Abstract

Riders to appropriations bills have long been a favorite device of legislators seeking to impose policies on recalcitrant administrations. By embedding policies within “must pass” appropriations bills, Congress forces the president to either veto spending for government agencies or accept unwanted policies. With increasing frequency presidents, in this era of polarized and divided government, are threatening vetoes. Are such threats credible and do they work? In this paper we analyze the outcomes of hundreds of salient, threatened and unthreatened riders from 1985 through 2008. Contrary to prevailing wisdom that veto threats are ineffectual “cheap talk,” we find that while a threat elicits little response in the House, it sharply reduces a rider’s prospects in the Senate and conference committee. We conclude that presidents’ increasing rely on veto rhetoric because it is an effective strategy for dealing with a polarized and bicameral Congress in an era of frequent divided government.
Veto Rhetoric and Legislative Riders

*The president “acts not as the executive but as the third branch of the legislature”* (Wilson 1885)

The Framers devised the president’s veto to check legislative excesses. Although it appears near the conclusion of the legislative process, Publius (in this instance, Hamilton) speculated that the prospect of a veto would temper legislative mischief well before a bill was presented to the president. From time to time, presidents have sought to exploit such anticipated responses by threatening to veto a bill if certain changes were not made. A few of these efforts were so dramatic, they became signature events. Memorable performances include Ronald Reagan’s 1985 Dirty Harry imitation “go ahead – make my day” threat directed at Democratic legislation, George H.W. Bush’s inimitable “read my lips – no new taxes” at the 1988 Republican Convention, and Bill Clinton’s State of Union vow in 1994 to “take this pen” and veto any healthcare bill that failed to provide universal care, which he later conceded, largely assured that no bill would make it to his desk.

Over the years few veto threats have attained the level of national attention commanded by these famous eruptions, but veto threats are, in fact, regular occurrences in Washington – especially when the party opposing the administration controls one or both chambers of Congress. Until recently, the record of these less dramatic threats was almost wholly anecdotal and attracted little scholarly attention.¹ Spitzer (1988) was perhaps the first scholar to undertake a systematic tally of veto threats. But his search of the *New York Times Index* turned up fewer than a hundred references to threats over a quarter century ending in 1986. More recently, Cameron (2000) searched for veto threats in the

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¹ Kernell (2005) reports the results of an informal 2004 survey asking a half dozen presidency scholars to estimate how many threats presidents made on average each year. The guesses ranged from 50 to over 500; upon follow up questioning all confessed little confidence in their estimates.
legislative histories of a sample of major bills enacted from 1945 through 1992 and found that fourteen percent had attracted a threat at some stage of deliberations. But nearly a third of the bills passed during divided party control of one or both chambers of Congress had been threatened. Another study (Sinclair 2000) of veto threats targeting major bills passed from 1969 to 1998, an era dominated by divided government, reported that nearly half had been threatened. Impressive numbers, especially when one considers that none of these studies examined bills that failed.

Until recently, the chief roadblock to systematic research was the absence of data. As late as 2000 Cameron (2000: 185) noted, “Veto threats are neither tracked nor catalogued.” This changed with the publication of an exhaustive compilation of an important class of veto threats called Statements of Administration Policy (SAPs) (Kernell 2005). SAPs are memoranda sent from the Office of Management and Budget (OMB) to congressional leaders on presidential letterhead detailing the president’s objections to pending legislation. According to CQ Weekly staff, since their inception during the Carter presidency, SAPs have provided the primary information in qualifying roll calls for that publication’s widely cited “presidential support score.” In this article, we draw exclusively from these formal, public memoranda in assessing the impact of veto rhetoric.

Over the past several decades as divided government became the norm and politics in Washington polarized, presidents have increasingly resorted to veto rhetoric. President George H.W. Bush issued 310 SAPs containing threats and backed them up with 29 vetoes of Democratic bills

2 On the Hill, these memos are referred to colloquially as “saps,” to our knowledge, used only as a noun.

3 Kernell (2005) located the relevant SAPs in the staff files at OMB for the 99th through the 108th Congresses. These and more recent SAPs containing a veto threat are archived at Policyagendas (http://www.policyagendas.org/page/additional-datasets) and at Dataverse through 2004 (http://dvn.iq.harvard.edu/dvn/faces/study/StudyPage.xhtml?globalId=hdl:1902.1/10199&studyListingIndex=3_bb6a42cba85ed6c1b593c278c4ce).

4 Personal interviews with Congressional Quarterly staff in 2006 and 2010.
during his two terms. President Bill Clinton threatened no legislation during the Democratic 103rd Congress, but after Republicans took control of both chambers in the 1994 midterm elections and began enacting their legislative program, Contract for America, Clinton averaged over a hundred threatening SAPs a year during the next three congresses. Despite unified government for half of George W. Bush’s two terms, he was no slacker in issuing veto threats. He averaged forty-three threatening SAPs to Congress when Democrats controlled a chamber (the 107th and 110th Congresses), but only slightly fewer, forty-one, when Republicans ran both chambers.

Were these presidents on a fool’s chase or did veto rhetoric help them rein in objectionable legislation? This is the question we seek to answer here. The prevailing view in political science – although given the frequency of threats, apparently not one shared by recent White House occupants – holds that veto threats are “cheap talk” – that is, non-credible signals that can only minimally influence legislation. In the next section we argue that this label is misapplied to many forms of veto rhetoric. In the context of daily transactions between the president and the Hill, presidents’ reputational and public opinion considerations should dissuade them from engaging in cheap talk in those messages that can be easily monitored by politicians and interested constituencies throughout Washington.

Legislators need not take everything that a president says at face value, however. All that is needed for a threat to influence legislation is that recipients attach some positive probability that the message foretells the president’s response to their decision to retain or remove an objectionable rider. Yet, the credibility of presidents’ messages need not be left to assumption. Whether legislators regard presidents’ veto threats as credible can be learned from their reactions to them.

In sections III and IV we formulate and test hypotheses that veto rhetoric influences legislation. In section V we assemble a choice-based sample of the legislative histories of all appropriation bills containing one or more riders threatened in a SAP and the full population of all riders to appropriation bills covered in *CQ Weekly* for the years 1985 through 2008. In section V we find that a veto threat
halves the likelihood that Congress will drop a rider, a much higher figure than the attrition rate of non-threatened riders. We also find significant institutional differences in removing threatened riders from bills. The House of Representatives, where most riders – and an even larger share of those riders presidents find objectionable – are introduced, appears wholly unresponsive to presidential objections, while the Senate and conference committee extensively rework threatened legislation. We conclude by casting veto rhetoric as an essential part of a sequential bargaining game that allows Congress and the president, despite divided party control, to coordinate on a mutually acceptable policy.

II. Veto Rhetoric’s Suspect Status

Matthews (1989), borrowing a term from Crawford and Sobel (1982), classifies veto threats as a form of “cheap talk.” He argues that unlike actual vetoes or executive orders, a veto threat is costless in that unlike a veto, it has no “actionable consequence.” As such, it cannot provide legislators with credible information, even if the president states his preferences sincerely and in detail. The fact that the president is not endorsing a bill conveys the limited information that he prefers the status quo to the new policy. Congress may respond by shifting the policy closer to the status quo, however, how much change would minimally satisfy the president remains unclear. Consequently, vetoes occur regularly even when a compromise policy exist that Congress and the president would prefer to the status quo.

In addition to “actionable consequences,” Matthews acknowledges that his model omits other kinds of costs that might well motivate presidents to send credible messages. He identifies two such costs that have long been associated with presidents’ influence (Neustadt 1960; see also, Cameron

\[5\] Regardless of what presidents might say in a threat, they can only credibly communicate that “I might not sign the bill.” The only thing Congress learns from the president’s message is that he prefers some bill that lies between the current bill and the status quo. The veto threat may, Matthews notes, cause Congress to shift the policy closer to the status quo by some indeterminate amount.
2000): the president’s reputation with fellow politicians and the public’s approbation. Politicians in Washington and interested publics across the nation compare presidents’ rhetoric with their subsequent performance. For both, how presidents follow up their veto rhetoric, which includes all SAPs, offers valuable information.

Their “cheap talk” status, along with the absence of systematic data, probably accounts for the “paucity of research analyzing the impact of … veto threat behavior on legislative outcomes” (Marshall 2012, 199-200). In the first, and still most important, systematic analysis of the impact of threats, Cameron and his colleagues (Cameron, Lapinski, and Riemann 2000; Cameron 2000) coded presidents’ veto and signing statements to determine whether overall they regarded enrolled bills as adequately addressing objections they had made in a veto threat during congressional deliberations.

Since presidents might be tempted to rationalize having to sign unwanted bills, one must be circumspect in taking their statements at face value. According to their statements, Congress made “some concessions” on about two-thirds of the threatened bills and threw in the towel on another quarter. According to presidents, they won concessions on ninety percent of the bills they threatened – although in many instances, not quite enough to prevent them from vetoing the bill anyway.

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6 One additional cost that we only acknowledge here, but which applies to formal SAP threats, concerns costs incurred in sending the message. The president demonstrates commitment by “buying” a costly signal – costly, in attention and effort or other transaction costs (Austen-Smith and Banks 2000).

7 SAPs are addressed to an individual floor leader or chair of the House Rules Committee, but distributed broadly on the Hill and to Washington news bureaus. They are then reported with citations to “White House sources,” or a “presidential spokesman,” rarely referring to them as a Statement of Administration Policy.

8 These data do not include instances where a threatened bill died in Congress.

9 Analyses limited to individual presidents -- George H.W. Bush (Conley 2003) and Eisenhower (Jarvis 2010) – similarly find numerous instances of threats followed by changes in legislation.
III. The Case for Effective Threats

Facing an opposition Congress, presidents are not helpless. The veto allows them to protect the status quo. Veto rhetoric has similar properties but, coming earlier in legislative deliberations, they offer presidents an early opportunity to inject their preferences into legislation. It also allows them to sharpen party positions. Legislators appreciate the need to support their president’s public positions and criticize those of an opposition president. Legislators’ partisan view of the presidents is manifest in a variety of forms. After a president vetoes a bill, fellow partisans in Congress who had initially voted for it are significantly more likely to switch their vote to sustain their president’s veto than are the bill’s initial supporters from the other party (Krehbiel 1998). Similarly, when a president publicly stakes out a position, party preferences in Congress appear to separate and harden (Fett 1992, 1994; Lee 2008). “Regardless of their views on the policy merits of a presidential initiative,” concludes Lee (2008, 914), “how they handle a president’s priorities will affect his party’s collective reputation. Presidential successes create credit-claiming opportunities for the president’s party.” Veto rhetoric offers presidents an opportunity to define party cleavages in Congress.

Where the opposition party controls both chambers with sizable majorities, presidents can expect a steady flow of bills hostile to their policy preferences from legislators indisposed to accommodate them. In the modern Congress, “opposition party control” means something quite different for the House of Representatives than it does for the Senate (Cohen, Bond and Fleisher 2013). With the House of Representatives organized to expeditiously secure the preferences of the majority caucus (Cox and McCubbins 2007; Rohde 1991) and block those of the minority party, opposition presidents may find little opportunity to influence its decisions. The Senate’s modern filibuster rule (Senate Rule XXII), conversely, provides a minority presidential party with a reliable mechanism for blocking passage of the majority’s program. Consequently, presidents should find the Senate paying more careful attention to their objections. Increasing levels of partisan polarization in Washington
over the past couple of decades have only served to sharpen these institutional differences -- weakening the president’s hand in the House while strengthening it in the Senate.

The interplay of party and institution suggests several hypotheses predicting when threats will be issued and where in the congressional process they will be most likely to influence legislation. First, the larger the opposition party’s majority, the more likely the chamber will produce objectionable legislation that results in a veto threat. Second, the opposition majority in the House will produce more objectionable legislation than will a comparably large opposition in the Senate. Third, controlling for size of opposition majority, a veto threat will be more likely to elicit a concession from the Senate than from the House.

Even finding that over the course of the legislative process threatened legislation gravitates toward the president’s position can tell us only that veto threats may matter. Before inferring any influence one must reject two observationally equivalent alternative explanations. The first holds that the legislative process generally moderates policy toward the status quo. As legislation passes through numerous legislative veto points, different representatives take their turn in bringing the bill into conformity with their interested constituencies’ preferences. What began as an extreme departure from current policy is sequentially moderated to one closer to the preferences stated in a veto threat, even if legislators wholly ignore the president’s preferences in deciding the new policy. The second is presidents’ biased selection of bills to threaten. When presidents possess private information on a bill’s likely fate, they might be tempted to threaten it in order to pander to those constituencies opposed to the legislation. Addressing the inference problem posed by the first alternative requires that we examine the outcome for comparable but unthreatened legislation. The appearance versus reality issue is trickier. Below we approach it as an endogenous regressor problem and test whether the covariates associated with changes in legislation are the same as those associated with presidents’ selection of legislation to threaten.
**IV. Threats Directed at Riders**

We test the impact of SAP veto threats directed at riders to annual appropriations legislation from 1985 through 2008. For our purpose, riders offer both theoretical and technical advantages over authorization legislation. First, legislators frequently insert substantive policy changes as riders in a calculated strategy to ward off a veto that the policy would invariably face were it to stand alone as an authorization bill. Second, riders take the form of discrete provisions spliced into legislation, making them easy to track and compare to the president’s objections as the bill traverses Congress.

**IV.A. Riders as a Veto Proofing Strategy**

Riders have long been appreciated as a way to install policies over a president’s opposition. Presidents will presumably be reluctant to veto spending bills just to ward off a rider. An opposition Congress bundles a controversial policy—one unlikely to survive as a separate authorization bill—with “must have” annual appropriations legislation. These include such policies as authorizing an extension of milk subsidies, granting salary increases to federal workers, and extending the definition of federal employees under the Federal Tort Claims Act. In addition to policy riders, Congress routinely adds numerous “limitation” riders to appropriations. Here the purpose is to forestall attempts by the president to achieve administratively those policies he cannot attain by legislation. By one count, the annual appropriations legislation emerging from the House Appropriations Committee (HAC) in recent years has averaged 300 limitation riders, with their numbers swelling by about two-thirds during periods of divided government (MacDonald 2010).\(^\text{10}\) Some of the most controversial issues separating

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10 The distinction between limitation and policy riders is well recognized in congressional rules. Limitation riders address specific expenditures of appropriated funds and thus expire at the end of the fiscal year. Policy riders change U.S. code and do not expire (MacDonald 2005). In the analysis below we tested the effects of a veto threats directed at limitation and policy riders, but found no significant differences in the relationships.
the political parties in Washington appear regularly in limitation riders. These include numerous riders banning abortion funding to various federal public health programs, preventing off-shore drilling, and regulating timber sales on public lands, along with many other issues over which opposition Congresses and presidents have frequently sparred in recent years.

With increasing partisan polarization within Congress, riders have become a favorite option of opposition congressional leaders. In the aftermath of the Republican takeover of the House of Representatives in the 1994 midterm elections, Speaker Newt Gingrich questioned whether Republican colleagues who chaired certain authorization committees and subcommittees were fully onboard with the party’s plan to eviscerate programs singled out for cancellation in the Contract for America manifesto (Aldrich and Rohde 2000). He turned to the HAC to implement these programmatic cuts with riders. Subsequent research (Aldrich, Perry, and Rohde 2012; Gordon 2001) confirms that fifteen years later – even after control of the chamber returned to Democratic control in the 110th Congress – the HAC continued to act as the instrument of the majority party in adding riders to constrain an opposition administration. Consequently, the vast majority of veto threatened riders in Table 1 originated in the HAC.

Against this backdrop of a politicized HAC, it is not surprising to find presidents targeting hundreds of riders—particularly HAC riders. From 1985 through 2008 presidents’ SAPs threatens 110 different appropriations bills containing one or more riders. Altogether, they flagged 306 riders as so objectionable their presence in the final bill might prompt a veto. Nor did riders pose as minor

11 This was not always the case. Not so long ago the HAC was renowned for functioning in a bipartisan manner to guard the nation’s treasury against aggrandizing bureaucrats “trying to think up ways to hoodwink [the HAC]” (Fenno 1966: 317).

12 The threat language ranged from hinting a veto (e.g. “the Administration strongly objects to such limitations” and that “the President’s senior advisors [would] recommend that he veto the bill”) to the more explicit commitment by stating that “[The President] will veto this bill in its current form.” Only
issues in these SAPs. Some SAPs targeted only riders and left unmentioned any issue with the hundreds of lines of appropriations. During the 110th Congress, President George W. Bush’s SAPs directed more threats at Democratic HAC riders than to all of the vastly more numerous appropriations items in these bills.

Simply knowing the descriptive facts about the organization of the House and Senate, and these chambers’ respective partisan strengths, largely provides what one needs to appreciate the political dynamics that give rise to these riders and threats. For half of the twenty-four year period covered in our analysis (see Table 1) the opposition party controlled both the House of Representatives and Senate; taken together with the four years (99th and 110th congresses) when the opposition party controlled the House but not the Senate, the opposition controlled the first chamber to take up appropriations for two-thirds of the congresses. In none of these congresses did an opposition Senate produce significant numbers of objectionable riders. Even during the 107th Congress, when only the Senate resided in the opposition’s ranks, none of that chamber’s riders elicited a veto threat from President Bush.13 Perhaps the Senate’s failure to introduce significant numbers of objectionable riders in this or any other Congress in this study reflects the fact that the president’s party has controlled at least 44 seats – more than sufficient to sustain a filibuster in defense of the president’s position.

In Table 1 we also find that divided party control can only partly account for the occurrence of threats targeting riders. Over time threats directed at HAC riders have increased sharply, and recently, a few of those threats classified here failed to associate a veto with the provision, but following the advice of a senior OMB official, we scored “strongly object” in cases where the memo contained a veto reference in nearby text.

13 We classify the 107th Congress as Democratic because Senator Jim Jeffords switched parties and flipped party control before passage of any of the appropriations bills in our sample.
independent of party control. President Clinton issued more threats by a wide margin than did his predecessors Reagan and George H.W. Bush. Yet he refrained from any formal threats during his first Congress, the 103rd, when Democrats controlled both chambers. President George W. Bush eclipsed all of his predecessors’ number of threatened riders during both the 108th and 110th congresses – 57 and 54 threats respectively. And the greater number occurred when Republicans controlled both chambers. Perhaps this anomaly reflects Bush’s expansive “unitary executive” view of presidential authority. Whatever its inspiration, Bush’s proclivity for issuing threats reminds us of the vagaries of small numbers when it comes to studying the strategic actions of presidents. While the idiosyncrasies of legislators will cancel out in the aggregation of votes, those of presidents serve as the basis of dummy variables.

The industrial organization of the House of Representatives -- and recent transformation of its Appropriations Committee as an instrument of the majority caucus – and this chamber’s constitutional prerogative to take the first turn in legislating appropriations sets it up to generate the lion’s share of the riders that an opposition president will find objectionable. Conversely, the minority party’s filibuster prerogative in the Senate renders this chamber an unlikely source of objectionable riders. This is largely consistent with what we find in the institutional origins of presidents’ veto threats in Table 1. The question we seek to answer here asks, does this bicameral bias show up in legislative responses to veto threats?

Although riders and veto threats may arise at any stage of legislation, the fact that the bulk of threatened riders are added to the bill at the HAC stage allows us to compare responses throughout the legislative process. Moreover, the legislative sequence is frequently more convoluted or “unorthodox” than the linear textbook sequence of first chamber passing a bill, then second chamber modifying the bill, followed by conference committee reconciliation. This allows us to examine if and when
provisions change after presidents issue veto threats and compare these outcomes to those of provisions that are not accompanied by a threat.

**IV.B. Riders as Dependent Variable**

As a class of legislation, riders offer yet another major advantage for tracking policy changes across iterations of legislation. Typically, riders are discrete, easily identifiable entries inserted into highly technical and even intentionally abstruse appropriations language. Most riders address a single policy dimension with language prescribing or proscribing the use of funds. They tend to elicit a straightforward threat signal – some variant of “remove” the rider or face a veto. This reduces coding largely to determining the continued presence or absence of a rider in a bill. In Table 2 we offer examples of the text of two riders and the administration’s SAP threat. For the most part, identifying riders in various iterations of a bill proved an easy task. Coding judgments only came into play when legislators rewrote threatened provisions. In our initial coding of 248 threatened riders from the HAC 28 were rewritten and appear in each instance to bring the rider closer to the president’s position. Some limited the scope of the rider’s restrictions; others reduced repercussions; still others allowed the president to issue an executive order disabling implementation. Distinguishing this thinly populated category in the statistical analysis proved inconsequential. There is little information lost in redefining the dependent variable to represent a rider’s status as unchanged (0) or removed/compromised (1).

[Table 2 here]

In order to test the effects of threats on the mortality of HAC riders, we need information on the outcomes of comparable unthreatened riders. All HAC riders sent to the House floor that received

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14 Where language changes prior to a threat, the president’s memo makes clear which one he disapproves; when alternative provisions have arisen before his threat, he will frequently endorse one version over the other.
coverage in the *CQ Weekly* from 1985 through 2008 (N=486) comprise our control group.\(^{15}\) Just over a quarter of these riders were singled out for a threat in a SAP. With this information we weight and combine the full population of threats with the 349 non-threatened riders originating in the HAC to create a choice-based sample of 607 observations. Oversampling threatened riders provides valuable information for investigating the covariates of presidential selection of riders to threaten and congressional responses to those threats. To include these observations, we weight them according to their share of the larger population of salient riders. To do this, we employ a choice-based sampling procedure introduced by Manski and Lerman (1977) and previously applied to veto threats by Cameron (2000). With threatened riders comprising 16 percent in CQ sample and over-represented at 27 percent of the combined sample, we corrected this oversampling by assigning probability weights of .60 and 1.29 for threatened and non-threatened riders, respectively.\(^{16}\)

To test the effects of threats in different partisan and institutional settings, we tracked riders across the legislative process. Although appropriations legislation, originating in the House, initially follows an orderly path of committee then floor consideration, once these bills move to the Senate, the sequence of decisions can become extraordinarily tangled by the exigencies of ushering controversial provisions through a chamber that requires supermajorities.\(^{17}\) In the Senate appropriations bills may be consolidated into omnibus legislation; House measures may be taken up on the floor without

\(^{15}\) We also investigated several other sources including the Congressional Research Service’s reports on the appropriation process. By and large the *CQ Weekly* included all riders listed in these more restricted sources. Our set of riders follows the pattern from MacDonald’s (2010) inventory of all HAC limitation riders between 1993 and 2002. He reports a decline (from about 600 to 550 per two year period) in limitation riders during the 105\(^{th}\) Congress (1997-1998); our series displays a similarly dip followed by a resurgence of HAC riders during the 106\(^{th}\) and 107\(^{th}\) Congresses.

\(^{16}\) Throughout the analysis we adjust these weights at each stage of deliberations to reflect the attrition of HAC riders over the course of the legislative process.

\(^{17}\) All of the bills containing riders in our sample originated in the HAC and passed the House Floor before being taken up by the Senate.
committee consideration; those facing a filibuster may be punted to conference without serious consideration. Using the Library of Congress’s Thomas.gov interface and legislative updates from Congressional Quarterly, we managed to track all but a few provisions through the several thousand draft bills and conference reports that carried one or more of the riders in our data set. In this analysis we score only final deletions, ignoring the few instances where a rider was deleted at one stage and restored subsequently.

Figure 1 maps a simplified version of the legislative histories of our dependent variable. It shows that at some stage of the deliberations Congress removed 55 percent of those riders presidents had flagged with a threat, compared to only 14 percent of non-threatened riders. Moreover, we find here that a president’s success in warding off unwanted riders is about the same whether he had issued the threat before the House floor vote or as it awaited Senate consideration. Finally, the event histories of those threatened riders that survived the legislative gauntlet offer backdoor evidence of both the wisdom of bundling and the credibility of veto rhetoric. Nearly half of the threatened riders (45 percent) stayed aboard bills that reach the enrolled stage, and of those that did, 85 percent were signed into law. Presumably, the president would have vetoed all of threatened provisions had they come to

18 The descriptions in either in the SAP or in CQ’s coverage generally provided sufficient information to identify the text of the rider in the bill. Because the Library of Congress’s website provides the text of the bill at each stage of the process, we checked at each instance for the presence of the rider’s text. Where the description of the rider was too vague to allow for it to be identified in the bill text, or where text of the bill was not available (prior to the 101st Congress), we relied upon the CQ Weekly reports to track the rider through the legislative process.

19 We recognize that this procedure discards potentially useful information. After checking the complete legislative histories of a limited number of riders, we concluded that the number of riders added back into the legislation were relatively few. Moreover, this definition offered an important advantage of allowing us to search for the presence of provisions beginning with the enrolled bill. If a provision was present, we compared the legislative language to discern whether “compromise” language had been included. If it had not substantially changed we coded the provision as not removed. If the provision was absent or its language significantly changed we inspected the preceding iteration – typically, the amended Senate bill – and repeated the coding procedure.
him as single-item authorization bills – thus validating HAC’s bundling strategy. Yet not all enrolled riders succeed. Careful inspection of the end states in Figure 1 show that many of those riders that remained in enrolled bills weigh them down. Threatened riders were twice as likely to end with a veto as compared to non-threatened riders.\textsuperscript{20} In this respect, even vetoes – reflecting in part the failure of threats to deter objectionable riders – can improve the prospects for future threats by demonstrating the credibility of these signals.

[Figure 1 here]

The entries in the decision tree span twelve congresses containing every significant combination of party control of the presidency and the two chambers of Congress. Only on the House floor do threats clearly fail to deter legislation. The floor rarely removes its committee’s riders and is no more likely to do so for those the president threatens. The Senate and conference are more willing to sacrifice HAC preferences in order to accommodate the president’s preferences. Yet, even in these arenas, a veto threat falls well short of a kiss of death, leaving ample variance in their decisions to be potentially explained by party control and institutional strategies.

V. Findings

We expect to find divided party control of government, with one or both chambers of Congress controlled by the opposition party, to stimulate both legislators’ use of riders and presidents’ deployment of veto rhetoric. As we found in Table 1 threatened riders are concentrated in congresses with some form of divided government, and their numbers have increased sharply in recent years. In testing the effect of threats across different legislative settings, we begin with the president’s decision

\textsuperscript{20} All but twelve of the vetoed non-threatened riders, 8 of them on the same bill, HR 3036 in the 99th Congress, were caught up in bills in which the president threatened companion provisions. The other four vetoed, yet non-threatened riders were attached to Legislative Branch appropriations bills that were passed prior to Congress passing other bills. In regards to the bills that these other four bills were attached to the vetoing presidents both stated that they would sign these bills under normal conditions but did not because they provided funding for the legislative and executive branches prior to finishing “the business of the American people.”
to issue a threat. The real test of whether these threats send credible signals can only be determined from Congress’ reaction. Here we have hypothesized that reactions will vary according to the size of the opposition majority and the chamber making the decision.

**V.A. The President Selects Riders to Threaten**

As noted above, from 1985 through 2008 SAPs contained explicit veto threats directed at 306 riders, or just fewer than 30 percent of all riders in our larger sample of newsworthy riders. Earlier, we entertained that selection bias rather than a threat effect generated the distributions of congressional actions in Figure 1. This comports with the view that presidents are consummate strategic politicians who look down the decision tree to assess which contingent outcomes best serve their interests. In this section we examine the environment in which presidents are more likely to issue a threat to a rider.

Divided government sets the stage of confrontation between Congress and the president. Opposition legislators find more situations in which they want to constrain administration discretion and advance policy over the president’s opposition (McDonald 2010). Presidents in turn find a greater number of offensive riders to threaten. If so, we should find that presidents are more likely to object to riders that arise during divided party control. Given its authoritative reputation and premier role in setting Congress’s agenda for appropriations deliberations, an opposition-controlled HAC poses a special challenge to presidents (MacDonald 2010). HAC riders should attract special attention from presidents, especially during periods of opposition control. More than half of all riders and two-thirds of limitation riders in our sample originate in the HAC. In Table 1 over four-fifths of all veto threats were directed at HAC riders.

In Table 3 we estimated the probability of a veto threat as a function of divide government and origin of the rider. Both sets of variables account for the likelihood of threats. The marginal effects of the model (Bartus 2005) show that a rider reported out by the HAC is two and a half times as likely to
attract a threat as those added at any other juncture of the legislative process. Party control of both the House and Senate also sets the stage for threats as each party promotes its policy agenda.\textsuperscript{21} A percentage point increase in the president’s party share of House seats reduces the likelihood of a threat by 3.6 percentage points and in the Senate by 2.9 points. We also investigated the potential influence of a number of situational variables that appear in the literature to condition relations between the president and Congress. Only a dummy variable representing the president’s first year of first term, \textit{Honeymoon}, proved significant. The first year following the election of a new president is often marked with early legislative success, the result of his party’s coattails-strengthened position in Congress and possibly opposition legislators’ fear of standing in way of the recently elected president’s real or imagined mandate (Kernell 2006; Krehbiel 2001).\textsuperscript{22}

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In Table 3 we also find that Presidents Clinton and George W. Bush enlisted veto threats much more frequently than did their predecessors Reagan and George H.W. Bush. These estimates show Clinton 15 percent and Bush a whopping 66 percent more likely to issue a threat than did their predecessors. This pattern tracks the growing partisan polarization of Congress (McCarty, Poole, and Rosenthal 2006), but it also reminds us that presidents are individuals with different tastes and styles

\textsuperscript{21} Without clear prior expectations, we tested several specifications of party control in each equation. Where different specifications proved insignificant, we opted for the simpler measure beginning with a dummy variable specification, then linear party share and finally, quadratic party share. Only in Table 3 did the more specific party share strengthen the relationships, and only for the Senate. Representing party control with dummy variables here renders Senate control insignificant, but does not significantly alter the rest of the model.

\textsuperscript{22} We also tested the president’s job approval rating and the congressional and presidential election calendars. Only the last of these approached statistical significance in Equation 1, but even here it does not appear to have been much of an issue. More than anything, this result probably reflects the decision in 2008 of Democrats to pass only non-controversial appropriations bills and to stall all other appropriations until after the election in anticipation of a Democratic victory.
who may, as Neustadt (1960) long ago reminded us, vary in their strategic sagacity. When informed
that President George W. Bush had threatened to veto a seaports bill, fellow-Republican Senator
Charles Grassley flicked it aside, observing that the president “had probably issued 100 veto threats.
When you don’t follow up on any of them, no one takes you seriously” (Nather 2006).

Figure 2 allows us to compare the model’s predictions with the actual rates with which riders
were threatened. The model correctly predicts within a 95 percent confidence interval the rate with
which presidents issued veto threats to salient riders for eighteen of the twenty-four congressional
sessions; only three of these deviations are egregiously different from the predicted values. The
reasons for two of these three outliers are obvious. The terrorist attacks of 9/11 led to a marked
reduction in partisan competition the following year. Congress, perhaps responding to a temporary
shift in policy preferences, attached few salient objectionable riders during this brief interlude of
partisan comity (Jacobson 2003). Conversely, in 2008 the highly partisan Democratic Congress opted
to consider only a handful of non-controversial appropriations bills, choosing instead to pass temporary
continuing resolutions, as it anticipated a Democratic victory in that fall’s presidential election. Thus,
while the predicted likelihood of threats in the second session of the 110th Congress matches that of the
first session, the Democratically-controlled HAC gave George W. Bush fewer opportunities to issue
veto threats. The covariates of threat selection in equation 2 differ significantly from those that relate
to congressional responses, reassuring us that threats are not themselves endogenously generated by
strategic presidents pandering to look effective.23

23 Still concerned with potential endogeneity issues via threat selection, we also tested for the presence
of an endogenous regressor in the subsequent models of congressional response (Newey 1987;
Roodman 2011). Consistent with the above explanation, a Wald test of exogeneity does not reject the
null hypothesis that threat selection is exogenous.
**V.B. The House Ignores Veto Threats**

With the House of Representatives initiating all appropriations, one cannot be too surprised to find that the HAC introduces the vast majority of riders. And according to the relationships in Table 3, the HAC appears to specialize in riders that attract the animus of presidents. This is consistent with the committee’s historical role of protecting the treasury from a profligate bureaucracy (Fenno 1966) and, since 1994, serving as a policy instrument of the House’s opposition majority. As shown in the decision tree in Figure 1, the House floor rejects 94 percent of the president’s threats directed at HAC riders. Why, one might ask, does the House fail to respond to the president’s counter offer and move the bill toward an acceptable compromise by removing a few of the objectionable riders? The standard answer, of course, is that the president’s threats are not credible. Another answer, one that we subscribe to, is that the HAC provides the House majority with the hand it wants to play in subsequent negotiations with the president and the Senate when the bill gets to conference. The House of Representative’s mechanisms of delegation (to the HAC) and agenda control on the floor effectively allow it to establish a tough bargaining position in part to elicit threats and thereby identify those issues that are on or off the bargaining table. We suspect House leaders dig in as they prepare to surrender the bill to the Senate with its disorderly process and uncertain outcomes.\(^\text{24}\)

**V.C. The Senate Responds to Veto Threats**

The arrival of the House appropriations bill, draped with the president’s veto threat, presents Senate leaders with a serious challenge. They need to fashion legislation that can not only pass the

\(^\text{24}\) The House appears slightly more responsive to veto threats when the president’s party controls the House. It removes 11 percent of threatened riders compared to only 4 percent when the opposition controls the chamber. This difference approaches, but does not quite reach, statistical significance in a two-tailed test.
Senate but also brokers the president's and the House's competing claims. And yet, in the increasingly polarized environment, the filibuster’s sixty-vote requirement imposes a supermajority rule on virtually all important legislation. When party disagreement dominates deliberations, it threatens the Senate’s capacity to take any positive action.

The need to act expeditiously to prevent a government shutdown as the end of the fiscal year approaches, and to resolve partisan disagreements that stretch beyond the Senate to the House and White House, have prompted Senate leaders to improvise ways to short-circuit the traditional legislative process. One option involves bringing House bills directly to the floor. Of the appropriations bills in our sample, nearly a third skipped the Senate Appropriations Committee.

Once on the floor a bill may attract a filibuster threat or death by endless amendments. In such cases, Senate leaders increasingly enlist what was once a seldom used procedure – forgoing consideration of the bill on the floor and punting a bill directly to conference. They may roll the stalled legislation onto a previously passed appropriations bill to send the omnibus bill to conference. Or they may simply strip out House language and pass an empty bill, again entrusting their representatives in conference negotiations to secure the Senate majority’s preferences in a brokered bill. Eighteen percent of the bills in our sample proceeded through the Senate without substantive deliberation. As desperate as punting may appear, it follows certain logic. Punting allows leaders to remove the bill from the grip of implacable opponents and place divisive legislation in a peak-level arena, conference, where representatives of both chambers and, informally, the White House participate (Longley and Oleszek 1988: 143-147). As one close student of present-day legislation

25 Throughout this discussion we have referenced legislatively “extreme” policies in comparison with a presidential position closer to the status quo.
concluded, punting “may offer the only hope of agreement between the president and Congress” (Sinclair 2011: 105).

The emergence of these unorthodox legislative procedures has been reasonably attributed to the general phenomenon of partisan polarization in Congress. We suspect, however, that a more proximate cause can be found in the increasing number of veto threats displayed in Figure 2. Facing a veto and unable to formulate a bipartisan compromise in committee or on the floor, Senate leaders increasingly elect to pull House bills directly to the floor and once there punt a significant share to conference. Just as these practices have become commonplace since the mid-1990s, recall that in Table 2 we likewise found that veto threats coming out of the White House have also become more common. Fewer than a quarter of those appropriations bills arriving at the Senate without a threat skip committee consideration, but nearly twice as many threatened bills proceed directly to the floor. Similarly, while the Senate ponders and passes 86 percent of unthreatened bills, it punts nearly a third of those bills containing several or more threatened riders.²⁶

In threatening legislation presidents are not only communicating with those who control the chamber’s decisions but also with fellow partisans in Congress to take up the party banner. The president’s partisans in the House may want to come to his aid, but the majority party’s firm control over the agenda gives them little opportunity to do so. The Senate stands in stark contrast. Here, the filibuster assures the president’s minority party a virtual veto over threatened legislation. And in recent years, invoking the filibuster has become virtually costless. Little more than a nod of the minority leader to the majority leader can remove legislation from consideration. In the next section we take a brief detour from documenting the effects of threats on legislation to a closer examination of their influence on the occurrence of filibusters.

²⁶ Using a $\chi^2$ test, both sets of distributions are significant at the 95% level.

For eight of twelve congresses covered by our analysis, the president’s party was in the minority in the Senate. In all of these congresses the minority party controlled at least 44 percent of the seats – safely above the cloture threshold of forty. Hence, the filibuster was always available to extract concessions on veto threatened legislation. To determine whether veto rhetoric precipitated a sympathetic filibuster we coded all references to potential and actual filibusters directed at appropriations bills in our sample that appeared in CQ Weekly.27

By this measure more than a quarter of those appropriations bills that contained several or more threatened riders also elicited actual or threatened filibusters. Equation 1 in Table 4 estimates the likelihood of a rider getting caught up in a filibuster (or filibuster threat) by virtue of being in a threatened appropriations bill. The results indicate that, controlling for other contextual variables, the presence of a threat more than triples the likelihood of a filibuster.28 With polarization sharpening in recent years, both veto threats and filibusters have become routine events. In the second equation we detrend the relationships by adding a variable indicating the “year.” Although the veto threat coefficient is now not quite significant, we do not view this as necessarily vitiating the connection between the president’s threat and his colleagues’ support. Rather the relationship in the first equation cannot be separated from the polarizing trend of which these actions are important manifestations.

27 Following past practices (see Sinclair 2011: 80-81), we adopted a coding protocol to capture as many of the elusive filibuster threats as possible; even euphemistic references that a bill might have an “extended debate problem” were coded as threatened. Despite our inclusive coding, we recognize that our list is likely incomplete, since numerous filibuster threats are bound to arise in private negotiations between majority and minority leaders and go unreported to the press.

28 Including the number of threatened provisions does not significantly alter the relationships reported here. In addition to threatened riders, estimates in Tables 4 and 5 include non-threatened riders that are part of a threatened bill. Performing the same analysis for only threatened riders generates somewhat weaker but still significant relationships.
To examine the partisan context of filibusters we introduce party seat shares to the analysis in Table 4.\textsuperscript{29} Independent of the presence of a veto threat, party control of the House and Senate are important covariates. Opposition control of the House assures the introduction of riders the administration party will view as extreme and hence, be more likely to filibuster. The relationship for the Senate suggests that opposition parties are more likely to filibuster when they are helping their administration ward off hostile riders.

\textbf{V.C.2. Textbook Process: Senate Passes Bill with Threatened Riders}

Though increasingly employed, punting remains an infrequently taken detour to the next year’s budget. About four-fifths of all appropriations bills (omnibus or traditional) received a final Senate vote before heading to conference. For many appropriations bills and for a majority of them beginning with the 105\textsuperscript{th} Congress the Senate floor is the first arena where the House bill receives serious reworking. As reflected in Table 5, a threatened rider is 31 percent more likely to be removed on the Senate floor.

\textbf{V.D. Conference Responds to Veto Threats}

By the time legislation reaches conference, legislators are pointed toward the end game – that is, identifying a bill that can command majorities in both chambers and that the president will sign. This partially explains why over the twenty-four legislative sessions, conferees did not insert any riders that prompted a president’s veto threat.\textsuperscript{30} According to the estimates in Table 6 conference drops

\textsuperscript{29} We also tested a multilevel model for these relationships that yielded the same results.

\textsuperscript{30} Congressional rules also formally prohibit the addition of new legislation not included in either the bill the House or the Senate passed. While this rule is often violated to accommodate omnibus
nearly a quarter of the threatened riders that remained in the House and Senate bills, compared to only about five percent of remaining non-threatened riders. And for those intractable bills that the Senate punted, conference removed over a third of the threatened HAC riders. Finally, recall that George W. Bush threatened vetoes of Republican-generated riders during the 108th and 109th congresses. The estimates for the unified government variable show that Republican dominated conference committees deferred to his preferences about half the time on riders that remained in punted bills and 38 percent of those riders that had survived the Senate’s culling.

[Table 6 here]

VI. Conclusion: The Utility of Veto Rhetoric in Modern Legislation

Does veto rhetoric matter? The accumulated evidence from tracking riders through the legislative process suggests that veto threats do matter. A veto threat halves a rider’s chance of surviving to the enrolled stage. If the choice were left wholly to the House of Representatives, however, a threat would matter little. Threatened riders rarely fail in this, the initiating chamber, and no more often than do unthreatened riders. The Senate is where veto rhetoric begins to weigh heavily on riders. On those appropriations measures that the Senate deliberates and passes a bill (that is, does not punt), threatened provisions are 37 percent more likely than unthreatened riders to fail. Conference removes an additional 28 percent of threatened riders, compared to an eight percent attrition of unthreatened riders. Beyond directly influencing legislative decisions, veto rhetoric at times alters the legislative process in a manner that pushes legislation toward conference, where the president’s representatives await an opportunity to participate informally in negotiations.

legislation not passed in one or both houses of Congress, it makes the addition of new riders not approved by either the House or the Senate more difficult.
The cumulative findings portray a substantial body of public policy moving through Congress in a fashion that resembles Cameron’s (2000) sequential veto bargaining, or SVB. Where SVB has the veto send the credible presidential signal that informs Congress’ effort to re-enact a mutually acceptable bill at a second stage, the sequential game described here occurs wholly before an enrolled bill is presented to the president. Although the veto provides Congress with a more costly and hence credible signal than can rhetoric, it piles transaction costs on the actors and exposes both sides to the serious risk that the game may end at the first stage as personnel and the political change from one Congress to the next. The sequential bargaining process described here is far less risky in that respect but riskier in another sense. The House of Representatives and its agent, the HAC, can open with a tough proposal, knowing that they will have another opportunity to revise the legislation in conference. Moreover, an extensive bill gives legislators a full opportunity to flush out the president’s objections. Even a discounted signal – one that is less credible than a veto – can give legislators valuable information as to which provisions are in play and which have been tacitly taken off the table for subsequent negotiations.

An extreme bid followed by a veto threat response sets the stage for subsequent negotiations. These negotiations may end in failure either because no mutually acceptable alternative to the status quo exist or that veto rhetoric inadequately conveyed the president’s preferences. In Figure 1 presidents vetoed some threatened must have appropriations bills. Far more frequently, however, veto rhetoric fosters a coordinated outcome in a polarized divided government setting that frequently appears destined for gridlock.
Table 1  
The Distribution of Threatened Riders across Congresses

<table>
<thead>
<tr>
<th>Congress</th>
<th>Presidency</th>
<th>House (Seat %)</th>
<th>Senate (Seat %)</th>
<th># of Threatened Riders</th>
<th>Origin of Threatened Riders</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HAC</td>
</tr>
<tr>
<td>99th (1985-1986)</td>
<td>Republican</td>
<td>Democrat (58.2%)</td>
<td>Republican (56%)</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>100th (1987-1988)</td>
<td>Republican</td>
<td>Democrat (59.3%)</td>
<td>Democrat (55%)</td>
<td>12</td>
<td>6</td>
</tr>
<tr>
<td>101st (1989-1990)</td>
<td>Republican</td>
<td>Democrat (59.8%)</td>
<td>Democrat (55%)</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>102nd (1991-1992)</td>
<td>Republican</td>
<td>Democrat (61.6%)</td>
<td>Democrat (56%)</td>
<td>21</td>
<td>15</td>
</tr>
<tr>
<td>103rd (1993-1994)</td>
<td>Democrat</td>
<td>Democrat (61.4%)</td>
<td>Democrat (57%)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>104th (1995-1996)</td>
<td>Democrat</td>
<td>Republican (53.1%)</td>
<td>Republican (52%)</td>
<td>37</td>
<td>28</td>
</tr>
<tr>
<td>105th (1997-1998)</td>
<td>Democrat</td>
<td>Republican (52.4%)</td>
<td>Republican (55%)</td>
<td>40</td>
<td>35</td>
</tr>
<tr>
<td>106th (1999-2000)</td>
<td>Democrat</td>
<td>Republican (51.5%)</td>
<td>Republican (55%)</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>107th (2001-2002)</td>
<td>Republican</td>
<td>Republican (50.8%)</td>
<td>Democrat (50%)</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>108th (2003-2004)</td>
<td>Republican</td>
<td>Republican (52.6%)</td>
<td>Republican (51%)</td>
<td>57</td>
<td>41</td>
</tr>
<tr>
<td>109th (2005-2006)</td>
<td>Republican</td>
<td>Republican (53.3%)</td>
<td>Republican (55%)</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>110th (2007-2008)</td>
<td>Republican</td>
<td>Democrat (53.6%)</td>
<td>Democrat (50.5%)</td>
<td>54</td>
<td>51</td>
</tr>
</tbody>
</table>
### Table 2

**Example Text of Riders and Veto Threats**

<table>
<thead>
<tr>
<th>Rider Provision</th>
<th>President's SAP Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Limitation Rider (2003)</strong> (removed in conference)</td>
<td><strong>HR 2799:</strong> Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act &lt;br&gt; <strong>Rider Provision:</strong> None of the funds in this Act may be used to grant, transfer or assign a license for a commercial TV broadcast station to any party (including all parties under common control) if the grant, transfer or assignment of such license would result in such party or any of its stockholders, partners, members, officers or directors, directly or indirectly, owning, operating or controlling, or having a cognizable interest in TV stations which have an aggregate national audience reach, as defined in 47 C.F.R. 73.3555, exceeding thirty-five (35) percent.</td>
</tr>
<tr>
<td><strong>Policy Rider (1992)</strong> (removed in conference)</td>
<td><strong>HR 5488:</strong> Treasury Department, the United States Postal Service, the Executive Office of the President, and Related Agencies Appropriations, FY 1993 &lt;br&gt; <strong>Rider Provision:</strong> SEC. 629. (a) Section 1702(a) of title 50, United States Code, is amended by adding the following new paragraph at the end thereof: (4) An officer or employee of the Office of Foreign Assets Control of the United States Department of the Treasury may serve and execute warrants and subpoenas issued under the authority of the United States; may make arrests without warrant for any offence against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; may carry firearms; and offer and pay rewards for services and information leading to apprehension of persons involved in the violation or potential violation of those provisions of law which the Office of Foreign Assets Control is authorized to enforce, as authorized by the Director of the Office of Foreign Assets Control.</td>
</tr>
</tbody>
</table>
Note: Unweighted observations. Minor discrepancies between the numbers reported here and in the statistical analysis stem from an inability to track a few riders throughout the legislative process for the 99th and 100th Congress, for which Thomas.gov does not provide full text of the bills at each stage of deliberation. In such instances we supplemented the data from CQ Weekly’s coverage, which allowed us to code fully all but thirteen riders, six of which were threatened. The subsequent statistical analyses include these riders where the information is available. The Senate Passes category includes instances of “punting,” examined in section V.
### Table 3
**Likelihood of Veto Threat**

<table>
<thead>
<tr>
<th></th>
<th>(1) All riders</th>
<th>(2) HAC Riders</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HAC Origin</strong></td>
<td>1.907**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.259)</td>
<td></td>
</tr>
<tr>
<td><strong>Pres. Party Share in House</strong></td>
<td>-0.175*</td>
<td>-0.230**</td>
</tr>
<tr>
<td></td>
<td>(0.072)</td>
<td>(0.083)</td>
</tr>
<tr>
<td><strong>Pres. Party Share in Senate</strong></td>
<td>-0.193*</td>
<td>-0.187*</td>
</tr>
<tr>
<td></td>
<td>(0.077)</td>
<td>(0.083)</td>
</tr>
<tr>
<td><strong>Presidential Election Year</strong></td>
<td>-0.510</td>
<td>-0.450</td>
</tr>
<tr>
<td></td>
<td>(0.280)</td>
<td>(0.300)</td>
</tr>
<tr>
<td><strong>Presidential Honeymoon</strong></td>
<td>-1.878**</td>
<td>-1.825**</td>
</tr>
<tr>
<td></td>
<td>(0.427)</td>
<td>(0.461)</td>
</tr>
<tr>
<td><strong>Clinton</strong></td>
<td>2.358**</td>
<td>3.017**</td>
</tr>
<tr>
<td></td>
<td>(0.663)</td>
<td>(0.721)</td>
</tr>
<tr>
<td><strong>G.W. Bush</strong></td>
<td>4.440**</td>
<td>5.410**</td>
</tr>
<tr>
<td></td>
<td>(0.650)</td>
<td>(0.897)</td>
</tr>
<tr>
<td><strong>Constant</strong></td>
<td>12.365**</td>
<td>16.000**</td>
</tr>
<tr>
<td></td>
<td>(2.782)</td>
<td>(3.750)</td>
</tr>
<tr>
<td><strong>Observations</strong></td>
<td>1,028</td>
<td>594</td>
</tr>
<tr>
<td><strong>Pseudo R-Squared</strong></td>
<td>.23</td>
<td>.19</td>
</tr>
<tr>
<td><strong>Log-Likelihood</strong></td>
<td>-346.7</td>
<td>-277.0</td>
</tr>
</tbody>
</table>

Logit estimates with corrected standard errors clustered by bill in parentheses.

** p<0.01, * p<0.05

Choice based sample weights adjusted according to sample
Figure 2
Likelihood of Veto Threat of HAC Riders*

*Probabilities based on Model 2 in Table 3 using Clarify (King, Tomz, and Wittenberg 2000).
Table 4
Likelihood of Senate Filibuster Threat

<table>
<thead>
<tr>
<th></th>
<th>(1) Subject to Filibuster</th>
<th>(2) Subject to Filibuster</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Threatened Bill</td>
<td>1.442**</td>
<td>0.804</td>
</tr>
<tr>
<td></td>
<td>(0.492)</td>
<td>(0.546)</td>
</tr>
<tr>
<td>Opposition Party Controls House</td>
<td>2.078*</td>
<td>4.242**</td>
</tr>
<tr>
<td></td>
<td>(1.011)</td>
<td>(1.607)</td>
</tr>
<tr>
<td>Opposition Party Controls Senate</td>
<td>-1.965*</td>
<td>-3.208*</td>
</tr>
<tr>
<td></td>
<td>(0.943)</td>
<td>(1.295)</td>
</tr>
<tr>
<td>Year</td>
<td></td>
<td>0.156*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.067)</td>
</tr>
<tr>
<td>Constant</td>
<td>-2.565**</td>
<td>-314.066*</td>
</tr>
<tr>
<td></td>
<td>(0.617)</td>
<td>(134.807)</td>
</tr>
<tr>
<td>Observations</td>
<td>554</td>
<td>554</td>
</tr>
<tr>
<td>Pseudo R-Squared</td>
<td>0.09</td>
<td>0.16</td>
</tr>
<tr>
<td>Log-Likelihood</td>
<td>-241.2</td>
<td>-222.3</td>
</tr>
</tbody>
</table>

Logit estimates with corrected standard errors clustered by bill in parentheses.
** p<0.01, * p<0.05
Choice based sample weights adjusted according to sample
## Table 5
Likelihood of Senate Removing Rider

<table>
<thead>
<tr>
<th></th>
<th>(1) Senate Removes Rider</th>
<th>(2) Senate Removes Rider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threatened</td>
<td>1.568**</td>
<td>1.464**</td>
</tr>
<tr>
<td></td>
<td>(0.269)</td>
<td>(0.325)</td>
</tr>
<tr>
<td>Opposition Party Controls House</td>
<td>0.016</td>
<td>0.288</td>
</tr>
<tr>
<td></td>
<td>(0.440)</td>
<td>(0.652)</td>
</tr>
<tr>
<td>Opposition Party Controls Senate</td>
<td>-0.136</td>
<td>-0.274</td>
</tr>
<tr>
<td></td>
<td>(0.406)</td>
<td>(0.449)</td>
</tr>
<tr>
<td>Threatened Filibuster</td>
<td>0.469</td>
<td>0.395</td>
</tr>
<tr>
<td></td>
<td>(0.402)</td>
<td>(0.472)</td>
</tr>
<tr>
<td>Year</td>
<td></td>
<td>0.025</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.039)</td>
</tr>
<tr>
<td>Constant</td>
<td>-2.019**</td>
<td>-52.414</td>
</tr>
<tr>
<td></td>
<td>(0.283)</td>
<td>(77.762)</td>
</tr>
</tbody>
</table>

Observations                  | 414                      | 414                      |
Pseudo R-Squared              | .09                      | .09                      |
Log-Likelihood                | -177.1                   | -176.8                   |

Logit estimates with corrected standard errors clustered by bill in parentheses. Analysis excludes riders punted to conference. ** p<0.01, * p<0.05 Choice based sample weights adjusted according to sample
### Table 6
Likelihood of Conference Removing Rider

<table>
<thead>
<tr>
<th></th>
<th>(1) Conference Removes Rider</th>
<th>(1) Conference Removes Rider</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threatened</td>
<td>1.844** (0.406)</td>
<td>2.118** (0.412)</td>
</tr>
<tr>
<td>Unified Government</td>
<td>1.428** (0.468)</td>
<td>1.767** (0.520)</td>
</tr>
<tr>
<td>Did Not Pass Senate</td>
<td>0.965* (0.442)</td>
<td>1.343* (0.582)</td>
</tr>
<tr>
<td>Year</td>
<td></td>
<td>-0.066 (0.050)</td>
</tr>
<tr>
<td>Constant</td>
<td>-3.715** (0.442)</td>
<td>128.018 (99.239)</td>
</tr>
<tr>
<td>Observations</td>
<td>440</td>
<td>440</td>
</tr>
<tr>
<td>Pseudo R-Squared</td>
<td>0.198</td>
<td>0.198</td>
</tr>
<tr>
<td>Log-Likelihood</td>
<td>-112.4</td>
<td>-112.4</td>
</tr>
</tbody>
</table>

Logit estimates with corrected standard errors clustered by bill in parentheses.

** p<0.01, * p<0.05

Choice based sample weights adjusted according to sample
References


