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DIVIDED GOVERNMENT AND CONGRESSIONAL FOREIGN POLICY: A CASE STUDY OF THE POST-WORLD WAR II ERA IN AMERICAN GOVERNMENT

by

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B.A. University of Florida, 2005

A thesis submitted in partial fulfillment of the requirements
for the degree of Master of Arts
in the Department of Political Science
in the College of Sciences
at the University of Central Florida
Orlando, Florida

Spring Term
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ABSTRACT

The purpose of this research is to analyze the relationship between the executive and legislative branches of American federal government, during periods within which these two branches are led by different political parties, to discover whether the legislative branch attempts to independently legislate and enact foreign policy by using "the power of the purse" to either appropriate in support of or refuse to appropriate in opposition to military engagement abroad.

The methodology for this research includes the analysis and comparison of certain variables, including public opinion, budgetary constraints, and the relative majority of the party that holds power in one or both chambers, and the ways these variables may impact the behavior of the legislative branch in this regard.

It also includes the analysis of appropriations requests made by the legislative branch for funding military engagement in rejection of requests from the executive branch for all military engagements that occurred during periods of divided government from 1946 through 2009.

This thesis is dedicated to my mother, Adria Feinman, who passed away on March 16, 2005, for always believing in my ability to maximize my potential and achieve any goal I set for myself. It is also dedicated to my father, Dr. Ronald Feinman, who has supported me in every way possible to ensure I was able to achieve this milestone, as well as countless others, throughout my life.

ACKNOWLEDGEMENTS

I would like to thank my father, Dr. Ronald Feinman, for instilling in me a deep interest in history and politics from a young age, and for his moral support during my many years in college and as my career as a public policy professional in Washington, DC has evolved.

I would also like to thank Congressman Robert Wexler for affording me the privilege of working on his staff from January 2007 through January 2010 and for allowing me the opportunity to be a part of the legislative process and to experience the fundamental topic of my thesis first-hand.

Finally, I owe a debt of gratitude to Jonathan Katz, Senior Advisor to Congressman Wexler and Staff Director of the House Subcommittee on Europe, for his leadership and mentorship as I expanded my knowledge of politics and policy in foreign affairs, as well as his trust in me to manage policy relating to the U.S.-Israel relationship, the Middle East peace process, and the Jewish community, all very critical issues for Congressman Wexler while he was in office. I am forever grateful.

TABLE OF CONTENTS

LIST OF FIGURES x

LIST OF TABLES xi

LIST OF ACRONYMS/ABBREVIATIONS xiii

CHAPTER ONE: INTRODUCTION 1

Origins of the Struggle 3

The Nature of the Struggle 6

Constitutional and Legislative Provisions 8

Article 1, Section 8 8

Article 1, Section 9 9

Article 2 9

War Powers Resolution of 1973 10

Historical Precedent 11

The History of Divided Government 12

Instances of Divided Government 13

The Appropriations Process 15

Annual Appropriations Cycle 16

Committee Consideration of Appropriations Bills 17

House Floor Action 18

Senate Floor Action 19

House and Senate Conference Action 20

Presidential Action 22

CHAPTER TWO: LITERATURE REVIEW 23

Supporters 27

Edwards, Barrett and Peake 27
Jones 29
Howell, Adler, Cameron and Riemann 31
Dissenters 33
Menefee-Libey 33
Kelly 36
Coleman 37
Application 39
CHAPTER THREE: METHODOLOGY 41
Research of Impact of Independent Variables 41
Public Opinion 41
Budget Constraints 43
Relative Size of Majority 44
Research of Appropriations Requests 45
The Vietnam War 45
The First Gulf War 46
NATO Intervention in Yugoslavia 47
Operation Enduring Freedom / Operation Iraqi Freedom 48
CHAPTER FOUR: FINDINGS 49
Analysis of Independent Variables 49
Public Opinion 49
Opinion of the President 50
Opinion of Congress 57
Opinion of Military Engagements – Vietnam 59

Opinion of Military Engagements – First Gulf War 60
Opinion of Military Engagements – NATO in Yugoslavia 61
Opinion of Military Engagements – Iraq and Afghanistan 62
Budget Constraints 65
Unemployment 65
Inflation 67
National Debt 70
Relative Size of Majority 74
Analysis of Appropriations Requests 79
The Vietnam War 79
The First Gulf War 84
NATO Intervention in Yugoslavia 85
Operation Enduring Freedom / Operation Iraqi Freedom 86
Comparative Analysis 89
Appropriations/House Majorities 89
Appropriations/Senate Majorities 91
Appropriations/Unemployment 92
Appropriations/Inflation 94
Appropriations/National Debt 96
Appropriations/Presidential Approval 98
Appropriations/Congressional Approval 100
Appropriations/War Approval 102
CHAPTER FIVE: CONCLUSION 105
Summary of Findings 105

Analysis of Research Question 106
Policy Prescriptions 107
Recommendations for Future Research 108
LIST OF REFERENCES 110

LIST OF FIGURES

Figure 1 – Gallup historical polling data expressing Dwight D. Eisenhower's approval ratings. 51
Figure 2 - Gallup historical polling data expressing Richard Nixon's approval ratings 52
Figure 3 - Gallup historical polling data expressing Gerald R. Ford's approval ratings 53
Figure 4 - Gallup historical polling data expressing George H. W. Bush's approval ratings 54
Figure 5 - Gallup historical polling data expressing Bill Clinton's approval ratings 55
Figure 6 - Gallup historical polling data expressing George W. Bush's approval ratings 56
Figure 7 - Gallup historical polling data expressing approval and disapproval of Congress 57
Figure 8 - Gallup poll indicating disapproval of decision to send troops to Vietnam 59
Figure 9 - Gallup historical polling data expressing approval and disapproval of Operation Iraqi Freedom 63
Figure 10 - Gallup historical polling data expressing approval and disapproval of Operation Enduring Freedom 64

LIST OF TABLES

Table 1 – Instances of Divided Government and Military Action in the Era of Modern Political Parties 14
Table 2 – Monthly Unemployment Rates in the U.S. during Instances of Divided Government, Post-World War II 66
Table 3 – Monthly Inflation Rates and Yearly Average Inflation Rates in the U.S. during Instances of Divided Government, Post-World War II 68
Table 4 – U.S. National Debt at the end of each fiscal year during Instances of Divided Government, Post-World War II (x $1,000,000) 70
Table 5 – Review of Unemployment, Inflation and National Debt during Instances of Military Conflicts and Divided Government, Post-World War II 72
Table 6 – Relative Majorities in House of Representatives, Instances of Divided Government, Post-World War II 75
Table 7 – Relative Majorities in Senate, Instances of Divided Government, Post-World War II 76
Table 8 – Legislation Passed by Congress Limiting Presidential Policy during Vietnam War ... 81
Table 9 – Bivariate Correlation: approps and majhouse 89
Table 10 – Linear Regression: approps and majhouse 90
Table 11 – Bivariate Correlation: approps and majsenat 91
Table 12 – Linear Regression: approps and majsenat 92
Table 13 – Bivariate Correlation: approps and unemploy 93
Table 14 – Linear Regression: approps and unemploy 94
Table 15 – Bivariate Correlation: approps and inflate 95
Table 16 – Linear Regression: approps and inflate 95
Table 17 – Bivariate Correlation: approps and natldebt 96
Table 18 – Linear Regression: approps and natldebt 97
Table 19 – Bivariate Correlation: approps and pubopprz 99
Table 20 – Linear Regression: approps and pubopprz 99
Table 21 – Bivariate Correlation: approps and pubopcon 101
Table 22 – Linear Regression: approps and pubopcon 101
Table 23 – Bivariate Correlation: approps and pubopwar 102

Table 24 – Linear Regression: approps and pubopwar..... 103
Table 25 – Compilation of Data on Independent Variables Collected from Statistical Analysis104

LIST OF ACRONYMS/ABBREVIATIONS

3rd – Third Party

approps – variable description for appropriations

Avg – Average

BLS – Bureau of Labor Statistics

Camb. – Cambodia

Dem – Democratic Party

EB – Executive Branch

FY – Fiscal Year

GOP – Republican Party

H. J. Res. – House Joint Resolution, joint resolution of the two chambers

HR – House of Representatives

H.R. – House Resolution, bill

inflate – variable description for rate of inflation

LB – Legislative Branch

majhouse – variable description for majority in the House of Representatives

majsenat – variable description for majority in the Senate

natldebt – variable description for relative increase in national debt

NATO – North Atlantic Treaty Organization

N.V. – North Vietnam

PL – Public Law

pubopcon – variable description for popularity of Congress

pubopprz – variable description for popularity of President

pubopwar – variable description for popularity of war

U.S. – United States

S. – Senate Resolution, bill

Sen – Senate

S.V. – South Vietnam

unemploy – variable description for unemployment rate

CHAPTER ONE: INTRODUCTION

One of the core issues that the framers of the United States Constitution faced at the Constitutional Convention in Philadelphia in 1787 was the issue of separation of powers in the federal government. Following a six-year period of governing under the Articles of Confederation, which produced a weak central government and glaring inadequacies that threatened the sanctity of the newly formed union, the delegates to the Convention designed a new document with the intent of strengthening the federal government, but defining the roles of the branches of this government and providing a separation of powers that would prevent one branch from becoming more powerful than the others.

The first two articles of the Constitution define the roles of the legislative and executive branches, respectively, detailing the powers of and restraints on each, including identifying which branch has the ability to produce revenue bills (legislative) and to command the armed forces and militias (executive).[1] The definitions provided were sufficient in regard to the imminent needs of the emerging republic and helped to provide a stable basis for a stronger central government, but left much up for interpretation as the responsibilities of the government grew with time.

One area that was left ill-defined was the power to create and enact the nation's foreign policy. Does the executive branch alone have the ability to determine how this policy is crafted and when military force can be used? Or does the legislative branch, through the power of the purse, have the ability to determine when and how this power should be used? If the legislative

[1] "The Constitution of the United States," Articles 1-2.

branch inherently has this power, has it been usurped by the executive branch through precedent brought about by presidents who have sought to expand the power of the presidency? Or has it been voluntarily abdicated by a legislative branch placated with the responsibility of oversight and the ability to bring about reactionary reform, rather than pro-active policy creation?

Beyond the general questions about the defined power of each branch, the issue becomes more complex during instances of divided government, when the executive and legislative branches are controlled by different political parties. What political factors play into the role the legislative branch plays in the crafting of foreign policy during those instances? Do variables, including public opinion, budgetary constraints, or the relative size of the majority in the legislative branch, impact the role this branch plays? Or is this often subservient role dictated purely by precedent and tradition?

With the role of the legislative and executive branches in the creation and enactment of foreign policy at the height of political discussion today, it is both timely and historically relevant to analyze this rivalry. The question of the constitutionality of President Barack Obama's decision to prosecute Operation Odyssey Dawn in Libya in March 2011, without seeking a declaration of war from the Congress or consulting with congressional leadership in any way, has come from the leadership of both the Democrat majority in the Senate and the Republican majority in the House and has reopened the debate amongst pundits and academics about the relationship between these two branches of government.[2]

The best way to understand this relationship and the way in which each branch extends its reach into the foreign policy arena is to analyze the fundamental cog in the foreign policy

[2] Williams, Pete and Jonathan Hutcheson. "Did Obama violate the Constitution with Libya military action?" *MSNBC.* 22 March 2011. Web. 22 March 2011.

engine: appropriation of funds for military campaigns. Analyzing the types of appropriations requests passed by Congress relative to military campaigns during periods of divided government since World War II will shed light on whether the Congress attempts to exert its influence on foreign policy.

It is my prediction, prior to the completion of any research on this question, that *the legislative branch,* which will be referred to going forward as LB, *will attempt to assert its authority to impact the prosecution of foreign policy during such periods in our government, but will do so unsuccessfully. As co-equal branches of government, the LB, when compelled by a division in political ideology with the Executive Branch,* which will be referred to going forward as EB, *will attempt to reject the wishes of the EB through the power of the purse, but will find such attempts difficult at best.* After spending two years serving as a legislative aide for a Member of Congress during a period of divided government, I have personally experienced this relationship between the two branches and believe a complete analysis of the variables at play will prove this correct.

Origins of the Struggle

As a largely isolationist nation for at least the first century of its existence, the United States had a relatively insignificant role on the world stage until World War I, and the extent of its affairs with nations outside of the Western Hemisphere involved trade and commerce until that point in history. The Monroe Doctrine established this trend, and for a nation more concerned with manifest destiny on its own continent, holding itself together through a Civil

War, and growing its economy during the Industrial Revolution, foreign affairs with nations across either the Atlantic or Pacific oceans took a backseat until the 20th Century.

The world changed significantly with the First World War, however, and with this change emerged the presence of the United States as a world power. It was no longer enough to worry about what happened on its own soil, and since that war, the United States has been a major player in every significant war and military conflict between nations, particularly in Europe and in the Middle East. This role in the affairs of other nations thrust the prominence of the American Presidency into the forefront of world politics. Often called the "leader of the free world," the American President is the face of American foreign policy and democracy as an ideology.

The essence of democracy, however, is the ability of the people to determine their leaders and to have a say in the choices made by their government. While the American President is elected by the people, it is an indirect election through the Electoral College, and as a singular office has the least direct responsibility to the electorate of any elected official in the federal government. On the other hand, Members of Congress, particularly in the House of Representatives, are directly elected by a small, specific constituency to whom they are directly responsible.

These contrasts in responsibility to the electorate between the two branches in this context create the following questions: what is the role of the LB in foreign affairs? Do the elected officials most directly responsible to the electorate have a role in how this policy is crafted? Does the indirect election of the EB through the Electoral College protect the EB from public opinion and their responsibility to the electorate when they make decisions unilaterally?

Do the people held responsible for allotting funds for military engagement have a say in the policies and programs that spend the money they allot?

These questions may have been asked for many years, but have been no more relevant than over the past decade, during which time America has been engaged in military action in Iraq and Afghanistan, faces an imminent threat from Iran, and must defend its borders from terrorist threats. These questions are also made relevant by the four most recent political showdowns during periods of divided government. The Congress elected in 1994, a new Republican majority opposing a Democratic President, passed restrictions on foreign aid that impacted President Clinton's ability to pursue enlargement and achieve many of his foreign policy goals in the post-Cold War era. The Congress elected in 2006, led by a new Democratic majority seeking a change of direction in foreign policy while a Republican President resided in the White House, created a political showdown that helped to define both the progress of America's military engagement in Iraq and Afghanistan and played a significant role in public perception of the candidates in the 2008 presidential election. More recently, the Congress elected in 2010, led by a new Republican majority in the House of Representatives, is seeking to bring about a new era of fiscal restraint in direct opposition to the policies of a Democratic President which has the potential to impact prosecution of the campaigns in Iraq and Afghanistan, and has publicly expressed concern over the constitutionality of President Obama's engagement in military activity in Libya.

This juxtaposition of parties, branches of government, and methods of conducting foreign policy has been replayed many times in our history, particularly since World War II, and it is a struggle that requires analysis and further understanding.

The Nature of the Struggle

While the power to command the armed forces has been clearly assigned to the President and his Cabinet,[3] nowhere in the Constitution is it written that it is solely the job of the EB to craft foreign policy and resolve differences with nations through the use of force and military action.

The President, as the head of the EB, the commander-in-chief of the armed forces, and head of state, is the face of American foreign policy projected to the world, and by precedent and tradition is understood domestically and abroad as the engine of such policy. The Congress, however, is responsible for providing appropriations for the armed forces and is given the power of oversight in order to make educated legislative decisions and to evaluate the progress of actions taken by the EB.[4]

In a political climate where the consensus on foreign policy is shared by the LB and EB, the relationship between the branches often works fluidly, and the job of developing policy is left to the President with little oversight from Congress, as was the case in 2003 when President George W. Bush sent troops into Iraq to topple Saddam Hussein's regime. The Republican-controlled LB authorized appropriations for this military campaign without much debate, and as the war dragged on well beyond the expected time frame and casualties and costs mounted, there was little pressure from the leadership in the LB to change the course of the war, even as public unrest grew and the Democratic minority called for change.

[3] "The Constitution of the United States," Article 2, Section 2.
[4] "The Constitution of the United States," Article 1, Section 8.

This public unrest led to a change in leadership in both chambers of the LB in 2006, and with this change came a fundamental difference in how the EB and LB felt the future of America's engagements in Iraq and Afghanistan should be handled, as well as how to deal with future threats America may face, including Iran and non-state actors. Democrats took control of both chambers of the LB following the 2006 election with what they believed was a mandate for this change, and this mandate influenced their agenda in the early months of the 110th Congress to reject the EB's policies.

President Bush, however, maintained a steady course of action in Iraq and Afghanistan, even after his party became the minority in Congress for the first time since 1994, taking advantage of the inability of the Democratic leadership in the Senate to establish enough of a coalition with moderate Republicans to end filibusters and invoke cloture to pass legislation with a three-fifths majority. He also maintained his policy of isolation with Iran, believing a diplomatic "time-out" and verbal posturing would alter the Iranian government's plans to proliferate its nuclear capability.

In response to Bush's choice to stay the course on these issues, the Democratic leadership in the LB attempted to engage in its own foreign policy, passing legislation in direct defiance of Bush's plans in Iraq by calling for a reduction in troop levels and a timetable leading to an end of military engagement in Iraq, as well as taking steps to open diplomatic relations with Iran in an effort to resolve the differences America has with Iran without resorting to military engagement.

These attempts were relatively unsuccessful in the 110th Congress, however, as President Bush refused to sign into law any appropriations for the wars in Iraq and Afghanistan that included timetables for withdrawal or reductions of troops, and in vetoing such legislation,

turned the spotlight on the leadership in the LB, blaming them for delaying necessary funding to keep American troops safe and to ensure their ability to claim victory on both fronts.

Before delving further into the details of this political battle and others like it, a review of the constitutional and legislative provisions that provide guidance as to the rights and responsibilities of the LB and EB in this regard is necessary.

Constitutional and Legislative Provisions

Article 1, Section 8

There are at least two arguments supporting Congress's authority to limit the President's ability to prosecute foreign policy in the Constitution.

Under Article 1, Section 8, Congress has the power "To lay and collect Taxes…to…pay the Debts and provide for the common Defence," "To raise and support Armies," "To provide and maintain a Navy," "To make rules for the Government and Regulation of the land and naval Forces," "To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water," as well as "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions" and "To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States."[5]

[5] U.S. Library of Congress. Congressional Research Service. *Congressional Authority to Limit U.S. Military Operations in Iraq* by Jennifer K. Elsea, Michael John Garcia and Thomas J. Nicola. Washington: The Service, 2008, p. 3

In addition, this section of the Constitution empowers the Congress "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers…" as well as "all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."[6]

Article 1, Section 9

The second constitutional text supporting Congress in this argument is in the next section of Article 1, which says "Congress has virtually plenary constitutional power over appropriations, one that is not qualified with reference to its powers in section 8."[7] Article 1, Section 9 goes on to say that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."[8] This clarifies, and has been well established under judicial review, that "no money can be paid out of the Treasury unless it has been appropriated by an act of Congress" and that Congress can specify the conditions for the use of such funds, as long as such purpose is not unconstitutional.[9]

Article 2

From the point of view of the EB, Article 2, Section 1 appoints the President "Commander in Chief of the Army and Navy of the United States" and empowers him "by and

[6] Ibid.
[7] Ibid.
[8] "The Constitution of the United States," Article 1, Section 9.
[9] U.S. Library of Congress. Congressional Research Service. *Congressional Authority to Limit U.S. Military Operations in Iraq* by Jennifer K. Elsea, Michael John Garcia and Thomas J. Nicola. Washington: The Service, 2008, p. 3

with the Advice and Consent of the Senate, to make Treaties," authorized "from time to time [to] give to the Congress Information on the State of the Union, and [to] recommend to their Consideration such Measures as he shall judge necessary and expedient," and bound to "take Care that the Laws be faithfully executed."[10]

War Powers Resolution of 1973

After many years of prolonged conflict in Korea and Vietnam without a declaration of war, both chambers of the 93rd Congress passed the War Powers Resolution of 1973, which was designed to prevent the perceived erosion of congressional authority to decide when the United States should be involved in military conflict. This resolution was vetoed by President Richard Nixon, but his veto was overturned by a two-thirds majority of both the House of Representatives and Senate, and thus became PL 93-148.

By statute, PL 93-148 requires the president to notify Congress within 48 hours of committing armed forces to military action and forbids armed forces from remaining in theater for more than 60 days, with a further 30 day withdrawal period, without an authorization of the use of military force or a declaration of war.[11]

While this resolution was passed into law with the purpose of strengthening the LB's powers relative to declaring war, it could be argued this resolution has done the exact opposite. With the EB given the authority by law to mobilize troops for a period of time without an official

[10] "The Constitution of the United States," Article 2, Sections 1, 2 and 3.
[11] Authorization for Use of Military Force Against Iraq Resolution of 2002. 107th Congress, 2nd Session. United States Government Printing Office. 10 Oct 2002.

declaration of war, the LB can only exercise its authority by rejecting the EB's objectives after troops and resources have already been committed.

This presents not only a difficult logistical and financing situation for the Congress, but also a very difficult political decision, as it requires the LB to reject the motives of the EB with troops and resources already committed to the battlefield.

Historical Precedent

As with many powers for which the federal government was deemed to be responsible, the framers of the Constitution may have sought to divide up the power to prosecute foreign policy to ensure a system of checks and balances was in place in determining whether wars should be fought and how they would be prosecuted. While the above review of the Constitution and subsequent legislation details the powers granted to the EB and the LB to declare war and to determine the terms by which appropriations for such action will be used, respectively, the Congress "has traditionally left it up to the President to decide how much of the armed forces to employ in a given conflict."[12]

This precedent, however, seems to run contrary to the framers' intent for a separation of powers between the three branches of government. The first three articles of the Constitution define the powers granted to the legislative, executive, and judicial branches, respectively. While the defined powers did not and could not predict all circumstances for which one branch might seek to become more powerful than the others, the system of checks and balances was

[12] U.S. Library of Congress. Congressional Research Service. *Congressional Authority to Limit U.S. Military Operations in Iraq* by Jennifer K. Elsea, Michael John Garcia and Thomas J. Nicola. Washington: The Service, 2008, p. 6

designed by the framers to create a system that allows one branch to limit another. By defining in Article 1, Section 8 that the LB has the power to declare war, it can be presumed that the framers intended to check the power of the EB to prosecute military action. The history of the roles of the two branches in the prosecution of military action, however, shows the EB's power in such situations has rarely been checked by the LB.

A thorough review of such cases dating back to the beginning of American history, including war against Tripoli in 1801 and against Great Britain in 1812, provide for congressional declarations of war with very broad language and permission for the President to use all force necessary to provide for the defense of the nation.[13] Through this precedent and much of the history which has followed, the perception, if not the law as dictated by statute, has provided for a strong EB with the power to engage in military conflict as the President and his Cabinet see fit, with a LB which authorizes funding for such action based on the recommendations of the President.

While such a relationship may exist under the circumstances of one party controlling both branches of the government, instances of divided government may provide examples of the unwillingness of the Congress to submit to the authority of the President.

The History of Divided Government

Since the creation of the modern American political parties (Democrats and Republicans), divided government has been a common occurrence. Democrats and Republicans have been the dominant political parties in the House of Representatives and Senate since the

[13] Ibid.

31st Congress in 1849, when the Whig Party lost control of the House.[14] With the exception of the 34th Congress from 1855-57, when the "Opposition" Party had control over the House, both chambers of the LB have been controlled by either Democrats or Republicans.[15] The same is the case in the White House, with Millard Fillmore being the last member of the Whig Party to serve as President from 1850-1853.[16]

Instances of Divided Government

Since the above-mentioned time when Democrats and Republicans have dominated the politics of the LB and EB, there have been 17 separate instances of divided government. The table below details each instance, including instances of military engagement abroad during those periods in history. The purpose of listing instances of military action is to shed light on periods of time when discussion of appropriating funds for military engagement abroad was likely a major issue of debate between the two branches.

[14] Party Divisions of the House of Representatives (1789 to Present). 110th Congress, 1st Session. Office of the Clerk. United States House of Representatives. 2 Apr 2007. http://clerk.house.gov/art_history/house_history/partyDiv.html.

[15] Ibid.

[16] The Presidents of the United States. The White House. 2 Apr 2007. http://www.whitehouse.gov/history/presidents/chronological.html.

Table 1 – Instances of Divided Government and Military Action in the Era of Modern Political Parties

Congress(es)[17]	Years	HR	Sen	EB	Military Action
36th	1859-61	R	D	D	
39th-40th	1865-69	R	R	D	
44th-45th	1875-79	D	R	R	
46th	1879-81	D	D	R	
48th	1883-85	D	R	R	
52nd	1891-93	D	R	R	
54th	1895-97	R	R	D	
62nd	1911-13	D	R	R	
65th	1917-19	R	D	D	
66th	1919-21	R	R	D	World War I
80th	1947-49	R	R	D	
84th-86th	1955-61	D	D	R	The Vietnam War
91st-94th	1969-77	D	D	R	The Vietnam War
97th-99th	1981-87	D	R	R	
100th-102nd	1987-93	D	D	R	The First Gulf War (Iraq/Kuwait)
104th-106th	1995-2001	R	R	D	NATO Intervention in Yugoslavia
110th	2007-09	D	D	R	Operation Enduring Freedom (Afghanistan) Operation Iraqi Freedom

Key: HR = House of Representatives, Sen = Senate, EB = Executive Branch, D = Democrat, R = Republican

In the 17 separate instances of divided government in the era of modern political parties, disputes with foreign nations leading to military engagement took place during six of those instances, with none occurring before World War I in the early 20th century.[18] In the case of the 84th Congress from 1959-61, while major military action did not begin in Vietnam until 1965, the incursion in Vietnam began in 1959 under the Eisenhower administration with the deployment of military advisors to assist the pro-democracy forces in South Vietnam, and this assistance continued through the Kennedy administration and through the completion of the 86th Congress.

[17] Party Divisions of the House of Representatives (1789 to Present). 110th Congress, 1st Session. Office of the Clerk. United States House of Representatives. 2 Apr 2007. http://clerk.house.gov/art_history/house_history/partyDiv.html.

[18] Ibid.

With a clear understanding of the instances when the EB and LB were led by different parties, and the periods of time within those instances when military engagement took place, we must now review the appropriations process in Congress to provide a background on how the power of the purse may allow the LB to oppose the EB's policies.

The Appropriations Process

Each year, the LB considers several appropriations measures which provide funding for numerous activities, including military operations and national defense. The consideration of appropriations measures allows the LB to exercise the power granted to it under the Constitution, which states, "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."[19]

While the power to appropriate is a legislative power, "the President has an important role in the appropriations process by virtue of his constitutional power to approve or veto entire measures, which Congress can only override by two-thirds vote of both chambers. He also has influence, in part, because of various duties imposed by statute, such as submitting an annual budget to Congress."[20]

The Committees on Appropriations in both the House of Representatives and the Senate have jurisdiction over the annual appropriations measures, with each committee having 12 subcommittees and each subcommittee having jurisdiction over one annual, regular appropriations bill that provides funding for individual departments and agencies under that

[19] U.S. Constitution, Article I, Section 9.

[20] U.S. Library of Congress. Congressional Research Service. *The Congressional Appropriations Process: An Introduction* by Sandy Streeter. Washington: The Service, 2008: p. 1.

subcommittee's jurisdiction.[21] Currently, the Subcommittees on Defense in both chambers have jurisdiction over defense spending and military operations, while the Subcommittees on the Department of State, Foreign Operations, and Related Programs in both chambers have jurisdiction over our nation's foreign assistance and diplomatic programs.

Annual Appropriations Cycle

The President initiates the annual budget cycle by submitting his annual budget for the upcoming fiscal year to Congress. In his budget, he "recommends spending levels for various programs and agencies of the federal government in the form of budget authority…[which] refers to authority provided by federal law to enter into contracts or other financial obligations that will result in immediate or future expenditures (or outlays) involving federal government funds."[22]

Once the President submits his budget to Congress, the Congress is required under the Congressional Budget and Impoundment Control Act of 1974 to adopt an annual budget resolution, which is essentially a response to the President's request. This resolution sets new budget authority and outlay levels and allocates federal spending among specific functional categories, including national defense. This resolution is never sent to the President, nor does it become law. It also does not provide authority or raise or lower revenues. Rather, it provides

[21] Ibid.
[22] Ibid., p. 2-3

guidance to the House of Representatives and Senate as budget-related bills, including appropriations, are considered.[23]

Consideration of appropriations measures vary in each chamber, and the tradition by which such process was maintained has changed in recent years. Throughout history, the House of Representatives typically initiated consideration of appropriations measures, with the Senate then considering and amending those bills passed in the House. In recent years, however, the Senate has taken up its own versions of these bills through its own appropriations subcommittees, so in recent years, both the House and Senate have often been considering appropriations bills simultaneously.[24]

Committee Consideration of Appropriations Bills

Once the President has submitted his budget, each subcommittee holds hearings on the segments of the budget under their jurisdiction. This is the first opportunity for members of the LB on these subcommittees to debate the details of the President's request and, if deemed necessary through majority vote by the subcommittee, mark up and amend that request. The subcommittees will seek testimony from agency officials, who are often appointed directly to their positions by the President, and non-governmental experts to provide a basis for justification for requests and will debate the merits of funding for certain programs and policy initiatives requested by the President.[25]

[23] Ibid., p. 3-4
[24] Ibid., p. 4
[25] Ibid., p. 5

Following hearings, the members of the subcommittee will introduce amendments, as requested, which will be voted upon individually by the whole subcommittee, and those approved by a majority will become part of the bill. Once the final bill has been engrossed and voted upon by the whole subcommittee, it is referred to the full Committee on Appropriations for consideration, possibly further amendments, and eventually passage by the full committee. The bill is then put on the calendar for its respective chamber to be considered by the full House or Senate.[26]

House Floor Action

In the House of Representatives, the Committee on Appropriations reports the 12 individual bills separately for consideration by the full House. Each bill is reported and considered in May or June, and in a typical year, this process will be completed prior to the August recess.

Before floor consideration of an appropriations bill commences, the House Committee on Rules sets parameters, or a special rule, for floor consideration of the bill, defining how many and what kind of amendments can be presented on the floor and how much time is allotted for debate on that particular bill. Upon adoption of the rule by the Committee on Rules, that particular appropriations bill immediately comes to the floor for consideration by the Committee of the Whole House on the State of the Union (commonly referred to as the Committee of the Whole).[27]

[26] Ibid., p. 5-6
[27] Ibid., p. 6

The Committee of the Whole will then debate the bill, with time equally allotted to the majority and minority sides and controlled by the chair and ranking minority member of the subcommittee with jurisdiction over that particular bill. Following general debate, amendments are considered as allowed for by the aforementioned rule and the standing rules of the House, which establish several requirements for amendments, including:

- Germaneness to the bill under consideration
- Compliance with the established separation between legislation and appropriations
- Funding limits imposed by the congressional budget process
- Provisions of any prior special rules or unanimous consent agreements

Any amendment violating these rules can be challenged by any Representative through a point of order.[28]

Once the Committee of the Whole completes consideration of amendments, "it rises and reports the bill with any adopted amendments to the full House. The House then votes on the adopted amendments and passage. After House passage, the bill is sent to the Senate."[29]

Senate Floor Action

In the Senate, appropriations bills are reported for consideration by the full Senate in June and are completed in September.

Once an appropriations bill is reported by the Senate Committee on Appropriations, the full Senate considers the bill. Unlike the House, the Senate has no special rule setting parameters

[28] Ibid., p. 6-7
[29] Ibid., p. 7

for consideration, but may set some parameters through unanimous consent requests amongst the whole Senate. In a much more simple and streamlined process than the House, the bill is brought to the floor, the chair and ranking minority member of the relevant subcommittee make opening statements, and debate commences without restrictions on time or when amendments can be introduced.[30]

The Senate does share similar rules to the House regarding the type of amendments that may be introduced, with all of the above requirements except for the germaneness rule. Assuming an amendment meets these requirements, the Senate will allow for unlimited debate on each amendment, followed by a vote on each amendment, and eventually final passage.[31]

House and Senate Conference Action

Following the completion of consideration of and passage of all 12 bills by both the House and Senate, the appropriations committees of both chambers spend the fall and winter months in conference resolving differences between the versions passed by their respective chambers.[32]

The negotiators, called conferees or managers, "are generally required to remain within the scope of the differences between the positions of the two chambers and cannot add new matter. Their agreement must be within the range established by the House- and Senate-passed versions." Once an agreement has been reached by the conference, the conference report is

[30] Ibid., p. 7
[31] Ibid., p. 7
[32] Ibid., p. 4

produced and adopted by the first chamber, typically the House because of its role as the traditional initiator of appropriations bills, for consideration.[33]

Prior to consideration of the conference report by the House, a special rule waiving any points of order against the conference report is typically adopted. As the first chamber to consider the conference report, the House has the option of voting to recommit it to the conference for further consideration if there are portions of the report the House will not pass, or it has the option of rejecting it or adopting it in full.[34]

Following the passage by one chamber, the conference is automatically disbanded, giving the second chamber, typically the Senate, two options: adopt or reject the conference report. The Senate may, however, "strike new matter or new directed spending provisions from the conference report by points of order thereby rejecting it. The Senate can avoid this situation by adopting a motion to waive the applicable rule by a three-fifths vote…" If points of order are sustained, the offending language is stricken from the bill, and once all points of order are disposed of, "the Senate considers a motion to send the remaining provisions to the House as an amendment between the houses since they cannot amend the conference report."[35]

The House then considers the amendment, and may choose to further amend the Senate amendment and return it to the Senate for further consideration, or choose to agree to the measure. If the House agrees to the measure, the entire measure is sent to the President.[36]

[33] Ibid., p. 8
[34] Ibid., p. 8
[35] Ibid., p. 8-9
[36] Ibid., p. 9

Presidential Action

Under Article 1, Section 7 of the U.S. Constitution, the President has 10 days to sign or veto the measure after the Congress sends the bill to his desk. "If he takes no action, the bill automatically becomes law at the end of the 10-day period. Conversely, if he takes no action when Congress has adjourned, he may pocket veto the bill."[37]

If the President chooses to veto the bill, it is sent back to Congress, which may override the veto by a two-thirds vote in both chambers. If the House and Senate are successful in overriding the veto, the bill becomes law. If this effort is not successful, the bill dies.[38]

[37] Ibid., p. 9
[38] Ibid., p. 9

CHAPTER TWO: LITERATURE REVIEW

On the topic of congressional foreign policy in divided government, the preeminent publication to date is David R. Mayhew's *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990*. The first to publish a comprehensive study on this issue, Mayhew's writing serves as the standard by which other political scientists have measured their analysis of the political behavior of the Congress during times of divided government.

In his introduction, Mayhew observes that divided party control in American national government is not a new phenomenon, as between 1946 and 1990, control of the presidency, the Senate, and the House was split for twenty-six of those forty-four years.[39] From that observation, he questions whether voters should care whether party control is unified or divided and whether either arrangement produces a more or less effective government.

Mayhew quotes a number of political scientists in trying to evaluate the need to investigate this political phenomenon, including Randall B. Ripley, who studied majority party leadership in Congress and said "to have a productive majority in the American system of government the President and a majority of both houses must be from the same party."[40] Mayhew also cites Lloyd N. Cutler, who analyzed divided government in the 1980s and said "there has never been in modern days any successful domestic legislative program at a time of divided government."[41] Finally, Morris S. Ogul, who studied legislative supervision of the

[39] Mayhew, David R. Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990. New Haven, CT: Yale University Press, 1991: p. 1
[40] Ibid., p. 2
[41] Ibid., p. 2

bureaucracy, believes "a congressman of the president's party is less likely to be concerned with oversight than a member of the opposition party."

In his review of these authors and other prior research on the topic, Mayhew found a prevailing view that divided government means a less productive government, both in terms of effective legislation and proper oversight. Mayhew expresses his belief, however, that the above claims are wrong, arguing that "unified as opposed to divided control has not made an important difference in recent times in the incidence of…high-publicity investigations in which congressional committees expose alleged misbehavior in the executive branch…[or] the enactment of a standard kind of important legislation."[42] Essentially, he hypothesizes that partisan differences in the two branches have no bearing on the success of the federal government to produce meaningful legislation or initiate investigations.

To prove his hypothesis, Mayhew used two main sources, the *Washington Post* and *New York Times*, as well as scholarly studies by policy specialists, to identify important laws passed in Congress between the years of 1946 and 1990, by which he would determine the success of a unified government versus a divided government. The heart of his research is supported by two commonly accepted theses: that unified government "should generate, over a long period of time when contrasted with divided control, considerably more legislation" and that "Congress acting as an investigative body will give more trouble to the executive branch when a president of the opposite party holds power."[43]

To identify what he deemed as "important laws," Mayhew used two "sweeps" to produce a list of laws by which to evaluate the impact of divided government. First, he surveyed end-of-

[42] Ibid., p. 4
[43] Ibid., p. 3

the-Congress wrap-up stories from the *Washington Post* and *New York Times* to determine what laws contemporary observers felt were the most significant for that session. This evaluation produced judgments from those evaluating the laws at the time they were passed.

Mayhew's second sweep, retrospective judgment, was derived from long-term perspectives by policy specialists, complementing the first sweep by adding a dimension of expertise. The combination of these two sweeps allowed Mayhew to compile a list of 267 important laws passed from the 80th through 101st Congresses. These 267 laws were then detailed in a table and separated into those enacted under "divided party control" or "unified party control."

For the "important investigations" portion of his study, Mayhew reviewed front-page stories in the *New York Times* featuring charges of EB mismanagement or misbehavior or a response to such charges from the administration. Mayhew found that thirty-one investigations during the above-stated period appeared on the front page at least 20 times. He then took the thirty-one chosen investigations and separated them as "divided party control" or "unified party control" based on the political situation at the time the investigations occurred, ranking within each Congress, from top to bottom, the most publicized charges and investigations in the *New York Times*.

In his analysis of data relating to important legislation, Mayhew finds that "surprisingly, it does not seem to make all that much difference whether party control of the American government happens to be unified or divided,"[44] finding an extensive list of constancy variables, including "norms, external events, various electoral incentives, cross-party opinion cleavages,

[44] Ibid., p. 199

problem-solving propensities, and an arguably constant element of ease or difficulty associated with putting together winning Capitol Hill coalitions" that affect the ability to pass and enact legislation regardless of whether government is unified or divided.[45]

Regarding investigations, Mayhew finds that "it seems plausible to conclude that norms, electoral incentives, and perhaps events…of executive-branch corruption…contribute to *constancy*" in the way investigations are conducted by Congress, "so there is cause for investigations to occur constantly or at least randomly and often," regardless of whether government is unified or divided.[46]

Mayhew thus concluded as he originally believed in his hypothesis that divided government has no tangible impact on the success of passing legislation or congressional oversight of the EB. Mayhew's research on this topic, still in its infancy in the early 1990s, led to a surge of political scientists delving deeper into the relevance of divided government in American politics, producing some research that supports Mayhew's conclusions, along with some which rebuff Mayhew's claims.

Among the supporters of Mayhew's conclusions include George C. Edwards, III, Andrew Barrett and Jeffrey Peake, who uncover patterns of behavior by the President that evolve the discussion but maintain the same general conclusion; David R. Jones, who studies the fundamental breakdowns in the implicit arguments supporting the impact of divided government; and William Howell, Scott Adler, Charles Cameron and Charles Riemann, who expand the data set by which the impact of divided government can be analyzed and find minimal, if any, impact on the ability to produce meaningful legislation under divided rule.

[45] Ibid., p. 179
[46] Ibid., p. 175

Among the dissenters of Mayhew's views are David Menefee-Libey, who believes Mayhew wrongly focuses on the letter, rather than the spirit, of the definition of divided government in his analysis of its effect on political gridlock; Sean Q. Kelly, who uses Mayhew's own data sets to come to a completely opposite conclusion on the impact of divided government; and John J. Coleman, who firmly believes in the conventional wisdom that divided government impacts the ability to pass and enact meaningful and effective legislation and to open investigations of the EB.

Supporters

Edwards, Barrett and Peake

Among the authors who support Mayhew's conclusions are George C. Edwards, III, Andrew Barrett and Jeffrey Peake, who find in their own research that "Presidents oppose significant legislation more often under divided government, and much more important legislation fails to pass under divided government than under unified government."[47] They do conclude, however, that even with these findings, that divided government is only a constraint under certain circumstances, and share Mayhew's view that it is not as integral as conventional wisdom dictates.

Using regression analysis to review legislation proposed in the LB from 1947-92, Edwards, Barrett and Peake confirmed Mayhew's findings by looking at legislation that failed to

[47] Edwards, George C. III, et al. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41.2 (Apr. 1997): p. 545

be enacted, rather than that which succeeded during that same time span. Their data set was formed through four separate sweeps:[48]

- Seriously considered legislation – bills which were debated in a subcommittee or committee in at least one chamber of Congress
- Significant legislation – constitutional amendments, Senate treaty ratifications, Supreme Court nominations, and defense authorizations
- Potential for conflict – legislation for which the administration took a stand that could conflict with the Congress
- Disaggregation – separate analyses of this final list of legislation in both chambers.

From these sweeps, Edwards, Barrett and Peake produced a list of 519 bills that failed to pass, 217 of which were opposed by the EB and 302 of which were supported by the EB. After analyzing the data associated with this legislation, they find that divided government *does* have a significant influence on the passage of important legislation.[49] They found that "Presidents oppose significant legislation more often under divided government, and much more seriously considered, important legislation fails to pass under divided government then under unified government."[50]

They clarify, however, that their findings do not prove Mayhew wrong, as they can conclude clearly from their analysis that "divided government is a constraint only on the passage

[48] Ibid., pp. 549-52
[49] Ibid., p. 561
[50] Ibid., p. 562

of legislation that the administration opposes."[51] They find no relationship "between divided government and the amount of administration-supported potentially significant legislation that fails to pass," and therefore conclude that "we should not assume that action by one institution to negate the policy intent of the other is necessarily bad" or indicative of an inability of a divided government to succeed in passing important legislation.[52]

Jones

In his study of party polarization and legislative gridlock, David R. Jones finds, similar to Mayhew, that "divided government does not affect gridlock once party polarization and party seat division are taken into account."[53] In his research on the legislative impact of divided government, Jones re-examines three implicit arguments on the impact of divided government:[54]

- Passage in Congress requires support from only a simple majority in both chambers
- Congress and the President must agree in order to break gridlock
- The two major parties have distinctly different policy preferences

Jones details in his analysis that fundamental breakdowns in these assumptions lead to breakdowns in the divided government hypothesis. First, he proves the first argument incorrect by retorting that if that argument was true, then "unified government would guarantee that the

[51] Ibid., p. 562
[52] Ibid., p. 562
[53] Jones, David R. "Party Polarization and Legislative Gridlock." *Political Research Quarterly* 54.1 (Mar. 2001): p. 125
[54] Ibid., p. 126

President's party had enough seats in Congress to pass its legislative agenda."[55] This is easily disproven by the need to achieve a three-fifth majority in the Senate to end a filibuster, and historically over the past half-century, such a majority has been difficult to achieve by either party.

The second argument is also quickly proven wrong by Jones, as he points out that if the LB and EB must agree in order to break gridlock, "then presidential opposition to legislation passed by the majority party in Congress would prevent enactment during divided government."[56] There have been many documented instances, however, where the presidential veto has not been absolute, and a two-thirds majority in both chambers has been achieved to override the veto.

Lastly, Jones quickly dispels the validity behind the argument that the two major parties have distinctly different policy preferences, arguing that "party preferences can be highly polarized in some cases and have a considerable degree of overlap in other cases. When party preferences are significantly less polarized, members of one party may be no less likely to vote for a measure than members of the other party are. In this case, divided government will not necessarily prevent agreement between the legislative and executive branches."[57]

Following the destruction of these arguments supporting the validity of divided government in legislative gridlock, Jones uses the importance of the filibuster, veto override, and variation in party polarization to construct an improved model of how parties affect legislative gridlock. In doing so, Jones confirms Mayhew's conclusion that "unified government is not

[55] Ibid., p. 127
[56] Ibid., p. 127
[57] Ibid., p. 127

necessarily any less prone to gridlock than divided government," particularly "when parties are highly polarized and neither party has a large majority," both of which has been the case for much of the past six decades in American government.[58]

Howell, Adler, Cameron and Riemann

In their study of the legislative productivity of Congress from 1945-94, William Howell, Scott Adler, Charles Cameron and Charles Riemann extend the data set of legislation from the couple of hundred that Mayhew believed to be "important" based on headlines and expert analysis, to the entirety of legislation passed during the fifty years of their analysis, encompassing all 17,663 public laws enacted during that period. Through this data set, they demonstrate that "periods of divided government depress the production of landmark legislation by about 30%. Divided government, however, has no substantive effect on the production of important, albeit not landmark, legislation and actually has a positive effect on the passage of trivial laws."[59]

By extending Mayhew's data to a complete analysis of legislation passed during a fifty year period in Congress, Howell et al. paint a complete picture of the role a divided government may pay in passing legislation by classifying legislation into four significance classes:[60]

- Group A – landmark enactments: Mayhew's Sweep One public laws

[58] Ibid., p. 137
[59] Howell, William, et al. "Divided Government and the Legislative Productivity of Congress, 1945-94." *Legislative Studies Quarterly* 25.2 (May 2000): p. 285
[60] Ibid., p. 293

- Group B – major enactments: all other public laws mentioned in the *New York Times* or *Washington Post* and greater than or equal to six pages of coverage in the *CQ Almanac*
- Group C – ordinary enactments: all other public laws mentioned in the *CQ Almanac*
- Group D – minor enactments: all remaining public laws including commemorative legislation

By splitting legislation into these four distinct groups, Howell et al. discover trends in all four groups being evaluated that periods of divided government "depress the production of landmark legislation," but this effect "attenuates for less enactments (Groups B and C) and reverses for the least-significant laws."[61]

Additionally, they find that divided government "appears to increase the production of legislation deemed very important solely in retrospective reviews," leading them to posit that "Mayhew's no-effect finding on divided government and legislative productivity is a consequence of aggregating two quite different series, one based on contemporaneous perceptions, with a divided effect, and one based on retrospective evaluations, with a reverse effect."

Howell et al. suggest that "measures based on contemporaneous perceptions are more meaningful for studying the politics of divided government."[62] So, while Howell et al. have criticisms for Mayhew's method of analysis and data sets, they produce no findings to distinctly rebut his conclusions.

[61] Ibid., p. 302
[62] Ibid., p. 302

Dissenters

Menefee-Libey

Among the authors who reject Mayhew's conclusions is David Menefee-Libey, who posits in *Divided Government as Scapegoat* that divided government, in and of itself, "doesn't measure up as a serious problem either in managerial terms or by democratic criteria" and that it is "standing in as the target of our real frustrations with the nonperformance of the federal government" rather than serving as the source of political gridlock.[63]

While this view may seem to reflect a certain level of agreement with Mayhew's conclusion, Menefee-Libey completely rejects Mayhew's belief in the need to review divided government as an entity that may influence the success of legislation and challenges whether divided government is a symptom of a problem like Mayhew believes, or rather a deliberate action by voters seeking balance in government.

Menefee-Libey argues that Mayhew and others of his school of thought wrongly focus on the letter, rather than the spirit, of the definition of divided government, creating a narrow definition that misses periods when the President's party did not control the LB, including periods when the opposite party controlled the LB by a mere few votes, or when members of the majority party in the LB who subscribed to a particular ideology (i.e., Blue Dog Democrats) voted frequently with the minority party and weakened the power of the majority.

Menefee-Libey attributes two possible explanations for the renewed concern about divided government as an excuse for a problem he identifies as having remained relatively

[63] Menefee-Libey, David. "Divided Government as Scapegoat." *PS: Political Science and Politics* 24.4 (Dec. 1991): p. 643

consistent for decades. One is "that the perceived policy effects of divided government have only recently become truly frightening."[64] A combination of budget deficits and national debt, health care and insurance crises, environmental degradation, the energy crisis, and other growing concerns, both foreign and domestic, have produced an environment demanding action. Reform advocates argue, however, "that divided government makes such action almost impossible."[65]

His second explanation is that "we have until recently considered divided government an electoral accident."[66] For most of the twentieth century, divided government happened most often during off-year elections as a show of electoral opposition to the party of the sitting president, most often followed by a change of party leading the EB the following election, returning the two branches to a coalition. Any case of divided government in years of presidential elections was viewed by many as having been decided by a small set of swing voters. There was no belief in the political science community that divided government was an intentional act by voters.[67]

This perception of the creation of divided government led to the blame for such a situation falling on the parties, following the belief that "if they would come together and present clear programs to the voters…the swing voters would settle down and elect a united and effective government."[68] Only recently, Menefee-Libey points out, has the political science community and students of voting behavior identified serious evidence "that a large number of voters consistently seek divided government" and that "presidential and congressional elections

[64] Ibid., p. 644
[65] Ibid., p. 644
[66] Ibid., p. 644
[67] Ibid., p. 644
[68] Ibid., p. 644

are simply about different things."[69]

Menefee-Libey cites the work of Morris P. Fiorina, who in his study of Congress in 1989 found this difference in perception of presidential and congressional elections in the minds of voters, and discovered that "voters want a president who can govern the whole country, but they select Senators and Representatives who will serve the particular interests of their states and districts."[70] With this information, Menefee-Libey concludes divided government is not an accident, and thus rejects the argument that such a situation causes managerial problems in government.

In this way, Menefee-Libey in general agrees with Mayhew's conclusion that divided government is not the cause of gridlock in government, but categorically rejects the premise by which Mayhew and his cohorts even propose divided government as a possible cause worth researching. To Menefee-Libey, an instance of divided government is symptomatic of a desire for balance in government by the electorate from which he places blame of government gridlock on the electorate's choice, rather than the view of Mayhew and his cohorts that failure to pass legislation falls on fractures between parties leading different branches.[71]

[69] Ibid., p. 644
[70] Ibid., p. 644
[71] Ibid., p. 645

Kelly

In his reassessment of Mayhew's findings, Sean Q. Kelly uses Mayhew's data and model to demonstrate that divided government *does* indeed have a significant negative impact on the emergence of innovative policy.[72]

Kelly argues that Mayhew does not take advantage of the unique data he collects, "lump[ing] together policies regardless of whether the policy was arrived at through" his first method of data collection, the collection of front-page stories in the *New York Times* and *Washington Post*, or the second method, retrospective judgment on the part of policy experts.[73] Kelly believes legislation confirmed as important by the second method should be weighted higher than legislation Mayhew chooses from the first method but is not confirmed to be important in retrospect. In addition, he believes legislation deemed important in retrospect, but not at the time of their passage, should be removed from consideration.[74]

These reevaluations of data significantly reduce the number of pieces of legislation under review, but using the same method of analysis as Mayhew, allow Kelly to conclude that Mayhew's results are less definitive than they seem, and that in his opinion, divided government *does* make a difference.[75] Kelly finds that *type 1 policy*, which he defines as the legislation that Mayhew defines as innovative policy, is not impacted by divided government as Mayhew concludes. In reviewing Kelly's refinement of Mayhew's data set, which he calls *type 2 policy*,

[72] Kelly, Sean Q. "Divided We Govern? A Reassessment." *Polity* 25.3 (Spring 1993): p. 477
[73] Ibid., p. 478
[74] Ibid., pp. 477-8
[75] Ibid., pp. 482-3

Kelly finds that divided government *does* have an impact.[76] The fundamental difference between the two types, Kelly explains, is that his refinement of the data examines policy that "is not just the promise of a law, or just the performance of the law, but rather the intersection of promise and performance."[77]

Kelly posits that rather than believing Mayhew's definitive answer, that "research into the puzzle of divided government is in its infancy," that Mayhew just misidentified how to define what data set properly explores the effect of divided government. He also points out that many questions, including the consequences of divided government, the level of conflict between the branches of government, and the legitimacy of the American political system during divided government, remain unanswered and are not considered in Mayhew's research.[78]

Coleman

Another political scientist who believes the conventional wisdom of the effect of divided government on the enactment of significant public policy is valid is John J. Coleman, who in his piece *Unified Government, Divided Government, and Party Responsiveness* finds that "various measures of 'significant enactments' support the notion that unified government helps pass policy."[79]

Coleman breaks the discussion of the relative productivity of divided government since the end of World War II into four distinct stages. In the 1940s and 1950s, Coleman says that

[76] Ibid., pp. 482-3
[77] Ibid., p. 478
[78] Ibid., p. 483
[79] Coleman, John J. "Unified Government, Divided Government, and Party Responsiveness." *The American Political Science Review* 93.4 (Dec. 1999): p. 821

party government theorists "complained that public policymaking in the United States was fragmented and inconsistent because of constitutional structure and the decentralized nature of party politics."[80] This argument shifted towards criticism of "interest group liberalism" and the parceling out of government authority to interest groups and limited democratic access in the 1960s, and then expanding into concern over "an onslaught of unfiltered interest groups demands" and the need to restrict democratic inputs into the policymaking system in the 1970s.[81] Finally, in the 1980s, the discussion shifted to the paradigm of today, concluding the main fault in policymaking was the "increasingly common divided control of government, and its heightened party polarization."[82]

To test his own hypothesis that the conventional wisdom is valid, Coleman uses Mayhew's data set, as well as that of Sean Q. Kelly, a counterpart of his in opposition to Mayhew, and measures of failed legislation produced by George C. Edwards, III, Andrew Barrett and Jeffrey Peake, whose research supports Mayhew, to produce figures indicating the percentage of important legislation enacted under different circumstances of divided party control, as well as what percentage of said legislation was opposed by the EB in each case.

From this analysis of a range of conceptions of "significant legislation," Coleman finds that the answer is "yes" in most cases when analyzing "whether unified government is associated with the passage of more such enactments."[83] His explanation for this is that "although studies of unified versus divided government often cite party government theorists, scholars tend to ignore the nuance of the original arguments by conflating them with the less precise arguments

[80] Ibid., p. 823
[81] Ibid., p. 823
[82] Ibid., p. 823
[83] Ibid., p. 832

of unified government enthusiasts of the 1980s and early 1990s."[84] In doing so, according to Coleman, Mayhew and his camp have missed how the differences between Democratic versus Republican unified government, intraparty factionalism, responsiveness to public opinion, and Senate supermajorities contribute to policy achievements under unified government.[85]

Application

In analyzing Mayhew's original thesis and conclusions, along with that of those who followed him on this topic both in support and in opposition, it is clear that there is not one definitive way of determining the effect of divided government on effective policy making in contemporary American politics. Each of the political scientists to follow Mayhew in analyzing this topic, including those who generally support his hypothesis and conclusions, find flaws in the method of his research or expose unanswered questions that contribute to the dialogue of whether divided government is truly the cause of legislative inaction, or maybe just a symptom of a greater institutional problem.

None of these political scientists, however, have done specific research on the impact of divided government on legislation specific to foreign policy, or even more specifically, the appropriation of funding for military action. While the two sides of this argument differ on the impact of party polarization on the divided government thesis, as it relates to the prosecution of military action since World War II, few can deny that such decisions often create great

[84] Ibid., p. 832
[85] Ibid., p. 832

polarization between the two parties, most significantly noticed during the Vietnam era in the 1960s and 1970s, as well as the current wars in Iraq and Afghanistan.

In this regard, Mayhew's research, as well as that of those who have expanded the discussion of this important topic, benefits the political science community in refining the methods by which the impact of divided government on policymaking can be evaluated, and the refining of research methods can provide the political science community with a more accurate way of evaluating the important relationship between the EB and LB on an issue that will likely define the voting behavior of the electorate, and thus, the relationship between these branches for years to come: the prosecution of foreign policy as it relates to the funding of military engagement.

CHAPTER THREE: METHODOLOGY

Research of Impact of Independent Variables

In order to determine the causal relationship between certain variables and the role the LB plays in the creation of foreign policy during periods of divided government, each of the variables that have been identified (public opinion, budget constraints, and relative size of majority) must be analyzed to determine the individual impact they may play in the way appropriations requests relating to military engagement are passed by the LB.

Public Opinion

Public opinion, generally determined by political polling, is often referred to as a key factor in a healthy democracy. Whether polls actually impact the way the EB or the LB enact policy has often been disputed, but is an important question to be answered as definitively as possible in this discussion since the LB faces re-election every two years and is more likely to make policy decisions based on public opinion than the President, who is re-elected every four years and is not directly responsible to an electorate.

Paul Burstein's review of public opinion's impact on public policy in 2003 is one of the most comprehensive analyses in recent years. In *The Impact of Public Opinion on Public Policy: A Review and an Agenda*, Burstein asks how much impact public opinion has, how that impact increases as the salience of the issue increases, to what extent this impact is blunted by interest groups, political parties or other organizations, whether the responsiveness of the government to

public opinion has changed over time, and the extent to which such conclusions can be generalized.[86]

Burstein found "that public opinion influences policy most of the time, often strongly," and that "public opinion matters even in the face of activities by interest organizations, political parties, and political and economic elites." According to his data, which assigned coefficients to issues based on their time periods and calculated the input of public opinion on policy relative to the responsiveness of government, public opinion affects policy three-quarters of the time its impact is gauged, and is largely still impactful even alongside the activities of interest groups, political parties or other organizations.[87]

While this may prove true, is there a difference between the impact of public opinion on the EB, which is elected indirectly through the Electoral College, and the LB, which is elected directly by a smaller, more local constituency?

To determine the impact public opinion may have had on decisions to take on the policies of the EB and LB during periods of divided government, and whether there is a difference between the impact of public opinion on the two branches, polling data taken during these periods of time and during the military conflicts chosen for this report will be evaluated to determine public opinion of each particular military conflict, as well as the opinion of the job of both the EB and the LB during that time, to determine whether there was public support for the LB to oppose the President and his policy.

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[86] Burstein, Paul. "The Impact of Public Opinion on Public Policy: A Review and an Agenda." *Political Research Quarterly* 56.1 (Mar. 2003): p.29

[87] Ibid., p. 36

Budget Constraints

The waxing and waning of foreign policy budget trends appear to be a result of many factors, one of which is fiscal policy. According to a report produced by the Congressional Research Service in June 2006, "international affairs funding decisions…are influenced…by the overall U.S. budget environment and constraints that exist particularly during periods of deficits."[88] Such a variable is specifically relevant "when fiscal austerity or domestic requirements were deemed to be of greater importance," with the terrorist attacks of September 11, 2001, and the subsequent spike in spending to finance military involvement on two fronts, as a specific example.[89]

To discover what relationship fiscal policy and the economic conditions of a particular time may have on the decisions of the LB to reject the EB's requests for funding of a military conflict, indexes of economic conditions will be reviewed from those periods of time. By looking at unemployment rates, inflation rates, and the national debt, three pertinent and reliable indicators of economic conditions, and then comparing those figures to any actions taken by the LB to reject or alter Presidential appropriations request, we can glean whether this variable plays a part in this process.

[88] U.S. Library of Congress. Congressional Research Service. *Foreign Policy Budget Trends: A Thirty-Year Review* by Larry Nowels. Washington: The Service, 2006, p. CRS-1.

[89] Ibid.

Relative Size of Majority

The size of the majority that is held in either chamber of the LB may have an impact on its ability to pursue certain policy or to challenge the authority of the EB. While the party holding 218 seats in the House of Representatives technically has a majority, 290 votes are required to overturn a presidential veto, which is effectively the only way for the House of Representatives to unilaterally oppose the opinion of the EB on any legislation, including appropriations, that require his signature. The same holds true to an even greater extent in the Senate, where a party technically holds a majority with 51 seats, but needs 60 votes to invoke cloture and prevent a filibuster by the minority party, and an even more ambitious 67 votes to overturn a presidential veto.

These circumstances not only provide the EB with a tremendous amount of power to dictate legislative activity whether they are working in concert with or in opposition to the LB, but also the minority party, which in the case of divided government aligns with the EB, with the ability to prevent the majority party from overturning the will of the EB. This influence, however, is relative to the size of the majority that is held.

To determine the impact the size of the majority in the LB may have on the its' activities and agenda, the demographics of both the House of Representatives and the Senate during periods of divided government since World War II, and specifically during periods of military conflict, will be analyzed. This data will then compared to appropriations requests in the LB for funding, or possibly defunding, of military engagements to determine whether the actual size of the majorities plays a factor in whether the LB contests the will of the EB.

Research of Appropriations Requests

The dependent variable in this research project is the request for appropriations for military engagement, which is made by the LB based on both the President's budget request at the beginning of the year, as well as its own evaluation of needs, and is later considered, possibly amended, and eventually passed by the two chambers of Congress (as described in Chapter 1). With the separation of powers, as defined by the Constitution, and the traditional role of the EB in defining foreign policy, the power of the purse is the primary tool through which the LB may influence and possibly create its own policy in this realm.

As defined earlier, there are four major military conflicts that have occurred during instances of divided government since World War II: the Vietnam War, the First Gulf War in Iraq and Kuwait, the NATO Intervention in Yugoslavia, and Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.

The Vietnam War

The Vietnam War officially began in 1959 under the Eisenhower administration with the deployment of military advisors to assist the pro-democracy forces in South Vietnam, and officially ended in 1975 with the final withdrawal of American forces occurring on April 30 of that year. During this military conflict, there were two separate instances of divided government with the Democrats controlling the LB from 1959-61 with Dwight D. Eisenhower, a Republican,

serving as President and from 1969-1975 with Richard M. Nixon and Gerald R. Ford, both also Republicans, serving as President.

In this vein, legislative records from the 86th Congress (1959-61) and from the 91st through 93rd Congresses (1969-75) will be reviewed in an effort to locate appropriations requests or other relevant legislation related to the funding of the Vietnam War to determine if the LB attempted to influence the prosecution of this often controversial war through denial of funding or rejection of administration policy.

The First Gulf War

The First Gulf War, which was fought from August 2, 1990 through February 28, 1991 in both Kuwait and Iraq, occurred under the administration of President George Herbert Walker Bush, a Republican, and during the 101st Congress, when Democrats controlled both the House and Senate. This conflict had two distinct periods:

- Operation Desert Shield, from August 2, 1990 through January 11, 1991, during which the United States mobilized its military in Saudi Arabia and, through the United Nations, built a coalition of nations providing both military and financial support for the upcoming effort to liberate Kuwait from Iraq's occupation.
- Operation Desert Storm, from January 12 through February 28, 1991, during which direct combat between coalition forces and the Iraqi military occurred.

The entirety of this military conflict occurred between the end of the 101st and beginning of the 102nd Congress. Thus, appropriations requests and legislation authorizing military action

during those two Congresses will be analyzed to determine if the LB in any way rejected the Bush administration's efforts to engage in and fund this conflict.

NATO Intervention in Yugoslavia

From 1995 through 1999, the United States was directly involved, both through military power and through funding, in the North Atlantic Treaty Organization's (NATO) intervention in Yugoslavia. This engagement occurred during two different periods:

- Operation Deliberate Force, from August 30 through September 20, 1995, during which time NATO forces attempted to undermine the military capability of the Army of the Republic of Serbia in Bosnia and Herzegovina.
- Operation Noble Anvil, from March 24 through June 10, 1999, during which time NATO forces launched air strikes against the Yugoslav military in an effort to force them to withdraw from the Republic of Kosovo.

Both periods of engagement occurred during the presidency of William J. Clinton, a Democrat, and Republican-controlled Congresses. Operation Deliberate Force occurred during the 104th Congress and Operation Noble Anvil occurred during the 106th Congress. In this vein, appropriations requests and legislation authorizing military action during these two periods of time will be analyzed to determine if any efforts existed to prevent President Clinton from including the United States in NATO's efforts in Yugoslavia.

Operation Enduring Freedom / Operation Iraqi Freedom

Operation Enduring Freedom, the official name for the Global War on Terror, and Operation Iraqi Freedom, also known as the Iraq War, both began during a period of Republican-controlled EBs and LBs, and were prosecuted during a period of Democratic-controlled EBs and LBs in the 111th Congress. During the 110th Congress in 2007-09, however, President George W. Bush, a Republican, faced off against a Democratic-controlled LB in a period of divided government that came during a critical point in determining the future of both of these conflicts.

Operation Enduring Freedom, which has had separate subordinate operations in Afghanistan, the Philippines, the Horn of Africa, Trans Sahara, and Kyrgyzstan, began on October 7, 2001 and has primarily been fought in Afghanistan. The United States has led a coalition of forces, organized by NATO, during this period of time but has been responsible for a significant majority of the financing, supplies, and military forces made available to prosecute this military engagement. Operation Iraqi Freedom began on March 20, 2003 and, aside from assistance from the militaries of the Republic of Turkey and peacekeeping forces provided by the United Kingdom, has been fought and funded primarily by the United States.

Appropriations requests during the 110th Congress, from 2007-09, will be analyzed to determine if the Democratic-controlled LB attempted to exert its authority to block funding and policy supported by the Bush administration to continue prosecution of either of these conflicts.

CHAPTER FOUR: FINDINGS

Analysis of Independent Variables

Public Opinion

The weight that public opinion has on how policy is created and enacted has been debated for as long as our democracy has existed. Polling can both capture the feeling of the nation on a particular topic and provide a measure of satisfaction for a particular individual or entity in government to express the national opinion of their job performance. Based on the findings of Paul Burstein in his review of public opinion's impact on public policy, it could be surmised that public opinion weighs heavily on the actions of the LB under the circumstances being analyzed.

With that, the goal of this portion of the analysis is to locate polling data for the public opinion of the performance of the EB, the LB, and of the military action at that particular point in time. While Gallup, one of the pre-eminent polling organizations in the United States and around the world, has been polling the American public on their opinion of the President and the various wars the United States has engaged in as far back as this study requires, such data relevant to public opinion about the job performance of the LB was not consistently kept as far back as this study requires, and thus was unattainable prior to 1975.

These variables, for the purpose of statistical analysis, will be called *pubopcon*, *pubopprz*, and *pubopwar*, and will be measured on a scale of 1-5 by the following criteria:

1. Significant support (greater than 60% support)

2. Marginal support (between 52% and 59.9% support)
3. Indifferent (between 48.1% and 51.9% support)
4. Marginal opposition (between 40.1% and 48%)
5. Significant opposition (less than 40% support)

Opinion of the President

Gallup has been studying human nature and behavior for more than 70 years and has been regularly tracking job approval ratings for presidents since Harry Truman in April 1945.

Below are graphs representing the approval rating trends for all of the presidents who served during periods of divided government and concurrently during military conflicts: Dwight D. Eisenhower during the early years of the Vietnam War, Richard Nixon during the Vietnam War, Gerald R. Ford during the Vietnam War, George H. W. Bush during the First Gulf War, Bill Clinton during NATO intervention in Yugoslavia, and George W. Bush during Operation Iraqi Freedom and Operation Enduring Freedom.[90]

[90] Gallup. "Presidential Approval Ratings – Gallup Historical Statistics and Trends." January 2009. http://www.gallup.com/poll/116677/Presidential-Approval-Ratings-Gallup-Historical-Statistics-and-Trends.aspx

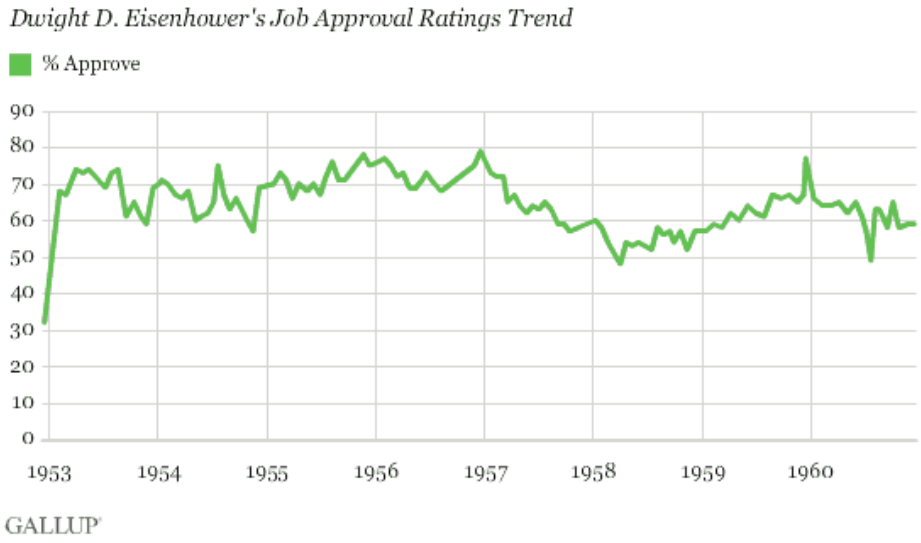


Figure 1 – Gallup historical polling data expressing Dwight D. Eisenhower's approval ratings

From this data, it is clear that President Eisenhower enjoyed high approval ratings during the period of his presidency during which he began sending military advisors to assist South Vietnam. From 1959 through to the end of his term, Eisenhower's approval ratings were nearly always over 58 percent, with exception for a short period of time in the middle of 1960 when his approval rating dipped below 50 percent, but quickly rose again above 60 percent.[91]

[91] Ibid.

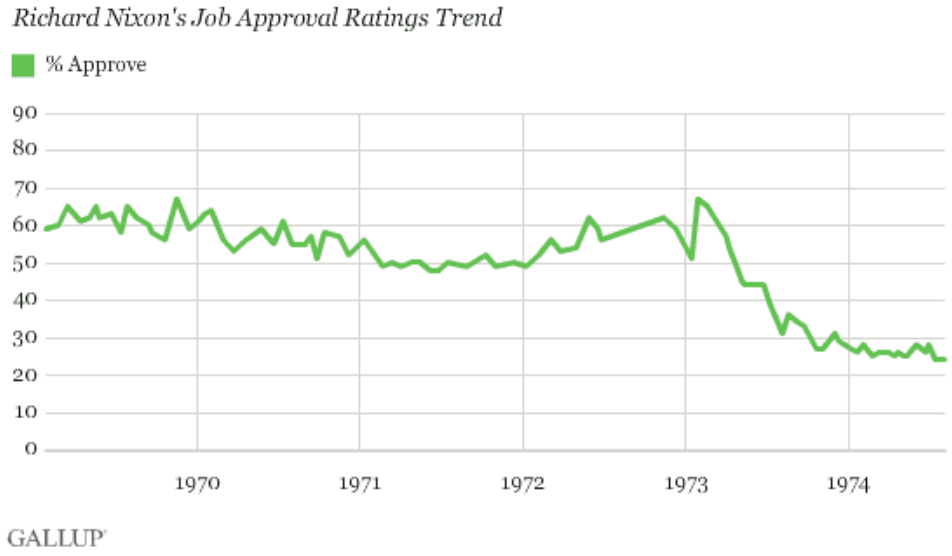


Figure 2 - Gallup historical polling data expressing Richard Nixon's approval ratings

From this data, it appears President Nixon, whose entire time in office ran concurrently with the Vietnam War, enjoyed an approval rating of at least 50 percent consistently until the middle of 1973, which was roughly the same time that he and members of his administration were implicated in the Watergate Scandal. From this point until his resignation in 1974, his approval ratings were at or below 30 percent. While attitudes about the prosecution of the Vietnam War may have contributed to Nixon's poor approval ratings, it is reasonable to attribute these ratings to his involvement in Watergate.[92]

[92] Ibid.

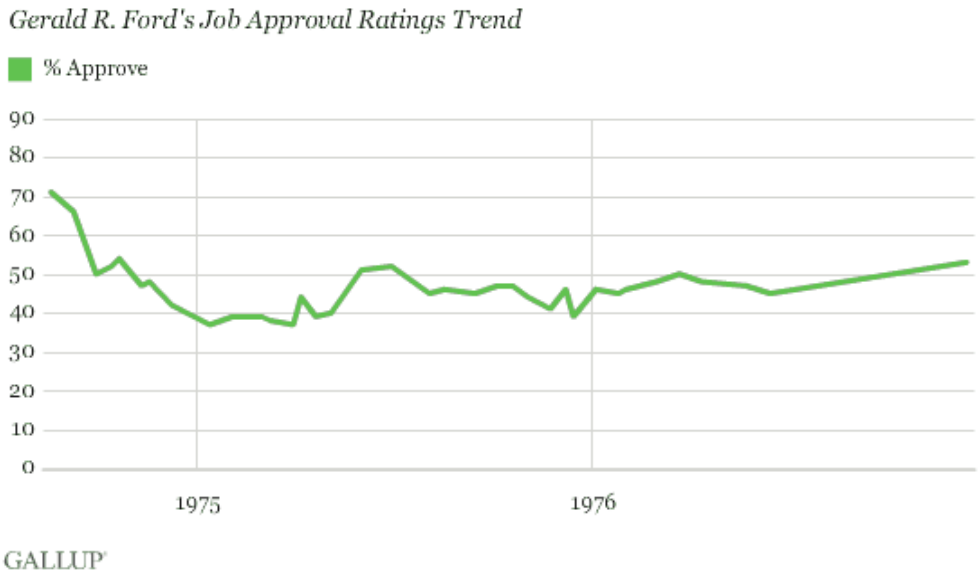


Figure 3 - Gallup historical polling data expressing Gerald R. Ford's approval ratings

The Vietnam War officially ended on April 30, 1975, meaning President Ford served for one year of this conflict under divided government. Coming into office following the first president ever to resign from office, Ford initially enjoyed a high approval rating of more than 70 percent, but his rating continually sank until it settled around 40 percent and remained there until the end of the Vietnam War. Once the war officially ended, his rating did increase and leveled off at just below 50 percent for the rest of his presidency.[93]

[93] Ibid.



Figure 4 - Gallup historical polling data expressing George H. W. Bush's approval ratings

George H. W. Bush was a very popular president through the first three years of his presidency until the economic recession of 1992 took hold and eventually contributed to his defeat to Bill Clinton in 1993. During the First Gulf War, however, Bush enjoyed among the highest approval ratings in the history of polling on this topic.

During Operation Desert Shield, from August 1990 until early January 1991, Bush's ratings initially were in the middle of the 70th percentile, sunk to around 55 percent, and slowly began an ascent to around 60 percent. Once Operation Desert Storm began on January 11, and continued until the end of the war on February 28, Bush's ratings shot up to over 80 percent following a quick, decisive, successful military conflict.[94]

[94] Ibid.



Figure 5 - Gallup historical polling data expressing Bill Clinton's approval ratings

Bill Clinton's years in office were among the most prosperous economically in the history of the United States, but his failure to pass health care reform legislation in his first two years in office, as well as personal scandal later in his second term, hurt his approval ratings at various points.

Operation Deliberate Force in Serbia occurred during the first three weeks of September 1995. During this month, Clinton's rating was around 47 percent. Operation Noble Anvil in Kosovo was prosecuted from late March through early June 1999, and during this period of time, Clinton's approval ratings ranged from the low 50th percentile to about 60 percent.[95]

[95] Ibid.



Figure 6 - Gallup historical polling data expressing George W. Bush's approval ratings

George W. Bush enjoyed a huge spike in approval immediately after the attacks on September 11, 2001, but his approval rating continually sank as time went on throughout the remaining seven years of his time in office. Operation Enduring Freedom officially began in early October 2001 in Afghanistan and, while it often took a backseat to Operation Iraqi Freedom, was prosecuted throughout the rest of his term. Operation Iraqi Freedom began on March 20, 2003 and also continued until he left office at the beginning of 2009.[96]

[96] Ibid.

Opinion of Congress

Gallup has been tracking approval ratings of the Congress since 1974. Below is a graph measuring approval and disapproval of the way Congress is handling its job, as determined by Gallup, from 1974 through 2008.

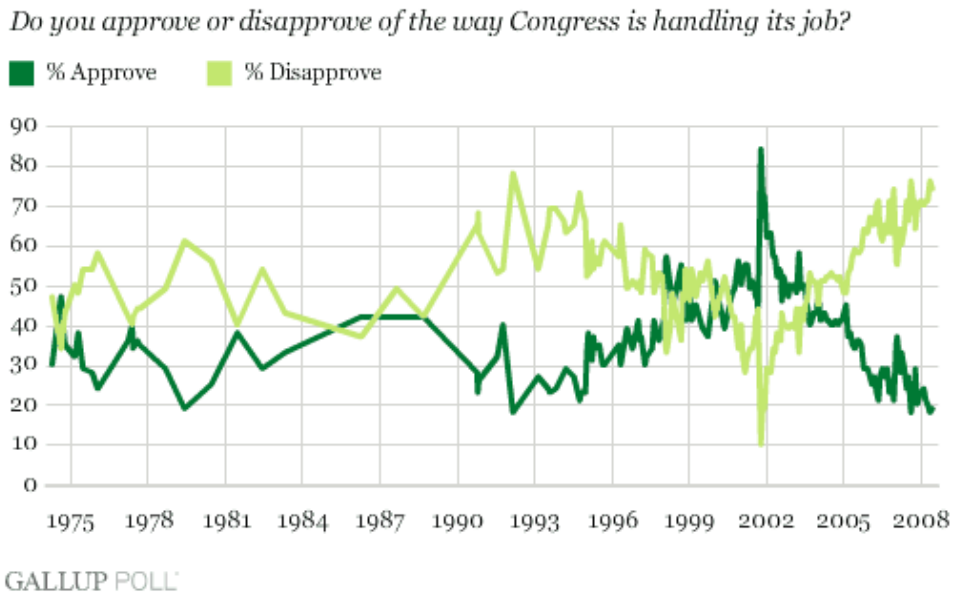


Figure 7 - Gallup historical polling data expressing approval and disapproval of Congress

From this graph provided by Gallup, it does not appear that public opinion has a direct relationship with the way in which the LB, regardless of which party was in power at a particular time, would have enacted policy. With exception to the period immediately following the

terrorist attacks of September 11, 2001, overall approval of the way the LB has been handling its job has been low.[97]

Analysis of this graph shows little to no direct relationship between the public opinion of the job performance of the LB and the enactment of policy, since there has been a general disapproval of Congress during the period such polls have been taken, regardless of whether the United States was at war or which party was in power in the LB.

Looking specifically at periods of time during which divided government occurred, job approval of Congress ranged between 25% and 40% from 1975-77, between 19% and 41% from 1981-93, between 30% and 53% from 1995-2001, and between 19% and 31% from 2007-08. Similarly, the disapproval rating of the job of Congress ranged in those same time periods on the opposite side of the spectrum, with disapproval ranging between 43% and 59% from 1975-77, between 39% and 79% from 1981-93, between 29% and 66% from 1995-2001, and between 55% and 77% from 2007-08.[98]

Overall, public opinion of the LB during this period of time has been low, and with the minor exception of the period of time immediately after September 11, 2001, a majority of the American people have not approved of the way the LB has been doing its job, whether during an era of divided government or not, and whether the United States was involved in a military conflict or not. Therefore, there does not appear to be a direct relationship between the public opinion of Congress and its creation and enactment of policy during periods of divided government.

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[97] Gallup. "Bush, Congress, Supreme Court Near Historical Low Approval." June 16, 2008. http://www.gallup.com/poll/108010/Bush-Congress-Supreme-Court-Near-Historical-Low-Approval.aspx

[98] Ibid.

Opinion of Military Engagements – Vietnam

Starting in 1965, Gallup began polling the American public on various aspects of the conflict in Vietnam. A specific question, *"Was it a mistake to send troops to Vietnam?"* was asked on a relatively consistent basis from 1965 through 1973, thereby encompassing a significant portion of the period of divided government that overlapped the Vietnam War.

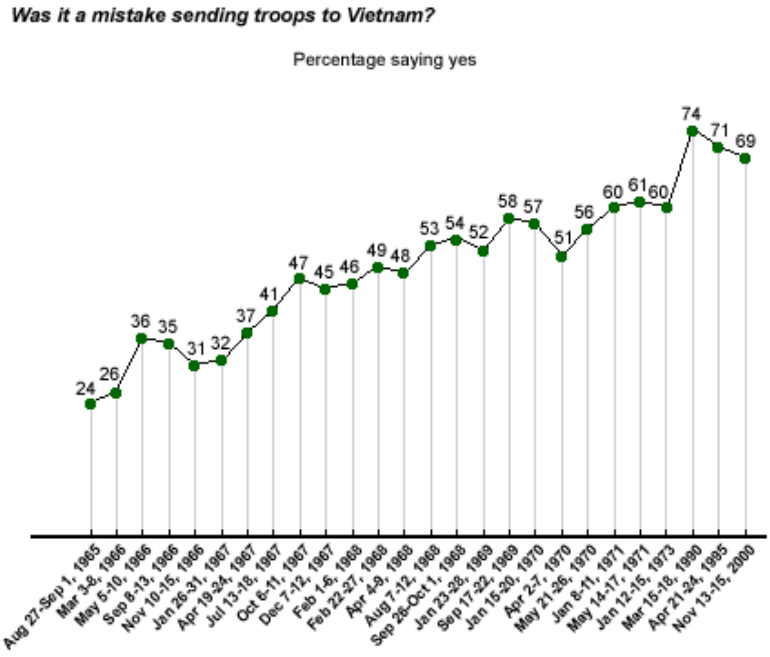


Figure 8 - Gallup poll indicating disapproval of decision to send troops to Vietnam

From this graph provided by Gallup expressing the historical trend of answers to this specific question, in 1969, when divided government began, a clear majority of Americas polled believed sending troops to Vietnam was a mistake. Starting at 52 percent in January 1969, the percentage of Americans who believed sending troops to Vietnam was a mistake maintained

levels in the high 50th percentile through 1970, and then edged over 60 percent into 1971 and through 1973, when polling of this question ended until 1990.[99]

This polling data clearly expresses the opposition to the war in Vietnam over that period of time, and from this information, it is clear that the Democratic Congress had public support for its efforts to reverse the course of the war in Vietnam.

Opinion of Military Engagements – First Gulf War

During both the period leading up to the beginning of Operation Desert Storm, the operational name for the First Gulf War, and throughout the six weeks of the operation, Gallup polled the public on, less specifically than their opinion about this actual war, but more generally on the question of whether war is still necessary.[100]

This question had been asked frequently between 1971 and 1990, with approximately half of Americans believing that war is sometimes necessary, with the other half believing war was outmoded.[101] Also, in August 1990, when threats from Saddam Hussein against Iraq's neighbor, Kuwait, began, "only 31% of Americans favored using U.S. planes to bomb Iraqi targets, and only 32% favored sending in U.S. Marines and Army ground troops to defend Kuwait."[102] In November of 1990, only 37% favored going to war against Iraq, even if the situation did not change.

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[99] Gallup. "The Iraq-Vietnam Comparison." June 15, 2004. http://www.gallup.com/poll/11998/IraqVietnam-Comparison.aspx
[100] Gallup. "Is War Still Necessary in the 21st Century?" May 11, 2004. http://www.gallup.com/poll/11653/war-still-necessary-21st-century.aspx
[101] Ibid.
[102] Gallup. "Support for War on Terrorism Rivals Support for WWII." October 3, 2001. http://www.gallup.com/poll/4954/support-war-terrorism-rivals-support-wwii.aspx

However, with Iraq's occupation of Kuwait, and with attempts by the United States and the United Nations to handle the situation through diplomacy falling short, public opinion supporting war increased.[103] One week after Operation Desert Storm began (January 23-26, 1991), 55% of Americans believed war is sometimes necessary, while 37% believed war is an outmoded way of settling differences. As the war moved quickly and successfully for the allied forces, there was a significant positive shift, with 76% believing war was sometimes necessary in the first week of February 1991.[104] Overall, for the short duration of this conflict, public opinion and national morale remained very high.

Opinion of Military Engagements – NATO in Yugoslavia

Gallup tracked public opinion relating to the conflict in the Balkans in the early 1990s, and asked questions to gauge support for the United States becoming involved in both Bosnia in 1995 and in Kosovo in 1999. The question asked during the Bosnia conflict was *"Do you think the United States needs to be involved in Bosnia in order to protect its own interests, or don't you think so?"* with the same question being asked during engagement in Kosovo, with the question identical but reflecting Kosovo, as opposed to Bosnia.[105]

Overall, public opinion was against intervention in Bosnia, with a clear majority of Americans opposing involvement both before and immediately after Operation Deliberate Force. In fact, polling done in June 1995, less than two months prior to the beginning of NATO's

[103] Gallup. "Is War Still Necessary in the 21st Century?" May 11, 2004. http://www.gallup.com/poll/11653/war-still-necessary-21st-century.aspx
[104] Ibid.
[105] Gallup. "Americans Hesitant, As Usual, About U.S. Military Action in Balkans." March 24, 1999. http://www.gallup.com/poll/3994/Americans-Hesitant-Usual-About-US-Military-Action-Balkans.aspx

bombing of Bosnia, showed that 63 percent, nearly two-thirds of those polled, did not think the United States should be involved in Bosnia, with only 30 percent supporting. Support increased slightly following the resumption of this operation in November 1995, with 52 percent opposing American efforts and 36 percent supporting, but overall, a majority of the American people did not agree with President Clinton's choice to engage in the Balkans.[106]

Equally, right at the time the United States began to engage in Operation Noble Anvil in Kosovo, public opinion was against this operation, with an even 50 percent opposing American involvement and 42 supporting American involvement. These numbers did reflect an increase in support by five percent from the previous month and overall greater support for involvement in Kosovo than there had been in Bosnia four years earlier, but they do also reflect that a majority of Americans were opposed to President Clinton's continued involvement with NATO's efforts to end the conflict in the former Yugoslavia.[107]

Opinion of Military Engagements – Iraq and Afghanistan

Gallup began tracking public opinion on Operation Iraqi Freedom shortly after the United States invaded Iraq in 2003, and the graph below shows the changes in public opinion over the duration of the conflict through January 2008, thus providing insight into the mood of the public regarding this conflict, including the first year during which divided government and this military conflict overlapped.

[106] Ibid.
[107] Ibid.

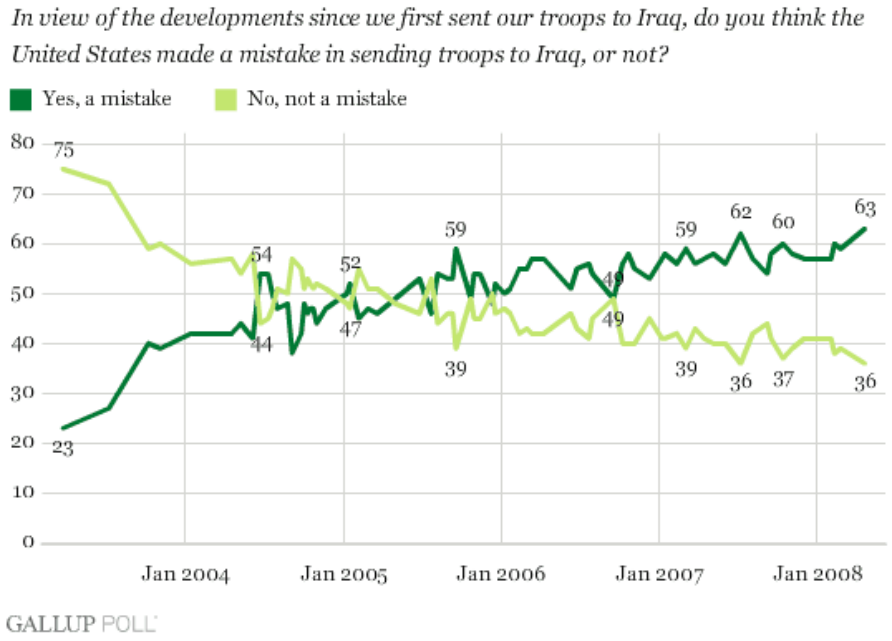


Figure 9 - Gallup historical polling data expressing approval and disapproval of Operation Iraqi Freedom

Midway through 2004, after an initial spike of support for operations in Iraq, the opinion of the American people became mixed, with opinion on whether sending troops to Iraq was a mistake hovering around 50% through the middle of 2005. Starting in 2006, however, disapproval increased steadily through early 2008, and throughout 2007, which was the first year of divided government, disapproval of the war ranged in the high 50th percentile and spiked into the 60th percentile.[108]

This poll clearly indicates that public opinion was against Operation Iraqi Freedom during the period of divided government and thus may have provided adequate support for the Democrats in Congress seeking to redeploy troops from Iraq to oppose the will of President Bush and his policies.

[108] Gallup. "Opposition to Iraq Wear Reaches New High." April 24, 2008. http://www.gallup.com/poll/106783/Opposition-Iraq-War-Reaches-New-High.aspx

Gallup has also been polling Americans regarding Operation Enduring Freedom in Afghanistan, which has been ongoing since October 2001, since the beginning of the conflict. Periodically over that time, Gallup has asked the question *"Thinking now about U.S. military action in Afghanistan that began in October 2001, do you think the United States made a mistake in sending military forces to Afghanistan, or not?"* The graph below, provided by Gallup, shows historical polling data regarding support for this military engagement.

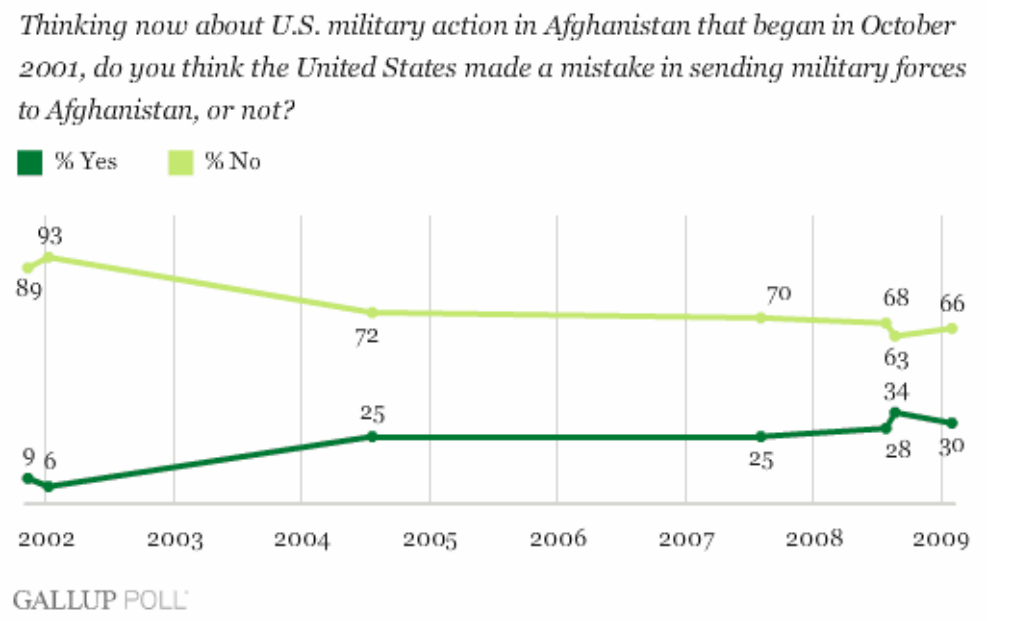


Figure 10 - Gallup historical polling data expressing approval and disapproval of Operation Enduring Freedom

From this data, it is evident that a significant majority of the American people have supported military action in Afghanistan over the duration of the conflict, including during the period of divided government in the 110th Congress. Initially, when the operation began immediately following the terrorist attacks of September 11, 2001, support for the operation was

overwhelming at 93 percent at the beginning of 2002. While this high level of support slowly slid down near 70 percent, support for this conflict stayed in this range consistently through the middle of 2008. Support temporarily dipped into the low 60th percentile leading into the 2008 election, but for the duration of the conflict, at least two-thirds of those polled do not believe it was a mistake to engage in military operations in Afghanistan.[109]

Budget Constraints

Unemployment

Unemployment figures are maintained by the Bureau of Labor Statistics (BLS) of the Department of Labor on a monthly basis. This variable, for the purpose of statistical analysis, will be called *unemploy*, and will be measured on a scale of 1-4 by the following criteria:

1. Below normal (less than 4.0% unemployment)
2. Normal (between 4.0% and 4.9% unemployment)
3. Above normal (between 5.0% and 6.9% unemployment)
4. Critical (greater than 7.0% unemployment)

From the database provided by the BLS, monthly unemployment rates for all of the years during which instances of divided government occurred since 1948 (while the first divided government instance after World War II began in 1947, unemployment data is available only

[109] Gallup. "Americans See Afghanistan War as Still Worth Fighting." February 19, 2009. http://www.gallup.com/poll/115270/Americans-Afghanistan-War-Worth-Fighting.aspx

beginning in 1948) have been obtained. The unemployment rate is calculated by dividing the total number of unemployed workers by the total labor force, and the generally agreed-upon normal frictional unemployment rate amongst economists is 4.5%, so all monthly rates above 4.5% are bolded and shaded in grey.

Table 2 – Monthly Unemployment Rates in the U.S. during Instances of Divided Government, Post-World War II

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1948	3.4	3.8	4.0	3.9	3.5	3.6	3.6	3.9	3.8	3.7	3.8	4.0
1955	**4.9**	**4.7**	**4.6**	**4.7**	4.3	4.2	4.0	4.2	4.1	4.3	4.2	4.2
1956	4.0	3.9	4.2	4.0	4.3	4.3	4.4	4.1	3.9	3.9	4.3	4.2
1957	4.2	3.9	3.7	3.9	4.1	4.3	4.2	4.1	4.4	4.5	**5.1**	**5.2**
1958	**5.8**	**6.4**	**6.7**	**7.4**	**7.4**	**7.3**	**7.5**	**7.4**	**7.1**	**6.7**	**6.2**	**6.2**
1959	**6.0**	**5.9**	**5.6**	**5.2**	**5.1**	**5.0**	**5.1**	**5.2**	**5.5**	**5.7**	**5.8**	**5.3**
1960	**5.2**	**4.8**	**5.4**	**5.2**	**5.1**	**5.4**	**5.5**	**5.6**	**5.5**	**6.1**	**6.1**	**6.6**
1969	3.4	3.4	3.4	3.4	3.4	3.5	3.5	3.5	3.7	3.7	3.5	3.5
1970	3.9	4.2	4.4	**4.6**	**4.8**	**4.9**	**5.0**	**5.1**	**5.4**	**5.5**	**5.9**	**6.1**
1971	**5.9**	**5.9**	**6.0**	**5.9**	**5.9**	**5.9**	**6.0**	**6.1**	**6.0**	**5.8**	**6.0**	**6.0**
1972	**5.8**	**5.7**	**5.8**	**5.7**	**5.7**	**5.7**	**5.6**	**5.6**	**5.5**	**5.6**	**5.3**	**5.2**
1973	**4.9**	**5.0**	**4.9**	**5.0**	**4.9**	**4.9**	**4.8**	**4.8**	**4.8**	**4.6**	**4.8**	**4.9**
1974	**5.1**	**5.2**	**5.1**	**5.1**	**5.1**	**5.4**	**5.5**	**5.5**	**5.9**	**6.0**	**6.6**	**7.2**
1975	**8.1**	**8.1**	**8.6**	**8.8**	**9.0**	**8.8**	**8.6**	**8.4**	**8.4**	**8.4**	**8.3**	**8.2**
1976	**7.9**	**7.7**	**7.6**	**7.7**	**7.4**	**7.6**	**7.8**	**7.8**	**7.6**	**7.7**	**7.8**	**7.8**
1981	**7.5**	**7.4**	**7.4**	**7.2**	**7.5**	**7.5**	**7.2**	**7.4**	**7.6**	**7.9**	**8.3**	**8.5**
1982	**8.6**	**8.9**	**9.0**	**9.3**	**9.4**	**9.6**	**9.8**	**9.8**	**10.1**	**10.4**	**10.8**	**10.8**
1983	**10.4**	**10.4**	**10.3**	**10.2**	**10.1**	**10.1**	**9.4**	**9.5**	**9.2**	**8.8**	**8.5**	**8.3**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1984	**8.0**	**7.8**	**7.8**	**7.7**	**7.4**	**7.2**	**7.5**	**7.5**	**7.3**	**7.4**	**7.2**	**7.3**
1985	**7.3**	**7.2**	**7.2**	**7.3**	**7.2**	**7.4**	**7.4**	**7.1**	**7.1**	**7.1**	**7.0**	**7.0**
1986	**6.7**	**7.2**	**7.2**	**7.1**	**7.2**	**7.2**	**7.0**	**6.9**	**7.0**	**7.0**	**6.9**	**6.6**
1987	**6.6**	**6.6**	**6.6**	**6.3**	**6.3**	**6.2**	**6.1**	**6.0**	**5.9**	**6.0**	**5.8**	**5.7**
1988	**5.7**	**5.7**	**5.7**	**5.4**	**5.6**	**5.4**	**5.4**	**5.6**	**5.4**	**5.4**	**5.3**	**5.3**
1989	**5.4**	**5.2**	**5.0**	**5.2**	**5.2**	**5.3**	**5.2**	**5.2**	**5.3**	**5.3**	**5.4**	**5.4**
1990	**5.4**	**5.3**	**5.2**	**5.4**	**5.4**	**5.2**	**5.5**	**5.7**	**5.9**	**5.9**	**6.2**	**6.3**
1991	**6.4**	**6.6**	**6.8**	**6.7**	**6.9**	**6.9**	**6.8**	**6.9**	**6.9**	**7.0**	**7.0**	**7.3**
1992	**7.3**	**7.4**	**7.4**	**7.4**	**7.6**	**7.8**	**7.7**	**7.6**	**7.6**	**7.3**	**7.4**	**7.4**
1995	**5.6**	**5.4**	**5.4**	**5.8**	**5.6**	**5.6**	**5.7**	**5.7**	**5.6**	**5.5**	**5.6**	**5.6**
1996	**5.6**	**5.5**	**5.5**	**5.6**	**5.6**	**5.3**	**5.5**	**5.1**	**5.2**	**5.2**	**5.4**	**5.4**
1997	**5.3**	**5.2**	**5.2**	**5.1**	**4.9**	**5.0**	**4.9**	**4.8**	**4.9**	**4.7**	**4.6**	**4.7**
1998	**4.6**	**4.6**	**4.7**	4.3	4.4	4.5	4.5	4.5	**4.6**	4.5	4.4	4.4
1999	4.3	4.4	4.2	4.3	4.2	4.3	4.3	4.2	4.2	4.1	4.1	4.0
2000	4.0	4.1	4.0	3.8	4.0	4.0	4.0	4.1	3.9	3.9	3.9	3.9
2007	4.6	4.5	4.4	4.5	4.5	**4.6**	**4.7**	**4.7**	**4.7**	**4.8**	**4.7**	**4.9**
2008	**4.9**	**4.8**	**5.1**	**5.0**	**5.5**	**5.6**	**5.8**	**6.2**	**6.2**	**6.6**	**6.8**	**7.2**

Inflation

Historical data on the rate of inflation, or the rate of increase of the consumer price index, in the United States is also available through the BLS, Department of Labor, and is available through 1947, the beginning of the first instance of divided government after World War II. This data is kept by month and is averaged out for each year. Generally, a range of 2.5 to 3.5 percent

is considered an acceptable range of inflation by banks and most economic theorists and advisors.

This variable, for the purpose of statistical analysis, will be called *inflate*, and will be measured on a scale of 1-3 by the following criteria:

1. Deflation (less than 2.0% inflation)
2. Normal (between 2.0% and 4.0% inflation)
3. Inflation (greater than 4.0% inflation)

On the table below, yearly averages of inflation below 2.0 and above 4.0 are in bolded and shaded in grey to indicate years during which inflation was significantly above or below this range, or in one case, deflation occurred.

Table 3 – Monthly Inflation Rates and Yearly Average Inflation Rates in the U.S. during Instances of Divided Government, Post-World War II

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
1947	18.13	18.78	19.67	19.02	18.38	17.65	12.12	11.39	12.75	10.58	8.45	8.84	**14.65**
1948	10.23	9.30	6.85	8.68	9.13	9.55	9.91	8.89	6.52	6.09	4.76	2.99	**7.74**
1955	-0.74	-0.74	-0.74	-0.37	-0.74	-0.74	-0.37	-0.37	0.37	0.37	0.37	0.37	**-0.28**
1956	0.37	0.37	0.37	0.75	1.12	1.87	2.24	1.87	1.86	2.23	2.23	2.99	**1.52**
1957	2.99	3.36	3.73	3.72	3.70	3.31	3.28	3.66	3.28	2.91	3.27	2.90	3.34
1958	3.62	3.25	3.60	3.58	3.21	2.85	2.47	2.12	2.12	2.12	2.11	1.76	2.73
1959	1.40	1.05	0.35	0.35	0.35	0.69	0.69	1.04	1.38	1.73	1.38	1.73	**1.01**
1960	1.03	1.73	1.73	1.72	1.72	1.37	1.37	1.02	1.36	1.36	1.36	1.36	**1.46**
1969	4.40	4.68	5.25	5.52	5.51	5.48	5.44	5.71	5.70	5.67	5.93	6.20	**5.46**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
1970	6.18	6.15	5.82	6.06	6.04	6.01	5.98	5.41	5.66	5.63	5.60	5.57	**5.84**
1971	5.29	5.00	4.71	4.16	4.40	4.64	4.36	4.62	4.08	3.81	3.28	3.27	**4.30**
1972	3.27	3.51	3.50	3.49	3.23	2.71	2.95	2.94	3.19	3.42	3.67	3.41	3.27
1973	3.65	3.87	4.59	5.06	5.53	6.00	5.73	7.38	7.36	7.80	8.25	8.71	**6.16**
1974	9.39	10.02	10.39	10.09	10.71	10.86	11.51	10.86	11.95	12.06	12.20	12.34	**11.03**
1975	11.80	11.23	10.25	10.21	9.47	9.39	9.72	8.60	7.91	7.44	7.38	6.94	**9.20**
1976	6.72	6.29	6.07	6.05	6.20	5.97	5.35	5.71	5.49	5.46	4.88	4.86	**5.75**
1981	11.83	11.41	10.49	10.00	9.78	9.55	10.76	10.80	10.95	10.14	9.59	8.92	**10.35**
1982	8.39	7.62	6.78	6.51	6.68	7.06	6.44	5.85	5.04	5.14	4.59	3.83	**6.16**
1983	3.71	3.49	3.60	3.90	3.55	2.58	2.46	2.56	2.86	2.85	3.27	3.79	3.22
1984	4.19	4.60	4.80	4.56	4.23	4.22	4.20	4.29	4.27	4.26	4.05	3.95	4.30
1985	3.53	3.52	3.70	3.69	3.77	3.76	3.55	3.35	3.14	3.23	3.51	3.80	3.55
1986	3.89	3.11	2.26	1.59	1.49	1.77	1.58	1.57	1.75	1.47	1.28	1.10	**1.91**
1987	1.46	2.10	3.03	3.78	3.86	3.65	3.93	4.28	4.36	4.53	4.53	4.43	3.66
1988	4.05	3.94	3.93	3.90	3.89	3.96	4.13	4.02	4.17	4.25	4.25	4.42	**4.08**
1989	4.67	4.83	4.98	5.12	5.36	5.17	4.98	4.71	4.34	4.49	4.66	4.65	**4.83**
1990	5.20	5.26	5.23	4.71	4.36	4.67	4.82	5.62	6.16	6.29	6.27	6.11	**5.39**
1991	5.65	5.31	4.90	4.89	4.95	4.70	4.45	3.80	3.39	2.92	2.99	3.06	**4.25**
1992	2.60	2.82	3.19	3.18	3.02	3.09	3.16	3.15	2.99	3.20	3.05	2.90	3.03
1995	2.80	2.86	2.85	3.05	3.19	3.04	2.76	2.62	2.54	2.81	2.61	2.54	2.81
1996	2.73	2.65	2.84	2.90	2.89	2.75	2.95	2.88	3.00	2.99	3.26	3.32	2.93
1997	3.04	3.03	2.76	2.50	2.23	2.30	2.23	2.23	2.15	2.08	1.83	1.70	2.34
1998	1.57	1.44	1.37	1.44	1.69	1.68	1.68	1.62	1.49	1.49	1.55	1.61	**1.55**
1999	1.67	1.61	1.73	2.28	2.09	1.96	2.14	2.26	2.63	2.56	2.62	2.68	2.19
2000	2.74	3.22	3.76	3.07	3.19	3.73	3.66	3.41	3.45	3.45	3.45	3.39	3.38

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg
2007	2.08	2.42	2.78	2.57	2.69	2.69	2.36	1.97	2.76	3.54	4.31	4.08	2.85
2008	4.28	4.03	3.98	3.94	4.18	5.02	5.60	5.37	4.94	3.66	1.07	0.09	3.85

National Debt

The national debt, which is a statistic maintained by the U.S. Department of the Treasury, is the total amount of money owed by the federal government of the United States to holders of U.S. debt instruments. This is the cumulative amount of debt held by states, corporations, individuals, and foreign governments, but does not include intragovernmental debt obligations.

This variable, for the purpose of statistical analysis, will be called *inflate*, and will be measured on a scale of 1-3 by the following criteria:

1. Marginal (less than 5.0% increase in debt)
2. Normal (between 5.0% and 8.0% increase in debt)
3. Significant (greater than 8.0% increase in debt)

These statistics are available for each year under review since the beginning of World War II, is measured on the last day of each fiscal year (June 30 from 1842 until 1977, September 30 since 1977) and is measured on the table below in the rate of millions (number x $1,000,000).

Table 4 – U.S. National Debt at the end of each fiscal year during Instances of Divided Government, Post-World War II (x $1,000,000)

Year	National Debt	Year	National Debt
1947	258,286	**1983**	1,377,210

Year	National Debt	Year	National Debt
1948	252,292	**1984**	1,572,266
1955	274,374	**1985**	1,823,103
1956	272,750	**1986**	2,125,302
1957	270,527	**1987**	2,350,276
1958	276,343	**1988**	2,602,337
1959	284,705	**1989**	2,857,430
1960	286,330	**1990**	3,233,313
1969	353,720	**1991**	3,665,303
1970	370,918	**1992**	4,064,620
1971	398,129	**1995**	4,973,982
1972	427,260	**1996**	5,224,810
1973	458,141	**1997**	5,413,146
1974	475,059	**1998**	5,526,193
1975	533,189	**1999**	5,656,270
1976	620,433	**2000**	5,674,178
1981	997,855	**2007**	9,007,653
1982	1,142,034	**2008**	10,024,724

To break this information down further and more specifically, data from years of divided government during which military engagements took place will be combined into one graph, showing the cumulative growth or reduction in the rate of unemployment during that year, the average rate of inflation over that year, and the percentage increase or decrease of the national debt for that year.

Table 5 – Review of Unemployment, Inflation and National Debt during Instances of Military Conflicts and Divided Government, Post-World War II

Year	War	+/- Unemployment	Avg. Rate of Inflation	% Increase of National Debt
1959	Vietnam	- 0.7	1.01	3.0
1960	Vietnam	+ 1.4	1.46	0.6
1969	Vietnam	+ 0.1	5.46	1.8
1970	Vietnam	+ 2.2	5.84	4.9
1971	Vietnam	+ 0.1	4.30	7.3
1972	Vietnam	- 0.6	3.27	7.3
1973	Vietnam	0.0	6.16	7.2
1974	Vietnam	+ 2.1	11.03	3.7
1975	Vietnam	+ 0.1	9.20	12.2
1976	Vietnam	- 0.1	5.75	16.4
1989	First Gulf War	0.0	4.83	9.8
1990	First Gulf War	+ 0.9	5.39	13.2
1991	First Gulf War	+ 0.9	4.25	13.4
1992	First Gulf War	+ 0.1	3.03	10.9
1995	NATO Yugoslavia	0.0	2.81	6.0
1996	NATO Yugoslavia	- 0.2	2.93	5.0
1999	NATO Yugoslavia	- 0.3	2.19	2.4
2000	NATO Yugoslavia	- 0.1	3.38	0.3
2007	Iraq / Afghanistan	+ 0.3	2.85	5.9
2008	Iraq / Afghanistan	+ 2.3	3.85	11.3

Looking at the data in this format, it is evident that the budgetary health of the nation may have been a factor during many of these periods of time and possibly had an impact on policy.

During the Vietnam War, unemployment was edging upward very consistently, with an exception to the period from 1972-73. During this two year period, however, the rate was consistently higher than the generally agreed-upon normal frictional unemployment rate of 4.5%. Inflation was also consistently an issue, with each year except for 1972 being a year of higher-than-acceptable inflation. A consistent marked increase in the national debt during these years as well paints a complete picture of a period of economic downturn that likely was at least an undertone for the way in which policy was crafted during this era.

During the First Gulf War, spending also significantly increased, inflation was higher than acceptable, and unemployment was slowly rising month by month. This period of economic tension was the beginning of what became a full recession in 1992 and likely cost George Herbert Walker Bush his second term as President.

During the years of engagement in Yugoslavia, the economy was relatively serene, with unemployment relatively steady in the range of 5.6% in 1995 and in the range of 4.1% throughout 1999, the lowest in many years. Additionally, inflation was within the acceptable range both years, and while the national debt continued to increase, the percentages at which it was increasing were much lower than in previous years.

In 2007 and 2008, unemployment began a turn upward as part of the beginning of the economic recession that we are currently experiencing. Inflation has stayed within acceptable levels, but mostly because of a reduction in consumer spending as a result of the recession. The

national debt increased significantly as the government began attempts to provide debt relief for certain sectors of the economy.

Relative Size of Majority

Data on the demographic of each Congress since the end of World War II is kept by the Office of the Clerk in the U.S. House of Representatives. This data provides details of the number of members in each Congress from each party, as well as the way that third-party members caucused during that term.

These variables, for the purpose of statistical analysis, will be called *majhouse* and *majsenat*. The variable *majhouse* will be measured on a scale of 1-5 by the following criteria:

1. Strong Democrat (Democratic majority of 75 seats or more)
2. Weak Democrat (Democratic majority of between 25 and 74 seats)
3. Tossup (Democratic majority of 24 seats or less to Republican majority of up to 24 seats)
4. Weak Republican (Republican majority of between 25 and 74 seats)
5. Strong Republican (Republican majority of 75 seats or more)

The variable *majsenat* will be measured on a scale of 1-5 by the following criteria:

1. Strong Democrat (Democratic majority of 14 seats or more)
2. Weak Democrat (Democratic majority of between 7 and 13 seats)
3. Tossup (Democratic majority of 6 seats or less to Republican majority of up to 6 seats)
4. Weak Republican (Republican majority of between 7 and 13 seats)

5. Strong Republican (Republican majority of 14 seats or more)

The table below lists the demographics of the House of Representatives during each Congress since World War II when the House of Representatives, the Senate, or both were led by a different party than the executive branch. The years of that Congress are indicated, along with the number of members of the Democratic Party, the number of members of the Republican Party, any third-party members of the chamber, and the actual majority held by the party in power. The number in bold in each Congress indicates the party that holds the majority. The table to the right provides explanations of how the third-party members caucused during that particular Congress.

Table 6 – Relative Majorities in House of Representatives, Instances of Divided Government, Post-World War II

Congress[110]	Years	Dem	GOP	3rd	Majority
80th	1947-49	188	**246**	1*	57
84th	1955-57	**232**	203		29
85th	1957-59	**234**	201		33
86th	1959-61	**283**	153	1*	131
91st	1969-71	**243**	192		51
92nd	1971-73	**255**	180		75
93rd	1973-75	**242**	192	1*	51
94th	1975-77	**291**	144		147
97th	1981-83	**242**	192	1*	49
98th	1983-85	**269**	166		103

***Third Party Explanations**

80th – American-Labor – caucused with Democrats
86th – Independent Democrat – caucused with Democrats
93rd – Independent Democrat – caucused with Democrats
97th – Independent – caucused with Republicans
102nd – Independent – caucused with Democrats
103rd – Independent – caucused with Democrats
104th – Independent – caucused with Democrats
106th – Independent – caucused with Democrats

[110] Party Divisions of the House of Representatives (1789 to Present). 110th Congress, 1st Session. Office of the Clerk. United States House of Representatives. 2 Apr 2007. http://clerk.house.gov/art_history/house_history/partyDiv.html.

Congress[110]	Years	Dem	GOP	3rd	Majority
99th	1985-87	**253**	182		71
100th	1987-89	**258**	177		81
101st	1989-91	**260**	175		85
102nd	1991-93	**267**	167	1*	101
104th	1995-97	204	**230**	1*	24
105th	1997-99	206	**228**	1*	21
106th	1999-01	211	**223**	1*	11
110th	2007-09	**233**	202		21

***Third Party Explanations**

80th – American-Labor – caucused with Democrats
86th – Independent Democrat – caucused with Democrats
93rd – Independent Democrat – caucused with Democrats
97th – Independent – caucused with Republicans
102nd – Independent – caucused with Democrats
103rd – Independent – caucused with Democrats
104th – Independent – caucused with Democrats
106th – Independent – caucused with Democrats

Key: Dem = Democratic Party, GOP = Republican Party, 3rd = Third Parties

The table below lists the demographics of the Senate during each Congress since World War II when the House of Representatives, the Senate, or both were led by a different party than the executive branch. The years of that Congress are indicated, along with the number of members of the Democratic Party, the number of members of the Republican Party, any third-party members of the chamber, and the actual majority held by the party in power. The number in bold in each Congress indicates the party that holds the majority. The table to the left provides explanations of how the third-party members caucused during that particular Congress.

Table 7 – Relative Majorities in Senate, Instances of Divided Government, Post-World War II

***Third Party Explanations**

84th – Independent – caucused with Democrats
92nd – Conservative – caucused with Republicans
92nd – Independent – caucused with Democrats
93rd – Conservative – caucused with Republicans
93rd – Independent – caucused with Democrats
94th – Conservative – caucused with Republicans
94th – Independent – caucused with Democrats
97th – Independent – caucused with Democrats
110th – Independent – caucused with Democrats
110th – Independent Democrat – caucused with Democrats

Congress[111]	Years	Dem	GOP	3rd	Majority
80th	1947-49	45	**51**		6
84th	1955-57	**48**	47	1*	2

Congress[111]	**Years**	**Dem**	**GOP**	**3rd**	**Majority**
85th	1957-59	**49**	47		2
86th	1959-61	**65**	35		30
91st	1969-71	**57**	43		14
92nd	1971-73	**54**	44	2*	10
93rd	1973-75	**56**	42	2*	14
94th	1975-77	**60**	38	2*	22
97th	1981-83	46	**53**	1*	6
98th	1983-85	46	**54**		8
99th	1985-87	47	**53**		6
100th	1987-89	**55**	45		10
101st	1989-91	**55**	45		10
102nd	1991-93	**56**	44		12
104th	1995-97	48	**52**		4
105th	1997-99	45	**55**		10
106th	1999-01	45	**55**		10
110th	2007-09	**49**	49	2*	2

Key: Dem = Democratic Party, GOP = Republican Party, 3rd = Third Parties

Analysis of this data shows very few instances during which the party holding a majority in the LB during periods of divided government was capable of overriding a presidential veto purely by the demographic of that chamber. While an override of a veto has historically occurred through a bipartisan coalition in opposition to a President, such a circumstance is rare on an issue as contentious and often partisan as the prosecution of war.

From the data above, it can be gleaned that there has only been one instance, the 94th Congress from 1975-77, when a party, in this case the Democrats, held a majority in the House of Representatives that could automatically override a veto. In this case, the Democrats held a 147-seat majority in a House with 435 members.[112] In the 86th Congress from 1959-61, the Democrats held a 131-seat majority in a House with 437 members, falling eight votes short of an automatic veto override.[113] No other majority in the House of Representatives since World War II has been within 20 votes of having the ability to automatically override a veto.[114]

In the Senate, similar circumstances have dominated the history of this chamber since World War II. There have been no instances where a party held 67 seats, so no party has had the ability to override a veto purely based on its majority. There have been two instances (the 86th Congress from 1959-61 and the 94th Congress from 1975-77) during which a party could invoke cloture based on its majority.[115] In the 86th Congress, the Democrats had a 30-seat majority, and in the 94th Congress, the Democrats held a 22-seat majority.[116] While having the ability to invoke cloture and stop a filibuster is an important power to have to allow legislation to be read and brought to a vote, it does not guarantee the ability to override a presidential veto.

With no instances during which both chambers have had the ability to override a veto, and only one during which the House of Representatives was capable of doing so, it is difficult to analyze whether the size of the majority held in the LB impacts the choice of the party in power in Congress to pursue policy in contradiction to that of the EB. The 94th Congress in the House

[112] Ibid.
[113] Ibid.
[114] Ibid.
[115] Ibid.
[116] Ibid.

of Representatives, however, can be looked at singularly to determine whether any evidence of this relationship may exist.

The House of Representatives during the 94th Congress, from 1975-77, consisted of 291 Democrats and 144 Republicans.[117] While this Congress came into session during the prosecution of the Vietnam War, this military conflict ended on April 30, 1975, a mere four months after the beginning of this Congress.

Analysis of Appropriations Requests

This variable, for the purpose of statistical analysis, will be called *approps*, and will be measured on a scale of 1-4 by the following criteria:

1. None (0 appropriations requests rejecting the funding request of the EB)
2. Minimal (1-2 appropriations requests rejecting the funding request of the EB)
3. Moderate (3-5 appropriations requests rejecting the funding request of the EB)
4. Significant (6 or more appropriations requests rejecting the funding request of the EB)

The Vietnam War

An extended instance of divided government occurred during the prosecution of the Vietnam War, with Democrats controlling the House of Representatives by a majority no smaller than 51 during the period of 1969-1975 and the Senate by a majority no smaller than 10.

[117] Ibid.

Republicans controlled the White House during this period, with Richard Nixon serving from 1969-1974 and Gerald Ford serving from 1974 through 1977.

As mentioned in Chapter 3, public opinion on the prosecution of the war in Vietnam progressively became more negative as the war went on, and this negative opinion was reflected in the Congress as well. The LB's opposition to the war began with the Cooper-Church Amendment, the first of nine pieces of legislation seeking to restrict deployment of troops through the power of the purse during this conflict. Listed first in the table below, this amendment sought to end funding to retain ground troops and military advisors in Cambodia and Laos, bar air operations in Cambodian airspace and direct support of Cambodian forces without congressional approval, and end American support for Republic of Vietnam forces outside of territorial South Vietnam. This amendment passed as part of the Foreign Military Sales Act in the House and eventually became Public Law 91-652 after being included in the Special Foreign Assistance Act of 1971.[118]

The table below details nine separate instances during this defined period of divided government during which the Democratic-controlled Congress passed legislation that either defined the terms for which funds could be used in theatre or defined a timeline for how long this war could be prosecuted. In every case, with exception for the Foreign Assistance Act of 1974, both the House and Senate passed this legislation by majorities capable of overturning a presidential veto had President Nixon or Ford chosen to do so.[119]

[118] U.S. Library of Congress. Congressional Research Service. *Congressional Authority to Limit U.S. Military Operations in Iraq* by Jennifer K. Elsea, Michael John Garcia and Thomas J. Nicola. Washington: The Service, 2008.
[119] Ibid.

Table 8 – Legislation Passed by Congress Limiting Presidential Policy during Vietnam War

Year	Congress	Bill #	Legislative Vehicle	Brief Description	House Vote	Senate Vote	Date Enacted	Public Law #
1970	91st	H.R. 19911	Special Foreign Assistance Act of 1971	Prohibited using any funds to finance the introduction of ground troops or U.S. advisors in Cambodia		Adopted 72-22	1/5/1971	91-652 Section 7
1970	91st	H.R. 15628	To Amend the Foreign Military Sales Act, and for Other Purposes	Repealed August 10, 1964 Gulf of Tonkin Resolution which had given congressional approval to the Johnson Administration "to take all necessary measures to repel an armed attack against the forces of the United States and to prevent any further aggression" as of the adjournment of the 91st Congress	Adopted, voice vote	Adopted, voice vote	1/12/1971	91-672 Section 12
1971	92nd	H.R. 6531	Military Selective Service Act of 1967, Amendments	Called for termination of military operations in Indochina at "the earliest practicable date," and for withdrawal of all forces, subject to return of all American prisoners of war; urged President to negotiate with N.V. a date for withdrawal of all forces, immediate cease-fire	Adopted 298-108 (Conf. Report)	Adopted 55-30 (Conf. Report)	9/28/1971	92-129 Section 401

Year	Congress	Bill #	Legislative Vehicle	Brief Description	House Vote	Senate Vote	Date Enacted	Public Law #
				agreement, and series of phased and rapid withdrawals of U.S. forces in return for release of prisoners of war.				
1971	92nd	H.R. 8687	Armed Forces Approps. Authorization, 1972	Called for termination of military operations in Indochina at "the earliest practicable date," and for withdrawal of all forces, subject to return of all American prisoners of war; urged President to negotiate with N.V. a date for withdrawal of all forces, immediate cease-fire agreement, and series of phased and rapid withdrawals of U.S. forces in return for release of prisoners of war.	Adopted by voice vote (Conf. Report)	Adopted 65-19 (Conf. Report)	11/17/1971	92-156 Section 601
1973	93rd	H. J. Res. 636	Making Continuing Approps. for FY1974	Prohibited obligation or expenditure of any funds in any law on or after August 15, 1973 to finance "combat in or over or from off the shores of N.V., S.V., Laos or Camb.		Adopted 73-16	7/1/1973	93-52 Section 108
1973	93rd	H. J. Res. 727	Continuing Approps., 1974	Extending ban on obligation or expending funds	Adopted 309-99		10/16/1973	93-124 Section 1

Year	Congress	Bill #	Legislative Vehicle	Brief Description	House Vote	Senate Vote	Date Enacted	Public Law #
				appropriated for combat activities in or over Camb., Laos and N.V. and S.V. included in P.L. 93-52				
1973	93rd	H.R. 9055	Second Supplemental Approps. Act, 1973	Prohibited expenditure of funds for reconstruction in N.V. and for combat activities "in or over…or off the shores of" Camb., Laos, N.V. and S.V. after August 15, 1973	Adopted 278-124	Adopted 72-14	7/1/1973	93-50 Sections 304 and 307
1973	93rd	H.R. 7645	Department of State Approps. Authorization Act of 1973	Prohibited obligation or expenditure of approps. on or after August 15, 1973 to "finance the involvement of U.S. military forces in hostilities in or over or from off the shores of" N.V., S.V., Laos or Camb. or to provide assistance of any kind to N.V. unless funds specifically authorized by Congress	Adopted 1st Conf. Report by voice vote, with revisions; Adopted 2nd Conf. Report by voice vote	Adopted Senate Report 67-15; Adopted Conf. Report by voice vote	10/18/1973	93-126 Section 13
1974	93rd	S. 3394	Foreign Assistance Act of 1974	Established cap for U.S. personnel present in S.V.	Conf. Report adopted 209-189	Adopted S. bill 46-45; Adopted Conf. Report 49-43	12/30/1974	93-559 Section 38

The First Gulf War

The entire First Gulf War was fought under an instance of divided government, with President George Herbert Walker Bush, a Republican, in the White House and with significant Democratic majorities in the House and Senate during the 101st and 102nd Congresses. Democrats maintained a majority no smaller than 85 members in the House during that period and had at least a 10 seat majority in the Senate during that period of time.

This war was prosecuted in a relatively short time frame (mobilization of troops began on August 2, 1990 and combat ended on February 28, 1991) and the war ended decisively in favor of the Allied Forces. Following Iraq's invasion of Kuwait in 1990, public opinion globally, as well as within the United States, supported efforts to liberate Kuwait, leading to the passage of United Nations Resolution 660, condemning the invasion of Kuwait and demanding a withdrawal or Iraqi troops. This was followed by the passage of United Nations Resolution 661, authorizing economic sanctions against Iraq, and United Nations Security Council Resolution 665, authorizing "the use of measures commensurate to the specific circumstances as may be necessary…to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of resolution 661."[120]

With the sizeable majority noted above, Democrats could have posed a significant challenge to the wishes of the Bush Administration during the prosecution of this war. In fact, the vote in Congress authorizing the use of military force to drive Iraq out of Kuwait on January

[120] The United Nations. Security Council Resolutions -1990. http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/575/15/IMG/NR057515.pdf?OpenElement

12, 1991, was the closest vote authorizing force by the Congress since the War of 1812, with the resolution passing by a vote of 250 to 183 in the House and 52 to 47 in the Senate.

Funding for this war, however, came with relatively little controversy, partly because a significant majority of the cost of this war was offset by contributions from the 34 member nations who fought with the United States against Iraq, with the remaining costs absorbed as part of that year's budget for the Department of Defense.[121] Thus, no additional appropriations bills or supplemental funding bills were votes on in Congress, and with this being the case, no specific examples can be cited of the Congress using the power of the purse to challenge the policies of the President or to enact its own policy with regard to prosecution of the war.

NATO Intervention in Yugoslavia

With an instance of divided government occurring during both instances of American military intervention in Yugoslavia as part of NATO operations, this would naturally be a case for review in this study. The unique aspect of this case as compared to the other three, however, is that during this military conflict, the EB was held by a Democrat (Bill Clinton) and the LB was controlled by the Republican Party.

While this military conflict was fought under the command of NATO, as with other NATO missions, a majority of the supplies and troops involved in combat were American. However, because this conflict was fought under the command of NATO with supplies and troops already committed to coalition activity paid for by previous appropriations bills prior to

[121] U.S. Library of Congress. Congressional Research Service. *Costs of Major U.S. Wars* by Stephen Daggett. Washington: The Service, 2008, p. 3.

the beginning of these conflicts, no specific appropriations requests were considered by the LB that impacted U.S. military involvement in Yugoslavia.

Therefore, there is no way to statistically compare the impact of the independent variables on the actions, or lack thereof, of the LB in this instance.

Operation Enduring Freedom / Operation Iraqi Freedom

An instance of divided government occurred during the 110th Congress, with the Democratic Party assuming control of both chambers of the LB during the last two years of the administration of President George W. Bush. Following twelve years of leadership in the House of Representatives and maintaining a majority in the Senate for a significant portion of that same period, the Republican Party suffered great losses in the 2006 congressional elections largely as a result of the public's dissatisfaction with the prosecution of Operation Enduring Freedom in Iraq.

This victory and subsequent assumption of power by the Democrats in both chambers opened the door for a rhetorical war between the LB and EB on how Operation Enduring Freedom would be continued. This rhetorical war became a battle over legislative strategy in 2007 when the Congress sent H.R. 1591, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, to President George W. Bush's desk.

In Section 1901 of this bill, the Congress provided "that none of the funds appropriated or made available…could be used to deploy any armed forces unit unless the chief of the military department concerned certified in writing to the Committees on Appropriations and the Committees on Armed Services in advance of deployment that the unit was 'fully mission

capable.'"[122] In addition, in Section 1902, the Congress declared that "no funds appropriated…would have been permitted to be obligated or expended to initiate developing, to continue developing, or to execute any order that would have the effect of extending the deployment of any Army, Army Reserve, or Army National Guard unit beyond 365 days or of any Marine Corps or Marine Corps Reserve unit beyond 210 days."[123] Authority to waive these clauses required a certification on a unit-by-unit basis in writing to the appropriate committees that such deployments were required for reasons of national security.

However the most controversial part of this bill was Section 1904, which "would have required the President by July 1, 2007, to make and report to Congress determinations relating to progress that the government of Iraq is making in meeting the benchmarks" that were provided for in the bill.[124] The inability of the President to do that would have resulted "in the commencement of troop redeployment from Iraq no later than July 1, 2007, with a goal of completing redeployment within 180 days."[125]

President Bush vetoed this bill on May 1, 2007, calling it "unconstitutional because it purports to direct the conduct of operations of war in a way that infringes upon the powers vested in the presidency by the Constitution, including as commander and chief of the Armed Forces."[126] The House of Representatives attempted to overturn the veto, but failed by a vote of 222 to 203, well short of the two-thirds majority required to do so, thus killing the bill.

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[122] U.S. Library of Congress. Congressional Research Service. *Congressional Authority to Limit U.S. Military Operations in Iraq* by Jennifer K. Elsea, Michael John Garcia and Thomas J. Nicola. Washington: The Service, 2008: p. 30
[123] Ibid.
[124] Ibid.
[125] Ibid.
[126] Ibid., p. 1

The next attempt at a war supplemental bill was H.R. 2206, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Act Appropriations Act, which was agreed to by both chambers on May 24, 2007 and signed into law by President Bush the following day. The major difference between this bill and the prior bill was the elimination of the timetable for withdrawing troops, which was the major sticking point between the Democratic majority in Congress and President Bush throughout the debate over the continuing war in Iraq. In the end, the Congress gave in to President Bush's request for additional funding required to fund the campaign through September 30, 2007.[127]

The battle over funding operations in Iraq continued as the Congress debated funding for the FY2008 budget. H.R. 2764, the Consolidated Appropriations Act, 2008, provided for $70 billion in supplemental appropriations for military activities in Iraq. No redeployment language was included in this bill, but the bill did "mandate that the Secretary of Defense should report to Congress on progress towards stability in Iraq within 60 days after enactment and every 90 days thereafter."[128] President Bush signed this bill into law on December 26, 2007.

These two bills are the only actual examples, in terms of appropriations bills, of legislative attempts by the Democratic Congress to assert its authority to dictate the terms of engagement in the war in Iraq. From these two examples, it seems apparent that while the Democratic Congress attempted to assert its authority over the continuation of Operation Iraqi Freedom, both through its power of the purse and through the mandate it declared as a result of the 2006 election, it failed in its efforts and ultimately removed clauses which provided it with

[127] Ibid., p. 32
[128] Ibid., p. 33

authority over the decisions made by the President to ensure operations and troops in Iraq remained fully funded during a critical portion of the war.

There were no such attempts relating to Operation Enduring Freedom in Afghanistan.

Comparative Analysis

Appropriations/House Majorities

When comparing the dependent variable, *approps,* with the independent variable, *majhouse,* to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is .315, indicating a fairly strong positive relationship. If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 32% of the time.

Table 9 – Bivariate Correlation: approps and majhouse

		number of appropriations requests	relative majority in House
number of appropriations requests	Pearson Correlation	1	.315
	Sig. (2-tailed)		.375
	N	10	10
relative majority in House	Pearson Correlation	.315	1
	Sig. (2-tailed)	.375	
	N	10	10

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of 1.079 and a regression coefficient of .289. This tells us that the larger the majority in the House of Representatives, the likelihood of more appropriations requests increases by .289. In relation to the null hypothesis, the P-value of .375 indicates the observed results occur relatively frequently by chance, thus requiring a rejection of the null. In summary, this shows there is no significant relationship between the relative majority in the House of Representatives and the number of appropriations requests.

Table 10 – Linear Regression: approps and majhouse

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.315[a]	.100	-.013	.849

a. Predictors: (Constant), relative majority in House

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.079	.616		1.752	.118
	relative majority in House	.289	.308	.315	.940	.375

a. Dependent Variable: number of appropriations requests

Appropriations/Senate Majorities

When comparing the dependent variable, *approps*, with the independent variable, *majsenat*, to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is -.125, indicating a relatively weak negative relationship. If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 13% of the time.

Table 11 – Bivariate Correlation: approps and majsenat

		number of appropriations requests	relative majority in Senate
number of appropriations requests	Pearson Correlation	1	-.125
	Sig. (2-tailed)		.731
	N	10	10
relative majority in Senate	Pearson Correlation	-.125	1
	Sig. (2-tailed)	.731	
	N	10	10

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of 1.800 and a regression coefficient of -.100. This tells us that the larger the majority in the Senate, the likelihood of more appropriations requests decreases drastically. However, with a P-value of .731, it can be said that the majority in the Senate is not significantly related to the number of appropriations requests. In summary, this shows there is no significant relationship between the relative majority in the Senate and the number of appropriations requests.

Table 12 – Linear Regression: approps and majsenat

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.125[a]	.016	-.107	.887

a. Predictors: (Constant), relative majority in Senate

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.800	.627		2.869	.021
	relative majority in Senate	-.100	.281	-.125	-.356	.731

a. Dependent Variable: number of appropriations requests

Appropriations/Unemployment

When comparing the dependent variable, *approps*, with the independent variable, *unemploy*, to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is -.134, indicating a relatively weak negative relationship. If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 13% of the time.

Table 13 – Bivariate Correlation: approps and unemploy

		number of appropriations requests	unemployment rate
number of appropriations requests	Pearson Correlation	1	-.134
	Sig. (2-tailed)		.713
	N	10	10
unemployment rate	Pearson Correlation	-.134	1
	Sig. (2-tailed)	.713	
	N	10	10

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of 2.000 and a regression coefficient of -.143. This tells us that the higher the rate of unemployment, the likelihood of more appropriations requests decreases drastically. However, with a P-value of .713, it can be said that the rate of unemployment is not significantly related to the number of appropriations requests. In summary, this shows there is no significant relationship between the rate of unemployment and the number of appropriations requests.

Table 14 – Linear Regression: approps and unemploy

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.134[a]	.018	-.105	.886

a. Predictors: (Constant), unemployment rate

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.000	1.086		1.842	.103
	unemployment rate	-.143	.375	-.134	-.381	.713

a. Dependent Variable: number of appropriations requests

Appropriations/Inflation

When comparing the dependent variable, *approps*, with the independent variable, *inflate*, to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is .234, indicating a relatively weak positive relationship. If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 23% of the time.

Table 15 – Bivariate Correlation: approps and inflate

		number of appropriations requests	inflation rate
number of appropriations requests	Pearson Correlation	1	.234
	Sig. (2-tailed)		.515
	N	10	10
inflation rate	Pearson Correlation	.234	1
	Sig. (2-tailed)	.515	
	N	10	10

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of .927 and a regression coefficient of .293. This tells us that the larger the majority in the House of Representatives, the likelihood of more appropriations requests increases by .293. In relation to the null hypothesis, the P-value of .515 indicates the House majority is not significantly related to the number of appropriations requests. In summary, this shows there is no significant relationship between the rate of inflation and the number of appropriations requests.

Table 16 – Linear Regression: approps and inflate

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.234[a]	.055	-.063	.870

a. Predictors: (Constant), inflation rate

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.927	1.025		.904	.392
	inflation rate	.293	.429	.234	.682	.515

a. Dependent Variable: number of appropriations requests

Appropriations/National Debt

When comparing the dependent variable, *approps*, with the independent variable, *natldebt*, to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is .060, indicating there is virtually no relationship. If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 6% of the time.

Table 17 – Bivariate Correlation: approps and natldebt

		number of appropriations requests	rate of increase of national debt
number of appropriations requests	Pearson Correlation	1	.060
	Sig. (2-tailed)		.869
	N	10	10
rate of increase of national debt	Pearson Correlation	.060	1
	Sig. (2-tailed)	.869	

		number of appropriations requests	rate of increase of national debt
number of appropriations requests	Pearson Correlation	1	.060
	Sig. (2-tailed)		.869
	N	10	10
rate of increase of national debt	Pearson Correlation	.060	1
	Sig. (2-tailed)	.869	
	N	10	10

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of 1.478 and a regression coefficient of .058. This tells us that the higher the rate of increase of the national debt, the likelihood of more appropriations requests decreases drastically. However, with a P-value of .869, it can be said that the rate of increase in the national debt is not significantly related to the number of appropriations requests. In summary, this shows there is no significant relationship between the national debt and the number of appropriations requests.

Table 18 – Linear Regression: approps and natldebt

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.060[a]	.004	-.121	.893

a. Predictors: (Constant), rate of increase of national debt

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.478	.768		1.926	.090
	rate of increase of national debt	.058	.340	.060	.171	.869

a. Dependent Variable: number of appropriations requests

Appropriations/Presidential Approval

When comparing the dependent variable, *approps*, with the independent variable, *pubopprz*, to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is .639, indicating there is a relatively significant positive relationship. If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 64% of the time.

Table 19 – Bivariate Correlation: approps and pubopprz

		number of appropriations requests	public opinion of president
number of appropriations requests	Pearson Correlation	1	.639*
	Sig. (2-tailed)		.047
	N	10	10
public opinion of president	Pearson Correlation	.639*	1
	Sig. (2-tailed)	.047	
	N	10	10

*. Correlation is significant at the 0.05 level (2-tailed).

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of .784 and a regression coefficient of .327. This tells us that the higher the popularity of the President, the likelihood of more appropriations requests increases by .327. In relation to the null hypothesis, the P-value of .047 indicates the observed results occur frequently by chance, thus requiring a rejection of the null. In summary, this shows there is a very significant relationship between public opinion of the President and the number of appropriations requests.

Table 20 – Linear Regression: approps and pubopprz

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.639[a]	.408	.334	.688

a. Predictors: (Constant), public opinion of president

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.784	.410		1.911	.092
	public opinion of president	.327	.139	.639	2.349	.047

a. Dependent Variable: number of appropriations requests

Appropriations/Congressional Approval

When comparing the dependent variable, *approps,* with the independent variable, *pubopcon*, to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is .704, indicating there is a relatively significant positive relationship. If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 70% of the time.

Table 21 – Bivariate Correlation: approps and pubopcon

		number of appropriations requests	public opinion of congress
number of appropriations requests	Pearson Correlation	1	.200
	Sig. (2-tailed)		.704
	N	10	6
public opinion of congress	Pearson Correlation	.200	1
	Sig. (2-tailed)	.704	
	N	6	6

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of -.600 and a regression coefficient of .400. This tells us that the lower the popularity of the President, the likelihood of more appropriations requests increases. However, with a P-value of .704, it can be said that the popularity of the Congress is not significantly related to the number of appropriations requests. In summary, this shows there is no significant relationship between public opinion of Congress and the number of appropriations requests.

Table 22 – Linear Regression: approps and pubopcon

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.200[a]	.040	-.200	.894

a. Predictors: (Constant), public opinion of congress

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	-.600	4.750		-.126	.906
	public opinion of congress	.400	.980	.200	.408	.704

a. Dependent Variable: number of appropriations requests

Appropriations/War Approval

When comparing the dependent variable, *approps*, with the independent variable, *pubopwar*, to gauge the direction and strength of the relationship between the two variables, Pearson's correlation coefficient is .406, indicating there is a fairly strong positive relationship. . If the null is correct in its assertion that no relationship exists between the two variables, then we will obtain this statistic by chance approximately 41% of the time.

Table 23 – Bivariate Correlation: approps and pubopwar

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.406[a]	.165	.026	.875

a. Predictors: (Constant), public opinion of current conflict

		number of appropriations requests	public opinion of current conflict
number of appropriations requests	Pearson Correlation	1	.406
	Sig. (2-tailed)		.318
	N	10	8
public opinion of current conflict	Pearson Correlation	.406	1
	Sig. (2-tailed)	.318	
	N	8	8

Analyzing this relationship further through linear regression, the coefficients table produced shows a Y-intercept (constant) of .648 and a regression coefficient of .259. This tells us that the higher the popularity of the war, the likelihood of more appropriations requests increases. In relation to the null hypothesis, the P-value of .318 indicates the observed results occur relatively frequently by chance, thus requiring a rejection of the null. In summary, this shows there is no significant relationship between public opinion of war and the number of appropriations requests.

Table 24 – Linear Regression: approps and pubopwar

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.406[a]	.165	.026	.875

a. Predictors: (Constant), public opinion of current conflict

Coefficients[a]

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.648	1.058		.612	.563
	public opinion of current conflict	.259	.238	.406	1.089	.318

a. Dependent Variable: number of appropriations requests

To effectively analyze the data collected, below is a compilation table of statistics collected from analysis of all of the independent variables.

Table 25 – Compilation of Data on Independent Variables Collected from Statistical Analysis

Independent Variable	Pearson's R	Constant	B	Standard Error	Significance
majhouse	.315	1.079	.289	.308	.375
majsenat	-.125	1.800	-.100	.281	.731
unemploy	-.134	2.000	-.143	.375	.713
inflate	.234	.927	.293	.429	.515
natldebt	.060	1.478	.058	.340	.869
pubopprz	.639	.784	.327	.139	.047
pubopcon	.200	-.600	.400	.980	.704
pubopwar	.406	.648	.259	.238	.318

From this data, significance levels show for all independent variables, with exception of *pubopprz*, there is no relation between any of these variables and the dependent variable, *approps*. What this proves, however, is that there is a statistically significant relationship between the public opinion of the president and the number of appropriations requests.

CHAPTER FIVE: CONCLUSION

Upon reviewing and analyzing all of the data, it appears that public opinion does play a significant part in whether the LB attempts to use the power of the purse to affect the policies of the President and the prosecution of military action, confirming Paul Burstein's assessment. With confirmation that the public opinion of the President has a statistically significant relationship to the number of appropriations requests by the LB in rejection of the EB's policies, it is apparent that this LB does attempt to reject the policies of the EB when the public disagrees with the EB's policies. The influence of the size of the relative majorities in both chambers of the LB does not appear to significantly play a part in whether the LB acts to rebut the foreign policy of the EB, nor do economic factors (unemployment, inflation, national debt).

Summary of Findings

One trend that became evident from this data is that the LB appears to act in response to public opinion when the prevailing opinion is overwhelmingly against military action and when the prevailing opinion is overwhelmingly against the EB. The two post-World War II instances of divided government during which the LB was most active in rejecting the EB's foreign policy were the Vietnam War and Operation Iraqi Freedom, both of which became immensely unpopular wars and were led by presidents whose popularity declined as those wars dragged on. In both of those instances, the LB sought to either defund the war or set timelines for its end. During the other military engagements, which based on polling appear to have been more popular or, in the case of NATO involvement in Yugoslavia were brief engagements that may

not have induced well-thought opinions, the LB did not express opposition in the form of legislation.

Analysis of the impact of the size of the majorities of the two branches of the LB gleaned no relevant or significant data. While the size of the majority in a chamber can dictate the success of the agenda of the majority party, in the case of these instances of military conflict, it does not appear the actual agenda itself was determined by the size of the majority, but rather by the public opinion of the military engagement itself, as well as that of the president.

Additionally, there does not seem to be a significant relationship between the economic factors analyzed (unemployment, inflation, national debt) and how the LB reacts to the EB's foreign policy. Beyond the confirmation of this from the analysis of the data, the instance of divided government currently on-going in the 112th Congress can be cited as another example refuting the impact of these factors. With the highest sustained level of unemployment in nearly 80 years and the highest national debt in the history of the United States, the Republican majority in the House has made reducing the deficit its top priority and is looking to cut funding in nearly every sector of the government, but is not seeking to reduce funding for Operation Enduring Freedom in Afghanistan or for the remaining troops in Iraq.

Analysis of Research Question

The research questions were "what political factors play into the role the LB plays in the crafting of foreign policy during…instances [of divided government]? Do variables, including public opinion, budgetary constraints, or the relative size of the majority in the LB, impact the

role this branch plays? Or is this often subservient role dictated purely by precedent and tradition?"

Based on the analysis of the data, the answer to both of these questions is "no." Rather, the answer appears to be that the LB, which is directly elected by the people, as opposed to the EB, who is elected by the Electoral College, responds to the opinions of the public and creates policy in rejection of the EB when the public has rejected the EB's policy. Based on the data, it does not seem that public opinion directly impacts the actions of the EB, as in the two most relevant examples of how this public opinion may play a part; President Nixon continued to prosecute an unpopular Vietnam War and President George W. Bush continued to prosecute an unpopular Operation Iraqi Freedom. While the indirect election through the Electoral College may not protect the EB, the difference in how the two branches are elected does not seem to deter the EB from making policy decisions related to military conflict.

In comparing this conclusion to the hypothesis presented, the hypothesis was correct in predicting the LB would attempt to assert its authority to impact the prosecution of the EB's foreign policy and be unsuccessful in these attempts, but did not accurately predict the instances when the LB would attempt to do so.

Policy Prescriptions

The data suggests that there is a clear relationship between the public opinion of the military engagement and of the president, and the actions of the LB. This should create a level of expectation for the EB that under such circumstances, the EB is more likely to encounter

rejection of their foreign policy by the LB. This may also influence the EB to evolve its policy relevant to individual military engagements based on public opinion if, for no other reason, to ensure negative opinion of that engagement does not cost significant political losses for the EB's party, as occurred at the end of the 109th Congress.

Additionally, it should signal to the LB that when public opinion is against the military engagement and the president, the LB can be more confident in its decision to propose legislation in rejection of the military engagement. Whether such action would achieve success in terms of ending that military engagement seems unlikely, but as the most recent example analyzed in the 109th Congress may indicate, such action may serve to achieve success in terms of political victory in the next election.

Recommendations for Future Research

While the variables analyzed were relevant to the research question and provide insight into the conclusion, there may be better, more in-depth ways to analyze these variables. The dependent variable, *approps*, could be either reviewed more in depth to determine the relationship between the actual amounts in each bill and the size of the majorities in both chambers of the LB to further determine the impact of the majority on the LB's behavior.

In terms of the independent variables, analysis of *majhouse* and *majsenat* could be enhanced to include an in-depth evaluation and analysis of how conservative or liberal the majority party is in each branch of the LB. By reviewing vote history and placing the parties on

a spectrum, there could be an opportunity to further investigate whether the polarization of the political parties determines the impact the majority party's behavior relative to the EB.

Finally, while the three independent variables relative to budgetary constraints on the LB (*unemploy*, *inflate* and *natldebt*) are all critical variables that are impacted by the state of the economy, there may be other economic indicators that could be analyzed, including the Consumer Price Index and the New York Stock Exchange Dow Industrial Average.

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