant compromise between the White House and both chambers of Congress"⁹ and coded a 3. The final statute included parts of President Nixon's proposal to transform existing manpower programs into a system of block grants, but also earmarked funds for public service employment, a concept the Nixon administration opposed. Similarly, President Reagan opposed most provisions of a Democratic-controlled House omnibus water projects bill but supported most provisions in a Republican-controlled Senate version. The enacted law was a compromise between the House and Senate versions and coded a 3.
4. During the 100th Congress (1987-1988), three bills were enacted over the president's veto, including the Water Quality Act of 1987, the Surface Transportation and Uniform Relocation Assistance Act of 1987, and the Civil Rights Restoration Act of 1987. In each case, President Reagan strongly opposed the legislation working its way through Congress and offered a legislative alternative. The president's alternatives were all ignored by Congress, and because the enacted statutes contained little of what Reagan wanted, we coded these laws as a 1.

The quality of our presidential substance scale is only as good as its replicability by independent coders. The nature of this scale, in coding the substance of 191 diverse and complex pieces of legislation covering many different policy areas, required subjective judgments that could—and did—result in coding differences.

Nonetheless, our intercoder reliability score was quite high ($\alpha = .878$). In fact, our codes were the same for 120 out of the 191 laws examined (or 63 percent), and they varied by more than one value on the presidential substance scale in only 4 cases. We think that this evidence of high intercoder reliability is a tribute, in part, to the detail and clarity provided by *Congressional Quarterly Almanac*. As we move beyond the realm of success rates and support scores to a better understanding of presidential legislative success, furthermore, we are confident that other coders would come to similar decisions as these.

One also might argue that our scale is flawed if the president's announced policy preferences do not reflect his "true" preferences. In other words, if presidents strategically alter their "real" policy goals to improve their chances of securing what they want legislatively, then the accuracy of our measure of presidential preferences may be questioned. Fortunately, previous research tells us that the presidents' publicly stated policy preferences are consistent with their "true" preferences (Kiewiet and McCubbins 1988; Peterson 1990; Fett 1992). Presidential preferences are genuine, in part, because presidents may have a firm position on an issue, want to pursue good public policy, or lack necessary information about congressional reactions to policy proposals. Indeed, Peterson (1990) uses interviews to conclude that consultation with Congress happens, but only on periphery matters after the core of the president's proposal has been developed by the president and his staff. In short, the president's revealed preferences are "true" often enough to validate our analysis.

Presidential Substance Score Averages

Table 1 displays descriptive statistics of our averaged presidential substance scores by president and by Congress. The average substance score across all presidents was 3.9, indicating that these presidents accepted significant legislative concessions when signing these bills into law. This finding supports our first hypothesis that presidents will make legislative compromises to secure passage of bills they support.

A closer look at our specific presidential substance codes indicates that the president is generally satisfied with the substance of most bills he signs into law despite the legislative concessions he makes. We both coded the content of 125 out of a total of 191 laws as 4 or higher. In other words, the president received most of what he wanted or more in terms of legislative content regarding 65 percent of the laws examined.

Table 1
Descriptive Statistics on
Presidential Substance Scores

President	Mean Score	Variance	Congress	Mean Score
Johnson	4.2	0.90	65-66	4.4
			67-68	4.0
Nixon	3.8	1.90	69-70	4.1
			71-72	3.7
			73-74	3.4
			75-76	4.0
Ford	3.7	1.26	77-78	4.0
			79-80	4.3
Carter	4.1	0.60	81-82	4.2
			83-84	4.2
			85-86	3.8
			87-88	2.8
G. H. W. Bush	3.7	0.74	89-90	3.8
			91-92	3.6
Clinton	4.0	1.10	93-94	4.5
			95-96	3.6
			97-98	3.7
			99-00	4.3
Total	3.9	1.34		3.9

Note: Standard deviation for coder-averaged presidential substance scores is 0.884.

Moreover, we both coded the substance of legislation as a 3—which represents a relatively equal compromise between Congress and the president—for only 13 percent of the cases, and there were only 14 laws where at least one of us coded the presidential substance score as 2 or lower. All these statistics indicate that Presidents Johnson through Clinton achieved most of their policy goals or more regarding the majority of cases, even though they frequently accepted significant legislative concessions (only 20 percent of the laws were coded as a 5 by both authors).¹⁰

Presidential substance scores vary by presidential administration, as shown in Table 1. Lyndon Johnson achieved the high mean of 4.2 during his administration, aided by overwhelming Democratic majorities in both houses of Congress. On the other hand, Republican presidents—who faced mostly opposition party control of Congress—were forced to compromise more readily than their Democratic counterparts, with Presidents Ford, Reagan, and Bush averaging 3.7 and Nixon averaging 3.8 on the presidential substance scale. Presidential substance scores varied by Congress as well, with a high of 4.5 during Bill Clinton's first two years as president with strong Democratic majorities in both congressional chambers. The low presidential substance score comes from the 100th Congress (1987-1988) when a lame-duck President

Reagan had three of his vetoes overridden by a Congress controlled by the Democratic Party.

It is important to note that the president supported passage of legislation in each of the 191 cases we examine and that in each case a bill became law. Under previous studies of presidential legislative success that focus on wins and losses broadly, the president would have been credited with equivalent legislative victories in almost all of these 191 cases as he supported and then signed legislation into law.¹¹ Using our new metric of presidential success in Congress, however, we find that there are clearly degrees of success in terms of the content of legislation. Simply put, not all presidential victories are equal. When the president signs legislation into law, sometimes he receives more of what he wants substantively, and other times he receives less.

Data

Dependent Variable

Our dependent variable is the president's success regarding the substance of legislation as measured by our presidential substance scores. Being an ordered scale from 1 to 5, this variable presents a unique and not necessarily straightforward methodological issue. At first glance, ordered probit or logit seems appropriate with an ordinal dependent variable (Long 1997). Yet we have two coders with similar scores, as evidenced by high interreliability coefficients. This presents several options. First, we could average the coders' scores, thereby creating additional points (2.5, 3.5, and 4.5) and expanding our 5-point scale to a 9-point scale. This would combine the coders' decisions and effectively eliminate any discrepancies between the two. At the same time, a 9-point scale requires us to predict the probability of an independent variable affecting several categories that we have not conceptualized. Although ordered probit is perfectly able to calculate probabilities on this extended scale, it does not make sense, conceptually, to assess the probability that an independent variable would affect a new point on our scale. (A 4.5 is the numerical average of a 4 and a 5 for one statute, but a 4.5 means nothing as part of our scale.) This is also problematical because the averaging takes some values away from our conceptualized 3, 4, or 5, meaning that calculating probabilities on the "original" values in our scale may be understated.

Second, we could randomly select one coder's decisions and run our analysis based on this scale

alone. Myriad published works rely on the lead author's coding decisions as the basis for running models and interpreting coefficients. Spriggs (1996), for example, created an ordinal scale of policy change in federal agencies and has a second coder code 25 percent of a random sample of his scale. With high intercoder reliability, his decision to run data on his scale is acceptable. Relying on one coder's decision would, on one hand, alleviate the problem of predicting probabilities on values that we had not conceptualized a priori. On the other hand, we lose information by selecting one scale over another and have no clear decision rule for doing so.¹²

A third option is to use factor analysis to create a scale and run ordinary least squares (OLS) regression on the variable created from this analysis. Factor analysis is helpful in reducing several variables into a single scale. Being based on the same coding decisions, and with high intercoder reliability, the separate dependent variables covary substantially, a fundamental assumption for using factor analysis to combine variables into a single scale (Kim and Mueller 1978). We use principal factor analysis to create a scale.¹³ The new factor (or dependent variable) is a linear combination of the two variables, so we use OLS to analyze our data. Although there is no consensus on how to handle and analyze similar yet independent scales of the same concept, our approach allows us to reduce two ordinal scales into one without losing much information from both coders' dependent variables and transform our analysis into a linear assessment that is easiest for most readers to interpret. To satisfy those who disagree with our methodological choice, we also ran our final model using alternative measures of our dependent variable. Regardless of the dependent variable used, our results remained largely the same.¹⁴

Independent Variables

Based on our theory and hypotheses, we developed the following measures as variables in explaining presidential substance scores. To account for the presence of unified government, we adopted a trichotomous measure coded as 0 when the president's opposition party controlled both chambers of Congress, as 1 when his party controlled one house, and as 2 when both chambers were controlled by the president's own party.¹⁵ We used Gallup poll data to measure presidential popularity, utilizing the president's approval rating from the last Gallup poll taken before Congress cleared each law (Ragsdale 1998).

Two separate dichotomous variables control for presidential initiatives and veto threats. We determined whether a law was a presidential initiative based on the work of Edwards and Barrett (2000). These authors coded bills as presidential initiatives if the president introduced the original draft bill or a detailed set of proposals that formed the basis for congressional action.¹⁶ Veto threats were identified from the legislative histories of each bill provided by *Congressional Quarterly Almanac*, the *Public Papers of the Presidents*, and data collected for two previous studies (Barrett 2004; Deen and Arnold 2002).

We utilized the work of Binder (2003) to measure legislative productivity or gridlock. In particular, Binder created gridlock scores for each Congress from 1947 to 2000 by calculating the percentage of agenda items that were not enacted by the close of that Congress. To measure agenda items, she relied on the daily, unsigned editorials that appeared in the *New York Times*. Binder developed five gridlock scores for each Congress, each based on the level of salience of the legislative issues involved (with "salience" measured by the total number of editorials that appeared about each issue). We use her gridlock scores for the most salient agenda items for our own study because we focus on important legislation.

Two separate dichotomous variables measure the president's honeymoon and lame-duck periods. Concerning the president's honeymoon period, we coded the dichotomous variable as 1 for any presidential initiative that became law in the first year of a new presidential term. We limit this measure to presidential initiatives since we believe that, if a honeymoon effect exists, it should be most pronounced for the president's own proposals, on which he presumably ran to achieve his electoral victory.¹⁷ On the other hand, we coded the dichotomous variable controlling for presidential lame-duck status as 1 for *any* bill that became law during the last two years of an eight-year presidential term.¹⁸ When measuring lame-duck status, we include both presidential and congressional initiatives because the president's diminishing influence at the end of his tenure should not only limit his ability to shape the substance of his own proposals but those put forth by congressmen as well. Plus, presidents propose few bills near the end of their second terms (Eshbaugh-Soha 2005).¹⁹

Findings

The findings from our regression analysis provide support for several of our hypotheses as displayed in

Table 2
Presidential Success on the Substance of Legislation

	Parameter Estimate	Standard Error	t-Statistic
Unified government	.18**	.07	2.59
Presidential approval	.02**	.01	2.54
Presidential initiatives	.19	.13	1.47
Veto threats	-.65**	.17	-3.88
Honeymoon	-.33	.21	-1.55
Lame duck	-.35*	.21	-1.73
Gridlock	.01*	.01	1.71
Constant	-1.17**	0.47	-2.50
<i>R</i> -squared = .24			
<i>F</i> -statistic (7, 183) = 5.72**			
<i>N</i> = 191			

Note: Robust standard errors to account for heteroskedasticity.
* $p < .10$. ** $p < .01$ (one-tailed).

Table 2. Overall, the model produces decent goodness of fit, with a statistically significant *F*-test. The *R*-squared at .24 is sufficiently high for our data as well. Because a White's test, with a value of 45.24, on an initial model reveals heteroskedasticity, we report robust standard errors in our final model.

Unified government increases the degree of presidential success. For each house of Congress controlled by his party, the president's success on the substance of legislation increases by about one-fifth on our scale, or by approximately a one-increment increase in his substance score.²⁰ This finding supports the body of literature that maintains presidential success in Congress is largely determined by the legislative environment surrounding the president (Edwards 1989; Bond and Fleisher 1990; Jones 1994). Favorable presidential approval ratings also help the president achieve more of what he wants on significant pieces of legislation. A 10 percentage point increase in the president's approval ratings prior to a bill's enactment leads to a nearly 1 point increase in the presidential substance score. This finding runs counter to several recent studies that demonstrate that presidential approval does not influence presidential success in the legislative arena independent of party control (Bond and Fleisher 1990; Cohen et al. 2000; Collier and Sullivan 1995; Edwards 1989).²¹

Presidents, as hypothesized, were less successful in terms of the substance of their own proposals enacted during their first year in office. Considering that previous literature suggests that presidents are more successful at *securing* passage of their own initiatives during their honeymoon, this finding indicates that

this success comes at a heavy legislative price. Either presidents are ineffective at bargaining with Congress at the start of their administrations or they are more willing to bargain away legislative content during their first year to build a winning record. Nonetheless, we are cautious with this result because our measure of presidential initiatives during the honeymoon period only approaches conventional levels of statistical significance. Presidential initiation of a bill does not reach statistical significance, either. This relationship is in the expected direction, nevertheless, indicating that presidents can increase their degree of success by framing the legislative debate with their own policy proposal.²²

Presidential achievement concerning the substance of legislation is reduced during their final years in office, as demonstrated in Table 2. Presidential power appears much weaker during a president's lame-duck period, leading to less strength at the negotiating table and, thus, a much lower substance score as expected. This finding confirms the conventional wisdom regarding second term presidents yet challenges some of the limited empirical evidence that exists testing this concept (Edwards 1978).

The more legislative gridlock in Congress, the more likely the president will achieve his policy goals, as shown in Table 2. This is an unexpected result, as we hypothesized that presidents would have a more difficult time shaping the substance of legislation when the lawmaking process became less productive. Nevertheless, this finding may be explained by a common cause of legislative gridlock: the presence of an antagonistic and confrontational relationship between the president and Congress. In particular, the lawmaking process can come to a halt when the president and congressional leaders have strong policy disagreements and a poor working relationship, with Congress refusing to pass any of the president's proposals and the president unwilling to sign any congressional initiatives. Under such circumstances, the only bills that will become law are the few proposals upon which the president and Congress agree, resulting in passage of only a handful of bills that score high on our substance scale.

Finally, the presence of a veto threat decreases presidential success by more than half of the length of our scale, nearly 3 points. This result contrasts with Cameron (2000), who maintained that Congress will capitulate to the president's demands in the presence of a veto threat. Yet we expected such a finding, as presidents are most likely to threaten vetoes when Congress moves forward on a bill that is not to their liking. Our results thus are not necessarily inconsistent

with Cameron's, because we do not examine the effect of a veto threat during negotiation and bargaining; we examine the relative success presidents have in the presence of an explicit veto threat. The president is unlikely to threaten a veto when Congress is doing exactly what he wants, amounting to a 5 on our scale. If a bill is beginning to look less like what he desires (perhaps a 2 on our scale), the president may threaten a veto. Even if Congress concedes, perhaps pushing the final score to a 3, a veto threat will still be correlated with a relatively low presidential substance score.

Conclusion

Neustadt (1960) was correct: presidents must bargain to influence the lawmaking process. But until this study, we have had little understanding of how much bargaining presidents must do in terms of legislative content to secure passage of proposals they support. This article provides some of the first systematic, quantitative evidence that there are degrees of presidential legislative success, with presidents often making concessions to ensure legislation is enacted. Despite these legislative compromises, the presidents achieved most of their policy goals (or more) on the majority of laws we examined, indicating that presidents are generally satisfied with the substance of legislation when they sign it into law. Moreover, we find that the presence of unified government and congressional gridlock improves a president's legislative success, as do high presidential approval ratings. The president's ability to shape the content of legislation is lessened at the beginning and end of his tenure, however.

These findings raise several implications for the study of presidential-congressional relations. By adopting a different metric of presidential legislative success, we have found that some concepts familiar to scholars affect presidential success on legislative content differently and other concepts generally not accounted for in previous studies play a significant role in the lawmaking process. These results should not only encourage other researchers to reexamine old variables to see if they influence presidential success differently in terms of legislative content but also to begin to look at other factors beyond the scope of past analyses (including this one) to determine what influences presidential success in Congress. Simply put, our study demonstrates that presidential success is not adequately measured as wins and losses.

Despite our contribution, this article is only the first step in exploring and developing a more nuanced and

refined understanding of presidential success in Congress. One limitation to our study is that we focus solely on important statutes that are more salient than others. We know from previous research (Canes-Wrone and de Marchi 2002; Eshbaugh-Soha and Peake 2004) that the impact of contextual variables, such as presidential approval ratings, varies by policy salience. It is possible that other factors affect presidential success on the substance of legislation when that legislation is not as salient to the public, media, and legislators. Furthermore, if negotiation and bargaining are central to coalition building in Congress as we suggest, prior bargaining experience may

improve a president's odds of achieving what he wants on the content of legislation. The early legislative success enjoyed by President Johnson may have been the result of his prior bargaining experience as majority leader of the Senate. There are implications for a president's staff, too, with a more experienced staff possibly increasing a newly elected president's success on the content of legislation. Moreover, if the degree of the president's legislative success is strongly influenced by bargaining, scholars should more carefully consider each president's relationships with those individuals with whom he most directly negotiates, such as party leaders and committee chairs.

Appendix Excluded Statutes

Congress	Statute	Why Excluded
65-66	No exclusions	
67-68	Outer space treaty	Treaty
69-70	Nuclear Nonproliferation Treaty	Treaty
	National Environmental Policy Act of 1969	Little/no evidence president involved in legislative process
	Water Quality Improvement Act of 1970	Little/no evidence president involved in legislative process
	Cigarette Advertising Ban	Little/no evidence president involved in legislative process
	Economic Stabilization Act of 1970	Cannot find bill in <i>Congressional Quarterly Almanac</i>
71-72	Eighteen-year-old voting age	Constitutional amendment
	Equal Rights Amendment	Constitutional amendment
	Anti-ballistic Missile (ABM) Treaty	Treaty
73-74	Employment Retirement Income Security Act	Enacted during middle of impeachment/Nixon resignation
	Congressional Budget and Impoundment Control Act	Enacted during middle of impeachment/Nixon resignation
	Magnuson-Moss Product Warranty Act	Little/No evidence president involved in legislative process
	Housing and Community Development Act	Enacted during middle of impeachment/Nixon resignation
75-76	Repeal of Fair Trade Laws	Little/No evidence president involved in legislative process
	Copyright law revision	Little/No evidence president involved in legislative process
77-78	Panama Canal Treaties	Treaty
79-80	No exclusions	
81-82	No exclusions	
83-84	Martin Luther King holiday	President opposed bill throughout most of legislative process
	Cable Communications Policy Act of 1984	Little/no evidence president involved in legislative process
85-86	South Africa sanctions	President opposed legislative effort
87-88	McKinney Homeless Assistance Act of 1987	President opposed legislative effort
	Intermediate-Range Nuclear-Force Treaty	Treaty
	Japanese-American reparations	President opposed bill throughout most of legislative process
89-90	No exclusions	
91-92	Strategic Arms Reduction Treaty	Treaty
	Cable television regulation	President opposed legislative effort
93-94	North American Free Trade Agreement (NAFTA)	Considered under fast-track authority
	California Desert Protection	Little/no evidence president involved in legislative process
	General Agreement on Tariffs and Trade (GATT)	Considered under fast-track authority
95-96	Unfunded Mandates Act of 1995	Little/no evidence president involved in legislative process
	Congressional Accountability Act	Little/no evidence president involved in legislative process
	Lobbying reform	Little/no evidence president involved in legislative process
	Line-item veto	Little/no evidence president involved in legislative process
	Federal Insecticide, Fungicide, and Redenticide Act	Little/no evidence president involved in legislative process
97-98	Chemical Weapons Treaty	Treaty
	Adoption and Safe Families Act	Little/no evidence president involved in legislative process
	NATO expansion	Treaty
99-00	No exclusions	

Notes

1. "Congress Approves Civil Service Reform," *Congressional Quarterly Almanac*, 1978 34 (1979): 818.

2. "Energy Bill: The End of an Odyssey," *Congressional Quarterly Almanac*, 1978 34 (1979): 639.

3. This is consistent with but roughly the opposite of what Krehbiel (1998) finds: increases in legislative productivity provide more opportunities for executive-legislative bargaining and compromise.

4. It is possible that the Clinton administration was involved with shaping this proposal behind the scenes and influenced the content of this bill by "staying private" (Covington 1987). We nonetheless removed this and other bills like it from our sample because there was no clear evidence that the president was involved in the legislative process.

5. No clear pattern exists across the thirty-five laws we excluded from our analysis, as a quick glance at the complete list of excluded laws in the appendix demonstrates. These laws are scattered across the entire time period we examine and represent a wide variety of issues from the environment to housing to budget process to cable television regulation to even reparations for Japanese Americans interred during World War II. There is thus little reason to believe that our exclusion of these thirty-five laws systematically biases our analysis.

6. Numerous scholars have used the legislative histories provided by *Congressional Quarterly Almanac* to code a variety of variables related to legislation in Congress, including Bader (1997); Edwards, Barrett, and Peake (1997); Krutz (2001); Sinclair (1997); and Taylor (1998).

7. "Congress Clears 1970 Organized Crime Control Bill," *Congressional Quarterly Almanac*, 1970 26 (1971): 549.

8. "National Education Goals Set," *Congressional Quarterly Almanac*, 1994 50 (1995): 397.

9. "Compromise Manpower Training and Jobs Bill Cleared," *Congressional Quarterly Almanac*, 1973 29 (1974): 346.

10. These results mirror those produced by a similar study (Barrett 2005).

11. Our sample includes a handful of cases where Congress overrode the president's veto. In these cases, previous measures of presidential success would not have considered the president victorious.

12. Selecting one coded scale over another could bias our results. Although the coefficients are similar in direction and statistical significance, ordered probit models for each coder's dependent variable reveal some distinctions. Lame duck status is statistically influential in one, but not the other model. Presidential approval ratings are more substantively significant in one model.

13. The "factor, pf" command in Stata 8.0 computes this scale. Maximum likelihood is preferred but is not possible with only two variables. Also, running a standard ordinary least squares (OLS) model, with the sum of both coders' scores as the dependent variable, produces similar results in terms of direction, statistical significance, and substantive impact.

14. At the suggestion of an anonymous reviewer, we also condensed our scale from 5 to 3 points and our results continue to hold.

15. A dichotomous measure of divided government produces similar results as our trichotomous measure. Another measure is ideological distance between the president and Congress. Despite

this measure's merit, the distance between presidential Americans for Democratic Action (ADA) and House or Senate ADA scores do not perform well in our final models.

16. We recoded the initiator on a small number of the laws, based on additional information not in Edwards and Barrett (2000). Because it was unclear whether the president should be credited with initiating eighteen bills from our sample, these laws were not coded as presidential initiatives. Laws in this category include legislation where the president and a legislator initiated separate proposals to deal with the same issue at approximately the same time, the president and a legislator proposed different bills that the relevant congressional committees combined into a single bill, or the president collaborated with a legislator on a particular bill.

17. Some have suggested that honeymoon variables may be endogenous to success. Although there is a potential endogeneity problem, we think we overcome it by selecting the honeymoon period a priori and based on the prevailing scholarship for how long a honeymoon period should last—in general. We do not vary our honeymoon period variable by coding it based on each individual president's success rate. Furthermore, we do not include a honeymoon variable for the second term because, as Paul Light (1999) and others have noted, the second-term honeymoon is much different conceptually and how it may be measured than a first-term honeymoon. To be consistent, and because it has no impact on our models, we do not include a second-term honeymoon period variable.

18. We counted Johnson's final year in office (1968) following his announcement that he would not be running for reelection as a lame-duck year in addition to Reagan's and Clinton's last two years in office.

19. As much scholarship has demonstrated (see Barrett 2004; Fett 1994; Kernell 1997), the president's public speeches should have some impact on his success in Congress. We speculated that more presidential speeches regarding a bill would increase the president's success achieving what he wanted from important congressional statutes. Nevertheless, a sample analysis (from 1977 to 1992) reveals that presidential speeches do not have a statistically significant impact on the president's substance scores. Thus, we do not include a speeches variable in our final analysis. Another legislative tool at the president's disposal that may influence the bargaining process is the use of unilateral action by the president, particularly the use of executive orders. It is possible that the threat of direct presidential action may increase the president's bargaining position with Congress and thus his ability to shape the content of legislation. In recent years, such direct presidential action has received a great deal of scholarly attention (Mayer 2001; Cooper 2002; Howell 2003). However, as this new literature largely demonstrates, most presidential unilateral actions—such as executive orders to create minor federal agencies, establish special military tribunals for foreign terrorists, or require cost-and-benefit analyses before federal agencies can implement new regulations—are relatively minor compared to the broad policy questions addressed by the laws from our sample, such as the establishment of Medicare or a major overhaul of the federal welfare system. It is therefore unlikely that the threat of direct presidential action had much of an impact on the legislative negotiations we examine in this article, and we thus do not account for the possibility of such action in our model.

20. The coefficients themselves are not interpretable relative to our substance scale. To arrive at these substantive estimates,

we multiply the coefficient by 5, the number of points on our scale.

21. Several studies have found that presidential approval ratings have an impact on presidential success in Congress, including Brace and Hinckley (1992), Canes-Wrone and de Marchi (2002), Ostrom and Simon (1985), and Rivers and Rose (1985). Canes-Wrone and de Marchi, in particular, found that salience is a key condition to approval ratings affecting the president's success in Congress. Because we are examining only salient legislation, our findings should not be construed to reject completely the findings of previous scholarship on a larger sample of salient and nonsalient legislation.

22. Even though neither the honeymoon period nor whether the president initiated a bill reached statistical significance, both variables are close to significant and produce some seemingly contradictory results. Our results indicate that presidents are generally more successful on their own initiatives yet less successful on their own proposals during their honeymoon period. Why? It is possible that presidents are willing to make more concessions early in their terms to build a winning legislative record and create momentum for later in their term. Presidents also become more skilled the longer they are in office (Light 1999). Thus, when we isolate presidential initiatives during the first year of a president's tenure, we may be uncovering rookie mistakes.

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