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Congress' Intersections with the Executive Branch and Public Opinion

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Political Science

by

Richard Brian Law

2012

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ABSTRACT OF THE DISSERTATION

Congress' Intersections with the Executive Branch and Public Opinion

by

Richard Brian Law

Doctor of Philosophy in Political Science

University of California, Los Angeles, 2012

Professor Timothy J. Groseclose, Chair

How the elements of the United States' government work together is a question that can be traced back to the the vigorous debates at the Republic's founding. This dissertation moves the research forward by bringing to bear new data, in particular databases of government actions including: executive orders, Senate committee assignments, and the Congressional Record; as well as non-governmental information including: polling, and media coverage. The analysis is divided into three papers. Chapter 2 focuses on the link between Congress and the Executive through presidents' use of executive orders. I find that since 1936 the number of significant orders issued per year has remained basically level. I estimate that over 75% of significant executive orders have shifted policy outcomes closer to the congressional majority's preference. From this I conclude that executive orders generally serve as a steady, shared policymaking tool between Congress and the president. Chapter 3 focuses on the link between Congress and the public. I use a new dataset of over 3,000 survey questions to measure the public's perceptions — *perceived* issue ownership — and compare that to measures of each party's Senate committee preferences — *legislative* issue ownership.

On average, there is little to no relationship between the two. Chapter 4 focuses on senators' committee preferences in response to declining media coverage of Congress, examining the Senate Armed Services and Foreign Relations Committees from 1947 to 2006. The research relies on new, continuous measures of committee desirability and a unique dataset of congressional press coverage. Although both committees' visibility and attractiveness have declined dramatically over 60 years, statistical analyses indicate that change in internal rules and external events are relatively more important than the media as predictors for senators' investment in committee careers.

The dissertation of Richard Brian Law is approved.

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2012

To Sa and our family

Contents

1	Introduction	1
2	The President and Congress in the Policy-making Arena: How And Why Most Executive Orders Advance Congress' Agenda	6
2.1	Introduction	6
2.2	Earlier Findings	8
2.3	A Simple Spatial Model for Executive Orders	12
2.4	Results	17
2.4.1	Have presidents' increased the use of orders over time?	17
2.4.2	What proportion of orders shift policy outcomes further from the congressional majority?	21
2.4.3	What predicts whether orders shift policy closer or further?	27
2.5	Conclusion	32
	Appendix A - Formal Proofs	36
	Appendix B - Example Coded Orders	39
	Bibliography	42
3	Are Parties' Reputations Correlated with Policymaking: Perceived versus Legislative Issue Ownership	54
3.1	Introduction	54
3.2	Measuring <i>Perceived</i> Issue Ownership	55

3.3	Measuring <i>Legislative</i> Issue Ownership	59
3.4	Results	64
3.5	Conclusion	66
	Bibliography	68
4	Seen but Not Heard: Committee Visibility and Institutional Change in the Senate National Security Committees, 1947 - 2006	80
4.1	Introduction	80
4.2	The Role of the Media in Committee Change	83
4.3	Measures and Trends, 1947-2006	86
4.3.1	Media Trends	87
4.3.2	Changes in Committee Attractiveness	91
4.3.3	Changes in Internal Rules and Norms	97
4.3.4	External Events and Stimuli	99
4.4	Model Specifications and Results	101
4.5	Conclusion	109
	Bibliography	112
5	Conclusion	124
	Bibliography	126

List of Tables

2.1	Crosstab, Divided Government vs. Where Significant Orders Shift Policy . .	27
2.2	Linear regression predicting the percentage of orders that shift policy closer to the congressional majority's preference. To include the number of cloture votes the analysis is now per Congress and so the number of observations goes down to 35. The results suggest that the post-1970s increase in cloture votes to counter minority party obstruction (or protections) may account for the increase in the percentage of orders that shift policy further from the congressional majority's preference, but there are not enough cases to say with high confidence.	31
2.3	First-year in office for Obama through Ford, significant executive orders. Orders coded as: unclear, closer to, or further from congressional majority's preference. Note, the three categories of closer are condensed down to one category and managerial orders are excluded.	39
2.3	First-year in office for Obama through Ford, significant executive orders. Orders coded as: unclear, closer to, or further from congressional majority's preference. Note, the three categories of closer are condensed down to one category and managerial orders are excluded.	40

2.3	First-year in office for Obama through Ford, significant executive orders. Orders coded as: unclear, closer to, or further from congressional majority's preference. Note, the three categories of closer are condensed down to one category and managerial orders are excluded.	41
4.1	Descriptive Statistics of Variables, 1947-2006	101
4.2	Committee Prestige Regressions, Outcome Variable is Seniority Ratio	103
4.3	Two-Stage Least Squares Regressions	107

List of Figures

1.1	Significant executive orders over time, where the vast majority of orders shift policy closer to the congressional majority's preference. Each dot represents a significant executive order, blue for Democratic presidents, red for Republican. The loess-smoother line traces a gradual increase in the proportion of orders that shift policy further since 1970.	3
1.2	The relationship between perceived issue ownership and legislative issue ownership. The horizontal axis represents the difference between Republican and Democratic Senate committees' preferences, the vertical represents the difference between the percentage of survey respondents who said Republicans would do a better job on a policy and the percentage who said Democrats would. Each circle marks one survey question and the committee that covers the same policy area. A point in the upper right would mark a committee clearly preferred by Republicans and the public favors Republicans on that policy by 50% in a given Congress. The association between the parties' perceived and legislative issue ownership appears weak.	4
2.1	How and when the filibuster allows executive orders to shift policy closer to the congressional majority	14
2.2	Executive Orders Over Time, all orders	17
2.3	SIGNIFICANT Executive Orders Over Time, Howell's 2001 estimate and replication	18

2.4	SIGNIFICANT Executive Orders Over Time, 2010 estimate	20
2.5	The coding scheme for executive orders. “Significant” orders fit into one of six categories: unclear, managerial, further from the congressional majority, closer-, closer, or closer+.	24
2.6	Significant executive orders over time, where the vast majority of orders shift policy closer to the congressional majority’s preference. Each dot represents a significant executive order, blue for Democratic presidents, red for Republican. The loess-smoother line traces a gradual increase in the proportion of orders that shift policy further since 1970.	25
2.7	Predicting the probability a significant executive orders shifts policy closer to the congressional majority’s preference, using a logistic regression with random effects for each President, from 1939-2010. Coefficient estimates marked by dots, +/- one standard error marked by thick line, +/- two standard deviations marked by thin line, n=307. A change of x on the logistic scale corresponds to a change of, at most x/4, in the probability that an order shifts policy (Gelman & Hill 2007, 82). The figure shows that none of the individual-order-level predictors have a clear correlation, including Divided Government. The Presidents do have some variation with several presidents since Ford shifting fewer orders closer, which fits with the post-1970 indicator.	34
2.8	The number of votes to end debate in the Senate has increased since 1970, and by implication, so has the use of Senate minority stalling tactics. A blue “D” represents congress’ when the Democrats were the minority party in the Senate, red “R” when the Republicans were in the minority.	35
2.9	Regions of the single dimension	37

3.1	“International Affairs” perceived issue ownership over time. The horizontal axis represents time and vertical represents the percentage of survey respondents who said party <i>X</i> is doing a better job. Each “R” symbol marks an individual survey and the red line traces a moving average. Starting around 1980 the public says Republicans’ do a “better job” on international/foreign affairs and this trend reverses late in G.W. Bush’s second term.	56
3.2	Perceived issue ownership over time for 19 different policy areas. The red line traces the moving average for the percentage of survey respondents who said Republicans do a better job, and the blue line for the Democrats.	58
3.3	Legislative issue ownership measured by Senate committee preferences over time. The horizontal axis represents time with Congresses (80th is 1947, 111th is 2009) and the vertical axis represents the seniority ratio. Any committee above the grey horizontal line has a higher average seniority than their party in the Senate for that term.	63
3.4	A measure of the relationship between perceived and legislative issue ownership. The horizontal axis represents the difference between Republican and Democratic Senate committees’ preferences, the vertical represents the difference between the percentage of survey respondents who said Republicans would do a better job on a policy and the percentage who said Democrats would. Each circle marks one survey question and the committee that covers the same policy area. A point in the upper right would mark a committee clearly preferred by Republicans and the public favors Republicans on that policy by 50% in a given Congress. The association between the parties’ perceived and legislative issue ownership appears weak.	65

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Chapter 1

Introduction

Political Science has made strides in describing and subsequently building predictions about policymaking in the United States. One step in this progress has been abstracting from reality and breaking down the policy-making process into more manageable pieces. A key question then is what marks a manageable piece, that is, where do we draw the lines around our analyses? In general the answer has been very pragmatic: “where we have evidence”, which has lead to institutional models that focus on just the Congress, just the Executive, or just public opinion. While this may have come at the cost of external validity, this is how we have made incremental progress based on evidence. This dissertation is motivated by trying to expand the pool of evidence and connect Congress to the Executive and public opinion.

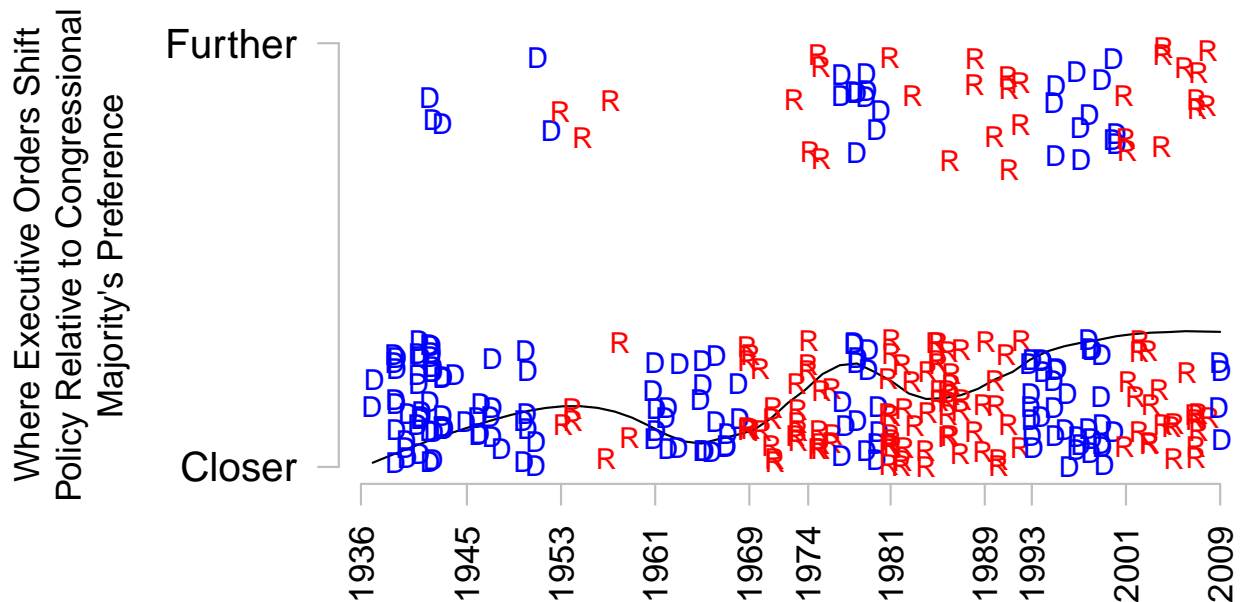
How the elements of the United States’ government work together is a question that can be traced back to the the vigorous debates at the Republic’s founding. This dissertation moves the research forward by bringing to bear new data, in particular databases of government actions including: executive orders, Senate committee assignments, and the Congressional Record; as well as non-governmental information including: polling, and media coverage. Accordingly, while the data serves as the *means* to the specific findings within each chapter, hopefully the data will serve as its own *ends* by aiding others’ research projects, e.g.

saving them the three months processing the Congressional Record or Cabinet Secretaries' speeches.

The analysis is divided into three papers. Chapter 2 focuses on the link between Congress and the Executive through presidents' use of executive orders. Chapter 3 focuses on the link between Congress and the public through examining how closely each party's specialization in Congress is to the public's perception ("issue ownership.") Chapter 4 focuses on senators' committee preferences in response to declining media coverage of Congress, examining the Senate Armed Services and Foreign Relations Committees from 1947 to 2006. Below summarizes each paper in turn and presents some key evidence. Chapter 5 offers a more general interpretation of the findings and implications.

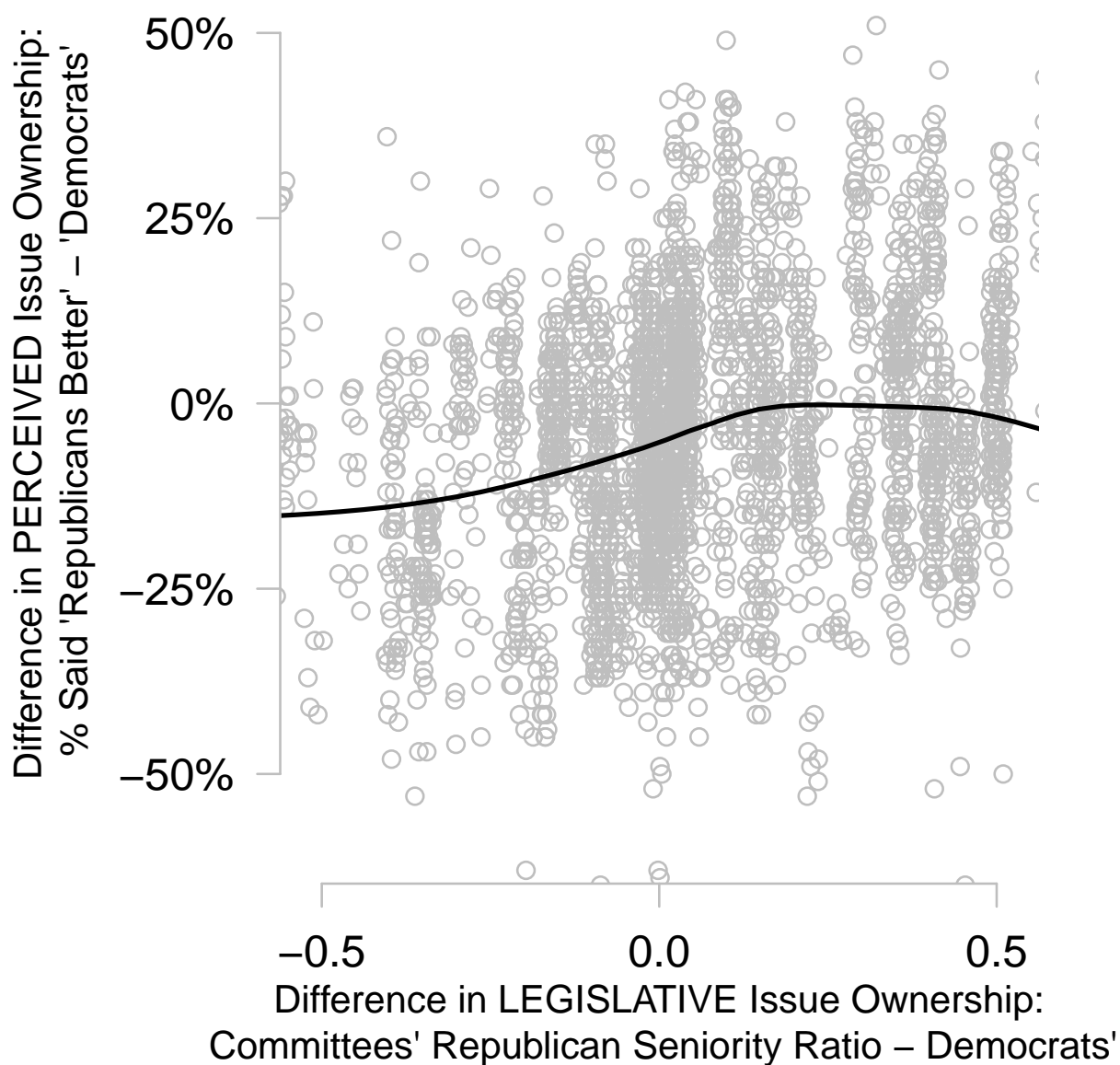
Chapter 2: in the United States, presidents have used executive orders to intern Japanese-Americans, desegregate the military and create the Peace Corps, but how much have orders actually changed policymaking and how much have they tipped the system of checks and balances in the president's favor? Replicating and then building upon previous research, I clarify that since 1936 the number of significant orders issued per year has remained basically level. Then using a new dataset, I estimate that over 75% of significant executive orders have shifted policy outcomes closer to the congressional majority's preference. Additionally, the proportion of orders that shift policy closer is not correlated with presidential approval or divided government, but is marginally associated with Congress' internal difficulties measured by the rise in cloture votes. From this I conclude that executive orders generally serve as a steady, shared policymaking tool between Congress and the president. Please see Figure 1.1.

Figure 1.1: Significant executive orders over time, where the vast majority of orders shift policy closer to the congressional majority’s preference. Each dot represents a significant executive order, blue for Democratic presidents, red for Republican. The loess-smoother line traces a gradual increase in the proportion of orders that shift policy further since 1970.



Chapter 3: political parties have reputations for policy expertise, what has been called “issue ownership.” However, it is unclear how closely parties’ reputations correlate with their actual legislative work. I use a new dataset of over 3,000 survey questions to measure the public’s perceptions — *perceived* issue ownership — and compare that to measures of each party’s Senate committee preferences — *legislative* issue ownership. On average, there is little to no relationship between the two, which raises questions about representativeness, voting and campaigns in the United States. Please see Figure 1.2.

Figure 1.2: The relationship between perceived issue ownership and legislative issue ownership. The horizontal axis represents the difference between Republican and Democratic Senate committees' preferences, the vertical represents the difference between the percentage of survey respondents who said Republicans would do a better job on a policy and the percentage who said Democrats would. Each circle marks one survey question and the committee that covers the same policy area. A point in the upper right would mark a committee clearly preferred by Republicans and the public favors Republicans on that policy by 50% in a given Congress. The association between the parties' perceived and legislative issue ownership appears weak.



Chapter 4: scholars have neglected the effect of the press on political institutions in favor of media influences on campaigns or on voters' trust and information about government. This chapter focuses on senators' committee preferences in response to declining media coverage of Congress, examining the Senate Armed Services and Foreign Relations Committees from 1947 to 2006. The research relies on new, continuous measures of committee desirability and a unique dataset of congressional press coverage. Although both committees' visibility and attractiveness have declined dramatically over 60 years, statistical analyses indicate that change in internal rules and external events are relatively more important than the media as predictors for senators' investment in committee careers.

Chapter 2

The President and Congress in the Policy-making Arena: How And Why Most Executive Orders Advance Congress' Agenda

2.1 Introduction

Presidents have used executive orders to make significant policy changes, particularly in Latin America. In the United States, presidents have used executive orders to intern Japanese-Americans, desegregate the military and create the Peace Corps, but how much have orders actually changed policymaking and how much have they tipped the system of checks and balances in the president's favor? Replicating and then building upon previous research, I clarify that since 1936 the number of significant orders issued per year has remained basically level. Then using a new dataset, I estimate what proportion of orders shift policy outcomes closer to or further from the congressional majority's preferences and find that over 75% or significant executive orders shift policy closer. Additional analysis shows that the proportion

of orders that shift policy closer is not correlated with presidential approval, one particular party or divided government, but is marginally associated with Congress' internal difficulties measured by the rise in cloture votes to end filibusters. From this I conclude that executive orders generally serve as a steady, shared policymaking tool between Congress' and the president.

A spatial model clarifies the incentives when separated institutions set policy. On one hand there is a strong temptation to suspect that the president uses executive orders to shift policy *further* from the congressional majority's preference. Because a public law is more durable than an executive order,¹ presumably the president has an incentive to try and shift policy through longer-lasting legislation whenever possible. Accordingly, the president would only issue an executive order when the congressional majority did not support the policy shift.² On the other hand, the congressional majority faces collective action problems as well as minority protections such as the filibuster that frustrate the majority's will. These create an incentive for Congress to delegate elements of policymaking to the president and to rely on executive orders to shift policy *closer* to the congressional majority's preference.³ The spatial model provides a framework to understand these competing incentives by representing executive orders role in policymaking under different conditions.

The definition of presidential "power" relative to Congress requires clarification.⁴ By one definition, power refers to the catalog of direct presidential policy-making *activities* such as the veto, executive order, judicial appointments, etc; that is, the *means* of presidential

¹Executive orders can be overturned at any time by another order and so the president knows all of his orders are vulnerable to his successors. In addition, it seems intuitively plausible that courts are more likely to overturn an order rather than legislation, which future work will test directly.

²See for examples, Cooper & Rybicki (2002), Deering & Maltzman (1999), Martin (2000), Mayer (1999), Mayer & Price (2002), Moe & Howell (1999), Morgan (1970), Nathan (1983), Wigton (1996).

³Note that there is a deep literature concerned with the congressional majority delegating to the bureaucracy more generally. Bawn (1995) Bendor & Meirowitz (2004), Epstein & O'Halloran (1999), Fiorina (1982), Kiewiet & McCubbins (1991), Krause & Cohen (1997), Mayer (1999), McCubbins & Schwartz (1984), McCubbins (1985), McCubbins, Noll & Weingast (1987), Calvert, McCubbins & Weingast (1989), Moe (2006), Shull (2000), Volden (2002)

⁴See Warber (2006, 148) for a similar discussion.

polymaking. Defined as activity, if the president issues 10 more vetoes this year than last year, he has increased his power relative to Congress. The difficulty though is that counting activity alone misses something, for example, President Roosevelt issued the most vetoes per Congress last century, while President Ford issued the second most. By a second definition, presidential power refers to the *location of policy outcomes relative to the congressional majority* and whether an executive order shifts policy outcomes closer to the president's or the congressional majority's or both of their preferences; that is, the *ends* of polymaking. Defined as policy outcomes, an increase in the use of executive orders sometimes denotes an increase in presidential power — when an order shifts policy closer to the president but further from the congressional majority's preference; and sometimes not — when an orders shifts policy closer to the president and closer to the congressional majority as well.⁵ Previous work has focused on the first definition of power as activity and reached conflicting conclusions. This paper tests *both* definitions, analyzing how much the use of executive orders has changed and how much they have shifted the system of checks and balances.⁶

2.2 Earlier Findings

How the branches of government share polymaking is a central question in institutional American political development. In recent years, attention has turned to how the president shifts policy outcomes directly,⁷ meaning presidential polymaking that does not take the form of legislation, such as executive orders, proclamations, signing statements, etc.⁸ There

⁵For example, order #9066 interned Japanese-Americans, a policy outcome that the clear majority in Congress wanted.

⁶To minimize confusion, the discussion below avoids the term “power” and distinguishes between executive orders in terms of “activity” and “policy outcomes.”

⁷Note that this avoids the term “unilateral.” The evidence that follows shows that while the president can issue executive orders without Congress' permission, orders are part of a shared policy-making process (Corwin 1957, Neustadt 1980).

⁸See for example Schlesinger Jr (1973), Nathan (1983), Fisher (1997), Moe & Howell (1999), Howell (2003), Cooper & Rybicki (2002), Mayer (2001), Warber (2006), Cameron (2000), Kernell (1997), Kelley (2002), Ragsdale (2009), Rottinghaus & Bailey (2010).

are many historic examples of direct presidential policymaking, for example with executive orders:

- 1942 President Franklin Delano Roosevelt ordered Japanese-American’s internment;
- 1948 President Truman ordered the desegregation of the military;
- 1957 President Eisenhower ordered a federal escort for African-American children to attend school;
- 1961 President Kennedy ordered the creation of the Peace Corps;
- 1965 President Johnson ordered affirmative action requirements into federal contracts;
- 1971 President Nixon ordered wage and price controls;
- 1975 President Ford created a commission to study the CIA’s domestic spying activities;
- 1977 President Carter pardoned “draft dodgers”;
- 1986 President Reagan ordered drug testing for federal employees;
- 1992 President H.W. Bush established a fetal tissue bank for medical research;
- 1995 President Clinton prohibited federal contractors from permanently replacing workers on strike;
- 2001 President Bush ordered the creation of the White House Office on Faith-Based Initiatives;
- 2009 President Obama changed the rules for military interrogations.

While not every executive order shifts policy to the degree as those above, orders do play a significant role in policymaking.⁹ For instance, Mayhew (1991) estimated there are 12 significant pieces of legislation per Congress¹⁰ in comparison there are roughly two orders

⁹The Supreme Court has generally accepted the Constitutionality of executive orders: *Hynes v. Grimes Packing Co.*, 337 U. S. 86 (1949), *Haig v. Agee*, 453 U.S. 280 (1981), but not always and most famously in overruling Truman seizing the Steel Mills, *Youngstown Sheet & Tube v. Sawyer*, 343 U.S. 579 (1952)

¹⁰Note that this comparison is fluid since “what is meant by “important” legislation is inevitably, if not hopelessly, imprecise.” (Clinton & Lapinski 2006, 234)

per Congress significant enough to be cited in a Supreme Court opinion.¹¹

There have been studies focused on *other* areas of presidential policymaking besides executive orders, such as budgeting and warmaking, and this literature has attracted researchers from the law, journalism and public policy as well as the presidency and Congress fields within political science. These studies have offered a variety of reasons why the president has, at times, been able to shift policy outcomes further from the congressional majority's preference including: a deference on foreign affairs, Congress' collective action problems, costs to policymaking, avoiding responsibility, and lawmakers' re-election concerns (Wildavsky 1998, Warber 2006, Canes-Wrone, Howell & Lewis 2008, Fiorina 1982, Huntington 1984, Kiewiet & McCubbins 1991).¹²

When it comes to executive orders though, such as interning Japanese-Americans or desegregating the military, the evidence is conflicting. To the first question of how much orders have changed policymaking, several studies have focused on counting orders over time and they disagree about whether the number of executive orders has increased over time or not because the authors use different definitions for which orders count as "significant" or "policy-focused" (Mayer 2001, Cooper & Rybicki 2002, Howell 2003, Warber 2006). To the

¹¹A related question is what share of orders are shifting policy versus enforcing the status quo already set by Congress. The opening paragraph of most orders often contains a legal justification that gives the authority for what follows, citing a specific public law and often the Constitution's "take care" clause. If orders were merely enforcing the status quo, then we should expect a reference to some specific statute or other congressional action in most orders' opening paragraph. Warber (2006, 102) has coded each orders' proclaimed justification and found that only 6% of policy-focused executive orders cite a specific law. This evidence is not consistent with the argument that orders merely enforce the status quo.

¹²Presidency scholars often argue that policy outcomes have shifted away from the congressional majority, sometimes referred to as the Imperial Presidency (Wilson 1917, Corwin 1957, Schlesinger Jr 1973, Sundquist 1981, Rudalevige 2005). Legislative scholars similarly refer to Congress as the "Broken Branch" (Mann & Ornstein 2006, Fisher 1997, Fisher 2000). The phrase "Broken Branch" was coined by Ralph Nader and his argument represents another, somewhat parallel line in the literature that argues interest groups (rather than the president) have come to shift policy further from the congressional majority's preferences, see Lowi (1979) for an introduction. Krehbiel (1998) makes a very nice counter argument that it remains difficult to explain why a majoritarian body such as Congress would allow the president to shift policy away from the majority's preferences. Closely related, researchers have tested whether the president actually shifted policy outcomes further from the congressional majority's preferences or not by analyzing: foreign policy interventions (Howell & Pevehouse 2007, Kriner 2010), appropriations data (Kiewiet & McCubbins 1991), federal outlays (Berry, Burden & Howell 2011), agency control, creation and their budgets (Rudalevige 2002, Lewis 2003, Howell 2003), and the content of important legislation (Epstein & O'Halloran 1999).

second question of how much orders have shifted the system of checks and balances, several studies have tried using proxy measures. These *indirect* measures compare the number of orders issued when the president is “weaker” versus the number issued when he is “stronger”, where presidential strength is measured by higher presidential approval, unified government, or ideological proximity to the congressional median.¹³ However, the results point in opposite directions and we cannot adjudicate between the different proxy measures for presidential strength. Lastly, Howell (2003)¹⁴ and Warber (2006)¹⁵ provide two *direct* tests of orders’

¹³Presumably, if presidential “strength” increases, and then the number of orders increases, the inference is that orders are shifting policy further from the congressional majority (Krause & Cohen 1997, Deering & Maltzman 1999, Mayer 1999). If presidential “strength” increases and then the number of orders decreases, the inference is that orders shift policy closer to the congressional majority.

¹⁴Howell lists legislation that either supported or rejected specific executive orders. However, as Warber points out, Howell does not note which order each piece of legislation attacks or supports and so we do not know whether these bills and resolutions discuss significant or more symbolic orders. For each piece of legislation that Howell lists I attempted to work backwards and match each bill or resolution with their appropriate executive order but could not find a match in roughly 40% of cases. In the 60% of cases where it was clear what order the legislation referred to, 72% of them were “significant” executive orders where significant means the order was mentioned in a Supreme Court case or the *New York Times*. Even if we assume all these orders were significant, as Howell says, “these data are more illustrative than conclusive” (Howell 2003, 118). Howell’s focus on the legislation that names a particular order, rather than the policy in an order, follows from his sharper emphasis on activities rather than policy outcomes, “the very reason for collecting these data is to evaluate Congress’s *ability* to use its statutory powers to circumscribe the president’s freedom to act unilaterally” (emphasis added) (Howell 2003, 113). For example, Howell found no legislation and makes no inferences about orders from 1998. However, by focusing on the policies affected by orders I coded eight of the nine significant executive orders in that year including order #13087, which prohibits discrimination based on sexual orientation and the House majority voted to support 252-176. Further, Howell’s list finds legislation about orders issued in just 46% of the years from 1936 to 1998, including an uninterrupted gap of no legislation about orders issued between 1941 and 1959. In general I build upon his work by researching the historical record for the congressional majority’s preference on *policies*, rather than their preference on a specific *order*. For instance, Howell’s search did not yield any legislation *specifically* about executive order #9835, which created loyalty review boards for federal employees, and so he makes no inference about whether the order shifts policy closer to or further from the congressional majority. But a search for the congressional majority’s response to loyalty review boards at that time uncovers strong congressional approval and so I would infer that this order shifted policy closer to the congressional majority.

¹⁵Warber analyzes floor speeches made by Congressmembers about executive orders. However, the speeches are not coded for whether they support or denounce each order, and so we cannot infer whether these orders shifted policy closer to or further from the majority. In addition, Warber cites the data gathered in Olson & Woll (1999) from FDR to H.W. Bush, which found 206 orders that were “terminated or changed by congressional statutes” (Warber 2006, 111). However, we do not know 206 is a lot or a little? The question should not be whether *any* orders shift policy further from the congressional majority’s preferences, but rather how many shift policy further *compared to* how many shift it closer. Olson and Wall’s count does not include the number of orders that were supported or reaffirmed by congressional statutes and so we do not know if 206 compares to 100 orders which were reaffirmed via legislation, or 10, or 1,000. One could even assume that every order not overturned by legislation was tacitly supported by the congressional majority, which would mean the over 2,000 other orders issued during this time were supported by the congressional

actual impact on policy outcomes, and both present tentative evidence that orders shift policy outcomes closer to the congressional majorities' preference. However, because both studies are focused on other aspects of orders, they do not provide enough evidence to conclude whether orders actually shift policy outcomes closer to or further from the congressional majority.

2.3 A Simple Spatial Model for Executive Orders

The spatial model below clarifies the intuition for how the president and the congressional majority have incentives to shift policy outcomes *both* closer to and further from the congressional majority's preference. This builds upon a well-known result of the Romer & Rosenthal (1978) monopoly-proposer model: an extreme status quo gives more power to the (monopoly) proposer. In statute-making, Congress is the monopoly proposer; i.e. the president always faces a take it (sign) or leave it (veto) offer. Thus the president's power diminishes when the status quo is extreme. However, in the following model the president can alter the status quo through an executive order. By making the status quo less extreme the president diminishes Congress' bargaining power and increases his own, which often means shifting policy *closer to the congressional majority's ideal point*. In other words, the executive order can benefit *both* branches and shift policy closer to both Congress' and the president's preferences. Moreover, the filibuster can make executive orders even more beneficial to the congressional majority because an order is still able to shift policy closer to the congressional majority's ideal point when a determined minority blocks the majority's legislation. This model builds from Krehbiel's (1998) and in particular Howell's (2003) formal models of policymaking. The main difference between the model presented here, what I will call the "executive order game", and Howell's "unilateral politics model", is that Howell analyzes a smaller number of scenarios with fewer assumptions by including the Judiciary,

majority.

in comparison, I reverse the emphasis and discuss a larger number of scenarios with more simplifying assumptions.¹⁶ Note that the model does not form a direct foundation for the statistical model specification and empirical tests later in the paper, but instead provides a framework to understand executive orders' role in policymaking more generally.

The executive order game represents a policy debate between a single-chamber legislature and an executive. I will use the term Congress interchangeably with legislature, and president with executive. I assume that policy options can be arrayed along a single dimension and that the players always prefer policies closer to their ideal point, which means parties or concerns with divided government are not part of the players' decision making in the model. The executive's ideal point is greater than the legislature's, which I will label the "right" side (not to be confused "correct" or other normative judgment). There are four players: the president, the median member of Congress, and the two legislators' who would be pivotal in voting to end a filibuster (also known as voting to "invoke cloture.") The president's ideal point is at P , and the congressional median is at C . The two "filibuster pivots" are at F_L and F_R (short for filibuster pivot left and right), and they represent the 3/5 supermajority needed to end a filibuster.¹⁷

I assume that there are five stages in each round of policymaking, first, outside events set an initial status quo (labeled SQ_0), second the president decides whether or not to issue an executive order, third Congress decides whether or not to pass a bill, fourth the president decides whether to veto Congress' bill, and fifth and lastly, the Congress decides whether or not to override any veto. After all of the actions, I label the final policy Y .¹⁸

¹⁶For an even more generalized treatment, please see Rothenberg & Chiou (2011).

¹⁷Appendix A contains a formal proof of the different scenarios in this game. While the filibuster plays an important role in whether policy shift closer to or further from the congressional majority, the filibuster pivot turns out to be irrelevant to locating the final policy because the president directly sets policy, and because the filibuster pivot with its 3/5 supermajority requirement will be closer to the congressional median than the veto pivot with its 2/3 requirement. This assumes the post-1974 rules when the filibuster was lowered from the 2/3 requirement.

¹⁸The first step in the model of having an exogenous shock set the status quo has an intuitive appeal if we think of emergencies such as WWII and interning Japanese-Americans. Or we can think of the shock as a new Congress or president that moves the players' preferences around the status quo. However, in the

Figure 2.1: How and when the filibuster allows executive orders to shift policy closer to the congressional majority

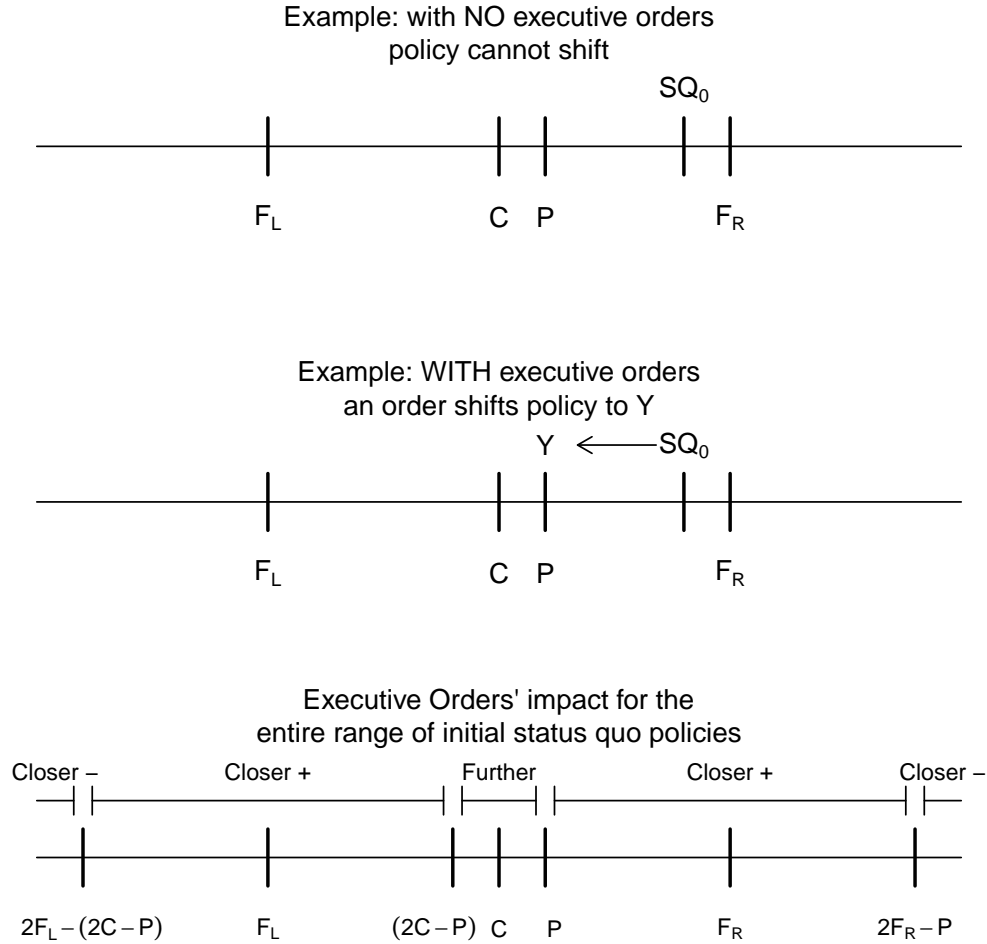


Figure 2.1 highlights how the president, acting in his own interest, can shift policy both further from and closer to the congressional majority's preference depending on the location of the status quo. I have labeled cases "closer" where an executive order shifts policy closer to the congressional majority's preference (and sometimes even closer to the majority than would be possible without orders because of the filibuster) and "further" when the order

world of real politics, some orders are issued without any clear exogenous shock to the policy environment, but rather as an issue comes onto the agenda and becomes salient. Including shocks in the model formally explains why orders are issued gradually over a four year term because otherwise the president should arrive in office with a complete set of orders and issue them all on day one.

shifts policy further from the congressional majority. In the scenarios in Figure 2.1 the president's ideal point is between the congressional majority's and the filibuster pivot's, that is P is between C and F_R . Appendix A presents the case where the president's ideal point is right of ("outside") the filibuster and veto pivots.

The example on the upper line in Figure 2.1 shows how policy shifts if executive orders did *not* exist. With orders removed the logic of the model mirrors Krehbiel's (1998). If the initial status quo was at SQ_0 , then the congressional majority wants to shift policy leftward. However, any bill the majority proposes shifts policy away from the filibuster pivot (F_R), who would object and block the bill with a filibuster. Therefore, the final policy would remain at $Y = SQ_0$.

In comparison, the middle line in Figure 2.1 shows an example of how policy shifts when the executive order *does* exist. The president moves first and shifts policy to his ideal point P with an executive order. The difference between the upper and middle lines highlights how having executive orders actually enables policy to shift closer to the congressional majority than would otherwise be possible because of the filibuster.

The recent debate on the secrecy of presidential records provides a concrete example of this. After September 11th, 2001, G.W. Bush extended the length of time presidential records could remain classified. In 2007 the House passed amendments to the Presidential Record Act that would have accelerated the release of records into the public domain, but the bill was filibustered in the Senate. Then in 2009 Obama issued executive order #13489, which accelerated the declassification process and basically accomplished the congressional majority's goals. And so an executive order provided the solution to the congressional majority's problem of being frustrated by a filibuster and a determined minority in the Senate.

Generalizing from individual scenarios, the bottom line in Figure 2.1 presents the general finding for any given initial status quo with the president's ideal point between the congressional majority's and the filibuster pivot's. Starting from the center, with the initial status

quo between the congressional majority (C) and the president (P),¹⁹ executive orders shift policy further from the congressional majority's preference than if orders did not exist.²⁰ For example, in 2000 Clinton issued order #13155 to lower the cost of AIDS drugs in Africa by not prosecuting patent infringements, a policy which the congressional majority had specifically voted down in 1999. Next, when the initial status quo is between the president (P) and $2F_R - P$, executive orders shift policy closer to the congressional majority than even Congress could have on their own and without the executive order, because the filibuster would frustrate them; to reflect this distinction I have labeled this outcome "closer+."²¹ The middle line in Figure 2.1 and Obama's presidential records order were examples of this. Lastly, with the initial status quo right of $2F_R - P$, executive orders shift policy "closer-", that is, closer to the congressional majority but not as close as the majority could shift policy through legislation and if there were no orders.

The spatial model shows that under different conditions executive orders may shift policy further from or closer to the congressional majority's preferences.²² Accordingly there are memorable anecdotes where orders shift policy closer or further, which fuels the confusion about orders role in policymaking. The next section examines evidence to clarify this confusion and provides the first direct test of what proportion of orders shift policy closer or further.

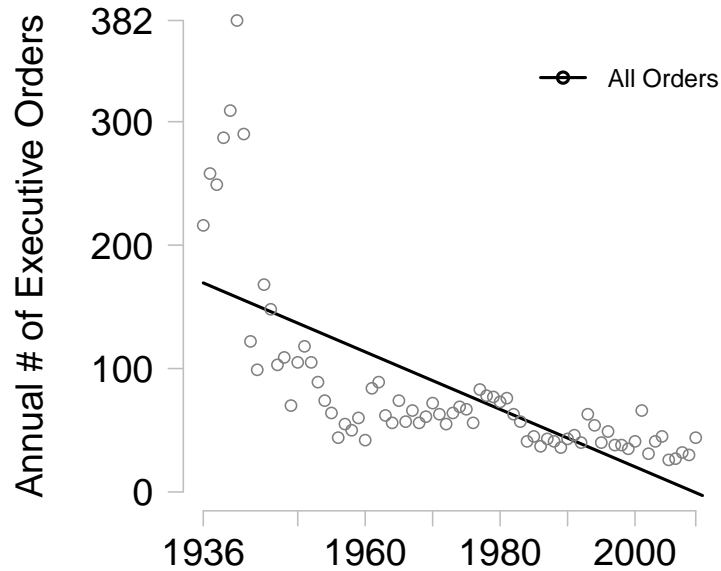
¹⁹The veto pivot does not play a role because the president's ideal point is inside the filibuster pivot. And so any bill the congressional majority proposes that might shift policy further from the president would be filibustered first.

²⁰This is because the president issues an order that shifts policy rightward and the congressional majority's bill in response would be blocked by a filibuster. The same is true on the left side of C since the proof is symmetric.

²¹Note that closer+ is opposed to the opposite outcome which is discussed below and labeled "closer-", to reflect the familiar grading scale.

²²Note that the spatial model only defines the strictest case where all the players maximize their utility with full information and no transaction costs. Relaxing these assumptions we can imagine additional scenarios where the congressional majority would prefer to delegate policymaking to the president and executive orders. For instance, with many more demands for policy change than the congressional majority has time to shepherd through as legislation, the congressional majority could delegate policymaking to the president (e.g. order #11844 developing trade regulations). Even in cases where the majority knows that an executive order would be second best and only shift policy closer-, if the alternative is not being able to find time to act on the policy at all, then the order would be preferred to the status quo.

Figure 2.2: Executive Orders Over Time, all orders



2.4 Results

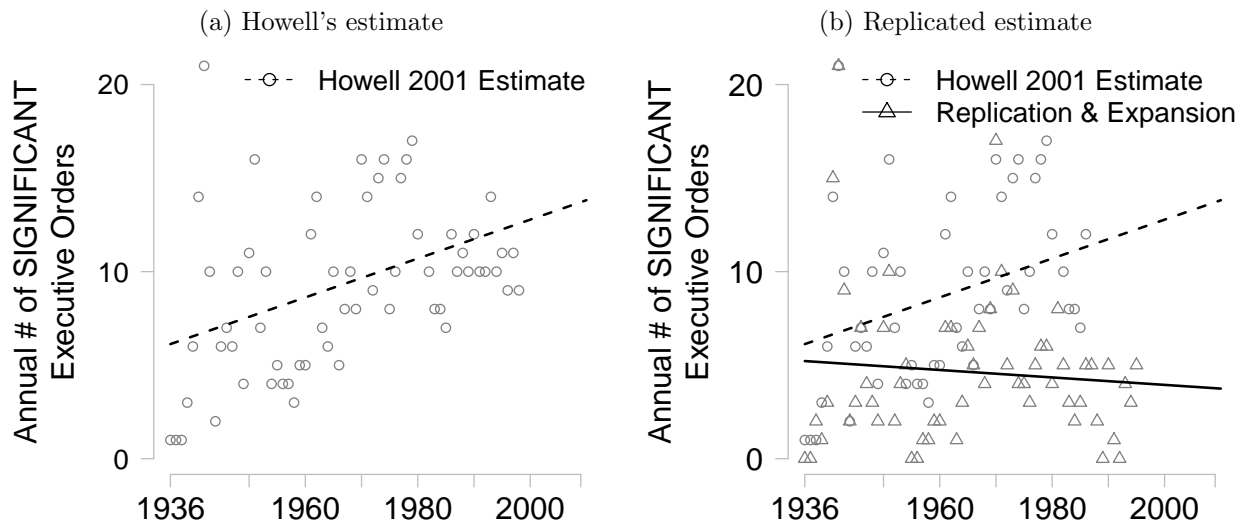
To understand how much orders have changed policymaking I clarify the confusion about the number of executive orders issued over time. Then, to understand how much orders have altered the system of checks and balances and for the first time using a new dataset I analyze what proportion of orders have shifted policy closer to or further from the congressional majority's preference.

2.4.1 Have presidents' increased the use of orders over time?

To begin with the raw count, Figure 2.2 plots the number of executive orders issued per year with time on the horizontal axis and the number of orders on the vertical.²³ The circles mark the number of orders issued each year and the line traces the bivariate regression slope. It is clear that FDR issued far more than any other president, then there was a steep decline into

²³The data begins in 1936 because Congress passed the Federal Register Act in 1935 that required orders be published and numbered in the Federal Register. Up to that point in time orders were not officially cataloged or recorded in one location.

Figure 2.3: SIGNIFICANT Executive Orders Over Time, Howell’s 2001 estimate and replication



the 1950s, and a slight decline since then. Overall, the use of executive orders has declined over time.

However, as previous researchers have observed, not all orders are created equal. Some orders have clear and significant policy implications such as #9981 desegregating the military, while others make more symbolic or routine changes such as #13363 approving the design of Iraq and Afghanistan military service medals. Given that we are concerned with policymaking and the system of checks and balances between Congress and the president, I focus on those orders which have a significant policy impact. The question then becomes, how to define “significant?”

Several authors have used different definitions to previously estimate the number of significant executive orders over time. Among the authors who coded all orders for significance, Howell’s (2003) seems to have become the conventional wisdom as Lowi et al. now include a plot of this estimate in their introduction to American politics textbook (Lowi, Ginsberg, Shepsle & Ansolabehere 2012).²⁴ Figure 2.3a recreates Howell’s (2003) estimate where the

²⁴Please see Warber (2006) for an estimate of “policy-focused” executive orders (not necessarily significant), Mayer (2001) for significant orders from among a random sample, and Rothenberg & Chiou (2011) for an as yet unpublished estimate that scales each order’s significance using an IRT model.

horizontal axis represents time, the vertical the number of *significant* executive orders per year, each circle marks the number of significant orders in a year and the dashed line traces the slope from bivariate regressions. Counter to Figure 2.2 which showed a decline in all orders, the takeaway from Figure 2.3a is that there seems to be a clear *increase* over time in the what we care about, the number of significant orders.

However, I have attempted to replicate this estimate and do not find the same result.²⁵ Figure 2.3b layers over a replicated estimate for the number of significant executive orders using the same definition, where triangles mark the number of significant orders in each year and the solid line traces the slope from a bivariate regression.²⁶ Based on the revised estimate, the number of significant executive orders over time has basically remained level or slightly declined.

I have generated a new measure of significant executive orders for two reasons. First, as a robustness check on the claim above that counters the conventional wisdom.²⁷ Second, to take advantage of advances in the ability to search newspapers going back into the 19th century, which was not available until very recently.

The new estimate follows Mayhew’s (1991) example for counting significant legislation and uses orders mentioned in the newspaper or a Supreme Court opinion. The intuition is to capture which orders are significant: from a contemporaneous observers’ perspective using newspapers (e.g. order #11154 exempting J. Edgar Hoover from mandatory retirement at

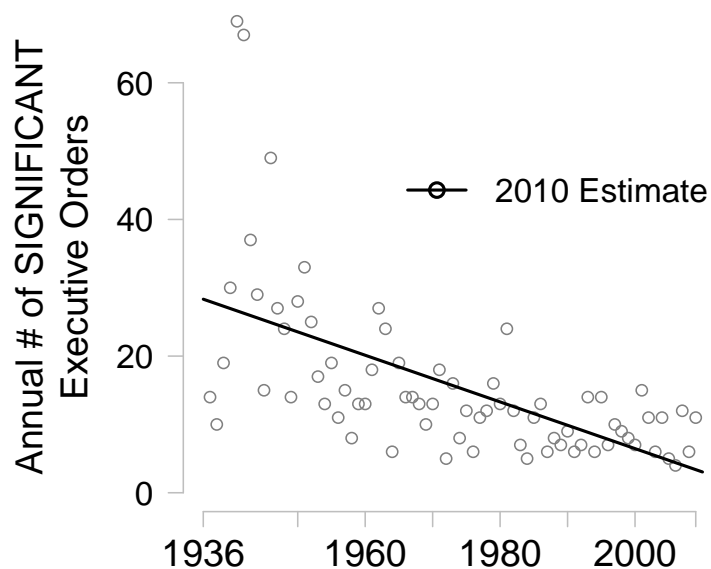
²⁵Howell (2003) defines a significant executive order as one which is mentioned in either: two or more federal court cases, or the index to the Congressional Record, Howell (2003, 79-85).

²⁶Using Howell’s estimate — regressing the number of significant executive orders on year (1936-1985), the coefficient on year is 0.16 with standard error 0.05 and residual standard deviation 4.69. Using the revised estimate — regressing the revised number orders over the exact same years as Howell’s initial estimate (1936-1985) the slope is -0.02 with standard error 0.03 and residual standard deviation 4.04. Using the revised estimate — regressing the number of significant executive orders over the expanded set of years (1936-1996), the coefficient on year is 0.01 with standard error 0.04 and residual standard deviation 4.24. Note that Howell removes the most recent 15 years from his estimate, assuming that it takes roughly this long for most orders to filter their way into the federal court system and thereby be flagged as significant.

²⁷Note that instead of using a random sample of orders such as Mayer (2001) I test all orders for significance because I will also be analyzing whether orders shift policy outcomes closer or further and I want to study as large a pool of significant orders as possible.

60 years old), and from a historical perspective using Court opinions (e.g. order #9898 suspending the 8 hour workday for certain Army and Air Force employees).

Figure 2.4: SIGNIFICANT Executive Orders Over Time, 2010 estimate



Beginning with which orders were cited by the newspaper, I have read approximately 7,300 newspaper articles using the Proquest online newspaper archive to search through the *New York Times* for the exact phrase “executive order” from 1937 to 2010.²⁸ I read each article to make sure it discussed a federal order and not one by a Governor or Mayor.²⁹ This translates into coding roughly 100 articles each year, over 73 years, and so 7,300 articles. These articles mentioned 1,125 different orders, 53% of which were mentioned in only one article. The biggest outlier was mentioned in 111 articles, 1942’s short-lived order #9250, whereby FDR raised the marginal tax rate to 100% on income over \$25,000. To search

²⁸As a robustness check I also began searching through the *Washington Post* and compared the two newspapers’ coverage in several test years, the *Times* consistently published more articles on executive orders and so I have focused on the *Times* for the dataset.

²⁹Also, unfortunately, because the media very rarely prints the order’s official number, I had to cross-reference each article with the Federal Register to uncover which specific order the article was discussing. For example, in a relatively simple case the article might say “last month the president issued an executive order to desegregate the military.” and I will look up which specific order this refers to. It was not this quick or clear in many cases.

court records I used Lexis Nexis and searched through supreme court cases for the phrase “executive order no”³⁰ from 1937 to 2009. Stated simply, I have categorized as “significant” those executive orders cited by either the *New York Times* or the Supreme Court between 1936 and 2010.

Using the above criteria, the line in Figure 2.4 plots the annual number of significant executive orders. There was a rise under FDR, then a decrease to average roughly 13 significant executive orders per year since 1950.³¹ That is, through periods of: divided and unified government, recession and growth, polarization and not, and strong and weak parties, the president’s use of significant executive orders has not increased over time. Taken together Figures 2.3b and 2.4 clarify the use of significant executive orders and their role in policymaking has remained basically steady since the 1950s.

2.4.2 What proportion of orders shift policy outcomes further from the congressional majority?

To test how much presidents have used executive orders to shift policy outcomes closer to or further from the congressional majority’s preferences I have assembled a unique dataset of legislative histories for as many significant executive orders as possible. From each history I infer whether the order shifted policy closer or further. For example, with Obama’s order #13489 on opening presidential records discussed in the spatial model section, there were roll call votes in both chambers where a majority supported shifting policy in a manner similar to the executive order, and so I infer the order shifted policy closer.

³⁰The phrase “executive order no” is distinct from just “executive order.” The “no” is how the Supreme Court abbreviates the word “number” and references a particular executive order. Without the “no” the opinion is referencing executive orders broadly. Since the concern here is whether the Supreme Court discussed a particular order I use the more specific search term. This search returned 94 executive orders that were mentioned in a Supreme Court opinion. While the *Times* clearly covered many more orders than are cited in Supreme Court cases, roughly 70% of orders that were cited in a case were also mentioned in an article.

³¹As a further robustness check, using a more expansive definition of significance on a random sample of orders Mayer (2001) found that the the number of significant orders had slightly declined over time, very similar to what I find here.

I infer whether an order has shifted policy closer to or further from the congressional majority’s preference based on roll call votes in Congress. These are votes on the order itself or a functionally equivalent policy shift. To find these roll calls I used several different resources to uncover as much information about as many orders as possible, the most important being the *Congressional Record* and *Congressional Quarterly*.³² The breadth and search-able nature of the *Record* make it the single most important resource for building legislative histories around each order. The *Record* publishes search-able legislative summaries online going back to 1973 that chronicle all proposed legislation, and from 1989 onward, the complete content of the *Record* is searchable as well. To focus the search within the *Record*, since 1936 the *Federal Register* has published the full text of executive orders (Register 2011, Woolley & Peters 2011) and the *Register’s* description of each order narrows the search to a certain policy area, which points towards the relevant congressional committees and lawmakers. In addition, the *New York Times* article or Supreme Court case that mentions each significant order often contains quotes from lawmakers, interest groups, or other policy experts that can give clues about where to focus the search. Coding the executive orders without the search-able *Congressional Record* (for years prior to 1973) is much more difficult and requires more time and resources. Fortunately *Congressional Quarterly* (“CQ”, a non-partisan Washington observer publication) began its in-depth coverage in 1945 and discusses many of the significant executive orders and most importantly, the context for the orders and Congress’ reactions.³³ Overall, for each order the combination of information from these resources formed the foundation for the inferences about whether an order shifted policy closer or further.

Each significant executive order from 1936 through 2009 has been coded for their im-

³²In rare cases, additional resources provided helpful context to code an order. Congressional committees have begun publishing their committee reports on draft legislation in recent years through their own websites, and interest groups annual “legislator scorecards” that choose approximately one or two dozen votes in each Congress to measure how closely each lawmaker matches that interest group’s ideal voting record.

³³To test what effect not being able to use the searchable *Congressional Record* had, we can compare the proportion of orders coded as “unclear” because there was not enough information. As we would expect for order from before 1973, 54% were coded as unclear compared to 37% after.

pact on policy outcomes and into one of six categories: “unclear”, “managerial”, “further”, “closer-”, “closer”, or “closer+.” Figure 2.5 visually represents the coding scheme.³⁴ Orders coded as “managerial” shift policy in a non-controversial way for symbolic or routine purposes, such as order #12087, which implemented the annual New Year’s bureaucratic pay raise.³⁵ The “further” category includes orders that shift policy further from the congressional majority’s preferences. Orders coded as “closer-” do shift policy closer to the congressional majority but not as close as the majority would prefer, as discussed in the spatial model section. Orders coded as “closer+” are the opposite and shift policy closer to what the congressional majority prefers than the majority could have without the order, likely because a filibuster prevented the majority from acting. Cases coded closer- or closer+ are rare because they normally require very specific evidence of bargaining about vetoes or filibusters. And so the overwhelming majority, 92% of orders that have shifted policy closer to the congressional majority’s preference are coded into a general “closer” category. For example in 1951 Congress passed a bill, S. 3859, which delegated to the president the authority to increase security at U.S. ports. After signing the bill Truman followed through and issued Order #10173, implementing the policy change.

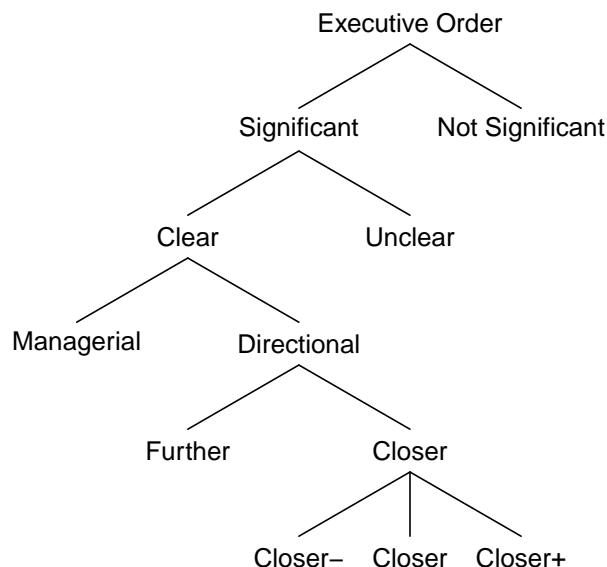
In Appendix B, Table 3 shows the results from coding significant orders in the first year of each presidency from Ford through Obama, when we might expect a new president to have a “target-rich environment” and be best prepared to employ executive orders.³⁶ Each row

³⁴Note that by including the “unclear” category I am able to put aside cases without enough evidence, rather than forcing inferences. Approximately 40% of orders are coded as unclear, usually because the Congress’ preferences on the status quo and the executive order are clouded. Future work will include using resources to have the coding replicated independently.

³⁵Approximately 5% of orders are coded as managerial. Note that this means 5% of the executive orders mentioned in either the *New York Times* or Supreme Court are coded as managerial, which reinforces that the criteria for “significant” orders did not gather up a large proportion of orders that are basically symbolic or routine.

³⁶For each presidency the search ran from January 20th of their first year through December 31st (their first 345 days in office): 2009-Obama, 2001-Bush, 1993-Clinton, 1989-Bush, 1981-Reagan, 1977-Carter, 8/9/74 to 7/20/75-Ford.

Figure 2.5: The coding scheme for executive orders. “Significant” orders fit into one of six categories: unclear, managerial, further from the congressional majority, closer-, closer, or closer+.



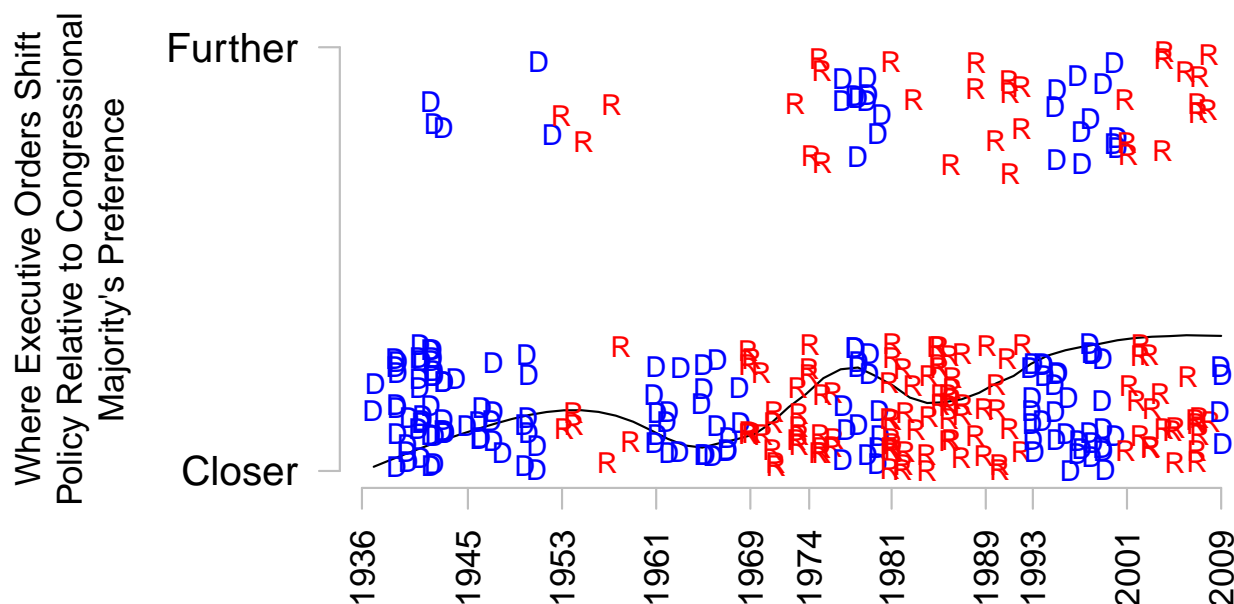
covers one significant executive order. The columns note who was president, the Congress’ partisan makeup, the order’s topic, and whether the order was coded as: unclear, shifting policy closer to,³⁷ or further from the congressional majority.

Summarizing this long table and focusing on each administration, none of Obama’s significant executive orders shifted policy outcomes further from the congressional majority preference. For example with #13526, he ensured agencies periodically review their document security classification criteria and also set set up a centralized clearinghouse to expedite the process, which a majority in Congress supported earlier in 2009. In his first year in office G.W. Bush had three orders that shifted policy further and two orders that shifted policy closer, #13323 and #13224, which called up the reserves and froze terrorist assets in the first two weeks after 9/11/01. Clinton issued seven orders that were closer and none that were further from Congress. H.W. Bush issued three orders that were closer and none that were

³⁷Note that the three different coding categories for closer (closer-, closer, and closer+) have been condensed down to just “closer” in this table. Out of the 32 closer orders, only 3 were coded as closer+ and none were closer-. This table also excludes the small number of significant orders coded as managerial.

further. Similar to the others Reagan issued ten orders that were closer and none that were further. Carter issued three that were closer and two that were further. Ford issued five orders that were closer and three shifted policy further from the congressional majority's preferences. Among first-year, significant executive orders, 34 shifted policy closer and 8 further. That is, 81% of significant executive orders from the first year of each presidency since Ford have shifted policy closer to the congressional majority, not further from it.

Figure 2.6: Significant executive orders over time, where the vast majority of orders shift policy closer to the congressional majority's preference. Each dot represents a significant executive order, blue for Democratic presidents, red for Republican. The loess-smoother line traces a gradual increase in the proportion of orders that shift policy further since 1970.



Stepping back, Figure 2.6 plots all significant executive orders that were coded as shifting policy either closer to or further from the congressional majority's preference between 1936 and 2009. The horizontal axis represents time and the vertical represents two categories — whether each order was coded as closer or further. Each letter represents a single order; red “R” for Republican presidents and blue “D” for Democrats. The circles have been jittered up and down with random noise to prevent overlap and to show the density within each

year. For clarity purposes I have removed orders coded as managerial and condensed the three types of closer down to a single category since nearly all were coded as “closer.”

To the best of my knowledge, Figure 2.6 represents the first systematic and direct test of executive orders’ impact on policy outcomes. Over 75% of orders have been and continue to be used to shift policy closer to the congressional majority.³⁸ From this figure, I infer that executive orders’ have not shifted the system of checks and balances to a large degree.

Figure 2.6 also includes a thin black line that traces the proportion of orders that shift policy closer to the congressional majority’s preference over time. This line highlights how, while the vast majority of orders still shift policy closer, the proportion of orders that shifts policy further has increased during more recent presidencies and since Ford in particular. The next section investigates this further through some regressions that estimate what predicts whether an order shifts policy closer or further.

A natural follow-up question to Figure 2.6 is whether there is a measurement problem and something peculiar about this definition of “significant” orders that makes them more likely to be the ones which shift policy closer or further. I tested this four ways. First, I attempted to take a random sample of orders that were not significant and code them as closer or further but could not find enough information to code nearly any of them. Second, by reversing this approach I went through the *Congressional Record* and *Congressional Quarterly* and looked for mention of any orders regardless of whether they were significant. This search returned 81 “non-significant” orders where there was some information to make an inference and among non-significant orders 92% shifted policy closer compared to 81% among significant orders.³⁹ Third, instead of thinking about significance as a binary distinction, I checked whether there was a systematic difference between orders that were “more” significant than others by

³⁸Coded significant executive orders break down as follows: 237 shifting policy closer, 59 further, 271 unclear, 35 managerial, 8 closer-, and 5 closer+. In percentage terms, of those that could be categorized as closer or further: closer is 77%, further is 19%, closer- is 3% and closer+ is 2%.

³⁹As we would expect, the proportion that were coded “unclear” was higher among non-significant orders than significant ones, 67% compared to 44%, because there was less information to make inferences about the non-significant orders.

comparing orders that were mentioned in four *New York Times* articles, to those mentioned in five, six, and ten or more. If the proportion of orders coded as closer differs significantly between the four-article cases and the ten-or-more-articles cases, then that would suggest some systematic difference in the proportion that shift policy closer among orders mentioned in zero articles (non-significant). However, t-tests to compare the difference in means between the orders' coding have p-values of: 0.71, 0.65, and 0.97, far from the customary 0.05 level. Fourth, I have compared the proportion of orders coded closer under Mayer's (1999) more generous definition of significant (orders mentioned in at least one of six resources). 87% of Mayer's orders shifted policy closer compared to roughly 80% using my definition. These tests affirm that the overwhelming majority of significant orders shift policy closer to the congressional majority's preferences, regardless of which definition employed.

2.4.3 What predicts whether orders shift policy closer or further?

Previous studies have used regression to predict the number of executive orders issued in a year. This new dataset allows us to take the next step and predict what share of these orders have shifted policy closer to or further from the congressional majority's preferences. What changes in the institutional environment predict changes in the probability an order shifts policy closer or further?

Table 2.1: Crosstab, Divided Government vs. Where Significant Orders Shift Policy

Orders Shift	Divided Government	
	No	Yes
Further	16%	21%
Closer	84%	79%
	100%	100%

Divided government is the most likely suspect.⁴⁰ To the extent the president issues orders to circumvent congress, then we should expect to see a distinction between unified and

⁴⁰I define unified government as when a single party has control over the presidency and a majority in both chambers of Congress. Divided government is all other scenarios.

divided government, where divided government should have a higher proportion of orders that shift policy further than unified government. Table 2.1 highlights this comparison. Under divided government the proportion of orders that shift policy further is 5% higher (21-16) but it is not clear if this is a robust difference since we have not controlled for other variables.

To generate more precise estimates of this relationship, I use a logistic regression to analyze how well divided government predicts whether an order shifted policy closer (“1”) or further (“0”) from the congressional majority’s preference, conditional on an order being issued.⁴¹ The model includes six other predictors at the individual-order level: the average presidential approval,⁴² and indicator (“dummy”) variables for: the president’s first term in office, the first hundred days in office, Republican presidents, divided government, and whether the order was issued after 1970. Equation 1 below summarizes this model.

$$\Pr(y_i = 1) = \text{logit}^{-1}(\alpha + X_i\beta) \quad (2.1)$$

However, it is also quite plausible that each president might have a different impact on whether orders shift policy closer or further. And so I run a second model with an indicator for each president or “presidential fixed effects.” Note the subscript on alpha, where j indexes Presidents.

$$\Pr(y_{ij} = 1) = \text{logit}^{-1}(\alpha_j + X_i\beta) \quad (2.2)$$

⁴¹Future work will investigate what we can say about the orders that are *not* issued. As discussed in the conclusion, similar to how Binder built upon Mayhew’s work on Divided Government, this work will take into account the menu of credible items on the policy agenda in a given year.

⁴²To make interpretation of presidential approval sensible I have “centered” the variable by subtracting the average approval across all years. Because there are indicator variables in the model, using the raw presidential approval would force us to interpret the results when e.g. approval equals zero, which is not a substantively realistic scenario. Each executive order uses the nearest, prior presidential approval poll number from Gallup’s long-running survey. For example, an order issued on 1/1/1940 would use the presidential approval measured prior to the order, on 12/29/1939. Also, because Gallup presidential approval data began in 1938, the regressions are constrained somewhat and use data covering 1939-2009

Unfortunately, the second model has difficulties due to the sparseness in the data, that is, even with over 300 orders that shifted policy closer or further there are, e.g. no cases where JFK shifted policy further from the congressional majority. As a result, we are asking the second model to produce estimates based on very little to no information in some scenarios, which results in extremely unstable or no estimates at all. To remedy this I estimate the model with random effects (also known as a hierarchical or multilevel model).⁴³

$$\Pr(y_{ij} = 1) = \text{logit}^{-1}(\alpha_{j[i]} + X_i\beta), \quad (2.3)$$

$$\alpha_j \sim N(\mu_\alpha, \sigma_\alpha^2), \text{ for } j = 1, \dots, 13,$$

for $i = 1, \dots, n$, and where $j[i]$ indexes Presidents. The individual level includes predictors for presidential approval, as well as indicators for divided government, 1st Term, 1st 100 Days, Post-1970, and Republican President; then at the group level I modeled an intercept shift for each president, which borrows information from the individual level to return more precise estimates.

Figure 2.7 shows that divided government fails to predict that an order shifts policy further from the congressional majority's preference. Similarly the estimates for the other individual level predictors cannot be distinguished from zero either, except for the Post-1970 indicator. Overall, Figure 2.7 shows that using orders to shift policy closer to or further from the congressional majority is *not* correlated with: Republican presidents, presidential "honeymoon", presidential approval, or divided government. I infer from this that the proportion of orders that shift policy closer or further has remained stable since 1936, which is consistent with orders as a shared policymaking tool.

Turning to the other predictors in Figure 2.7, estimates for each president and the Post-1970 variable focus directly on orders' evolving use and there is some interesting variation

⁴³The estimates from the models in equations 3.1 and 2.2 are removed for clarity reasons and are available from the author.

over time.⁴⁴ The random effects model estimates that the president-level errors have a standard deviation of 0.6 on the logit scale (not shown), which roughly translates into saying that presidents differed by $\pm 15\%$ on the probability scale, over and above the differences explained by the other predictors (Gelman & Hill 2007, 82).⁴⁵ More substantively, the variation seems to have a systematic pattern. While orders shift policy closer to the congressional majority most of the time and for every president, starting with President Ford the probability an order shifts policy closer to the congressional majority declines for the first time since Eisenhower. Figure 2.6 highlighted a similar trend earlier, where the moving-average line rose after 1970 as the proportion of orders that shift policy closer has decreased. The Post-1970 variable in Figure 2.7 makes this explicit and is the only individual-level predictor more than two standard errors away from zero, with a logit coefficient of -1.35, which roughly translates into saying that on average, in the years after 1970, an executive order had a 33% lower probability of shifting policy closer to the congressional majority's preference. While the overwhelming majority of orders shift policy closer, the recent trend has been towards a larger minority of orders that shift policy further. The question becomes what changed around 1970 that might account this: use of the filibuster.

Figure 2.8 plots the number of cloture votes over time from 1937-2009 with time on the horizontal axis, the number of cloture votes on the vertical axis, and each letter represents the total number of cloture votes in a given Congress where a blue "D" notes Congress' when the Democrats were the minority party in the Senate and a red "R" the Republicans.⁴⁶ There

⁴⁴The intercept is not easily interpretable since it estimates the probability an order shifts policy closer in a very specific scenario, when the other predictors are all zero (unified government, pre-1970, a Democratic president, not the first 100 days, not the first term, at average presidential approval).

⁴⁵Gelman and Hill explain a rule of thumb to translate logit coefficients onto the probability scale (what we substantively care about); dividing the coefficient by four gives an upper bound estimate for the marginal change from a one unit shift in a given predictor.

⁴⁶To invoke cloture means to end debate in the Senate and currently requires "three-fifths of the Senators duly chosen and sworn" under Senate rule 22. The assumption here is that as the Senate's minority party has increased the use of stalling tactics such as the filibuster or legislative hold, the Senate majority party has had to increase the number of motions to invoke cloture, vote on those motions, and pass more of those motions. In other words, cloture measures the minority party's level of obstruction in the Senate. Note that this can also be seen as the level of minority party "protection", rather than "obstruction."

was a break from the past around 1970 as the number of cloture votes has risen and the Senate minority party increasingly has used filibusters and holds to delay legislative action (Koger 2010, Senate 2011).⁴⁷

Table 2.2: Linear regression predicting the percentage of orders that shift policy closer to the congressional majority’s preference. To include the number of cloture votes the analysis is now per Congress and so the number of observations goes down to 35. The results suggest that the post-1970s increase in cloture votes to counter minority party obstruction (or protections) may account for the increase in the percentage of orders that shift policy further from the congressional majority’s preference, but there are not enough cases to say with high confidence.

Predictor	Coefficient	Standard Error
Total Cloture Votes	-0.002	(0.001)
Average Presidential Approval	0.003	(0.003)
Divided Government	0.012	(0.075)
President’s 1st Congress	0.07	(0.06)
Republican President	-0.0006	(0.0007)
Intercept	0.94	(0.10)
R^2	0.24	
N	35	

Using a linear regression with controls Table 2.2 tests whether the increase in cloture votes predicts a decrease in orders that shift policy closer to the congressional majority. Note that because the number of cloture votes is recorded per Congress, the unit of analysis and so the number of observations has shrunk down to 35. As a result the standard errors are large enough that we cannot distinguish any of the coefficients from zero, with one important exception, the t-ratio for cloture votes is close to statistically significant at 1.8.⁴⁸

⁴⁷Note that the Senate has changed its rules several times for the threshold needed to pass a cloture motion and end debate. Most applicable, the threshold was lowered in 1975 from two-thirds of those voting to three-fifths of the Senators sworn into office.

⁴⁸Three different kinds of robustness checks were performed. First, I ran the same model with different measurements of obstruction by the Senate minority party. Instead of using cloture *votes*, two alternatives are the number of cloture motions filed (which is greater than the number voted upon), and the number of cloture votes that pass (which is less than the number voted upon). The t-ratio for these measures are 1.5 and 1.4 respectively. Second, to further test obstruction’s correlation with where orders shift policy I replaced cloture votes with Poole & Rosenthal’s (2011) polarization scores based on ideal point estimates (DW-NOMINATE).

The model estimates that one additional cloture vote is associated with a 0.2% decrease in the proportion of orders that shift closer, or more substantively, a standard deviation increase of 28 cloture votes predicts a 5.6% decrease in the proportion of orders that shift policy closer.

Overall, Table 2.2 suggests that the drift towards fewer orders shifting policy closer to the congressional majority correlates with the rise of cloture votes. To uncover the mechanism will require in-depth interviews with policymakers and staffers. But as another unanticipated consequence of stronger parties and polarization, legislative obstruction *within Congress* may be a factor in how much executive orders have changed the system of checks and balances.

2.5 Conclusion

Because the Constitution does not discuss executive orders they live in an institutional gray area. To understand their role in policymaking and how they have tipped the system of checks and balances in the United States I have introduced new evidence, a dataset from 1936-2010 of “significant” executive orders. First, I clarify that the number of orders issued has remained basically steady over time by replicating and expanding upon previous work. Second, I have coded significant orders for whether they shifted policy closer to or further from the congressional majority’s preference and find that over 75% of orders shift policy closer to the congressional majority. From these two findings I infer that orders generally serve both branches as a steady, shared policymaking tool. If true then we should expect to see that the number of and more importantly the proportion of orders that shift policy

I tried four separate versions of polarization one at a time: the difference between Republican and Democratic mean/median ideal points in the House/Senate and all four were not distinguishable from zero. I infer from this that the relationship between obstruction within the Congress and where orders shift policy outcomes is mostly unclear and only suggests orders respond to the use of the filibuster. Third, for a more robust measure of the difference between the president and Congress than the binary Divided Government, I used the same ideal points to measure the absolute distance between the president’s and the median House/Senate member’s DW-NOMINATE score. Replacing Divided Government with this more granular measure yields the same conclusion that we cannot distinguish the correlation from zero. In other words, distance measured in party identification or ideology does not clearly predict a change in the proportion of orders that shift policy closer to or further from the congressional majority’s preferences.

closer does not decrease under divided government when Congress and the president are from different parties. Regressions support this expectation as well as suggesting that the recent rise in orders shifting policy further is correlated with Congress' internal divisions and the rise in cloture votes (filibusters).

This paper opens several avenues for future research. To anticipate one route, Mayhew's (1991) "Divided We Govern" broke new ground by testing and arguing against the common assumption that divided government limited Congress' output of significant laws. Over the ensuing years, several authors investigated this claim with their own studies, notably Binder (1999) and Binder (2003) who argued that the definition of legislative output needed revision to take into account what was on the policy agenda, that is, what share of the *possible* policy initiatives passed. Similar to the earlier divided government debate, this paper takes the necessary first step in regards to executive orders, which sets the stage for the second. Once we step back and look at the whole policy agenda we can investigate which policies were funneled through executive orders and which through legislation, and paint a much richer picture of policymaking in the United States.

During the founding Edmund Randolph expressed concern that the Executive branch was the "foetus of monarchy", a concern that remains alive in popular and academic discussions, and for good reason, as presidential candidate Mitt Romney said "I will issue on my first day in office an executive order paving the way for waivers from ObamaCare for all 50 states."⁴⁹ However, in 1992 candidate Bill Clinton made a similar declaration about quick action and shifting the policy on gays in the military with an order. Upon taking office Clinton learned how even executive orders must be negotiated and it would take another 19 years for the policy to change in September 2011. Executive orders may be direct but they are not unilateral; they are a shared policy-making tool. And while it may be popular to refer to Congress as the "broken branch", the fracture was not caused by executive orders.

⁴⁹Romney, Mitt. "Romney: As First Act, Out with Obamacare." USA Today. 5/11/11.

Figure 2.7: Predicting the probability a significant executive orders shifts policy closer to the congressional majority's preference, using a logistic regression with random effects for each President, from 1939-2010. Coefficient estimates marked by dots, \pm one standard error marked by thick line, \pm two standard deviations marked by thin line, $n=307$. A change of x on the logistic scale corresponds to a change of, at most $x/4$, in the probability that an order shifts policy (Gelman & Hill 2007, 82). The figure shows that none of the individual-order-level predictors have a clear correlation, including Divided Government. The Presidents do have some variation with several presidents since Ford shifting fewer orders closer, which fits with the post-1970 indicator.

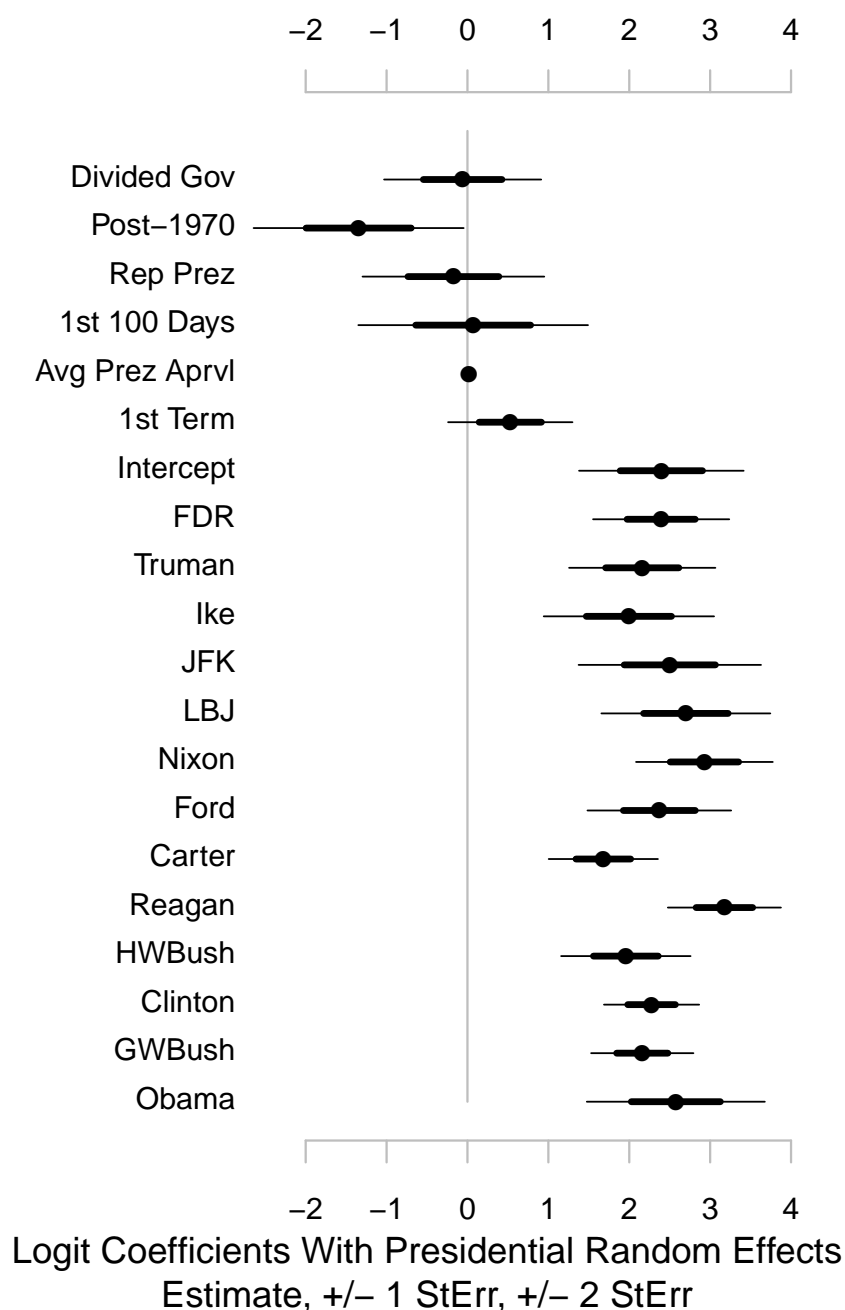
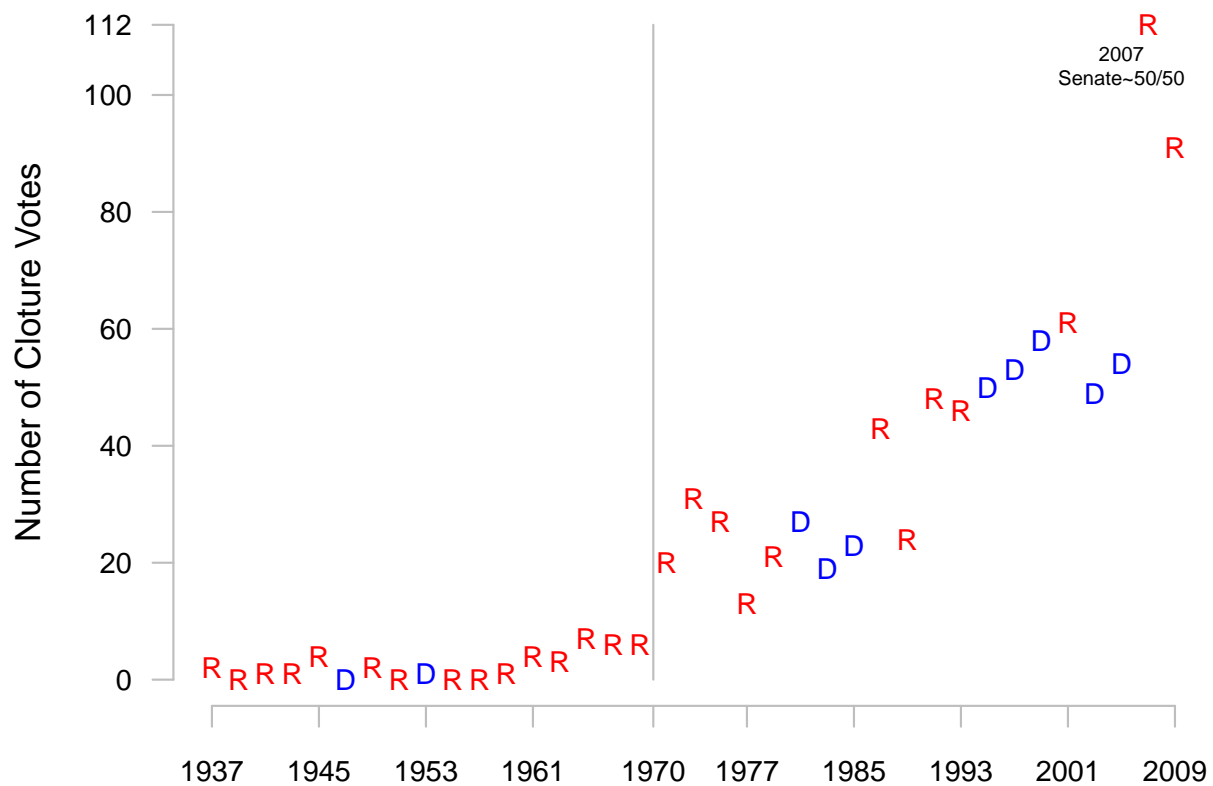


Figure 2.8: The number of votes to end debate in the Senate has increased since 1970, and by implication, so has the use of Senate minority stalling tactics. A blue “D” represents congress’ when the Democrats were the minority party in the Senate, red “R” when the Republicans were in the minority.



Appendix A

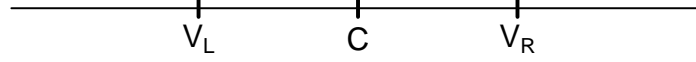
This section applies the spatial model of politics to executive orders and most directly builds from the work of Krehbiel (1998) and Howell (2003); call it the “Executive Order Game.” There are five players: nature, the congressional median (C), the president (P), the left-side veto pivot (V_L), and the right-side veto pivot (V_R). Assume an infinite, non-cooperative game where each player has perfect and complete information. The players’ have single peaked and symmetric preferences in a one dimensional policy space.

The final policy at the end is labeled Y . Nature moves first and exogenously shocks the system setting the new status quo (SQ_0). The president moves second and issues an executive order setting policy (ExO). Note that SQ_0 does not constrain the president since he can overturn it and if he wants, he can set ExO equal to SQ_0 . Therefore, when analyzing the president’s strategy, we can ignore SQ_0 . The congressional median moves third and decides whether to propose legislation shifting policy once more ($Bill$). Fourth, if Congress passes legislation then the president decides whether to veto it. Fifth and lastly, if the president vetoes Congress’ legislation then the veto pivots (V_L and V_R) decide whether to override that veto. Without loss of generality, I assume that the president’s ideal point is greater than (i.e. to the right of) Congress’ ideal point.

Note that this model assumes the president does not value policy shifts via congressional statute more than shifts by executive order. This is unrealistic since orders can be overturned by another order and would seem to have a shorter shelf life than legislation. As with any model, the simplified version leaves out complexities of reality and I have left out this point to clarify the model and better convey the incentives and logic for how executive orders can shift policy closer to the congressional majority.

Given the setup of the game, the following lemma is obvious.

Figure 2.9: Regions of the single dimension



Lemma 1: if the President's ideal point is in between the two veto pivots, then the President issues an Executive Order at his ideal point.

Lemma 2: If the President is to the right of V_R , then the President issues an Executive Order at V_R .

Proof:

Note that if $ExO = V_R$, then Congress can do no better since any $Bill < V_R$ would be vetoed, and so V_R will be the final policy.

Next, it can be easily shown that the President is worse off if he chooses $ExO < V_R$.

I now show that $ExO > V_R$ is a worse strategy for the President than $ExO = V_R$. To see this, note that if the President sets $ExO > V_R$, then if $2V_R - ExO > C$, Congress responds by choosing $Bill = V_R - (ExO - V_R)$; or if $2V_R - ExO < C$ Congress chooses $Bill = C$.

Note that the President always prefers V_R to this bill.

Hence his optimal strategy is to choose $ExO = V_R$.

The president's and Congress' equilibrium strategies depend on the location of the president's ideal point and there are two different scenarios to examine for where this could be: scenario A, where the president is between the congressional median and the veto pivots $[C, V_R]$, and scenario B, where the president is right of the veto pivot ($P > V_R$). Each scenario has its own proof below by backwards induction.

Proposition 1: In scenario A when $P \in [C, V_R]$, then $ExO = P = Y \forall SQ_0$.

Proof: by Lemma 1, $ExO = P$. If Congress proposes some $Bill \neq P$, then the president vetoes it. For Congress to override the veto, both V_R & V_L must prefer $Bill$ to P . But since $P \in (V_L, V_R)$, if $Bill \neq P$, then either $Bill < P < V_R$, which means V_R prefers P to $Bill$, or $Bill > P > V_L$, which means V_L prefers P to $Bill$. Either way, the veto cannot be overridden.

Proposition 2: In scenario B when $P > V_R$, then $ExO = V_R = Y \forall SQ_0$.

Proof: by Lemma 2, $ExO = V_R$. Since $C < ExO = V_R$, Congress never prefers proposing a bill $Bill > V_R$. If Congress proposes a bill $Bill < V_R$, then the president will veto it. Since $Bill < V_R$, the right veto pivot does not prefer an override. Hence $ExO = V_R$ is the resulting policy.

Appendix B

Table 2.3: First-year in office for Obama through Ford, significant executive orders. Orders coded as: unclear, closer to, or further from congressional majority's preference. Note, the three categories of closer are condensed down to one category and managerial orders are excluded.

President	Order	Topic	Unclear	Closer	Further
Obama(D)	13489	Presidential Records		x	
	13490	Ethics Commitments	x		
	13491	Interrogation Rules		x	
	13492	Review Guantanamo	x		
	13498	Faith-Based Initiatives	x		
	13505	Stem Cells		x	
	13513	Reduce Text Msgs	x		
	13526	Info Classification		x	
G.W. Bush(R)	13198	Faith-Based Initiatives	x		
	13199	Faith-Based Initiatives	x		
	13201	Union Dues			x
	13202	Union Projects	x		
	13203	Union Labor			x
	13205	Strike Mediation	x		
	13208	Union Preference	x		
	13210	Social Security	x		
	13211	Energy Impact Stmt	x		
	13212	Energy Projects	x		
	13221	Energy Efficiency	x		
	13223	Call Up Reserves		x	
	13224	Freeze Terrorist Assets		x	
	13233	Presidential Records			x
	13248	Strike Mediation	x		
Clinton(D)	12834	Ethics Commitments	x		
	12836	Unions and Contracts	x		
	12837	Admin Costs		x	
	12838	Advisory Comms		x	
	12839	Federal Workforce		x	
	12844	Electric Cars	x		
	12850	China Trade	x		
	12853	Block Haiti		x	
	12857	Budget Control		x	
	12858	Deficit Reduction		x	

Table 2.3: First-year in office for Obama through Ford, significant executive orders. Orders coded as: unclear, closer to, or further from congressional majority's preference. Note, the three categories of closer are condensed down to one category and managerial orders are excluded.

President	Order	Topic	Unclear	Closer	Further
Clinton(D)	12862	Federal Service		x	
	12866	Regulatory Review	x		
	12873	Recycling	x		
	12875	Unfunded Mandates	x		
H.W. Bush(R)	12668	Ethics Review		x	
	12674	Ethics Commitments		x	
	12676	Nicaragua	x		
	12686	Aviation Security		x	
Reagan(R)	12287	Remove Price Cntrls	x		
	12290	Export Toxins	x		
	12291	Federal Regulations		x	
	12294	Iran		x	
	12301	Gov Waste		x	
	12302	Foreign Trade	x		
	12305	Court Nominations		x	
	12308	Arts Humanities		x	
	12320	Black Colleges		x	
	12323	Cuba		x	
	12324	Immigration	x		
	12331	Foreign Intelligence		x	
	12333	CIA Changes	x		
	12334	Intelligence Board		x	
	12335	Soc Sec Comm		x	
	12336	Women Equality	x		
Carter(D)	11967	Vietnam Pardons	x		
	11972	Court Nominations			x
	11978	Rhodesia		x	
	11987	Exotic Organisms	x		
	11988	Flood Construction	x		
	11989	Off-Road Vehicles	x		
	11990	Protect Wetlands		x	
	12008	Presidential Interns	x		
	12022	Antitrust Board			x
	12024	Advisory Committes		x	
Ford(R)	11803	Vietnam Pardons	x		

Table 2.3: First-year in office for Obama through Ford, significant executive orders. Orders coded as: unclear, closer to, or further from congressional majority’s preference. Note, the three categories of closer are condensed down to one category and managerial orders are excluded.

President	Order	Topic	Unclear	Closer	Further
Ford(R)	11805	President and IRS	x		
	11821	Inflation		x	
	11828	CIA Investigation		x	
	11832	Year of Woman			x
	11838	Unions	x		
	11844	Trade		x	
	11848	Extend CIA Investig		x	
	11850	Chemical Weapons		x	
	11858	Foreign Investment	x		
	11868	Olympics Comm.			x
	11870	Environment			x

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Chapter 3

Are Parties' Reputations Correlated with Policymaking: Perceived versus Legislative Issue Ownership

“[Issue ownership] is a reputation for policy and program interests, produced by a history of attention, initiative, and innovation towards these problems, which leads voters to believe that one of the parties (and its candidates) is more sincere and committed to doing something about them.” (Petrocik 1996, 826)

3.1 Introduction

In 1996 Petrocik used survey data to show that in the United States, the Democratic and Republican parties have reputations for policy expertise - that the parties “own” issues in the public’s eyes. On its own, this finding’s implications for American politics are unclear. But, further research has demonstrated that this “perceived issue ownership” influences both politicians’ and voters’ behavior because candidates campaign disproportionately on their party’s reputation (Farrell & Webb 2000, Jacobs, Lawrence, Shapiro & Smith 1998, Cox & McCubbins 2005) and then voters are faced with those choices (Petrocik 1996, Rabinowitz

& Macdonald 1989, Budge & Farlie 1983, Jones & Hudson 1998, Ansolabehere & Iyengar 1994, Petrocik, Benoit & Hansen 2003). For example, in recent years Republicans have campaigned on national defense at least partly because the public has believed the GOP does a “better job” in this area.¹

Given that the relationship between party reputations and campaigns and voters is real, the question here is whether those reputations are based on reality. That is, are parties’ reputations correlated with their actual policymaking work in Congress? If what we will call “*legislative* issue ownership” does not predict “*perceived* issue ownership” then this raises questions about what does form voters’ perceptions, and concerns about representativeness in Congress.

3.2 Measuring *Perceived* Issue Ownership

To measure perceived issue ownership Petrocik (1996) used 35 survey questions from 1991 that asked respondent’s whether “problem *X* is better handled by the Democrats or Republicans?” (Petrocik 1996, 832).² We have expanded the data by roughly 100-fold using the Roper Public Opinion Archives (“iPoll”). The iPoll archive has gathered together a searchable database of over half a million survey questions asked in the United States. We searched for questions that ask whether one party is doing a “better job” than the other and found nearly 3,500 survey questions from 1940 to 2012.³ To connect these surveys with policymaking in Congress we then read through and categorized each question’s main policy concern. To do so we used the Policy Agendas Project coding structure, which has a widely recognized set of guidelines that divides public policy into 19 major topics (e.g. environ-

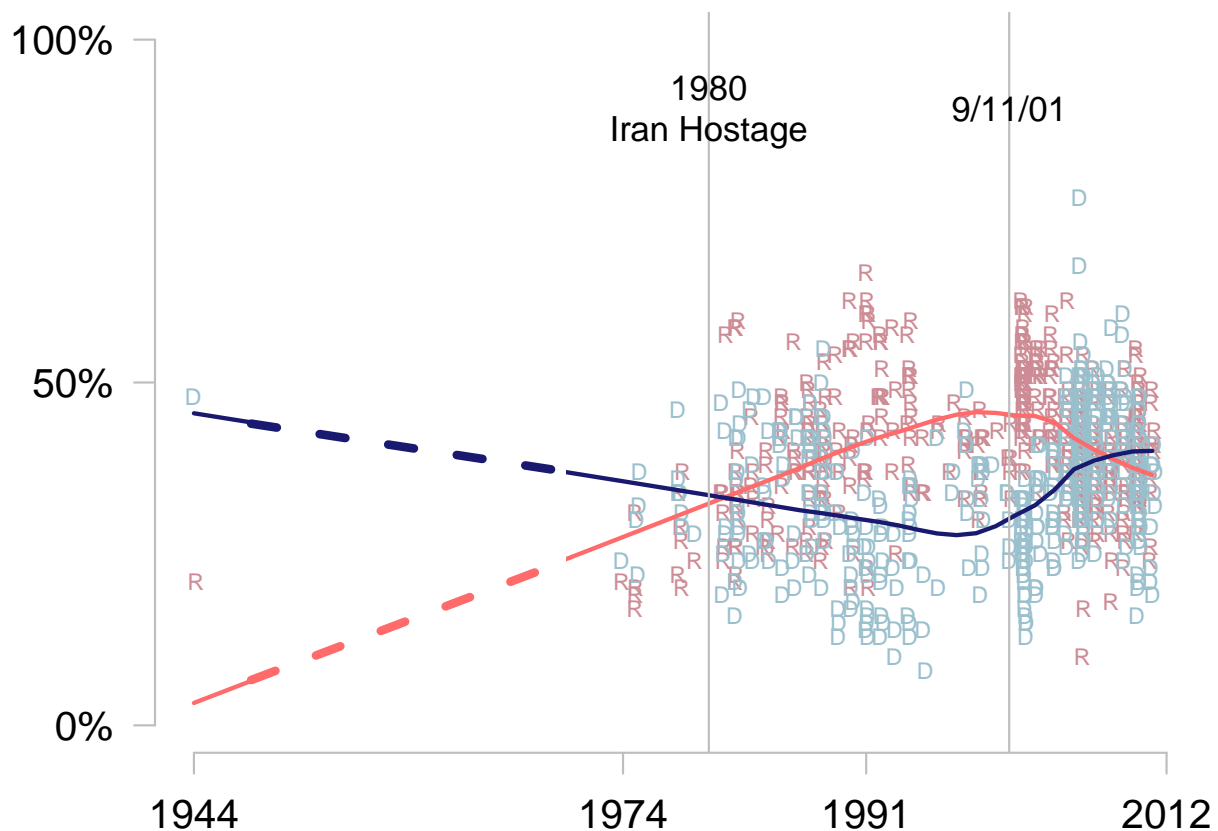
¹This is partly why the tactics in the 2012 campaign may prove so interesting since Obama has received credit for killing Osama Bin Laden.

²These survey questions are from ABC/*Washington Post*, CBS/*New York Times* as well as “various 1988-90 Market Opinion Research surveys” (Petrocik 1996, 832).

³The exact search terms were “better” AND “job”, with the Topic set to “Political Parties”, over all dates, and last accessed in February 2012.

ment) and 225 subtopics (e.g. air pollution) (Baumgartner & Jones 2012).⁴ After coding over 3,000 survey questions we have a more robust picture of perceived issue ownership and we can now see much more precisely how the public regarded the two parties over time and across nearly the full range of public policies.

Figure 3.1: “International Affairs” perceived issue ownership over time. The horizontal axis represents time and vertical represents the percentage of survey respondents who said party *X* is doing a better job. Each “R” symbol marks an individual survey and the red line traces a moving average. Starting around 1980 the public says Republicans’ do a “better job” on international/foreign affairs and this trend reverses late in G.W. Bush’s second term.



For example, Figure 3.1 plots perceived issue ownership of international/foreign affairs, where the horizontal axis represents time and the vertical axis represents the percentage

⁴The 19 major policy topics in the Policy Agendas coding structure are: Macroeconomics; Civil Rights, Minority Issues, and Civil Liberties; Health; Agriculture; Labor, Employment, and Immigration; Education; Environment; Energy; Transportation; Law, Crime, and Family Issues; Social Welfare; Community Development and Housing Issues; Banking, Finance, and Domestic Commerce; Defense; Space, Science, Technology and Communications; Foreign Trade; International Affairs and Foreign Aid; Government Operations; Public Lands and Water Management

of respondents. Each red “R” symbols mark the percentage of respondents in one survey who said the Republicans would do a “better job” on foreign affairs, the blue “D” symbols mark the percentage who said the Democrats.⁵ The red line traces the moving average for Republicans and the blue line for Democrats.

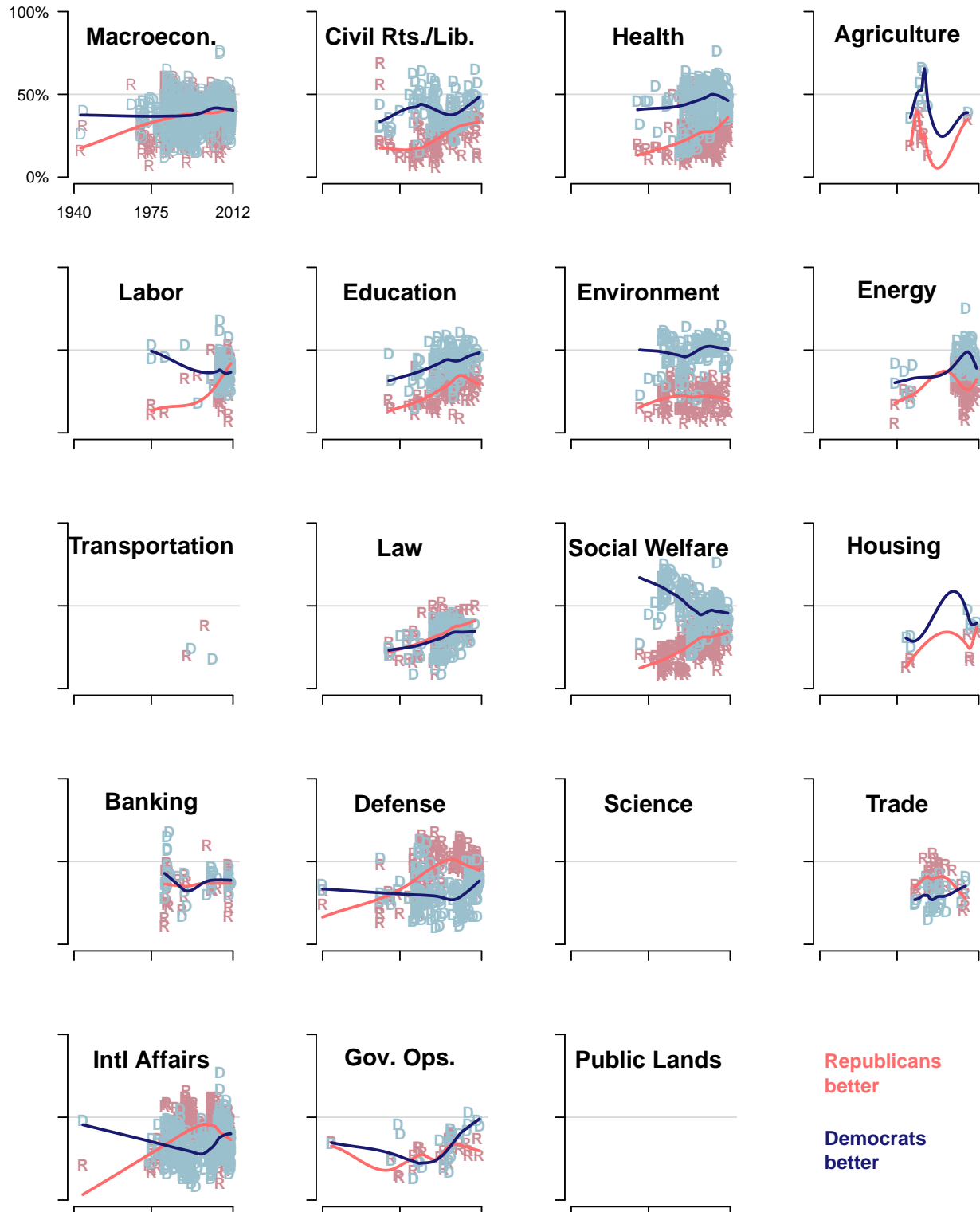
Figure 3.1 underscores several points. Starting in August 1944 and with U.S. troops on the move in France, the Democrats held the advantage in perceived issue ownership of foreign affairs. Then there is a lack of observations until the mid-1970s (highlighting the explosion of the polling industry) and by 1975 and with Saigon falling to the North Vietnamese, the Democrats have only a slight advantage. The Republicans’ reputation surpasses the Democrats around 1980 and the Iran hostage crisis and continues through the 1980s and 1990s. However, by the mid-2000s and as the Iraq and Afghanistan wars continued the trend reverses to where the two parties have roughly equal perceived issue ownership of foreign affairs.

One of the benefits of this dataset’s size is that we can describe other policy areas in the same way. Whereas Figure 3.1 presented foreign affairs, Figure 3.2 plots survey responses for all 19 different policy areas over time. Similar to before, the horizontal axis represents time, the vertical represents the percentage of respondents who said party “X” does a better job in that policy area, and the lines trace a moving average for each party over time with red for Republicans and blue for Democrats.

Figure 3.2 reveals several trends. There is substantial variety in the number of survey questions about the different policy areas, for example, hundreds of questions have been asked about which party does a better job on the economy, versus only two questions were asked about transportation, and no questions were asked about science or public lands management. Giving empirical support to the conventional wisdom, Democrats had a better

⁵Since 1944, 73 different polling organizations have asked which party does a better job on foreign affairs, spread over 521 different questions. The way the surveys phrase the question varies. We have assumed these phrasings are comparable to one another and that the variation caused by their differences does not bias in one party’s favor.

Figure 3.2: Perceived issue ownership over time for 19 different policy areas. The red line traces the moving average for the percentage of survey respondents who said Republicans do a better job, and the blue line for the Democrats.



reputation on Civil Rights, Health, Labor, Education, Environment and Social Welfare; while Republicans had a better reputation on Trade and Defense (since the 1970s). The only policy area where over 50% of the public consistently thought one party did a better job was Social Welfare, where the public has clearly favored the Democrats. For Health as well as Civil Rights & Civil Liberties the public has said both parties are doing a better job over time as the percentage of respondents who were uncertain has declined. While this dataset opens up several avenues for future studies, most importantly for the purposes here, the variance in each party’s reputation enables us to test whether changes in perceived issue ownership are associated with changes in legislative issue ownership, that is, actual policymaking.

3.3 Measuring *Legislative* Issue Ownership

The parties’ legislative issue ownership is measured through Senate committee preferences (e.g. Republicans favored the Foreign Relations committee over the Environmental & Public Works committee before the 1980s). The goal is to capture how much Republicans and Democrats specialize in their legislative work, which presumably measures the parties’ expertise and effectiveness.

Congressional committees serve as the finishing school or the graveyard for legislation. Assuming that legislators serve on committees at least partly to influence policymaking, then the parties’ committee preferences can serve as a second measure for their areas of policy expertise.⁶ ⁷ For example, if compared to Republicans, Democrats prefer the Senate Committee on the Environment & Public Works then we would infer Democratic legislative issue ownership on environmental issues.⁸ The question then becomes how to measure the

⁶Wilson (1885), Fenno (1973), Shepsle & Weingast (1987), Krehbiel (1991), Cox & McCubbins (1993), Aldrich (1995), Maltzman (1997), Cox & McCubbins (2005)

⁷Presumably the parties do not differ in how well their expertise translates into effectiveness either.

⁸Using committee preferences to measure legislative issue ownership is complicated by the fact that committees subsume a handful of policy areas and that committee jurisdictions are somewhat fluid (deFigueiredo 2011). That is, while the Policy Agendas coding scheme divides policy into 19 major topics, this does not map perfectly onto how the Senate divides up committees. For example, the Finance Commit-

parties' committee preferences.

Each committee contains a nearly equal number of Democrats and Republicans with the majority party normally holding a slight advantage in numbers. This means we cannot use differences in the number of partisans on each committee to measure legislative issue ownership. For an alternative, we can take advantage of the fact that committee assignments are roughly allocated by seniority in the Senate. Congress scholars have completed several impressive investigations of committee assignments looking at both committee *requests* by members and committee *placements* by leaders.⁹ Focusing on the Senate, studies of committee requests find that junior lawmakers do understand the role of seniority in committee assignments and, in general, shy away from requesting the more prestigious committees (Schneider 2003, Frisch & Kelly 2006*b*).¹⁰ Studies of committee placements by party leaders find that although it is not the only criteria, on average, seniority plays a role in committee assignments.¹¹ From these studies we infer that seniority plays an important role in Senate committee assignments, opening the way to using seniority to measure each parties' committee preferences.

To estimate committee preferences we first calculate each party's average seniority for

tee covers both taxes and Social Security. However, this cross-listing of policy areas does not seem to have a systematic bias in one party's favor such that Democratic owned issues are more likely to be combined under committees' larger missions, which may decrease the precision of our estimates but should not bias them.

⁹This literature has focused on both the House and the Senate (Goodwin Jr (1959), Matthews (1960), Fenno (1973), Rohde & Shepsle (1973), Shepsle (1978), Bullock (1985), Sinclair (1989), Kiewiet & McCubbins (1991), Munger & Torrent (1993), Cox & McCubbins (1993), Endersby & McCurdy (1996), Adler & Lapinski (1997), Deering & Smith (1997), Schneider (2003), Frisch & Kelly (2004), Frisch & Kelly (2006*b*), Frisch & Kelly (2006*a*)).

¹⁰Frisch and Kelly were kind enough to share their data on Democratic Senators committee requests for the 80th to 105th Congresses. For each committee and per term, we have compared the average seniority of requesters to the seniority ratio discussed below. A bivariate regression of the two does not show a clear relationship and the coefficient cannot be distinguished from zero. We might expect the two to be more clearly related but they differ importantly in that the seniority of requesters measures the first step in the assignment process and the seniority ratios measure the last step and after party leaders have doled out assignments. Future research will explore their differences further.

¹¹Please see Deering & Smith (1997), Kiewiet & McCubbins (1991), Cox & McCubbins (1993), Arnold (2001), and especially Frisch & Kelly (2006*b*) for further discussion.

each Senate committee and by congressional term.¹² For example, a Senate committee in the 100th Congress with three Republican members who have seniority of 10, 12 and 14 years each, has an average Republican seniority of 12. Then we divide each party's average seniority on that committee by the party's average seniority in the entire Senate. For example, if the Republicans average seniority in the 100th Senate was 10 years, then the ratio for the committee would be 1.2 (12/10). These "seniority ratios" estimate preferences for every committee, for both parties, and for each term, which is much more frequently than prior methods.

The underlying logic of the measure is analogous to allocation of seats in a football stadium. College football teams often distribute their seats for season-ticket-holders according to a seniority system, where those who have had tickets longest, e.g. 40 years, are given first choice about where they want to sit within the stadium, then the next most senior ticket-holder chooses and so on. Assuming that all tickets have the same price, as the process unfolds a systematic pattern emerges revealing the average fan's preferences. The most senior ticket holders generally fill the section along the 50 yard line first. As we move down the seniority list to more and more junior people, the sections fill up, spilling out towards either end of the stadium. Presumably, the section in the greatest demand is the most attractive. The seniority ratio applies similar intuition to seats on Senate committees. Like the section along the 50-yard line, the more attractive a committee is, the higher its average seniority. In other words, where senior members congregate tells us which committees the average senator prefers."¹³

¹²Seniority is defined as the number of continuous years of service in the Senate.

¹³This explanation of the measure raises three important questions. First, what about individuals who *prefer* a low-ranked committee because they are the chair, have constituency concerns, want to avoid transaction costs with a change, etc...? The seniority ratio remains agnostic about lawmakers' idiosyncratic preferences and so does not assume a single dimension of committee desirability exists (as Fenno has demonstrated). For example, if a 40-year ticket-holder still chooses to sit near the end zone because they enjoy the student section's enthusiasm, then their presence will slightly raise the student section's *average seniority*; similarly when an experienced senator decides to hold onto their seat as chair of a less prestigious committee. Second, do we need to make some a priori assumptions about which are the attractive committees? The *seniority ratio* does not constrain individual preferences nor does it rely on conventional wisdom about committee attractiveness. We observe the members' aggregate behavior and from that build a committee hierarchy.

Substantively, this measure yields continuous numeric scores where the more it differs from one, the higher or lower that committee's average seniority. Any deviation from one tells us how much the committee differs from what we would expect by filling the committee with members randomly chosen from the chamber. For example, a score of 1.46 means the Appropriations Committee's average seniority was 1.46 times the Senate's in that term or 46 percent higher than the seniority by a random draw. This is quite unlikely and tells us that the committee is highly sought after by senior members. A committee with a seniority ratio equal to 0.60 has an average seniority 0.6 times the Senate's, or 40 percent lower than what we would expect by lottery, which is also quite unlikely and tells us that this committee is actively avoided by senior members.

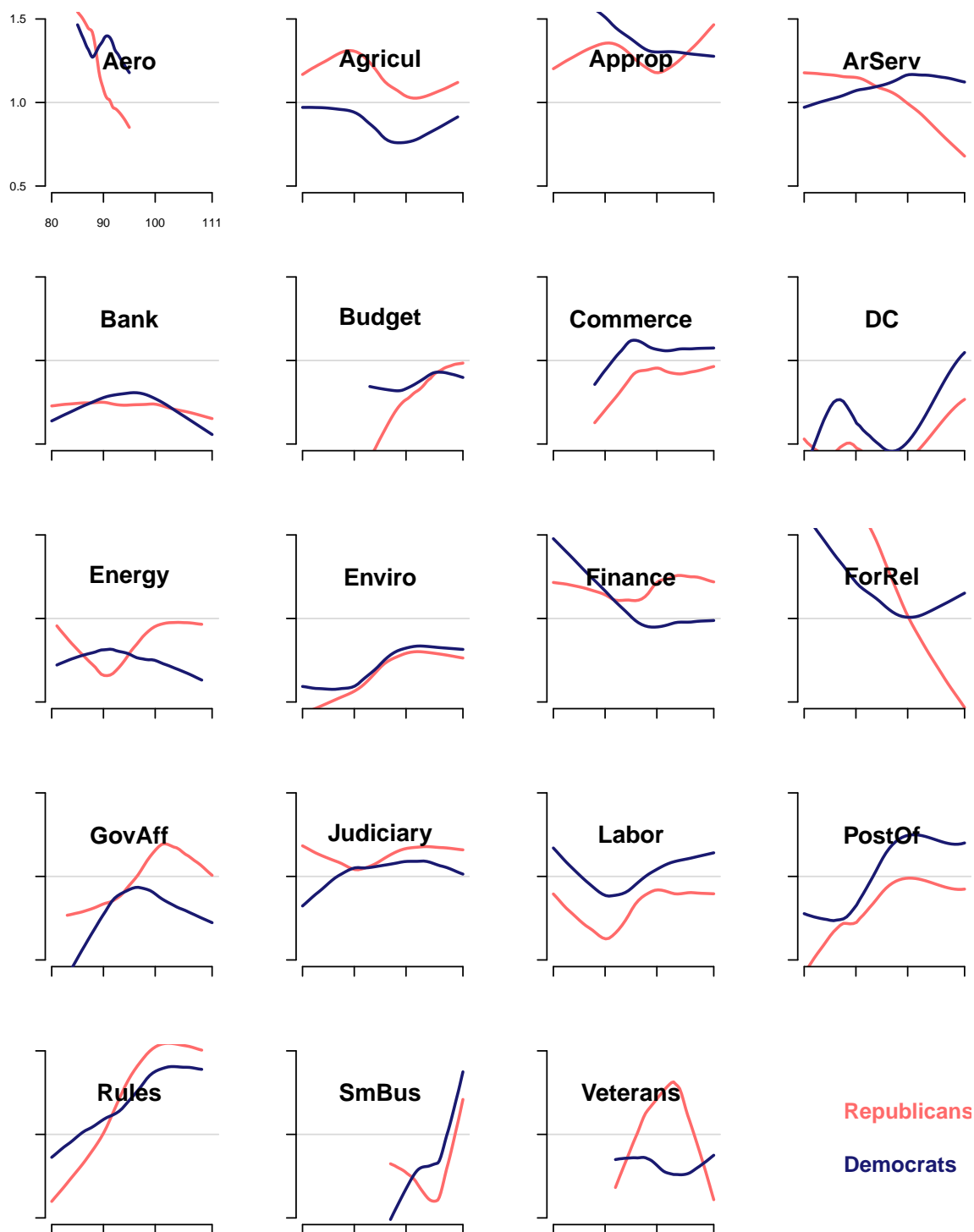
Figure 3.3 plots the seniority ratios for all 19 Senate standing committees in alphabetical order.¹⁴ The horizontal axis in each plot represents time from the 80th Congress (1947-8) to the 111th (2009-10) and the vertical axis represents the seniority ratio from 0.5 to 1.5. The baseline where a committee's average seniority equals their party's average seniority in the Senate is highlighted by a gray horizontal line at 1.0. The red lines trace the changes in the Republicans' seniority ratio over time with a loess-smoother (moving average), the blue lines for the Democrats. In other words, the lines in each plot trace the party's legislative issue ownership over time measured by Senate committee preferences.

Among other interesting trends the Foreign Relations (third row, fourth column) committee's prestige among Republicans has steadily declined since 1947 but it leveled off for Democrats in the late 1980s and maintains the same seniority as if we had filled the com-

Similarly, as a reviewer pointed out, if the beer concessions move from the section on the 50 yard line to the 30, and a large contingent of senior fans follow, then the average seniority and overall ranking changes accordingly. Third, does this assume that lawmakers value committees for the same reasons? No, similar to the first questions, it is a summary statistic that compares committees' average seniority.

¹⁴The Legislative Reorganization Act of 1946 dramatically changed the committee system and so the analysis begins from that point. The 19 committees in alphabetical and left to right order in the figure are: Aeronautics & Space Sciences, Agriculture, Appropriations, Armed Services, Banking, Budget, Commerce, District of Columbia, Energy, Environment, Finance, Foreign Relations, Government, Judiciary, Labor, Post Office, Rules, Small Business, and Veteran Affairs. The Intelligence Committee, which was created in 1975, is excluded because of data constraints.

Figure 3.3: Legislative issue ownership measured by Senate committee preferences over time. The horizontal axis represents time with Congresses (80th is 1947, 111th is 2009) and the vertical axis represents the seniority ratio. Any committee above the grey horizontal line has a higher average seniority than their party in the Senate for that term.



mittee by chance. In comparison, since the 1960s the Senate Judiciary committee’s average seniority increased relative to the chamber for both parties, possibly due to the Supreme Court’s increasingly visible role since that time.

Given the assumptions, the seniority ratio provides a second measure of legislative issue ownership over time. In the next section we compare both measures to Americans’ perceptions about the parties, their perceived issue ownership.

3.4 Results

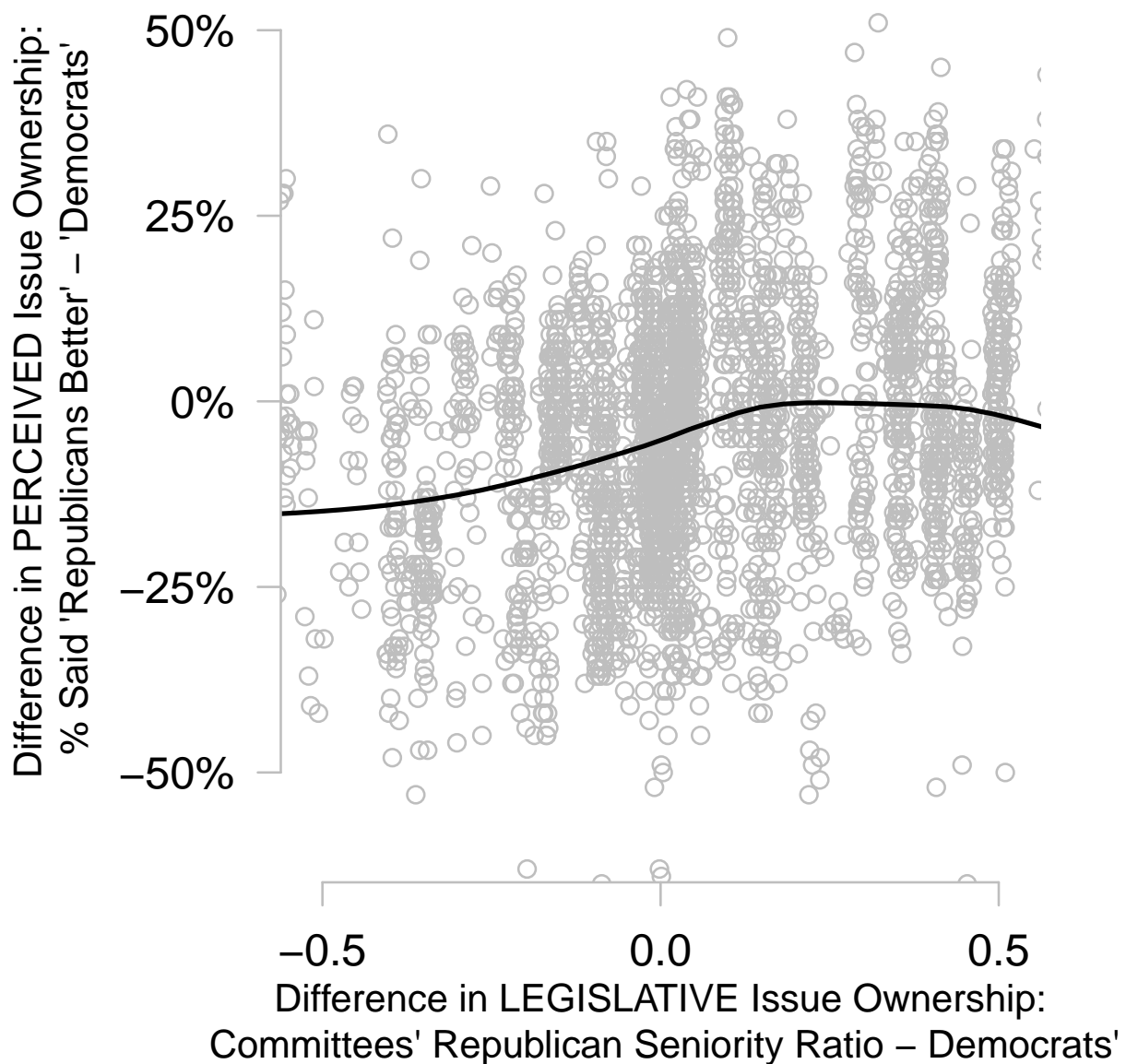
This section empirically tests how well legislative issue ownership predicts perceived issue ownership. We investigate the relationship between the difference in Republican and Democratic legislative issue ownership and the difference in their perceived issue ownership (Republicans - Democrats in all cases). Equation 3.1 represents this relationship with a regression and Figure 3.4 represents it with scatterplots.

$$y_i = \beta x_i + \epsilon \tag{3.1}$$

Figure 3.4 plots the difference in legislative issue ownership measured by the parties’ Senate committee preferences on the horizontal axis and the difference in perceived issue ownership on the vertical. Each circle marks one survey question about a policy issue and an upward sloping cloud would suggest a positive relationship. However that is not the case. A bivariate linear regression has a slope of 0.11 with standard error of 0.01, that is, a standard deviation shift of 0.3 in the difference in committee seniority ratios (e.g. from Republicans and Democrats on the Judiciary committee both having an average seniority equal to the Senate’s, to the Republicans being 30% higher than average while the Democrats remained the same) predicts a 3% change in polling results which, again, is statistically but not substantively significant.

While the relatively straightforward analysis above does not find a relationship between

Figure 3.4: A measure of the relationship between perceived and legislative issue ownership. The horizontal axis represents the difference between Republican and Democratic Senate committees' preferences, the vertical represents the difference between the percentage of survey respondents who said Republicans would do a better job on a policy and the percentage who said Democrats would. Each circle marks one survey question and the committee that covers the same policy area. A point in the upper right would mark a committee clearly preferred by Republicans and the public favors Republicans on that policy by 50% in a given Congress. The association between the parties' perceived and legislative issue ownership appears weak.



perceived and legislative issue ownership, other explanations might uncover an association between the two. For instance, it may be that there is a time lag so that people need to observe the parties in a given year and then adjust their perceptions in the following year. To test this we regressed legislative issue ownership lagged one period on perceived issue ownership in the current period: for committee preferences the coefficient was 0.096 (standard error of 0.01). A standard deviation shift in legislative issue ownership predicts a 2.8% shift in the polls; and so a lagged measure of legislative issue ownership does not have a substantive association with perceived issue ownership either.

3.5 Conclusion

The Democratic and Republican parties have reputations for doing a “better job” in different policy areas - for issue ownership. The question here is how closely the parties’ actual policymaking activity in Congress is related to their reputations, that is, how closely legislative issue ownership predicts perceived issue ownership. Using a new dataset of over 3,000 survey questions we can see the variance in these reputations over time. However, a variety of regressions using Senate committee preferences do not uncover a clear association between the two.

To the extent this conclusion is troubling, it motivates future work. If party reputations do not stem from legislative policymaking then where do they come from? One, presidents “go public” on issues through nationally organized campaigns, e.g. G.W. Bush on Social Security in 2005. As with the Bush example, research has shown these efforts do not clearly lead to policy outcomes. However, perhaps the actual effect from going public manifests in the long term through party reputations, which we know do influence voters decisions and candidates’ campaigns. Two, recent studies of media bias have focused on not just how stories are reported but also which stories. Perhaps the actual “important” bills to perceived issue ownership are the ones the media chooses to cover. Three, perhaps only

ultra-important laws such as the 1965 Voting Rights Act capture the public's attention and imprint a party's reputation for years until another major event in that policy area (a "punctuated equilibrium"). Lastly, how particular is this to the United States and are perceived and legislative issue ownership more closely related in other countries or forms of government?

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Chapter 4

Seen but Not Heard: Committee Visibility and Institutional Change in the Senate National Security Committees, 1947 - 2006

4.1 Introduction

In the post-World War II era, the news media's coverage of Congress has dropped dramatically. The press not only reports less on national governmental institutions than in the past, but also focuses its diminished effort most heavily on the executive branch (Cook 1998, Farnsworth & Lichter 2006, Graber 1994, Hess & Institution 1986). Scholars have investigated the consequences of the decline for public knowledge of the federal government and citizens' trust in elected officials (Arnold 2004, Baum 2002). Very little research, however, has focused on the effect of reduced media attention on the internal workings of government generally and of Congress specifically. An important question thus arises: has the diminished public profile of Congress affected the way members pursue their legislative careers?

If lawmakers have reacted to reduced attention from the press, then a likely place to observe such effects is in the Senate committee system. Congressional committees have functioned across all issue domains as the loci of policy entrepreneurship and executive oversight for more than a century (Deering & Smith 1997, Evans 1991, Fenno 1973, Maltzman 1997, Sheingate 2006). Senate committees, in particular, have been highly visible on the national scene, launching major investigations and legislative initiatives in both international and domestic affairs. For example, the Senate Foreign Relations Committee figured prominently in the construction of the cold-war consensus and its subsequent collapse during the Vietnam War, and the Judiciary Committee has engaged in repeated conflicts with the executive, such as the Watergate hearings, impeachment proceedings, challenges to judicial appointments, and, most recently, inquiries regarding domestic surveillance. A wide variety of policy innovations, ranging from environmental and consumer protection in the 1970s, to defense procurement in the 1980s, to health insurance in the 1990s, has emerged from Senate committees. In short, changes in committees reverberate throughout Congress, affecting individual lawmakers, domestic and foreign policy, and rivalry between the legislative and executive branches.

This article is the first to address the implications of declining trends in congressional media coverage by focusing on changes in the visibility and attractiveness of the Senate's national security committees from 1947 to 2006. Examining institutional change at the committee level enabled us to focus on the interplay of internal and external influences and fostered our use of fine-grained data. In addition, we utilized two new measures as dependent variables: 1) to assess media prominence, we cataloged the mentions of specific committees in the New York Times as a percentage of all articles about Congress; and 2) to tap committee desirability, we tracked the distribution of senior lawmakers on Senate committees. The media-visibility measure generates a time series of unprecedented length, thus providing a benchmark for all congressional coverage, as well as for the two national security committees, and facilitating the differentiation of short-term shocks from long-term

trends in media attention. The seniority measure tracks variation from Congress to Congress, in contrast to the commonly cited Grosewart index (Stewart & Groseclose 1999), which aggregates transfers across decades.

We focused on press attention to the Senate Foreign Relations and Armed Services Committees because of similarities and differences in these committees' policy domains and prominence. Trend data for the two committees indicate substantial losses in media visibility and status within the increasingly flat hierarchy of the chamber's committee system, although the patterns are less dramatic for Armed Services. Statistical analysis demonstrates, however, that the direct effects of media coverage on the attractiveness of the two committees cancel out if we account for changes in internal rules and norms and external factors. A further test for a simultaneous relationship between committee attractiveness and media visibility reinforces the importance of other factors over media coverage.

Although generalization across committees is difficult, our research has theoretical and practical implications for the study of Congress more broadly. First, we demonstrate that committees vary in their susceptibility to changes in their external and internal environments. Second, our findings shed light on debates in the literature about the nature of members' preferences, indicating that members adapt their choices to internal rules and structures (Rohde 1995), as well as to exogenous stimuli (Cooper & Rybicki 2002). Third, our analyses draw attention to the unintended consequences behind many institutional changes in Congress (Schickler 2001). Finally, our results raise questions about the consequences of an altered media environment for the capacity of senators to shape public discourse about international affairs (Zaller 1992).

In the following section, we develop hypotheses regarding the role that media attention plays in lawmakers' determination of their investment in Senate committees. We next describe measures of committee visibility and attractiveness, presenting trends from 1947 to 2006 before discussing indicators of internal rules and norms and external stimuli. We then turn to the analysis, showing how ordinary least squares (OLS) demonstrates the influence

of media attention on committee attractiveness while controlling for shifts in the salience of national security issues and structural developments over time. Finally, we present two-stage least squares (2SLS) regression results to illuminate the interdependence of committee attractiveness and visibility. We conclude by discussing the implications of our findings.

4.2 The Role of the Media in Committee Change

The centrality of committees to the legislative process makes them a staple of congressional research. Scholars have tackled committee member goals (Fenno 1973), logrolling (Shepsle & Weingast 1981), information provision (Krehbiel 1991), partisan agenda control (Aldrich 1995, Cox & McCubbins 2005), and committees' roles as agents of the parties and the chamber (Maltzman 1997). The assumptions embedded in these models and the focus on individual behavior with respect to committees have led most scholars to treat the committee environment as a given. But Fenno's (1973) depiction of the critical function of external factors in shaping the motivations and strategic premises that lawmakers bring to each committee suggests that long-term shifts in the environment should affect lawmakers' behavior. The media's orientation toward Congress represents a major shift, yet rules and norms governing the assignment process and the salience of particular policy domains vary across time, as well. Assessing the effect of the media's activity for senators thus requires consideration of these other factors.

Senators' political and career ambitions are strongly connected to the national news media. Many senators have sought the presidency, and all senators strive to differentiate themselves from their home-state colleagues in the eyes of constituents (Schiller 2000). The chamber's small size allows members to stand out, while its diffuse leadership and permissive rules foster an individualistic culture that enables members to cultivate the press. Not surprisingly, senators have earned a reputation as the "show horses" of the Congress.

The media, however, make their own judgments about the newsworthiness of political

actors. Despite senators' desire for prominence, journalists apply professional norms and values to determine which events and actors are interesting (Cook 1998). Two factors in particular affect the capacity of senators to garner media attention. First, journalists find Congress difficult to cover because of its reactive nature as an institution and its decentralized structure (Cook 1998, Farnsworth & Lichter 2006, Graber 1994). Second, the media tend to cover issues and events that are salient to readers and to neglect policy domains that are off the public radar (Kingdon 2003). For publicity-minded senators, the media's decisions about what makes news pose a challenge: how do they obtain a piece of the varying and shrinking media pie?

One way senators can respond to this challenge is by avoiding policy domains that fail to excite press coverage. Suppose a newly elected senator, or an incumbent considering a transfer, examines the media attention that individual committees received in the preceding Congress. From that observation, the legislator can estimate the committee's level of future visibility. As senators shun particular committees and gravitate toward others, a reordering of preferred committees gradually occurs, with some committees gaining and others losing favor among senators. In this formulation, a committee's prior visibility has a direct effect on its subsequent ranking.

$$\text{Attractiveness}_t = f(\text{Media Visibility}_{t-1})$$

A second possibility is that senators endeavor to capture a share of declining media coverage by broadening their issue portfolios, so that they are in a position to attract the spotlight as public — and media — attention shifts. This strategy requires flexible rules that enable senators to add committee assignments.

$$\text{Attractiveness}_t = f(\text{Internal Institutional Structures}_t)$$

A third approach is for senators to observe recent events and determine which particular

policy areas excited public interest or met with popular indifference. Inferring that the press varies its coverage of different committees in response to changes in the political salience of various issues, senators can seek out the committees they expect to be most visible.

$$\text{Attractiveness}_t = f(\text{External Stimuli}_{t-1})$$

A fourth possibility is that senators forecast the visibility of a committee in the upcoming Congress. At the same time, reporters observe a change in the desirability of a committee among senators and modify their calculations about its newsworthiness accordingly. In this process of mutual adjustment, the ranking of committees responds to the influence of media coverage but also affects the frequency of media attention to a particular committee.

$$\text{Attractiveness}_t = f(\text{Media Visibility}_t)$$

and

$$\text{Media Visibility}_t = f(\text{Attractiveness}_t)$$

The complexity of the relationships outlined here, when coupled with the lack of prior research regarding media influence on institutional change in Congress, obliges us to limit the number of committees in the analysis. The diversity of committees' policy domains means that the political events and environments to which members respond will vary widely. Armed Services members, for example, are likely to pay attention to a surge in military casualties, while senators on Public Works will be more attuned to a rise in highway deaths. Close scrutiny of a wide range of potential influences thus builds confidence in our approach. The Senate Foreign Relations and Armed Services Committees provide an excellent starting point, because they share a similar policy domain - national security - but differ strongly in their relevance to local constituencies. Moreover, they have varied considerably in their visibility in the media and their attractiveness to senators over the 60-year post-war period.

The similarities between the two committees arise from their responsibilities in the crucial issues of war and peace. Foreign Relations is the guardian of the Senate’s unique constitutional responsibilities for treaties and diplomatic appointments. Armed Services is responsible for authorizing and overseeing the nation’s huge defense establishment. Both committees are among the top four “Super A” committees and have well-defined jurisdictions for program authorization with minimal overlap with each other or with different committees.

The two committees also have notable differences. Until the mid-1970s, Foreign Relations was the most prestigious committee in the Congress, but its desirability among senators has dropped precipitously since then (Stewart & Groseclose 1999). Moreover, Foreign Relations was the most visible committee in the broadcast media between 1969 and 1980 (Deering & Smith 1997, 67). Armed Services has not been as prominent, ranking fifth until the mid-1970s, although later moving slightly ahead of Foreign Relations to fourth place (Stewart & Groseclose 1999). Likewise, it has enjoyed considerably less visibility in the press. Most important, Armed Services has a strong connection to states’ economic interests because of its jurisdiction over the authorization of defense programs (Rundquist & Carsey 2002), while Foreign Affairs presides over the perennially unpopular foreign aid program. Overall, Armed Services appears to have been more effective in adapting to the challenges of executive dominance in the realm of foreign and defense policy (Deering 2005, Deering 2001).

4.3 Measures and Trends, 1947-2006

The propositions about the relationship between media coverage and committee choice represent a complicated theoretical story and pose measurement challenges. The most important task was to develop more frequent measures of changes in the media environment and the Senate committee hierarchy over the post-World War II period. We also had to create indicators for internal rules and norms with respect to committee assignments and external stimuli.

4.3.1 Media Trends

The diversity of the news media and the difficulties of collecting and coding data had significant consequences for the scope of our inquiry. Analysis of institutional change requires a lengthy time series to establish benchmarks and to separate short-term shocks from long-term influences. Coverage of all congressional committees, for example, was generally higher from 1975 to 1980 than 1969 to 1974 (Deering & Smith 1997, 67), raising questions about the appropriate baseline for determining whether individual committees' shares of institutional coverage have been rising or falling over time.

Scholars of the media and Congress have adopted different strategies to deal with the formidable obstacles of data collection. Some have looked systematically at local coverage of a sample of members (Arnold 2004); others have focused on senators' strategies for dealing with the national media (Hess 1986). Still others have examined coverage of members in the context of major statutes (Rozell 1994) or specific events, such as lawmakers' public statements about the Iraq war (Howell & Pevehouse 2007). Researchers tend to confine their attention to either print or broadcast media, although some have investigated both (Farnsworth & Lichter 2006, Howell & Pevehouse 2007). Finally, most media-oriented studies of Congress or its members have relied on cross-sectional designs (Arnold 2004), although Farnsworth & Lichter (2006) compared coverage for one year in each of several decades, and Lichter & Amundson (1994) looked at one month across multiple years.

None of the existing studies has had enough observations to control for short-term variations sparked by unusually salient congressional activity or to establish a baseline of overall institutional coverage. Our research addresses both of these obstacles: first, we compiled mentions in the New York Times from all articles — not simply the front page, as many scholars have done — about the Senate Armed Services and Foreign Relations Committees from 1947 to 2006; second, we estimated the total coverage of Congress and its members from a probability sample of Times coverage, which yielded a total of 810,000 raw observations. We built up both datasets from daily frequencies to produce aggregate measures by year,

using the Proquest Historical and LexisNexis search engines.

Figure 1 presents the total mentions of Congress and its members in New York Times news articles, corrected for mismatches (for example, mentions of the Congress on Industrial Organizations) or irrelevant events (such as members' social engagements).¹ The graph makes two trends quite clear: an overall decline in the number of stories about Congress and a natural variability of coverage from month to month. The loess-smoothed line underscores this decline, and a least-squares fit of the data produces a slope of -0.5, meaning that, on average, the New York Times has produced six fewer stories about Congress every year. Over nearly 60 years, then, the result is the difference between nearly 800 stories per month in 1947 and only about 450 in 2006.

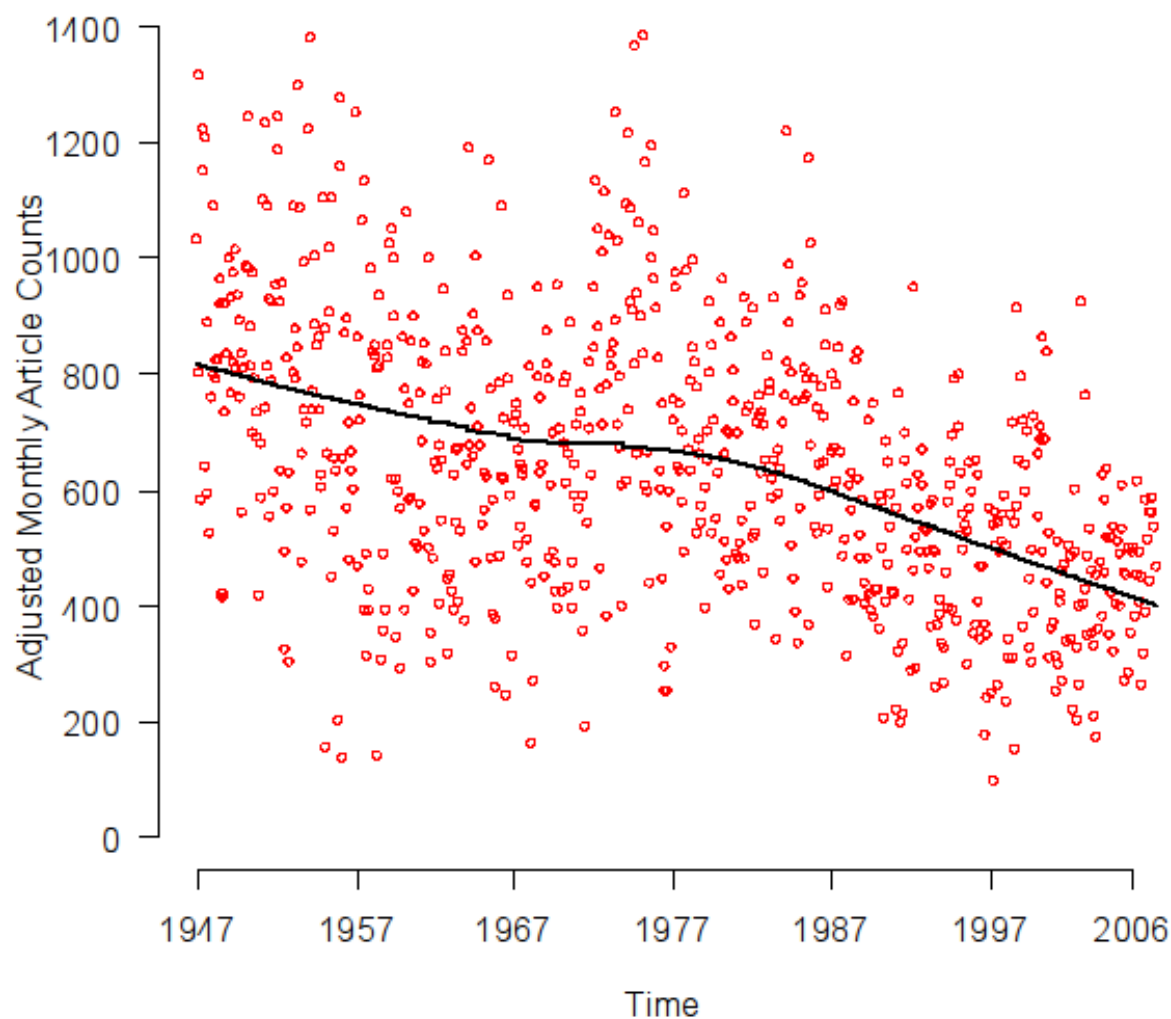
Given the overall shrinkage of congressional coverage, how well did the national security committees fare? Figures 2a and 2b graph New York Times mentions for each committee on the left-hand axis as a percentage of all mentions of Congress, and the downward trends are striking for both.² At the start of the cold war, Foreign Relations coverage equaled more than 4% of all congressional coverage, but the committee rapidly lost visibility beginning in the 1970s. Armed Services, although less newsworthy, was a presence until the early 1960s, when

¹Our quality-check procedure followed the logic of a classic probability problem: estimating the number of “duds” in a bomb factory without blowing up all the munitions. After selecting appropriate search parameters in Proquest and LexisNexis to identify articles pertaining to Congress, we took a random sample of 10 articles per month, approximately 6,800 articles, and read them to see if they were “duds” (for example, wedding announcements or reports on organizations such as the American Jewish Congress). The average number of duds remained fairly steady around 40%. The Times did not publish from August 10 to November 6, 1978, so we estimated the count using the averages of the observations and the duds from the previous two-year period.

²For the mentions of Foreign Relations and Armed Services, we inspected the articles and deleted mismatches and election campaign coverage, unless the candidates' campaign positions or statements were connected to their committees. Since the Proquest data end at 2005, the data for subsequent years came from LexisNexis.

Observations for the committees were complicated by the fact that the Times is the hometown paper for senators from New York and New Jersey, who have been prominent members of Foreign Relations [Jacob Javits (R-NY) and Clifford Case (R-NJ)] or Armed Services [Hillary Rodham Clinton (D-NY)]. We deleted all references that did not involve these senators' respective committees, such as mentions of the legislator obtaining a grant for a local hospital. In addition, we deleted references about presidential nominees, Senators John F. Kennedy (D-MA), John Kerry (D-MA), and Hillary Clinton, that only contained passing reference to their committee membership unless the article mention was relevant to foreign or defense issues in their campaigns or their activities on the committee. Finally, we deleted articles regarding civil rights battles involving Senators Richard Russell (D-GA) and John Stennis (D-MS), both chairs of Armed Services.

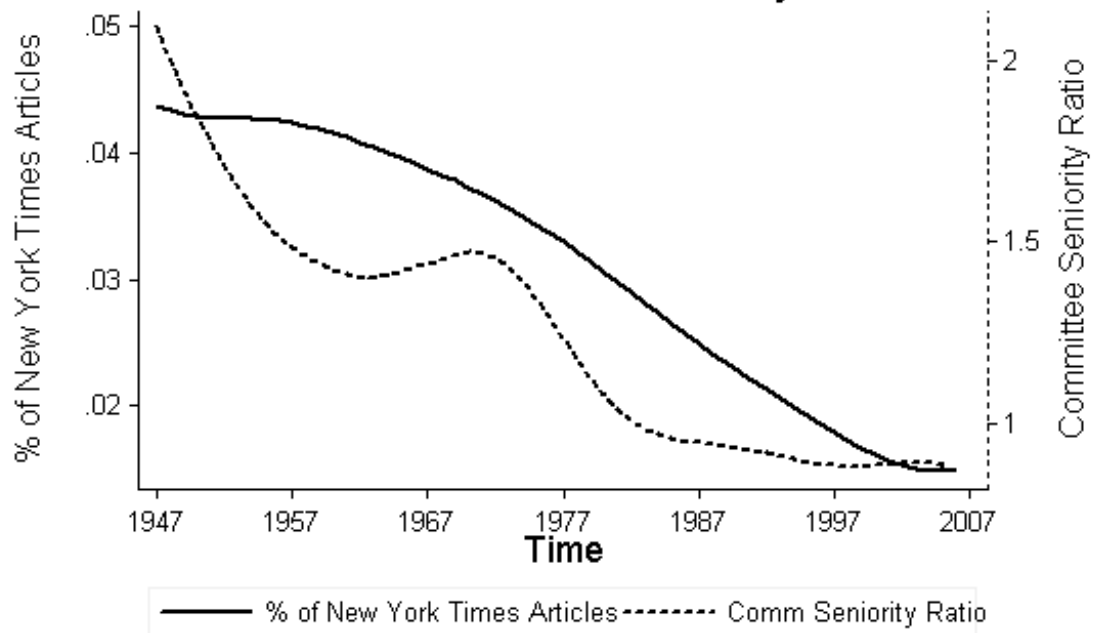
**Figure 1. Declining New York Times Coverage:
Mentions of Congress By Month**



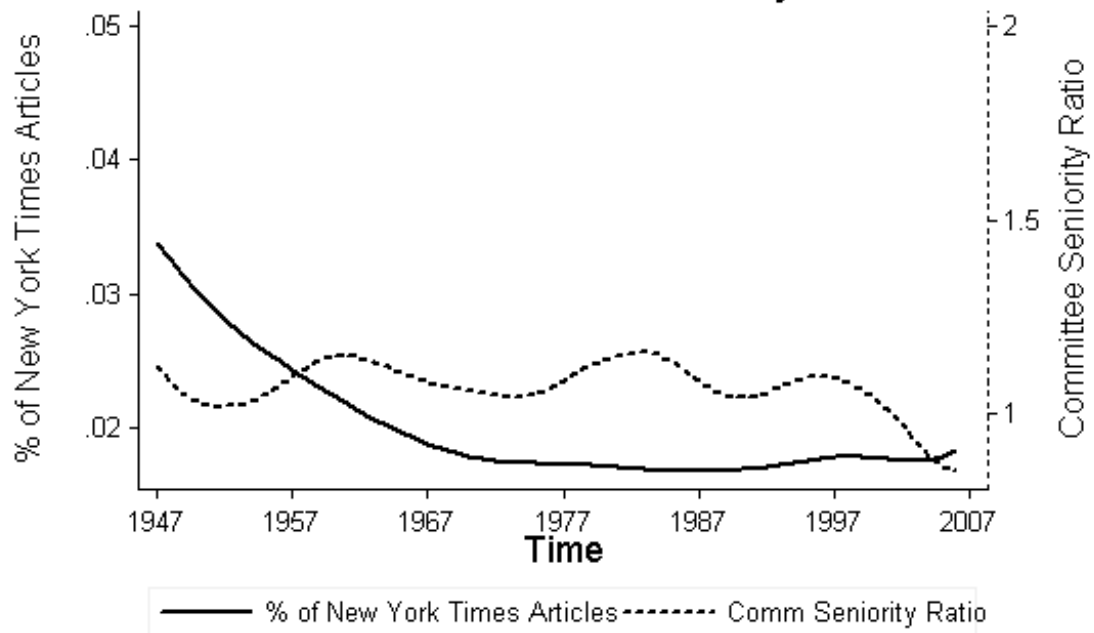
its coverage fell to less than 1% of the total congressional coverage, where it remained until improving slightly after the mid-1990s. A separate analysis of New York Times headlines mentioning the chairs of the two committees, not presented here, revealed similar patterns.

Two important trends in the media are not included in the analysis. The first is the overall decline in press attention to other national governmental institutions, which is a formidable topic that undoubtedly deserves its own article. What matters for senators evaluating committees is enhancing their share of the congressional media pie by choosing

**Figure 2a. Foreign Relations:
New York Times Ratio & Seniority Ratio**



**Figure 2b. Armed Services:
New York Times Ratio & Seniority Ratio**



among the committee slices available to them, not the greater visibility of the presidency or the overall decline in coverage of national politics, which they cannot avoid. The second trend is the de-emphasis among the press of international affairs. The New York Times has a reputation for continuing to pay significant attention to foreign and defense policy. Consequently, the declines shown in Figures 2a and 2b might have been even steeper had we examined television coverage or different newspapers.

4.3.2 Changes in Committee Attractiveness

Scholars typically have tapped into the committee hierarchy in Congress by examining legislators' transfers off and on individual committees, captured most recently by (Stewart & Groseclose 1999). The Grosewart index for the Senate revealed a striking downward shift in the fortunes of Foreign Relations between the 94th and the 102d Congress and a slight increase in the attractiveness of Armed Services from fifth place to fourth over the same period. The Grosewart index provides only two values for the entire post-war period, and it ends with the 102d Congress, which limits its suitability for statistical analysis of long-term trends in committee attractiveness. We developed an alternative measure, the "seniority ratio," which reflects the fact that both parties in the Senate rely heavily on seniority to assign members to committees (Schneider 2003). The ratio yields a value for each Congress, generating 30 observations for each committee from the 80th to 109th Congresses instead of only two.

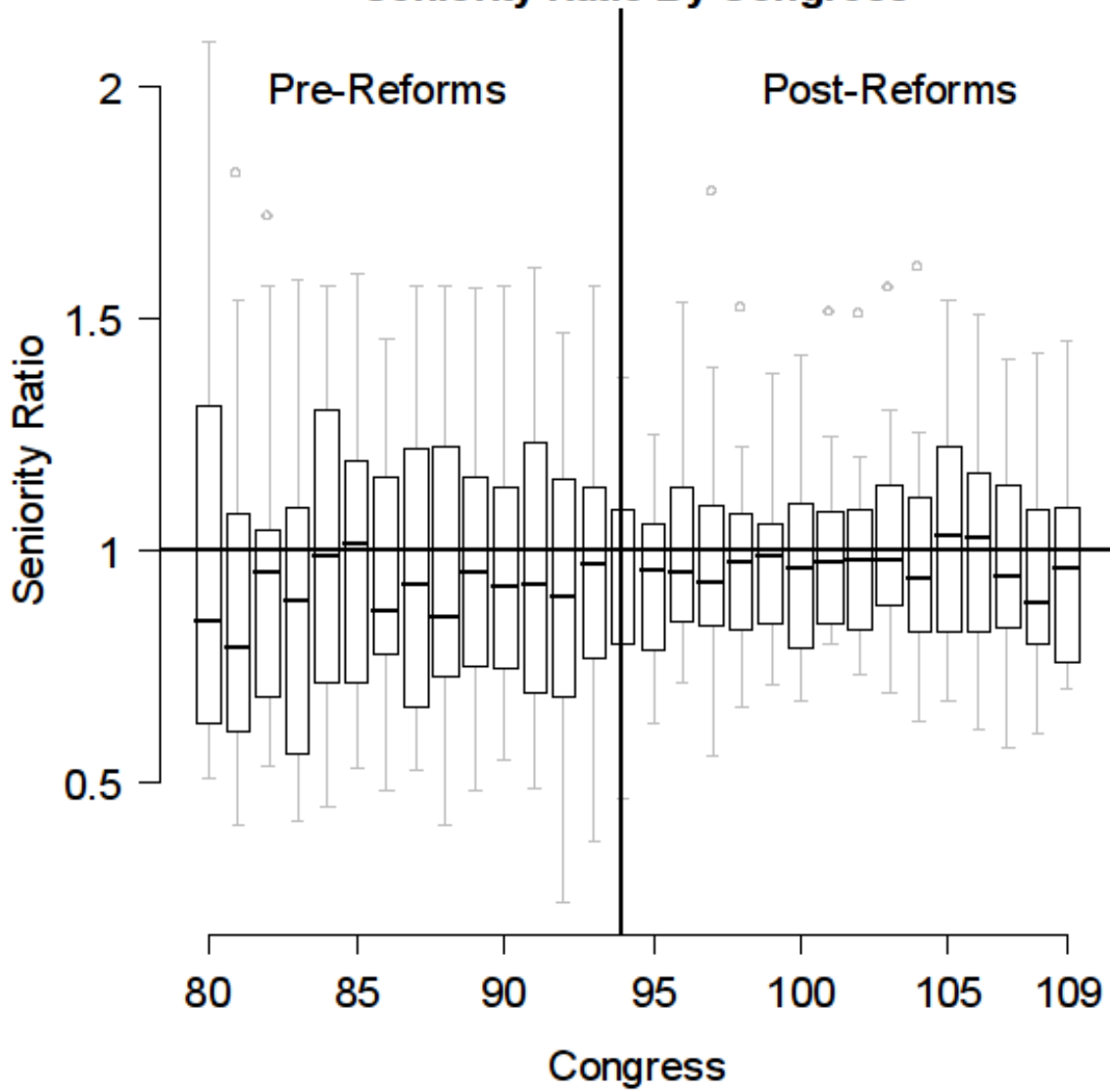
Since 1953 and the adoption of the Johnson Rule, the committee assignment process in the Senate has balanced two objectives: satisfying incumbent senators who wish to add or transfer committees and ensuring that newly elected senators receive at least one assignment to an influential committee. The Senate relies heavily on seniority to award committee slots (Schneider 2003), so highly desirable committees have a disproportionate number of long-serving members. An analogous situation occurs in football stadiums, where longtime ticket-holders dominate the choice seats on or near the 50-yard line.

A member's seniority is defined as the member's number of continuous years of service in the Senate. Summing the seniority of each committee member and dividing it by the number of senators on the committee generates the average seniority for that committee.³ Knowing a committee's average seniority allows us to compare committees within a given Congress. For example, Appropriations and Agriculture had average seniorities of 12.9 and 10.3 years, respectively, in the 86th Congress (1959-60). Simple averages do not allow comparison across Congresses, however, because the level of seniority in the Senate in any given year depends on the number of retirements and electoral defeats. A flood of incoming senators lowers most or all committees' average seniorities, but not because of any shifts in senators' strategic decisions to add assignments to their portfolios. To control for the fluctuating level of seniority in the Senate, we divided each committee's average seniority by the average seniority of the entire Senate. The key feature is therefore the seniority ratio's deviation from one. For instance, the Armed Services Committee had a seniority ratio of 1.25 in the 105th Congress, 25% greater than if the Senate had filled the committee by lottery.

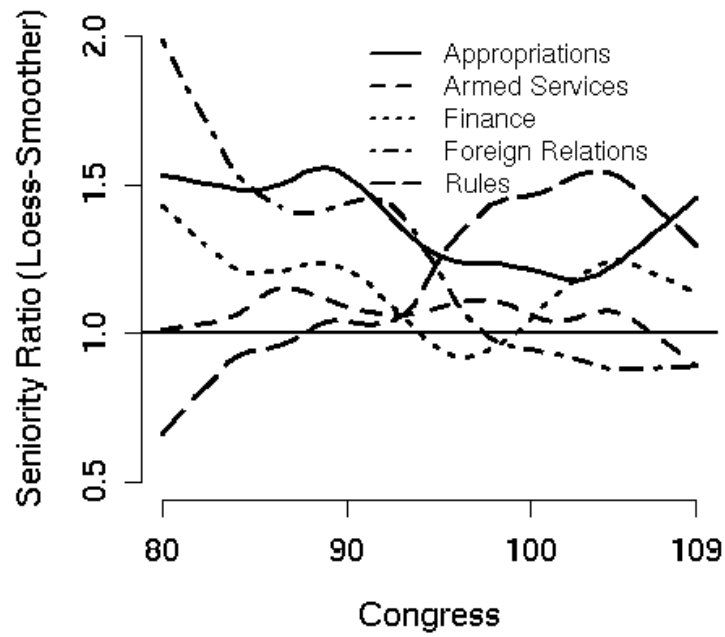
Figure 3 indicates leveling of the committee hierarchy through box plots that show compression in the distribution of seniority ratio scores for all Senate committees over time. Each box gives the 25th, 50th, and 75th percentile values (the interquartile range), and vertical lines mark the minimum or maximum value within 1.5 times the interquartile range. Open circles designate outliers beyond those maximum and minimum values. At the point indicating the 94th Congress (1975), a vertical line divides the conventional pre- and post-reform Congresses.

³Senators' seniority scores for the 80th-109th Congresses came from the Congressional Directories and the U.S. Senate Historical Office at www.senate.gov. Committee assignment data came from Nelson and Bensen 1993 and Stewart and Woon 2006, both available on Charles Stewart's website (<http://web.mit.edu/17.251/www/data-page.html>).

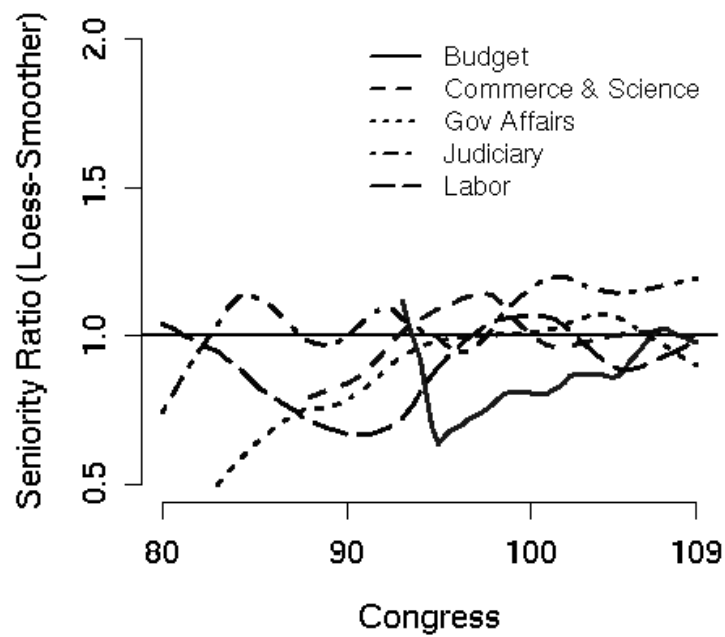
Figure 3. Trend in Senate Committees' Seniority Ratio By Congress



**Figure 4a. Changes in Seniority Ratio:
"Super A" Committees By Congress**



**Figure 4b. Changes in Seniority Ratio:
"Policy" Committees By Congress**



A closer look at individual committees indicates that distinctions still remain among committees and that the flattening of the committee hierarchy has had a particularly damaging effect on Foreign Relations. Figure 4a displays the prestigious Super A committees plus Rules, which emerged in our analysis and the Grosewart index as a top committee in recent years. Armed Services has been the most consistent committee in terms of its concentration of long-serving members, tracking for the entire period very close to one, although it has now dipped below one. Foreign Affairs dropped precipitously after boasting the greatest concentration of senior lawmakers, falling below Armed Services. Appropriations has retained the prestige it derives from the power of the purse, and Finance has recovered from its relatively brief period of greater junior representation. What is striking is how far Foreign Relations has dropped in comparison not only to the Super A committees but also to the policy committees shown in Figure 4b. The big winner appears to be Judiciary, which increased its seniority ratio substantially after the 98th Congress and now outranks Armed Services and Foreign Relations while drawing even with Finance. Referring back to the right-hand axes in Figures 2a and 2b, we see that the committees' loss of prestige tracks closely with their decline in media visibility.

The figures indicate that a more frequent measure of committee desirability can illuminate trends and generate substantively clear interpretations of their meaning. Yet the seniority ratio does not convey the opportunity costs of giving up one committee for another, which is such an important attribute of the Grosewart index. Both the Grosewart index and seniority ratio are measures of senators' revealed preference. The former aggregates senators' movement among committees to generate a summary ranking over many years of time; the latter taps senators' long-term investment in particular committees and reveals how the process of adjustment changes from year to year. Having addressed the relative tradeoffs between the two measures in other papers (Fowler & Law 2008), we confine ourselves here to a brief summary of the key similarities and the major source of difference.

For the pre-reform period, the two measures tap the same phenomenon. The orderings

are similar and the rankings are correlated at .88, with the chief sources of disparity being the introduction of the Aeronautics Committee in the 85th Congress and a tendency among senior members to retain seats on Agriculture. Between the 94th and 102d Congresses, the ordering of committees differs, and the two measures correlate at only .57, which increases to .64 with the inclusion of seniority data through the 109th Congress. In addition, the two indices indicate a general flattening of the Senate hierarchy after the 94th Congress, with the range of the values narrowing considerably, largely as a result of a drop in the scores for the top committees. Moreover, both measures detect the rise in the desirability of the Senate Rules committee in the post-reform era. Finally, both measures put Appropriations, Rules, Finance, and Armed Services in the top five committees and demonstrate a high level of agreement on the ranking of the least preferred committees, such as Banking and Small Business.

The chief differences between indices arise from the relative valuation of Judiciary and some mid-level policy committees, as well as the most desirable constituency committees, such as Agriculture and Commerce. Foreign Relations seems to have suffered from its designation as a “Super A” committee (Deering 2005) — junior senators who ended up there to satisfy the requirement that everyone get a top committee transferred off of it at the first opportunity, as most dramatically illustrated by the departure of four first-term Republican senators from the committee in 1995.⁴ The more important consideration, however, is that transfers to most committees became potentially less costly for senators who were able to add new committees to their portfolios without necessarily giving up existing assignments (see Fowler & Law (2008)). Consequently, a transfer to Armed Services or even Finance did not necessarily require a transfer from Judiciary. As we shall see, senators expanded their number of assignments significantly.

In the end, the two measures reveal important information about member goals and have

⁴In the five Congresses from 1991 to 2002, 12 Republicans and five Democrats transferred off Foreign Relations.

many similarities. The seniority ratio simply shows us how the process of change evolved. Both measures reveal a dramatic change in the status of Foreign Relations, and the disparity in their ranking of some committees depends on very small discrepancies in cardinal values. Their chief difference arises in the valuation of mid-level committees, which are the ones most affected by changes in the assignment process. When researchers need a continuous measure of committee attractiveness, then, the seniority ratio does not appear to introduce serious risks of error.

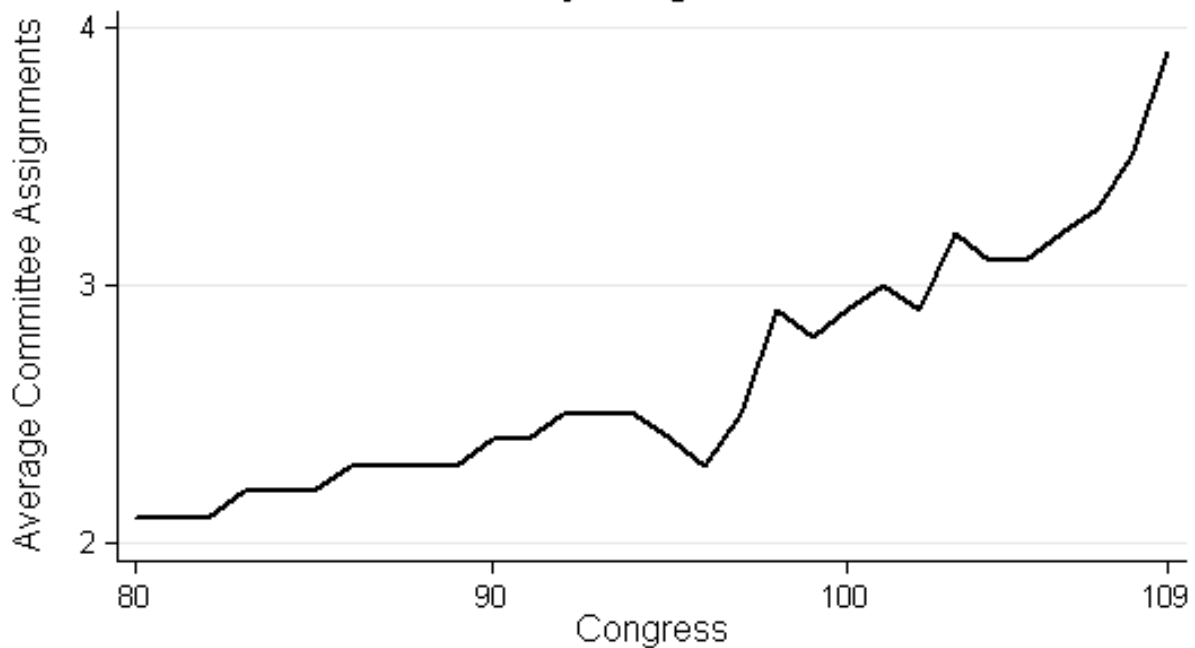
4.3.3 Changes in Internal Rules and Norms

The relatively flat hierarchy among Senate committees demonstrated in Figure 3 arose from the efforts of both junior and senior senators. Junior senators sought the transformation of the institution from an intimate club dominated by a clique of committee barons to a freewheeling chamber of policy entrepreneurs (Sinclair 1989); they were eager to address new issues and to gain credibility among the burgeoning interest groups on Capitol Hill (Deering & Smith 1997, Sinclair 2001). In addition, party leaders accommodated demands from senior members to broaden their policy portfolios. The result was a win-win solution for newcomers and veterans in which the committees became larger and norms about the maximum number of assignments per senator relaxed (Fowler & Law 2008). Senate committees thus expanded from relatively intimate groups of 13 to 14 members in 1947 to organizations boasting 20 or more senators. Foreign Relations, for example, had 13 members in 1947, 21 in 1965, and now has 19. Armed Services also had 13 members in 1947 and has, through steady accumulation, 25 members today.

Figure 5 reveals that the average senator served on two committees in the 80th Congress, 2.5 committees in the 95th Congress, and 3.9 in the 109th Congress.⁵ The number of

⁵An alternative measure might be the standard deviation instead of the mean committee assignments per member. In the regression analysis, however, we wanted to predict each committee's central tendency, which suggested using the mean, median, or mode. In addition, a check of individual senators' portfolios in recent years suggests that the propensity to sit on numerous committees is a widespread phenomenon.

**Figure 5. Average Committee Assignments Per Senator
By Congress**



Data from Ornstein (2002) et al. supplemented with information from the annual Congressional Directories compiled by the authors.

committees and the number of senators have remained relatively constant over the post-war period, so this expansion has enabled members to cover an increasing number of policy domains. Harking back to the stadium analogy, we could say senators were allowed to move to the 50-yard line while retaining a spot near the end zone.

Another major trend within the Senate was the rise in polarization between Democrats and Republicans beginning in the mid-1980s (Sinclar 2005). The parties became more ideologically homogeneous and the distance between the parties' median senators increased (McCarty, Poole & Rosenthal 2006). A similar pattern in the House led to the emergence of conditional party government (Aldrich & Rohde 2001), although the causes and effects of the trend in the Senate are not clear. The sorting of partisans that has occurred on the Senate floor is apparent in the DW-NOMINATE scores for members of both the Senate Foreign Relations and Armed Services Committees (Poole & Rosenthal 2011). During much

of the post-war era, Foreign Relations and Armed Services had Republican senators who were to the left of the most conservative Democrat and Democratic senators who were to the right of the most liberal Republican, but this overlap disappeared by 1995. Whether or not increased party divisions on the floor led to heightened tensions within committee is a question for another article; nevertheless, the possible effects of polarization on committee desirability are worth considering.

4.3.4 External Events and Stimuli

Recognizing the importance of external stimuli in shaping the strategic premises of individual committees, we would expect senators' attraction to Foreign Relations and Armed Services to increase as foreign and defense policies become more salient. Three different types of influences are particularly important: the size of the committees' budgetary jurisdictions, the number of military casualties, and the value the public assigns to international affairs. In addition, the end of the cold war represented a major shift in the nation's strategic posture.

Budget authority is a major determinant of committee status, and the difference between Armed Services and Foreign Relations is substantial. At the start of the cold war, the two budgets were fairly close in terms of dollar amounts, although they have diverged substantially over time, with Department of Defense (DOD) programs rising steadily and State Department operations and foreign aid remaining relatively flat. The DOD budget has been more volatile, however, depending upon the level of military engagement at different points in time. Two possible ways of measuring budgetary authority are as a percent of the total federal budget, which includes domestic entitlements, or as a percent of the discretionary federal budget, which does not. Both defense and foreign policy fall into the discretionary category, which constitutes roughly 20% of federal expenditures, so both areas are subject to intense competition for a decreasing share of the total budget. Nevertheless, expansion of entitlement programs has been the most important feature of the contemporary federal budget, fueling legislative battles throughout the post-war period. Using the total budget as

the denominator better captures these macro-level trade-offs and their effects on the relative prestige of Armed Services and Foreign Relations.⁶

War casualties are another important external factor likely to affect the attractiveness of the national security committees. Given Armed Services' jurisdiction over military personnel and the responsibility of both Foreign Relations and Armed Services to oversee the executive's performance in the conduct of war and diplomacy, senators might respond to constituency concerns or act on a general desire to be closer to the action when the stakes increase. We obtained the number of soldiers and civilians killed in a military conflict involving the United States (Lacina & Gleditsch 2005, Strand 2004). Lacina & Gleditsch (2005) argue that combining fatalities gives a more accurate picture of the intensity of a conflict. (Separate analyses of military casualties reported by the DOD, or the frequency per year of the president's initiation of military operations, produced insignificant coefficients.)

Finally, lawmakers have incentives to adjust their committee preferences when national security issues are more salient to the public. Reelection concerns or presidential ambitions may motivate lawmakers to increase attention to Foreign Relations or Armed Services at times of heightened international crisis. In addition, the visibility of the two committees should rise as reporters pay more attention to senators' views on dangerous situations. The Gallup survey's question regarding the "most important problem" facing the country provides a frequent measure of the salience of foreign and defense policy.⁷

Table 4.1 summarizes the different measures of external influences on committee attractiveness. It also provides descriptive statistics for these variables and for the indicators of media visibility, committee attractiveness, and internal rules and norms.

⁶The Office of Management and Budget did not separate discretionary and non-discretionary spending until 1962.

⁷We used the Gallup survey to obtain the percentage of respondents who identified foreign or defense policy issues as the "most important problem" facing the country.

Table 4.1: Descriptive Statistics of Variables, 1947-2006

Variable	Mean	Std. Deviation	Min	Median	Max
Outcome Variables					
F.R. Committee Seniority	12.4	2.5	7.9	11.9	17.4
A.S. Committee Seniority	11	1.8	7.2	11.3	14.2
Predictor Variables					
NYTimes Articles, Congress	15336	3206	9562	15687	21278
NYTimes Articles, F.R.	506	252	146	541	1000
NYTimes Articles, A.S.	304	166	79	246	780
NYTimes Ratio, F.R. (L)	3.2%	1.2%	1.2%	3.2%	5.1%
NYTimes Ratio, A.S. (L)	1.9%	0.9%	0.7%	1.8%	4.1%
Avg. # Committee Assignments	2.65	0.47	2.1	2.5	3.9
Chamber Seniority Control	10.32	1.74	7.23	10.54	13.45
Ideological Polarity	0.62	0.1	0.43	0.61	0.89
Public Opinion (L)	15%	12.9%	0.1%	12.8%	42.6%
Budget, International	3.1%	3.4%	0.9%	1.9%	16.1%
Budget, Defense	33.8%	15.5%	16.3%	27.4%	69.5%
Ln(Budget), International (L)	-3.8	0.8	-4.7	-4	-1.8
Ln(Budget), Defense (L)	-1.2	0.4	-1.8	-1.3	-0.4
Casualties	124739	213027	2	7995	642300
Ln(Casualties) (L)	7.1	5.2	0.7	9	13.4
Cold War ('89)	0.73	0.45	0	1	1
Staff Size, F.R.	66	33	4	65	115
Staff Size, A.S.	54	35	7	53	105

NOTE: (L) denotes variables whose values were lagged by one Congress in regressions. Note that in some cases this cut off the first value, 79th Congress 1945-46, which results in decreasing the number of observations to 29.

4.4 Model Specifications and Results

To assess the relative power of the media over committee attractiveness, we ran separate analyses for Armed Services and Foreign Relations. The dependent variable is the committee's seniority ratio,⁸ and the unit of analysis is each Congress. The small number of observations prohibits the inclusion of fixed effects for individual committee chairs, and the results were robust to including a dummy for the cold war. Bootstrap simulations provide more conservative estimates of the standard errors.

As noted earlier, senators have four strategic possibilities to adapt to a changing media environment. We first used the regression model to test the relative influence of media

⁸A separate analysis, with average committee seniority as the dependent variable and chamber seniority on the right-hand side, yielded similar results.

visibility, internal rules and norms, and external stimuli. The results appear in Table 4.2.

$$\begin{aligned} \text{Committee Seniority Ratio}_t = & \text{NYTimes Ratio}_{t-1} + \text{Mean Comm. Assign}_t \\ & + \text{Polarity}_t + \text{Ln}(\text{Budget})_{t-1} + \text{Ln}(\text{Casualties})_{t-1} + \text{Gallup}_{t-1} \end{aligned}$$

We then considered the possibility that senators, instead of looking at past levels of coverage, gear their committee requests to forecasts of visibility in the upcoming Congress.⁹ We used a two-stage least-squares simultaneous-equations model to detect the presence of a feedback loop in which committee status and media visibility might affect each other in the same time period. Results are shown in Table 4.3.

$$\begin{aligned} \text{Committee Seniority Ratio}_t = & \text{NYTimes Ratio}_t + \text{Mean Comm. Assign}_t \\ & + \text{Polarity}_t + \text{Ln}(\text{Budget})_{t-1} + \text{Ln}(\text{Casualties})_{t-1} + \text{Gallup}_{t-1} \end{aligned}$$

$$\begin{aligned} \text{NYTimes Ratio}_t = & \text{Committee Seniority Ratio}_t + \text{Ln}(\text{Budget})_t \\ & + \text{Gallup}_t + \text{Ln}(\text{Casualties})_t + \text{Staff Size}_t \end{aligned}$$

Serial correlation is a concern because of the data's time-series nature, so we used a variety of tests to check for the level of autocorrelation. First, plots of the residuals versus fitted values did not present any clear structure, and the regression slope coefficients for those plots were never significantly different from 0. Second, the Lagrange Multiplier test did not reveal significant serial correlation. Third, an AR(1) specification of the regressions gave substantively similar results. Further, our investigation of outliers using plots of externally studentized residuals uncovered no points with inordinate influence on the final results.

⁹Senators make their committee requests at the beginning of each Congress and thus look back on the prior term for concrete evidence of how the committee environment has changed in terms of media visibility, budget, casualties, and public opinion.

Table 4.2: Committee Prestige Regressions, Outcome Variable is Seniority Ratio

Variable	Media	Foreign Relations Internal External	All	Media	Armed Services Internal External	All
NYTimes Ratio (L)	20.8 (2.2) ***		-1.61 (-5.6)	-5.06 (2.23) **		-4.3 (2.86) *
# Committee Assignments		-0.34 (0.16) **	-0.19 (0.13) *		-0.14 (0.10) *	-0.07 (0.13)
Ideological Polarity Control		-1.3 (0.9) *	-0.5 (0.7)		0.3 (0.5)	0.1 (0.5)
Ln(Budget) (L)			0.27 (0.04) ***		0.11 (0.06) **	0.1 (0.1)
Ln(Casualties) (L)			0.02 (0.01) ***		-0.02 (0.004) ***	-0.01 (0.004) ***
Public Opinion (L)			0.39 (0.22) **		-0.05 (0.20)	-0.09 (0.21)
Constant	0.5 (.01) ***	2.9 (0.3) ***	2.4 (0.5) ***	1.16 (0.06) ***	1.32 (0.10) ***	1.52 (0.22) ***
N	29	30	29	29	29	29
R squared	0.65	0.67	0.84	0.13	0.4	0.52

Note: [] denotes bootstrapped standard errors for 2000 simulated trials, *p less than .1, **p less than .05, ***p less than .01, one-tailed tests. OLS regressions. (L) indicates variables lagged by one Congress, reflecting prior committee history. Analysis is by Congress, beginning with 81st (1949), because of lagged variables, through 109th (2006).

Under each committee’s heading in Table 4.2, the first three columns address the separate effects of media internal institutional features and external factors. The fourth columns present the relative effect of the explanatory variables in a combined model. Regarding the direct influence of media visibility on committee attractiveness, the figures in Table 4.2 reveal a statistically significant relationship for each committee, albeit in opposite directions. Substantively, if the percentage of congressional coverage mentioning Foreign Relations went from 0% to 100%, then the committee’s seniority ratio would increase by a factor of 20 — which is a huge but purely hypothetical change, since that would require that the media discuss Foreign Relations in every Congress article for an entire year. More within the realm of possibility, a standard-deviation increase in news coverage of 1.2% correlates with a 0.25 increase in the seniority ratio, while a standard-deviation increase in Armed Services’ visibility of 0.9% decreases the seniority ratio by 0.4.¹⁰ These different results are consistent with the fact that Foreign Relations has had a strong pull for senators with presidential ambitions, whereas Armed Services has had an equally powerful constituency attraction. Being a player in international affairs depends upon visibility, but promoting bases and defense contracts in a senator’s home state is probably best served through back-channel negotiations and logrolling.

As for internal factors, ideological polarity and the average number of committee assignments are statistically significant and negatively related to the attractiveness of Foreign Relations, but only the committee-assignment variable is significant for Armed Services. Substantively, increasing the average number of assignments by one committee leads to a 0.34 decrease in the seniority ratio of Foreign Relations and a 0.14 decline for Armed Services. Recall from Figure 5 that 48 years elapsed before the average number of committee assignments

¹⁰For explanatory variables that lack a substantively meaningful scale, a change in the standard deviation yields more-comprehensible results. Multiplying the regression coefficient for media visibility in Table 4.2 by its standard deviation in Table 4.1, for example, yields a value for Foreign Relations of 20.81×0.012 , or 0.25, for the change in the seniority ratio.

increased by one, but sharper increases occurred thereafter. As transfers became less costly, both committees were affected, albeit to different degrees. A standard-deviation increase in polarity on Foreign Relations of 0.1 leads to a 0.12 decrease in its seniority ratio. Again, the differing jurisdictions of the two committees seem to be at work: party conflict depressed the appeal of Foreign Relations but exerted little influence on Armed Services' members' investment in promoting their states' economic interests through defense spending.

The effect of external events on committee attractiveness for Foreign Relations can be seen in the significant and positive relationships with higher budgets, casualties, and public opinion. For Armed Services, budget is significant and positively related to committee attractiveness, but the relationship with casualties is negative. A standard deviation increase in casualties yields an increase of 0.0008 or a decrease of 0.0008 in the seniority ratio for Foreign Relations and Armed Services, respectively.¹¹ For both the casualties and budget variables, the results are statistically significant but not substantively important. With public opinion, when the frequency of people who say defense is the country's most important problem rises by one standard deviation — 12% — the seniority ratio for Foreign Relations increases by 0.05.

When we combine the competing explanations in a single model, the media-visibility variable is no longer significant for Foreign Relations. Media visibility is also less significant and negative for Armed Services; a standard-deviation increase in media visibility yields a 0.03 decrease in the committee's seniority ratio. Among the internal institutional explanatory variables, a rise in the mean number of committee assignments continues to exert a negative influence on the attractiveness of Foreign Relations, with a 0.19 decrease in the seniority ratio. As for external stimuli, the casualties, budget, and public-opinion variables retain their statistically significant, but substantively small, effect on Foreign Relations. Only casualties continue to have an effect for Armed Services.

¹¹The substantive interpretation changes slightly for an independent variable transformed by the natural logarithm (coefficient value / 100).

The media-visibility variables' decline in significance very likely stems from multicollinearity among the independent variables. First, the standard errors on the New York Times ratio more than double for Foreign Relations and increase by nearly 30% for Armed Services. Second, the progression of different r-squared values across the models suggests that the variables have overlapping explanatory power. For Foreign Relations, media visibility and internal rules each explain about two-thirds of the variance, but the external variables alone explain 84%, and combining all the variables in one model only increases the explained variance an additional 6%. For Armed Services, the overall fit of the model for each group of variables is not nearly as strong, but the difference between the third and fourth data columns is a modest 11%. The results of a separate analysis of media visibility, which we do not report here, reveal that the external variables are fair predictors of both committees' press coverage.

Table 4.3: Two-Stage Least Squares Regressions

	Foreign Relations		Armed Services	
	Seniority Ratio	NYT Ratio	Seniority Ratio	NYT Ratio
NYTimes Ratio	-22 (14)*		-4 (4)	
# Committee Assignments	-0.57 (0.28)**		-0.11 (0.12)	
Ln(Budget) (L)	0.26 (0.11)**		0.01 (0.09)	
Ln(Casualties) (L)	0.018 (0.007)***		-0.014 (0.004)***	
Public Opinion (L)	0.84 (0.40)**		0.09 (0.22)	
Ideological Polarity	-0.08 (0.74)		0.003 (0.59)	
Seniority Ratio		0.042 (0.015)***		-0.053 (0.030)**
Ln(Budget)		-0.004 (0.005)		0.021 (0.007)***
Ln(Casualties)		-0.0007 (0.0004)*		0.0003 (0.0004)
Public Opinion		0.034 (0.013)***		-0.024 (0.012)*
Staff Size		-0.00001 (0.0009)		0.00011 (0.00008)*
Constant	4.2 (1.2)	-0.037 (0.036)	1.54 (0.22)***	0.098 (0.037)***
N	29	57	29	57
Residual Standard Error	0.15	0.01	0.09	0.01

p less than .1, **p less than .05, *p less than .01, one-tailed test, ordinary standard errors. Note: Committee seniority analysis is by Congress, 81st through 109th. NY Times mentions analysis is by year, 1947-2005, missing 1953 and 1955.*

Table 4.3 presents results for the interaction of committee prestige and media visibility. We began our analysis by assuming that lawmakers look back on the evidence of the committee's coverage in the previous Congress (t-1) to make their committee assignment requests. If, however, senators forecast media visibility for the current Congress (t), then prestige and visibility decisions would feed back to each other. We used a two-stage least-squares model for simultaneous equations to test whether or not committee prestige in time (t) and media visibility in time (t) are statistically significantly related, controlling for internal influences and external stimuli. For the equation predicting the seniority ratio, we lagged the inde-

pendent variables tapping external effects similarly to the models in Table 4.2 to maintain the assumption that committee preferences depend upon observations of budget, casualties, and public opinion in the previous Congress. For the New York Times ratio, in contrast, we assumed that reporters file stories throughout a given Congress and react to events and public opinion in real time. Consequently, the budget, casualties, and public-opinion variables are not lagged. The equation predicting the seniority ratio is identified by a group of variables — the mean number of committee assignments and the lagged budget, casualties, and public-opinion variables — since we assumed that each of these variables does have an effect on the seniority ratio, but the reverse is not true. For example, we assume that the seniority ratio in time (t) does not affect public opinion in time ($t-1$). The equation predicting media visibility is identified by the staff size variable and the unlagged budget, casualties, and public-opinion variables.¹² We expected increased Senate staff size to allow senators to cover more policy domains with additional support and, thus, to be positively correlated with media visibility.

The results in Table 4.3 indicate that the status of Foreign Relations remains more susceptible to both expansion of senators’ portfolios and to external events than does Armed Services.¹³ Yet the conflicting pattern of coefficients for both committees provides evidence that there is not a simultaneous feedback loop between committee status and media visibility. For Foreign Relations, media visibility in the first data column has a negative effect on

¹²An anonymous reviewer raised concerns about whether or not the model was fully identified by our “instruments” in the 2SLS regression. To our knowledge, the debates regarding instruments’ appropriateness remain unsettled, but we will briefly discuss the logic behind our choices. In the first equation, mean committee assignments seems safely exogenous because it is unlikely that a committee’s seniority ratio drives senators’ average number of committee slots. Also, the time lag for budget, casualties, and public opinion makes probable some separation between these variables and the seniority ratio, even if they were somewhat autocorrelated.

Regarding prediction of the ratio of New York Times coverage, the budget, casualties, and public-opinion variables are in the same time period and, when combined with staff size, presumably identify the equation as long as media visibility does not drive committee staff size, which is set at the start of each Congress. Ideological polarity in the chamber is not clearly correlated with media visibility for either committee, and in specification robustness checks, polarity does not have a significant coefficient or substantively change the results. A final test ruled out the possibility that staff size might have an effect on the seniority ratio.

¹³The standard errors are not bootstrapped in Table 4.3 because of concerns about the resampling technique in simultaneous-equation models (MacKinnon 2002).

the seniority ratio; the seniority ratio in the second data column is positively correlated with media visibility. For Armed Services, media visibility does not predict committee prestige with any degree of confidence, while the seniority ratio is significant and negatively correlated with media visibility. Overall, the evidence for lawmakers making projections about a committee's media visibility is interesting but not compelling. With the passage of time and an increase in the number of observations, a more-robust test of this relationship will be possible.

In sum, we found persuasive evidence that senators are more attuned to internal incentives and other external stimuli for their investment in committee careers than to media visibility. Moreover, we found substantial differences between committees in their susceptibility to internal and external factors. Finally, we did not uncover a strong connection between committee desirability and media visibility.

4.5 Conclusion

Historical trends indicate that the national security committees have lost visibility in the press and prestige inside the Senate from 1947 to 2006. The patterns have been most pronounced for Foreign Relations, which, as the most important committee in Congress for nearly 100 years, had the most to lose. In contrast, the status of Armed Services has changed only modestly, and the committee has followed a pattern established in the early 1960s of avoiding the public eye. The media's shift away from covering Congress appears to have had little direct effect on the dramatic alteration in Foreign Relations' fortunes and, if anything, has reinforced the tendency for Armed Services members to operate out of the limelight. Variation in the two committees' attraction to senior senators appears instead to result from changes in the Senate's internal rules and norms, as well as the ebb and flow of events. Senior senators do not seem to be using forecasts about the public profile of the two committees, although journalists do show some inclination to react to the changing status

of Armed Services.

The results have several implications for the study of congressional change. First, the patterns confirm Fenno's (1973) insights about the importance of the external environment for explanations of lawmakers' committee goals and strategic premises. The results also underline Cooper & Rybicki's (2002) assertion of the need to investigate outside influences on Congress as factors in institutional change. Yet comparison of Foreign Relations and Armed Services suggests that the effect of committee environments will vary, a finding consistent with Sheingate's (2006) conclusion that differences in committee jurisdictions affect committee behavior. Although we can generalize from our findings that committees will differ, we cannot say with any confidence which factors will be most important for individual committees. Such a constraint regrettably raises the opportunity costs for scholars interested in studying these key congressional organizations, but it also highlights the necessity of doing fine-grained analysis of Senate institutions.

Second, expanded committee portfolios and party polarization have precipitated adverse changes in Foreign Relations, validating scholars' emphasis on the linkage between rules and behavior. The pattern for Foreign Relations supports Rohde's (1995) argument, however, that rules may be endogenous to the process of institutional change. In addition, it suggests how reforms can have unintended consequences (Schickler 2001). Flattening the committee hierarchy in the interests of enhancing the participation of junior senators received widespread approval from political observers, but few could have predicted that the change would contribute to the eclipse of the Senate's most powerful committee.

The overall decline in the visibility of the Foreign Relations and Armed Services Committees has practical implications for the conduct of national debate on national security issues. Given the importance of elite discourse in shaping public opinion regarding foreign policy and defense issues (Zaller 1992), we think the committees' inability to stimulate press coverage is a troubling trend. The news media play an important role in "indexing" the range of views and level of debate about national policy (Bennett (1990), cited in Howell &

Pevehouse (2007)), and media coverage has influenced public support for the initiation and duration of military force by highlighting consensus and conflict between the legislative and executive branches (Howell & Pevehouse 2007). If senators are caught in a spiral of declining visibility that in turn reduces the rewards of investing in the national security committees, then the capacity of Congress to hold the president accountable for foreign and defense policy will continue to suffer.

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Chapter 5

Conclusion

In closing there are two points to be made, first about the substantive findings and second about the research horizon. First, the three papers above serve as a reminder of the complicated relationships between the elements of government. Executive orders are signed by the president but that does not necessarily mean they lack the congressional majority's blessing. Depending on the topic, the public has a picture of which party "does a better job" but how that relates to the parties' work in Congress is unclear. While Congress and the Foreign Relations Committee in particular have lost visibility and attractiveness over the last 60 years, the change in internal rules and external events are relatively more important than the media as predictors for senators' investment in committee careers. Armed with evidence that connects Congress to the Executive and the public we can bring our understanding of politics closer to the reality.

Second, because new evidence is so important to research progress it is worth highlighting one particular tool used in the above papers. For several decades now we have had vastly improved record keeping in the United States. As just one example, the rise of presidential libraries since FDR has created centralized warehouses with millions of documents and detailed records that pull back the curtain on the policy-making process. The difficulty is that while the records remain in print form we are limited to searching and digesting them

largely individually and by hand. And while researchers such as Robert Caro (2003) have done wonderful work in this way, it requires enormous resources which many people do not have or are discouraged from gathering. Over the coming years we should begin to see the digitization of these written records which will vastly improve the efficiency in using these resources and thereby make a great deal more evidence accessible. To that end, learning a computer programming language has been key to accessing and bringing new evidence to bear in this dissertation, for example by writing a program to gather, digest and analyze the Congressional Record. There is still a need for better description and understanding of how the government system actually works and now that the tools are catching up with our records we have the potential to make great strides.

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