Executive-Legislative Bargaining: Inherent *Status-Quo Bias*

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Agenda

1. Recapping the Presidency

2. Midterm Distributions

3. A Spatial Model of Policy Making

Limited Judicial Influence of Checks

- ▶ Presidents appoint judges, which may limit opposition to their decisions

- ▶ Court legitimacy can be threatened in the wake of popular unilateral presidential action

- ▶ Leads to second constraint of judicial *check*: "While the Court is said to be an independent branch of government, then, its power and prestige are profoundly dependent on the executive."

- ▶ Constant judicial incentive for restraint, even in event of ruling against the president, rulings can be *institutionally ambiguous*

Presidential Ability to *Set the Agenda*

- ▶ What is one source of "power" that the president can draw upon?
- ▶ Only agent of the country at-large & is informally privileged to being the "first-mover" with respect to pursuing policies (State of the Union, President's modern budget)
- ▶ How can presidents get Congress to act on their policy program according to Canes-Wrone?
- ▶ Going "public" on specific policies can mobilize public to pressure Congress to enact presidential agenda. Can you think of an example?
- ▶ Limits to "going public?"
- ▶ Presidents only go public on policies that are *popular* and in which they *need* support for Congress to act (presidents prefer sticky policies)
- ▶ Presidents privileged with *bully* pulpit of televised speeches

Unilateral Presidency Recap

Presidential Policy Making

Constitutionally Defined Process	Unilateral Presidency
• Legislation	• Executive orders
• Veto (no item veto)	• Signing statements
• Congressional oversight	• Executive privilege
• Treaty with Senate approval	• Executive agreements
• Declaration of war; funding by Congress; commander in chief	• Presidential wars

Midterm Exam Distributions

Exam Section Correlation Matrix

```
> cormat
                    multiple_choice short_answer analytical_question essay_question
multiple_choice               1.00         0.61                0.48           0.60
short_answer                  0.61         1.00                0.45           0.69
analytical_question           0.48         0.45                1.00           0.50
essay_question                0.60         0.69                0.50           1.00
```

Midterm Exam Distributions

Summary Statistics (Raw Scores)

```
> summary(midterm$multiple_choice)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
   4.00   13.00   16.00   15.56   18.00   20.00
> summary(midterm$short_answer)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
   3.00   19.00   24.00   22.76   29.50   32.00
> summary(midterm$analytical_question)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
   0.00    5.75   13.00   10.24   13.50   15.00
> summary(midterm$essay_question)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
  17.50   26.12   31.00   28.90   32.50   35.00
> summary(midterm$final_curved_grade)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
  37.25   68.62   82.00   77.45   91.50  101.00
```

Midterm Exam Distributions

Summary Statistics (Section Percentages)

```
> summary(percent$multiple_choice)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
  20.00   65.00   80.00   77.78   90.00  100.00
> summary(percent$short_answer)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
  10.00   63.33   80.00   75.86   98.33  106.67
> summary(percent$analytical_question)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
   0.00   38.33   86.67   68.27   90.00  100.00
> summary(percent$essay_question)
   Min. 1st Qu.  Median    Mean 3rd Qu.    Max.
  50.00   74.64   88.57   82.57   92.86  100.00
```
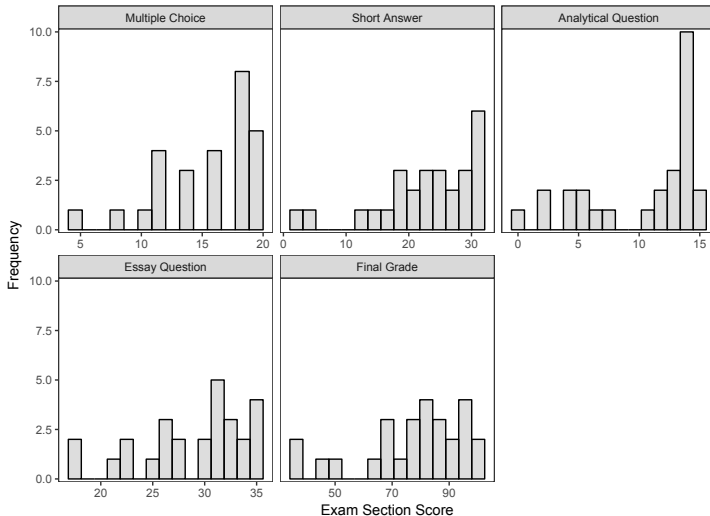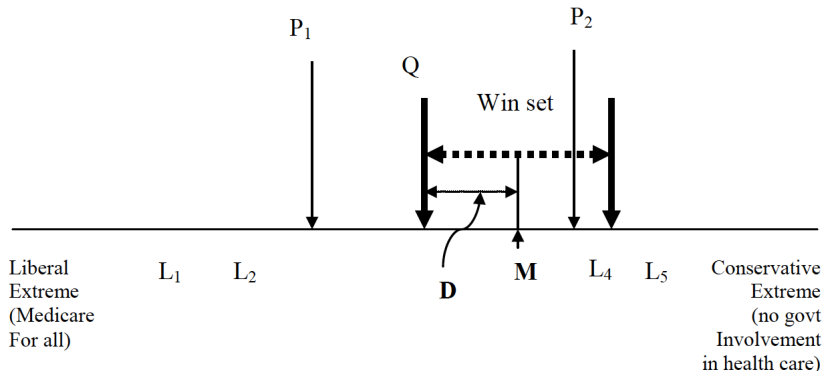
Midterm Exam Distributions

Pol 1 Midterm Exam Histograms by Section, Summer 2017

Carlos Algara *Introduction to American Politics: Meeting 16*

Krehbiel's *Pivotal Politics* Model

Consider the following model of a simple legislature:

Simple Legislature

The following conditions apply to the model:

- ▶ Single, left-right dimension of conflict (in the example, on the issue of health care reform)

- ▶ Each legislator $(L_1, L_2, L_3, L_4, L_5)$ has an "ideal-point", vote is by majority rule (i.e. majoritarian)

- ▶ Q is the status quo policy. For legislators, the choice is always between Q and a propsal to change the status quo, P.

- ▶ M is the median voter's ideal point. Recall that the median voter is the legislator in the **MIDDLE** of the distrbution of legislators and not necessarily in the middle of the issue or ideological space. In other words, the median legislator need not be a moderate.

- ▶ D is the distance between M & Q and the win-set is $M + / - D$

Working through the Simple Legislature

Consider the following questions:

▶ Why does Proposal P_1 fail and proposal P_2 win. What do the legislative coaltiions look like?

▶ What is the new win set if P_2 passes and becomes the new Q?

▶ Why will any policy porposal within the win set pass as an alternative to Q?

▶ Why does policy converge to equilibrium at the preferences of the median voter M? Under what conditions does policy change after it converges to M?

▶ How does one change the location of M?

Krehbiel's *Pivotal Politics* Model

Now, consider the following model of a bicameral legislature:
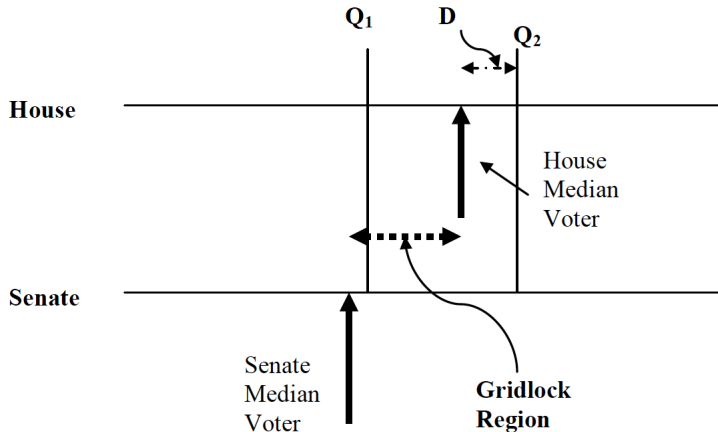
Working through Bicameralism

▶ Why might the median voters M be located in different positions in the House & Senate?

▶ Consider that this is divided government in the 114th Congress with a conservative House & a relatively liberal Senate and the House wants to overturn Obamacare Q_1 for a replacement proposal Q_2, why couldn't it change policy?

▶ Under what conditions could Q_1 change?

▶ What happens if the status quo policy, Q_2, is outside the *gridlock region*?

▶ What is the "win set" for Q_2? What happens if the Senate median voter moves in the direction of the House median voter, like it did following the 2014 elections?

Krehbiel's *Pivotal Politics* Model

Now, consider the following Congress with extraordinary majorities:
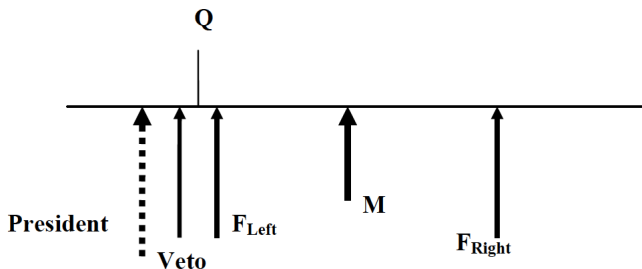
Where:

- M = median voter
- F_{Left} = Liberal filibuster pivot
- F_{Right} = Conservative filibuster pivot
- $Veto$ = Congressional veto pivot

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Working Through Varying Majorities

► What is the rule for stopping a filibuster (*cloture*)? Explain what that means for the definition of the two filibuster pivots.

► What happens to the gridlock region under an extraordinary-majority rule such as the filibuster? Who is pivotal & under what conditions?

► What is a filibuster-proof majority?

► How does partisan polarization affect the placement of the Left and Right filibusters in the absence of a filibuster-proof majority?

► Why do you think the model drosp bicameralism? Under what conditions would the unicameral model be inaccurate?

► What is the rule for overriding a presidential veto? Explain what that means for the definition of the veto pivot.

► Why is the veto pivot **ALWAYS** on the same side as the president?

Changing the Presidential *Pivot*

Now, consider the following Congress with presidential turnover:
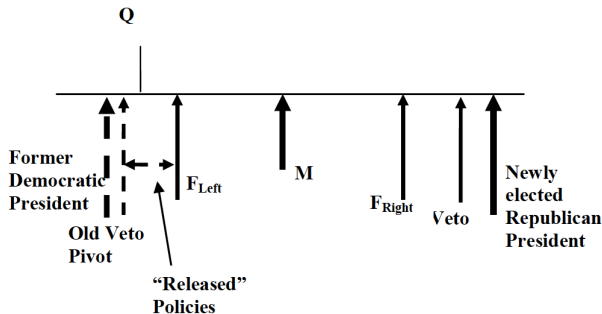
- ▶ What happens to Q? What's the win set for Q?
- ▶ What policy P should M propose? Why?
- ▶ Why my "released policies", such as Q in this example, contribute to the appearance of a presidential honeymoon?