

**Presidential Legislative Success –
Approaching a Fuzzy Concept with a Fuzzy Method**

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Abstract

Success on the substance of legislation is the central benchmark for evaluating the role of the president in the legislative arena. While allowing a fine-grained assessment of presidential success focusing on the substance as opposed to winning and losing on roll call votes makes the concept of success somewhat fuzzy. This fuzziness stems from blurred boundaries between different levels of success. The paper offers an approach to deal with this conceptual fuzziness via fuzzy-set Qualitative Comparative Analysis (fsQCA). It discusses the analytical and methodological framework of the study presenting the calibration of explanatory factors leading to presidential success on the substance of legislation.

Introduction

We can differentiate two concepts of presidential legislative success. On the one hand, it can be understood as winning on votes or signing bills. This perception of success is dichotomous in nature. It pictures success in black and white: a president's position either prevails on a vote or not; he either signs a bill into law or not. It is either victory or defeat. On the other hand, focusing less on the output and more on the outcome of the legislative process presidential success can also be conceptualized as the extent to which the substance of a final bill reflects the preferences of the president. By doing so, different shades of grey are introduced allowing for a graded assessment of success.

This paper applies the latter concept of presidential legislative success. Its central research question is: *to what extent and under what configuration(s) of conditions can the president act successfully in the legislative arena?* From previous studies we already know that not all presidential victories on legislation are the same if we focus on their content (Peterson 1990; Rudalevige 2002; Barrett 2005; Barrett and Eshbaugh-Soha 2007; Beckmann 2010). Due to the nature of the system of “separated institutions sharing powers” (Neustadt 1991: 29) the president has to confront Congress in a perpetual bargaining process if he wants a bill signed into law. This also means that he frequently has to bargain on the substance of legislation. The dichotomous concept of success is not able to empirically capture the give-and-take during the process of lawmaking. A graded notion of success allows a much more fine-grained assessment of the presidents' position in the legislative arena. However, this has its own challenges since it introduces a certain amount of fuzziness to the concept. Success is rather vague in that it is difficult to draw clear lines between different levels of success. For instance, it may be quite easy to determine a piece of legislation which includes all legislative priorities of the president as full success, or otherwise a statute which reflects not at all his preferences as full non-success. But it is comparatively difficult to assess the middle-ground

between these two poles; especially defining the “point of maximum ambiguity” (Ragin 2008: 30) around which the phase shift occurs between being more successful than unsuccessful.

To address the conceptual fuzziness of presidential legislative success this paper applies a set-theoretic approach (Ragin 1987, 2000, 2008; Schneider and Wagemann 2012; Goertz and Mahoney 2012). This has two implications: First, all concepts in this study are understood as sets in which cases have a degree of membership. Sets can be defined as “zones of inclusion and exclusion” within which cases can be assessed “according to their fit within the boundaries of a set” (Mahoney 2010, cit. in Schneider and Wagemann 2012: 24; see also Verkuilen 2005). In other words: The question is whether a given case represents a concept fully, partially, or not all. Second, the relations between these sets can be framed in terms of necessity and sufficiency. In the context of this study, for example, unified government (condition X) can either be a necessary condition for presidential success (outcome Y)¹ – i.e. whenever Y is present, X has to be present – or a sufficient condition – i.e. if X is present, Y has to be present (Ragin 2008: 29-43; Schneider and Wagemann 2012: 56-76). To analyze the relationship between (combinations of) conditions and the outcome a fuzzy-set Qualitative Comparative Analysis (fsQCA) will be conducted at a further stage of research.

Empirically, the study of the outcome – substantial legislative success of the president – rests on an analysis of nearly 100 pieces of important domestic legislation passed during the 103rd and 112th Congress based on David Mayhew’s (2005) updated list of significant legislation.² For this purpose, a content analysis of varied sources is conducted such as the bills’ legislative history provided by CQ Almanac and CQ Weekly, but also on various White House resources like Statements of Administration Policy (SAPs), signing statements and the Public Papers of the President. Furthermore, newspaper articles from the New York Times on

¹ Since there are major differences between fuzzy sets and variables, explanatory factors in QCA are called conditions, not independent variables. The dependent variable is called outcome.

² <http://davidmayhew.commons.yale.edu/files/datasets-laws-1991-2012-arnold.pdf> [03/05/2014]. I would like to thank Matthew Eshbaugh-Soha for sharing the Barrett and Eshbaugh-Soha 2007 data set on which parts of this study build upon.

the bills under study are included. Additional sources like public opinion data or ideology scores are used to calibrate selected conditions for presidential success in the legislative arena.

This paper focuses on the theoretical and methodological issues of the project discussing the central concepts and their calibration.³ It is structured as follows: The next section debates the analytical framework regarding the president's success in the legislative arena. It outlines the core explanatory factors (conditions) related to the outcome which is presidential legislative success. Section 3 presents the set-theoretic perspective of this study. It shows why and how set theory can help us to analyze the question '*under what conditions the president can act successfully in the legislative arena*'. Additionally, the methodological basics of fsQCA are introduced concentrating on sets, set memberships, and set relations. Section 4 elaborates on the calibration of the outcome and the conditions. This represents a decisive stage in any fsQCA because precisely defined concepts are a necessary condition to attribute set membership scores to cases. The paper concludes with a short summary of the main research strategies.

Conditions of Presidential Success on the Substance of Legislation

The president's position in the legislative arena is rather weak. Besides the veto he has no formal instruments at his disposal to exert influence on legislators in Congress. Thus, he has to enter into an ongoing bargaining process with legislators to make sure that the bills passing Congress include his legislative preferences (Neustadt 1991). Since the US-Constitution locates Congress at the center of the lawmaking process and positions the president at its periphery, the political context in Congress is central for explaining the level of presidential legislative success. Thus, the fortunes of the president in the legislative arena are widely determined by the partisan and ideological composition of Congress (e.g. Edwards 1989; Bond and Fleisher 1990; Beckmann 2010; Cohen et al. 2013).

³ This project is part of a Ph.D. thesis at Goethe-University Frankfurt.

Party control in Congress is one of the main explanatory factors for the level of presidential success on the substance of legislation. Presidents receive more of what they want under the condition of unified government than under divided government (Rudalevige 2002; Barrett 2005; Barrett and Eshbaugh-Soha 2007; Beckmann 2010). This is mainly due to the fact that electoral incentives and policy goals overlap to a greater extent between the president and his own party in Congress compared to the opposition party. Thus, he should be able to draw more support for his legislative agenda from his fellow partisans than from the other side of the aisle. Additionally, information between the White House and Capitol Hill, e.g. meetings between White House staff and congressional leadership or sharing specific policy strategies, flows more easily within the same partisan camp than across party lines (Beckmann 2008). But not only the numbers of co-partisans matter; so does the majority status itself. The majority party controls the procedural rules within both chambers of Congress – though the de facto supermajoritarian nature of the Senate restricts the powers of the majority party. This position allows the majority leadership to steer the legislative process, e.g. via the allocation of agenda space, through the assignment to selected committees or via setting the rules for final votes. On the one hand, this makes the congressional leadership a strong ally of the president that can guard the president’s legislative preferences at different stages of legislation. Under divided government, on the other hand, the majority leadership becomes a powerful opponent to the president that can hinder his legislative agenda in manifold ways (Covington et al. 1995; Edwards and Barrett 2000; Sinclair 2013).

Moreover, the president’s success on the substance of legislation is influenced by the ideological make-up of Congress. Over the last decades, parties in Congress have grown more disparate and internally more homogenous (Aldrich and Rohde 2000; Theriault 2008). Both, the inter-party as well as the intra-party dimension influences the president’s position in the legislative arena. With congressional parties ideologically drifting apart, it is more difficult to find common ground on policy issues. This also affects the president’s odds to score on the

substance of legislation: The wider the ideological space between the president and pivotal legislators, the more he has to make concessions on his legislative preferences (Rudalevige 2002; Beckmann 2010; Villalobos 2013). Furthermore, polarization triggers the disappearance of cross-pressured and moderate members in Congress leading to a greater unity within both parties. For the president, moderates in the opposite party are often crucial counterparts in bargaining and deal-making. Therefore, their vanishing has major impacts on the capabilities of compromise building (Fleisher and Bond 2004; Andres 2005). However, party polarization in Congress shows asymmetric effects on the position of the president in the legislative arena. Under divided government, presidents are compelled to compromise across a wider ideological spectrum as polarization is growing. Under unified government, potential gains for the president stemming from polarization are limited by the supermajoritarian rules in the Senate (Fleisher et al. 2012). Even if his party controls both chambers in Congress he needs the support of enough Senators from the other side of the aisle to cross the 60-votes cloture threshold – a difficult enterprise considering the depleted number of moderates in Congress. Thus, the positive effects of polarized parties in Congress for the president should only unfold if his majority moves closer to the filibuster pivot.

Besides the partisan and ideological setting in Congress his standing within the public is a third factor contributing to the president's success on the substance of legislation. Despite ambiguous empirical results regarding its effects on presidential success (e.g. Bond et al. 2003; Edwards 2009a; Canes-Wrone and de Marchi 2002), public support of the president is a decisive cue for members in Congress, especially on issues that are salient. In theory, if a president enjoys high levels of public approval legislators are reluctant to vote against him because they shy away from electoral consequences resulting from their opposition to a popular president. On the other hand, if he ranks low in public support members in Congress are less prone to vote along with his preferences. However, it seems plausible that high public approval ratings unfold their effects in combination with other factors like party and ideology

(Lebo and O’Geen 2011). High presidential approval ratings affect first and foremost those legislators that are already inclined to support him out of constituent or party reasons. There are always members from the opposite party who oppose the president and co-partisans that support him regardless of his standing in public opinion polls – and these numbers increase with polarization. Therefore, public approval is not expected to be a necessary condition of presidential success, but in combination with other factors a sufficient one. Additionally, the lack of public support could be an important condition for his non-success, because the presidents’ “popularity may not produce a Washington response but public disapproval hardens Washington’s resistance” (Neustadt 1991: 90).

These three conditions – party control and ideology in Congress plus public support – frame the institutional and political environment of the legislative arena. Largely beyond the president’s control they define the parameters within which he has to act. A broad consensus within the scholarly community exists that partisan and ideological make-up of Congress are the most important determinants for presidential success in lawmaking. Other factors more closely associated with presidential strategies only matter “at the margins” (Edwards 1989; also Fleisher and Bond 1990). Nevertheless, some studies show how presidents can pursue legislative strategies that increase their chances of success (Beckmann 2010; Barrett and Eshbaugh-Soha 2007; Peterson 1990). The case-oriented approach of this study explicitly seeks to discover these marginal effects, asking in which configuration of conditions they matter and in which not. Therefore, three additional, more proximate conditions are included in the analytical framework.

White House’s lobbying efforts are at the center of the more proximate explanations of presidential success in the legislative arena. In this study, the focus lies on two sets of strategies⁴: lobbying that directly aims at members in Congress and going public strategies.

⁴ Other presidential legislative strategies are, for example, centralizing the policy formulation process or agenda-setting approaches. See also Wayne 2009.

Regarding White House involvement on Capitol Hill, there are tons of journalistic comments and anecdotal accounts stressing how important presidential involvement in the legislative process is for his success. Focusing less on personal traits or the reputation of being (un)skilled (e.g. Greenstein 2009; Lockerbie and Borelli 1989; Bond and Fleisher 1990) empirical studies also demonstrate the influence of presidential lobbying at a strategic level. They show that presidents are more successful if they prioritize issues (Peterson 1990, Edwards and Barrett 2000), and if they get involved in the legislative bargaining process and actively lobby legislators on Capitol Hill (Beckmann 2010; Beckmann and Kumar 2011a; Covington 1987). Additionally, presidents are more successful in the legislative arena if they go public on a given bill (Canes-Wrone 2001; Barrett 2004; Eshbaugh-Soha 2006). From the president's perspective, going public strategies are both a tool to induce public pressure on Congress and an additional channel to signal his preferences to legislators. However, the necessity of presidential lobbying or going public strategies as well as their effects on his success on the substance of legislation varies with the political contexts. Thus, the presidents' need to negotiate intensively with legislators or to speak out to the public is higher if he is confronted with less favorable political conditions than if he faces a positive environment in Congress (Kernell 2007; Eshbaugh and Miles 2011). Furthermore, we can theorize that both approaches unfold their effect in combination with high levels of public support for the president's position (Canes-Wrone 2001).

Additional to the presidential legislative strategies a third condition is included capturing the interaction patterns between the president and Congress. It assesses the level of conflict between the president and Congress (Sinclair 2003; Peterson 1990). This is conceptually different to party control or ideological proximity. Since both executive and legislature are elected independently, the conformity of preferences is not guaranteed even though the president's party is in the majority. Signals for increasing levels of conflict are, for instance, veto threats issued in SAPs – with the issuance of a presidential veto being surely the last rung

on the ladder of escalation. The reasoning behind this condition is straightforward: with lower levels of conflict between the branches the president should see more of his preferences translated into a bill's content than under high levels, irrespective in which configuration of contextual conditions. On the other hand, we can hypothesize that with strong public support and intensive lobbying efforts the president should be able to overcome medium levels of confrontation.

A Set-Theoretic Perspective on Presidential Legislative Success

The methodological tools we apply to make sense of our social environment should be in-line with the way we conceive relationships between social phenomena. Put differently, methodology and ontology should be as congruent as possible (Hall 2003: 374). QCA as a set-theoretic approach is deeply rooted in the idea of causal complexity. In this perspective, causal connections are conjunctural, equifinal, and asymmetric (Ragin 2008: 176-187; Schneider and Wagemann 2012: 76-89). This understanding of causation fits nicely with the way we think about the causes of presidential success in the legislative arena.

First, conjunctural causation indicates that conditions unfold their effect(s) in combination with other conditions. We are looking for configurations of conditions which produce the outcome through their interaction – and not so much for the net effects of single independent variables.⁵ For instance, we are interested in which combination of conditions White House lobbying efforts help to produce presidential legislative success, and in which it is not.

Second, equifinality means that there is usually more than one combination of conditions leading to the outcome.⁶ In our context, there is definitely not just one but rather multiple pathways to presidential success each explaining a different set of cases.

⁵ A combination of conditions for sufficiency in QCA looks like this: $X*Z \rightarrow Y$. It reads: the presence of X AND Z together imply the presence of Y.

⁶ An equifinal solution term for sufficiency in QCA looks like this: $X*Z + \sim X*A \rightarrow Y$. It reads: the presence of X AND Z OR the absence of X AND the presence of A lead to Y. The tilde in front of X depicts the absence of the condition.

Third, asymmetry assumes that we cannot draw any conclusions from explanations of the occurrence of an outcome about its non-occurrence; both have to be analyzed separately. Hence, the factors that contribute to presidential success in the legislative arena should be different from the factors that cause his non-success. Furthermore, the same kind of asymmetry also refers to the state of a condition X. We cannot draw any conclusions from effects of X about effects of $\sim X$.⁷

The notion of causal complexity is intrinsically linked to the case-oriented character of QCA. Each case can be described by a specific combination of conditions causally connected to the outcome. Because conditions and the outcome are perceived as sets, each case has to be assigned a degree of membership in these sets. The membership scores reflect the degree to which a case is a good instance of a condition or an outcome. In other words: the membership score displays to what extent the case is representing a specific concept. The set membership in fsQCA is allowed to vary between full membership (set membership score = 1) and full non-membership (membership score = 0), with different levels of partial membership in between (fuzzy sets).⁸ Besides the two anchor points for full membership and full non-membership the 0.5 threshold is crucial because it demarcates the transition line of a case's membership or non-membership in a set ("point of maximum ambiguity", Ragin 2008: 30). For example, we assign a membership score of 0.75 in the set of high public support for the president to a case. This means that the case is a good instance of our concept of high public support because being above the 0.5 crossover point it is more in the set than out of the set (difference-in-kind). On the other hand, it does not receive a full membership score of 1 indicating that it does not completely reflect the concept (difference-in-degree).⁹ The calibration of sets, i.e. the assignment of set membership scores to cases, is a central stage in

⁷ Thus, we cannot assume from $X*Z \rightarrow Y$ that $\sim(X*Z) \rightarrow \sim Y$.

⁸ It is also possible to calibrate so called crisp-sets. Here, membership scores are assigned dichotomously meaning cases are either fully represented by a set (1) or not at all (0).

⁹ At this point, it is important to note that fuzzy sets should not be confused with probabilities. Furthermore, they do not just represent continuous scales, because they entail information on both quantitative differences in degree, but also qualitative differences in kind (Schneider and Wagemann 2012: 30-31; Ragin 2008: 30).

every QCA. Empirical information of all sorts is transformed into sets that reflect the prior specified concepts. The three aforementioned qualitative anchors (full membership, crossover threshold, and full non-membership) as well as the graded memberships in between are determined by the researcher grounded in his theoretical and case-based knowledge (Ragin 2008: 71-104; Schneider and Wagemann 2012: 23-41).

Before turning to the presentation of the conditions included in the analytical framework and the calibration of the outcome and the conditions in the next sections, the fundamental aim of QCA is shortly addressed: uncovering necessary and sufficient conditions in set relations (for the following, see Ragin 2008: 29-68; Schneider and Wagemann 2012: 56-90). As mentioned before the statement of sufficiency is fulfilled if whenever condition X is present, outcome Y is present, too.¹⁰ Or put differently, X is a subset of Y. For being a perfect sufficient condition¹¹ we should not find cases that depict X but not Y. Because of its asymmetric nature in our analysis of sufficiency we are only interested in cases that show X. Since X and $\sim X$ refer to two distinct states with two different possible effects we cannot make any claims about the sufficiency of X for Y based cases that do not show X.¹² This can be illustrated via a two-by-two table (Figure 1a). Cases that display both the outcome Y and the condition X confirm the statement of sufficiency. On the other hand, cases where X is present but not Y, disconfirm the statement of sufficiency. Finally, cases where X is absent are allowed but not relevant for the claim of sufficiency for X. Operating with fuzzy sets sufficiency is best illustrated via a XY-plot (Figure 1b). Since X is a subset of Y, a case's fuzzy membership score in X should be lower or equal than its value in Y. Cases that lie above the diagonal confirm the statement of sufficiency; cases below disconfirm sufficiency claims.

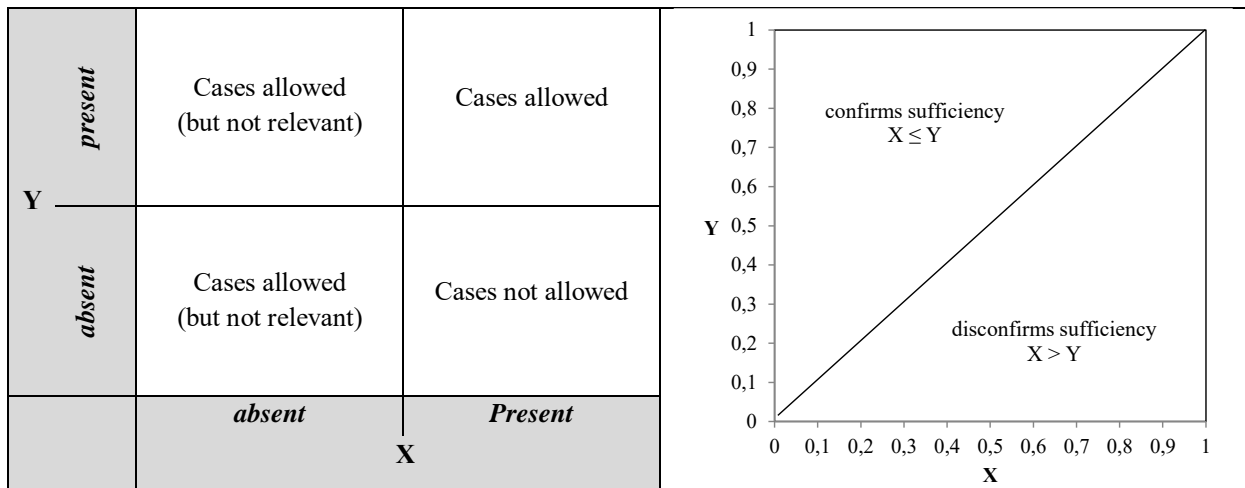
¹⁰ X can also stand for a configuration of conditions.

¹¹ Through the calculation of different levels of consistency QCA allows not perfect set relations.

¹² This is converse to quantitative thinking where the patterns of relationship are linear: $X \rightarrow Y$ and $\sim X \rightarrow \sim Y$. We have to analyze the effects of X and $\sim X$ separately.

Figure 1a: Two-by-Two Table for Sufficiency

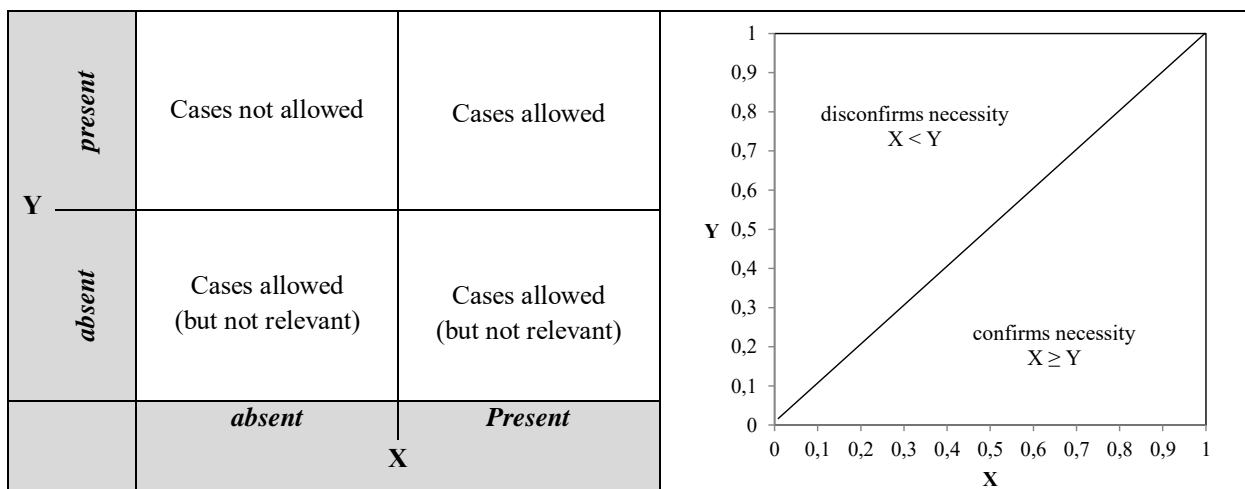
Figure 1b: XY-Plot for Sufficiency



Analyzing the statement of necessity is the mirror image to the statement of sufficiency. Thus, necessity is fulfilled if whenever Y is present, X is present. In other wording: X is a superset of Y. Here, we are only looking at cases that display Y and analyze if they show X or not. Cases with both Y and X present, confirm the statement of necessity; cases where Y is present but X is absent, disconfirm the claim of necessity. Cases not showing Y at all are allowed, but irrelevant to the claim of necessity (see Figure 2a). As the XY-plot shows for fuzzy sets, a case's fuzzy membership score in X should be higher or equal than its value in Y. Thus, cases that lie below the diagonal confirm the statement of necessity, and cases above disconfirm it (Figure 2b).

Figure 2a: Two-by-Two Table for Necessity

Figure 2b: XY-Plot for Necessity



Since this paper's focus is on the theoretical and conceptual part of the project, further technical details related to fsQCA are left aside at this point – like constructing and analyzing truth tables, parameters of fit such as consistency and coverage, and issues of limited diversity and logical remainders. What follows next is the discussion of calibration of the conditions that are expected to strengthen the presidents' position in the legislative process and to foster his success on the substance of legislation.

Outcome and Conditions – Defining Concepts and Calibration

Outcome: Presidential success on the substance of legislation

Most frequently, studies on presidential success in the legislative arena are based on the dichotomous concept of winning or losing. Presidential success as the key dependent variable is operationalized using an indicator of victories and defeats on roll calls in Congress on which the president took a position – either on the individual vote level or on the aggregate level per year (e.g. Edwards 1989; Bond and Fleisher 1990; Covington et al. 1995; Lockerbie et al. 1998; Beckmann 2010; Beckmann and Kumar 2011a; Lebo and O'Geen 2011; Cohen et al. 2013). The graded concept of presidential success based on an assessment of the legislative outcome, on the other hand, has received much less systematic attention within the scholarly community. This is astonishing considering the fact that Beckmann and Kumar call the question whether the president can successfully shape the content of legislation “the paramount metric of presidential success” (Beckmann and Kumar 2011b: 17; see also Rohde and Barthelmy 2009: 300). However, several studies have assessed presidential success in lawmaking on the basis of the substance of legislation (Rudalevige 2002; Barrett 2005; Barrett and Eshbaugh-Soha 2007; Beckmann 2010; Villalobos 2013).

Presidential legislative success is conceptualized as the nearly comprehensive implementation of the president's preferences in a given law. The negative pole of the concept is non-success. It is understood as non-fulfillment of the president's agenda either because of

the passage of legislative language he mainly opposes or the non-inclusion of a majority of his preferred legislative items. This study only includes bills which passed Congress and were signed into law by the president excluding the question why bills fail to pass. The degree to which the selected bills match this concept of success is determined via a content analysis of the legislative history provided by CQ Weekly and CQ Almanac. Additionally, presidential resources like SAPs, signing statements and other presidential remarks during the process of lawmaking are analyzed to assess the president's position.

Measuring substantial success of the president is challenging for at least two reasons. First, from a conceptual viewpoint it is impossible to draw exact lines between different levels of success. With fuzzy sets we can confront this conceptual fuzziness. The major decision is to set the threshold for being in the set or out of the set differentiating between success and non-success ('difference-in-kind') – based on the conceptual criteria outlined above. Subsequently, the graded assessment is added ('difference-in-degree'). However, the initial decision on membership or non-membership persists and is decisive for the further analysis. The second challenge rests in the dynamic nature of the interplay between Congress and the president in lawmaking.¹³ It can be argued that presidents will aim for much less if confronted with a hostile political environment than under favorable conditions. This could lead to skewed assessments of presidential success because a president would receive a high success score while settling for less under unfavorable conditions, or respectively perform worse in a positive context aiming high on his legislative agenda. There is neither a straightforward answer nor a fully satisfying solution to this problem. From a theoretical perspective, one can argue that presidents act in an environment without complete information. Thus, they do not know at which point their congressional counterparts agree to compromise. Additionally, presidents face demands from their constituencies and their partisan allies restraining their capability of scaling back their policy preferences. Through triangulation of various sources

¹³ I am grateful to Sean Theriault pointing out this problem after beating me on the tennis court.

of information we can try to track down indications of presidents' adapting their preferences to the political context. In the end, assessing presidential success on the substance of legislation always rests upon a certain degree of subjective evaluation by the researcher.

The calibration of the outcome (table 1) builds upon the 5-point scale of presidential legislative success introduced by Barrett (2005) and Barrett and Eshbaugh-Soha (2007). A case receives a full membership score of 1 in the set 'high presidential success on the substance of legislation' if the passed bill entails virtually everything the president aimed for besides few minor concessions. The full non-membership score of 0 is assigned to cases in which the president either had to accept a majority of issues that he disliked or had to settle for much less of what he actually wanted. This calibration determines the positive and negative pole of the concept of success. Bills that predominantly reflect the legislative preferences of the president but also contain single major or a bundle of minor concessions are 'more in than out' of the set 'high presidential success on the substance of legislation'. Therefore, they are assigned a partial membership score of 0.66. Compromise bills are located beneath the 0.5 anchor in the set 'high presidential legislative success'.¹⁴ It is rather 'out' of the set of high presidential success on the substance of legislation than 'in' because the president was compelled to accept a number of major concessions on his legislative agenda either by dropping them or by consenting to items he originally opposed. Thus, if a bill reflects a balance between issues the president likes and dislikes, it is ascribed a membership score of 0.33.

¹⁴ Considering the relative weak powers of the president in the legislative arena we could also argue that a compromise bill still constitutes a success for the president. This would be reasonable if the study included bills that failed to pass. Then, the conceptual continuum would lie between success – fulfillment of the presidents' agenda – and failure – passing no bill at all. Since the focus is only on bills that passed, and herein specifically on high levels of presidential success on the substance of legislation, it is justified to locate compromise bills below the 0.5 threshold.

Table 1: Outcome 'high presidential success on the substance of legislation'

<i>Set high presidential success on the substance of legislation</i>	<i>Fuzzy-set membership score</i>
The passed bill contains almost all legislative preferences of the president – except maybe very few minor ones.	1
The law reflects predominantly what the president wants, but he has to make single major or a bundle of minor concessions.	0.66
The law can be assessed as a compromise bill which consists of a mix of issues the president likes and dislikes or which he dropped to reach a compromise.	0.33
The majority of issues included in the passed bill the president either dislikes or he has to settle for much less of what he initially aimed for.	0

Condition I: Strong unified party control

As outlined above, unified government of the branches of government is a decisive advantage for the president and raises his odds of being successful in the legislative arena (Bond and Fleisher 1990). First and foremost, this is understood as a matter of the majority party status and the consequential powers of the majority leadership to structure the legislative process. Due to the de facto supermajoritarian nature of the Senate and its emphasis on the rights of individual Senators, majority status is necessary but not sufficient for strong president's party control of Congress. Hence, the number of fellow partisans in the Senate plays a vital role in the assessment of the set 'strong unified party control' and is therefore included in the calibration.

The calibration of the 0.5 threshold rests upon the majority party status at the moment of a bills' passage¹⁵ (table 2). A membership score of 0.66 is assigned if the president's party forms the majority in both chambers of Congress. If just one chamber, either House of Representative or Senate, is controlled by the president's party a case receives a fuzzy-set score of 0.33 below the 0.5 threshold. This reflects the fact that the majority party status in one chamber gives the opposition party of the president enough potent leverage throughout

¹⁵ For the period under study, the calibration is almost straightforward in every case. For the 103rd Congress the ratio changes from 57 to 56 Democratic Senators after the election of Kate Hutchinson (R-TX). During the 107th Congress the party switch of Senator Jim Jeffords (VT) from the Republican to the Democratic Party (May, 24th 2001) leads to a change in majority status. The majority switched back to the Republicans in November, but without any real consequences because the Senate was out of session. https://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm [03/17/2014].

the legislative bargaining process. But it is not completely out of the set ‘strong unified party control’ because the president’s party still controls one chamber. The full non-membership of 0 is ascribed to cases in which the president’s party is in the minority in both the House and the Senate. Cases receive a full membership if the president’s party has the majority in both chambers, and additionally, the number of Senators from the president’s party approaches the 60-vote cloture threshold that is needed to end a filibuster. Therefore, a fuzzy-set score of 1 is assigned if the president’s party caucus consists of at least 57 Senators. This threshold is somewhat arbitrary lacking a clear standard. It can be argued that a majority of 57 gives the president’s party enough leverage in the Senate to find three Senators from the other side of the aisle, and to strike a deal without exposing too much of their own legislative agenda. Additionally, a model with a stricter (58-60) and a softer threshold (55) will be applied checking how the change in calibration affects the solution of the QCA. Since the House operates on a 50+1 rule and because of the much more powerful tools of the majority leadership to bring its caucus into line, only the bare majority status in the House is used to assign full membership in the set ‘strong unified party control’.

Table 2: Condition ‘strong unified party control’

<i>Set strong unified party control</i>	<i>Fuzzy-set membership score</i>
The president’s party has both, a majority in the House of Representatives and the Senate, and a minimum of 57 Senators.	1
The president’s party controls the House of Representatives and the Senate by bare majorities.	0.66
The president’s party holds the majority in one chamber, either the House of Representatives or the Senate.	0.33
The president’s party is in the minority in both chambers of Congress.	0

Condition II: High ideological proximity to Congress

The ideological distribution of legislators within Congress is a second factor influencing the presidents’ prospects of success in the legislative arena. If the ideological positions of the president and pivotal legislators are widely separated, the president is compelled to

compromise more often than if the ideological preferences are closer (Rudalevige 2002; Villalobos 2012). In an era of polarized parties it is harder for the president to fully implement his legislative agenda (for opportunities in polarization see Beckmann and Kumar 2011a).

The condition ‘high ideological proximity to Congress’ captures the difference in preferences between the president and pivotal legislators in House and the Senate. The calibration is based on the first dimension of the DW-Nominate coordinates (Carroll et al. 2013). These scores measure the distribution of ideal points based on roll call voting for legislators across chambers and the presidents based on their position taking on a scale from 1 (conservative) and -1 (liberal). For the House, the distance between the president’s ideal point and the median chamber pivot (218th Representative) is measured. For the Senate, the proximity to the filibuster pivot (60th Senator) from the side of the president is calculated.

The calibration of the set ‘high ideological proximity to Congress’ rests on an additive index combining the two separate measures for the House and the Senate (table 3). The single components of the index range from a maximum of 3 to 0. There is no standard threshold to classify the ideological relationship between the president and a legislator as distant or proximate. Therefore, the calibration has to be tested using different thresholds to check the robustness of the calibration. Fleisher and Bond (2004) apply cut-off points at 0.2 and -0.2 to identify moderate legislators in Congress. Carroll et al. (2013) delimit the congressional middle ground between 0.25 and -0.25; Theriault (2003) between 0.3 and -0.3. I use the intermediate position defining a maximum distance of 0.25 between the president and a legislator in Congress as close, between 0.251 and 0.5 as moderate, between 0.501 and 0.75 as distant, and above 0.75 as highly polarized. The index scores are assigned as follows: A 3 is assigned to cases in which the distance between the president and the chamber pivot is less than 0.25. Cases with a distance between 0.251 and 0.5 receive a 2 on the index score, between 0.501 and 0.75 a 1 and above 0.751 a 0. The scores for the House and Senate are subsequently aggregated and calibrated. Cases with a 5 or 6 are fully in the set of ‘high

proximity to Congress’. Cases scoring 4 are ‘more in than out’ of the set, and with a 3 or 2 ‘more out than in’. The full non-membership is assigned to cases scoring 1 or 0 on the overall index.

Table 3: Condition ‘high ideological proximity to Congress’

<i>Component I Proximity to House pivot</i>		<i>Component II Proximity to Senate pivot</i>		<i>Condition high ideological proximity to Congress</i>		<i>Fuzzy-set membership score</i>
	<i>Index</i>		<i>Index</i>		<i>Index</i>	
Distance below 0.25	3	Distance below 0.25	3	Very close proximity between president and pivots	5 or 6	1
Distance between 0.251 and 0.5	2	Distance between 0.251 and 0.5	2	Moderate distance between the president and pivots	4	0.66
Distance between 0.51 and 0.75	1	Distance between 0.51 and 0.75	1	Distant ideological remoteness	2 or 3	0.33
Distance above 0.751	0	Distance above 0.751	0	Polarized ideological distance between president and pivots	0 or 1	0

Condition III: Strong public support of the president

Empirical findings on the effects of public support on the presidents’ success in the legislative arena are mixed (Edwards 2009b). Nevertheless, presidents make huge efforts both promoting their legislative agenda towards the public and evaluating the public opinion on pending legislation. The Washington community and political actors on both ends of Pennsylvania Avenue perceive public support to be a vital element of the political capital of the president in bargaining with Congress.

The set ‘strong public support of the president’ consists of two main components. The first component assesses the president’s job approval. It is subdivided into two subcomponents based on the Gallup presidential approval poll. The first subcomponent is measured via the overall approval of the way the president is handling his job. This aggregate measure indicates the nationwide mood regarding the president’s job performance. However, the overall evaluation of the president is just one dimension. Edwards (2009b) stresses the importance of

a second component: public support along partisan lines. Members in Congress first and foremost react to demands from their constituencies. Therefore, they are more responsive to the level of presidential support from their partisan camps. The second measure captures this partisan support for the president from party identifiers of his and the opposite party (Lebo and O'Geen 2011). Both components are combined in an additive index ranging from a minimum of 0 to a maximum of 6 – with a double weighting of the partisan support. Since there are no established thresholds, they have to be based on theoretical deliberations.

Regarding the subcomponent of overall support, Canes-Wrone and de Marchi (2002: 494-496) argue that presidents need at least 50% of overall support to have an influence on public opinion (similar Peterson 1990). The 50% threshold is therefore used as a threshold for the lowest scores of 0. The top threshold of 2 points is put at 60% or more because this can be seen as a sufficient high level of support. The intermediate category (1 point) covers the space between the highest and lowest category. The second subcomponent assesses partisan presidential support. The thresholds for each party group are set individually to differentiate between identifiers of both parties. For average support from his own party a relatively high threshold of above 85% is chosen for scoring 2 points on the index. If nearly every third partisan identifier is unhappy with the way “his” president is handling his job, it is seen as a sign for insufficient support from his own partisan camp. Therefore, the lower anchor point is put at 66% (index score of 0). Again, the intermediate category of 1 is between the highest and the lowest threshold. For the subcomponent average opposite party support much lower thresholds are used. Nearly three out of ten supporting the presidents’ job performance seems to be a reasonably high level of backing from the opposite camp of party identifiers to account for strong levels of support (2 points). On the other hand, approval ratings below 20% are considered as weak support (score of 0), with the intermediate category in between (1 point) (see table 4). The maximum index-score is 6. To receive a full membership in the set ‘high presidential job approval’ a case has to score 6. Therefore, a case must receive the highest

score in all 3 subcomponents. A case is calibrated ‘more in than out’ (4 or 5 on the index) if it at least receives the second highest level of approval on two subcomponents together with one top ranking in one subcomponent. Scoring 2 and 3 on the additive index puts a case below the 0.5 anchor. The full non-membership is assigned to cases with a score of 1 and 0. Thus, a case has to reach the maximum score on one measure or medium approval on two to qualify as somewhat in the set of ‘high presidential job approval’ (see table 4).

Table 4: Set ‘high presidential job approval’

<i>Subcomponent I Overall job approval</i>		<i>Subcomponent II Own party approval</i>		<i>Subcomponent II Oppos. party approval</i>		<i>Set high presidential job approval</i>	<i>Fuzzy-set membership score</i>
	<i>Index</i>		<i>Index</i>		<i>Index</i>		
above 60%	2	above 85%	2	above 33%	2	Score of 6	1
59.9%-50%	1	84.9-66%	1	32.9-20%	1	Score of 4 or 5	0.66
below 50%	0	below 66%	0	below 20%	0	Score of 2 or 3	0.33
						Score of 0 or 1	0

The second main component is the support of the president on a specific policy proposal (Borelli et al. 1998). This is assessed using quantitative and qualitative information. First, it is based on public opinion polls from the iPOLL database. For most of the important legislation, polls are available. If no poll exists a qualitative assessment based on articles from CQ Weekly and CQ Almanac as well as newspaper articles from the New York Times are used to make a coding decision. The coding is based on the three most recent polls to final vote. On occasions where no poll prior to voting is available polls after the final vote occurred are included (Canes-Wrone and Kelly 2013). The full membership score in the set ‘strong policy support for the president’ is assigned if the president’s position receives more than 57.5% of support and receives a score of 0.66 if it lies between 57.5% and 52.5%. If support is mixed – between 52.5% and 47.5% – it is coded as ‘more out than in’ with a fuzzy value of 0.33. If the policy support is less than 47.5% it receives the full non-membership score of 0 in the set ‘strong policy support for the president’ (table 5).

Table 5: Set 'strong policy support for the president'

<i>Set strong policy support for the president</i>	<i>Fuzzy-set membership score</i>
Poll shows a support for the president's position with more than 57.5%.	1
Policy support ranges between 57.5% and 52.5%.	0.66
Policy support is mixed, between 52.5% and 47.5%.	0.33
Minority supports the president on an issue with less than 47.5%.	0

Because both components of presidential approval and policy support are substitutable, they are combined in the condition 'strong public support of the president' via a logical OR (+) combination. This is done by forming a union of the two sets applying the maximum rule (table 6).

Table 6: Condition 'strong public support of the president'

<i>Set strong public support of the president</i>	<i>Fuzzy-set membership score</i>
Set 'high presidential job approval' + Set 'strong policy support for the president'	1
Set 'high presidential job approval' + Set 'strong policy support for the president'	0.66
Set 'high presidential job approval' + Set 'strong policy support for the president'	0.33
Set 'high presidential job approval' + Set 'strong policy support for the president'	0

Condition IV: Intense direct White House involvement

Contrary to personal traits or reputation as (un)skilled the concept of White House involvement captures the presidents' actual toolbox of legislative strategies and tactics (Peterson 1990; Beckmann 2010; Wayne 2009). Here, two sets of activities can be differentiated: White House efforts directly aimed at influencing the legislative process, and going public strategies.

Due to data availability on such a large number of cases, direct White House involvement is assessed qualitatively via a content analysis of the bills' legislative history provided by CQ Weekly and CQ Almanac. The calibration builds upon Beckmann's (2010) 3-point scale of presidential lobbying (table 7). Full non-membership in the set 'intense direct White House involvement' is assigned to cases that do not show any direct presidential involvement in the legislative process. Cases in which the president merely endorses the legislation in a written remark to Congress or in a public statement receive a partial membership score of 0.33. The endorsement of a bill already provides a valuable cue for the legislators on the presidential preferences. To pass the 0.5 threshold and being 'more in than out' of set the White House has to confront Congress actively. Thus, the full membership in the set 'intense direct White House involvement' is ascribed to cases in which the White House employs full-scale lobbying operations with high intensity, e.g. via a series of high level meetings between White House and congressional leadership or evidence of direct presidential bargaining with members of Congress. Cases are calibrated 'more in then out' of the set if White House is active, e.g. through delivering own policy proposals to Congress, but less intense because it misses direct lobbying efforts.

Table 7: Condition 'intense direct White House involvement'

<i>Set intense direct White House involvement</i>	<i>Fuzzy-set membership score</i>
White House actively lobbies a bill in Congress with high intensity.	1
White House shows high level of involvement through policy proposals, but does not lobby Congress directly.	0.66
President endorses a piece of legislation, but does not actively lobby it.	0.33
Virtually no involvement of the president in the legislative process.	0

Condition V: Extensive going public activities

To exert influence on members in Congress president can also go public on a pending bill. Such going public activities serve as an indirect venue to lobby legislators by raising the

awareness and salience of an issue, and trying to induce public pressure (Kernell 2007). Empirical studies demonstrate that presidential public remarks have a positive impact on his success on roll call votes (Canes-Wrone 2001; Barrett 2004; Eshbaugh-Soha 2006). Barrett also shows that the number of remarks varies largely throughout the population of important legislation – from 0 to over 150 remarks per bill. To construct the set ‘extensive going public activities’ the Public Papers of the President are searched using key terms for the selected bills. Public remarks of different kinds – nationwide addresses, press conferences and campaign statements – are included if they contain policy specific references to the pending legislation. The search is restricted to the period the bill is discussed in Congress and signed into law. These remarks are subsequently calibrated according to their quantity (table 8).¹⁶ The full non-membership is assigned to cases in which the president never referred to a bill in a public remark. The full membership, on the other hand, is ascribed to cases with at least 4 remarks per month while the bill was debated in Congress. This benchmark is somewhat arbitrary but one remark per week on a bill seems to be justifiable to include a case fully in the set of ‘extensive going public’. At least 2 remarks per month define the 0.5 cross-over point: cases scoring less are assigned a fuzzy value of 0.33 and 0.66 otherwise.¹⁷

Table 8: Condition ‘extensive going public activities’

<i>Set extensive going public activities</i>	<i>Fuzzy-set membership score</i>
More than 4 public remarks per month during a bill’s consideration in	1
Between 2 and 4 public remarks per month during a bill’s lifetime in Congress.	0.66
Less than 2 public remarks per month.	0.33
No public remarks on a given bill.	0

¹⁶ An alternative assessment is based on the quality of the remarks. For instance, presidents directly call on Congress to act or directly utter the public to pressure Congress. On the other hand, they sometimes plainly speak out in support of the bill or selected issues without any direct claims for action (cf. Barrett 2004). Eshbaugh-Soha and Miles (2011: 318f.) argue against such an appraisal because it depends on the rhetorical style of the president. Additionally, both include information about the presidential preferences, and aim at influencing Congress and the public on pending legislation.

¹⁷ At the current state of research, the 0.5 anchor lacks a straightforward theoretical or case-based justification. Barrett (2004) shows in his study, that the mean of public remarks in his sample of significant legislation is 0.9. Thus, the threshold for high activities is set at twice the mean.

Condition VI: Low level of disagreement between the president and Congress

Due to the system of separated institutions the overlap of preferences between the president and the congressional majority is not self-evident. Because of their different constituencies and terms of office members in Congress and the president have different perceptions of and solutions to the challenges of the nation. Thus, even under unified government divergent interests between the president and “his” majority in Congress occur regularly. On the other hand, not every piece of legislation is automatically part of bickering between the branches – even in an era of highly polarized parties (Sinclair 2003; Jones 2005). The condition ‘low level of disagreement between the president and Congress’ captures these patterns of interaction during the legislative process. It is expected that the president fares better in the absence of interbranch conflicts. However, it can also be assumed that presidents can act successfully on certain bills that are prone to conflict if he is able to garner enough public support or effectively lobbies Congress either directly or via going public.

The condition ‘low level of disagreement between the president and Congress’ is calibrated using two measures. First, presidential vetoes and veto threats issued in SAP’s are evaluated. Both are clear signs of failed bargaining and interbranch conflict. Thus, a set is construed assessing the level of conflict from a president’s perspective (table 9). The full membership in this set ‘low level of conflict I’ is assigned if the SAP does not entail any recommendations signaling the dissatisfaction with the content of the bill. The partial membership of 0.66 is ascribed to cases where the OMB raises doubts and reservations on a bill, but the SAP stops short of an explicit veto threat. The issuance of a clear veto threat leads to passing the 0.5 threshold being more in than out of the set. Cases receive a fuzzy value of 0.33 if the advisors recommend a veto by the president in the light of the current content of the bill. The full non-

membership in the set ‘low level of conflict I’ is assigned if either the SAP contains an explicit veto threat by the president or the bill was passed over a presidential veto.¹⁸

Second, the set ‘low level of conflict II’ is calibrated via content analyses of the bills’ legislative history in CQ Weekly and CQ Almanac (table 9). This is necessary because a) SAPs do not exist for every piece of legislation in this study, and b) not always do interbranch conflicts reveal themselves in presidential veto threats. Thus, the level of conflict is assessed qualitatively. The full membership is assigned if there are clear statements of presidential support or no statements indicating interbranch disagreement. Cases are calibrated as full non-members in the set of ‘low level of conflict II’ if the CQ reports point out major frictions between the president and Congress on the content of the bill. Partial membership score of 0.66 is ascribed to bills in which the relationship is described as mixed, but predominantly cooperative, and 0.33 cases which show a rather confrontational relationship throughout the legislative process.

Table 9: Condition ‘low level of disagreement between the president and Congress’

<i>Component I</i> <i>Set high level of conflict I</i>	<i>Component II</i> <i>Set high level of conflict II</i>	<i>Condition high level of disagreement between the president and Congress</i>	<i>Fuzzy-set membership score</i>
No statement of concern is issued or rather overall support is signaled.	CQ states clear support of the president throughout the legislative process or no signs of disagreement.	low level of conflict I * low level of conflict II	1
SAP issues concerns and doubts on a bill, but stops short of a veto threat.	CQ’s account is mixed but predominantly emphasizes a cooperative climate.	low level of conflict I * low level of conflict II	0.66
SAP contains veto recommendations from White House advisers and Cabinet secretaries.	CQ’s account is mixed but depicts a predominantly confrontational relationship.	low level of conflict I * low level of conflict II	0.33
SAP contains explicit veto threat by the president or bill was subject to a veto.	CQ points to major frictions between Congress and the president in the process of lawmaking.	low level of conflict I * low level of conflict II	0

¹⁸ The calibration makes use of degrees of veto threats in SAP’s. Some veto threats are vague and leave room for political maneuvering – like “if bill X contains this measure the White House advisers would recommend to the president to veto this bill”. Explicit veto threats often mark a definite red line of major conflict, e.g. “if bill X contains this measure the president will veto the bill”.

The information contained in these two measures is complimentary; strong indications of conflicts in one of them leads to a low membership score in the overall condition of ‘low level of disagreement between the president and Congress’. Therefore, the two sets ‘low levels of conflict I & II’ are combined with the logical AND (*) to form the condition: cases receive a fuzzy value in the condition ‘low level of disagreement between the president and Congress’ displaying the minimum score on the two subcomponents (table 9).

Summary

This paper has discussed the basic analytical framework and the central concepts included in the analysis of presidential success on the substance of legislation. Success is conceptualized as the degree to which a final bill reflects the preferences of the president. The conceptualization of presidential success on the substance of legislation as a fuzzy set maintains both, the ‘difference-in-kind’ between success and non-success and the ‘difference-in-degree’ between different levels of success. Thus, it allows assessing the concept of success in black and white, and in shades of grey, at the same time.

The main goal of the further study is to identify combinations of conditions that facilitate or thwart the president’s capacities to implement his legislative agenda. Here, Qualitative Comparative Analysis (QCA) as an approach offers an alternative way between large-n variable-centered studies, on the one side, and in-depth single case studies on the other. Due to its inherent logic of causal complexity – conjunctural, equifinal and asymmetric – it presents a different perspective on the question under which conditions the president can successfully advance his legislative preferences. Therefore in a first step, cases are decomposed into configurations of their components. In a second step, the cases’ membership in these components is assessed and calibrated. Subsequently, the raw data is transformed into a truth table which is the basis for the analysis of necessary and sufficient conditions of success and non-success. In doing so, different pathways to presidential (non-)success are

identified focusing on how institutional, contextual and actor-centered factors interact in leading to presidential (non-)success in the legislative arena.

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