Representation, Accountability, and Efficiency in Divided Party Control of Government

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James L. Sundquist (1986, 75) argues that, "those who believe that a basic weakness of the United States government is the recurrent conflict and deadlock between the executive and legislative branches must turn, at the outset, to the problem of divided government." Presidents from James Madison to George Bush have complained about conflicts with Congress and the effects of divided party government. President Lincoln complained in jest that, "I have been told I was on the road to hell, but I had no idea it was just a mile down the road with a Dome on it" (Udall 1988, 3). President Lyndon Baines Johnson, known for his success in working with Senators and Representatives as well as his bluntness, said, "A long time ago I learned that telling a man to go to hell and making him go are two different propositions" (Udall 1988, 239).

Reformers from Woodrow Wilson to James Sundquist (1986) and Lloyd Cutler (1988, 1989) argue that divided government is the root of inefficiency and deadlock in our democracy and that there is a need for reform.1 Wilson’s complaint is repeated by those who argue in the 1980s and 1990s that divided government led to budget deficits and stalemate (quoted in Pfeiffer 1991, 44): "You have a Government that is not responding to the wishes of the people. You have a Government that is not functioning, a Government whose very energies are stayed and postponed. If you want to release the force of the American People, you have got to get possession of the Senate and the Presidency as well as the House." Michael Mezey (1991, 99-121) argues that our present system of separation of powers and divided party control of government cannot produce informed, coherent, timely, and effective laws. Mezey (1989, 143) claims that, "neither the executive nor the Congress is capable of action on its own and each is capable of stopping the other from acting."

In the years since Sundquist (1986) first advocated major constitutional reforms, the discussion of divided government has suffered from insufficient attention as to why it occurs and with what consequences, the purpose of this PS symposium. The critics of divided government often assert that it makes government inefficient and unaccountable, but they do not present comprehensive data analysis to support their case. And few critics comment on the function of representation that divided government provides so well for congressional constituencies.

Divided government occurs when one party controls the presidency while one or both houses of Congress are controlled by the opposing party, the standard of post-World War II American politics. From 1946 to 1992, the Truman presidency through the first four years of the Bush presidency, divided party control of the federal government has occurred 67 percent of the time (or 30 out of 45 years).2 From 1897 to 1945, divided government appeared only 12 percent of the time (6 times).

While it is clear that divided government is an important issue for our time, several competing explanations for the occurrence of divided government are offered in this PS symposium and in a growing literature (Thurber 1991, 1-8) on the topic. These explanations are based upon a variety of factors, as follows: the constitutional structure of government (separation of powers); electoral behavior and the political party system (different constituency bases, ticket splitting, candidate individualism, political recruitment, the power of incumbency, and the weaknesses of American political parties); and public opinion (the preference of American voters to want divided government in principle). A synthesis of these varying explanations is necessary in order to understand the reasons why we have divided government, but we do not know the relative importance of each explanation since the competing theories have not been judged against each other.

As basic textbooks on American politics tell us, the constitutional separation of powers structures executive-legislative rivalry into predictable and almost guaranteed conflict. Although never mentioned in the Constitution, the historic competing interests of the two major political parties have exacerbated this conflict between the president and Congress because the opposing interests guarantee that the president and a majority of both houses of Congress will not share the same policy or ideological preferences (Edwards 1989, 96-97). The authors of the Constitution provided for checks and balances among the three organizationally separate branches of government which make our government contentious, complicated, and inefficient, but also representative. Separation of powers and divided government thus frustrate those who would have government pass laws in a more timely manner. However, separation of the powers of Congress and the executive and divided party government both check despotism and allow for the

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protection of representation. The federal government is built upon a purposeful fragmentation of power, a method of representing diverse local interests against the concentration of power in the hands of a president and his partisans in Congress, but it is also not without its frustrations.

Some (Jacobson 1991) argue that a lack of partisan consensus between the president and the Congress stems from several electoral factors. The different nature of congressional and presidential constituencies and elections makes it probable that the president and the Congress will have divergent policy preferences, and different party and ideological preferences, the foundations for divided government. The president is said to have a national constituency and must appeal to voters on national issues. Members of Congress, on the other hand, have more homogeneous constituencies and appeal to voters on more parochial issues. The battle over the 1991 highway bill is a classic example of this conflict between presidential (national) and congressional (local) constituencies. The president wants a highway bill that addresses national transportation needs while members of Congress want to provide for their local constituencies. Thus lawmakers include over 500 "demonstration" projects in the highway legislation that earmarked funds for roads and bridges in their specific congressional districts and states and the president opposed them as "pork." Clearly, members of Congress respond to a narrower set of pressures than the president, because of smaller, more homogeneous, narrowly focused constituencies.

The increase in split ticket voting (shown in Table 1), especially in the South, has also been offered as an explanation for the dominance of divided control of Congress and the presidency in post-World War II politics. The percentage of districts ticket splitting between presidential and House candidates has increased from 11 to 34 percent in the time period of 1944 to 1988, with a high in 1984 of 45 percent (Ornstein 1990, 62).

Presidential coattails have also become shorter in recent elections, thus increasing the likelihood of divided party control of government. When comparing the president's vote with the vote for his party's successful House candidates and the number of districts carried by the president, there are ever decreasing presidential coattails in the last twenty years (Ornstein 1990, 63). These shortened presidential coattails with increased ticket splitting, therefore, lead to a higher probability of divided control of the White House and Congress.

Other scholars (Sundquist 1986) and reformers (Cutler 1989) argue that the weakness of political parties inside and outside of government has led to divided government. By any measure, party organizations have lost power from 1946 to present, the period of divided government. For example, with the expansion of primaries rather than conventions, parties have lost control over candidate recruitment and the election process in many states. As campaign finance, access to the media, and the management of campaigns has shifted from parties to professionals, the parties have lost control further of how candidates run under their label. Communication of the party position also is often in the hands of candidate-centered campaigns. Furthermore, the number of party identifiers and eligible citizens that turn out to vote has dropped dramatically in the last two decades, and contributions from individuals and political action committees make up 98 percent of congressional candidate financing. Federal campaign funding of presidential campaigns has allowed candidates to be independent of most party organizations as well, leading to an increase in candidate-oriented campaigns. These circumstances have led to presidential and congressional candidates running as "outsiders" to their own parties (e.g., Carter in 1976, Reagan in 1980), and the decline in the proportion of party-line voters in House elections reveals that voting is increasingly candidate centered (Ornstein 1990, 65). Without party control of recruitment, greater party-line voting, and a unified party philosophy for presidential and congressional candidates, it is difficult to have party discipline and a unified government after an election.

Once elected, the power of incumbency also helps to assure divided control of government. The number of House incumbents who are re-elected is in the ninetieth percentile in the last decade and in the high seventies since 1946 (Ornstein et al. 1990, 56). The rate of Senate incumbent re-election varies more than in the House, but it has steadily increased to an average percentage in the seventies since 1946 (Ornstein et al. 1990, 57). Some scholars (Ansolabehere, Brady, and Fiorina 1990) argue that Democrats may be re-elected at higher rates than Republicans because they are able to dominate redistricting and produce gerrymandered districts, get more campaign funds, and have the built-in advantages of name recognition and the visibility and resources of occupying the office. The high incumbency rate for Democrats thus insulates them from national trends presenting Republican presidents with built-in congressional opposition.

That people make a rational choice and intend the president and the

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**TABLE 1.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Districts with Split Resultsa</th>
<th>Districts</th>
<th>Number</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>1900</td>
<td>295</td>
<td>10</td>
<td>3.4</td>
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<tr>
<td>1904</td>
<td>310</td>
<td>5</td>
<td>1.6</td>
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<td>1920</td>
<td>344</td>
<td>11</td>
<td>3.2</td>
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<td>1924</td>
<td>356</td>
<td>42</td>
<td>11.8</td>
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<td>1928</td>
<td>359</td>
<td>68</td>
<td>18.9</td>
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<tr>
<td>1932</td>
<td>355</td>
<td>50</td>
<td>14.1</td>
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<tr>
<td>1936</td>
<td>361</td>
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<td>435</td>
<td>148</td>
<td>34.0</td>
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*Congressional districts carried by a presidential candidate of one party and a House candidate of another party.*
Congress to be of different parties in order to check and balance each other may be another explanation for divided government. Fiorina (1990) and Ladd (1990) have demonstrated, with survey data that American voters do prefer divided government on principle because divided control is seen as a way of checking power. Surveys during the 1984 Reagan campaign also revealed that a majority of respondents did not want a Republican-controlled Congress that would support all of Reagan’s policies (Sundquist 1986, 87). Do voters make a rational choice that they want divided government because they want further checks and balances? Unfortunately, the 1984 survey data does not explore how the 76 percent of the respondents that said they wanted divided government actually voted. Further analysis needs to be done on the behavior and state of mind of those who expressed a preference for divided party control of government to answer such a question. We do know that in 1984, 45 percent of those voting in presidential elections split their tickets and in 1988, 34 percent split their ticket (Ornstein 1990, 62). Many survey studies also show that the public may hold ideological views, but that these views are not consistent with what the parties espouse (Flanigan and Zingale 1991). Most people cannot accurately say what Bush’s, Reagan’s or Carter’s policies actually are. A likely explanation is that approval of divided democracy is an ex post facto agreement with the outcome of democracy rather than an a priori intention of the populace.

Collectively, explanations of divided government are persuasive, but we know little about which factors explain most about the phenomena. We need further research into the relative impact of each explanatory variable suggested rather than isolated studies of each factor. The more compelling questions about divided government are the following: Should we be worried about its effects? Does it cause deadlock and stalemate? Are the consequences of divided government significant, and in what way? With few examples of unified government, how do we measure the consequences of divided government?

Is divided government the culprit that is causing large deficits, late budgets, contentious investigations, and a deadlock in law making? Does divided government make any difference? Evidence that divided party control of the Congress and White House hinders budgeting, lawmaking and congressional investigations is weak. The few examples of unified government since World War II demonstrate that unification does not guarantee efficient, informed, timely, and effective public policy. Research on cooperation and conflict between the president and Congress (Bond and Fleisher 1990; Edwards 1989; Thurber 1991) has identified four major factors influencing presidential success in getting programs approved in Congress: the president’s popularity with the public, presidential leadership skill, political ideology, and the strength and unity of the president’s political party in the Congress.

President Carter had unified government, yet experienced serious opposition in Congress because it is argued of his lack of leadership skill, unpopularity in the polls, and ideological incompatibility with a significant part of Congress. He also ran against his own party to get the nomination, which left him without a strong ruling coalition in Congress after the election. On the other hand, divided government during the Nixon and Ford presidencies produced some of the most important domestic legislation since World War II. These laws included the National Environmental Policy Act of 1969, the Occupational Safety and Health Act of 1970, the Equal Employment Opportunity Act of 1972, the Consumer Product Safety Act of 1972, the Comprehensive Employment and Training Act of 1973, the Federal Election Campaign Finance Act of 1974, the War Powers Resolution of 1973, and the Congressional Budget and Impoundment Control Act of 1974, as well as comprehensive tax code revision and major air and water pollution control measures. Furthermore, there seems to be no guarantee that conflict between the president and the Congress will occur on foreign policy as a result of divided government; bipartisan periods of foreign policy-making have dominated periods of divided control of government (Edwards 1989, 54-69; Wildavsky 1966; Sigelman 1979; Destler 1985).

Critics of split party control of government (Sundquist 1986) assert that an important, negative effect of divided government is the failure of the federal government to pass a budget on time and to make reductions in the deficit. Others argue (Mezey 1991) that divided government caused the passage of new budget reforms such as Gramm-Rudman-Hollings Deficit Reduction Act I and II and special budget “summits.” A review of cases comparing when budgets were passed on time and when they were late (the norm of the 1980s) reveals no relationship between party control of government and timeliness (Thurber 1989). Both parties are delinquent. There also seems to be no statistical relationship between divided party control of the White House and Congress and deficit financing since World War II. Loss of budget control has also been blamed on divided government, but the relationship between unified government and controllability of discretionary spending in the federal budget does not exist. The decrease in the relative controllability of the budget has been linear since the 1950s. The budget process reforms from 1974 to 1990 have shown that reform is no substitute for leadership and the will of the people.

What about success of presidents to impound funds under unified and divided party control? Again, although the number of examples are few, there is no relationship between divided party control of government and the failure of presidential impoundments or, for that matter, presidential vetoes of money bills (Thurber 1991a, 162). Although Reagan enjoyed success in lowering taxes and reordering the budget when...
the Republicans were in the majority in the Senate, crises such as delays in passage of the budget and large deficits occur independently of divisions between the president and the Congress (Thurber and Durst 1991, 53-88; Thurber 1991c, 257-78).

Davidson (1991) has revealed in a careful analysis of legislative productivity that divided government and legislative activity are not closely linked. He argues that, at best, ‘...party control is an incomplete guide to legislative activity and productivity. The administration of Roosevelt, Truman, and Carter testify to the fact that party control of both branches is no guarantee of legislative productivity. By the same token, the Nixon-Ford period and the first year of the Reagan administration saw productivity far beyond what would be expected from divided government’ (Davidson 1991, 76).

Mayhew (1991) has also shown that whether party control of the federal government is unified or divided makes little difference in the amount of significant legislation passed by Congress and in the nature of investigations that Congress holds. He examines hundreds of major laws passed by Congress from 1946 to 1990, as well as thirty-one ‘high-profile’ congressional investigations (e.g., McCarthy hearings, Watergate, Iran-Contra, and HUD investigations), and Mayhew finds no variance in the number of important bills passed during periods of unified and divided government. He finds no relationship between divided government and ‘partisan’ oversight. Overall, unified party control of the federal government, as opposed to divided control, made little or no difference in the frequency of passage of major laws or major investigations (Mayhew 1991, 51-99).

Another measure of the impact of divided government is a president’s ability to garner support for programs on Capitol Hill during periods of unified and divided government.

**Americans seem to want divided government and deficit spending.**

Bond and Fleisher (1990) show that support is not solely dependent upon unified or divided government. Party is important, but so are presidential leadership skills, public opinion, and the ideological make-up of Congress (Bond and Fleisher 1991, 220-40). On the surface, Figure 1 reveals that presidential victories on votes in Congress are not linked to unified or divided party control of government from Eisenhower through Bush’s first year. Patterns of congressional support for presidential policy positions vary and are complex, but generally congressional support for the president’s legislative program starts out relatively high in the first two years of an administration (except for Ford) and quickly dissipates whether unified or divided government persists (see Figure 1) (Edwards 1989; Skowronek 1985; Light 1981).

Since there is so little variance in divided government at the federal level in post-World War II American politics, a good way to test the consequences of divided party government is to evaluate the experience of state governors and legislatures. This method has the advantage of having a larger number of cases and more variance in the variables used to explain the causes and consequences of divided government. Are the budgetary crises in the states related to divided government or new ‘zero sum’ politics which has hit both the federal government and the states (Thurber 1991c)? Do different state party systems produce different patterns of unified and divided government? In several states we have had examples of divided party control for long periods of time, and state governments seem to pass important laws in a timely fashion. As Mayhew and Davidson found at the national level, there seems to be little systematic evidence that divided state government has had a negative impact on the capacity of states to pass ‘important’ laws in a timely fashion, but I encourage those doing comparative state politics to test explanations of the causes and consequences of divided government by
using data from the fifty states. Only with that kind of empirical work can questions such as those posed here and by critics of divided government be answered.

Are the problems of inefficiency and non-accountability that critics have associated with divided party control of the presidency and the Congress so severe that the nation is undergoing a crisis of governance? I think not. Mayhew, Davidson and others have shown that divided government is not the guilty party. The central question related to the debate over the causes and the consequences of divided party control of government remains: Is the price of increasing presidential accountability and power worth the cost of weakening representation of diverse interests and the protection of minorities in government decision-making? Those who want more efficient, coherent, and timely governmental decision-making are those who would give the president more power. There are no guarantees that reforms leading to unified party government and giving the president more power would provide more representative, accountable, and efficient lawmaking.

Notes

1. Other members on the Committee on the Constitutional System also support these views. Lloyd Cutler (1986, I-2) calls for major reforms in our government because of a “crisis of governance”:

A particular shortcoming in need of a remedy is the structural inability of our government to propose, legislate, and administer a balanced program for governing. In parliamentary terms one might say that under the U.S. Constitution it is not now feasible to “form a government.” The separation of powers between the legislative and executive branches, whatever its merits in 1793, has become a structure that almost guarantees stalemate today.

2. Eight more years (1951-58) produced a Senate with one or two vote margins for Truman and Eisenhower, thus giving those presidents such a competitive situation that it was a form of divided government. See Congressional Quarterly Guide to U.S. Elections (Washington, DC: CQ Press, 1988), p. 1116.

3. There is also a pattern of losses of seats by the president’s party in midterm elections, but it is not directly related to unified or divided government (Ornstein et al. 1990, 51).

4. There are difficulties in measuring these concepts over time, but Mezey (1991), Mayhew (1991), and Davidson (1991) make good theoretical and empirical progress.

References


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