

Partisan Obstruction in Antimajoritarian Institutions*

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Abstract

The United States' disciplined parties and antimajoritarian institutions often render both parties' agreement necessary to enact new policies. We argue that members of polarized parties in antimajoritarian institutions have incentives to engage in *partisan obstruction* – using their de facto veto power to block policy proposals *merely because the other party proposed them*. We first argue that parties face collective incentives to engage in partisan obstruction in order to prevent their opponents from gaining credit for passing popular policies, achievements that their opponents could otherwise translate into further legislative and electoral success. Further, on less salient issues, legislators may block the opposition's proposals due to rationally applying a partisan heuristic rather than expending their limited information-gathering resources to fully understand the opposition's proposals. Results from survey experiments administered to sitting elected officials match these theoretical expectations. American politicians have both political incentives and institutional means to engage in partisan obstruction, exacerbating policy gridlock.

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American political institutions are famously laden with antimajoritarian procedures, chief among them executive vetoes, bicameral legislatures, legislative committees with gatekeeping authority, and, at the federal level, a supermajoritarian upper chamber. These antimajoritarian features of American governance famously trace their roots to the founding fathers themselves: Madison argued in Federalist No. 10 that because “the causes of faction cannot be removed” from politics, the nation’s political institutions ought to place roadblocks in the paths of potentially tyrannical legislative majorities.

Noting that Madison overlooked many of the potential dangers that the resulting ‘gridlock’ may pose (e.g., Hacker 2004), contemporary scholars have explored a number of ways the United States’ antimajoritarian institutions empower legislative minorities to frustrate the policy proposals of legislative majorities whose preferences they do not share (e.g., Krehbiel 1998).¹ According to these accounts, gridlock principally ensues when no policy alternative exists that all the relevant veto players would genuinely prefer over the status quo (e.g., Wills 1982; McCarty, Poole, and Rosenthal 2006; Abramowitz 2010).² Although politicians who block popular policies may not always reflect their constituents’ wishes in doing so (e.g., Bafumi and Herron 2010), their objections are typically thought to at least reflect true personal opposition to the policies at hand (e.g., Krehbiel 1998; Fiorina and Abrams 2009).

In this paper we develop and test a novel theory that the United States’ antimajoritarian institutions lead to policy gridlock for reasons beyond legislators’ preferences alone but instead related to their partisanship. Our theory shows how purely policy-motivated politicians have incentives to block policies *merely because members of the other party proposed them*, a phenomenon we call *partisan obstruction*. Put starkly, we predict that politicians have incentives

¹ Madison argues that “if a faction consists of less than a majority, relief [from the excesses of faction] is supplied by the republican principle,” that is, by democracy itself.

² Although see Mayhew (1991) for a skeptical perspective.

to oppose and successfully block the enactment of policies members of the other party proposed that they nonetheless would have supported had members of their party proposed them. Because American political institutions often require both parties' assent for new policies to pass, we argue that this dynamic further exacerbates legislative gridlock, leading policies to languish that should pass given politicians' collective preferences on the policies alone.

Our theory provides a new perspective on legislative gridlock by beginning from the premise that politicians have the foresight to recognize that their actions on one policy have profound effects on their abilities to secure their preferred outcomes on other policies. (Put differently, our theoretical predictions are derived from the implications of the fact that politicians are aware they are playing a *repeated* game.) In this paper we argue and present evidence that the repeated nature of the legislative process yields two heretofore overlooked incentives for politicians to engage in partisan obstruction.

First, when publicly salient policy issues are at stake, we argue that elected officials have incentives to block opposing parties from gaining credit for popular accomplishments. By preventing their opponents from accruing the reputational benefits of successful policymaking on salient issues, obstructionist politicians can hope to hinder their opponents' ability to pass and implement other policies that the obstructionists would genuinely oppose. Perversely, this logic collectively incentivizes parties to block their opponent's policy proposals to the very extent that the public would reward their passage. With survey experiments administered to sitting politicians, we show that politicians perceive collective incentives to behave in exactly this way.

Second, when considering proposals of lesser importance, politicians' limited legislative resources incentivize them to use partisanship as a heuristic and vote against proposals from the opposition party rather than fully understand the content of their proposals. A long and fruitful

tradition in political science recognizes that politicians have limited resources to gather the information necessary to understand the likely effects of all the policies they vote on (e.g., Krehbiel 1991; Hall 1996; Hall and Deardorff 2006). Politicians cope with their limited resources by relying on heuristic decision rules when casting roll call votes rather than expending the great effort necessary to fully understand every issue completely (Kingdon 1973). We suggest that when parties are polarized the party affiliation of a policy's proposer represents a heuristic that rational legislators should make use of. By deciding how to vote based on the proposer's partisanship, legislators avoid devoting their scarce resources to gathering all the information they could about each proposal when it is likely that they would ultimately vote for their proposal coming from their own party and against proposals coming from the opposition. Consistent with these predictions, when we asked politicians to make relatively quick judgments about policies they exhibited significantly more opposition when members of the opposing party had purportedly proposed them than when members of their party had purportedly proposed them.

It is well understood that politicians routinely use American government's antimajoritarian procedures to halt policy proposals they genuinely oppose, but our arguments and evidence suggest that politicians also have incentives to reject policies that command broad support merely because their opponents proposed them. In concluding we consider the implications of these incentives for American governance. Minority parties in many political systems may face the incentives we identify, but few political systems empower minority parties to act on these incentives or allow obstructionist politicians to hide their obstructionist tactics to the degree that American political institutions do. Politicians' incentives for partisan obstruction thus represent a potentially significant roadblock to legislative productivity unique to American

politics.

Theory: Incentives for Partisan Obstruction

Why Do Diverging Elite Preferences Lead To Policy Gridlock?

As America's political parties have grown more polarized, legislative gridlock has increased in turn:³ veto-wielding presidents, gatekeeping committees, discordant legislative chambers, and filibustering senators routinely halt the passage of policies that might change all but the most unacceptable status quos (e.g., Binder 2003; Coleman 1999; Edwards et al. 1997; Krehbiel 1998; Jones 2001). Traditional interpretations of such gridlock suggest that elected officials halt the passage of particular policies largely due to their diverging preferences on the specific issues at hand – if all the relevant political decision-makers would genuinely prefer a policy under consideration, it will pass; but if no policy alternative exists that all the relevant veto players would prefer relative to the status quo, gridlock results. Whether the polarizing elite preferences responsible for gridlock diverge due to elites' own personal ideologies (e.g., Fiorina and Abrams 2009), extreme primary electorates (e.g., Burden 2001), or distortionary interest groups (e.g., Bawn et al. 2012), the underlying diagnosis for gridlock remains the same: growing elite polarization paralyzes the policy process as the parties become increasingly likely to disagree. Irrespective of the root causes of elite polarization, policies are thought to suffer the fate of being gridlocked if and only if no policy alternative exists that all the necessary veto players would prefer relative to the status quo (e.g., Krehbiel 1998; Tsebelis 1999).

³ Of course, other pathologies inherent in increasing partisan polarization have rightly commanded scholars' attention for some time (see Layman, Carsey, and Horowitz 2006 for review). Chief among these concerns has been the seeming breakdown of dyadic representation in American politics: candidates and politicians moderate very little to district conditions, typically spurning their districts' median voter in favor of adopting the national party's platform (Ansolabehere et al. 2001; Bafumi and Herron 2010). Another rich literature also considers the political roots of the Congressional rules that enable obstruction (see Wawro and Schickler 2010 for review).

Such preference-based accounts represent a powerful and parsimonious explanation for political gridlock. However, we believe it is profitable to explore the implications of relaxing the assumption that legislators naively make decisions about particular policies in isolation, oblivious to the consequences that their actions on particular policies have for their ability to secure their preferred outcomes on other policies.

We advance a theory that considers legislators' broader incentives to generate gridlock on individual issues due to the political consequences that their votes on some issues have for their ability to secure their preferred outcomes on others. According to this theory, even purely policy motivated veto players in the policy process have incentives to block policies *merely because members of the other party offered them*, resulting in a phenomenon we call *partisan obstruction* and further retarding the policymaking process.

In the next subsection we explicate two theoretical logics that lead us to expect legislative partisanship to generate unique incentives for legislators to obstruct the policy process. In taking an approach that places partisanship squarely in the center of our account, we depart from existing work on gridlock that has generally discounted party's relevance or neglected to consider party's role altogether. As Frances Lee (2008, p. 3) notes, partisanship has remained an elephant in the room that theories of gridlock have generally neglected,⁴ while "failure to take adequate account of ongoing electoral and power struggles" can result in "theories of congressional politics without the politics." We believe that legislators' broader electoral and legislative power struggles indeed deserve a central place in accounts of the behavior that leads to gridlock.

⁴ See Chiou and Rothenberg (2003) for one exception to the general inattention of the literature on gridlock to intra- and inter-party dynamics.

Partisan Obstruction Of High Salience Proposals: Incentives To Deny Credit

In 2010, Senators John McCain and Mitch McConnell famously thwarted the creation of a deficit reduction task force whose creation they themselves had originally recommended. According to journalists familiar with the decision, President Barack Obama's public embrace of the idea was its death knell: the Republican leaders did not want Obama to accrue political credit for taking steps to reduce the deficit, preferring to paint Obama as reckless spender rather than allow the President to be seen taking steps to address the problem (Mann and Ornstein 2012).⁵

Regardless of whether journalists correctly ascertained McCain and McConnell's motives, the incentives for blocking broadly popular policies that their behavior implies logically follow from well-understood features of American politics. On the one hand, it is widely accepted that presidents, parties, and individual Members of Congress alike gain public reputations and popularity for getting things done in Washington (e.g., Mayhew 1974; Fiorina 1981; Cox and McCubbins 1993; Stokes 1963), mass approval that translates into political capital politicians can use to pass their preferred policies (Crew 1998; Canes-Wrone and de Marchi 2002; Ferguson 2003) and get re-elected (Brody 1991). Far from mattering merely on the margins in the legislative and electoral arenas, these reputations have mighty consequences: even state house elections appear to be largely explained by the public's regard for the sitting president's party (Rogers 2012). As has been long appreciated in Congressional scholarship, voters' reputations thus yoke together co-partisans' fates and give them powerful incentives to

⁵ David Leonhardt, Washington, DC bureau chief for the *New York Times*, recently wrote that "In the first [Obama Presidential] term, Republicans decided that they held veto power over perhaps President Obama's central promise: to be a bipartisan bridge builder. As Senator Mitch McConnell, the Republican minority leader, told my colleagues Carl Hulse and Adam Nagourney in 2010, a bill is "either bipartisan or it isn't." By uniformly opposing the president's agenda, Republicans thought they could frustrate his liberal aims, make him seem ineffective and deny him a second term" (Leonhardt 2013). As other journalists pointed out, this reversal was reminiscent of McConnell's behavior during the debate over the Affordable Care Act a year earlier, when the senator issued a press release denouncing Barack Obama's rumored plans to cut Medicare in the bill one day ("Cutting Medicare is not what Americans want") yet also denouncing the idea of expanding the program when Obama suggested that on the day following ("Expanding Medicare a plan for financial ruin").

work together to pass good policy (Cox and McCubbins 1993, 2005; Wawro 2000; Lee 2008; Butler and Powell 2013).

We reason that strategic politicians who recognize that their own legislative and electoral fortunes are bound up in their party's reputation also recognize that the same is true of their partisan opponents. Moreover, just as politicians have stakes in their own popularity, they also have stakes in their opponents' *unpopularity* because many aspects of politics in a two-party system are a zero-sum game: an increase in one party's ability to pass policies and gain re-election typically represents electoral and policy losses for the other (Lee 2008). If one party witnesses its fortunes improve by passing popular policies, the other party is likely to witness its own prospects for enacting its preferred policies or retaining control of government decrease. To the extent politicians pass popular initiatives in hopes of burnishing their own parties' reputations, they also have incentives to prevent their opponents from passing popular policies in order to tarnish theirs.⁶

These dynamics present a unique problem in American politics because American political institutions give politicians the incentive and means to prevent the opposing party from passing popular policies: American political institutions gave McConnell the choice between paying short term policy costs of blocking his own deficit reduction panel in a filibuster on the one hand or potentially reaping much larger long term gains on the other (e.g., gaining a Senate majority or passing a budget closer to his ideal under a potential Romney presidency).⁷

⁶ This argument is in some ways the other side of the coin of Groseclose and McCarty (2001)'s influential model of "the politics of blame," wherein actors propose a policy merely for the purpose of revealing their opponent's extremism to an audience. In our case, we argue that politicians may also prevent the passage of policies that would gain popular acclaim, making it more difficult for proposers to signal their own position or to gain valence advantages.

⁷ Characteristic of his skepticism of partisan incentives in general, Mayhew (1974, p. 31, fn 46) argues that Members of Congress would not attempt to realize such long term benefits because such a choice would require "vigorous consciousness of distant effects of a sort that is foreign to the Congressional mentality." We are more sanguine about politicians' capacity for collective strategic action (e.g., Cox and McCubbins 1993, 2005; van

Partisan Obstruction of Low Salience Proposals: Incentives to Avoid Learning Costs

We do not expect all issues to be of such high salience that legislators have significant incentives to block their partisan opponents' policies – indeed, every year politicians consider thousands of potential minor policy changes that scarcely attract public attention. Still, in an era of polarized parties legislators have reasons to engage in partisan obstruction on these less salient issues, albeit for a different reason.

Legislators' incentives for engaging in partisan obstruction on low-salience bills proceeds from widely accepted premises regarding legislative behavior. First, legislators are unlikely to undertake the costly efforts necessary to learn what decision would best meet their goals for every vote because many votes are likely to have little or no effect on their utility.⁸ Were legislators able to effortlessly ascertain which roll call decision would best satisfy their policy and political goals, they would doubtless learn that information and make that decision. However, for legislators to learn the facts necessary to accurately ascertain the consequences of voting for or against a particular proposal they would need to divert significant resources from accomplishing their other goals: developing their own proposals, advancing them through Congress, visiting their districts, and the like (Hall 1996). The cost of becoming perfectly informed about every issue is particularly steep because legislators face a relentless onslaught of roll call votes.

As Kingdon (1973) noted in his classic study of legislators' voting decisions, legislators

Houweling 2013), and consequently we are less sanguine about parties' willingness to enable their opponents to accrue popular achievements.

⁸ Legislators' desire to minimize search costs is a widely accepted and influential aspect of the legislative politics. It also undergirds a wide variety of legislative phenomena, including legislative organization (Krehbiel 1991; Schickler 2001), agenda setting (Hall 1996; Den Hartog and Monroe 2004), and the influence of lobbyists (Hall and Deardorff 2006) among others.

deal with this constant demand of learning about new policies by acting like voters and employing simple heuristics to help them make decisions (e.g., Popkin 1991).

Arguably chief among the many ways that legislators reduce these learning costs is by looking to the positions taken by their peers (Kingdon 1973) – if a legislator’s reliable ally has chosen to support a proposal, it is likely that they would support it if they knew all the facts. By a similar logic, if a legislator’s reliable opponent has chosen to oppose a proposal, the legislator will likely make the decision that best reflects her own preferences by supporting the policy.

Given the state of today’s politics, the partisanship of a policy’s proposer should be an extremely informative heuristic. The legislators Kingdon (1973) interviewed often looked to other legislators’ votes from their region or from districts like theirs in attempting to apply a “other legislators” heuristic. However, Kingdon’s pioneering study was conducted at the nadir of party polarization in American politics (McCarty, Poole, and Rosenthal 2006), an era when knowing how a legislators’ copartisans or partisan opponents were voting would not have proved particularly diagnostic for how they would vote if fully informed. When politics are highly polarized, however, political scientists can predict with near-perfect accuracy how a legislator will vote on the basis of their party affiliation and how those of their party and the opposite party have voted. We reason that legislators are aware of and make use of this fact. Just as partisanship is clearly the most powerful heuristic contemporary voters can use when evaluating political candidates (e.g., Schaffner and Streb 2002), a policy’s proposal would seem to be a clear candidate for how contemporary legislators could quickly evaluate bills up for a vote.

This argument regarding partisan obstruction on lower salience proposals can be summed up with the following rhetorical question: why would rational legislators with limited time to pursue their own goals seek to fully understand every policy proposal they are asked to vote on

when simply examining the partisanship of the policy proposer is so likely to lead them to the same conclusions about how to vote? Legislators typically choose to devote their scarce resources to developing and passing the policies that matter to them rather than to scrutinizing every item on the roll call agenda (Hall 1996). This leads rational legislators to employ heuristics when making roll call decisions (Kingdon 1973), the most powerful of which (when politics are polarized) should be the party identification of a bill's chief proponents and supporters. Crucially, this means that legislators have individual incentives to oppose policies that members of the other party propose and support policies that members of their parties propose to the degree that they view the partisan affiliation of the proposer as informative.⁹

A partisan heuristic will not always lead legislators to make the same decision as they would if they were fully informed, but legislators should be willing to take such a risk in areas of small consequence in order to gain the benefits of devoting their resources elsewhere. Partisan obstruction is thus both collectively incentivized (incentives to deny credit) and individually incentivized (incentives to avoid learning costs).

Do Legislators Pay Costs for Partisan Obstruction?

We have outlined two reasons that legislators should perceive incentives to engage in partisan obstruction; but are there reasons they might also perceive costs? Challengers often attempt to tar their opponents as “obstructionists” in contemporary elections so there are likely some costs. At the same time, legislators have a variety of tools for masking obstructionist behavior: they can make use of chamber rules to keep themselves from voting on proposals in

⁹ One could recast this argument in terms of preference alone if one assumes that legislators believe that they correctly ascertain all other legislators' ideal points. We do not rest our account on this additional assumption as it seems unnecessary to maintain in an era when the parties are highly distinct and highly homogenous and thus when party labels are typically as diagnostic as legislators' casual knowledge would be.

the first place (van Houweling 2013), they can exploit the fact that voters often do not pay attention to the Congressional procedural minutiae that allow them to delay or block policy proposals (Arnold 1990), and they can often easily explain away nay votes (e.g., by claiming that the policy proposed still suffers technical minor flaws or has not yet been subject to sufficient debate) (Fiorina 1974). In sum, the policy process is opaque enough to voters that we still would expect the benefits of obstruction to exceed the costs in many instances.

Research Strategy

Observational Equivalence of Existing Theories and The Need for Experimentation

Our theory of partisan obstruction complements strictly preference-based theories of legislative gridlock. However, seeking to evaluate our theory is challenging because, in observational data, our predictions are largely observationally equivalent with those of preference-based theories. Specifically, our theory regarding high salience proposals would predict that when parties' preferences diverge to a greater extent, partisans will see greater reason to undermine prospects for the other party's future legislative success by blocking their initiatives (because the policies the other party could pass would be even more loathsome). Likewise, for low salience agenda items, legislators should rely on the party identification of a policy's proposer as a heuristic to the degree that the party's preferences reliably diverge. To make matters more difficult, data on legislators' votes has difficulty persuasively speaking to theories of roll call voting because, as Jackson and Kingdon (1992) point out, legislators' roll call votes themselves already reflect the influence of various theoretical dynamics (see also Clinton 2012). For example, if the parties' estimated ideal points do not overlap, to what extent is this because legislators' true preferences do not overlap or because legislators have incentives

to obstruct the other party's initiatives and not vote together? Data on roll calls alone cannot tell us.

Simply because our theories are observationally equivalent with a preference-based account in existing data does not mean they do not matter for policymaking, however. This admonition is particularly true in the case of legislative politics when the essence of power is often keeping items off the political agenda in the first place (Bachrach and Baratz 1962). For example, although we rarely observe Presidents vetoing legislation, that does not mean that the existence of the veto does not have tremendous consequences – rational legislators may merely anticipate these consequences and avoid spending time and effort crafting policies that the President will refuse to sign (Cameron 2000). Likewise, rational legislators and party leaders generally eschew developing or scheduling votes on policies that will not pass, meaning that rational legislators anticipating partisan obstruction may never bring policy proposals to the light of day that would allow us to identify partisan obstruction in action. Thus it is nearly impossible to identify the policies that partisan obstruction may have doomed (just as it is impossible to identify much of the legislation that might have been written if the President did not possess a veto).

To test our theories' key predictions, we follow Krehbiel (1986) in turning to randomized experiments that allow us to simulate political situations 'off the equilibrium path' of typical legislative politics. Our experiments give us insights into what incentives legislators face that lead to the political equilibrium that we observe.

Departing from scholarship on legislative bargaining that employs college students or convenience samples of community members as subjects, we use actual politicians as our

subjects to demonstrate the applicability of our results to the decision-making processes of actual politicians (e.g., Tomz 2009; Harden 2013).

In order to ensure a sufficient sample size for our experiments, we chose to use elected officials serving in US cities as subjects with an experiment embedded in the 2012 National Municipal Official Survey. Although we recognize that conducting survey experiments with elites at all levels of government would be preferable, we nonetheless see this as a considerable improvement among using non-elites as subjects and believe the data are appropriate to establish the plausibility of our theoretical account.

The second experiment was embedded in the 2012 National Municipal Official Survey. For the survey, research assistants collected the contact information for thousands of city mayors and councilors (or the local equivalents) from cities and towns of all sizes across the United States. The sample of city officials for the survey was constructed by first downloading a list of all of the cities in the census. Student research assistants then searched for the website of each town or city taken from the census. If the research assistants were able to identify the city website, they then collected the name and email address of the city mayor and councilors (or the equivalent).

The survey itself was created using the web-based program Qualtrics and was administered to municipal officials by sending them a link to the survey. Overall, the survey had a response rate of twenty percent, on par with recent expert surveys of this nature (e.g., Fisher and Herrick 2013; Harden 2013; Broockman et al. 2013) and double the typical response rate for contemporary telephone surveys of the mass public.

There were thus three types of municipalities in the study: (1) municipalities that did not have a website with email addresses available,¹⁰ (2) municipalities that did have emails listed but where no official accepted the invitation to take the survey, and (3) municipalities where at least one of the officials took the survey. Table 1 provides the descriptive statistics on the size of these three types of municipalities and shows that the elected officials in the survey were systematically larger than those who did not. The median municipality for which we could not find any email addresses had population of only 856 people.

Table 1. Details on the Size of Cities in the 2012 Municipal Official Survey

	No Emails Found	Emailed by no Responses to Survey	Responded to Survey
Number of Municipalities	21,542	2,035	2,989
<u>Population (Census)</u>			
Mean	3,127	17,635	36,304
Median	856	4,523	10,157
<u>Number of Elected Officials</u>			
Mean		5.6	6.6
Median		6	7
<u>Number of Officials with Posted Email Addresses</u>			
Mean		75%	92%
Median		100%	100%

Not only were officials from larger cities more likely to have email addresses, conditional on being invited to take the survey, they were also more likely to do so. The median population of cities where no one who received an invitation took the survey was 4,523. The median population of cities with official who take the survey was more than double that mark: 10,157.

Figure 1 shows the distribution of the population (on the logarithmic scale) for these three types

¹⁰ The decision to restrict the sample to city officials with email addresses meant that we also excluded some large cities that provided a contact forms in lieu of email addresses.

of cities. The pattern clearly shows that our sample is skewed towards larger cities (though it covers cities of all sizes).

Figure 1. Density Distribution for Cities Based on whether they were Represented in the Final Sample

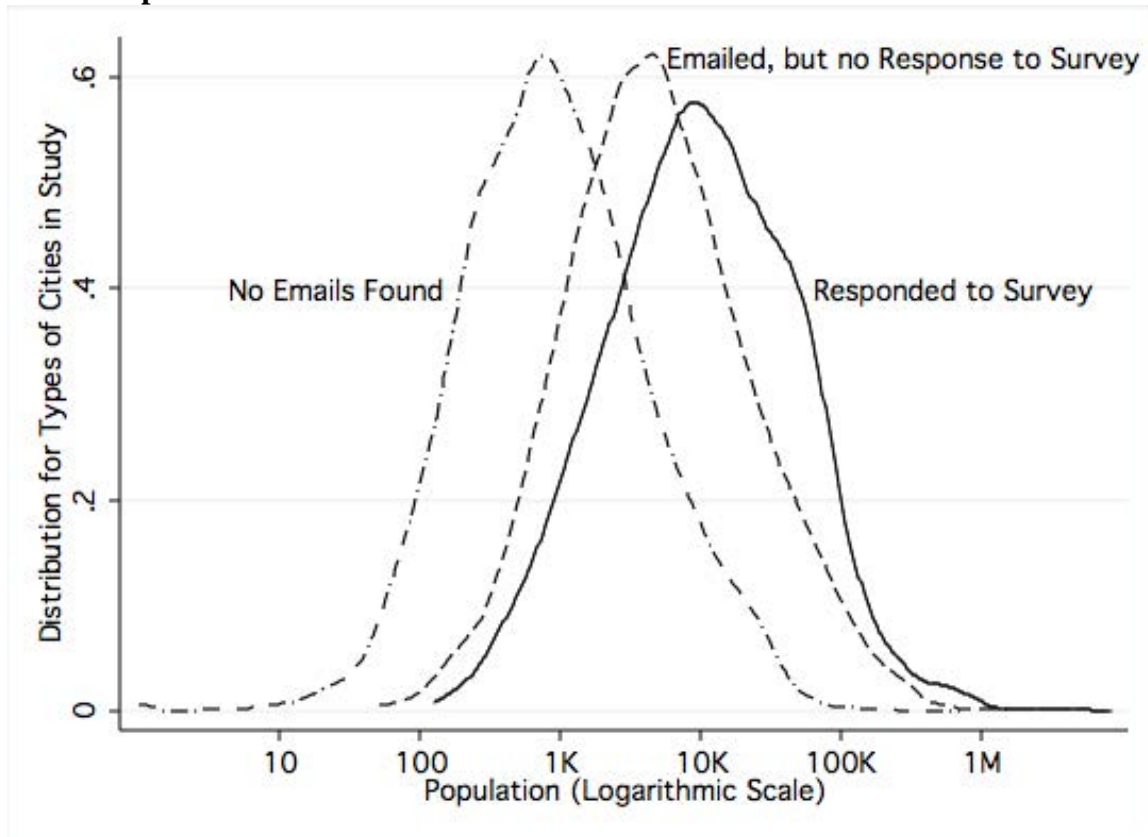
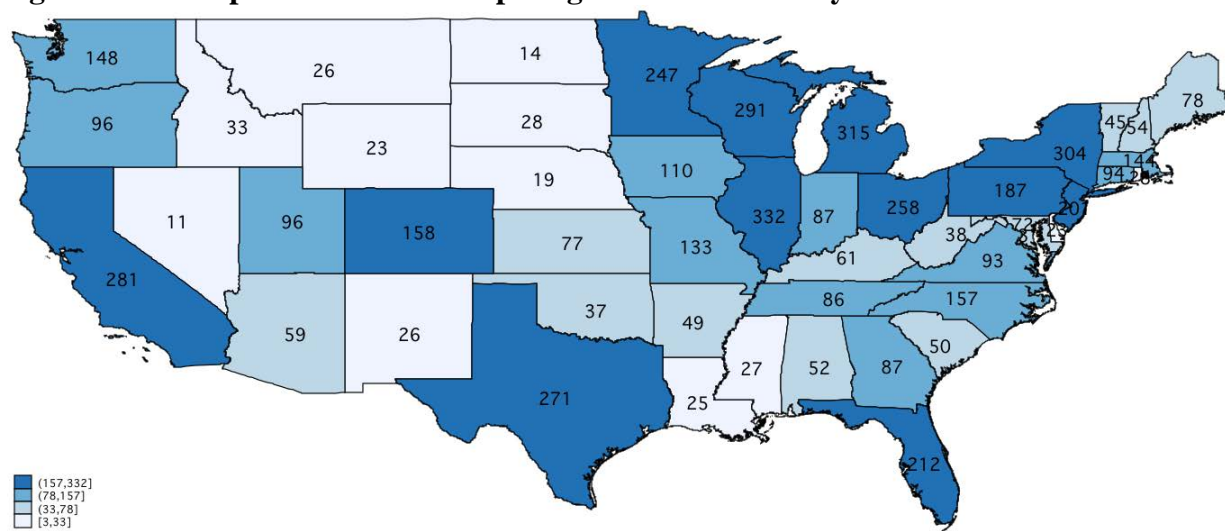


Figure 2 shows the geographic dispersion of the responses across the lower forty-eight states. Again, there was fairly good geographic coverage across the United States. Not surprisingly the larger states, with more cities, also had more responses.

Figure 2. Municipal Officials Participating in National Survey

Notes: Darker colors indicate a higher response rate to the survey. The number given in each state is the response rate for that state.

Experiment 1: Do Politicians Rely on Partisan Heuristics?

Design

Our theory predicts that politicians should (1) render heuristic judgments about a policy on the basis of its proposer's party, and (2) perceive incentives to block policies that the other party champions as a way to deny members of the opposition credit for popular accomplishments. Our experiments tested these predictions with a series of vignettes that described a sample policy and sample political circumstances around that policy's consideration. To make the experiments most naturalistic to our subjects, we cast our vignettes in terms of legislative bargaining in a city.

To test whether politicians employ partisan heuristics when judging policies, the second of our two claims, we asked politicians to read about a situation in which a city council was considering a policy change. This scenario presented respondents with the tradeoff between a gas tax and a sales tax to finance city road maintenance. It is shown in Box 1.

Box 1. Vignette Part 1: Description of Policy Proposal

We are trying to learn about how municipal officials make decisions by giving you a number of scenarios and asking how you would act in each instance. We have intentionally kept these scenarios short and focused on key elements in order to not take up much of your time.

Scenario 1: **[Democratic/Republican]** council members in a city in Ohio have long advocated **[repealing the city's/a city]** gas tax.

The **[city currently charges/proposal would charge]** a \$0.10 per gallon tax on gas, funds that **[are/would be]** directed to maintenance of the city's roads and bridges. As a result, **[eliminating/instituting]** the gas tax would **[require/allow]** the city's sales taxes to be **[raised/lowered]** by about 0.1% (from their current level of 1.5%, about the statewide average) to maintain current levels of road maintenance funding.

Though the **[Democrats/Republicans]** who control the city council argue that **[a gas tax places a burden on working families (and simply encourages residents to drive out of town to buy gas)/the gas tax is a market-friendly approach for charging those who place greater strain on the city's roads (and reducing pollution)]**, the city's **[Republican/Democratic]** mayor opposes the **[Democrats/Republicans]**' plan to **[repeal/pass]** the tax and argues that **[the gas tax is a market-friendly approach for charging those who place greater strain on the city's roads (and reducing pollution)/a gas tax places a burden on working families (and simply encourages residents to drive out of town to buy gas)]**.

Based on what you've heard so far, how likely do you think it is that [repealing/instituting] the gas tax would be the right policy decision for the city? (100% = definitely the right decision, 50% = toss-up, 0% = definitely the wrong decision)

[Respondents given a sliding scale that ranges between 0 and 100 to enter their response]

Crucially, two elements of the text shown to respondents were randomized throughout the vignette. First, we randomized the party of the councilors that proposed the policy change and the mayor of the party that opposed it (always opposite of the proposers' party). Some elected officials were thus told that members of their party were proposing the legislation, while others were told that members of the other party were proposing the legislation.¹¹ Second, we randomized whether the policy change under consideration would (1) have replaced the city's gas tax with a higher city sales tax or (2) have lowered the city's sales tax by instituting a city gas tax, exact opposites. At the end of the vignette, we measured officials' support for the policy

¹¹ We asked for respondents' party affiliation earlier in the survey, several pages before this vignette.

by asking them, on a scale between 0 and 100, how likely the policy would be the “right policy decision for the city.”¹²

Our theoretical hypothesis at stake in this vignette is that legislators rely on the partisanship of a policy’s proposer as a heuristic when making relatively quick judgments of policies, the kind of decision process extensive work on legislative decision-making shows legislators typically employ when considering low salience policies (even when they are substantively significant; e.g., Kingdon 1973). This hypothesis would lead us to predict that the officials in our survey experiment would rate the policy we presented to them as significantly less likely to be the “right policy decision for the city” when members of the opposite party proposed the legislation (and members of their party opposed it) than when members of their party proposed the legislation (and members of the other party opposed it). Because we randomized this feature of the vignette, we can infer whether legislators’ evaluation of the policy depends on the partisanship of the officials who offered it.

Results

The survey experiment was designed to approximate the conditions when political decision-makers have to make a snap decision about a policy because they have limited time and information (Kingdon 1973).¹³ Nonetheless, we expected this vignette to represent a relatively difficult test for our hypothesis that politicians use the partisanship of a policy’s proposal as a

¹² We employed a 0-100 scale instead of a binary dependent forced choice (e.g., “would you vote for or against this proposal?”) for two reasons. First, based on experience with previous elite surveys we believe that many elected officials would resist stating binary views, perhaps the result of previous chastening by ‘gotcha’ politics (although they were assured that their survey responses were confidential). Second, because elite respondents’ time comes at a public cost, we wanted to extract the most statistical power possible from their responses; by employing a more nuanced dependent variable we were able to limit the number of officials that were required to attain reasonable statistical precision.

¹³ Although our respondents could have sought out additional information about the policy proposal we asked them to consider, we doubt that they had much motivation to do so – just as politicians often (though of course not always) face relatively small incentives to vote for or against a particular roll call.

cue. There was little room for ambiguity in our description of the policy – our subjects were unlikely to have merely inferred other features of the policy from its proposers, a concern with similar experiments conducted with the mass public (Bullock 2011). To the degree that our respondents had experience making decisions about city taxes, an issue of central concern to city officials, we would also expect them to have relatively firm views about whether sales or gas taxes are generally preferable. In order to reduce cognitive consistency pressures, we also provided respondents with reasons that both liberals and conservatives might reasonably oppose the change under consideration: on the one hand, city gas taxes can simply displace demand for gasoline instead of raising revenue and can raise taxes on working families; but on the other hand, gas taxes can reduce pollution and represent a market-friendly approach for taxing the use of automotive transit infrastructure.

Table 1. Average Likelihood Officials Thought Policy Decision Was Right For City, By Proposer Party Treatment Condition

Treatment	Average Likelihood that Policy was Right Decision for City
Proposer Same Party as Official	39%
Proposer Opposite Party as Official	26%
Difference	12.8*** (3.7)
N	621

*Notes: Robust standard errors in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.*

Table 1 shows the average likelihood that the officials in each treatment condition thought that the policy decision would be right for the city. The first row shows that the typical official thought that the policy decision would have about a 39% chance of being the right one for the city when an official of their party proposed it. However, when officials were told that a legislator of the opposite party proposed the policy, they were significantly less likely to believe the policy would be a good idea, on average assigning the policy a 26% chance of being the right decision for the city, about 13 percentage points less than when told a member of

their party proposed the idea (a highly statistically significant difference, $p < 0.001$).

To appreciate the size of this difference, consider the differences by ideology and across the policy conditions shown in Table 2. Column 1 of Table 2 shows the result previously discussed – the officials were about 13 percentage points more likely to support the policy when it was opposed by a councilor of the same party ($p < 0.001$). Column 2 shows that this effect is similar in size to in the average effect of completely reversing the content of the policy itself: we also find that the officials are on average about 12 percentage points more supportive of instituting the gas tax than repealing the gas tax ($p < 0.001$). Although this is merely an average effect, it is striking.

The last column helps further illustrate the substantive size of the main effect by computing how support for each proposal varied by politicians' ideologies, as measured by their ideological self placement (on a -3 to 3 scale) elsewhere on the survey. (To ease in the interpretation of the regression output we present these results as two separate slopes, one for each condition.) When presented with the gas tax repeal plan, the most liberal politicians in our sample were only about $(1.8 * 6 =)$ 11 percentage points more likely to support the plan than the most conservative politicians, a difference that is not statistically significant. When presented with the sales tax repeal, the most conservative politicians were $(-4.1 * 6 =)$ 25 percentage points less likely to support the plan than the most liberal politicians. The partisanship of the proposer is clearly not the only information politicians are using when making political decisions, but ideological concerns by no means completely overshadow partisan cues either.

Table 2. Substantive Significance of Treatment Effect: Average Likelihood

Dependent Variable = Likelihood That Policy Is Right Decision For City	(1)	(2)	(3)
Proposing Councilor Is Same Party	12.8*** (3.7)	12.5*** (3.7)	11.5** (3.6)
Proposal Is To Repeal Gas Tax	-	-11.6***	-13.2***

<i>(Base Category = Repeal Sales Tax)</i>		(3.6)	(3.6)
Proposal is Gas Tax Repeal X Politician Ideology <i>(Politician Ideology -3 to 3, Higher Values More Conservative)</i>	-	-	1.8 (1.6)
Proposal is Sales Tax Repeal X Politician Ideology	-	-	-4.1** (1.5)
Constant	26.2***	32.3***	34.0*** (2.7) (3.1) (3.0)
N	621	621	616
R ²	.019	.035	.046

Robust standard errors in parentheses. $\wedge = p < 0.10$, $ = p < 0.05$, $** = p < 0.01$, $*** = p < 0.001$.*

We have no doubt that the sizeable treatment effect of the proposer’s partisanship in the experiment would decrease a great deal if the officials were to scrutinize this policy in great detail, hear testimony from a number of relevant experts, and otherwise engage in effortful consideration of the policy and political costs and benefits of this policy. Our theory, however, is concerned with the many situations where politicians do not have such incentives to carefully consider a policy, such as both answering this survey and in making many decisions about low salience matters (Kingdon 1973). To the degree that politicians make decisions on policies quickly – and there is ample evidence that they often do – our empirical evidence confirms our theoretical expectation that rational legislators to make inferences about a policy’s likely effects from its proposers’ partisanship.¹⁴

Experiment 2: Incentives to Deny Credit To The Opposition

Our second experiment sought to evaluate the second leg of our theoretical argument: that when higher salience policies are at stake, politicians perceive incentives to engage in

¹⁴ An additional interpretation of these results and our theory is that the politicians employed this heuristic due to a more subconscious cognitive bias, similar to what occurs among the mass public (e.g., Bullock 2011). This is entirely possible and fully consistent with our account – whether legislators are quick to judge policies on the basis of their proposers’ partisanship for conscious or subconscious reasons is immaterial to the fact that they are prone to making such judgments in conditions where they do not expend great effort considering a policy’s pros and cons.

partisan obstruction in order to deny the other party credit for passing popular policies. We evaluated this hypothesis with a continuation of the vignette described in the previous section. After the respondents had indicated their attitude on the policy as shown in Box 1, some¹⁵ advanced to a screen displaying the text shown in Box 2. This second part of the vignette described how several years afterwards a new mayor, still from the opposition party, made the city councilors' old policy proposal (the gas tax repeal or institution) a centerpiece of his own agenda. The councilors in the vignette thus faced the prospect of continuing to support their original position or opposing the proposal because the opposition party's figurehead now championed the issue.

Box 2. Vignette Part 2: Description of Political Environment

Scenario 1, Part 2: **Now we'd like you to consider some subsequent events during this city's consideration of the *[gas tax repeal/gas tax]* and their political consequences.**

Even though they control the city council, *[Democrats/Republicans]* have been unable to *[repeal/pass]* the gas tax because the city's *[Republican/Democratic]* mayor (who holds a veto) has long been opposed. Meanwhile, the *[gas tax repeal/gas tax]* has been growing more popular among residents, with recent polls suggesting about 65% of residents favor it.

[Democratic/Republican] councilors eventually stopped pushing for the plan in light of the mayor's veto threat. Several years passed, the issue largely disappeared from political discussions, and few voters or observers recalled that the councilors ever had supported it. Surprisingly, however, when a new *[Republican/Democratic]* mayor is elected, he announces that he supports the *[gas tax repeal/gas tax]* and will make the plan a centerpiece of his agenda during next year's city council term.

As the new term approaches, the *[Democrats/Republicans]* on the council meet to discuss their strategy. During their discussions, they consider the plan to *[repeal/pass]* the gas tax (and *[raise/lower]* the sales tax).

Many (though not all) of the *[Democratic/Republican]* councilors believe the change would benefit the city and the party should support the plan. However, some of the councilors also argue that they should oppose the *[repeal/plan]* for now because voters will give the *[Republican/Democratic]* mayor credit for it, potentially further empowering him to pass other, problematic parts of his agenda. Others argue that party activists and primary voters would oppose the plan now that a *[Republican/Democratic]* mayor is making the policy a centerpiece of his proposals.

¹⁵ We used the first set of respondents to conduct a pilot study for the second part of the vignette, attempting different wordings and gauging legislators' reactions – as we had feared, participants in the studies sometimes reacted negatively to wordings that too transparently accused politicians of their party of engaging in partisan obstruction and we wanted to phrase the vignette as delicately as possible while keeping it clear. The final wording was selected before any data was collected or analyzed utilizing it.

After a 9-8 caucus vote, the *[Democrats/Republicans]* on the council decide to *[support/oppose]* the plan and it *[passes/fails]*.

Based on what you've read so far, please indicate how likely you think it is that each of the following statements would ultimately be true (*with 0% meaning never, 50% meaning a complete toss-up, and 100% meaning certain to happen - you can choose any number between 0% and 100%*):

[Respondents given a sliding scale that ranges between 0 and 100 for the following questions:]

Q1) The *[Republican/Democratic]* mayor's popularity would *[increase/decrease]* after his proposal *[passed/failed]*.

Q2) The *[Republican/Democratic]* mayor would be re-elected

Q3) *[Democratic/Republican]* primary voters would be angry with *[Democratic/Republican]* councilmembers for *[supporting/opposing]* the *[Republican/Democratic]* mayor on this issue.

Q4) The *[Democrats/Republicans]* on the council who *[supported/opposed]* the *[Republican/Democratic]* mayor's plan would face a difficult primary.

In the vignette we described how the councilors reached their position by a vote of 9 to 8. We chose a close vote margin so that respondents would not infer that one position was clearly stronger than the other. Importantly, we randomized whether the councilors' caucus decided to support the mayor (keeping their original position on the issue) or to oppose the mayor (thus switching their original position on the issue). This randomization was intended to isolate what politicians believe to be the consequences of partisan obstruction – what do politicians think will happen when they choose to block (instead of not to block) the other party from passing a popular policy, even if they themselves personally believe it would be beneficial?

We finished the vignette by asking the officials four questions about the likely consequences of supporting or opposing the mayor's proposal. The first two questions dealt with the mayor's popularity and reelection prospects and were meant to capture the possibility that the councilors could affect the mayor's popularity by denying him this credit claiming opportunity. The last two questions asked about how the councilors' actions would affect support from own support from primary voters, who we expected to be the most policy motivated and capture the

potential costs of obstructing the policy.

As in the previous experiment, respondents were asked to indicate on a scale from 0 to 100 how likely each of these consequences would flow from the councilors' actions. The respondents were told that a 50 indicated that they thought it would be a complete toss-up as to whether the councilors' actions would have an effect.

Table 3. Perceived Political Effects of Partisan Obstruction

Treatment	Likely Effect on Mayor		Likely Effect on Councilors	
	More Popular	Reelected	Angry Primary Voters	Difficult Primary
Council Obstructed Mayor	51.3	55.7	50.1	51.2
Council Did Not Obstruct Mayor	57.9	57.0	45.8	44.6
Difference	-6.6* (2.6)	-1.3 (1.9)	4.3 (2.8)	6.6* (2.6)
N	292	295	291	290

Robust standard errors in parentheses. $\wedge = p < 0.10$, $ = p < 0.05$, $** = p < 0.01$.*

Table 3 presents the results for each of the four questions by the randomized treatment condition. In many cases, the average rating was near a 50 – an indication that the respondents thought it was a toss-up as to whether the councilors' actions would affect the outcomes.

The first column of Table 3 shows strong evidence that legislators believe that partisan obstruction pays. Our participants expected that the mayor's popularity would be significantly lower when the legislators on the council chose to block the mayor's keystone plan instead of allowing it to pass, about a 6.6 percentage point loss in expected popularity as a result of the mayor's one policy loss alone. This is direct evidence that sitting politicians believe they have incentives to engage in partisan obstruction of the most perverse kind: blocking popular policies they themselves support allows them to undercut their opponent's popularity. The results for the re-election item are in the expected direction although not statistically significant; it seems

politicians believe re-election is more difficult to influence, although it is clear that changes in popularity have direct implications for it.

The results of this vignette also give some hint as to why such tactics do not completely paralyze the political system, however. Although politicians do believe they can significantly undermine their political opponents with partisan obstruction, they also appear to believe that they pay some degree of individual cost for doing so. When respondents were told that the elected officials in the vignette chose to forgo a policy victory for political gain, they were more likely to face a difficult primary election as a result.

It is beyond this paper's ambitions to isolate the precise conditions under which politicians will decide that the benefits of partisan obstruction on highly salient issues outweigh the potential costs. However, there is good reason to think that the strategic benefits of being an obstinate opposition outweigh the benefits of compromising with the other side. In particular, solely policy-motivated legislators are likely to be replaced by ideological allies given that most districts reliably elect individuals from the same party election after election, meaning that legislators motivated by policy may 'take one for the team' by engaging in obstruction. Moreover, there is also a great deal more at stake with the majority party's popularity – empirical evidence suggests that elections typically are driven by voters' regard for the sitting majority's reputation, and much less so by voters' regard for the minority (Rogers 2012). There is thus little reason to think that politicians' disincentives to obstruct will always overwhelm their incentives to do so, although these results suggest that better understanding the balance of consequences is a fruitful question worthy of future study.

Discussion

James Madison argued that representative democracies should contain substantial

antimajoritarian protections, although a considerable literature suggests that Madison's prescribed cure is worse than the disease, as the resulting gridlock prevents policies from passing that nonetheless enjoy widespread support (Krehbiel 1998; Hacker 2004).

In this paper we shed further light on these age-old questions about antimajoritarian institutions by exploring how the existence of legislative parties incentivizes legislators to thwart the opposition from passing popular policies. We argued that partisans in antimajoritarian institutions have incentives to engage in such partisan obstruction based on widely accepted premises regarding politicians' strategic environments, their incentives to cultivate party reputations (Cox and McCubbins 1993, 2005) and to make careful use of their scarce legislative resources (Hall 1996).

We first argued that when a policy under consideration is highly salient, legislators have incentives to deny the opposition the opportunity to gain credit for passing popular policies. Parties with better reputations are more likely to win or retain control of legislative chambers and to marshal political support to pass their preferred policies, granting parties incentives to pass popular policies. However, much of legislative politics is zero-sum (Lee 2008); and legislators thus have incentives to deny the other side opportunities to burnish their reputations for the same reasons that they have incentives to improve their own. Though American political institutions reward majorities for passing popular policies, they also incentivize minorities to stop them and empower minorities to do just that.

When issues are of lower salience, legislators are less likely to see incentives to win popularity by supporting popular policies or, likewise, to block their incentives from accruing the meager political benefits that many low salience bills may offer. However, to the degree that a particular vote does not have significant consequences for a legislator, a legislator is also likely

to eschew gathering a great deal of information about the likely effects of voting yea or nay. Legislators have ways to spend their time more important to achieving their goals than carefully considering every legislative proposal; and we argued that this very need to make careful use of scarce legislative resources leads legislators to engage in partisan obstruction for less salient issues. According to our theory, on these less salient issues rational legislators use the partisanship of a policy's proposer as a cue, preferring to avoid costly information gathering about a policy's potential effects when it is so likely that the legislator would have opposed the policy were she to gather all the facts.

We supported these theoretical arguments with unique data that relies on survey experiments administered to serving politicians. Observational data alone yields predictions that are largely observationally equivalent with existing, preference-based theories. Roll call positioning data itself would reflect these biases, making it an inappropriate independent variable for statistical analysis, while politicians' anticipated reactions of their opponents' obstruction might limit many laws from being written in the first place. Our experiments allowed us to overcome these challenges and explore whether partisan obstruction helps account for gridlock.

Results from our experiments supported our theoretical expectations on both counts. First, we found that politicians are quick to judge policies based on their party affiliation of their proposer when they have little incentive to consider the consequences carefully. Second, we found that legislators also believe that blocking popular policies can undermine their opposition. Nonetheless, the experiment also showed that there are limits to this strategy, as politicians do expect to pay some price for blocking policies that their own re-election constituency would prefer.

Polarization is not new to American politics – most of the nation's history has featured

highly polarized parties (Brady and Han 2006). As this trend continues, our results suggest that we should continue to expect policy gridlock, even when actors' preferences would ostensibly suggest compromise is possible. Politicians face and perceive strong incentives to frustrate their opponents' policymaking efforts regardless of their content, a feature of legislative life that attains special importance in American politics because minority parties resident in antimajoritarian institutions are not only incentivized but also empowered to block their opponent's efforts.

Writing in an era when American political parties had not yet developed, Madison recorded his pessimism that the "causes of [political] faction" could be removed, instead hoping that the United States' antimajoritarian institutions would at least "control [factions'] effects." It seems Madison was half right. American political parties were sure to develop no matter what, but American government's antimajoritarian institutions may well exacerbate their pathologies.

Addendum

In future drafts of the paper we plan to add the following robustness checks:

- Show the results hold among only the self-identified "councilor" types.
- Use different measures for the "ideology" score.
- Formally control for the demographics we have at least race, party, partisan election, job type. This should not matter in expectation given the randomization.

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