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GUBERNATORIAL AGENDA SETTING AND DIVIDED GOVERNMENT IN THE SOUTH

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Since World War II, party control of the Presidency, the Senate, and the House has been divided a total of 28 years. Despite the magnitude and persistence of this phenomenon, there is little agreement among researchers about the impact of divided government on the American political system. Ginsberg and Shefter argue that divided government at the national level produces institutional warfare. Each party attempts to strengthen the institution it commands and to weaken the institution controlled by the opposition.

This political pattern undermines the governing capacities of the nation's institutions, diminishing the ability of America's government to manage domestic and foreign affairs, and contributing to the erosion of the nation's international political and economic standing.¹

On the other hand, Mayhew argues that party control of the presidency and Congress does not really matter, because, in the end, just as much major legislation is passed under divided or unified government.²

In attempting to solve this puzzle, this study will examine divided government from a new perspective. The studies by Ginsberg and Shefter and Mayhew are focused on the president and Congress. But the phenomenon of divided government also occurs in the states. Over the last five decades, divided government has increased at the state level to where it has become the norm.³ Whereas in 1946 divided government occurred in fewer than 15% of the states, today 30 states have divided government. This study turns to governors and state legislatures for additional clues. Perhaps more general forces are at work and theories at the national level may be expanded to explain similar patterns found at the state level.

Prior research has also focused on the impact of divided government on legislative outcomes. This study begins with a brief review of the methods and results of previous research, while testing similar hypotheses at the state level. However, quantitative measures of legislative outcomes, such as the number of bills passed, may obscure the real impact of divided government. In order to look more closely at the impact of divided government, this study will look further back in the policy process to agenda setting. Through the use of in-depth interviews with governors, legislators, and staff members in four case studies, perhaps the impact of divided government will become more visible.

The states selected for analysis are Georgia, Tennessee, Mississippi, and South Carolina. Table 1 summarizes the main differences between the four states. The four cases were selected to

Table 1: Party Control and Gubernatorial Experience in the Selected Case Studies

<u>State</u>	<u>Governor</u>	<u>Party Control</u>	<u>Governor's Experience</u>
Georgia	Zell Miller (D) (elected 1990)	unified	professional politician
Tennessee	Ned McWherter (D) (elected 1986)	unified	professional politician
Mississippi	Kirk Fordice (R) (elected 1991)	divided	amateur politician
South Carolina	Carroll Campbell (R) (elected 1986)	divided	professional politician

Source: *Almanac of American Politics, 1994.*

allow comparisons between the prior political experience of governors and political party control, while holding constant as many additional factors that affect policymaking as possible. The analysis includes two states with divided government versus two states with unified government, as well as an amateur governor versus three professional governors. In addition, all four states are located in the South and are comparable in terms of socioeconomic factors, gubernatorial powers, and legislative professionalism.⁴

The distinction between amateurs and professionals is important because amateurs tend to have different motivations for public service, and, as a result, tend to use different strategies while in office. An amateur is defined as one who has little or no prior political experience. While Zell Miller (D-GA), Ned McWherter (D-TN), and Carroll Campbell (R-SC) have each made a career out of politics, Kirk Fordice (R-MS) was elected to office with virtually no prior political experience.⁵ The prior experience of the governors also influences their style of leadership. Rosenthal describes governors as "legislative" or "executive" in nature.

Governors of the former type speak the language of the legislature, emphasizing one-on-one dealings, personal relationships, and the building of consensus. Governors of the latter type speak a different language. They remain more aloof from day-to-day workings of the legislature; personal relationships count less for them; and they are more inclined to stand up for principle and take a confrontational approach.⁶

The type of experience governors have should help to explain whether governors are executive or legislative in nature.

The underlying assumption of this study is that divided government has an impact on the strategies of agenda setting used by governors. In divided government, a governor does not have the same resources, such as party support, that a governor under unified government has as an advantage. According to Light's study of presidential agenda setting, party support in Congress is the most critical factor in agenda setting because it is a resource that does not decline as rapidly as public support over the course of a president's

term in office. When the president represents the majority party, even when he is down in the polls, there is still a base of party support to count on. According to Light, "Though congressional support does not guarantee victories on crucial votes, the president and the staff certainly believe that such support is a more consistent advantage than is public approval."⁷ Public approval and the size of the president's electoral margin certainly strengthen or weaken the president's capital, but party support remains the critical factor.

Call it push, pull, punch, juice, power, or clout, they all mean the same thing. The most basic and most important of all presidential resources is capital... And capital is directly linked to the congressional parties. While there is little question that bargaining skills can affect both the composition and success of the domestic agenda, without the necessary party support, no amount of expertise or charm can make a difference.⁸

If Light's theory applies to governors as well as presidents, then the governor under divided government will develop a different agenda setting strategy from the governor under unified government. Under unified government, a governor can make a partisan appeal for his agenda and primarily work inside the system, provided his party maintains a majority within the legislature. The strategy has potential for success as long as the governor does not split his party support by stressing controversial issues. Lacking party support as a potential resource, a governor working under divided government must develop an alternative strategy, such as going public. As long as the governor can maintain popular support, his agenda will have a kind of legitimacy that as a governor of the opposite political party of the legislature he would not ordinarily have.

There are dangers, however, associated with a going public strategy of leadership. In his study of presidential leadership strategies, Kernell argues that going public is incompatible with bargaining. Kernell explains that in going public, issues are oversimplified, legislators are essentially threatened, little room is left for compromising, and "the legitimacy of other politicians" is undermined.⁹ In contrast, Rosenthal argues that governors often go

public in order to facilitate bargaining with the legislature.¹⁰ In the end, the governor's goal is to influence the legislature; the extent to which he is confrontational reflects his personality. This study will examine the styles and strategies of gubernatorial agenda setting in an attempt to see if divided government influences a governor's decision to primarily go public or work inside the legislative system.

Quantitative Measures of Divided Government

Researchers have made numerous attempts to measure quantitatively the impact of divided government. Studies have focused on the impact of divided government on nominations, treaties, the occurrence of high publicity investigations, and the use of vetoes.¹¹ Divided government was found to have little or no impact, except in the case of the executive veto. The problem that arises with analyzing vetoes, however, is that the number of times a veto is threatened is not included. In some cases, it is only necessary to threaten a veto for an executive to influence legislation. Therefore, the number of actual vetoes is an incomplete measure of the extent to which the veto power is exercised.

Other studies have explored the impact of divided government on legislative productivity.¹² If divided government produces gridlock, then it is reasonable to expect that fewer bills would be passed under divided government than under unified government. Using a rigorous methodology of both contemporary and retrospective evidence, David Mayhew identified 267 major laws and found that just as many important laws are passed under divided government (12.8 per segment) as under unified government (11.7 per segment). "What does not emerge...is any relation worth crediting between the incidence of important laws and whether party control was unified or divided."¹³

Kelly reexamined Mayhew's data and reduced the sample of legislation analyzed to only those policies considered both timely and enduring. Kelly found that divided government does matter. While an average 8.8 innovative laws passed under unified government, an average of 6.09 passed under divided government. According to Kelly's analysis, "about 30% fewer innovative policies are passed in Congress under divided government than under a united one."¹⁴

Two problems are raised in relying on legislative productivity as a measure of the impact of divided government. First, it is difficult to determine what is important or innovative legislation; different researchers have based their findings on different samples. Second, comparisons of legislative outputs have not explored how the demand for legislation varies over time. In attempting to address these problems, this study measured the legislative output of different state legislatures at the same point in time. The advantage of conducting research at the state level is that unified and divided government may be compared at the same point in time. Due to difficulties in obtaining information on large quantities of bills across states, however, the analysis includes the total number of bills passed without identifying important or innovative legislation.

Table 2 shows the legislative productivity of divided and unified government across states from 1990-1991. States with divided

Table 2: Legislative Productivity by Divided or Unified Government in the States, 1990-1991

	<u>1990</u>	<u>1991</u>	<u>Average</u>
<u>Unified Government (20 states)</u>			
Average Number of Bills Introduced	2212.0	2048.4	2130.2
Average Number of Bills Enacted	481.0	569.2	525.1
% Enacted	30.9	34.7	32.8
<u>Divided Government (29 states)</u>			
Average Number of Bills Introduced	2280.0	2475.4	2377.7
Average Number of Bills Enacted	415.8	437.6	426.7
% Enacted	31.4	23.8	27.6

Source: *Book of the States, 1992-1993 Edition*. Lexington, Kentucky: Council of State Governments and *The Almanac of American Politics, 1990*. Washington, D.C.: National Journal.
Note: The data includes regular sessions only. Nebraska is not included (nonpartisan legislature). The number of bills introduced is the combined total of both chambers of the state legislature.

government produced an average of 19% fewer bills than states with unified government. However, in terms of the number of bills passed as a percentage of the number of bills introduced, the difference was only 0.5% in 1990 and approximately 11% in 1991. There appears to be no consistent pattern suggesting an impact of divided government on legislative productivity at the state level.

An analysis of legislative productivity in the four states selected as case studies from 1945-1993 produced similar findings. As shown in Table 3, the number of bills passed during divided government was significantly less than during unified government in two states, Tennessee and Mississippi. However, more legislation was produced during divided government than during unified government in South Carolina. (Georgia has only experienced unified government).

Table 3: The Average Number of Bills Passed Per Year During Divided and Unified Government By State, 1946-1992

	Unified Government	Divided Government
Georgia	609 [45]	- [0]
Tennessee	358 [33]	449 [12]
Mississippi	552 [43]	605 [2]
South Carolina	632 [35]	404 [10]
Average	537.75	364.50

[] Number of Years

Source: *The Book of the States, 1945-1993 Editions*. Lexington, Kentucky: Council of State Governments.

A closer examination of the data demonstrated that when the period of divided government occurred explained why these patterns occurred. As illustrated in Figure 1, legislative productivity has gradually increased over time in Georgia and Tennessee, whereas in Mississippi and South Carolina, legislative productivity reached a peak in the 1970s, dropped significantly, and then leveled out. The trends in legislative productivity in each state have developed irrespective of divided or unified government.

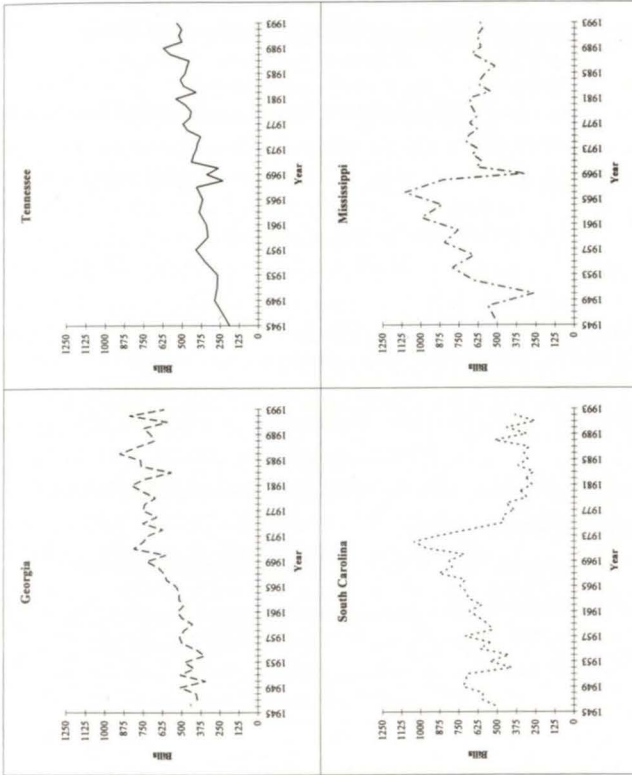
An analysis of vetoes at the state level also produced inconsistent results. As Table 4 shows, governors in states with unified government vetoed 25% fewer bills than governors in states with unified government in 1990. However, in 1991, governors in states with unified government vetoed 11% more bills than governors in states with divided government. In a comparison of the four governors selected as case studies, the two governors from divided government states, Fordice (R-MS) and Campbell (R-SC), vetoed an average of 17% more bills than the governors from unified government states, Miller (D-GA) and McWherter (D-TN).

Quantitative measures of legislative outcomes are problematic in determining whether or not divided government has an impact because they do not take into account the numerous factors that have influenced policymaking at different stages in the process. To explore the process more closely, this study has used a qualitative approach focused on agenda setting, the earliest formal stage of the policymaking process. How agenda setting takes place defines the opportunities for success in terms of legislative outcomes. The analysis of agenda setting reveals patterns of an impact of divided government on the strategies that governors use.

Gubernatorial Agenda Setting and Divided Government

In each of the four case studies, the following factors were examined: 1) the recent political history of the state (in order to help frame the political context in which the agenda setting process takes place), 2) the personal background of the governor, including his prior experience, style, and political philosophy, and 3) political factors,

Figure 1: Bills Passed by State: 1945 - 1993



Note: The Tennessee legislature only met during odd years until 1967. The Mississippi legislature only met during even years until 1967, while special sessions of the Mississippi legislature met on select odd years until 1967.

Source: *The Book of the States, 1945-1993 Editions*. Lexington, Kentucky: Council of State Governments.

Table 4: The Average Number of Vetoes Per Year By Divided or Unified Government in All States, 1990-1991

	Unified Government	Divided Government
Number of States	20	28
1990	21.22	28.33
1991	28.27	25
Average	24.75	26.67

Note: States not included are Nebraska (nonpartisan legislature) and North Carolina (no veto power).

Source: *The Book of the States, 1945-1993 Editions*. Lexington, Kentucky: Council of State Governments.

including the electoral outcomes, the governor's party support, his relationship with the legislature, and his public support. All unattributed quotes are taken from interviews conducted by the author during the spring of 1994. This paper summarizes the findings of this research, linking personal and political factors in explaining each governor's agenda setting strategy.

Zell Miller: The Hands-On Governor

Miller selects issues generally based on a realistic sense of what can and cannot be accomplished publicly and in the General Assembly. His knowledge of the General Assembly is a big factor here. Sometimes if you know you are going to do something that does not naturally coincide with the interests of some key committee, or the legislative leadership, you need to make a little more public noise. It is almost always based on a very painstaking member by member assessment of where key legislators are likely to be and what buttons to push.

-Ed Kilgore, policy advisor to the governor

Zell Miller has enjoyed having party support as an important source of political capital. As a professional politician, he knows how to work the legislative process as an insider. He is a goal-oriented, hands-on governor. Miller understands how to build a consensus, although his style is geared towards confrontation.

In terms of selecting the items on his agenda, both major issues and specific policy alternatives, Miller is pragmatic. As Frank Bates, a policy advisor to the governor, explained,

We try to do our homework and see which way the wind is blowing on a particular issue. If people are interested in crime, we do a poll to see what people want. We certainly want to give the people what they want.

Miller is good at selecting policy alternatives that are popular among the public. Staff members explained that by picking issues that are popular with constituents, Miller has increased his support in the legislature. For example, in 1994 Miller decided to push "Two strikes and you're out," as opposed to the nationally proposed "Three strikes and you're out," policy for sentencing violent offenders on his 1994 agenda. According to Rick Dent, the governor's press secretary,

It is a nice little baseball analogy and everyone can understand it. That subject came up, and the governor said, and this is where he really thinks like real people, he said, 'You know, how do you explain that you are going to give a violent criminal three times to rape somebody? How do you justify giving somebody three times to molest children? I was raised by my mom who said everyone is entitled to a second chance, everybody makes mistakes, but not a third.'

Miller tries to maximize success by developing his agenda incrementally. For example, on the lottery issue, achieving success meant postponing until 1992 the enabling legislation that would determine how the lottery would be run and how the money would be spent. Miller did not want to risk losing the lottery in a battle over how the funds would be used. In his first legislative session, the highest priority on his agenda was a constitutional amendment allowing the voters to decide whether or not there should be a Georgia lottery. As Ed Kilgore, a policy advisor to the governor, explained, "To a large extent, what he does this year has been predetermined by what he has done in previous years." Another example includes Miller's campaign pledge to build boot camps for nonviolent offenders. As Kilgore explained,

If you look at that over his entire four years you will see a consistent pattern. Establishing boot camps made it possible this year to go after tougher mandatory sentences for the most violent repeat offenders. We've adopted two strikes and you're out. It all kind of fits together—ending the early release program, building prisons, providing boot camps, and then having the prison space available.

Another important part of Miller's strategy has been to prioritize his issues. As Bates, a policy advisor to the governor, explained,

There are a lot of issues that he has. You try to manage three or four key issues and try to do them well. If you take on a whole host of issues, you can't manage

them properly. He goes through a selection process. Which is most important? Which will bring more comfort to the people of this state? What do the people want most? We try to push those particular issues. He has learned to take on issues that are most important to the people of this state and do them well, instead of taking on a whole armful and not being able to manage them as well.

As journalist Tom Baxter explained, "In terms of what he will go to the wall for, you only have to look at legislative records to see that he has really focused on a few things." According to Representative Bob Holmes (D),

He's a master at agenda setting. He has a knack of taking one or two issues that are really going to be his primary thrust and that's what he tends to concentrate on, which I think is a much more effective way than to have a Christmas list, so to speak, of a dozen different issues. That way, on an education issue like the lottery, he can put more capital working to try to get that and maybe one or two other issues. So I would say he is very good at that; in focusing his efforts he's able to accomplish a great deal more.

Once Miller decides what he wants to do, he is forceful about getting what he wants. As Steve Wrigley, the governor's executive secretary, described, "He lays it down very clearly, 'This is my agenda, this is what I want, and this is how I want you to help me do it.'" The governor appears to have a great deal of influence, and he understands the legislative process. As Wrigley explained,

The legislative body has 236 members, and you might have that many separate agendas. If the chief executive strikes off in a direction that makes sense from a policy standpoint—if it is politically popular, makes sense to the members, and it's clear what he is trying to achieve—then he'll get it. Miller understands that it is really a communication issue.

Miller is very effective at "standing tall," providing leadership and direction to the legislature.

According to Representative Bob Holmes (D), Miller "is very aggressive and very assertive. I hate to say this, but he sort of has a 'take no prisoners' kind of attitude. To a certain extent he is almost too inflexible." For example, Miller was very confrontational in proposing to change the state flag. As Frank Bates, a policy advisor to the governor, explained, "If he always tried to do what was politically correct, he would not have touched trying to change the flag." Miller had a strategic reason for pursuing the flag issue. Not only was he appealing to a national audience, but he used the flag issue on the one hand to balance welfare reform on the other. As Representative Bob Holmes explained, "I think he wanted to show conservatives that he was willing to do something on welfare reform, and he wanted to show liberals that he wanted to do something in terms of a social issue like the flag."

According to journalist Tom Baxter, "He probably hurt himself politically more than he thought he would." Miller pushed the issue in 1993, admitted that he had failed, and moved on to other issues. He remained committed to the idea of changing the state flag; however, other priorities needed his attention. In addition to the flag, Miller has had to fight for DUI legislation and welfare reform. As Cynthia Wright, legal counsel to the governor, explained, Miller has pushed some tough issues, and "even though we've had a Democratic majority and we've enjoyed that, it is not a bed of roses around here."

Miller governs using a carrot and a stick, and as party chairman, there are a number of sources of leverage that he can use over legislators. As a professional politician, Miller knows when to be confrontational without risking his chances of success. The tremendous amount of party support that he has, combined with his political skills and experience, help to explain his "inside" strategy and his confrontational style. In sum, the presence of unified government has been an advantage for Miller.

Ned McWherter: The Speaker as Governor

To understand McWherter you need to begin by understanding that he is a product of the legislature.

Because he was a product of the legislature, he brought to the governor's office a belief that the executive branch should establish a small number of priorities, work to implement those priorities, and for the most part leave the remainder of the issues to the legislature without the governor's interference.

-Billy Stair, executive assistant for policy and planning

Ned McWherter's basic philosophy is that a governor should focus on a few things and do them well. While there are legislators who probably want the governor to take on more issues, McWherter has tried to maintain his focus. As Billy Stair, the governor's executive assistant for policy and planning, explained,

We don't go down there and take a position on every bill. There are a whole range of issues like whether you can have an open beer in a car, or whether people can legally be permitted to carry guns, or smoking in government offices. We don't care about those issues because they do not, in our opinion, relate to that big picture of economic development in Tennessee. We let the legislature do their thing, and they've been supportive of letting the governor do his thing. It's worked.

McWherter chose to focus on a limited number of priorities, because, as he explained, "If you don't prioritize your issues, you'll end up trying to do everything and won't accomplish a great deal." As Betty Haynes, the governor's chief administrative officer, described, "Governor McWherter does not like to get sidetracked." In describing his philosophy, McWherter explained,

I govern with my eyes focused on the basic needs of Tennesseans, to improve the quality of life through a better education and a health care system, and to get people jobs. I keep my target out there in front of me all of the time. I've got two philosophies: plan your work, and work your plan.

McWherter's style is inclusive; he works with the legislature in developing his agenda. He likes to "ease along," slowly developing a consensus on each issue. He keeps legislators informed, meeting one-on-one with them, and bouncing ideas around to build a consensus before he takes a public stand. He is the classic example of Rosenthal's "legislative" governor. Once McWherter formally proposes an initiative, he defers to the legislature, asking legislators to refine and perfect his proposal. As Representative H. E. Bittle (R) described McWherter's strategy, "He's left a lot of the major decisions up to the legislature. Like education reform. He endorsed it and promoted it. But the package he presented to us, we changed and improved, with his encouragement." Ken Renner, the governor's press secretary, explained, "We had to do certain things to build consensus. When we began talking about education reform, we watered a lot of the ideas on it to come from the ground up." As David Gregory, the governor's director of legislative affairs, described the process,

It was a coalition type deal where you had Republicans and Democrats alike in working hard. They took the bill that we introduced in the legislature, hammered out amendment and amendment, worked on it this way and that and truly made it a better bill than we had put in. But it was able to pass in a way that people felt like they had a chance to participate. Everybody was happy.

McWherter was able to build a consensus by developing the issue incrementally. As Renner explained, "We wanted to improve teacher salaries early on, realizing that he had to do that before we could get the teachers' approval for other improvements outside of salaries." Likewise, McWherter ensured that more prisons were built before proposing "Three Strikes and You're Out" in 1994. So in selecting specific policy alternatives, McWherter has been pragmatic.

Overall, McWherter's strategy has been to maximize his strengths by focusing on the legislature. In setting the agenda, his instinct has always been to go to the legislature before going to the public. As Ken Renner, the governor's press secretary explained,

My instinct is to get a lot of public support first before going to the legislature; his instinct is the exact opposite. He will go directly to them. Often on a major policy, like education reform or health care reform, we will schedule a speech to the legislature to try to set the tone for the issue and how it is framed. Then we will follow with a lot of information to the legislature and to the media. His style has always been to go first to the legislature.

As Representative H. E. Bittle (R) explained, "He's used the legislature because he understands how it works. He knows how to reach consensus. I think his understanding of the system and working the system to the maximum to his advantage have served him well." Jim Kennedy, deputy to the governor, agreed: "He is a consensus builder. You can sail against the wind, but it doesn't really work that way."

McWherter's prior experience as Speaker of the House for 14 years has aided him tremendously in his role as consensus builder. Not only did he acquire a unique perspective on the long term development of the issues, but he understands who the major players are. McWherter also has a number of long-time friends in the legislature, and many of the current leaders were put in place when McWherter was in the legislature. As a professional politician, McWherter is skilled at bringing together opposing factions from both parties.

Unified government has been an advantage for McWherter. He has enjoyed the security of a substantial amount of support from his party, which has also allowed him to maximize his strengths. According to Ken Renner, the governor's press secretary,

Management is really his strong suit. He knows the numbers, he knows the details, he's been in state government so long that he can sit down with a commissioner and ask him not only how a program is doing, but how Joe is doing in that program. His strong suit isn't going on television and giving great speeches and that kind of thing. What we have tried to do is to maximize his strengths, to find out what he does best and build his administration or style around doing what he does best. You can't completely hide from the public and be a manager down in the bowels of state government

A long time back on first grade report cards there was a little spot on the back, 'he plays well with other children.' Well, when you get in politics, and in a leadership position, that remark is the first thing—lesson 101—in working government to an ultimate end. Governor Fordice actually hired someone to help him with 101, because of his completely different background. So he has changed. He was just too bold; he made remarks to start with that were unnecessary. After he toned that down, he was able to work better with the legislature.

Fordice was reluctant to become involved in the legislative process. He outlined his agenda in his state of the state address and expected the legislators to come up with bills that reflected his agenda. As Jody Tidwell, administrative assistant to the lieutenant governor, described Fordice's style, "He leads by example. He's not a leader who gets down there and works with you; he's a man that leads by example and with a strong hand." Geoffrey Yoste, policy advisor to the governor, agreed: "He's kind of adversarial at times. 'This is how we're going to do this and this is how it is going to be.' He leads by example. He proposes and the legislature disposes." For the most part, Fordice chose to communicate with the legislature through his staff, outlining goals but leaving the legislative process to the legislators. Fordice is a good example of Rosenthal's "executive" governor. He likes to keep his relationships professional and prefers not to socialize with legislators. "He's there if they want to talk substance with him. He wants to have a good relationship, but it's all business as opposed to just public relations," explained Geoffrey Yoste, a policy advisor to the governor.

As a political amateur, Fordice needed time to develop an effective strategy. According to Andy Taggart, the governor's chief of staff,

He [Fordice] saw that simply presenting to the legislature what made perfect common sense to him and seemed to reflect the mandate of the voters was not enough. We had legislators come into the governor's office waving 50 to 70 pink slips of people who'd called. Those people didn't just

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somewhere and expect to be successful, but you have to maximize your own ability to do those things that you do well.

McWherter is a professional politician who understands the importance of personal relations in the legislative process. He goes out of his way to make the legislature an equal partner with the governor. Clearly, unified government has been an important source of political capital for the governor, contributing to his good relationship with the legislature. As a product of the legislature, he knows how to work the system and to build consensus. He keeps the legislature informed and always takes his recommendations to the legislature before taking a public stand. He has been inclusive and accessible in his style as a "legislative" governor. As a result of unified government, McWherter was able to capitalize on the skills he developed as Speaker in developing an agenda setting strategy that focused primarily on the legislature.

Kirk Fordice: The Chief Executive Officer as Governor

After six months Fordice got his 'sea legs.' Being a CEO of a state government and being a CEO of a private business are very different things. In his business he could say to one 'Go' and he went and to another 'Come' and she came. But government doesn't work that way. The give and take of the legislative process has caused him to grow immensely.

-Andy Taggart, chief of staff

Lacking prior political experience, as governor Kirk Fordice has drawn from what he learned in the business world. He entered office intending to run the state of Mississippi like a business. However, he soon realized that a CEO of state government is very different from a CEO of a business. Senator Walter Graham (D) used the analogy of a first grade report card to grade Fordice's performance:

rise up one day and decide to call their legislator. There was a hard network in place. Our goal is to have a true grass roots organization so that when a [Fordice-supported] bill is two days away from a vote next February, we can call our 20 people, who then call their chairmen, who then call their six or eight or ten precinct chairmen.¹⁵

Fordice realized that by going public, he could generate support for his agenda that would give him influence in the legislature. TEAMississippi, announced at the Neshoba County Fair in 1992, became the grassroots organization envisioned by the Fordice administration.

The TEAMississippi organization set up a 1-800 number for citizens to call and receive information on who their legislators are, where to reach them, when the legislature is in session, and what issues are being debated. In addition, TEAMississippi provides a phone tree that can be activated in support of the governor's bills. The strategy was developed as a way to tap into the governor's public support, since Fordice did not feel that the media was a tool that he could rely on. As John Arledge, Fordice's Director of Communications, explained, "We have a very liberal newspaper here in Jackson and there has been a lot of tension between the governor's office and this paper. So we can't exactly say we have some media buddies that are helping us push the governor's agenda."

TEAMississippi provided a means to translate Fordice's public support into political capital. After announcing TEAMississippi in August of 1992, Fordice initially recruited about 7,000 people. By the 1994 legislative session, there were more than 15,000 registered members. Once the TEAMississippi agenda is announced in August, the list is narrowed to a few issues that become the governor's priorities. As Andy Taggart, the governor's chief of staff, explained,

We could not have realistically pursued 12 major subject areas and the three or four sub-items in each of those areas over the course of a 90 day session. We couldn't have devoted the resources, nor would we have given appropriate attention to the issues that were most important to us. So we broke the TEAMississippi agenda down into a much more practical listing so that the

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governor could focus on three key issues each year, and that's what we identified in the state of the state address.

Fordice has learned that by focusing his agenda, he can maximize his potential for success. As John Arledge, the governor's director of communications, explained, "By announcing the agenda six months in advance of the legislative session, you really have time to work on it."

Despite his minority party status as governor, staff members insisted that Fordice does not consider what the legislature is likely to pass when he decides on what to focus. According to John Arledge, the governor's director of communications, "It's not a big factor in his decisionmaking whether the legislature is for it or against something. And that is really part of his appeal; he's a very obstinate man." For example, as Arledge explained, "We've pushed term limits all three times. We don't need any political feelers to tell us that the legislature will not pass term limits, but nonetheless, the governor sees that as a high priority and will continue to push on it." Jeanne Forrester, a policy advisor to the governor, said that Fordice "does not consider the legislature's reaction, and I would say that there are a number of issues we end up fighting for. But the staff as a whole has gotten a lot more savvy about what works to move our agenda." As a reporter explained, "Fordice never would have gone with a tax cut, for example, if he wanted to pick something easy to pass. He knows what he wants, and he goes for it."

Fordice is straightforward about what he wants; he tries to keep legislators informed and to be accessible to them. He is committed and passionate about his ideas, but he does not tend to invest himself personally in pushing his agenda through the legislature. He becomes involved when he feels it is critically necessary; otherwise, he delegates the job to his legislative staff. The problem with Fordice's strategy, however, is that TEAMississippi is a set of very specific policy alternatives. For example, Fordice does not try to build support to "do something" in the area of education. He outlines proposals for local option public school choice, performance pay for teachers, and mandatory caps on administrative spending. In all five or six issue areas he addresses each year through TEAMississippi, he does not paint the big picture; he lays down the specific policy alternatives that he supports. While it is important that Fordice outlines his priorities,

by committing to specific alternatives at the agenda setting stage, not much room is left for compromise during later stages of the legislative process. Fordice demonstrates the dangers of what Kernell terms "posturing."

Rosenthal describes the governors who are "executive types," explaining that "they stand on principle and are not reluctant to scrap with the legislature or go over the head of the legislature to the press and people."¹⁶ Lacking party support as a resource and frustrated after his first few months in office, Fordice went over the heads of legislators to make a direct appeal to the people for support. Through the establishment of TEAMississippi he developed a mechanism for tapping into his public support and articulating his agenda. As an amateur, Fordice has had to learn through trial and error how to deal with a legislature controlled by the opposite party. Although he could potentially draw from a broader, ideological base of support, Fordice is not the type of governor who tries to build coalitions through constant compromise. Fordice is strong in his convictions and confrontational in his approach. In this case, the presence of divided government seems to have exacerbated the naturally adversarial relationship between the governor and the legislature in Mississippi.

Carroll Campbell: The Salesman as Governor

He's always looking for what fits his ideological agenda. That's probably the first screening. What does he, as a conservative Republican, need to say about a particular issue. Then he asks, well, is that good policy? Does it make sense? Can we afford it? How is it going to be received in the legislature and in the general public? A lot of it is trying to find the trains that are already moving. It is not that often that we originate an issue out of this office; normally it is something that has been bubbling up and is already being talked about. We try to figure out if it is important enough for him to include in his agenda. Cost is always a big consideration, but so is the public's perception. Once he says there is an issue that he thinks is important, we do a lot of research to figure out what the legislative leadership thinks about it, whether we are likely to get anywhere with it, what the press is going to say, all

those kinds of things.

Janice Trawick, executive advisor for education

As a professional politician Carroll Campbell understands the limits of his role in agenda setting and has attempted to select issues and focus on priorities that maximize his success. As governor, Campbell has demonstrated an acute awareness of and sensitivity to political capital and how it is expended. Campbell believed that the issues he put on his agenda early in his term would define the limits of what he could do later in his term. As Tucker Eskew, the governor's press secretary, explained,

We started out with a narrow election victory in 1986 and a Republican governor going into a traditionally Democratic legislature. There was a sense that there was a need to develop early political capital, focusing in the agenda and establishing some clear points of reference for people to say yes, Carroll Campbell is a go-getter, an achiever.

For example, Campbell chose to focus on economic development because he could achieve success without necessarily going through the legislature. He used his experience as a successful businessman to become South Carolina's salesman. The strategy worked. As Graham Tew, a policy advisor to the governor, explained, "We were lucky in that he was able to deliver some good things in economic development, which gave him credibility." As Eskew elaborated,

We had a number of high-profile announcements of corporate locations and new investments into the state early in the first six to eight months in 1987—projects that the governor got involved with and helped bring to fruition very quickly. He had campaigned largely on the issues of economic competitiveness and how South Carolina needed to rewrite its tax code, reconsider its incentives, and focus more on diversification of our economy. He was able to follow up on that pledge in the campaign with early victories in economic development.

While there were some economic development initiatives that required legislation, Campbell's energies were focused on recruitment of industry. As Eskew explained, "We had the legislature involved, but the higher profile activity of going out and recruiting industry and traveling the globe was seen as Carroll Campbell's activity." Graham Tew, a policy advisor to the governor, explained that a conscious decision was made not to define the governor's success in terms of legislation:

We don't define ourselves simply by how much legislation we pass. We have had almost \$20 billion of new investment in the state since Carroll Campbell became governor. That has been because he travels all around the county, all around the world, all through the state, talking expansion and bringing in new companies.

By placing less emphasis on legislative achievements, Campbell attempted to prevent the legislature from defining whether he was successful or not. And by winning early successes in economic development, Campbell accrued capital that allowed him to expand his agenda.

In choosing his priorities, Campbell tries to focus on substantive issues that will have the most impact on the future of South Carolina. As Campbell explained,

I have expended capital on the things that I thought were important more from a 'macro' standpoint of the future of the state as opposed to the 'micro' type of issue where it might involve an individual appointment or something like that. Most of them are broader issues that have to do with the whole state, not singular issues that are very isolated or controversial.

According to Campbell, political capital is wasted on symbolic issues. For example, according to Mark Elam, the governor's senior executive legal counsel, Campbell would never touch an issue such as the changing the Confederate flag. As Campbell explained,

Sometimes the hottest issue that you find is the most controversial thing—a symbolic issue instead of a substantive issue. And people get all jacked up over symbolism, but I don't burn a lot of capital on symbolism. I get criticized sometimes for it. I could take on every symbolic fight that comes along, but in the end, you don't accomplish anything one way or another. I want to take on a substantive fight that really is going to mean something.

Campbell becomes involved only on the issues of major importance to him, a strategy that maximizes his political capital within the legislature. As William Gunn, a policy advisor to the governor, explained,

The legislature recognizes that Carroll Campbell is not an individual who latches on to every issue and tries to push through every microscopic bill that goes across but he does become energetic about the important initiatives that are the framework of what he wants to do in his administration.

In Representative H. Howell Clyborne's (R) description, "Campbell tends to move in bold, reform-oriented steps, and it is so comprehensive that it tends to span years." Campbell has been very careful to focus his energies behind a manageable set of priorities, maximizing his resources in order to obtain success on the issues that he considers most important.

Campbell's strategy also involves going public. Because of divided government, party support in the legislature is insufficient to guarantee acceptance of Campbell's agenda. To gain additional influence and sell his agenda, Campbell has taken his message to the public. Campbell is an effective public speaker, a very polished and professional politician who understands the benefits of going public. Graham Tew, a policy advisor to the governor, explained how, saying,

We always said we would go over the heads and go straight to the people, and we did that in a number of ways—the governor moving around the state and speaking directly to the people, lots of news conferences, lots of contact—a very, very focused press operation to mold

public opinion through the press. We had the best messenger in the state. We understood how to use the tools we had to communicate what we were about to the public, and that's how you build political capital. If you are popular with the public, that translates eventually back upstairs to the legislators, because they want to do what their constituents want them to do.

If successful, a going public strategy will generate support within the legislature. As Representative David Wilkins (R) explained,

He [Campbell] is very articulate and he is good in front of a camera. He uses those abilities to generate support for his beliefs and his issues, and that in turn can equate into support in the general population which legislators feel and which influences them to support his issues. I think he uses his ability to speak and his ability to get his message through the media to become very effective. I think that has been his most effective tool, probably more so than his ability to sit down one on one with people and work things out. He can sell his message to the people, and if you can do that, you ultimately get what you want.

Campbell is also sensitive to the limitations of a going public strategy. When he does make an appeal to the public, he does not criticize the legislature, and he does not lock into a specific policy, leaving room on stage for legislators to have a part in the show. Campbell uses a going public strategy to facilitate opportunities for bargaining and compromise.

Campbell understands the importance of making legislators feel like they are involved in the process. Campbell knows what he wants, but he does not try to force his agenda on them. He sets the direction and then allows the legislature to play a part in the final course. For example, while education has been on his agenda throughout his administration, he has framed the issue in terms of general goals and not specific programs. Thus, a Democratic legislature that had typically dominated this issue area was still included in the process. As a Columbia reporter explained, "At the outset he offers what he wants. He knows where he is willing to draw the line. He doesn't reveal that

in the beginning, but he knows what he is willing to give up to get what he wants." Representative H. Howell Clyborne (R) agreed, explaining that "once Campbell decides on what he thinks is the right thing to do, he goes with it. But he is very good at determining what the bottom line will be."

Although Campbell has pursued an active agenda consistent with his conservative philosophy, legislators argue that certainly there were things Campbell did not even try because of divided government. Representative Clyborne explained,

There continues to be a very definite philosophical difference between Democrats and Republicans. That does affect things. If you have a governor's mansion controlled by the same party, there's just not that check there. The effect is probably not quantitative, but it is a qualitative difference because there are a lot of perceptions about getting things through and who gets what passed. So a lot of times you may think about introducing something, but you know good and well that it is never going to pass. So to keep from being publicly defeated, you just don't introduce it. That's what the difference is. You temper what you put out based on the audience that is there.

According to Graham Tew, a policy advisor to the governor, "If we had a Republican majority, we would have done a lot more on auto insurance reform, tort reform, and things of that nature." Mark Elam, the governor's senior legal counsel, also described the impact of divided government, saying, "Under divided government, you don't get everything you want. You have to make more compromises, you have to be much more cooperative, and it is not easy." Campbell is extremely sensitive to his political capital, and the process by which he selects issues would suggest that there are issues, or specific policies, that he chose not to pursue. Campbell is a professional politician who understands the limits of his role and the consequences of his actions. He carefully selected issues and focused on priorities that would maximize his success. And where he could, he attempted to address issues nonlegislatively.

Campbell's strategy of agenda setting has been a combination of building capital, focusing his priorities, and using the bully pulpit to take his message to the public. He strategically chose a limited number of agenda items early in his term in order to maximize success. At the outset he is confrontational about the issues he thinks are important, but he always leaves room for consensus and compromise.

Divided government has had a significant impact on Campbell's strategy. There was not a strong enough base of party support for Campbell to rely on, nor did he enter office with an electoral mandate to pursue a specific agenda. Therefore, Campbell had to create political capital. Capitalizing on his talents in public relations, Campbell took his message to the people. And drawing from his experience as a businessman, he became South Carolina's chief salesman. Campbell's success in these nonlegislative activities combined with his sustained public support ultimately gave his agenda credibility within the legislature.

Conclusion

By focusing on the state level, this study has tried to expand our understanding of the impact of divided government. Does divided government produce gridlock, or is there no discernible impact on the policymaking process? In applying the competing theories of the impact of divided government at the national level to the states, several issues were raised. First, the use of quantitative measures of the impact of divided government was found to be problematic. The focus on legislative outputs, such as the number of bills passed, masks the impact of divided government at earlier stages in the policy making process. If governors seek to maximize their success through anticipating the reactions of the legislature, then there should be little or no difference in the number of bills passed by the legislature. This study first analyzed quantitative measures of outcomes under divided government at the state level similar to those used at the national level by Mayhew and Fiorina. It then shifted the focus to an earlier stage of the policy process, agenda setting, using a more qualitative approach.

Divided government helps to explain a governor's choice of strategy in agenda setting, influencing whether he will work primarily within the system or go public. However, a combination of other factors also affect the agenda setting process. Through the use of interviews, this study has been able to pinpoint the resources that governors in different political contexts consider important.

According to Light's study of presidential agenda setting, political factors are the most important in agenda setting. In applying Light's theoretical framework at the state level, the key difference between governors in divided versus unified government is the amount and the source of their political capital.

Table 5 summarizes the political capital of the four governors included in this study. The major difference between the governors is party support. The two governors from states with unified government, Miller (D-GA) and McWherter (D-TN), were both elected with overwhelming Democratic majorities in the state legislature. In contrast, the two governors from states with divided government, Fordice (R-MS) and Campbell (R-SC), were both elected with a small minority of the seats in the legislature held by their party.

The governors also differ in the amount of public support each has had over time (See Table 5). In the states with unified government, Miller (D-GA) has had an average of 45% positive approval rating and McWherter (D-TN) has had an average of 50%. In contrast, both governor's from divided government have sustained higher positive approval ratings. Fordice's average approval rating has been 56%, with a high of 72%, and Campbell's has been 64%, with a high of 75%. Realizing that they did not have a base of party support to rely on, both the governors from divided government states have tried to use public support to increase their influence. Their substantially higher approval ratings reflect the efforts that they have made to cultivate public support.

Differences in the source and amount of political capital help to explain the strategies the four governors have used in agenda setting. In setting the agenda, governors tend to emphasize one of two basic strategies: 1) working inside the system, appealing to party members for support, or 2) working outside the system, basically going over the heads of legislators to the public for support. To maximize success,

Table 5: The Political Capital of Selected Governors

<u>Governor</u>	<u>Prior Experience</u>	<u>Electoral Outcome</u>	<u>Public Support</u> (Average)
Zell Miller (D-GA) 1991-1994	Academic, Business GA Lt. Gov., 1974-1990	governor won 53% 80% Dem. maj. in House 83% Dem. maj. in Senate	45% high 54% low 40%
Ned McWherter (D-TN) 1987-1994	Business TN House, 1969-1986 (Speaker, 1972-1986)	governor won 54% 63% Dem. maj. in House 70% Dem. maj. in Senate	50% high 64% low 40%
Kirk Fordice (R-MS) 1992-1995	Business	governor won 51% 15% Rep. min. in House 17% Rep. min. in Senate	56% high 72% low 42%
Carroll Campbell (D-SC) 1987-1994	Business SC House, 1970-1974 SC Senate, 1976-1978 U.S. House, 1978-1986	governor won 51% 26% Rep. min. in House 20% Rep. min. in Senate	64% high 75% low 59%

Source: Compiled by author

governors will employ both strategies. Going public is not necessarily incompatible with bargaining. However, whether or not there is divided government influences which of the two strategies will be the primary focus of the governor. In this study, the two governors under unified government have relied on the first strategy, while the two governors under divided government have emphasized the second strategy.

The strategy a governor uses, whether he will make primarily a party appeal or a public appeal, depends on the major source of his political capital. While certainly all governors appeal to both their party and the public for support, when the governor's party controls only a small minority of the seats within the legislature, public support takes on a much greater importance. Conversely, when the governor has substantial party support, public support is important, but not as necessary.

In addition to the basic type of strategy that a governor will use in agenda setting, governors have different styles. The styles range from confrontational to conciliatory and reflect the governor's personality and background to a greater extent than the political context of divided or unified government. In the two states with unified government, both McWherter and Miller have extensive prior political experience and have used the same strategy of pursuing an agenda that attracts their party support. Yet these two governors have very different styles. Miller tends to be confrontational. He sets his agenda and then pressures legislators to support him. He pursues issues that have both legislative and public support, so he can afford to be confrontational without jeopardizing his party support. On the other hand, McWherter tends to be very conciliatory. He has mastered the art of consensus building and avoids confrontation whenever possible. For the most part, he only pursues issues that have developed enough support to achieve success.

In the states with divided government, Campbell and Fordice have both pursued going public strategies. However, their styles are also very different. As a professional politician, Campbell understands when he needs to be confrontational and when he needs to be conciliatory. He believes that as a Republican governor in a Democratic state, he has to be somewhat confrontational. But in the end, Campbell is always willing to work with Democrats and compromise to achieve his goals. In contrast, as an amateur politician, Fordice has been more confrontational in his approach. He is less willing to compromise and even appears somewhat frustrated by the political process. He has learned while serving as governor, however, and over time his style has become more similar to that of Campbell.

In conclusion, although divided government does not produce gridlock or stalemate at the state level, it is not without impact on governing. Divided government affects the strategy that a governor uses in setting the agenda. With party support as a source of political capital, a governor is likely to work within the legislature and appeal to his party for support. Without party support to count on, a governor is likely to put more emphasis on obtaining public support for his agenda. Whether a governor is more conciliatory or confrontational, however, reflects his personality and his prior experience. Gubernatorial agenda setting is best explained by the interaction between a variety of personal and political factors.

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Endnotes

1. Benjamin Ginsberg and Martin Shefter, *Politics By Other Means* New York: Basic Books, 1990, p. 161.
2. David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990* New Haven, Connecticut: Yale University Press, 1991, p. 76.
3. See Morris P. Fiorina, *Divided Government* New York: Macmillan Publishing Company, 1992 and Sean Kelly, "Punctuated Change and Era of Divided Government," in Lawrence C. Dodd and Calvin Jillson, eds. *New Perspectives on American Politics* Washington, D.C: Congressional Quarterly Press, 1994.
4. See *The Book of the States, 1994-1995* Lexington, KY: Council of State Governments; E. Lee Bernick, "Gubernatorial Tools: Formal vs. Informal," *Journal of Politics* 40 (1979): 656-664, Luther F. Carter and David S. Mann, eds. *Government in the Palmetto State* Columbia, S.C: University of South Carolina Bureau of Governmental Research and Service, 1983; Mary DeLoise Coleman, *Legislators, Law and Public Policy: Political Change in Mississippi and the South* Westport, CT: Greenwood Press, 1993; Nelson C. Dometrius, "Changing Gubernatorial Power: The Measure vs. Reality," *Western Political Quarterly* 40 (1987): 319-328; Eric B. Herzik and Charles W. Wiggins, "Governors vs. Legislatures: Vetoes, Overrides, and Policy Making in the American States," *Policy Studies Journal* 17 (1989): 841-862; and Dale Krane and Stehen D. Shaffer, *Mississippi Government and Politics* Lincoln, NE: University of Nebraska Press, 1992.
5. As a result of the South's history of one party dominance, the Republican party has traditionally had a smaller pool of politically experienced candidates in the South. See Marie Marmo Mullaney, *Biographical Directory of the Governors of the United States, 1988-1944*, Westport, CT: Greenwood Press, 1994; Robert Sobel and John Raimo, eds. *Biographical Directory of the Governors of the United*

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States, 1789-1978, Vols. I-IV Westport, CT: Meckler Books, 1978; and Michael Barone and Grant Ujifusa, *The Almanac of American Politics* 1980-1992 editions, Washington, D.C: National Journal. However, as the Republican party increases strength within the South, the number of amateur Republican candidates decreases. As a result, the distinction made here between amateurs and professionals will become less significant.

6. Alan Rosenthal, *Governors and Legislatures: Contending Powers* Washington, D.C: Congressional Quarterly Inc., 1990, p. 73.

7. Paul C. Light, *The President's Agenda: Domestic Policy Choice from Kennedy to Reagan* Baltimore, Maryland: John Hopkins University Press, 1991, p. 27.

8. Light, *The President's Agenda: Domestic Policy Choice from Kennedy to Reagan*, pp. 25-26.

9. Samuel Kernell, *Going Public: New Strategies of Presidential Leadership* Washington, D.C: Congressional Quarterly Press, 1993, p.4.

10. Rosenthal, *Governors and Legislatures: Contending Powers*, p.108.

11. See Gary Copeland, "When Congress and the President Collide: Why Presidents Veto Legislation," *Journal of Politics* 1983: 696-710; Morris P. Fiorina, "Divided Government in the States," *PS: Political Science and Politics* 24 (1991): 646-650; Eric B. Herzik and Charles W. Wiggins, "Governors vs. Legislatures: Vetoes, Overrides, and Policy Making in the American States;" Jong Lee, "Presidential Vetoes from Washington to Nixon," *Journal of Politics* 37 (1975): 522-546; David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990*; David R. Mayhew, "Divided Party Control: Does It Make a Difference?" *PS: Political Science and Politics*, 24 (1991b); 637-640; David Rhode and Dennis M. Simon, "Presidential Vetoes and Congressional Response: A Study of

Institutional Conflict," *American Journal of Political Science*, 29 (1985): 397-427; and Charles Wiggins, "Executive Vetoes and Legislative Overrides in the American states," *Journal of Politics* 42 (1980): 1110-1117.

12. See Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990*, and Sean Kelly, "Punctuated Change and the Era of Divided Government," in Lawrence C. Dodd and Calvin Jillson, eds. *New Perspectives on American Politics* Washington, D.C: Congressional Quarterly Press, 1994.

13. David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990*, p. 76.

14. Sean Kelly, "Punctuated Change and the Era of Divided Government," in Lawrence C. Dodd and Calvin Jillson, eds. *New Perspectives on American Politics*.

15. Sarah C. Campbell, "Aide Says Fordice Leaves Lawmaking Up To Lawmakers," *Clarion Ledger*, February 23, 1992, A1.

16. Rosenthal, *Governors and Legislatures: Contending Powers*, p. 74.