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Policy Type and Presidential Messaging as Factors of Legislative Productivity

Madison Garofalo

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Policy Type and Presidential Messaging as Factors of Legislative Productivity

Madison Garofalo

Illinois Wesleyan University

Research Honors Thesis Paper

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Introduction

Gridlock among members of Congress has grown over time due to an increase in polarization between coalitions. On average, only 7% of legislation introduced becomes law.¹ Most bills (93%) will fail at some point during the process. Conventionally, we would attribute this low level of success to high levels of partisanship that cause gridlock in Congress. Recent studies have named divided versus unified government as an implicating factor during times of intense party polarity, however, a difference is not found without the tension among parties.² This tells us that of the party makeup in Congress, there is no significant difference found in the number of bills that pass both houses and are signed into law by the President.

Prior investigations into this subject yield findings that recognize a presidential mention during a State of the Union addresses increase a bill's likelihood to pass both chambers and be signed under law under both divided and unified government.³ The low passage rate may have less to do with individual members of Congress acting in gridlock, than with presidential leadership. This paper takes the position that agenda setting by the president is a key explanation of variation in bill passage across time and topics. Previous investigation into presidential State of the Union messaging influence and legislative passage rates looked at bill salience within Congressional rhetoric following mention within the Address. That the findings indicated that the frequency in which Congress mentions bills to say prior to the President's State of the Union address has little to do with increasing the bill's likelihood of passage.⁴

¹ GovTrack Editors, "Statistics and Historical Comparison," *GovTrack.us*, last modified 2022, <https://www.govtrack.us/congress/bills/statistics>.

² Sarah Binder's *Stalemate: Causes and Consequences of Legislative Gridlock* describes that divided government does impact a bill's ability to pass high amounts of party polarity that are achieved during divided government.

³ Garofalo, "State of the Union Addresses as Aids in Legislative Productivity," Illinois Wesleyan University, undergraduate paper.

⁴ Garofalo, "Issue Salience: A Potential Aid in Legislative Productivity Rates," Illinois Wesleyan University, undergraduate paper.

This paper attempts to settle scholarly debates around significant legislation's passage rates within the context of presidential mentions and influence amongst legislation. The first section of this paper will lay out significant literature surrounding topics such as: quantifying congressional-presidential relations, scholarly investigations centered around divided and unified government, works concerning institutional effects on legislative productivity, as well as investigations into legislative success by policy type. Secondly, the paper will discuss the methodological processes and standards used to determine if presidential mentioning is influential on legislative success. The next section will identify key findings to determine if the hypotheses of the study can be confirmed, as well as discuss limitations to the study. Finally, the paper will look at future implications that this study has within legislative productivity research.

Literature Review

Ideological polarization in Congress has reached historic levels since the mid 1970s. This polarization has posted significant obstacles to bill passage, including both routine pieces of legislation and hoped-for major bills that could address some of the nation's most consequential problems. In recent times, scholarship by leading thinkers such as David Mayhew and Sarah Binder has gone a long way toward framing the debate about polarization's impact on legislative productivity. Authors have examined new potential models for legislative productivity; however, gaps in the literature still exist regarding what explains a measure's likelihood of passage under a divided government versus a unified government. In past studies, congressional-presidential relations have been identified as a possible factor in legislative productivity. This section of the paper will examine several works on the approaches in past studies to how to quantify congressional-presidential relations, scholarly investigations centered around divided and unified

government, works concerning institutional effects on legislative productivity, as well as investigations into legislative success by policy type.

The Effects of Divided vs. Unified Government

David Mayhew (2005) investigates the effectiveness of government through legislative passages under divided government in comparison to unified government. The method of his study was to compile a list of significant legislation determined by *Congressional Quarterly Reports*, as well as by asking area experts for their opinions in retrospect, what pieces of legislation stood out. Mayhew then compiled a list of what he determined to be significant measures of legislation from 1947 to 2002. Mayhew then calculated annual passage rates (or counts) across years experiencing unified versus divided government. Conclusively, Mayhew found that divided versus unified government does not make a difference significantly in the number of bills passed per Congress. Mayhew concluded that, typically, three to five pieces of significant legislation pass per year. An issue with Mayhew's study is the scope of significant legislation. Of the many thousands of bills introduced in a typical Congress, for a mere three to five measures to pass per year highlights the low level of productivity, or stated differently, the high level of obstructionism built into the legislative branch. One possibility is that Mayhew too narrowly defined the definition of *significant* legislation. Scholarly debates about this definition turn out to be highly consequential, as this paper will illustrate.

Taking a different approach, Sarah Binder's book, *Stalemate: Causes and Consequences of Legislative Gridlock* (2003), provides evidence of greater legislative productivity than does Mayhew. Binder's alternative definition of legislative productivity relies on counts of mentions of bills in *New York Times* op-eds. Significant measures that pass both houses are counted within the study. Binder then calculates a batting average for how successful Congress is at passing

legislation at levels of increased “gridlock”.⁵ Within the denominator are the measures mentioned in the opinion editorials, and the numerator represents those mentioned and passed. Divided versus unified government was used as a dummy variable to identify any legislative discrepancies between unified and divided control. Binder found that gridlock did increase during a divided government, but it was not dramatic. While Binder’s study provides an outlook on how many pieces of significant legislation pass per year— around eleven or twelve being the final count, the study does not provide control over domestic policy as opposed to international, presidential support in Congress, or the trajectory of presidential approval. Binder concludes that if any part of the polarity is caused by partisan interests in a divided government, gridlock will appear in Congress. While this is not to say there is a significant difference found in passage rates under divided versus unified government, it is to say that passage rates for measures under a divided government interacting with party polarity impacts a bill’s ability to pass.

After analyzing her findings against the original conclusion described in the above paragraph, the contemporary study found that Congress’s recent legislative productivity is indeed a reflection of the gridlock defined in the 2003 book. Elections have yielded more partisan results, making the likelihood of effective legislating virtually impossible.⁶ Furthermore, in an earlier journal article, “The Dynamics of Legislative Gridlock, 1946-96,” Binder determines a measure that can analyze the impact that party agenda with divided and unified government has on legislative production. In doing so, a “batting average” like figure can be determined for specific Congresses.⁷ Binder found that conflict within branches may be more productive of

⁵ Sarah Binder, *Stalemate Causes and Consequences of Legislative Gridlock* (Washington, DC: Brookings Institute Press, 2003).

⁶ Sarah Binder, “The Dysfunctional Congress” *Annual Review of Political Science* 18, no. 1 (2015): pp. 85-101, doi:10.1146/annurev-polisci-110813-032156

⁷ Sarah Binder, “The Dynamics of Legislative Gridlock, 1947-96,” *The American Political Science Review* 93, no. 3 (1999): pp. 519-533, <https://doi.org/10.2307/2585572>

gridlock than a rivalry between branches. We can assess Binder's methodological features as a more inclusive way of classifying significant legislation in comparison to David Mayhew's (2005) method described above. Binder's definition of gridlock allows for a different figure of analysis when determining what drives gridlock and stalls legislative productivity.

Landmark Investigations in Significant Legislation

Following David Mayhew's *Divided We Govern* and Sarah Binder's *Stalemate*, many scholars have examined other methods to define what constitute the truly significant pieces of significant legislation. In his 1993 journal article, "Divided We Govern? A Reassessment", Sean Kelly attempts to fill what he sees as gaps in David Mayhew's 2005 book, *Divided We Govern*. Kelly investigates whether pieces of significant legislation should be defined as measures that were "innovative at the time of their passage," as well as remained innovative after their passage.⁸ In doing so, Kelly is looking to determine the mean number of significant pieces of legislation that passed under divided versus unified government.

Kelly's results indicated that his control group (Mayhew's measure) yielded no difference in legislative passage rate under divided and unified government like Mayhew found. The difference, however, is found in Kelly's second policy sample. This test group tells us that measures that were deemed innovative at the time of their passage and following have different passage rates under divided and unified government. The passage rate increased through this group of policies, as this serves as Kelly's second sweep through measures that were previously investigated through Mayhew's *Divided We Govern*. There is reason to believe that there is less policy enacted under a divided government than in a unified government of the measures within

⁸ Sean Kelly, "Divided We Govern? A Reassessment," *Polity* 25, no. 3 (1993): pp. 475-484, doi:10.2307/3234975

Kelly's second sweep.⁹ This provides a window to examine the type of legislation that passes both houses in segregated categories, as opposed to a single group of significant measures.

Works Concerning Quantifying Congressional-Presidential Relations

Richard Fleisher and Jon Bond are scholars who focus on partisan identity as the largest determinant of congressional-presidential relations. In *The President in the Legislative Arena* Bond and Fleisher analyze how elevated partisanship has increased the likelihood that factions form under minority presidents. The study confirmed that hypothesis and showed that the tendency to form cross-party factions under a divided government stopped at the 103rd Congress. Bond and Fleisher provide an argument for increased partisanship being the largest factor in the deterioration of relations between Congress and the President under minority coalitions. The findings described above allow room for further research into the effect that the formation of partisan coalitions in Congress have on the long-term legislative success of specific pieces of significant legislation.

Jeff Cummins examines presidential State of the Union speeches to identify the linkage, if any, behind the content within the President's policy message in relation to the President's legislative success. In "State of the Union Addresses and the President's Legislative Success," the strength of the relationship is determined through the level of partisanship in Congress in tandem with the strength the opposition party holds. Cummins controls international versus domestic policy issues discussed in the State of the Union speech. This study concluded that if a domestic policy is discussed in context at the State of the Union address, this boosts the likelihood of passage of bills on this policy topic.¹⁰ When both issue salience and partisan

⁹ Ibid.

¹⁰ Jeff Cummins, "State of the Union Addresses and the President's Legislative Success," *Congress & the Presidency* 37, no. 2 (2010): pp. 176-199, <https://doi.org/10.1080/07343460903394234>

support levels are high, the significance of the findings discussed above disappear. Cummins' approach allows for an examination of two crucial variables in this study: congressional-presidential relations, as well as the possible implication State of the Union addresses can have on legislative productivity.

What comes after Binder and Mayhew in terms of legislative productivity?

David Mayhew and Sarah Binder arguably are the most compelling contemporary figures in research on legislative productivity. This paper aims to accomplish a departure from both Mayhew's and Binder's lines of thinking, meaning that divided versus unified government is an impactful factor on legislative passage rates when viewing the President as the main agenda setter. One of the goals of this study is to settle the debate between David Mayhew's method and Sarah Binder's method as described above. While Mayhew's study produced subjectively selective results that included expert opinion and decision-maker opinion, Binder's model was more inclusive representing the opinion of a highly renowned, mass information source—*The New York Times*. Furthermore, Mayhew finds that under little to no circumstance does divided versus unified government affect the ability of legislation to make it out of gridlock; where, Binder tells us that while not significant, a difference is found when partisan interests are at play. The next section will examine a methodology that attempts to be more inclusive than Mayhew's model, but more predictive based on the President as the main actor in legislative passage.

Methodology

This section lays out my methodological processes and standards. As mentioned above, prior investigation into this subject investigated a binary relationship between unified versus divided government and significant measure passage or failure.¹¹ This study will reproduce a similar model with a sample size (N) represented by bills that were mentioned by the president in a State of the Union address between 1990 and 2022. More specifically, for a bill to be considered significant, the President must have talked about the measure for at least 3.5 minutes in the State of the Union address. This timeframe was chosen with regard to the average State of the Union address taking between approximately 50-60 minutes, and legislative mentions only taking up a controlled time period among the entire 50-60 minutes. The threshold suggested, 3.5 minutes, was selected to filter out mentions that are passing in nature or have trivial significance to the president from those that are on the president's personal agenda and are a matter of concern. This process yielded a sample of 141 pieces of rhetoric that each mentioned a piece of legislation that was deemed to be significant. This study will test the following hypotheses:

Hypothesis 1: Bills that come to a vote under a unified government as opposed to a divided government will have a higher legislative passage rate.

Hypothesis 2: Bills that are distributive in nature will have a greater likelihood of passage than those that reside in the other categories.

Hypothesis 3: Unified versus divided government is a better explanatory variable on legislative productivity than substantive policy type or area.

Hypothesis 1 will test for the significance in correlation between government being unified and bills passing at a higher rate than under a divided government. This will test Binder's theory that

¹¹ Garofalo, "State of the Union Addresses as Aides in Legislative Productivity."

there is a difference in productivity under a divided versus a unified government; however it may not be significant. Secondly, I hypothesize that bills that are distributive in nature will have a greater likelihood of passage due to the historical success of distributive measures in Congress. Because of their cascade effect in substance, distributive politics leads us to believe that there will be a higher passage rate for those bills. Finally, *Hypothesis 3* will identify divided versus unified government as the most impactful variable on the regression model as a whole. This will settle the debate between legislative success being about popular mentions (Binder) or presidential-congressional relations, as it explains divided versus unified government as a stronger variable than substantive policy type or category.

In order to address *hypothesis 1*, congress.gov was used to determine the state of government during the year of the State of the Union address in question. This was done for all of the years that the study spans. Secondly, this study specifically examines the categorical type within the sample size of measures. All measures within the sample size were searched on within the congress.gov database and determined to fit in a category based on the substance of the measure. It was then placed into one of six potential categories: must pass, all want, elective, foreign policy, good government/transparency, or defense policy.

Each category aims to gather bills of certain types which will be explained below. The first category available will look at *must pass* pieces of legislation. These bills will be matters that are relative to the operation of government or vital to continue federal business. Largely, the *must pass* category deals with bills related to the budget, such as budget reconciliation acts like the Omnibus Budget Reconciliation of 1993. The second category will deal with bills that are distributive in nature or are considered *all want* pieces of legislation. Distributive measures of legislation appeal to interests across many jurisdictional frames, as well as partisan divides. They

are especially not partisan in nature and aim to give aid to many areas/levels of government; the goods provided within the measure oftentimes cascade down levels of government giving a Christmas tree effect. Infrastructure and transportation measures are usually those that fill the distributive category, spreading goods out among individual states or districts.¹² The third category of measures will deal with *elective policy matters*. The largest burden of qualification for this category is the bill being partisan in nature or appealing to partisan interests. A bill such as the Veterans Healthcare Reform Act would fall under this category of bills, as it relates to an interest popular on one side of the political spectrum.

The fourth category deals with measures that deal with *foreign policy*. All measures, such as treaties or trade agreements, that implicate the U.S. in helping and/or acting with or in a foreign country, will be categorized as foreign policy. An example would be the North American Trade Agreement. A fifth category will be composed of measures that have substance relative to the *regulation, transparency, and ethics of the government*. These measures can be abbreviated to bills that deal with government reform that positively affects constituents' view or opinion of government, such as the Bipartisan Campaign Reform Act. Finally, a sixth category will be made up of bills that are substantially related to *defense* in a narrow sense.

To determine reliability in the researcher's code, a sample of measures was given to three other college students to determine the categorical code as reliable amongst coders. The reader was given a list of measures, as well as explanations like those given above regarding the categories for these measures. The reader was then asked to label each measure that was

¹² Keith Krehbiel, *Information and Legislative Organization* (Ann Arbor, Mich, MI: Univ. of Michigan Press, 1991). Krehbiel's practice in selecting measures of distributive substantive type for his own legislative productivity and preferences study followed a similar procedure. Pieces of legislation were marked by number of additions made to the bill after its initial reading; thus, encompassing the number of individual members' interests in gaining distributive goods from that bill upon secondary reading.

explained briefly with its title with a category. This test was completed three separate times by different individuals. Amongst the three participants, there was a match rate across coders of approximately 88% to the actual categories given to the identical measures in the study. This check for inter-coder reliability therefore indicates that the definitions used for these six categories achieved an acceptable level of intersubjectivity. To test *hypothesis 2*, all the categories will be coded into dummy variables and placed in an equation to identify differences in passage rates among categories.

Moreover, presidential popularity was accounted for by obtaining a percentage value for presidential approval rating from the first week in January for all years in the study. In doing so, I hoped to give at least some credence to Richard Neustadt's presidential persuasion argument. Neustadt argues that the President is always in a fundamentally difficult position due to conflicting demands. There are few self-executing powers within the American presidency; therefore, there are few responsibilities that the President can carry out alone. Neustadt explains that the President must then ask upon others to carry out the tasks he cannot alone, making persuasion an essential tactic in the American presidency.¹³ This would indicate that presidential skill is based on popularity, as the President would be called upon to rely on his favorability to call in favors to accomplish objectives. This variable looks to control for Neustadt's arguments as described above.

Analysis

Initially, we can first analyze 141 measures in its entirety selected from the State of the Union addresses from 1990-2022. For a measure to have been included in the dataset created, it was necessary to be mentioned for 3.5 minutes to show importance to the president. Of those

¹³ Richard E. Neustadt, *Presidential Power: The Politics of Leadership* (New York, NY: Wiley, 1960).

bills mentioned by the president during State of the Union addresses, 62 of the 141 measures passed, leaving 79 of the measures to fail, yielding a passage rate of approximately 44%. The table below identifies the measures in which passed under a divided government, as well as a those that passed under a unified government. The essential status of a bill is determined by whether it passed or failed both houses of Congress, in order to determine if the presidential agenda setting inflates the likelihood of a measure's passage from the average 7% rate.¹⁴

Unified and Divided Government Baseline Passage Frequencies

We can use a similar figure to address the impact of divided versus unified government within the model. As seen in the above *Table 1*, measures that were discussed for a length of 3.5 minutes by the President and came before a divided government passed 30 of 79 times, where measures under unified government passed 33 out of 62 times. To better understand the impact that government being divided or unified has on not only legislative passage rates, but also the President's ability to continue moving legislation through Congress, we can examine the frequencies in which bills were able to pass under a divided government versus a unified government. In doing so, it was found that bills mentioned by the President under a divided government have a legislative passage rate of 38%. Furthermore, bills that were brought to a floor vote under a unified government in either chamber have an increased legislative passage rate of 53.2%. Descriptively, these numbers would indicate that the impact of divided versus unified government may implicate legislative passage rates on an amplified level due to presidential involvement in the matter.

Table 1 below represents the percentages in which measures under a divided government, as well as unified government were passed into law. The final column shows the differences

¹⁴ GovTrack Editors, "Statistics and Historical Comparison," *GovTrack.us*, last modified 2022, <https://www.govtrack.us/congress/bills/statistics>.

between both the passage rates under a unified government and a divided government. As noted in the bottom of the table below the model has a significance level of .071, which would be significant at the 93% confidence interval. Because the sample size is only 141 measures and chi-squared tests are increasingly sensitive to sample size, we can say this value is approaching significance. Most importantly in *Table 1* the passage rate of measures under a divided government increases to 38% from the average 7%, as well as 53% for measures under unified government.

Table 1: Crosstab of Divided and Unified Government with Passage Percentages and Differences

	UNIFIED	DIVIDED	DIFFERENCE
% PASSED	53%	38%	15%
# OF BILLS	62	79	-17

Note: The significance test for this model revealed a value of .071, which is significant at the 93% confidence level.

Bill Category and Legislative Passage Correlations

This study looked to investigate the likelihood of categorically typed measures that the President has interest in to pass both houses of Congress. It was to be expected that due to the benefit cascade nature of distributive measures of legislation, their legislative success rate will be significantly higher than measures that are not distributive in nature. This sample is limited in investigating descriptive policies, as there are only 9 in question that are named significant for the purposes of this study. The largest category of bills is the elective category, which represents bills that are not only elective in substantive nature but also have partisan interest within them. For example, we can understand the Assault Weapon Ban of 1994 as an elective measure due to its substance and partisan nature. *Table 2* below lists the significance levels and correlation coefficients for every bill category as it relates to legislative passage/failure.

Table 2: Correlation Table for Passage versus Failure in Relation to Legislative Categories

	Pass/Fail (fail = 0, pass = 1)
Must Pass	.324* ($< .001$)
Distributive	.232* ($< .001$)
Foreign Policy	.085 (.314)
Good Government/Transparency	.018 (.835)
Defense	.065 (.442)
Presidential Approval Rating (%)	.619 (-.042)

Note: * = $p < .01$; elective category not represented as it was the baseline dummy variable; cells in right-most column represent the correlation coefficient of the independent variable and the named bill category; in parentheses represents the significance level of the correlation.

Starting at the top of the table shown above, bills within the must pass category have a significant correlation with legislative passage or failure. This result was to be as expected due to the categorical implications listed for the must pass category. Bills in this category are necessary for the continuing functioning of government, such as budgetary bills. The sample size of distributive bills in this study was the smallest within all the categories; therefore, to generalize the conclusions relative to this category, we would need to obtain a larger sample size.

Moreover, we can examine the next row that describes the figures found in correlating distributive policies with legislative passage or failure. The distributive measures or those that are “all want” measures, had a significant correlation at the .01 level with legislative passage, speaking to *hypothesis 2* of this study. This would suggest that there is an interaction between measures being distributive in nature and appealing to the interests of Congress as a whole. Similarly to the must pass category discussed above, a larger sample size could have improved

the strength of the correlation coefficient listed. The correlation coefficients with significance, must pass and distributive, indicate less partisan interest in policies that are of those categories in nature.

Within the bottom half of the table, it can be seen that foreign policy, good government/transparency, and defense measures were all not significantly correlated with legislative success. Presidential persuasion did not seem to impact the likelihood of measures from these three categories to be signed into law. The standard errors, represented in parentheses below each entry, indicate that a low sample size could have also impacted the little significance of the variables onto legislative passage.

It could also be inferred that partisan interest within the measures in the categories discussed above impacted the ability they had to pass either or both houses of Congress. This speaks to Bond and Fleisher's argument regarding coalition building becoming difficult when partisan interests are at play. Increases in partisanship makes it more difficult for the President to succeed under a divided government, making the President less successful not only when minority factions are in power, but when partisanship is also at a high level.

Multi-Variate Assessment

With two categorical variables on the independent side of the equation showing correlation to measure passage, it was deemed appropriate to measure the interactions at play when all variables are put in an equation together. Binary logistic regression was chosen for this study, as the dependent variable (pass or fail) is dichotomous. The regression model hoped to encompass the interaction amongst bill categories, the domestic or international nature of the measure, whether the bill was passed during war or peacetime and the dependent variable,

legislative passage or failure. The table below describes the variables at work within the equation dependent variable equation, using significance levels and standard error.

Table 3: Determinates of Legislative Productivity Level

IV = Significant legislation passage or failure (fail = 0, pass = 1)

Domestic /International (domestic = 0)	.235 (.689)
Divided (divided = 0)	.015* (.431)
War / Peacetime (war = 0)	.845 (.432)
Must Pass Legislation	.998 (11872.688)
Distributive Legislation	.009** (1.160)
Foreign Policy Legislation	.012* (.837)
Good Government/Transparency Legislation	.050* (.594)
Defense Legislation	.037* (1.464)
Presidential Approval Rating (%)	.396 (.985)
Constant	.012* (.828)
Observations	141
Nagelkerke R ²	.358
% Correctly Predicted	70.9%

Note: Cell entries are binary coefficients with standard errors in parentheses. * = $p < .05$, ** = $p < .01$; two-tailed test for the model described; in all instances where yes/no answers are not applicable, 0 will be represented by domestic, divided, and war respectively, as well as international, unified, and peacetime being represented by 1.

Beyond these bill categories, only the divided / unified government variable was a significant correlate with the likelihood of bill passage. As found in prior investigations in drivers of legislative passage rates, the difference in a measure being domestic or international in nature does not impact the likelihood that the measure has to pass.¹⁵ There is no significance that would indicate that the measure being addressed during a time of war as opposed to a time of peace would affect a measure's ability to pass on a negative or positive level. However, in line with *hypothesis 1*, divided versus unified government has an effect on the legislative passage rate of significant measures of legislation. The model indicates that divided versus unified government does not only affect legislative passage rates as individual measures, but also increases the prediction accuracy of the model.

The table above accounts for five out of the six bill categories used for this study. All 5 of the values listed on the left-hand side: Must Pass, Distributive, Foreign Policy, Good Government/Transparency, and Defense are represented through dummy variables; therefore, the bill category *elective* was excluded from the table in question. Unexpectedly so, all categories apart from the *must pass* category are significant at either the .01 or .05 level. The *must pass* category of measures showed only a weak coefficient, indicating that the “*must pass*” category of bills must not be as urgently necessary to pass as originally assumed. Within the category, the bills are exclusively related to the budget. Due to the small sample size, we see a large standard error; however, it can be understood that roughly half of the measures within this category pass

¹⁵ Earlier literature, such as “The Two Presidencies” by Aaron Wildavsky would suggest that the president has a different approach, as well as batting average when discussing matters of foreign versus domestic policy. The results found in this study indicate that the 1975 article may describe an approach relevant to lower levels of polarization. High levels of polarization and partisanship indicate that partisans have no choice but to also participate in foreign policy matters, contrary to Wildavsky.

and half fail. Members of Congress are willing to vote against budget measures due to ideological wants.

The strongest coefficient within *Table 3* is the “Distributive” category with a value of .009. Being significant at the .01 level, we can confirm *hypothesis 2* of the study, meaning that measures that are distributive in nature are more likely to pass than measures that are not. As mentioned in the methodology chapter of this paper, these bills must have distributive goods within the center of the bill’s substance. Conventionally, this finding is also supported by David Mayhew’s and Morris Fiorina’s findings on distributive politics. Mayhew explains that if members are in fact single minded seekers of reelection concerned with providing the highest quantity of tangible goods to their constituents, we should look at how members are enabled through committee structures. Committees, through log rolling and goods-focused policy making, are able to ascertain distributive goods for individual members to give to their constituents.¹⁶

Similarly, Fiorina finds that members seek to get done the most amount of agency intervention and casework completed in order to represent themselves as providing goods to their constituents in a highly visible fashion. Distributive politics is also about what members can do individually; therefore, they are more willing to pass bills that are distributive in nature in order to achieve their goal of reelection, thus continuing the cyclical ability to achieve their goal across election periods. The findings of regression model above indicate similarly that members are concerned with distributive goods when presented with the opportunity to be, as opposed to budget or “must pass” bills that members are more willing to ideologically fail.

¹⁶ David R. Mayhew, *Congress: The Electoral Connection* (New Haven, CT: Yale University Press, 1974).

The final variable in the model, presidential approval, is the only continuous variable within this equation. The approval rating was gathered from Gallup using a benchmark of the first week in January of the year corresponding to the State of the Union address. While popular approval of the president is not directly related to any hypothesis in this study, Richard Neustadt's presidential persuasion, as mentioned in the methodology section, can be tested through adding a presidential approval rating into the equation. When including this in the regression model, we find presidential approval to be of no significant explanatory value. This means, as also discussed in the methodology section, the ability a president has to pass legislation on his agenda is not relative to his popularity or ability to persuade actors.

Shown in the bottom two rows of *Table 3* above, the values for Nagelkerke R^2 and the percentage correctly predicted are listed. First, to we can address the Nagelkerke R^2 value by interpreting it as 35.8% of the cases within this study will fall within the dependent variable condition (legislative passage) when all the independent variables mentioned in the equation are present. This value has increased from the 2% Nagelkerke value calculated in the last regression model ran with copies of the variables in this study, with the exception of bill category.¹⁷ This indicates that substantive category type does matter, but only when divided versus unified government is added into the equation and, also, significant. This confirms *hypothesis 3* of the study— the legislative success of is more impacted by divided versus unified government than substantive bill type. The cell in the table labeled “% Predicted Correct” tells us that the model predicts 70.9% of the cases to be correct when under the control of all independent variables in the equation. This number improves upon the actual value of legislative failure within the sample of 141 measures, which can be determined to be 55.3% or 78 out of 141 measures.

¹⁷ Garofalo, “State of the Union Addresses as Aids in Legislative Productivity.”

Divided versus Unified Government

At the end of the story, it is still divided versus unified government that matters more than any particular substantive bill category. Following Mayhew's and Binder's investigations into the effects of divided versus unified government onto legislative productivity, it can be concluded that Presidential input on significant legislation is important regardless of popular or expert opinion. That is further solidified through the difference in statistical significance within *Table 2* and *Table 3* for the following categories: Must Pass, Foreign Policy, Good Government/Transparency, and Defense.

Within the bivariate correlation shown in *Table 2*, the only variables that are statistically significant are "Must Pass" and "Distributive"; however, within the multiple regression model, all of the dummy variables are significant with the exception of the "Must Pass" coefficient. This alone is important when considering future implications on driving legislative passage rates up on significant bills, as the increase in significance for the variables that showed no statistical significance in the binary correlation is due to the addition of more variables into the equation. Divided versus unified government was also significant within the multiple regression; therefore, we can conclude that the state of government being divided or unified is more predictable of the president being able to achieve his agenda within the Congress than substantive bill category.

Among the debate between Mayhew and Binder, it appears that Binder seems to be more right than wrong. When party polarity is high and government is divided, the likelihood of gridlock (inability to produce legislation) increases. On the contrary, Binder sees less gridlock under a unified government, which this study can also confirm.

Limitations

Limitations on this study include the lack of information available regarding the formulation of presidential State of the Union addresses. While this study indicates that presidential agenda and legislative action is important for measures to experience and increase in legislative passage ability, it is difficult to determine if congressional-presidential relations impact this value at a greater or lesser proportion. Identifying conversations that are held behind closed doors to trade favors or enhance a party platform is unlikely for purposes necessary to obtain the information described. Moreover, the study hoped to accomplish a basic level of measurement on conversations had by the President in the weeks following a State of the Union address. If this value could be added, it should better help the model tell us about what role the President has in increasing legislative passage rates beyond his one State of the Union address.

Conclusion and Implications

The overall findings of this paper suggest that legislative passage in terms of presidential-congressional relations is more about the state of government, being divided or unified, more than it is about substantive policy matter. When advancing his agenda in a State of the Union address, the President finds more success under a government that is unified as significantly notated in *Table 1* of the analysis chapter above. This confirms *hypothesis 1* of this study, meaning that divided versus unified government has a significant impact on the significant legislation that is mentioned during the State of the Union address.

Divided versus unified government being significant in this model is crucial in the debate between Binder's methodology and the methodology of this study. Binder takes her sample size from *New York Times* opinion editorials, meaning the significance mark is based on mentions by popular media or the public. This study looks to address significant legislation as what is significant to the President to determine whether the significant legislation is impacted by unified

or divided government when taking presidential-congressional relations into account. Due to unified versus divided government being significant in the model, we can see that while Binder could not determine popular significant legislation as being affected by divided versus unified government, mentions by the President in a State of the Union address find more success under a unified government at a significant level. This is to say that legislative success may be less about popular salience in legislative issues and more about faction building for the President under majority control and supplementing with minority factions under a divided government, as also concluded by Bond & Fleisher.¹⁸

The lasting implications of divided versus unified government being a variable of control within legislative productivity can be seen within the rising levels of minority factions that form under a divided government, causing roadblocks for presidential agendas. In modern history, say within the last five years, the ability of both inter- and intraparty polarization to cripple agendas can be seen through failed infrastructure plan, debt ceiling near-miss crises, and many other legislative issues that have proved to be ideological matters to members of Congress. The findings regarding divided versus unified government being more important than substantive policy measures indicates that we should care about learning how to build coalitions to avoid gridlock during years of divided government. To conclude, divided versus unified government does, in fact, matter. This can be seen when the President mentions legislation in his State of the Union address, meaning: the President is a major actor in legislative passage potential.

¹⁸ Bond and Fleisher, *The President in the Legislative Arena*

Bibliography

- Bond, Jon R., and Richard Fleisher, *The President in the Legislative Arena*. Chicago, IL: The University of Chicago Press.
- Binder, Sarah A. 2003. *Stalemate Causes and Consequences of Legislative Gridlock*. Washington, D.C.: Brookings Institution Press.
- Binder, Sarah A., “The Dynamics of Legislative Gridlock, 1947-96.” *The American Political Science Review* 93, no. 3 (1999): 519-533, <https://doi.org/10.2307/2585572>
- Binder, Sarah. 2015. “The Dysfunctional Congress.” *Annual Review of Political Science* 18 (1): 85–101. doi:10.1146/annurev-polisci-110813-032156.
- Cox, Gary W., and William C. Terry. “Legislative Productivity in the 93rd-105th Congresses.” *Legislative Studies Quarterly* 33, no. 4 (November 4, 2008): 603–18. <https://doi.org/10.3162/036298008786403123>.
- Cummins, Jeff. “State of the Union Addresses and the President's Legislative Success.” *Congress & the Presidency* 37, no. 2 (2010): 176–99. <https://doi.org/10.1080/07343460903394234>.
- Farhang, Sean. “Legislative Capacity & Administrative Power under Divided Polarization.” *Daedalus* 150, no. 3 (2021): 49–67. https://doi.org/10.1162/daed_a_01859.
- Franklin, Daniel Paul, and Michael P. Fix. “The Best of Times and the Worst of Times: Polarization and Presidential Success in Congress.” *Congress & the Presidency* 43, no. 3 (2016): 377–94. <https://doi.org/10.1080/07343469.2016.1206638>.
- Garofalo, Madison N., “State of the Union Addresses as Aids in Legislative Productivity,” undergraduate paper, Illinois Wesleyan University: PSCI 341, Spring 2022.

- Garofalo, Madison N., “Issue Salience: A Potential Aid in Legislative Productivity Rates,” undergraduate paper, Illinois Wesleyan University: PSCI 415, Fall 2022.
- GovTrack Editors, “Statistics and Historical Comparison: Congress/Bills,” *GovTrack.us*, last modified 2022, <https://www.govtrack.us/congress/bills/statistics>.
- Kelly, Sean Q. 1993. “Divided We Govern? A Reassessment.” *Polity* 25 (3): 475–84.
doi:10.2307/3234975.
- Krehbiel, Keith. 1991, *Information and Legislative Organization*, Ann Arbor, MI: University of Michigan Press
- Krutz, Glen, “Getting around Gridlock: The Effect of Omnibus Utilization on Legislative Productivity.” *Legislative Studies Quarterly* 24, no. 4 (2000): 533-549.
<https://www.jstor.org/stable/440433>
- Mayhew, David R. 1974, *Congress: the electoral connection*, New Haven, CT: Yale University Press, 2004; 2nd ed. / foreword by R. Douglas Arnold.
- Mayhew, David R. 2005. *Divided We Govern*. New Haven, CT: Yale University Press.
- Neustadt, Richard E. *Presidential Power: The Politics of Leadership*. New York, NY: Wiley, 1960.
- Wildavsky, Aaron: “The Two Presidencies.” *Perspectives on the Presidency*, Little, Brown, and Company (1975).