

George W. Bush's No Child Left Behind legislation, for example, House minority whip Roy Blunt, R-Mo., said, "I always had reservations about it.... But I did vote for it on the basis that maybe [President Bush] was right and this was his big domestic initiative, and let's give him a chance."¹⁰ Along the same lines, many Republicans who staunchly opposed President Obama's requests for additional investment in infrastructure are much more open to supporting an infrastructure bill proposed by President Trump. "According to several [conservative] members, there has been informal talk of accepting an [infrastructure] bill that's only 50 percent paid for, with the rest of the borrowing being offset down the road by 'economic growth.' It's an arrangement Republicans would never have endorsed under a President Hillary Clinton," writes a *National Review* reporter.¹¹

By the same token, members of the president's opposition have political reasons to resist the president's leadership. Rather than looking for reasons to go along with the president, opposing partisans are inclined to seek out reasons to withhold their support. They have little incentive to give the president the benefit of the doubt. Members of the president's opposition do not gain as political terms (and likely will suffer political harm) if the president wins broad bipartisan approval of his initiatives and is seen as a successful, consensus-building leader. As Senate minority leader Mitch McConnell, R-Ky., explained in dealing with President Obama's agenda, "It was absolutely critical that everybody be together because if the proponents of the bill were able to say it was bipartisan, it tended to convey to the public that this is O.K., they must have agreed it out.... It's either bipartisan or it isn't."¹² As the presidential election party in 2009–2010, there was strategic reason for Republicans to denigrate bipartisan legitimacy to the president's efforts. Looking toward the 2010 midterms, McConnell went on to say, "I think the reason my members are feeling really good is they believe that the reward for playing team ball this year was the removal of the political environment and the possibility that we will have a bigger team next year."¹³ Undoubtedly, McConnell's strategy was vindicated by the election outcome, a historic landslide in favor of Republicans.

Under conditions of divided government, partisan incentives create additional hurdles to interbranch cooperation, in addition to the political differences that already exist between the parties. The president's opposition, in control of the legislative branch, wants to build an argument against the president's reelection or against the president's party's continuation in office. They cannot do so, if they are working cooperatively with the president and demonstrating that both parties are able to achieve their objectives under such conditions.

Partisan interests thus powerfully shape the relationship between Congress and the president. Because one party has a stake in the president's success and the other party a stake in the president's failure, presidential leadership often tends to exacerbate partisan divisions and polarize the parties further. Research has shown that most types of policy issues become more controversial when incorporated as part of a president's agenda.¹⁴

For example, the COPS program, a grant-in-aid program to assist local law enforcement in hiring police officers, was a hugely controversial program during the Clinton administration, when it was a signature initiative championed by the president. During the Clinton years, there were numerous single-party line votes as Republicans sought to defund the COPS program. Before Clinton was no longer president, the issue faded from the political agenda, though the program continues to exist. At times, parties even exchange positions in reaction to presidential leadership. For example, when the president is a Democrat, Republicans have tended to oppose federal education standards and Democrats to support them. When the president is a Republican, Democrats have tended to oppose federal education standards and Republicans to support them.¹⁵

Partisanship shapes congressional–presidential relations in foreign and military policy, as well as on domestic issues. "When the opposition party holds a large number of seats or controls one or both chambers of Congress, members routinely challenge the president and step up oversight of foreign affairs, when the legislative branch is dominated by the president's party, it usually goes along with the 'White House,'" conclude political scientists William G. Howell and Jon C. Ferehouse.¹⁶ Generally speaking, presidents use a freer hand in managing military operations when their party controls Congress.¹⁷ Controversy over a president's foreign policy is especially likely under conditions of divided party control.

Partisan incentives can help smooth the operation of separation of powers under circumstances of unified party control. But in a political system characterized by divided party control 70 percent of the time between 1934 and 2007, partisan ties are more often an obstacle to interbranch cooperation.

Public Expectations

Despite the political incentives that work against bipartisan cooperation under conditions of divided government, political scientist David Mayhew concluded that with respect to productivity of laws and investigations, it "does not seem to make all that much difference whether party control of the executive government happens to be unified or divided."¹⁸

Subsequent research has concluded that divided government makes some difference for legislative productivity.¹⁹ Reexamining Mayhew's data from 1947 through 2012, R. Douglas Arnold concludes that unified governments enacted 23 percent more bills that contemporary observers deemed important than did divided governments.²⁰ But divided government by no means brings the operation of U.S. government to a halt. Generally speaking, it is fair to say that even in light of subsequent analysis, Mayhew's findings remain an important corrective. Other factors shaping interbranch relations often obscure or confound the effects of party control of governing institutions.

Most importantly, the public expects government to function under conditions of both divided and unified government. Politicians have incentives to

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