

Since receiving my Ph.D. in 2003, I have focused on two questions central to the evaluation of representative government in the United States. My earliest work evaluated the relationship between the opinions of citizens and the behavior of elected and non-elected government officials. More recently, my work has concentrated on the determinants of major statutes and statutory change (i.e., lawmaking). Below I describe the intellectual trajectory of my research and highlight the primary contributions of these two research projects. I also discuss the direction of my current scholarship.

I. Measuring Preferences and Assessing the Representation of Public Opinion by Political Elites

The central question in democracy is whether the actions of the state reflect the preferences and beliefs of citizens. The focus of several of my papers is the extent to which elected and non-elected officials in the United States government undertake actions that are consistent with public opinion. Given the obvious importance of this issue, a large literature in political science focuses on the measurement of the policy preferences of officials and citizens to evaluate the relationship between the two. In a series of papers, I advance the literature in two important ways. First, I develop an alternative measurement of preferences that has several important advantages over existing measures. Second, I conduct a theoretically-informed investigation of whether members of Congress vote in accordance with constituency opinion using a much more expansive set of measures than the rest of the literature.

Evaluating the relationship between the preferences of constituents and the behavior of elected officials requires good estimates of both actors' preferences. In my 2004 *American Political Science Review* article (with Simon Jackman and Doug Rivers), "The Statistical Analysis of Roll Call Voting: A Unified Approach," I present a statistical model that uses observed voting behavior by members of the U.S. Congress to characterize their policy preferences. The resulting measures are similar to those produced by previous methods of analyzing roll call behavior such as NOMINATE (Poole and Rosenthal 1997), but we make two important contributions. First, our model is straightforward to implement and can incorporate additional information about legislators' preferences or legislative proposals. Not only do these features facilitate the development of alternative models – some of which I develop in other papers – but it also allows scholars to adjust and adapt the model to fit their particular research question. Second, the model provides a direct assessment of how much estimation uncertainty is associated with the measures. Prior to this approach, it was extremely difficult to accurately quantify the variation in preference measures.

I highlight the substantive importance of accounting for the error in roll call-based measures of legislators' preferences in "The Most Liberal Senator?: Analyzing and Interpreting Congressional Roll Calls" published in 2004 by *PS: Political Science and Politics* (with Simon Jackman and Doug Rivers), and reprinted in CQ Press's *Quantitative Methods in Practice*. This piece, written for a broad audience, discusses the complications of making inferences about ideology from roll calls, and how a non-partisan characterization of John Kerry as "the most liberal" was misleading. Different conclusions emerge once the level of uncertainty about the preference measures is accounted for and once the fact that presidential candidates were both more likely to be absent on ordinary votes and more likely to vote on partisan issues. Moreover,

because roll call votes are not chosen to discriminate between ideological positions as is the case with survey questions, but are instead the byproduct of lawmaking activity, we raise the difficulty of interpreting whether voting behavior is “liberal” or “conservative.” (It is worth noting that the *National Journal* not only retroactively removed the designation from John Kerry, but it has also shown some sensitivity to some of the critiques in subsequent rankings by failing to rank legislators missing a majority of the scored votes.)

Because the issue of representation also applies to non-legislative institutions, I have also studied how the executive agencies responsible for implementing statutes affect the ability of the national government to represent constituency opinion. A critical problem in this work is that it is difficult to measure the policy preferences of executive agencies despite extensive theorizing about the potential impact of the preferences. Scholars have consequently been forced to employ extremely crude proxies based on the preferences of enacting coalitions or the parsing of an agency’s mission statement (for example). In my article forthcoming in *Political Analysis* entitled “Expert Opinion, Agency Characteristics and Agency Preferences” (with David Lewis) we adapt and extend the measurement model in my *APSR* article to analyze expert opinion and characterize the relative ideological location of executive agencies. This work is ongoing, however. I am currently refining the measure of agency preferences using a census of career-level bureaucrats and comparing the policy preferences of career bureaucrats to members of Congress in a conference paper scheduled for the 2008 Midwest Political Science Association Annual Meetings entitled “Situating Agencies and Congress: The Ideology of Federal Executives and their Agencies.”

The payoff of the work on the measurement of the policy preferences of government officials is that I am then able to tackle the central question of democratic representation: do legislators represent constituency opinion. In my 2006 *Journal of Politics* article entitled “Representation in Congress: Constituents and Roll Calls in the 106th Congress,” I use the model developed in my *APSR* article to describe representatives’ preferences and question whether representatives vote according to constituent interests. Utilizing the most expansive collection of survey data of voters at the district level every employed, I measure constituency and sub-constituency preferences, account for measurement error in these quantities, and examine whether members of Congress vote in accordance with constituency opinion and whether the opinions of some constituents’ are better represented than others. Looking at the relationship over all votes, “key votes,” and on individual votes confirms that representatives are not completely responsive to average district opinion, that only the then-majority party Republicans are especially responsive to the preferences of constituents belonging to the same party as their representative, and that these same-party constituency preferences cannot entirely account for systematic differences in Republican and Democratic voting behavior. Put differently, a Republican and a Democrat from an otherwise identical district will support very different policies if elected to Congress, even though the average opinion in the two districts is identical. Moreover, and suggestive of the possibility of influences external to constituent opinion, the departure from average constituency opinion cannot be attributed to the representation of the opinion of those constituents from the same party as the representative. These findings are consequential because the relationship between representative behavior and constituency opinion has important implications for the types of policies that are enacted by Congress. Regardless of the assumed model of congressional lawmaking, the results reveal that the policies passed in the House are likely to be

more extreme than the average constituent would prefer. For example, I show that only the preferences of those constituents who self-identify with the Republican party are represented in the voting behavior of the then-majority party Republicans. To the extent that the majority party in the House controls the policy agenda, the result is that the policy outcomes will be more conservative than the electorate as a whole would prefer because only the preferences of Republican constituents are reflected in the voting behavior of the then-majority party Republicans.

II. Characterizing and Understanding Congressional Lawmaking Activity

More recently, I am focusing on lawmaking activity. In contrast to my work on representation which focuses on the behavior of individual legislators, my work on lawmaking examines the aggregate consequences of this individual behavior. I am primarily interested in understanding when policy change is or is not possible. This question is important for predictive reasons (if we are interested in identifying when and what policy change is possible), for normative reasons (if we are interested in whether the enacted laws reflect public opinion), and for prescriptive reasons (if we are interested in achieving outcomes other than those that are realized). Because the literature already provides a rich set of theories about the nature of lawmaking activity, my primary contribution is to empirically characterize congressional behavior in theoretically relevant ways. My work focuses on describing congressional lawmaking activity, suggesting critical limitations to existing scholarship, and articulating an alternative analytical approach that yields novel insights.

As was the case when studying representation, studying lawmaking requires solving several measurement problems before it is possible to even begin to address substantive questions about the nature of congressional lawmaking. In fact, among the most critical limitations in lawmaking studies is the inability to identify the magnitude of successful and unsuccessful policy change and compare how the proposed policy changes relate to the preferences of critical participants (e.g., members of Congress, the president, executive agencies and the public). In a series of articles I provide a solution to this problem. Moreover, I also argue that existing examinations of congressional lawmaking activity are potentially problematic and, despite the extensive literature devoted to lawmaking by the U.S. government, we may know far less than we think because of a reliance on lawmaking measures that imperfectly reflect actual activity.

The first task in studying lawmaking is measuring congressional lawmaking over time. Due to the difficulty of the task, the set of laws actually enacted by Congress had never been systematically collected and examined and, as a consequence, political scientists were unable to systematically analyze the type of laws Congress actually enacted over long periods of congressional history. I remedy this shortcoming in my 2006 *American Journal of Political Science* article entitled "Measuring Legislative Accomplishment, 1877-1994" (with John Lapinski). Not only do we collect every enacted statute between 1877 and 1994, but we also develop a means of determining the relative significance of the enacted public statutes by relying on the assessments of nineteen chroniclers of congressional accomplishment. We embed the measurement strategy used by David Mayhew to identify significant legislation in *Divided We Govern* (1991) within a statistical measurement model that also accounts for statute characteristics. The benefits of doing so are that we are able to measure the significance of

statutes explicitly mentioned by congressional chroniclers (ala Mayhew's list of "landmark legislation"), as well as those that are not. We are also able to quantify the precision of these determinations. This measurement is essential not only for analyzing lawmaking across time, but also for investigating whether prior assessments of lawmaking activity based on roll call votes are potentially misleading.

A working paper currently under review entitled "Laws and Roll Calls in the U.S. Congress: 1889-1994" (with John Lapinski) uses the enumeration of public statutes collected for our *AJPS* article to illustrate the difficulties of treating roll call behavior as a proxy for lawmaking activity. We show that roll call based measures only sensibly reflect lawmaking activity on the most significant statutes, and ignoring the fact that the decision to record a roll call is a potentially strategic decision by members of Congress risks severe selection bias. Although we do not identify the precise nature of the selection bias, we do argue for a more restrictive use of roll calls and the need to account for the fact that the existence of roll calls is endogenously determined in ways that are not yet fully understood by political scientists.

My 2007 article "Lawmaking and Roll Calls," published in the *Journal of Politics*, argues more forcefully for the need to account for the fact that roll calls result from a conscious decision by Congress. Proper tests of theoretical predictions require that measures used to test predictions from models are, at the very least, not inconsistent with the theory being tested. In generating predictions about congressional lawmaking, prominent models emphasizing the role of political parties and the separation of powers necessarily yield predictions about legislator behavior on roll calls enacting the predicted policies. Existing uses of roll calls and roll call measures to explain lawmaking activity, however, fails to fully account for the fact that roll calls are partly a cause and partly a consequence of the very things lawmaking theories seek to explain. I argue that congressional lawmaking accounts should be evaluated based on predictions derived directly in terms of roll call behavior rather than assuming that roll calls provide exogenous measures of policy preferences. I compare the distribution of lawmakers' induced policy preferences and the distribution of aspects of the proposals being voted upon (so-called cutpoints) to the predictions from lawmaking models. I show that the observed patterns are inconsistent with the predictions of prominent lawmaking accounts. This finding is important not because it not only highlights the need for further theorizing about the determinants of congressional lawmaking, but it also contributes to the essential task of identifying measures with a clear and uncontested relationship to lawmaking theories.

Given the above arguments about how roll calls may present serious obstacles to the study of congressional lawmaking, and given the difficulty of prior studies in characterizing the magnitude and nature of attempted policy change, I articulate one possible solution to these problems in a series of articles. Incorporating information about the legislative agenda into the analysis of roll call behavior and explicitly modeling how lawmakers perceive the proposals being voted on yields a measurement model that not only evades the problems I identify in the papers mentioned above, but, more critically, it also provides a way of quantifying the magnitude of attempted and realized policy change relative to lawmakers' preferred policy outcomes.

In "Integrating Voting Theory and Roll Call Analysis: A Framework," published in 2003 by *Political Analysis* (with Adam Meiowitz), we provide a general framework for assessing the

likelihood that a particular account of legislative behavior is true given the observed pattern of voting behavior. The suggested model improves upon the one suggested in my *APSR* article by arguing that the model should incorporate aspects of the legislative agenda and that this additional information helps locate the proposals being voted upon relative to lawmakers' policy preferences.

An extensive application of this approach is provided in my 2004 *American Journal of Political Science* article entitled "Testing Accounts of Legislative Strategic Voting: The Compromise of 1790" (with Adam Meirowitz). In this article, we show how it is possible to use the proposed analytical strategy to compare how the policy positions of the proposals being voted upon compare to the policy preferences of lawmakers in order to assess competing accounts of congressional behavior. We apply the method to resolve a long-standing debate among political scientists and historians regarding whether a log roll between the location of the national capital and the assumption of states' Revolutionary War debts was ever consummated. According to three letters by Thomas Jefferson, the "Compromise of 1790" was resolved via a log roll arranged by Jefferson, Hamilton and Madison over a dinner party at Jefferson's residence in mid-June 1790 involving whether the federal government would assume the states' Revolutionary War debts in return for a resolution to the contentious issue of where to locate the temporary and permanent location of the U.S. government. We find that legislators did not anticipate that resolving the residence question would result in the assumption of state Revolutionary War debts at the final agreed upon interest rate when voting on these issues. The issues instead appear to have been resolved independently in the summer of 1790, with a compromise between assumption and reduced interest payments to creditors settling the contentious funding question.

In a paper currently under review, "Congress, Lawmaking and Political Failure?: The Case of the Fair Labor Standards Act," I show how focusing on a particular policy and incorporating information about the legislative agenda yields a far more informative description of the nature of congressional lawmaking activity than was previously possible. In particular, I am able to identify the location of the existing policy relative to the preferences of critical lawmakers according to several prominent lawmaking theories and trace the magnitude of policy change across history. This is critically important because it provides a way to not only determine whether proposed changes to existing law represent large or small substantive changes given lawmakers' policy preferences and existing policy, but it can also identify where the proposals are located relative to the distribution of lawmakers' most preferred policy outcomes. This paper draws together elements present in several earlier papers – it evades the problem created by a selective roll call record identified in my 2008 working paper by focusing on a single policy for which it is possible to check that the roll calls reflect lawmaking activity, it affirms the conclusions of my 2007 *JoP* article regarding the lack of predictive validity of prominent lawmaking theories, and it demonstrates how the strategy used to analyze a particular account of legislative behavior in the 2004 *AJPS* and 2003 *PA* articles can also be used to examine congressional lawmaking across an extended time period and characterize the nature of successful and unsuccessful attempts at policy change. Moreover, at least in terms of lawmaking involving the Fair Labor Standards act, even when public demand for change is high and policy change is predicted to be feasible according to all of the prominent congressional lawmaking theories, I show that the legislative process is nonetheless unable, or unwilling, to amend existing law. Although the precise interpretation of this finding is underdetermined, an unambiguous

implication is that we do not yet fully understand the determinants of lawmaking and that there are hints that re-election focused lawmakers may adversely affect the production of public policy. I show that either our lawmaking theories are either correct at identifying when policy change is feasible and that other, currently ignored, factors cause lawmakers to fail to legislate a change (e.g., the desire to use the failure to enact change as an election issue), or else our existing lawmaking theories fail to identify the critical constraints to policy change.

III. Work In Progress: The Representativeness of Lawmaking

Given the number of unresolved issues raised by my study of lawmaking on the Fair Labor Standards act, I am presently pursuing a number of projects that not only contribute to our knowledge of how and why policies are changed, but which also seek a better understanding of what the findings imply about the nature of policy representation. Most existing work, mine included, assesses representation in terms of congressional actions and stated positions rather than policy outcomes because of the difficulty of doing otherwise. I am currently working on examining lawmaking questions in terms of the consequences for representation.

To that end, I am studying the individual level motivations for lawmaking on the Fair Labor Standards act to analyze the extent to which lawmaking activity is, or is not, representative of the interests of constituents and organized interests. In a nascent working paper entitled “Assessing Congressional Motivations Using State Level Variation in the Minimum Wage Law,” I use the fact that state governments can set minimum wage laws and that the higher of the federal or state laws is controlling to examine how, and why, members of Congress change their behavior depending on whether the national law is policy consequential for their constituents. This investigation not only probes the member level motivations of the lawmaking activity analyzed in my working paper on the Fair Labor Standards act, but it also explicitly analyzes lawmaking activity in terms of the consequences for representation.

Related to this paper, I also seek to provide a better understanding of the conditions under which elections may undermine the ability of representative bodies to enact policy. In a preliminary paper entitled “The Efficiency of Election Institutions: A Comparative Institutional Analysis of the Political Economy of Distributive Politics” (with Adam Meirowitz) we present a general model of legislative bargaining over distributive policies with elections to investigate the political efficiency of several institutional arrangements. The goal of the project is to identify which institutional arrangements maximize voter welfare.

Given this more general framework for understanding lawmaking activity, I am also starting to extend the analysis I conduct on the Fair Labor Standards act to other policies. The goal is to ensure that the evident conclusions are not a consequence of the particulars of the Fair Labor Standards Act. Because this project is just beginning, I am still in the process of identifying those policies that would maximize analytical leverage, but policies such as the Occupational Safety and Health Act in which state level regulations are promulgated alongside federal regulations is one possibility, as are purely distributional policies such as the Social Security Act. Both are extremely important statutes with widespread consequences, and they also share similarities with the Fair Labor Standards act in terms of their importance for organized interests

and the particular aspects of each (i.e. federalization (OSHA) or distributive consequences (SSA)).

Summary

I am interested in questions of representation and democratic performance in the United States. Do members of Congress represent constituency opinion and what do we learn about the nature of the relationship? When does Congress decide to enact a new law or fail to pursue policy change, and what explains this decision? What are the consequences of the answers to both of these questions for the types of policies that are, and are not, enacted? These questions are not only central to political science, but they are also fundamental to any assessment of representative government. Answers to these questions involve not only describing and understanding what Congress actually does with respect to its intended representative function, but they also implicitly involve determining whether the institutions of government are performing according to the normative standards articulated by an extensive literature in American political thought (e.g., *The Federalist Papers*). My past and future work contributes to this task.