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A Post-Partisan Victory? Addressing the Success of President Obama and the 111th Congress.

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By

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Abstract

In a time when high partisanship in Washington D.C. stymies the flow of legislative productivity, I seek to determine the success of President Obama and the 111th Congress in addressing "controversial" policy topics. President Obama entered office with a wide range of goals, and also pledged to implement a "post-partisan" style of politics. Using policy topics from the *Congressional Digest*, a publication that has provided nonpartisan policy coverage since 1921, I seek to determine how successful President Obama and the 111th Congress were in crafting new public laws. In order to measure demand for controversial legislation, the number of topics covered by the *Digest* during Obama's first two years in office, plus the number of topics from the previous four years that had not seen any legislative action, were counted. *Statutes at large* was, then, consulted to learn of any new laws passed in the 111th Congress that address these controversial topics. Using the *Congressional Digest* agenda to determine legislative success is distinguished from earlier works that utilize "presidential box scores," which are criticized for failing to check presidential success on meaningful legislative topics. This research on legislative gridlock is especially important during a time when many feel the partisan conflict between the two major parties in Congress has reached a crisis level.

Introduction

Presidents undoubtedly are sworn into office with an ambitious set of public policy initiatives which they wish to quickly implement. Each modern president since Franklin Roosevelt has sought to use his honeymoon period, or the “first 100 days”, as a means to see his particular policy goals set into motion, fully understanding that his political capital decreases each day he is in office. During the annual State of the Union Address, budget message, and

economic report, the president lays out his legislative agenda which he expects Congress to begin acting upon. After World War II the concept of the legislative president, or the "chief legislator", became widespread and many different participants (Congress, citizens, the media, etc) began to expect the president to play a larger role in administrative politics. Matthew Beckmann illustrates that although the president is often referred to as the "chief legislator", most "presidents' direct channels for getting proposals onto Congress' agenda are limited, if they exist at all" (Beckmann 2008). The question thus becomes, how exactly is the president able to influence the legislative branch to enact his policies? Is the president the sole authority who seeks to maneuver through Congress his legislative goals? Based in part by America's bicameral legislature, as well as the framers desire to implement a separation of powers, the president is not in a position to command his fellow legislators to follow his policy initiatives. It is this fact that has lead many scholars in the field of presidential-congressional relations to find that one of the best tools a president has related to working the Congress is his ability to persuade. Andrew Rudalevige explains that presidents have worked to build up resources that will allow them to craft policy "on their own" and circumvent Capitol Hill (Rudalevige 2009, 189). Some argue that it is necessary to understand that "influence" flows both ways in order to have a complete understanding of executive-legislative relations (Andres and Griffin 2009, 106-107).

It has been established that in order to achieve legislative success a president must build winning coalitions through bargaining and compromise; thus a president will often use as many of his powers to try and influence Congress (implied, constitutional, bureaucratic, personal, etc). Richard Neustadt first articulated in the 1960s that presidential power is the power to persuade. Through his persuasive powers it has been argued that the president will be able to build meaningful relationships and greatly increase the chances that members of Congress will vote in

favor on the policies he feels are important. The president may also employ media relations, known as "going public", in order to reach out to American citizens and Congress to gather popular support for his policies. This technique implies a strong communicative sense that the public will appreciate, which was a strong tool for Presidents Roosevelt, Reagan, and Obama during the first year of their presidencies. It has also been argued that a president can increase his chances of legislative success based on his popularity, a tactic which should invite members of either political party to vote in favor of a popular president. Evidence also suggests the ability of a president to prioritize his policies plays a large role in his relationship with Congress (Bond and Fleisher, 1990; Eshbaugh-Soha 2008). A president will need to utilize as many possible resources as possible when dealing with Congress, especially when party control, and the president's wiliness to compromise plays such a large role in his ability to claim any legislative victories (Barrett and Eshbaugh-Soha 2007). After determining that an effective way of viewing presidential power is by looking at how the president influences Congress, I seek to address how President Obama and the 111th Congress worked together to enact meaning public policy. First, however, a brief discussion of a history of presidential-congressional relations will aid in further understanding current conditions in Washington.

Literary Review

What exactly has been the nature of presidential-congressional relations, and how does that relationship facilitate success? Noted historian Arthur Schlesinger, Jr. explains such a relationship as "one of the abiding mysteries of the American system of government" (Schlesinger 1976, 1). The origin of such a relationship between the chief executive and the legislative branch necessarily begins with the U.S. Constitution. The framers of the Constitution,

undoubtedly influenced by Whig ideology, believed in a separation of powers. This ideology lead to the creation of the three branches of government and a bicameral legislature. Such structures were put into place to ensure a proper balance of intergovernmental relations; however, the language of the U.S. Constitution does not offer much information relating to the proper role of the president's interaction with Congress. Aside from the president's power to issue a veto, the Constitution does not offer much else in the way of presidential powers related to Congress (such as "from time to time give to the Congress Information of the State of the Union"). During the framing of the Constitution there were discussions between the Federalists and the Anti-Federalists regarding exactly how much power the president should have. Famous Federalist Alexander Hamilton said in *Federalist* No. 70 that, "A feeble Executive implies a feeble execution of the government". The lack of any decisive language within the Constitution regarding the relationship between the executive and legislative branch was certainly something the framers took seriously. In *Federalist* No. 73, Alexander Hamilton commented on the possibility that "the legislative and executive powers might speedily come to be blended in the same hands". Including the ambiguities found in the Constitution, there are also historical instances of the ebb and flow of power resting within the executive branch or the legislative branch.

Henry Campbell Black illustrates that presidents from Washington through Monroe used the elevated position of the presidency to push their ideas forward, and did not attempt to rely on Congress to for approval of their initiatives (Black 1919, 9). As the executive branch in the early republic hashed out the ways in which it handed the changing circumstances of America, the legislative branch was also evolving. Due to an increased workload the House in the early nineteenth century, the evolution of the standing committee became the focus of handling

legislation. One needs only to look at the amount of public bills enacted in the first Congress in 1789, which was 93.9, to the amount enacted 100 years later in 1889, which was 514.2, to understand the need for Congress to change the way it did business. Michael Mezey explains that the idea behind the committee system originated within the post war Jefferson Congress in order to gain a firmer hand on policy initiatives that they felt were too much in the hands of the executive branch (Mezey 1989, 69). As ideas of executive authority within legislative matters fluctuated between presidents, Congress understood the need for strong committees to recapture the idea of legislative authority. A period of congressional preeminence that occurred, according to Joseph Cooper, from 1869-1921, illustrates the ebb and flow of power between the executive and legislative branches (Cooper 2009, 362). During the era of congressional preeminence both houses implemented a more centralized form of government, which sought to regain Congress' constitutionally proscribed role as handing "All legislative Powers herein granted". Once new House rules were implemented, such as Reeds Rules, the Speaker had the authority to effectively end any minority party obstructionism, as well as commanding the flow of floor debates. In the Senate change took the form of a group of majority partisans who used the "caucus, the newly created party steering committee, and the party committee on committees to control committee floor decision making and to reward and punish fellow partisans"(Cooper 2009, 367).

During the early 1940s until the late 1960s an era know as the "Textbook Congress" saw a distinct change in presidential ascendency. These senior leaders had the effect of ensuring the bipartisan conservative coalition was able to limit much of the domestic policies during the late 1930s to the mid 1960 (Davidson 2011, 66). The idea of Congress dominating the initiating of legislation during the late nineteenth to mid twentieth century is highlighted by a study that found Congress, during 1880-1940, initiated twice as much legislation as the president; however,

it should be noted that this study is not concentrated with "topical legislation", which is the central standard related to being able to address the relative success of President Obama (Shull, LeLoup 1999, 2). In contrast with the study noted earlier, Rudalevige illustrates that a study done in 1946 shows that from the years 1933-1940, just "two of twenty-four major enactments were formulated mostly by Congress" (Rudalevige 2005, 427). Due to Congress needing to adapt to a burgeoning America in terms of being a more global power, coupled with advances in industrialization, technology, and communication, the president began to slowly exert more influence in policymaking. The phenomenon known as the "institutionalization of the presidency", which became widespread after World War II, seeks to explain the growing role the Chief Executive plays in legislative policy making. Events like the Great Depression, and to a greater extent World War II, brought about a period of change where the media, the American people, and the Congress accepted a White House which sought a firmer hand in policy maneuvers; however, a more influential executive branch did not mean a less active Congress (Shull, LeLoup 1999, 62). This trend has shown no signs of slowing down as America entered the 21st century and issues become more globally centered. No longer is the line in which foreign policy, which was argued the president generally preferred to focus his attention one, and domestic policy becomes separated. Topics such as the a global economic marketplace, as well as terrorists who know no borders or definite identity, account for the necessary presidential involvement in matters of policy making.

What must first be addressed is what factors a president encounters when he is inaugurated and seeks to make an impact with Congress. Rational thinking leads one to see that the basic premise for the president is simply to gather the votes necessary to pass his policies; however, the best way to accomplish this task is far from simple. Anthony King states that, "all

you [the president] really need from Congress is votes, but you need those votes very badly" (King 1983, 247). Andres and Griffin argue that a president's success in Congress is largely determined by "political conditions faced by the White House and the president's ability to exploit them" (Andres and Griffin 2009, 107). George Edwards echoes similar sentiments by stating that "president's must largely play the hands that the public deals them through voting in presidential and congressional elections and its evaluations of the chief executive's job performance" (Edwards 2009, 152). It is the duty of the president to attempt to overcome many of the perceived obstacles in the legislative process and secure the votes necessary to pass his agenda.

First, there is the structure of the bicameral legislature. Whereas the executive branch is highly centralized and facilitates decisive action, the decentralized structure of the legislative branch inhibits swift decision making. The House of Representatives is a majority rule institution, with individual power more diffused than in the Senate. The Speaker of the House commands a high position with control of the Rules Committee, who report special rules that greatly influence the amending process, thus controlling a large portion of the legislative process. It is important to note the power of the Speaker of the House, as well as the majority leaders, in being able to alter policy outcomes by formulating the alternative subject to votes. Leaders in Congress enjoy the unique ability to compose the drafting alternatives for bills, as well as the power to decide when such bills get onto the congressional legislative calendar. These so-called "gatekeepers" illustrate the majority party leaders' ability to set the agenda and are also instrumental in the outcome of bills that the president will ultimately take a position, by either vetoing or signing the legislation. In the Senate where individual power is more concentrated within its members, the filibuster serves as its most influential dilatory tactic. Given the fact that

attaining a 60 vote supermajority to end a filibuster is a significant challenge, Senate rules still permit an additional thirty hours of debate. These tactics that are utilized within the two chambers can greatly influence the amount of legislation that comes out of Washington.

Second, there is the partisan makeup of Congress. There have been many studies related to party control in government (Bond and Fleisher 1990) and it has been established that by and large presidents are more successful in Congress when there is unified versus divided government (Edwards, Barrett, Peake 1997). It has been established that members of the same political party share similar ideological policy preferences and those who are of the same party as the president will often vote on most all of his policy initiatives. The president must interact with his party leaders and the nature of their interactions should, "entail a blend of bargaining and coordination", in order that the president cultivates all the tools available to see his chances of legislative cooperation increase (Beckmann 2008). It is also true however that the goal of elected officials is reelection, and alignment with the president of certain policies can have negative reelection results (Mayhew 1974; Fiorina 1989). Presidents having strong unified government can greatly increase their legislative victories, which was evident during the Lyndon Johnson administration, as well as the first six years of the George W. Bush administration; however, unified government is not a necessary component of success. This observation was made clear with President Clinton's failure to secure health care reform, as well as George W Bush's failure to reform Social Security. Certain obstacles, such as divided versus united government, seek to complicate relations between the executive and legislative branches. One example of an obstacle of presidential-congressional relations is the differing electoral constituencies of the president and members of Congress that can obstruct legislative partnership.

Since the president is elected from a much broader range than are his counterparts in the Congress, the constituency needs are likely going to be opposite for each body. Despite the different electoral constituencies, it is often argued that members of Congress will follow a popular president's legislative agendas or risk political backlash at the next election. A 2000 study however looked at state level approval and found there to be no relation between it and the legislative behavior of Senators with regard to the president's legislative agenda (Cohen et al. (2000). Also, since the goal of elected officials is to be reelected, there are instances when voting against the president can be a strategic vote for one's on reelection chances (Mayhew, 1974; Fiorina, 1989). Related to their different constituencies, members of Congress and the president also have different terms of office. Based in part by the president's limited time in office and the natural decline of any "presidential honeymoon after the election, a president must act quickly to set their legislative agenda (Thurber 2009, 13). Also, since those in Congress are likely to vote based on the needs of their constituents, the legislative agenda of the president can often times come into conflict with the needs of a member of Congress' particular state or region. Another aspect that influences the chief executive's relationship with Congress, arguably the most important difference today, is the partisan polarization of the two political parties.

Having precipitated a sharp decline in power over the last 40 years, state-based political parties have undoubtedly played a major role in the ability for Congress and the president to work together in recent years. This trend has made it more difficult for a president to turn an electoral victory into governing support (Thurber 2009, 17). Congressional candidates have for most of the latter half of the twentieth century run their campaigns with their own financing, and have also pursued their interests independent of the president. The last several midterm elections, including the 2006, 2008, and 2010 elections, have seen a dramatic rise in candidates who have

an ideological and partisan loyalty to their particular party. This change resulting in strong party leadership and polarized political parties makes achieving legislative success for the president all the more difficult. As a result of this shift to a party-unity era, the legislative branch is more likely to cast a vote in order to illustrate the highly partisan nature, and to make an electoral stance, rather than to make any policy compromise (Sinclair 2009). For example, during the eight years of the Bush presidency, based on votes where the leaders of both parties took a definitively opposing position, Republicans in the House and Senate voted the party line 89 percent of the time and Democrats in the House and Senate voted straight party 88 percent of the time (Thurber 2009, 14).

Several different arguments have been offered in regards to the president's ability to win support in Congress. Moreover, these arguments are a way of trying to make sense of how the president is able to handle the unique complexities of his job, as well as those of the more than 500 lawmakers he must somehow work with simultaneously. Given that the framework of the Constitution is limited with regard to authority between the executive and legislative branches, it has been the case that informal and implied powers are more likely to account for the shared relationship of power between the two branches. One of the theories that has been offered to help explain the chief executive's relationship with Congress is his prestige and power to persuade as a source of his influence. The ability of a president to influence Congress and to able to achieve his policy initiatives is one way of determining the success of that president. Many scholars have determined that looking at presidential-congressional relations is an essential part of determining a president's legacy, as well as the relative success or failure of a president. One of the most noted authors on presidential power is Richard Neustadt. Neustadt's book, *Presidential Power*, has become one of the most widely recognized early writings on the modern president. In his

book Neustadt famously states that "Presidential power is the power to persuade" (Neustadt 1960, 11). Since a primary goal of lawmaking is building winning coalitions through bargaining and compromise, Neustadt felt that the president should use all available tools (constitutional, bureaucratic, implied, and personal) when attempting to influence Congress.

The president is also able to use his office to reach out to both majority and minority members and is often able to entice members of Congress to vote on his initiatives by giving certain favors. Once in office the chief executive is able to use such incentives as federal judicial positions, government contracts, offering or withholding patronage positions, and campaign support, amongst other things, to persuade those to follow his legislative programs. If the president is successful in bargaining with lawmakers, then the president's legislative plans stand a good change of taking shape so long as they are preferable to the status quo. The ability of a president to reach out to members of Congress, either personally or by way of his staff, will determine to a degree the success that president has on achieving his legislative success (Mezey 1989, 97). Also, with the unprecedented growth in mass media communications, the president is now able to voice his legislative initiatives to peoples all across the word instantly. The ability of the president to "go public" undoubtedly began with President Franklin Roosevelt using the radio to broadcast his "fireside chats" to explain his New Deal programs, as well as to allay the public's fears.

Before entering office President Barack Obama championed bipartisanship and once he was sworn in as president, Obama attempted to keep his promise by meeting GOP lawmakers, having his staff telephone lawmakers, and also inviting them to the While House for business and social meeting (Andres and Griffin 2009, 105). Also, it has been argued that presidential popularity gauged by public opinion polls, accompanied by an accommodated press corps, is

able to increase a president's chances of success in Congress during their first year in office (Beckmann and Godfrey 2007). There are several scholars (Edwards 1989; Neustadt 1990; Rivers and Rose 1985) who have found a positive correlation between presidential approval ratings and presidential success; however, often times the results of such a correlation are mixed and may only slightly increase a president's power. For example, Neustadt argued that presidential approval ratings are influential only at the margins and are a "factor that may not decide the outcome in any given case but can affect the likelihoods in every case" (Neustadt 1990, 78). It is interesting to note the variance between scholars, but it may be true that since "policy is made at the margins", the degrees of presidential approval ratings are statistically significant (Rudalevige Pg. 131). Public approval of a president has also been shown to increase the president's leverage with Congress (Bond, Fleisher, Wood 2003). Shull and LeLoup explain that "public support for the president is critical, because it may affect legislative success with Congress" (Shull, LeLoup 1999, 69).

It is also true that the tradition of a presidential honeymoon or the "first 100 days", usually allows for a window of time when the president's political capitol is highest and successful policy implementation can occur more easily than later in a president's time in office. The time known as the honeymoon period is often used by presidents to reach across party lines through direct negotiations, private conversations, social events, etc. Since a president's political capitol is highest after his inauguration, an ambitious president is likely to achieve early legislative success; however, due to the cycle of declining influence, it is often unclear whether time in office should increase or decrease success. Also important is the president's ability to craft and control his legislative agenda. It is important to understand that timing matters in regards to presidential success in Congress. It is necessary for president's and their leaders in

Congress to coordinate how best to promote the president's policies, as well as where to "strategically position the bill" and how to get the crucial votes needed (Beckmann 2008). Edwards explains that President Johnson actively met with leaders of Congress, called leaders on the hill, and Johnson's staff "attended strategy session in the leaders' Capitol offices and were present at the president's weekly meetings" (Edwards 1980, 120). Davidson explains how President Clinton used several tactics in order to win support for his policy initiatives, including naming a "lobbying czar" to try and influence crucial lawmakers (Davidson 2011, 263).

Another important aspect is the president's ability to set the agenda, or the "definition of alternatives" (Schattschneider 1960, 66). From the very beginning of Congress presidents have shaped the legislative agenda, including when the First Congress "turned to the executive branch for guidance and discovered in Hamilton a personality to whom such leadership was congenial" (Davidson, Oleszek, Lee 2010, 303). Jimmy Carter, who campaigned as a conservative, Southern Democrat, attempted to initiative programs to make government more efficient. Carter's attempts to balance the budget, as well as his modest energy regulations, proved to be out of step with the agenda of Congress who had "little sympathy" for his agenda (Shull and LeLoup 1999, 81). Agenda control was a landmark aspect of the Reagan presidency. After capturing the White House and landing a majority in the Senate, Reagan was able to carefully craft his legislative agenda and was greatly rewarded. By courting legislators Reagan was able to win support for his fiscal policies which would become one of the hallmarks of his presidency. Fellow conservative George W. Bush also pursued a "narrowed and focused" legislative agenda and was able to bargain and engage in active "salesmanship" in order to win passage of his 10-year $1.35 trillion tax cut (Davidson 2011, 257).

Another way in which presidents interact with Congress is by simply acting unilaterally. While this method may be the most controversial, it is certainly the most effective in the eyes of the president at getting things done as quickly as possible. The idea of the administrative president is one in which the president makes use of executive orders and reorganization plans in order to move his initiatives more quickly through Congress. The idea of unilateral action by decree of the president is not uncommon and has occurred regularly throughout history. President Lincoln unilaterally decided to suspend habeas corpus during the Civil War, President Theodor Roosevelt sent out the Great While Fleet from 1907-1909, and President George W. Bush utilized several executive orders aimed at keeping Americans safe during the War on Terrorism. Obama has utilized his presidential authority to issue executive orders when partisan wrangling would have made it difficult to achieve a quick decision. Several of Obama's executive orders happened to come within the sphere of foreign relations, and have included blocking property and certain transactions with Libya, North Korea, Iran, as well as a review of those detained at Guantanamo Bay prison. Often times partisan wrangling, as well as the inherently slow pace in which the lawmaking process moves, the president is able to act in a more unilateral way in order to see progress made.

Americans undoubtedly witnessed a dramatic shift in the unilateral authority of the president after the terrorist attacks of September 11th, 2001. President George W. Bush used his executive authority to expand the government's ability to conduct surveillance, as well as to capture and detain those suspected of begin terrorists (Cooper 2009, 385). The idea of a president more interested in foreign policy matters is the subject of the "two-presidencies" theory first articulated by political scientist Aaron Wildavsky in the 1960s. The two-presidencies theory simply states that the United States has two presidents, one who is concerned with domestic

affairs, and the other who is interested in international affairs. The reasoning behind the two-presidencies theory is that presidents are more likely to achieve success in foreign policy matters due in part to greater constitutional authority in foreign matters, as well as Congresses traditionally established role as primarily a legislative body. The two-presidencies theory however does not appropriately measure the degree to which matters are labeled as being either foreign or domestic. Now that the United States must necessarily see foreign, as well as domestic issues in a more global perspective, the idea that diplomacy begins and ends at the United States' boarders is no longer a reality. It is important however to recognize the two-presidencies theory as an early scholarly work which focused on why presidents may have more authority in certain spheres of governing than in others.

Research Design

This research design is based on scores gathered from the *Congressional Digest* publication. The dependent variable in this research is the relative success of the president in addressing "controversial legislation", and the independent variable is the actual scores president's receive in regards to their ability to tackle the controversial legislation. Most important to this study is the productivity of the president and Congress in crafting and passing "topical legislation". What is meant by topical legislation is public policy that is important and reflects real world concerns that the public feels strongly about and believes the government should act upon. My research design is not concerned with legislative productivity that addresses appropriations, amendments, continuing resolutions, innate public policy, senate confirmations, etc. Since the main goal of this research is determining the overall success of the president, the scores calculated using the *Digest* is a central aspect of the research. These policy scores allow

for a consistent measure of success rates beginning with President Coolidge and ending with President Obama.

The scores calculated using the *Digest* are distinguished from previous research seeking to determine success (Lockerbie et al 1998; Bond and Fleisher 1980) for several reasons. First, presidential support scores, which refer to calculating data using House and Senate roll call votes, weigh all votes equally. Such scores do not take into account the amount of bargaining and compromise that occurs to ultimately alter the basic framework of the legislation the president may have originally wanted. Also, focusing on presidential support scores may include multiple votes on the same issue, which can ultimately skew a president's "batting average" based also on how many amendments Congress considers on the floor of either house. Second, seeking to determine presidential success using support or "box scores", ultimately leads to scores which reflect instances where the president chooses his legislative battles carefully. For example, when a recent *Congressional Quarterly* study determined that in 2009 President Obama had the highest score ranking of any president in the publication's history, there is a need to look deeper in order to obtain the facts.[1] The most important aspect of such high scores reflects the idea of choosing legislative battles carefully.

In 2009 the House of Representatives cast 991 votes. President Obama took a position on 72 votes and won on 68 of them, thus gathering an average House score of 94.4%. Conversely, the Senate in 2009 cast 397 roll call votes in which Obama took a position on 79 and was victorious on 78 votes, thus achieving an average Senate score of 98.7%. It is interesting to point out that 32 of Obama's Senate victories came from confirmation votes where it would not make sense for many democratic senators to oppose the president's wishes. Obama's House and Senate

[1] http://www.brookings.edu/opinions/2010/0113_obama_congress_binder.aspx

scores average out to a congressional average of 96.7%. Based on the previous statements regarding congressional box scores, it should be apparent that there is a large degree of variance in determining presidential success. This is not to say that my research method is the best or only way to determine a level of relative presidential success, it is simply another way of looking at how one is able to address presidential success within the legislative arena. My research design is distinguished from using such data and is concerned with obtaining scores which reflect instances where the president is not in a position to pick which policies he will support and which he will not take a position.

Being able to determine which issues the president and Congress need to act upon and by taking away the ability of a president to choose which topics he feels needs to be addressed, my research design reflects a more balanced look at presidential success scores. All "topics" were chosen in exactly the same way by counting the number of policy topics the *Digest* published during a calendar year, plus topics from the previous four years that had not seen any policy advancement. Topics from the previous four years were included to create the "demand" for controversial legislation and were also included to give the president a larger pool of important legislative topics to choose from, as well as to allow the president to capitalize on the failure of the previous administration to act on such important topics. Each president's score for his first and second year in office, as well as his first Congress, are listed in Tables 1-3 below.

Results

Each table provides an opportunity to see how well each president was able to address the "controversial legislation". The analysis in Table 1 illustrates the rate of success presidents received by their ability to address the topical legislation, provided by the *Digest*, during their

first year in office. The results illustrate several important points. First, the ability of a president to enjoy united government ultimately increases their chances at achieving legislative success. Presidents Johnson, Roosevelt, Clinton, and Obama all enjoyed large Democratic majorities in both houses of Congress. Matthew Eshbaugh-Soha explains the importance of unified government by stating that when all other variables are at their means, "a one standard deviation increase in the minimum percentage of congressional seats held by the president's party increases the probability of a legislative success for the president by .05 or 5 percent" (Eshbaugh-Soha 2008). Second, the president was able to utilize the "political time" in Washington in order to pass his legislative proposals. During President Obama's first year in office the American economy, as well the global economy was in need of serious attention. President Obama was able to capitalize on call for governmental action in order to fix the economy. Presidents Roosevelt and Johnson also used saliency as a means to grow the size of government and pass their legislative initiatives.

Table 1. Topics addressed and the laws passed during a President's first year in office

President	Laws Enacted1st Yr.	Total Topics 1st Yr.	% Passed 1st Yr.
Johnson	11	30	36.7
Roosevelt1	10	36	27.8
Roosevelt2	5	28	17.9
Clinton1	6	37	16.2
Obama	***6***	***40***	***15.0***
Kennedy	5	34	14.7
Eisenhower2	4	36	11.1
Roosevelt3	4	38	10.5
Carter	4	40	10.0
Nixon2	3	32	9.4
Roosevelt-Truman	3	39	7.7
Coolidge	2	32	6.3
Truman	2	32	6.3
Clinton2	2	33	6.0
W. Bush2	2	34	5.9
Reagan1	2	35	5.7
Reagan2	2	41	4.9
W. Bush1	2	42	4.8
Hoover	1	27	3.7
Nixon1	1	30	3.3
Bush	1	34	2.9

Eisenhower1	0	38	0.0

Table 2 presents data that illustrates how well presidents tackled topical legislative during their second year in office. When looking at the data gathered from Table 2, it is interesting to note the degrees of variance between presidents. Using legislation is the basis for determining legislative success; it is interesting to see how several of the successful or "great" presidents compare to President Obama. For example, President Reagan, who is often held in high regard for his communication skills and dedication to reduce the size of government, only achieve three major policy victories during his second year in office. While Reagan was able to achieve some bipartisan support for his major tax-cut policy, he faced divided government until his last two years in office, in which Democratic majorities were held in both houses of Congress. Also, fellow conservative George W. Bush, who enjoyed a Republican majority in the House and large Republican numbers in the Senate, despite Senator Jeffords switching parties, was only able to achieve five policy victories. Despite Bush's high approval ratings during the immediate aftermath of September 11th, 2001, his legislative average is nowhere near that of President Obama's in 2010. Some of the data from Table 2 came as a surprise, most notably President Richard Nixon's high legislative score during the second year of his first term in office. Nixon was able to win legislative victories for his more moderate proposals, including the National Environmental Policy Act, the Clean Air Act of 1970, as well as the creation of the Environmental Protection Agency (EPA).

Table 2. Topics addressed and the laws passed during a President's second year in office

President	Laws Enacted 2nd Yr.	Total Topics 2nd Yr.	% Passed 2nd Yr.
Roosevelt1	11	37	29.7
Eisenhower2	9	38	23.6
Nixon1	8	34	23.5
Obama	***7***	***34***	***20.5***
Kennedy	7	36	19.4
Johnson	4	22	18.1

Reagan2	7	42	16.6
Bush	6	36	16.6
Clinton1	6	37	16.2
Roosevelt-Truman	6	38	15.7
Nixon2	5	36	13.8
Carter	5	37	13.5
Truman	5	37	13.5
Eisenhower1	6	45	13.3
Roosevelt2	4	34	11.7
W. Bush1	5	43	11.6
Hoover	3	32	9.3
Roosevelt3	3	38	7.8
Reagan1	3	39	7.6
Coolidge	2	28	7.1
W. Bush2	2	37	5.4
Clinton2	1	38	2.6

From the data gathered in Table 3 one can see that Obama did quite well during his first Congress. Some of the data presented in Table 3 should not as a surprise. For example, during the first Congress of President Clinton's second term, his legislative "batting average" was a mere 4.2%. This statistic should not come as a surprise as Clinton faced the Republican takeover of Congress that resulted in large Republican majorities in both houses, as well as impeachment proceedings that served to weaken his authority as president. Obama tied with Eisenhower at 17.5% legislation passed and was only outperformed by Franklin Roosevelt and Lyndon Johnson. Both Presidents Roosevelt and Johnson entered office during environments which facilitated change and expansive government authority. Presidents such as Roosevelt and Johnson, coincidentally both Democrats, have set the historic standard, in terms of legislation passed, in regards to being a successful president. Similar to Presidents Roosevelt and Johnson, Barack Obama came into office during an uncertain time for America, which included a deep recession and two wars in which to address. Whether American's were facing foreclosure, deep credit card debt, or loss of a job, Obama and the 111th Congress acted swiftly to pass sweeping reforms aimed at jumpstarting the economy. This expanded role of government, which was

responsible for bailing out financial institutions, as well as the automotive industry, was a necessary step believed by some to be the best option for averting financial disaster.

Table 3. The policy coverage and subsequent laws enacted during a President's first Congress

President	Laws Enacted 1st Congress	Total Topics 1st Congress	% Passed 1st Congress
Johnson	15	52	28.8
Roosevelt1	21	73	28.7
Eisenhower2	13	74	17.5
Obama	***13***	***74***	***17.5***
Kennedy	12	70	17.1
Clinton1	12	74	16.2
Roosevelt2	9	62	14.5
Nixon1	9	64	14.0
Nixon2	8	68	11.7
Roosevelt-Truman	9	77	11.6
Carter	9	77	11.6
Reagan2	9	83	10.8
Truman	7	69	10.1
Bush	7	70	10.0
Roosevelt3	7	76	9.2
W. Bush1	7	85	8.2
Eisenhower1	6	83	7.2
Hoover	4	59	6.7
Reagan1	5	74	6.7
Coolidge	4	60	6.6
W. Bush2	4	71	5.6
Clinton2	3	71	4.2

From Table 4 one can see that 7 out of the 13 new topical pieces of legislation passed during the 111th Congress were related to the economy, with health care reform not included but closely tied to the overall vitality of the economy. Another important aspect that accounts for Obama's relative high level of success is that the partisanship of Washington matters. President Obama benefited from large Democratic majorities, including the only two Independent Senators, who stood behind his policy objectives and voted in with the president in nearly every major legislative circumstance. Obama was able to exploit the partisan nature of Congress and focus his attention to making sure the all Democrats in Congress were aligned with his policies,

knowing full well that most every Republican in Congress would be against his policy objectives. Obama also employed several important tactics in order to win support for his policies. President Obama undeniably used the media as a major outlet for his calls for health care reform, economic recovery, energy policy, etc. Obama also gave major speeches in 2009 and 2010 regarding his major policy initiatives, including health care and economic recovery.

Table 4. The Topical Legislative Initiatives Addressed by New Law in Obama's 1st Congress

	Topic	Digest Issue
111-3	Renewal of State Children's Health Insurance Program	Discussed in the October 2007 issue of the *Digest*
111-15	Government buying up toxic assets of financial institutions	Discussed in the November 2008 issue of the *Digest*
111-22	Changes in the bankruptcy code to reduce foreclosures	Discussed in the May 2009 issue of the *Digest*
111-24	Reform of unfair credit card practices	Discussed in the June/July 2009 issue of the *Digest*
111-31	Expanding the FDA's ability to regulate tobacco production and messaging	Discussed in the December 2008 issue of the *Digest*
111-87	AIDS research funding and the reauthorization of the Ryan White CARE Act	Discussed in the December 2006 issue of the *Digest*
111-147	Spending money on job creation using the Hiring Incentives to Restore Employment Act	Discussed in the March 2010 issue of the *Digest*
111-148	Reforming the nation's health care system to expand coverage, cut costs, and improve quality	Discussed in the December 2009 issue of the *Digest*
111-152	Allowing the government to take over student loans	Discussed in the November 2009 issue of the *Digest*
111-203	Limiting executive pay compensation for companies that received bailout funds	Discussed in the October 2009 issue of the *Digest*
111-203	Creating a new Consumer Protection Agency	Discussed in the January 2010 issue of the *Digest*
111-296	Funding for various child nutrition initiatives	Discussed in the December 2010 issue of the *Digest*
111-321	Allowing homosexuals to serve openly in the military	Discussed in the April 2010 issue of the *Digest*

Conclusion

In the 2008 presidential election, voters undeniably came out in support of then Illinois Senator Barack Obama (D-IL). Obama entered the White House riding a wave of popularity after an easy victory over Senator John McCain (R-AZ). Having grown weary of a previous Republican administration that appeared to favor endless wars, unprecedented spending, and an ineptitude that nearly collapsed the global economy, it is no wonder that such support was given to the democratic candidate Barack Obama. Such distaste for the policies of the Republican Party was also evident during the 2006 midterm election when the Democrats regained control of Congress. On the campaign trail Obama spoke of "change" within the context of American body politic, and addressed the need to impose a "post-partisan" style of governing in Washinton. As was evidenced in his 2004 Keynote address at the Democratic National Convention, Obama embraced the idea that "There is not a Black America and a white America and a Latino America and Asian America. There's the United States of America"[2]. This idea of a singular America further reinforced Obama's belief in an America that could finally embrace "post partisanship" in Washington; however, the emergence of a president calling for an end to partisan wrangling in Congress is in it of itself nothing out of the ordinary. The call to end partisan bickering and the ability to get to work in Washington has enjoyed bipartisan support from presidents in both political parties. During his inaugural speech in 1989, President George H.W. Bush spoke of the need for Congress to produce legislation and stated that the American people "ask us to rise above the merely partisan"[3]. In 1993 President Bill Clinton pledged "an end to the era of deadlock and drift", and promised that a "new season of American renewal has begun"[4].

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[2] http://www.americanrhetoric.com/speeches/convention2004/barackobama2004dnc.htm
[3] http://avalon.law.yale.edu/20th_century/bush.asp
[4] http://avalon.law.yale.edu/20th_century/clinton1.asp

The first Congress of President Barack Obama was certainly a success when compared to the first Congresses of his fellow presidents. Obama did many things right, including capitalizing on a sentiment for government intervention in several different areas, building winning coalitions with his key Congressional leaders and individual members, as well as practicing agenda control and utilizing the media to explain his various initiatives. Obama also actively exploited his honeymoon period by acting swiftly to spend his political capital, while enjoying high approval ratings during his first months in office. What is interesting to note is that all of President Obama's legislative achievements were won with little to no Republican support. Those on the political right were united in their cause to see as few legislative achievements as possible, including those where the president had to compromise on some of the initial components he wanted. For the Republicans in the 111th Congress, they took a political strategy of "winning by losing". Such "victories" for the Republicans came in the form of the lack of a comprehensive single payer health care system, an innovative energy policy highlighted by a cap and trade system, as well as legislation that would allow a path to citizen for children of illegal aliens who wish to enter college or join the military (DREAM Act). By simply looking at the data presented in the various tables, one does not get an accurate telling of how well Obama perfected his "post-partisanship" vision of government.

President Obama was simply not able to achieve a breakthrough in the highly partisan arena of Washington politics. One needs to simply look at the cultural and demographical makeup of the country to see that certain legislators were simply not going to support many of Obama's policy initiatives. Since elected officials are in Washington as delegates to vote in favor of their constituents, it is not hard to see that there was going to be a large segment of the population against the president's vision for America. It appears to be wishful thinking to believe

that a president is going to get everybody together and in line with his vision, especially if the president portrays his vision for America as being "right", or "honest", or "what is needed for America". The problem with achieving post-partisanship is that each individual has a different opinion of what being American means. Attempting to take all ideologies, values, and beliefs about America and bring them together to fit one president's vision for America simply cannot be achieved. The lesson to be learned regarding Obama's success is that majorities in both houses of Congress greatly increase a president's chances for legislative success.

Even before Obama was inaugurated as president it was widely known that most if not all Republicans in Congress were against his legislative agenda. This fact would make bipartisanship, and perhaps even post-partisanship nearly impossible. Although Obama did attempt to reach across the aisle early in his presidency, he quickly ran into a fierce wall of opposition. Being a former Senator and knowing how the legislative process works, Obama choose to focus his attention on making sure all his Democratic allies in Congress were on board to support his policies. Having enough votes and knowing which legislatives battles were worth fighting for, Obama was able to enjoy a relative high level of success in the legislative arena. While my research does not rank Obama as having over 90% success rate in a given year like the *Congressional Quarterly* data illustrates, Obama nonetheless outperformed many of his fellow presidents when it came to who best tackled "controversial legislation".

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