

Divided We Govern



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Introduction

Since World War II, divided party control of the American national government has come to seem normal. Between the 1946 and 1990 elections, one of the two parties held the presidency, the Senate, and the House simultaneously for eighteen of those years. But control was divided for twenty-six years, it is divided right now, and we may see more such splits. Some opinion studies suggest that today's voters prefer divided control on principle: Parties jointly in power are seen to perform a service by checking each other.

Of course, divided control is not a new phenomenon. During a twenty-two-year stretch between 1874 and 1896, to take the extreme case, the two parties shared control of the government for sixteen years. But after that, the country settled into a half-century habit of unified control broken only by two-year transitions from one party's monopoly to the other's that closed out the Taft, Wilson, and Hoover administrations. It is against this immediate background that the post-World War II experience stands out.

Should we care whether party control is unified or divided? That depends on whether having one state of affairs rather than the other makes any important difference. Does it? Much received thinking says yes. The political party, according to one of political science's best-known axioms about the American system, is "the indispensable instrument that [brings] cohesion and unity, and hence effectiveness, to the government as a whole by linking the executive and legislative branches in a bond of common interest." In the words of Woodrow Wilson, "You cannot compound a successful government out of antagonisms."

At a concrete level, this means at least that significant lawmaking can be expected to fall off when party control is divided. "Deadlock" or "stalemate" will set in. Variants of this familiar claim could be cited endlessly. Randall B. Ripley argued in a 1969 study, for example: "To have a productive majority in the American system of government the President and a majority of both houses must be from the same party. Such a condition does not guarantee legislative success but is necessary

for it." V. O. Key, Jr., wrote: "Common partisan control of executive and legislature does not assure energetic government, but division of party control precludes it." . . . These authors do not argue that unified party control always generates large collections of notable legislation. But they can be read to predict that it should generate, over a long period of time when contrasted with divided control, considerably more such legislation.

Another familiar claim has to do with congressional oversight. It is that Congress acting as an investigative body will give more trouble to the executive branch when a president of the opposite party holds power. That propensity can be viewed as bad or good. Woodrow Wilson might say that accelerated probing of the executive provides just another kind of unfortunate "antagonism." From another perspective, it can be expected to keep presidents and bureaucrats in line better. Either way, what causes the effect is a predicted difference between unified and divided control. Morris S. Ogul has written, "A congressman of the president's party is less likely to be concerned with oversight than a member of the opposition party." . . .

I . . . argue . . . that the above claims are wrong, or at least mostly or probably wrong. . . . But are there not . . . ways in which unified as opposed to divided party control might make a significant difference?

There are. In closing, five such ways will be introduced here by posing questions and speculating briefly about what their answers might be. In all instances the speculation ends in skepticism: Unified versus divided control has probably not made a notable difference during the postwar era. . . .

The first question is: Even if important laws win enactment just as often under conditions of divided party control, might they not be *worse* laws? Isn't "seriously defective legislation" a likelier result? That is sometimes alleged, and if true it would obviously count heavily. The subject is murky, even if kept free of ideological tests of "worseness," but the case seems to have a two-pronged logic. First, enacting coalitions under divided control, being composed of elements not "naturally" united on policy goals, might be less apt to write either clear ends or efficient means into their statutes. Second, such coalitions, absolved from unambiguous "party government" checks by the electorate down the line, might worry less about the actual effects of laws.

These are reasonable enough logics and instances, but the overall case is dubious. . . .

The second question is: Even if important individual statutes can win enactment regardless of conditions of party control, how about programmatic "coherence" across statutes? Isn't that a likelier outcome under unified party control? The argument is sometimes made. Confronted by this claim, one's first response is to note that "coherence" exists in the eyes of beholders, that beholders differ in what they see, and in any event, why is "coherence" necessary or desirable? Democracy, according to some leading models, can function well enough as an assortment of decentralized, unconnected incursions into public affairs. . . .

Still, widespread agreement does exist about the features and importance of at least two patterns of coherence across statutes, and those should be considered. One is *ideological coherence*, for which an argument might go as follows. To permit broad-ranging change of the sort recommended by ideologies that arise now and then, and

to provide a graspable politics to sectors of the public who might be interested in such change, a system needs to allow ideological packaging. That is, it needs to allow, at least sometimes, the enactment of rather large collections of laws thrusting in the same ideological direction. But such packaging has already been discussed. The postwar American system has accommodated it under circumstances of both unified and divided party control—notably in the successfully enacted presidential programs of Johnson (UNI) and Reagan (DIV), and in the liberal legislative surge of 1963 through 1975–76 (UNI then DIV). Presidential programs, given their properties as drama, can probably reach the general public more effectively, but ideological surges arising from “moods” can unquestionably engage appreciable sectors of the public.

Then there is *budgetary coherence*—that is, a match between revenue and expenditure across all government programs. Whether such a match occurs is of course ultimately a matter of statutes, including appropriations bills. It goes without saying that the federal government’s immense deficits have daunted and preoccupied the country’s political elite as much as anything during the last decade. For some observers, the deficits have also posed a clear test of divided party control, which it has flunked. A single ruling party would have done better, the argument goes, for reasons either of ideological uniformity or electoral accountability. Lloyd N. Cutler made the latter argument in 1988: “If one party was responsible for all three power centers [House, Senate, and presidency] and produced deficits of the magnitude in which they have been produced in recent years, there would be no question of the accountability and the responsibility of that party and its elected public officials for what had happened.”

Is this a valid case, finally, against divided party control? That has to remain an open question, since not much scholarship has yet appeared about the history of budgeting as it may have been affected by conditions of party control; also, highly relevant events will no doubt continue to take place. But the case is considerably less compelling than it may first look. For one thing, there is evidently no statistical relation between divided party control and deficit financing over the two centuries of American national history, or more specifically since World War II. That recent period includes the 1950s, it is useful to remember, when Eisenhower, who faced Democratic Congresses for six years, fought major political battles and drew much criticism from liberal intellectuals because he would not accept unbalanced budgets. Taking into account size of deficit or surplus, what the postwar pattern does show is a “sudden break” under Reagan. Deficits “blossomed suddenly in 1981.” A time series of federal debt as a percentage of gross national product falls almost monotonically from 1946 through 1974, holds more or less steady until 1981, and then surges. The 1980s are the problem.

An explanation that seems to fit this pre-1980 versus post-1980 experience involves not conditions of party control but rather individual presidents’ policies. At least since World War II, according to Paul E. Peterson, Congress “has generally followed the presidential lead on broad fiscal policies.” Overall congressional appropriations—that is, for each year the total across all programs—have ordinarily come quite close to overall presidential spending requests. Changes in total revenue generated by congressional tax enactments have ordinarily approximated those proposed by presidents. . . .

The third question is: Doesn’t government administration suffer as a result of divided party control? Doesn’t exaggerated pulling and hauling between president and Congress undermine the implementation of laws and, in general, the functioning of agencies and the administration of programs? High-publicity Capitol Hill investigations, which have been discussed, are relevant to an answer, but the subject is broader than that. It is also vaguer and quite difficult to address. The strategy here will be to present a plausible case for an instance of such undermining of administration and then draw a historical comparison. This will scarcely exhaust the topic, but the instances to be compared are important in their own right as well as suggestive about conditions of party control in general.

The plausible instance is Congress’s thrust toward “micro-managing” the executive branch in recent decades. That is, Congress has greatly increased its staff who monitor the administration, multiplied its days of oversight hearings, greatly expanded its use of the legislative veto (until a federal court ruled that device unconstitutional in 1983), taken to writing exceptionally detailed statutes that limit bureaucratic discretion (notably in environmental law), and tried to trim presidential power through such measures as the War Powers Act of 1973 and the Budget and Impoundment Act of 1974. Whether these moves have helped or harmed the system can be argued either way, but let us stipulate for the moment that they have undermined administration.

Has “micro-management” resulted, at least partly, from divided party control of the government? That too can be argued either way. An abundant list of alternative causes includes public and congressional reaction to the Vietnam war (as conducted by both Johnson and Nixon) and the public’s rising distrust of bureaucracy. But let us hypothesize that divided party control is at least partly the cause. Here is the argument. Rather than appearing gradually, “micro-management” came into its own rather quickly under Nixon and Ford in the 1970s—especially during the Nixon-Ford term of 1973–76. To cite some quantitative evidence, days spent per year on congressional oversight hearings, and average number of pages per enacted law (an indicator of statutory detail), achieved *most* of the considerable increase they showed from 1961 through 1984 during just the four years of 1973–76.

That was during a period of divided party control. Obviously, micro-management has not flashed on whenever party control became divided (as under Eisenhower) or flashed off whenever it became unified (as under Carter). Much of it, at least, came in under Nixon-Ford and stayed. One might say that those years saw the initiation of a “regime” of micro-management—that is, a durable set of views and institutionally located practices could survive the transition to Carter and then to Reagan. Their origin is what counts. To implicate divided party control plausibly, one has to argue that two conditions were necessary for this “micro-management regime” to come into existence. First, party control had to be divided: Congress would not have inaugurated such a regime otherwise. Second, there had to occur some unusual shock to the system such as Watergate, Nixon’s conduct of the war, or simply Nixon’s aggressive presidency: Divided control would not have engendered such a regime otherwise. Divided control, that is, was a necessary *part* of the causal structure that triggered the regime.

That is a plausible, particular argument. Can it be generalized? The broader case would be that members of a relevant class of congressional regimes that includes the micro-management one—that is, regimes that can reasonably be alleged to undermine administration—can be expected to arise under the same circumstances. That is, they require some similar shock to the system plus a background of divided party control.

Has any other such regime ever existed? As it happens, what looks like a particularly good instance of one originated in 1938 and led a vibrant life through 1954. It was that era's "loyalty regime"—the brilliant innovation of Democratic Congressman Martin Dies of Texas, founder of the House Un-American Activities Committee. Dies pioneered a formula that carried through the Hiss, McCarran, Army-McCarthy and other investigations after the war. It was a low-cost, high-publicity, committee-centered way of waging a congressional opposition against the New Deal, the Truman administration, and then Eisenhower. Its chief technique was the hearing where someone could accuse members of the executive branch of being disloyal to the United States. No one should be surprised that that evidently had a pronounced effect on administration. Beyond its effects on the targeted personnel, it could demoralize agencies, preoccupy the White House, put a chill on unorthodox policy options, and even exile whole schools of thought from the government (as with China specialists after 1949).

It seems a good bet that this loyalty regime made as much of a mark on administration—to be sure, its own kind of mark—as has Congress's more recent micro-management regime. . . .

The fourth question is: Does the conduct of foreign policy suffer under divided party control? That might be a special concern, since "coordination" is often held to be central to effective foreign policymaking. Perhaps an excess of "deadlock" or "non-coordination" occurs under conditions of divided control. But of course such disorderliness, looked at from the other side as by opponents of Truman's China policy or Reagan's Central America policy, figures as a healthy exercise of checks and balances. Foreign policy is often a fighting matter at home. There does not seem to be any way around this. "Coordination," however much sense it may seem to make, does not and cannot dominate every other value.

Yet once past that realization, it is not clear what standards to apply. None will be proposed here. But let the reader try the following thought experiment. Choose any plausible set of standards and, using them, scan through the history of American foreign policymaking since World War II. Here is a prediction of what most readers will conclude: In general, the record was no worse when the two parties shared power. Any appraisal has to accommodate or steer around, for example, the Marshall Plan, which owed to bipartisan cooperation during a time of divided control; the Kennedy-Johnson intervention in Indochina, which, whatever else may be said about it, scarcely took its shape because of a lack of coordination; Nixon's openings to China and the Soviet Union, which were maneuvered with little Capitol Hill dissent during a time of divided control; and Bush's liberation of Kuwait in

1990–91. Given just these items, many readers may agree, considerable ingenuity would be needed to concoct a verdict spanning the four and a half decades that favors unified party control. . . .

The fifth question: Are the country's lower-income strata served less well under divided party control? One can assemble a theory that they might be, assuming for a moment that "serve" refers to direct government action rather than, say, encouragement of long-term economic growth. Separation of powers biases the American regime toward the rich, Progressive theorists used to argue at the outset of the twentieth century. The rich profit when the government does nothing, whereas the non-rich require concerted public action that can all too easily be blocked somewhere in the system's ample array of veto-points. An obvious remedy would be a constitution allowing strict majority rule. But lacking that, according to a conventional argument of political science, much depends on political parties. Their distinctive role is to impose on the country's collection of government institutions a kind of order that serves majority interests. In principle, that might be done by one party embodying the views and experiences of the non-rich (a socialist sort of argument) or by two parties bidding for the votes of the non-rich (a Downsian sort of argument). Either way, unified control is needed to deliver the goods. It allows action, rules out buck-passing, fixes responsibility, permits accountability.

That is a plausible line of argument, and the Great Society as well as the New Deal might be said to bear it out. But altogether too much of the record since World War II does not. What were the origins of the "social safety net" that the Reagan administration—during a time of divided control, for what that is worth—succeeded in widening the holes of? In fact, that net owed much of its weaving to the Nixon and Ford years—also a time of divided control. That period was the source of EEA and CETA jobs, expanded unemployment insurance, low-income energy assistance, post-1974 housing allowances, Pell grants for lower-income college students, greatly multiplied food-stamps assistance, a notable progressivizing of tax incidence, Supplementary Security Income for the aged, blind, and disabled, and Social Security increases that cut the proportion of aged below the poverty line from 25 percent in 1970 to 16 percent in 1974. The laws just kept getting passed. The Reaganite assault against both the Great Society and the 1970s pitted era against era and mood against mood. But it did not pit divided party control against unified party control or even all that clearly Republicans against Democrats.

These five questions are not the only additional ones that might be asked about unified as opposed to divided party control. This work skirts, moreover, the separate and obviously important question of whether the American system of government, with its separation-of-powers features, has been functioning adequately in recent times. Some analysts, for example John E. Chubb and Paul E. Peterson, say no: "When governments of quite different political combinations [that is, unified as well as divided control] all fail to perform effectively, it is worth considering whether the problem is the government itself and not the people or parties that run it." Energy and budgetary policies have been creaking. Each of the last two decades

has ended with a riveting spectacle of government inefficacy or disorder—Carter’s “malaise” crisis in 1979 and Bush’s budget wrangle in 1990. Otherwise, the country is faced with declining voter turnout as well as a rise in election technologies and incumbent-serving practices that seem to be delegitimizing elected officials.

There is no end of taking steps to reform American political institutions, or of good reasons for it. But short of jettisoning the separation-of-powers core of the Constitution—an unlikely event—it would probably be a mistake to channel such concern into “party government” schemes. This work has tried to show that, surprisingly, it does not seem to make all that much difference whether party control of the American government happens to be unified or divided. One reason we assume it does is that “party government” plays a role in political science somewhere between a Platonic form and a grail. When we reach for it as a standard, we draw on abstract models, presumed European practice, and well-airbrushed American experience, but we seldom take a cold look at real American experience. We forget about Franklin Roosevelt’s troubles with HUAC and the Rules Committee, Truman’s and Kennedy’s domestic policy defeats, McCarthy’s square-off against Eisenhower, Johnson versus Fulbright on Vietnam, and Carter’s energy program and “malaise.”

Political parties can be powerful instruments, but in the United States they seem to play more of a role as “policy factions” than as, in the British case, governing instruments. A party as policy faction can often get its way even in circumstances of divided control: Witness the Taftite Republicans in 1947, congressional Democrats under Nixon, or the Reaganites in 1981. How, one might ask, were these temporary policy ascendancies greatly different from that of the Great Society Democrats in 1964–66?

To demand more of American parties—to ask that they become governing instruments—is to run them up against components of the American regime as fundamental as the party system itself. There is a strong pluralist component, for example, as evidenced in the way politicians respond to cross-cutting issue cleavages. There is a public-opinion component that political science’s modern technologies do not seem to reach very well. The government floats in public opinion; it goes up and down on great long waves of it that often have little to do with parties. There is the obvious structural component—separation of powers—that brings on deadlock and chronic conflict, but also nudges officials toward deliberation, compromise, and super-majority outcomes. And there is a component of deep-seated individualism among American politicians, who build and tend their own electoral bases and maintain their own relations of responsibility with electorates. This seems to be a matter of political culture—perhaps a survival of republicanism—that goes way back. Unlike most politicians elsewhere, American ones at both legislative and executive levels have managed to navigate the last two centuries of history without becoming minions of party leaders. In this complicated, multi-component setting, British-style governing by party majorities does not have much of a chance.

Functions and Types of Elections

Most people transmit their political desires to government through elections. Elections are a critical part of the democratic process, and the existence of *free* elections is a major difference between democracies and totalitarian or authoritarian forms of government. Because elections reflect popular attitudes toward governmental parties, policies, and personalities, it is useful to attempt to classify different types of elections on the basis of changes and trends that take place within the electorate. Every election is not the same. For example, the election of 1932 with the resulting Democratic landslide was profoundly different from the election of 1960, in which Kennedy won by less than 1 percent of the popular vote.

Members of the Center for Political Studies at the University of Michigan, as well as V. O. Key, Jr., have developed a typology of elections that is useful in analyzing the electoral system. The most prevalent type of election can be classified as a “maintaining election,” “one in which the pattern of partisan attachments prevailing in the preceding period persists and is the primary influence on the forces governing the vote.”* Most elections fall into the maintaining category, a fact significant for the political system because such elections result in political continuity and reflect a lack of serious upheavals within the electorate and government. Maintaining elections result in the continuation of the majority political party.

At certain times in American history, what V. O. Key, Jr., has called “critical elections” take place. He discusses this type of election, which results in permanent realignment of the electorate and reflects basic changes in political attitudes.

Apart from maintaining and critical elections, a third type, in which only temporary shifts take place within the electorate, occurs, which can be called “deviating elections.” For example, the Eisenhower victories of 1952 and 1956 were deviating elections for several reasons, including the personality of Eisenhower and the fact that voters could register their choice for president without changing their basic partisan loyalties at congressional and state levels. Deviating elections, with reference to the office of president, are probable when popular figures are running for the office.

In “reinstating elections,” a final category that can be added to a typology of elections, there is a return to normal voting patterns. Reinstating elections take place after deviating elections as a result of the demise of the temporary forces that caused the transitory shift in partisan choice. The election of 1960, in which most of the Democratic majority in the electorate returned to the fold and voted for John F. Kennedy,[†] has been classified as a reinstating election.

**Compiler’s note:* Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York: John Wiley & Sons, 1960), Chapter 19.

†*Compiler’s note:* See Philip E. Converse, Angus Campbell, Warren E. Miller, and Donald E. Stokes, “Stability and Change in 1960: A Reinstating Election,” *The American Political Science Review* 55 (June 1961): 269–280.