

# Presidential Veto Threat as a Negotiating Instrument with the Bicameral Congress

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During periods of divided government, presidents commonly enlist veto threats in an effort to alter the policy content of legislation in Congress. Whether such rhetoric can achieve its intended purpose is far from clear. Indeed, theory, classifying threats as “cheap talk,” judges the president’s potential influence to be minimal. In this paper we search for effects of veto threats directed at legislation that has passed one chamber and will be subsequently voted on in the second chamber. Based on previous research we suspect that when the second chamber is the Senate its action is critical in determining whether Congress responds to the president’s threat. We find that compared to unthreatened legislation, presidential threats elicit a more partisan response in roll call voting, both on final passage in the Senate as well as on the adoption of the conference report in the House. Specifically patterns of vote-switching by members of the president’s party between rounds of voting are far more consistent with and predictable along the axis of interparty competition—the estimated primary policy dimension in Congress—in presence of threat. This is consistent with Congress making concessions in policy in response to veto threats, while peddling nonpartisan fluff in their absence

Prepared for delivery at the Annual Meetings of the American Political Science Association, August 31 to September 3, 2006, Philadelphia, PA. The research reported here was supported by a grant from the National Science Foundation (SES-0420124) to Kernell.

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In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit... As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified.... May not this defect [absence] of an absolute negative be supplied by some qualified connection between this weaker department [the executive] and the weaker branch of the stronger department [the Senate], by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

James Madison, *Federalist #51*

Traditionally, political scientists regarded veto threats as insubstantial events in presidents' efforts to influence Congress. Standard textbook treatments on presidential-congressional relations either ignored these messages altogether (Davidson and Oleszek 2006) or mentioned them in passing to illuminate some other aspect to these institution's strategic relations.<sup>1</sup> Prevailing theory prescribes that they were prudent to disregard threats. In that threats have no actionable consequences – unlike say an executive order or a real veto – they represent classic instances of cheap talk (Crawford and Sobel 1982) in which the speaker can costlessly dissemble, and recipients must assume that it has done so even if the speaker, in fact, sends a sincere signal.<sup>2</sup> Given their limited utility in altering legislation, Spitzer's count of fifty-one explicit veto threats from the *New York Times Index* from 1961-1986 (Spitzer 1998) was

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<sup>1</sup> One case example that comes readily to mind, since one of us has invoked it repeatedly without noticing that it represented a veto threat was George Bush's famous "read my lips – no new taxes," declaration at the 1988 Republican convention. See Kernell (1997).

<sup>2</sup> Applying this logic to veto threats (Matthews 1989) demonstrated that the only information a president can effectively communicate with veto rhetoric is that he might not sign a particular bill. Any counter proposal or declaration of minimally acceptable legislation would be worthless since both sides know that the president may be strategically posturing.

unsurprising. In sum, the presidential veto threats were ignored by political scientists, as they presumably were by legislators, as infrequent and inconsequential displays of presidential rhetoric.

Recently, scholarly interest in veto threats has grown. As presidents have increasingly faced opposition Congresses bent on passing their legislative program, veto threats have become familiar appurtenances of presidential-congressional relations. More recent and comprehensive inventories of threat rhetoric have uncovered many more and different kinds of threats than previously recognized. Recent research reports that presidents faced with these circumstances have enlisted the threat option frequently, much more than had been previously appreciated. In his path-breaking book, *Veto Bargaining* (2000), Charles Cameron estimated that nearly a quarter of all bills presented to a president under divided government from 1945 through 1992 had been threatened with a veto at some point in their legislative history.<sup>3</sup> This compares to less than five percent of enrolled bills under unified government. More recently, Sinclair (2002) found 47 percent of the major bills in the post-1980 congresses had received veto threats.<sup>4</sup> Kernell (2005) has uncovered nearly a thousand Statements of Administration Policy issued from the 99<sup>th</sup> through the 108<sup>th</sup> Congresses that contain explicit threats against legislation at various stages of congressional development.

If one accepts that presidential-congressional transactions do not transpire as singular, isolated events, but rather each occurs in the context of many such and typically that legislators form and update assessments about the credibility of the president's messages over time, then presidents may not regard their threat messages as costless exercises. If they are caught bluffing or reneging, they run the risk of damaging their reputations rendering subsequent messages less credible and more likely to be disregarded. Others have extended this logic by adding an audience observing these actors' transactions with each other. To the extent presidents communicate with Congress in front of voters, they run the risk that if they are caught lying or otherwise abandoning their commitments – eg. President H. W. Bush's famous, "Read my lips" – they would be punished in the next election. One need look no further, ironically, than Richard Neustadt's chapters "Public Prestige" and "Reputation" to appreciate that veto threat messages normally violate the requirements of "cheap talk" signals.

In this paper we investigate the effect of a presidential veto threat on the second chamber consideration of legislation that has passed the first chamber's

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<sup>3</sup> Cameron, Lapinski and Rieman (2000) find that nearly 90 percent of threatened bills eventually incorporated concessions to the president. Over a quarter resulted in congressional capitulation to the president's position.

<sup>4</sup> Sinclair's larger number reflects her inclusion of the Clinton presidency and those bills that failed to win final passage.

floor vote. Research reported elsewhere and summarized in the next section suggests that the second chamber's action represents a critical stage in determining the extent to which Congress responds to a veto threat.<sup>5</sup> Here is where one finds the first and most important signs of compromise. If the second chamber fails to adopt a bill in determining whether Congress will accommodate or ignore a president's objections. In most instances the Senate acts as the second chamber in considering threatened authorization legislation. Consequently, below we limit the analysis to subsequent decisions of legislation after it passes the House floor.

### ***Second Chamber Consideration as the Compromise Stage***

From 1986 through 2002, the Office of Management and Budget issued 147 Statements of Administration Policy in which the president or an administration spokesman explicitly issued a veto threat to authorization legislation at the final stages of floor consideration in the House of Representatives or the Senate.<sup>6</sup> These SAPs contained 809 separate targeted provisions. For each we rated the distance of each provision from the president's preferred policy for the House and Senate floor bills and for the final conference report.<sup>7</sup> Almost half the provisions (47 percent) remained unchanged (or were strengthened) in the conference report; roughly a quarter of the provisions opposed by the president were altered in conference to fully accommodate the president; and the remaining quarter were softened or altered in a way to make the policy more acceptable to the president.

Comparing the policy content of each chamber's floor and conference bills against threatened provisions, four distinct patterns emerged. First, we see that the conference committee (or other reconciliation procedures) limits changes in policy to those provisions on which the House and Senate bills differ. The evidence for this is summarized in Figure 1; it shows the probabilities of conference adopting a provision that fully or partially accommodates the

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<sup>5</sup> Virtually all presidential threats occur before the second chamber's final floor passage. Most occur, in fact, during the first chamber's deliberations or shortly after passage before the second chamber takes up the bill.

<sup>6</sup> Twelve were removed from the analysis either because they were issued to the conference committee (four) or failed to identify objectionable provisions (eight) that if deleted or changed in some other way the president would accept the bill.

<sup>7</sup> Each provision was independently coded by two graduate students who in addition to the SAP and legislation were provided about 1200 pages of summary information about the legislation from Thomas.gov and the CQ Weekly Report. With each provision scored on a 5-point scale from fully accommodative to repudiating the president's position, the coders' rating correlated at .92.

president's objections according to the policy in each chamber's floor bill.<sup>8</sup> On ninety percent of the instances when neither chamber adopts provisions coded as even partially acceptable to the president, the reconciled bill fails to broach a compromise. (Conversely, when both chambers' floor bills fully accommodate the president's preferences, the conference almost never upsets the consensus.) The moral: presidents must win concessions in one of the chambers, if their threats are going to alter final legislation.

Figure 1 here.

Second, when one chamber adopts the president's position and the other chamber its opposite – on Figure 1's x-axis the large number of entries classified as “strong disagreement” – the reconciliation process generally produces legislation the president favors. Nearly 40 percent of these interchamber disagreements are resolved by adopting the president's preference, while only 20 percent end in repudiating the president's preferences. The rest are compromised in some fashion. Note also that the remaining combinations on the x-axis of House and Senate stances on threatened provisions are brokered in predictable ways. In sum, the outcomes plotted in Figure 1 follow a pattern one might expect from a 3-member majority rule game rather than from the mutual veto game. If one chamber's conference delegation can veto a compromising provision it does not favor, why does it not generally do so?

This leads us to the third important pattern that arises from comparing floor bills to the final legislation. The second chamber to take up a bill is much more likely to adopt a provision that fully or partially accommodates the president's preference. In Table 1 we have distinguished the proximity of a chamber's provisions to the president depending on whether it was the first or second to act. Most of the time the chambers adopt similar provisions (the pairs on the diagonal), but where the chambers differ, it is the second chamber that converges toward the president's position three-quarters of the time. From this, Congress' initial steps toward compromise with a veto wielding president appear to begin well before to conference.

Table 1 here.

Fourth, the Senate principally performs the critical role of second chamber. The Senate goes second on about two-thirds of the threatened provisions in Table 1. More importantly, in those cases where the second chamber adopts provisions that side with the president in opposition to the first chamber, it is the Senate that acts second about 85 percent of the time. Is the Senate taking the

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<sup>8</sup> These probabilities have been extracted from Clarify simulations based on an ordered logit estimation that in addition to the combination of House and Senate provisions included the president's approval rating and CQ support score for the current Congress.

second post merely to be in position to make the best offer? Although we shall return to this question throughout the analysis, a second class of circumstantial evidence suggests that the process by which it converges toward the president does not square well with a tightly orchestrated coordination strategy.

What is the political process that systematically has the first chamber eliciting a threat and the second chamber deciding the terms of a compromise with the president, if any in fact is tendered? One possibility is a “low ball, best offer” negotiating routine with the second bid presenting the president with a more attractive, “best” offer. In this scenario the chambers’ party majorities coordinate their actions, particularly in the second chamber’s compromise provisions. House and Senate bills are the orchestrated products of a bicameral central party committee designed to extract as many concessions as possible from the president. The individual legislators majority party are kept informed since some will be required to vote once or twice for legislation some distance from their constituency’s preferred policy.

An alternative model of the legislative response to a president’s threat posits as nearly an opposite bicameral Congress in its essential features as imaginable. Here, no central party committee oversees planning and coordination across chambers. Instead, the House and Senate are significantly different legislatures with respect to both the preferences of their members and organizationally. They engage each other in a noncooperative game based on mutual vetoes (Pressman 1966). Where House rules and leadership prerogatives insulates the House majority from presidential intervention, these same features are configured in such a way in the Senate to expose it to presidential influence via threats. One equilibrium path has the less accommodating House passing its preferred policy. In doing so, it elicits a veto threat, leaving the second chamber, the Senate, facing a House bill two proposed bundles of provisions in the form of a bill and threat message, both of which may diverge from its median voter’s policy preference. It then searches for a bill that minimally satisfies the House and president while matching the preferences of its median voter as closely as possible.<sup>9</sup> Having identified a policy each veto actor prefers to the status quo, the Senate passes its preferred or strategically adjusted bill that is then accepted or modified in conference to better match the other House’s and president’s preferences.

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<sup>9</sup> This model does not require the Senate to act second, although below we suggest how the same organizational and member incentives that differentiate it from the House also dispose members to go second. Behaviorally, this model of the Senate as the second-chamber mediator corresponds closely to that Fenno (1966) attributes to the Senate in appropriations legislation, but for an altogether different reason. In appropriations the Senate traditionally follows the House and its generally greater enthusiasm for administration spending requests reflects the weaker insulation of appropriators from those members who initially authorized the program.

The textbook facts about the organization of Congress present a number of structural differences in the House and Senate that render the latter more responsive to presidents' policy preferences. Normally, the House majority caucus can enact whatever policy it wants. Via the Rules Committee the majority leadership decides whether bills come to the floor and which, if any, amendments will be allowed. The Senate's majority party enjoys less control, by comparison. Relaxed germaneness rules and for most legislation, open floor deliberations invite extensive amendment activity and filibusters. The latter are so commonplace that their mere threat frequently suffices to derail legislation. The standing rule requiring 60 percent of the members to sign a cloture petition to end debate promotes larger, more diverse coalitions on final floor passage. Specifically, except when truly lopsided (60 percent plus) opposition majorities control the Senate, the president has sufficient number of party colleagues in place to block legislation. In addition to these rules and procedures, senators' longer terms and staggered elections give its members different time horizons and the chamber's severe malapportionment allows the median voter to prefer policies some distance from its House counterpart along the ideological space.

Not only do these widely acknowledged differences limit the likelihood that these chambers would engage in an elaborate negotiating game with the president, they provide a rationale for the Senate to be the second chamber to act and to accommodate the president more than the House. The filibuster rule requires that some members of the president's party join the majority in the floor vote. During the past twelve Congresses, when divided party control of at least one chamber prevailed in all but three Congresses, the president's party has controlled at least 44 seats in the Senate; one has to go back to the 95<sup>th</sup> Congress to find a president (President Ford) unable to count a cloture proof contingent in the Senate. The prospect of a filibuster deters Senate majority leaders from initiating legislation that would attract a presidential veto, and it sets the stage for concessions if any legislation is to be enacted.<sup>10</sup>

These models generate the same policy products as those displayed in Figure 1 and Table 1, but presumably through quite different deliberative exercises. The first involves strategic feinting. Members vote for a bill with the foreknowledge that it is a low ball bid to prepare the administration for the "real" bill to be passed by the Senate. In that the opposition majority anticipates where the bill will end up, the same majority coalition ushers it through each stage of development. The second model describes a genuine political process that

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<sup>10</sup> The Senate's malapportionment presents a second rationale – the presence of a cohort of small state senators whose votes on policy are sometimes available to the highest bidder in a pork barrel auction (Lee and Oppenheimer 1999). Below we test the coalition behavior of small state senators but found them no more likely to join majority coalitions on threatened or nonthreatened bills.

yields less certain policies. The House passes legislation, the president threatens, a third independent chamber responds.

As noted above Senate procedures provide members with easy access to the floor. Minority party (i.e. the president's party) members could challenge and potentially undo a well scripted "low ball, best offer" negotiation with amendments incorporating the president's objections. In Table 2 we compare the Senate amendment activity of threatened and non-threatened legislation that has passed the House floor.<sup>11</sup> Threatened bills attract substantially more activity than do less controversial bills. These numbers are conservative comparisons in part because threatened bills attract a greater number of substitute amendments that strip out major sections of the House bill (presumably, those that the president objected to). Without know the content of these provisions, we cannot conclude that the amendment activity on the Senate floor offer the president's objections their most sympathetic consideration. We can confidently conclude, however, that legislating in the Senate becomes significantly more active when the president has announced that he is likely to veto the final bill.

Table 2 here.

For more direct evidence to determine whether the Senate is genuinely deliberating threatened bills referred from the House or is simply passing a prearranged counter bid to the White House, we turn (for the rest of this paper) to evidence of ideological shifts in the majority coalition as legislation proceeds to the Senate and conference. If a legislative kabuki is being performed, we expect to find little genuine movement in the composition of the passing coalition. If, however, the Senate is engaged in constructing a coalition to pass a different bill, one containing threatened and generally controversial provisions, we would expect the ideological preferences of supporters to shift toward those of the president. A Democratic House, for example, passes a bill that President H.W. Bush threatens; in seeking to avoid a veto the Senate passes more conservative legislation that responds to some or all of the president's objections. If so, the Senate coalition should include votes from conservative legislators – the same kind of legislator who opposed the legislation in the House.

One behavioral implication here is the bill becomes more inclusive as it expands to include both the original House coalition and those legislators more closely aligned with the president. Unfortunately, this is hardly an incisive test in that the filibuster threat dictates that narrow House margins must expand if they are to pass the Senate; this is true whether the president has tagged the bill with a veto threat or not. Stronger evidence that the Senate is genuinely engaged in policy making by reaching out to the president's partisans with policy

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<sup>11</sup> Included in the sample are all bills deemed to be "major legislation" by CQ between 1990 and 2000.

concessions should be manifest in the changing ideological complexion of the winning coalition as legislation moves from the House to the Senate. If legislative support does not shift, we will have good evidence of a prearranged negotiation. If the new bill attracts (and sheds) support in a fashion that reflects its policy alterations, then we will have observed behavior one would expect in a normal response to a presidential veto threat.

A common strategy for identifying the ideological content of legislation involves measuring the ideological preferences of legislators favoring and opposing the bill. Operationally this involves identifying the cutpoint along a scale – the point that optimally separates those who support and oppose a bill. The larger the cutpoint, the more liberal the majority coalition supporting the legislation, and presumably, the more liberal the bill's content. Cutpoints have significant limitations, however, particularly when used to assess policy change from one version to another across roll calls and even, as we do here, on votes across chambers. Below we argue that the limitations of cutpoint comparisons are inherent in the metric. We then develop an alternative measure based on the Nominate scores of those who move into (and out of) a majority coalition from the initial bill to a subsequent version.

### ***Cutpoints in Theory and Practice***

Cutpoints have been in vogue in recent years as a proxy for measuring policy changes in Congress. In principle, it provides an alternative to analyzing policy movements without relying on often difficult and unreliable examination of legislative contents. Seemingly irrefutable logic of spatial modeling and the empirical findings of unidimensional Congress by Poole and Rosenthal (1997) appears to validate its use. In this paper, however, we reject the use of cutpoints as the means of analyzing the extent of concessions by Congress. The following section will explain potential flaws in their underlying logic and point to the alternative approach we adopt.

In the spatial model, legislators are assumed to vote sincerely to maximize their utility based solely on the policy. A legislator's voting decision is the function of the relative distances from her ideal point to the status quo and the proposal--she votes for whichever is closer. Thus, given the locations of the status quo and the bill, the *cutpoint*, or the midpoint between the bill and the status quo<sup>12</sup>, neatly divides the legislators, given their ideal points, into the bill's supporters and opponents. The legislators on the same side of the cutpoint as the bill would be closer, in terms of distance, to the bill than the status quo and support the bill over the status quo. The opposite would hold for those on the other side of the cutpoint who would support the status quo, or, in other words, oppose the bill. Since, by definition, the status quo cannot change from one

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<sup>12</sup> Or, the *cutting plane*, in a multidimensional model.

round of voting to another, changes in votes by legislators, and the subsequent movements in the cutpoint must imply a change in the content of the bill itself.

Figure 2 illustrates (a la Cameron 2000) how effective veto threats that induce policy convergence towards the president's ideal point could be captured by changes in cutpoints. Consider status quo, SQ, and the ideal points of the president and Congress P and C, respectively. Suppose Congress initially proposes the bill  $B_1$ . Given  $B_1$  and SQ, the cutpoint is the midpoint between these,  $CP_1 = (SQ+B_1)/2$ . Everyone to the right of  $CP_1$ --on the same side of the cutpoint as the bill,  $B_1$ --would prefer  $B_1$  over the status quo and vote in favor of the bill. Everyone to the left of  $CP_1$ --on the same side as the status quo--would prefer status quo and vote against the bill. Since the president is to the left of the cutpoint, he would prefer the status quo over the bill and indicate this via a veto threat. If his stated ideal point is credible, Congress will, in response, offer a more moderate bill,  $B_2$ .<sup>13</sup> The midpoint between the proposed bill and the status quo is now  $CP_2$ , to the left of the initial cutpoint,  $CP_1$ . Now that the president is on the same side of the cutpoint as the bill, rather than the status quo, he signs the bill. Since  $CP_n = (b_n+SQ)/2$ ,  $CP_1 - CP_2 = [(b_1+SQ)/2 - (b_2+SQ)/2] = (b_1-b_2)/2$ . Therefore, it follows that, if the cutpoints  $CP_1$  and  $CP_2$  can be precisely measured, the extent of concession offered by Congress, or the difference between the bills  $b_1$  and  $b_2$ , can be estimated.

Figure 2 here.

In practice, inference from cutpoints change is more complex than expected from the unidimensional spatial models. In theory, the identities of the vote switchers, as the proposed bill changes from  $b_1$  to  $b_2$ , can be precisely predicted.<sup>14</sup> The widely known empirical confirmation of congressional voting as primarily occurring on a single dominant dimension by Poole and Rosenthal (1991, 1997) appears to justify such approach.<sup>15</sup> However, their findings pertain to the voting behavior in Congress *in the aggregate*, where random departures from the spatial model's predictions largely cancel each other out. Within individual roll calls, voting coalitions in Congress often contain dozens of "voting errors," i.e. legislators whose actual votes differ from the prediction based on their estimated ideal points, on each side of the cutpoint. Recent studies,

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<sup>13</sup> Throughout this paper, we assume that the majority coalition does not have sufficient votes for a veto override.

<sup>14</sup> All legislators whose ideal points lie in the interval  $(CP_2, CP_1)$  would change their votes from nay to yea, confirming that the change in cutpoints is in fact the product of an actual policy change

<sup>15</sup> Poole and Rosenthal (1997) do find often important secondary dimensions in various stages of American history. For the period that this study concerns itself with, the 1990s, they find Congressional voting to be almost completely unidimensional.

furthermore, suggest that these errors are not random, as usually assumed by the practitioners of scaling techniques, but may be correlated with other politically relevant factors, such as the types of votes or the partisanship and offices held by legislators (Londregan 2000; Jackson and Moselle 2001; Clinton and Lapinsky 2005; Kim 2006).

The presence of voting errors complicates the use of cutpoints as a measure of policy changes in response to a veto threat. First, a cutpoint change may be accompanied by very few errors or many, as illustrated in Figure 3. Standard scaling algorithms, such as Poole and Rosenthal's DW-Nominate, estimate cutpoints by minimizing the total sum of errors in a given vote, essentially by "balancing" errors on both sides of the cutpoint on a vote.<sup>16</sup> Consequently, any "unbalanced" net change of votes leads to the cutpoint moving along the policy space. The magnitude of the movement, however, does not reveal whether the shift represents change of votes by a few or many legislators, or how the vote switchers are distributed.<sup>17</sup> Consider the situations illustrated in Figure 4. Initially, all legislators to the left of the cutpoint  $CP_1$ , labeled A, B, C, D, and E, from left to right, vote against the bill. However, we may consider two coalition changes leading to cutpoint movements: in one case, the rightmost legislators, D and E switch votes; in the other, the leftmost legislators, A and B switch votes. In the former, the cutpoint change is straightforward: the new cutpoint,  $CP_2$ , is simply placed at the midpoint between the ideal points of legislators C and D. The unidimensional model predicts votes perfectly and there are no voting errors. In the latter, the movement is more complicated. While the new cutpoint,  $CP_2'$ , must lie somewhere to the left of the original cutpoint,  $CP_1$ , it must invariably generate voting errors. Precisely where the  $CP_2'$  must be located depends on the distribution of the legislators themselves and the loss function used by the scaling algorithm used. Under the right conditions, however, noisy coalition changes can actually lead to greater cutpoint movements than noiseless ones.

Figures 3 and 4 here.

The foregoing section cautions against excessive reliance on cutpoint changes as the measure of the changes in policy content of a bill. Estimated cutpoints are sensitive to the number and distribution of voting errors. Because voting errors are relatively frequent and possibly nonrandom, cutpoints may not provide for reliable inferences on the characteristics of individual bills. It is, however, possible to take apart the "moving parts" behind the cutpoints, the changes in voting coalitions, and draw inferences therefrom instead. Specifically,

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<sup>16</sup> This is not particular to Poole and Rosenthal's approach, but fundamental to all scaling techniques.

<sup>17</sup> That non-spatial patterns of vote-switches are rather prevalent in Congressional voting is corroborated by Krehbiel's (1998) findings.

coalitions change through two mechanisms: through turning former opponents into supporters and losing erstwhile supporters to the opposition. We label the former *attraction* and the latter *alienation*. Knowing the frequency of voting errors, we can dispense with the strict assumptions spatial voting rationale imposes on the patterns of attraction and alienation and examine them at the level of individual legislators.

An example, analogous to the situation illustrated in the Figure 4, helps to illustrate the advantage of disaggregating cutpoint movements into attraction and alienation over using cutpoints themselves. Suppose two possible amendments to a bill initially supported only by the Democrats: one version wins over highly conservative Senator Frank Murkowski of Alaska, but no one else. The other wins over only the moderate Senators Arlen Specter and Susan Collins. If we restrict ourselves to only the first dimension, winning over Murkowski may count for more than both Specter and Collins in shifting the estimated cutpoint: Murkowski is, in spatial terms, clearly a large voting error, as he is far too conservative to join the liberals under “normal” circumstances: his vote requires substantial shift in the cutpoint to the right, to create enough mistakes to the left of the cutpoint to balance. Since Collins and Specter are located in the immediate vicinity of the Democrats, accounting for their change requires only a minimal movement of the cutpoint. Yet, the attraction of Murkowski is not likely to have been caused by a policy shift in the more moderate direction—the absence of movements by Collins and Specter attests to this. It may be caused by concessions in an issue area with very low salience for everyone else, possibly even particularistic benefits targeted at Alaska. The attraction of Collins and Specter—and the non-attraction of Murkowski—on the other hand, besides producing fewer errors, is consistent with general moderation of policy contents. President is a national actor, not likely to be appeased by targeted benefits at certain localities. He’d rather take Collins and Specter—and not Murkowski—over Murkowski—and not Collins and Specter—even if the latter produces greater cutpoint change. This line of reasoning is not possible without examining individual level vote changes.

### ***Predictions for Coalition Changes with and without Veto Threats***

As noted earlier, two facts underlie our expectations concerning the coalition changes that accompany presidential veto threats. First, the institutional differences between the House and the Senate provide incentives for constructions of larger coalitions in the latter than the former. The necessary attraction of more legislators in the latter almost assures that consequential cutpoint movements will take place, with or without veto threats. As these changes would necessarily involve *some* form of concessions, rather similar coalition changes would appear in the House voting as well when this chamber votes on the adoption of the conference report.<sup>18</sup> Second, the president is

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<sup>18</sup> Recall further that, when presidential veto threats are accommodated, it is

primarily a partisan political actor, a useful focal point for his partisans to rally around and his Congressional opponents to rally against. His veto threats, too, then, should engender a partisan reaction: by encouraging his opponents to redouble their opposition to him and his supporters to strengthen their support (Krehbiel 1998).

The reinforcement of partisan tendencies introduced by presidential actions, however, takes place alongside expanded coalitions, and implicitly, policy concessions, as required by the institutional differences between the House and the Senate. Given that the majority party, by itself, rarely has enough votes to construct necessary coalitions, attraction of minority party legislators--president's own partisans--becomes mandatory, requiring concessions to the president's party, or at least to its partisans. The partisan component of the president's role, in turn, requires that the concessions made in presence of his veto threats must be qualitatively different from that made without. They must be more *partisan* in nature, constituting concessions to the president's party along an *ideological* axis, not merely concessions to president's partisans on individual basis.

Although preceding sections raised doubts that, on bill by bill basis, uncritical assumption of a unidimensional policy space may be questionable, there is little to dispute the findings by Poole and Rosenthal (1991, 1997), along with many others (such as Heckman and Snyder 1996?; Jackman 2000?) that, on *average*, Congressional voting patterns can be captured by a single dimension consistent with the strength of partisanship. The frequency of voting errors and the possibility that they are not entirely random, however, opens the door for another venue of analysis: under what circumstances would the observed voting behavior be more consistent with the estimated primary policy dimension, that is, become more partisan? The answer we propose is the signal by the president, following the observation by Poole and McCarty. Specifically, we contend that presidential veto threats are likely to produce a more partisan voting environment.

More central to our argument, however, is the implication for the patterns of attraction to a bill's supporting coalition that take place with and without threats. There are two approaches to expanding coalitions. One is to co-opt individual members of the opposing coalition through concessions orthogonal to the dimension of interparty conflict, which may include side payments. (Jackson and Moselle 2001; Kim 2006) Such concessions would produce coalition changes independent of the estimated ideal points. The other is to offer a concession along the dimension of the interparty conflict, the primary dimension observed in scaling exercises. Coalition changes arising from such concessions would

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almost invariably by the Senate and that the House generally accepts these concessions contained in the conference report.

produce coalition changes consistent with the estimated ideal points. Given a partisan political environment that veto threats take place in, we could expect veto threats to result in the latter rather than the former.

We restrict ourselves in this paper to a relatively narrow subset of legislators in this study: the members of the minority party--i.e. the presidential party--on the side of the cutpoint predicted to vote against the bill in the passage vote in the House.<sup>19</sup> These are the legislators who would be attracted to the bill's supporting coalition if concessions are made.<sup>20</sup> If concessions to the veto threats are partisan in nature, the attracted and non-attracted legislators would separate themselves from each other spatially, i.e. the attracted legislators would be tightly concentrated in the neighborhood of the cutpoint and those who are not attracted to be concentrated farther away from the cutpoint. Concessions along the axis of main interparty conflict would be of interest to the moderate members of the president's party, but not to the extremists. This would lead to greater predictive power of the estimated ideal points concerning who will vote for and vote against the bill. In absence of a threat, the pattern for both would be more diffuse: the extremists would not be particularly disinclined to join in the bill's supporting coalition relative to the moderates. Estimated ideal points, then, would be of less help in determining who would be attracted and who would not as their distributions would exhibit considerable overlap.

This leads to our first set of hypotheses:

*H1: The distributions of attracted and non-attracted legislators would be separated from each other in unidimensional policy space in presence of veto threats, while the distributions would show greater overlap in absence of threats.*

The partisan rationale of veto threats suggests an additional prediction concerning the distributions of attracted legislators in presence of a veto threat and without, albeit with an important caveat:

*H2: The distribution of attracted legislators in unidimensional policy space in absence of threats would be both more distant from the cutpoints and more dispersed than the distribution of attracted legislators in presence of threats.*

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<sup>19</sup> This would be those to the left of the cutpoint if the bill was primarily supported by conservatives on final passage in the House and to the right if it was mainly supported by liberals initially.

<sup>20</sup> In principle, it is not particularly critical to limit the sample only to minority party legislators and the results are not affected in any statistically meaningful fashion. Given that our argument emphasizes the partisan nature of presidential action, it makes sense to evaluate the effect in terms of minority party behavior.

The caveat is that the number of attracted legislators may be smaller in presence of threats, even if they are more compact in distribution. Greater means and variances in the distances from cutpoints, taken by themselves, may simply be an artifact of more frequent attraction without threats. This deficiency, however, can be partly rectified by examining the distributions of the attracted legislators, with and without veto threats, relative to the distributions of the non-attracted legislators with and without threats. If the former differ substantially while the latter do not, the differences between the distributions of the attracted legislators may indeed be more meaningful.

### ***The Data***

Our sample of threatened legislation includes all bills from 1990 through 2000 (from the second half of the 101st Congress through the first half of the 106th) that attracted a veto threat in a threatening "Statement of Administration Policy" (Kernell 2005) and received both House and Senate floor vote. As a "control group" to discern the effect of veto threats separate from the normal changes that a bill is subjected to in the Senate, we examine all legislation that reached conference committee. We exclude the period of unified government, 1993-94 (103rd Congress) from the sample as this period elicited no veto threat from the president.

As the analysis focuses on the voting coalitions in each chamber of Congress, only the bills that are subject to a recorded vote, on both final passage in the House and either on final passage in the Senate or on the adoption of the conference report in the House can be analyzed. Due to our interest in the Senate as the second chamber, we exclude the handful of bills that originated in that body.<sup>21</sup> From these, lopsided votes, where the winning coalition includes more than 95% of all votes cast are excluded. This process leaves 65 bills that were put to vote on final passage in both House and the Senate (henceforth referred to as House-Senate pairs) and 100 bills that received recorded votes on both final passage and the adoption of the conference report in the House (henceforth referred to as House-House pairs). Of the former, 28 were subject to a veto threat, while 38 were threatened with a veto in the latter. Concessions are, however, practical only for the bills initially opposed by the president's party, leading us to exclude the bills that received more support from the minority party than the majority.<sup>22</sup> The final sample, then, is reduced to 60 bills for House-Senate pairs and 92 bills for House-House pairs.

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<sup>21</sup> Henceforth, House final passage votes will be referred to as the initial votes and their cutpoints  $CP_1$ . Senate final passage votes and House conference report adoption will be referred to as second votes and their cutpoints  $CP_2$ .

<sup>22</sup> This is potentially problematic, since some bills that received more support from the minority were in fact threatened with veto.

The principal variable of interest to us is what we defined earlier as attraction, or the switching of the vote from nay to yea by a legislator. Specifically, we focus on the vote changes by members of the minority party--who, by virtue of our sample selection, are always members of the president's party--who are located on the same side of estimated initial cutpoints as the status quo, i.e. those who should vote against the bill based on the result of the final passage vote in the House. For the House final passage and conference report pairs, this poses no problem as the same set of legislators are asked to vote on the bill again. For the Senate, however, we can rely only on the predicted votes by the Senators based on their estimated ideal points and the cutpoints from the House final passage votes, as Senators did not originally vote in the House. This task is made tractable thanks to the common space scores<sup>23</sup> and the estimated cutpoints for all scalable votes in both chambers based on these scores kindly provided by Keith Poole.

## **Results**

We previously discussed at length the potential deficiencies of a naïve reliance on cutpoints as a measure of policy shifts, especially in the context of House-Senate changes. Tables 3 and 4 illustrate the changes in cutpoints observed for threatened and non-threatened bills both for House final passage-Senate final passage pairings and House final passage-House conference report pairings. Given that common space scores follow the convention of assigning negative values for the estimated ideal points of the liberals and positive values for the conservatives, we define the cutpoint change as the cutpoint in the second vote minus the cutpoint in the initial vote, or  $(CP_2 - CP_1)$ , for the Democratic Congresses and the inverse, or  $(CP_1 - CP_2)$  for the Republican Congresses. The tables indeed reveal very little consistent information, with the sample size often too small to provide for credible statistical inference. In many cases, moreover, cutpoints actually move in the direction opposite to that predicted.

Tables 3 and 4 here.

Potentially adding to the confusion is the pattern seen with the changes in coalition sizes supporting the bill, seen in Tables 4 and 5. In nearly every situation, supporting coalitions grow larger, albeit with relatively minute net magnitudes, while cutpoints moving in unexpected directions suggest that coalitions should be growing smaller. This suggests that the cutpoint estimates are indeed flawed, that they are driven by the distributions of "voting errors" as we have argued above. The net changes in coalition sizes are kept rather small because there are both attractions and alienations taking place. The cutpoint

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<sup>23</sup> These are W-Nominate scores calculated for both Senate and House simultaneously.

estimates, in their turn, are being thrown off by the distributions of estimated ideal points of the attracted and alienated legislators. Put differently, we should examine the distributions of these legislators at the individual level to gain insight on what veto threats have wrought.

Tables 5 and 6 here.

Tables 7 and 8 show the distributions of attracted and non-attracted legislators for these very bills. As mentioned above, included in the sample are only the minority party legislators who are predicted to vote against the bill based on the cutpoint from the initial vote. For the senators, attraction is defined as a legislator predicted to vote nay voting yea. For the representatives, attraction constitutes a legislator who actually voted nay in the initial vote voting yea in the second vote. Contrary to the impression given by the small magnitudes of cutpoint changes, the number of attracted legislators is quite large, both for threatened and non-threatened legislation. The distributions of attraction and non-attraction, in both chambers, follow closely the prediction from the hypothesis *H1*. There is no statistical difference between the attracted and non-attracted legislators in the Senate in absence of a veto threat--a difference-of-means test yields a t-stat of only 0.87. The difference between the same sets of legislators in presence of a threat, on the other hand, yields a t-stat of 9.88. In the House, the pattern is even more striking. The attracted legislators, in absence of a threat, are actually farther away from the cutpoint on average than the non-attracted legislators. This difference is actually statistically significant at  $p=0.1$ , with a t-stat of 1.69, although it would be a folly to attach too much import to this fact. When there is a threat attached, however, the legislators behave more consistently with the theoretical prediction: attracted legislators and non-attracted legislators separate themselves out, with the attracted legislators closer to the cutpoint. A difference-of-means test yields a t-stat of 12.49. Differences between these distributions are shown graphically in Graphs 1 and 2 for the Senate and Graphs 3 and 4 for the House. These illustrate cumulative distributions of attracted and non-attracted legislators as the function of distance from cutpoints for threatened and non-threatened bills in each chamber. In both chambers, the distribution of attracted legislators lies clearly to the left—i.e. closer to the cutpoint—of the non-attracted legislators. The same is not true in absence of threats.

Table 7 and Graphs 1 and 2 here.

Table 8 and Graphs 3 and 4 here.

The tables also corroborate the expectations from the hypothesis *H2*: the attracted legislators in absence of a threat are both farther from the cutpoint and more dispersed than their counterparts in presence of threat. A difference-of-means test yields a t-stat of 6.78 for the Senate and 11.97 for the House. The differences between non-attracted legislators with and without threats, however, are small: difference-of-means test yielding a t-stat of 1.43 for the Senate and

1.58 for the House. This suggests that veto threats do indeed produce more disciplined, predictable shifts in votes among members of Congress, consistent with more policy-oriented concessions.

To counter the possibility that other factors, such as sizes of initial supporting coalitions, are producing misleading appearance, we perform logistic regressions on the same data. The results are shown in Tables 9 and 10. The appearance that the probability of attraction increases with the distance for minority party members of the House, in absence of veto threats, alas no longer holds, indicating that unidimensional Congress, after all, isn't built on presidential veto threats alone. The interacted term between veto threat and the distance from the cutpoint, however, consistently features a large negative coefficient. This indicates that veto threats make the voting pattern more spatial—i.e. those who are more distant from the cutpoints are much less likely to be attracted in presence of a veto threat, consistent with both hypotheses *H1* and *H2*.

Tables 9 and 10 here.

### **Conclusion**

We began our inquiry reviewing a literature that has only recently taken interest in veto threats as a potential source of presidential influence on legislation. The prevailing literature has, until recently, failed to find significant numbers of threats or much influence beyond the general finding that by the time some threatened bills reach enrolled bill status they resolve issues raised in an earlier threat (Cameron, Lapinski and Rieman 2000). Examining the outcomes of all legislation threatened in a SAP from 1990 through 2000 for which appropriate roll call data is available, we report significant presidential influence. Whether examining the policy content of legislation or the alignment of legislators in roll call voting, we find a consistent pattern of congressional responsiveness to presidential threats.

On both indicators the Senate, acting as second chamber, plays a critical role. If the Senate does not move to accommodate the president, it rarely happens elsewhere (say, in conference or earlier, in the House's initial consideration). We suspect that the Senate with its higher majority threshold so empowers the presidents' fellow partisans, that the majority coalition accepts that it must include some opposition legislators to pass a bill. It may do this by offering the president concessions, removing the veto threat and consequently, making it easier for the president's partisans to join the coalition. Our primary evidence for this lies in the ideology of minority party members who support a threatened bill. Unlike unthreatened legislation, minority party attraction to Senate bills occurs in the narrow range of the expected cutpoint. This suggest that the coalition is expanding as policy is marginally adjusted in the direction of the president's preferences. These findings suggest that the organization and composition of the Senate offer the president an opportunity to intervene in

legislation's development, an opportunity unavailable in the House party leviathan.

Beyond detecting congressional responses to threats in both the policy content of legislation and in roll call voting, our findings point to an unexpected mechanism of influence. Presidents are quintessential public figures whose policy statements are dutifully recorded and generally reported by the news media. When presidents send a threatening Statement of Administration Policy to House and Senate leadership, every legislator is notified that this is an issue about which the president is prepared to elevate into the public arena. Such notification catches the attention of the majority party which may respond with concessions. Threats also catch the attention of the president's partisans. Roll call voting by minority legislators become more closely associated with ideology after the president issues a threat.<sup>24</sup> The increased partisan resolve, in turn, requires the majority party coalition to extend policy concessions, rather than say resort to pork barrel auctions, to secure additional votes. Thus, by sending a quintessential partisan signal, the veto threat strengthens the resolve of the president's partisan in Congress and forces policy concessions from the opposition majority.

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<sup>24</sup> The congressional voting literature (Cox and McCubbins 2005; McCarty and Poole 1995) emphasizes the resources available to the majority party to induce partisan voting. Here, president's public, semi-official threats work to reinforce partisanship among his fellow congressional minority members.

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Figure 1: Probabilities of Final Outcomes by Chamber Position

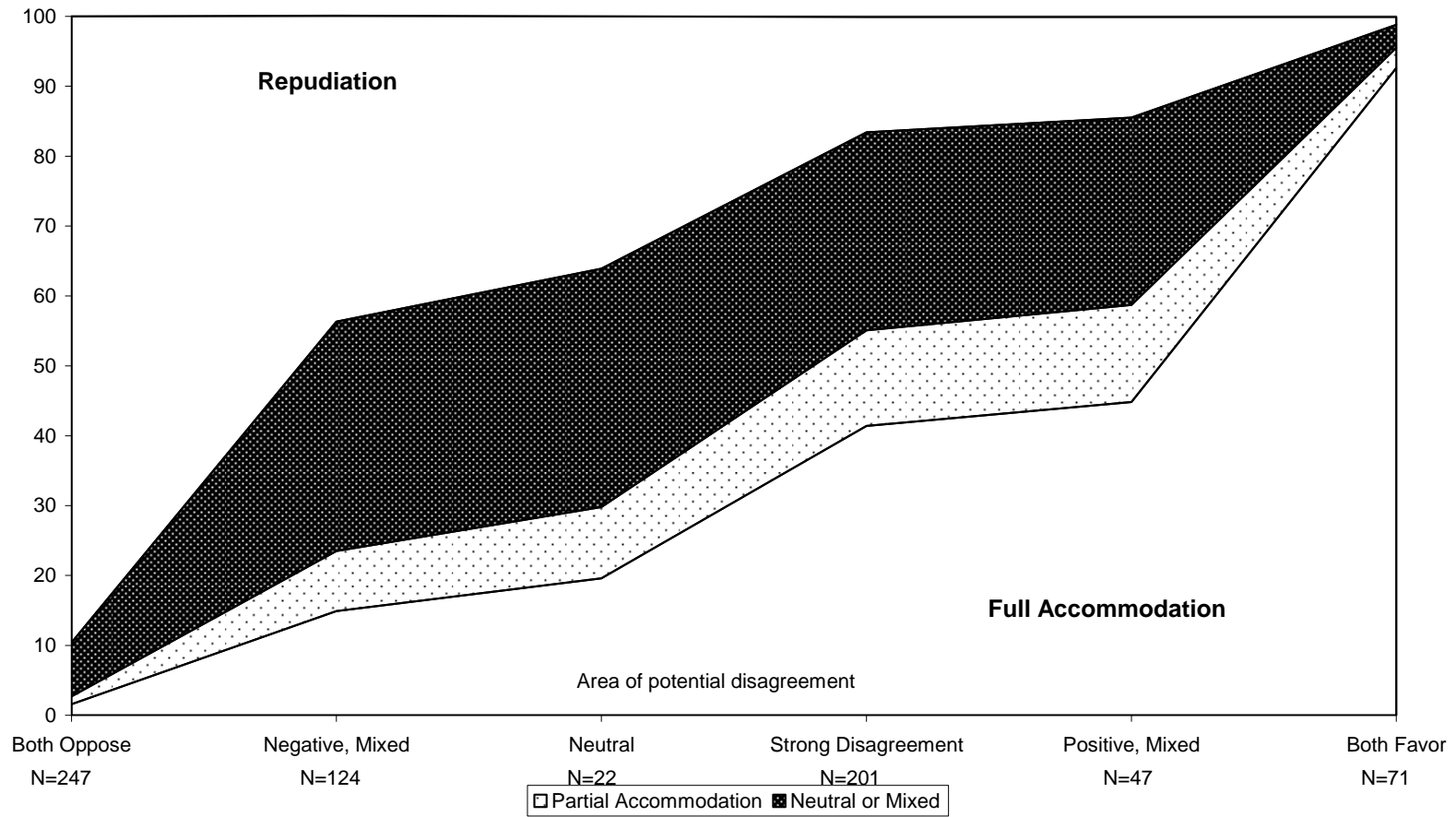


Table 1: The Second Chamber is More Likely to Shift Threatened Legislation toward the President's Position

		<b>Second Chamber's Action</b>				
		<i>Full Opposition</i> -1	<i>Mixed Opposition and Agreement</i> 0	<i>Partial Agreement</i> 1	<i>Full Agreement</i> 2	
<b>First Chamber's Action</b>	<i>Full Opposition</i> -1	247	73	25	152	N=272
	<i>Mixed Opposition and Agreement</i> 0	17	22	8	10	
	<i>Partial Agreement</i> 1	9	0	13	4	
	<i>Full Agreement</i> 2	49	10	2	71	
		N=87			N=353	

Table 2: Senate Amendments of House Bills and Veto Threats

	Democratic Congresses (101-103rd)			Republican Congresses (104-106th)		
	Avg. No. of Amendments Proposed	Avg. No. of Amendments Adopted	Number of Bills	Avg. No. of Amendments Proposed	Avg. No. of Amendments Adopted	Number of Bills
Threatened	3.79	2.59	38	2.59	1.94	32
Not Threatened	0.15	0.12	33	1.05	0.66	105

\*Includes all bills identified as “major legislation” by CQ Weekly during the 1990 – 2000 period.

Figure 2: How Interbranch Bargaining Works with Basic Spatial Models

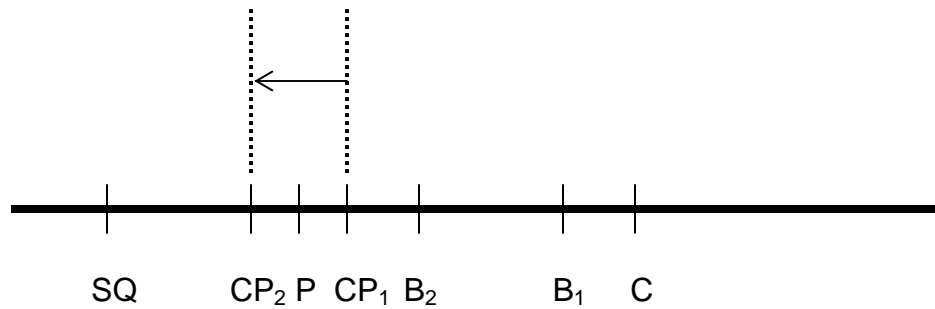
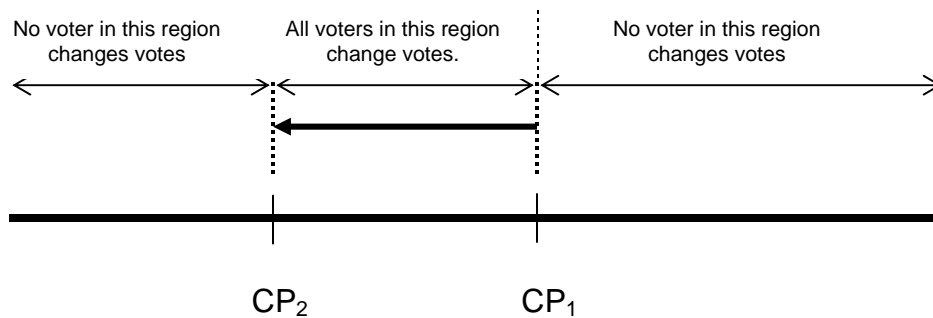


Figure 3: How Estimated Cutpoints Move: With or Without a Lot of Noise

1) Noiseless Movement



2) Noisy Movement

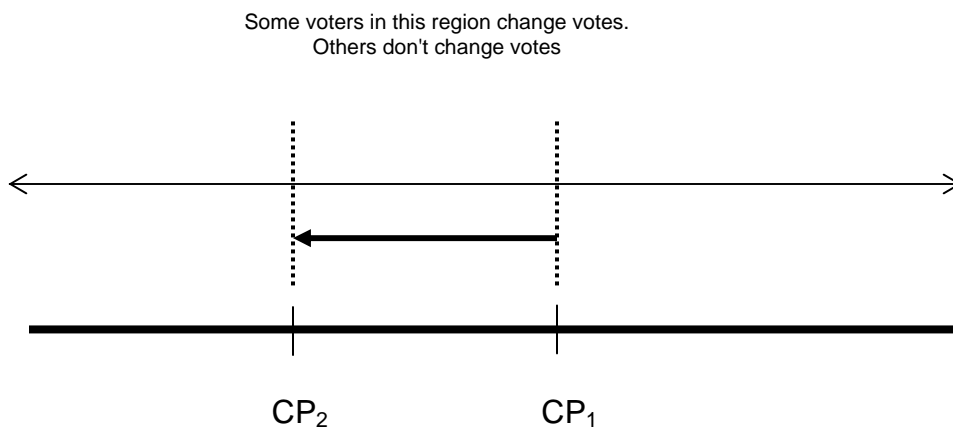
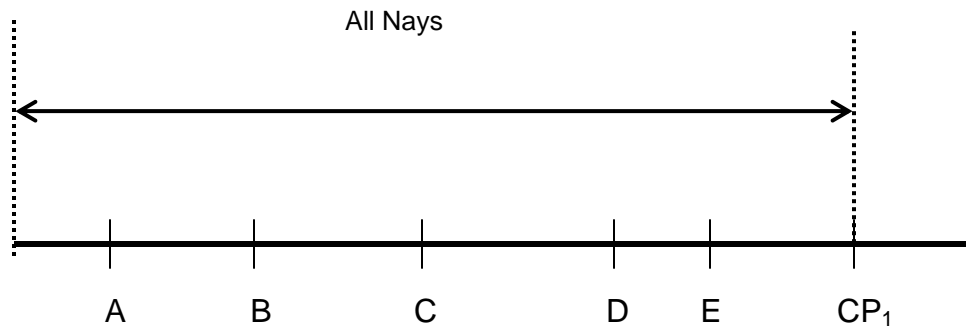
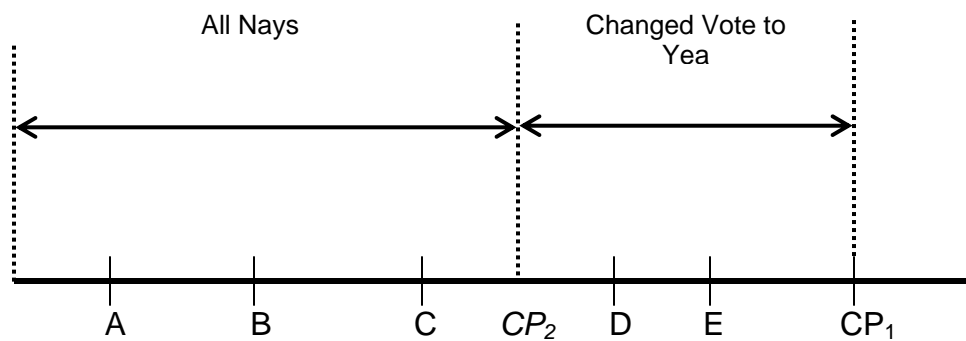


Figure 4: Vote Switchers and Cutpoint Movements

1) Initial Distribution of Votes



2) Noiseless Cutpoint Movement



3) Noisy Cutpoint Movement

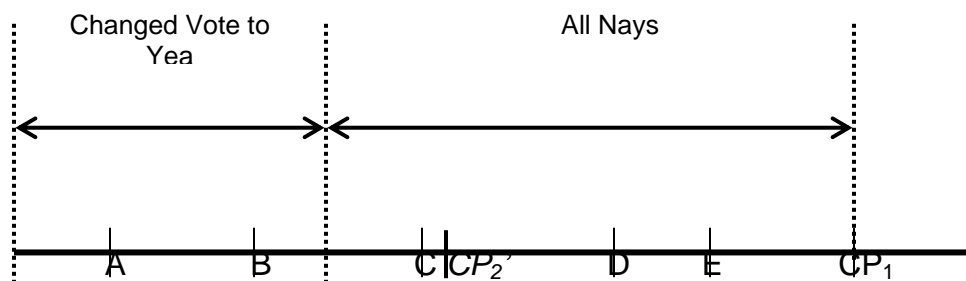


Table 3: Cutpoint Changes between House Final Passage and Senate Final Passage

	Average Change in Cutpoint	N
Threatened, Democratic Congress	0.096	12
Not Threatened, Democratic Congress	0.063	16
Threatened, Republican Congress	-0.064	15
Not Threatened, Republican Congress	-0.015	17

Table 4: Cutpoint Changes between House Final Passage and House Conference Report Adoption

	Average Change in Cutpoint	N
Threatened, Democratic Congress	-0.083	21
Not Threatened, Democratic Congress	-0.060	21
Threatened, Republican Congress	-0.044	16
Not Threatened, Republican Congress	-0.111	34

Table 5: Supporting Coalition Size Changes between House Final Passage and Senate Final Passage

	Average Change in Supporting Coalition Size	N
Threatened, Democratic Congress	0.052	12
Not Threatened, Democratic Congress	0.063	16
Threatened, Republican Congress	0.005	15
Not Threatened, Republican Congress	0.177	17

Table 6: Supporting Coalition Changes between House Final Passage and House Conference Report Adoption

	Average Change in Supporting Coalition Size	N
Threatened, Democratic Congress	0.011	21
Not Threatened, Democratic Congress	-0.004	21
Threatened, Republican Congress	0.038	16
Not Threatened, Republican Congress	0.099	34

Table 7: Distributions of the Attracted and Non-Attracted Minority Party Legislators in the Senate

	Mean Distance from Cutpoint	Stand Deviation of Distance from Cutpoint	N
Attracted, with Threat	0.144	0.125	219
Non-Attracted, with Threat	0.247	0.151	610
Attracted, without Threat	0.250	0.270	421
Non-Attracted, without Threat	0.265	0.193	304

Graph 1: Attraction vs. Non-Attraction with Threats

Graph 2: Attraction vs. Non-Attraction without Threats

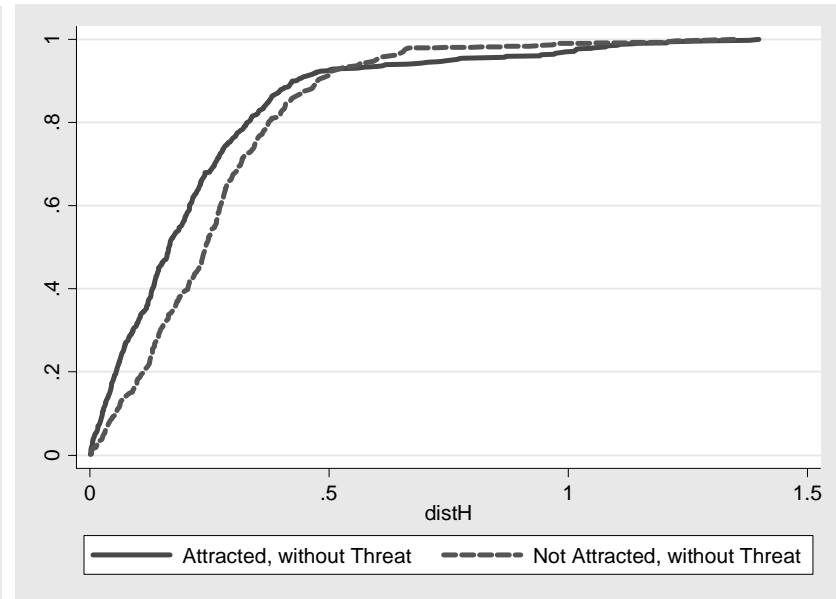
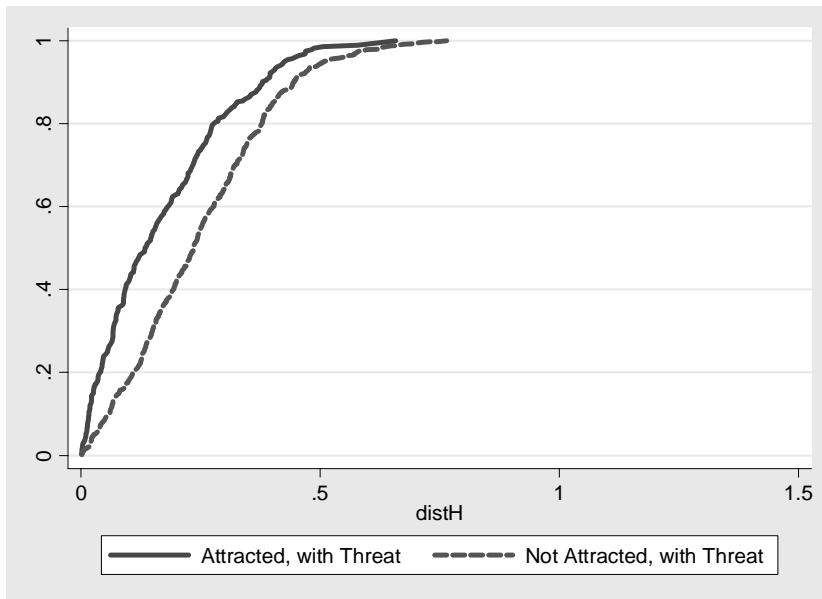


Table 8: Distributions of the Attracted and Non-Attracted Minority Party Legislators in the House

	Mean Distance from Cutpoint	Stand Deviation of Distance from Cutpoint	N
Attracted, with Threat	0.179	0.110	753
Non-Attracted, with Threat	0.239	0.155	3425
Attracted, without Threat	0.240	0.142	2033
Non-Attracted, without Threat	0.233	0.160	3488

Graph 3: Attraction vs. Non-Attraction with Threats

Graph 4: Attraction vs. Non-Attraction without Threats

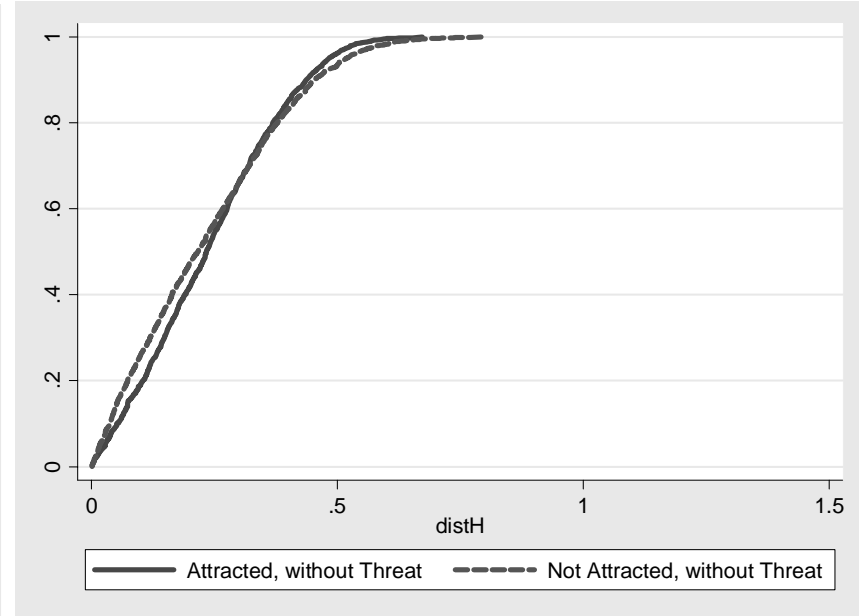
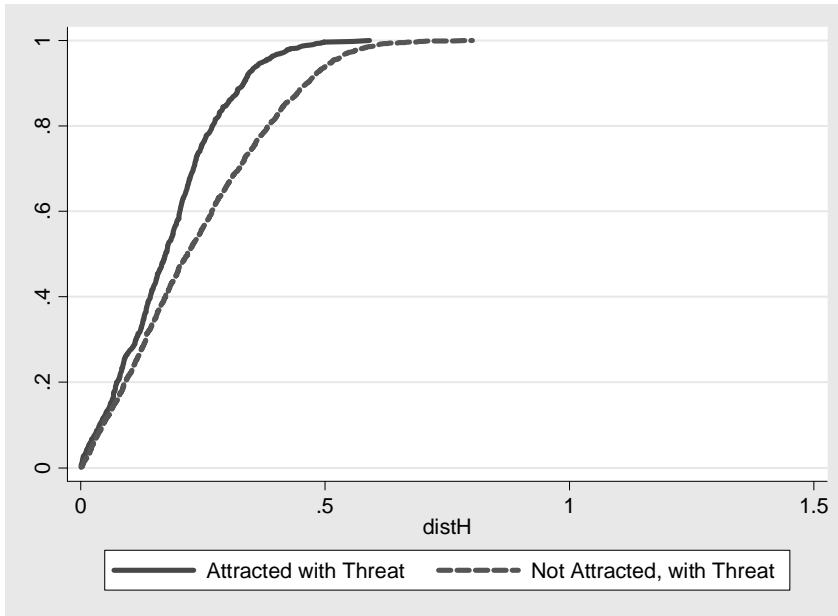


Table 9: Logistic Regression: Attraction between House Final Passage and Senate Final Passage, Minority Party Only

	Coefficient	z-stat
Veto Threat	-0.931 (0.164)	-5.66
Distance from Cutpoint	-0.752 (0.298)	-2.52
Distance X Veto Threat	-2.899 (0.650)	-4.46
Size of HFPV Winning Coalition	0.494 (0.454)	1.09
Constant	0.614 (0.305)	2.01
N	1883	
Pseudo-R <sup>2</sup>	0.1201	

Table 10: Logistic Regression: Attraction between House Final Passage and House Conference Report Adoption, Minority Party Only

	Coefficient	z-stat
Veto Threat	-0.283 (0.090)	-3.13
Distance from Cutpoint	-1.449 (0.211)	-6.86
Distance X Veto Threat	-3.332 (0.367)	-9.04
Size of HFPV Winning Coalition	-4.872 (0.283)	-17.19
Constant	2.757 (0.200)	13.80
N	9699	
Pseudo-R <sup>2</sup>	0.0736	