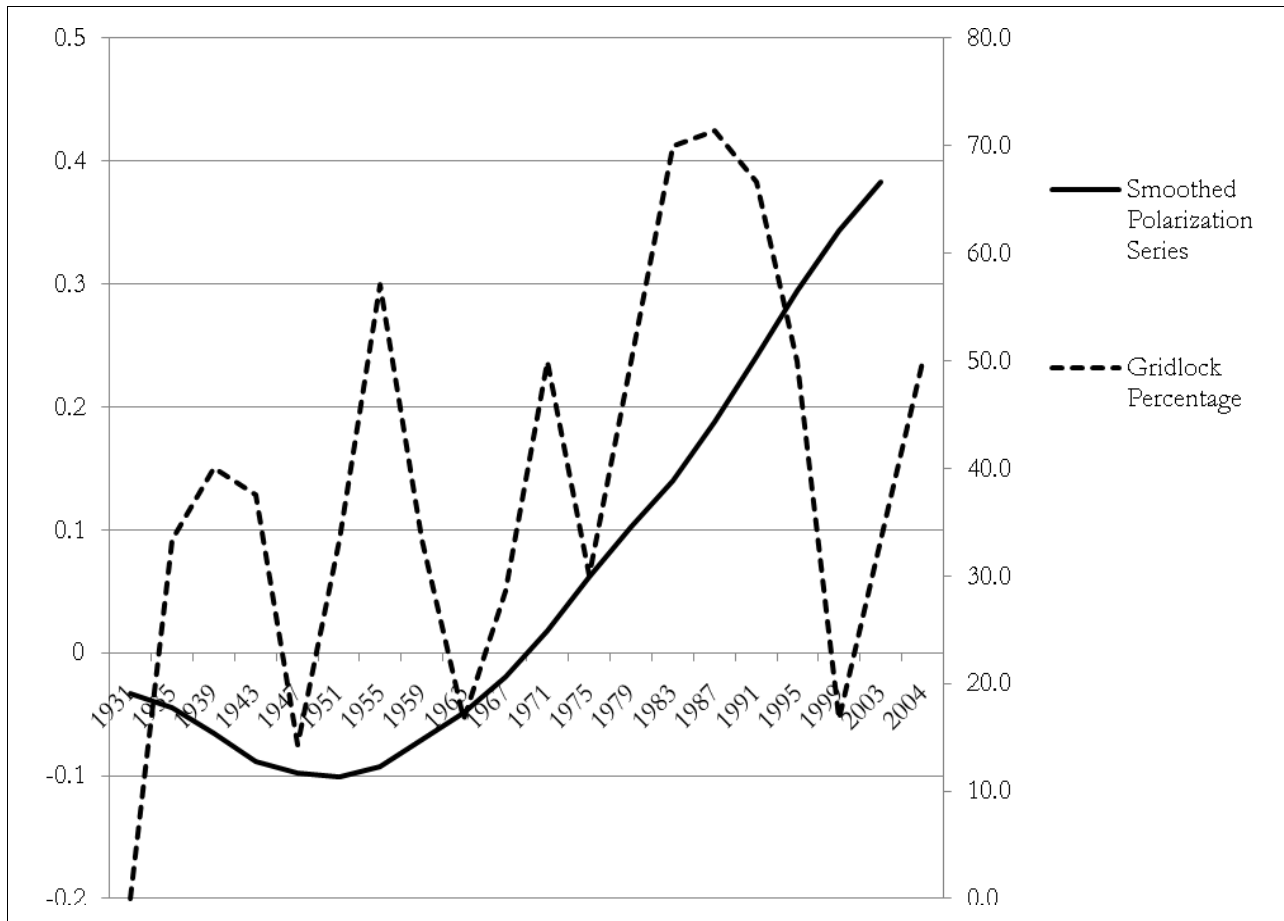


# Does Partisan Polarization Lead to Policy Gridlock in California?

**Figure: Partisan Polarization and Gridlock in California**



The recent rise in gridlock cannot be solely explained by increases in polarization

## California Constitutional Reform Project Policy Paper 2009.4

Thad Kousser, Visiting Associate Professor, Bill Lane Center for the American West and Campbell National Fellow, Hoover Institution, Stanford University. Associate Professor of Political Science, UC San Diego, tkousser@ucsd.edu. The author would like to thank the Public Policy Institute of California for support of this project, Krishan Banwait, Jessica Lasky-Fink, and Sandy Luong for research assistance, John Korey, Ted Lascher, and Seth Masket for generously sharing their data, and Tracy Gordon, Ted Lasher, Paul Lewis, Max Neiman, Debbie Reed, and Peter Schrag for their helpful comments.

Is “policy gridlock” in California – the inability of legislators and the governor to reach consensus on the major policy challenges facing the state – on the rise? If so, can gridlock be blamed on increases in the level of partisan polarization in California government? Some Sacramento observers charge that it can. They see the Republican and Democratic legislative caucuses growing further apart on the ideological spectrum in recent decades, and tie this to policy stalemate. When the parties can no longer find much common ground, the reasoning goes, they cannot forge the compromises needed to resolve controversial issues. According to the conventional wisdom, the policy making process will stall as government becomes stuck in gridlock. Former Assemblyman Keith Richman, quoted in Gledhill (2006), stated that “The Legislature has been very dysfunctional and in partisan gridlock. There is a long list of problems the Legislature has not addressed.”<sup>1</sup> Legislative polarization is no mere political problem, in this view, but a binding policy constraint.

Yet it is also possible that partisan polarization might cause no deceleration in legislative activity at all. The growing ideological gap between the two parties in California may simply reflect the fact that voters have sorted themselves into the appropriate camps: Party labels may have become more meaningful as more and more liberal voters identify with the Democratic Party and conservatives increasingly see themselves as Republican. If this is the case, then conservative and liberal voters are not any further apart on the ideological spectrum than they were in the past. They just side more consistently with the red and blue parties, which allows each party’s caucus in Sacramento to move to the extremes but does not indicate a widening political chasm in society. If this in fact has occurred, then compromise is still possible in the face of party divisions and polarization will have no impact on the level of policy gridlock in California.

This research brief seeks to adjudicate between the conventional wisdom that has convicted partisan polarization of stalling California government and the alternative view that proclaims its innocence. In order to do so, three questions must be answered:

1. Have the two parties become more polarized in the state legislature over recent decades?
2. If partisan polarization is on the rise, has it been driven by a growing ideological gap among voters or by a tighter match between their ideologies and party identifications?
3. What has been the historical pattern of gridlock in California government, and what systematic factors explain it?

The first two questions can be answered by reviewing recent studies of California politics, using data that their authors have generously lent. The most difficult task will be to measure, for the first time, the level of gridlock in California today and over a time span that is

---

<sup>1</sup> Other close observers of Sacramento have offered similar characterizations in recent decades, referring to “Leaders of a Legislature known for decades of bitter partisan gridlock” (Mendel 2006), “...the institutional gridlock that has led to a collapse of confidence in government at every level of the state” (Roberts, 1995), and “the political gridlock and obstructionism that marked the recent past” (Syber 1992).

long enough to learn about its causes. Borrowing from methods used by those studying gridlock in Congress, the original analysis presented in this chapter gauges the level of gridlock over major issues on the legislature's policy agenda at the beginning of every gubernatorial term from 1931 to 2004. In addition to charting gridlock over time, I investigate whether it varies along with party polarization in the legislature. I also consider the alternative explanation that the barriers toward productive policy making are instead erected when voters divide control of governmental branches between the two parties. Because major deals require interbranch as well as interparty compromises, divided government may be a major cause of policy stalemate. Analyzing a systematic measure of gridlock observed over a long time period makes it possible to compare these competing interpretations of the policy making constraints that are present today in Sacramento.

The academic exercise of charting and explaining gridlock can yield implications for governance policies. If gridlock has grown, identifying the reasons for its growth can direct reformers to the appropriate remedy. Suppose that legislative polarization results from the behavior of elected officials, while voter preferences have remained relatively constant. If so, governance tools that change the way that preferences are aggregated or legislators behave – such as the open or blanket primary (see Cain and Gerber 2002), limits on party contributions to candidates, amendments to term limits (Cain and Kousser 2004), a reduction of the two-thirds majority needed to pass a budget, or restrictions on the use of the Suspense File (Cox, Kousser, and McCubbins 2005) – might be considered. If instead the roots of polarization lie primarily in the ideological distribution of voters, then effective reforms will be ones that alter the way that voters are sorted into districts; for instance, changing the way that new districts are drawn or increasing the size of the legislature. If gridlock is rooted in an entirely different cause, such as divided government, then this realization should direct elsewhere the attention of those who want to see more government action.

Before speculating about potential reforms, I begin this chapter by report trends in the level of partisan polarization in the state legislature over the last 75 years. To determine whether or not the increasing divide between the two parties since 1960 is likely to lead to gridlock, I then describe recent research investigating whether California voters have become as polarized as their representatives. Next, I introduce an original measure of gridlock in California government, explaining the logic behind its design and detailing the way in which it was compiled. Using the gridlock measure, I describe its historical arc and analyze whether variation in governmental productivity can be predicted by the level of partisan polarization or by other factors. Finally, I draw conclusions about the implications that these empirical findings might have for the debate about how best to loosen California's policy making constraints.

## **Partisan Polarization in the Legislature**

How wide is the ideological gulf dividing Republican and Democratic legislators in California? The breadth of this gulf, indicating the level of partisan polarization, has shifted over time. In some eras, as the two parties represent relatively similar constituencies and agree on many policy issues, the ideological positions of their elected members may overlap and polarization will be low. In highly polarized eras, by contrast, Republican and Democratic legislators find little common ground in Sacramento as they represent sharply divided groups of

voters. California has fluctuated between high and low levels of polarization at various points in its history.

In recent years, political scientists have developed sophisticated tools to measure the level of partisan polarization in a legislature. These measures use records of roll call votes cast on the floor of legislatures to see how often votes divide the house along party lines and how often they lead to bipartisan consensus. Tracing historical patterns in the level of party polarization in Congress, McCarty, Poole and Rosenthal (2006) show that the gap between the two parties has grown in recent decades, and argue that this increase in polarization is linked to increases in income inequality. Seth Masket, the leading expert on partisan polarization in California's legislature, has used similar statistical methods to gauge the partisan divide in Sacramento over time. In his initial analysis (Masket 2004), he used legislator ratings compiled by the AFL-CIO to show how often legislators from each party sided with labor unions on major issues. Because work by Snyder (1992) has shown that using interest group scores to identify legislator positions and make member appear more extreme than they actually are, Masket's (2007) most recent study analyzes every roll call vote cast on the floor of the California Assembly<sup>2</sup> throughout state history.<sup>3</sup> Both measures tell the same general story about legislative polarization.

The historical record of legislative voting behavior summarized in Figure 1 reveals a trend that should not surprise any Sacramento observers: Over the past 50 years, the level of partisan polarization in the California legislature has steadily increased. For a variety of reasons, the average Democrat and average Republican in the Assembly have moved further and further apart on the ideological spectrum as more and more votes divide on party lines. This fits with the conventional wisdom, but Masket's analysis also reveals a trend that may not be so obvious to modern observers: After rising gradually during the first eight decades of California's statehood, the level of polarization actually decreased from the 1930s through the 1950s. Masket shows that the fall and rise of polarization can be explained by the imposition and abolition of cross-filing, a Progressive-era reform that allowed California's candidates to run for both parties' nominations. The lines between the parties became blurred as popular incumbents frequently captured the nominations of both the Democratic and Republican parties.

Legislative polarization began to drop when cross-filing was introduced in 1914, and continued to decline until reaching its lowest levels in the 1950s. When cross-filing candidates were forced to list their party affiliations on the primary ballot in 1954 and when the entire practice was abolished in 1959, party labels became more meaningful, incentives for moderation

---

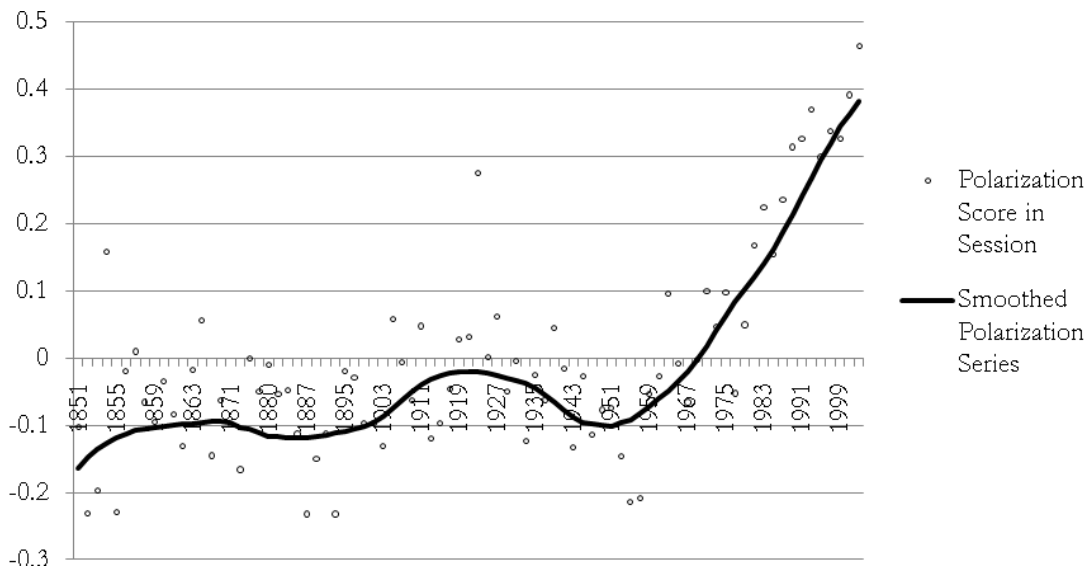
<sup>2</sup> This analysis focuses on the lower house of the California legislature, as many legislative studies arbitrarily do. An analysis of the Senate might yield different trends early in this time series, because the upper house was malapportioned in a way that gave great power to rural areas until its districts were redrawn for the 1966 elections (Persily, Kousser and Egan 2002). However, since that landmark reapportionment, party dynamics in the two houses have generally moved in tandem.

<sup>3</sup> The measure of polarization used in Masket (2007, p. 13-14) captures the proportion of votes that fall along the traditional liberal-to-conservative dimension – a standard measure of partisanship – that cannot be explained simply by noting how many Republicans and how many Democrats there are in the Assembly.

declined, and the level of partisan polarization began its upward climb (Masket 2007, p. 485-490). This climb continued as the parties split on salient issues such as civil rights and the “Great Society” welfare programs in the 1960s, culminating in the ideological battle between Ronald Reagan and Pat Brown in the 1966 governor’s race (Dallek 2000). When the post-Watergate elections brought many liberal Democrats to the legislature in 1974, and when the Reagan Revolution brought conservative Republicans into office in 1980, the party caucuses grew farther and farther apart. Polarization climbed further still throughout the 1980s and 1990s, when Willie Brown ruled as the “Ayatollah of the Assembly” (York, 1999), and has risen unabated through the term limits era.<sup>4</sup>

Whether or not cross-filing and the events that followed it were normatively good for California politics, their effects on polarization have created a very useful opportunity to test the links between polarization and policy gridlock. If polarization had simply increased throughout state history, it would be hard to be sure whether it was actually responsible for a one-way trend that might be present in gridlock, or whether both patterns simply reflected some natural process occurring in the state. But because polarization fell and then rose since 1931, one can look for a similar pattern in gridlock. If gridlock declines and then increases over the same period along with polarization, this will provide compelling evidence that the two political dynamics are linked.

**Figure 1. Partisan Polarization in the California Assembly, 1851-2003**



*Note: All polarization scores compiled and generously lent by Seth Masket, and described in Masket (2007). A higher score on the polarization measure indicates that the legislative caucuses of the Democratic and Republican Parties were further apart on the ideological spectrum.*

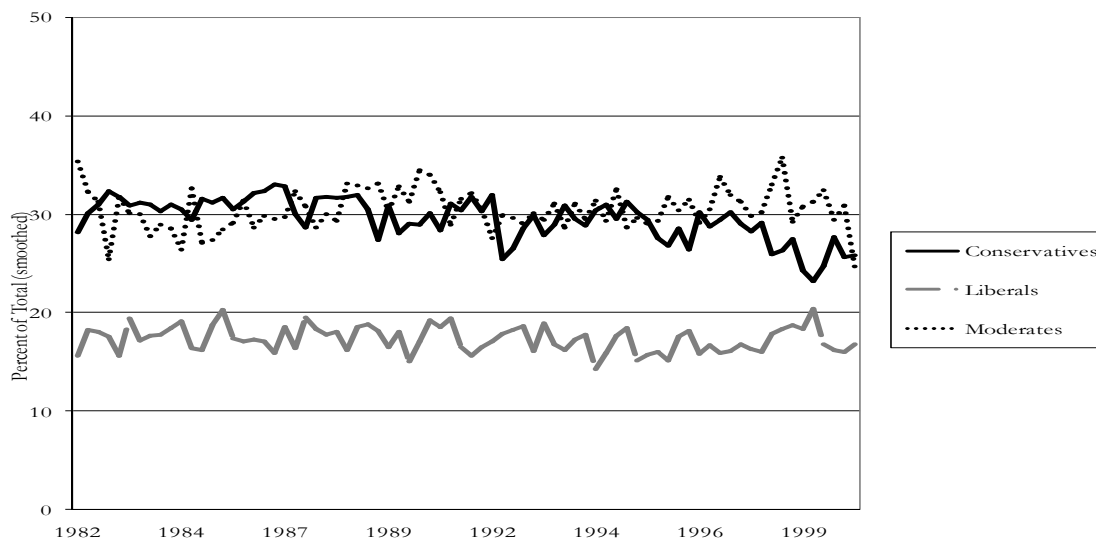
<sup>4</sup> There is no evidence, however, that the implementation of term limits caused any of this continued increase in partisan polarization (Cain and Kousser, 2004); limits simply did nothing to stop polarization’s rise. It is also important to note that the creation of many “safe” legislative districts dominated by voters registered one party in the post-2000 redistricting brought no particularly sharp rise in polarization.

## Partisan Polarization among Voters?

Before exploring the relationship between legislative polarization and government gridlock, I look for hints about this potential relationship by determining whether the cleavage between party elites was opened up by a schism among voters. Is the dramatic rise in legislative polarization an elite or a mass phenomenon? If ideological polarization among voters is the cause of the increasingly broad divide between the two parties in Sacramento, then public opinion polls should reveal a simultaneous change in the ideological distribution of voters. Their polarization should rise just as strikingly as legislative polarization does in Figure 1. Alternatively, it may be that elected officials in the two parties have pulled away from the center while California's voters have remained just as centrist (or extremist) as always. In his study of national politics, Fiorina (2005) argues that recent increases in polarization result more from the movement of political elites than from the ideological migration of ordinary voters. If this is the case in California, legislative polarization may reflect either a disconnect between elite and mass behavior, or simply a sorting of liberal and conservative voters (and thus their representatives) into parties that match with their ideologies.

Determining whether or not voters have become more ideologically polarized in California requires a measure of their positions on the political spectrum, taken over a long time period. The Field Poll (previously known as the California Poll) has consistently asked large, randomly-selected samples of Californians to place themselves on an ideological scale. Korey and Lascher (2006) have compiled the responses to this question from many Field Polls administered from 1982 to 2001. A longer time series of such data would be ideal, but the study does provide a consistent measure of voter ideology during two decades in which legislative polarization rose sharply. If that increase was caused by ideological polarization among ordinary Californians, then the data series in Figure 2 should rise just as steeply as the line in Figure 1.

**Figure 2. Voter Ideology in California, 1982-2001**



*Notes: All of the data in this figure were collected from the California Poll/Field Poll, and generously lent to the author, by Korey and Lascher (2006).*



Instead, voter ideology has been virtually unchanged over this period. If anything, according to the Field Poll, voters have become a bit more centrist. The fraction of respondents identifying themselves as moderates rose from about a quarter of Californians in the 1980s to just over a third of them in the late 1990s, while the fraction of conservatives dropped from a third to a quarter. Liberals made up between 15% and 20% of voters who reported an ideological placement. Ordinary Californians have not gravitated toward the poles of the ideological spectrum since 1982, initial evidence that mass polarization has not been responsible for legislative polarization over the past two decades.

Public opinion data gathered from another source by Jacobson (2004) shows that voters did polarize slightly in the 1970s, and shows that they have also sorted themselves into party affiliations that more closely match their ideology over the past three decades. Jacobson aggregated the responses that Californians gave to National Election Study survey researchers by decade, putting together their answers in the 1970s, 1980s, and 1990s, respectively, in order to analyze large groups of respondents. He found that voter placements on the seven-point ideology scale used by the NES shifted over this period, especially from the 1970s to the 1980s. In surveys taken from 1972-1980, 40.9% of respondents placed themselves in the middle of this scale, but that percentage declined to 33.6% from 1982-90 and 29.5% in 1992-2000 (Jacobson 2004, 130). Over the same time period, there was a nearly ten percentage point increase in the percentage of voters who put themselves in either the two most liberal or the two most conservative positions on the seven-point scale. Because this data series goes back further than the Field Poll data contained in Figure 2, it provides some evidence of ideological polarization among California voters.

But just as important is the partisan sorting that Jacobson's analysis reveals. The percentage of respondents whose party identifications are consistent with their ideologies – meaning that liberals identify as Democrats and conservatives identify as Republicans – rose from 76.5% in the 1970s to 84.6% in the 1990s (Jacobson 2004, 130). Voters also became much less likely to split their tickets in elections during this period, a mark of increasing party loyalty, and the correlation between party voting in state and federal races rose consistently from 1966-2000 (Jacobson 2004, 120-21).

Combined, these trends can help explain the rise in legislative polarization. Over the time period during which liberals in the electorate moved into the Democratic Party, voted more like their co-partisans around the country, and became more loyal Democrats, Democrats in the legislature moved to the left. Republican voters changed in the same ways, freeing the legislators who represented them to migrate toward the right. But note that the rise in legislative polarization began long before the drift by voters that Jacobson identified, and continued even after voters stabilized. Political elites moved both before and after the masses. Some portion of the profound partisan polarization that has occurred in the legislature during the past half-century appears to be the product of a modest amount of ideological polarization among voters, compounded by their alignment into more cohesive party camps. Yet much of it represents a drift toward the extremes by elected officials, independent of voters.

## Measuring Policy Gridlock in California

To investigate the oft-heard charge that government gridlock is a new policy making constraint facing California, I present an original measure of policy productivity from 1931 to 2004. One way that prior research (Bowling and Ferguson 2001) has attempted to measure productivity has been to look at the overall passage rate of all legislation introduced in a state. The drawback to this approach is that it implicitly weighs every single bill equally. Failure to reach consensus on a minor, narrow district concern represents just as much gridlock as a policy stalemate over one of the year's big issues. In order to avoid this problem by focusing my analysis on a small set of comparable major issues, I borrow from the methods that Congressional scholars have used in recent years to measure governing achievements at the federal level.

Mayhew's (1991, 34-44) pioneering work used the annual end-of-session "wrapup" stories published in the *New York Times* and the *Washington Post* to count the number of "important laws enacted" in each session from 1946-1990. His study – which surprised many by finding that divided government did *not* decrease the amount of significant legislation – initiated a cottage industry of research on federal gridlock. Binder's (1999) influential analysis amended Mayhew's measurement strategy by dividing the number of important laws enacted by the number of major issues on the policy agenda, identified by *New York Times* editorials calling for action. Binder's (1999, 523) gridlock measure captures the proportion of major issues in each session that were not resolved by important laws. She finds that divided government, along with ideological diversity among legislators and disagreement between the House and the Senate, leads to higher levels of gridlock.

I follow Binder's amendment to Mayhew by defining gridlock as the percentage of major policy challenges faced by California that are not addressed by successful legislation. By "successful legislation," I mean bills that pass both houses and are signed by the governor, the level of consensus that is necessary for government action. This measure judges the accomplishments of legislators and governors against the agenda set before them. Following the Congressional literature, I rely on journalistic sources to identify both the policy agenda that confronted lawmakers early in the legislative session, and whether or not they agreed on legislation that addressed it. New digital archives of the *Los Angeles Times* make the search for such legislative coverage feasible. Three undergraduate research assistants at UC San Diego, working off a set of systematic instructions and meeting with me regularly, conducted these searches using ProQuest's historical archive of *Los Angeles Times* articles. They focused solely on the *Los Angeles Times* because digital archives of the California legislature's other newspaper of record, the *Sacramento Bee*, are not yet available for the time period under study.<sup>5</sup> Each of the researchers tracked a variety of years throughout the period of study, to reduce the likelihood that differences across coders would lead to any systematic bias in the data that they collectively produced.

---

<sup>5</sup> The only potential problem that our reliance on a Los Angeles source posed was that the newspaper in most years provided a preview of the major state government issues facing Los Angeles County in the year to come. Researchers were specifically instructed to ignore the parochial set of issues in such articles so that they would identify only the major policy questions facing the state as a whole.



In order to discover what the major policy issues were in state government in any year, the research assistants searched for articles that presented previews written at the beginning of a legislative session or coverage of individual policy challenges. They looked for articles published in January through March, using terms such as “legislative session,” “legislature preview,” and “State of the State.” Reading through the articles that they found, they identified between five and ten major issues. To be included in this list, an issue had to be either described as one of the year’s significant policy challenges, appear in multiple preview articles, or be identified as a key component of the governor’s agenda. An example of a qualifying issue comes from 1943, in an article entitled “Governor Warren’s Inaugural Address.” Serving his first term, Gov. Earl Warren delivered an address stating that “[I]t is my hope that a way can be found for improving the lot of our older citizens through the broadening of our approach to the pension problem.... It is my conviction that the pension system should not be based upon the requirement of pauperism. I want it to be based upon social right” (Associated Press 1943, 7). The researcher would record this sort of specifically identified and clearly significant policy in a table of major issues, and then save the article.

Using the same database, researchers would then read articles written throughout the course of the legislative session and at its conclusion to find out whether each major issue was addressed in a bill and, if so, whether it eventually became law. This was generally straightforward. In nearly every case, issues important enough to make the list generated specific legislation which was then followed closely in the *Los Angeles Times*. When no mention of any bill could be found, researchers recorded this as a failure. If a bill’s introduction was mentioned but its progress given no coverage, they turned to the legislative histories made available on the Assembly Clerk’s archival website (<http://192.234.213.35/clerkarchive/>) to discover its eventual fate. They recorded any bill that passed and was signed into law as a success. For instance, an article entitled “Governor Signs Old-Age Pension Pay Increase,” revealed that on May 7, 1943, Gov. Warren signed a bill that increased California’s monthly pension payments to \$50, the highest in the nation, though “pension promoters are protesting that they got a raw deal” (Hanson 1943, 6).

The category of successes thus includes both policy compromises as well as bills that gave governors, legislative leaders, or other policy advocates everything for which they asked.<sup>6</sup> As a way to construct a measure of gridlock, this makes sense. This measure is not intended to record whether the ultimate policy outcome was closer to the demands of one political actor or another; it is simply a way of sorting out cases of gridlock from instances of policy productivity. Since compromise is often the route to avoiding gridlock, the accomplishments attained in a legislative session should not be downgraded if many were the results of compromise. Based on this logic, I used the tables created by research assistants to calculate a simple metric of gridlock: It is the percentage of major issues in a year that were not resolved by successful legislation. In 1943, three of the eight major issues identified were left unresolved, while five were addressed by bills which became law. This yielded a relatively low gridlock score of 37.5%. This

---

<sup>6</sup> An alternative way to calculate gridlock would be to count policy compromises half as much as complete successes, giving a quantitative weight of 0.5 to bills that are qualitatively “half a loaf.” I conducted parallel analyses on a measure of gridlock calculated this way, and reached exactly the same substantive findings about the relationships between polarization, divided government, and gridlock as I did in the main analysis presented below.

quantitative assessment matches up well with a contemporary description of the 1943 session as “one of the briefest, least acrimonious, and most-fruitful-of-accomplishment meetings in the annals of Sacramento” (*Los Angeles Times* 1943, A4).

Another potential concern about this measurement strategy is that the scope of the agenda in any year might itself be driven by expectations about the government’s ability to resolve many issues; in years that are likely to result in gridlock, pessimism about this might shrink the agenda. But note that even when gridlock is expected, every political faction has an incentive to talk about its favored issues, thus placing them on the agenda. Even if their proposals are doomed to failure, this sort of “position taking” (Mayhew 1974) wins them political points with their constituencies and gives them issues to run on in the next election. There is thus a consistent political motive to raise major issues, regardless of their chances of being resolved. Empirically, the researchers consistently found between five and ten major issues raised in each year that they studied, no matter what the configuration of government or level of partisan polarization.<sup>7</sup> The only exceptions came in 1931 (when only four issues made the list) and 1991 (when only three qualified), and these sessions differed greatly in both the level of partisan polarization and in the presence of divided government.

**Table 1. Major Issues in 1963 (Gov. Pat Brown, Democratic Legislature)**

ISSUE	RESOLUTION?
<p><b>1. Education:</b> Dispense more state aid to local school districts to ease the burden on local taxpayers; bill authored by Charles Garrigus; increases state school support by \$101.5 million and impose a countywide equalization tax designed to raise another \$25 million at the local level</p>	<p>AB 1046 – Bill passed</p>
<p><b>2. Gas and License Tax Increase:</b> Increase gas tax and the vehicle license fee to finance city and county road construction; bill proposed by Randolph Collier</p>	<p>SB 344 – Bill Passed</p>
<p><b>3. Smog Control:</b> Annual inspection of motor vehicles to enforce the installation and proper operation of smog control devices</p>	<p>1) SB 325 – bill proposed by Thomas Rees; permits counties to require inspections of vehicle smog control devices – Bill Passed</p> <p>2) Bill passed requiring all used cars and commercial vehicles to be equipped with anti-smog device</p>

<sup>7</sup> In the eight years that featured divided government, my researchers identified an average of 6.25 major issues on the agenda. In the 12 years with unified government, an average of 6.83 issues appeared on the agenda. The similarity between these numbers makes it clear that differences in agenda size could not, for instance, account for any observed link between divided government and the gridlock rate.

<b>4. Death Penalty:</b> Proposed four-year moratorium on capital punishment; aware that the public doesn't want capital punishment abolished, but wants to find out if justice can't be served just as well by putting these people away for life	SB 692 – Bill failed in Senate
<b>5. Tax Reform:</b> proposed payroll withholding to collect state income tax; bill by Nicholas Petris forbids cities to levy a personal income tax	1) Bill for withholding state income taxes failed in Senate  2) AB 661 (Petris Bill) – Bill Passed
<b>6. Anti-Discrimination Housing Act:</b> Bill introduced by Bryon Rumford at Brown's request; makes it illegal to discriminate in business, pertaining especially to real estate agents; would cover all publicly assisted housing and privately financed housing	Bill Passed (later overturned by referendum)

Table 1 gives an example of the entire policy agenda that state lawmakers faced one year, as well as the ultimate resolution of each issue.<sup>8</sup> It records the six major issues with which Gov. Pat Brown and the Democratic-controlled legislature grappled in 1963. These included issues as controversial as the death penalty, as high-stakes as education financing and tax increases, and as relevant to the daily lives of Californians as smog control devices and the gas tax. On every issue but the proposed moratorium on the death penalty, the legislature and governor reached a successful resolution.<sup>9</sup> This high level of policy productivity led to a very low gridlock score of 16.7%. To be consistent in our coding scheme, we recorded the Rumsford Fair Housing Act, which was later overturned by a citizen referendum (see Rarick 2005, 261-290), as a success. It was a piece of successful legislation, passed by the legislature and signed by the governor. The gridlock that occurred on this issue, when the bill was eventually overturned, could not be blamed on Sacramento. Although this coding decision might be questioned, the problem that it presents is not a general one; no other bill in our analysis was overturned by referendum.

Because it is such a time-consuming task to identify the major issues and track their resolution in any given year, the researchers conducted their gridlock studies only in the first

<sup>8</sup> Summary tables like Table 1, along with citations to all of the *Los Angeles Times* articles used to compile them, may be obtained by contacting the author.

<sup>9</sup> I count the success in passing one of the two tax reform bills (Issue #5) as a full victory. To be consistent across many multifaceted issues, I counted passage of any major bill introduced to address an issue as a success (just as I counted the passage of any compromise bill as a success).

year of each gubernatorial term. This has the drawback of leaving unmeasured the legislative accomplishments in the three subsequent years. Still, it captures the level of productivity in Sacramento at regular intervals that share similar political conditions:<sup>10</sup> A new election has just brought in a governor and a fresh legislature, one or both branches may be claiming a popular mandate, and the next legislative election is still more than a year away. Of course, the first year of Gov. Schwarzenegger's administration did not fit this pattern perfectly, but it is sufficiently anomalous that there is no way to match it up exactly with any other session in California's history. Overall, a gridlock measure based upon close examinations of 21 roughly comparable years from 1931 until 2004 tells the story of policy productivity in state government quite richly.

### What Explains Trends in Policy Gridlock?

The story begins with the legislative session which, by the standards described above, was the most productive year studied. In 1931, Gov. James Rolph, Jr. and his Republican allies who controlled both houses of the legislature reached agreement on all four of the major issues before them, registering a gridlock score of 0%. Gridlock rose over the next three gubernatorial terms, a period in which partisan polarization was decreasing. This provides the first indication that the links between polarization and gridlock may be weak. Gridlock hit its early peak in 1939, when Democratic Gov. Culbert Olson, the Democrats who held the state Assembly, and the Republicans who controlled the Senate could not reach agreement on 40% of the major issues that they faced. This pattern of spikes in gridlock when control of government is divided between the two parties repeats itself throughout the decades studied here.

Table 2 reports the level of gridlock in every year, with the cases of divided government shaded in gray. A quick glance at the data reveals that gridlock is consistently higher when inter-branch deals must be made across party lines. Ronald Reagan, not an unskilled politician, reached consensus with the Democratic legislature on fewer issues than his Democratic predecessor, Pat Brown, had. Following Reagan, Jerry Brown was not much more successful in his negotiations with legislative Democrats, but his administration resolved far more policy challenges than the two Republican administrations that followed. During the state's four straight gubernatorial terms of divided government from 1982 to 1998, George Deukmejian and Pete Wilson never successfully negotiated compromises with the Democratic legislature on more than half of the major issues. Gridlock remained at or above 50% during their administrations, reaching its highest levels in this dataset. The increasing use of the initiative process to resolve policy conflict after the passage of Proposition 13 in 1978 might provide a partial explanation for the lack of legislative productivity over this period. But the level of gridlock plummeted when the election of Democrat Gray Davis brought a return to unified government, then rose again with his recall and replacement by Republican Arnold Schwarzenegger. It has remained

---

<sup>10</sup> The rules that governed the legislature were also relatively consistent over this period. The major rule that might affect gridlock – the requirement that 2/3 of the membership of each house must pass a budget – was present in every session studied but the first (1931). Proposition 1 in 1933 (the Riley-Stewart Act) required a 2/3 vote for any budget that increased state spending by more than 5%. With California government growing quickly after its passage, this became a *de facto* 2/3 rule until it became a *de jure* 2/3 rule for any budget in the proposition put before voters by the Constitutional Revision Commission in 1962. (Source: personal communication with the author by Fred Silva in June, 2007.)

relatively low since the 2000 redistricting, though, casting doubt on any potential link between safe legislative seats and recent gridlock.<sup>11</sup> The clearest pattern present in Table 2 is that divided government presents a serious obstacle to policy productivity in California.

By contrast, there is little apparent link between the level of partisan polarization in the legislature and policy gridlock. Figure 3 charts the gridlock percentage together with Masker's tabulation of legislative polarization. As already noted, measures of the two concepts moved in opposite directions from 1931 to 1939. When legislative polarization began to rise steadily after the curtailment of cross-filing in 1954 and its abolition in 1959, the level of gridlock varied widely, neither increasing nor decreasing consistently. The two trends do rise together during the 1980s and early 1990s, but this turns out to be a function of divided government rather than any causal link between polarization and gridlock. When Gray Davis brought the governorship under Democratic control once again, gridlock went down even though polarization in the legislature continued to increase. Gathering data over a longer time period or at more frequent intervals might reveal a hidden link, but the analysis presented here finds no direct effect of polarization on gridlock.

Figure 3 provides hints of one subtle effect that polarization may be having on government productivity in California: Rising polarization might magnify the effect the divided government has upon gridlock. During the first half of this study, when the legislative parties were positioned relatively close together, switches from unified to divided government and back again did not bring changes in gridlock quite as dramatic as those that occurred later, when the gulf between the parties broadened. Gridlock rose by only seven percentage points when Democrat Culbert Olson took over of the governorship in 1939, and dropped just three points when Republicans regained unified control after the next election. Gridlock rose by 12 percentage points at the beginning of Ronald Reagan's tenure leading a divided government,

**Table 2. Gridlock in California Government, 1931-2004**

<i>Year</i>	<i>Governor</i>	<i>Major Issues on the Agenda</i>	<i>Issues Successfully Resolved</i>	<i>Gridlock Percentage</i>
1931	James Rolph, Jr. (R)	4	4	0.0%
1935	Frank Merriam (R)	6	4	33.3
1939	Culbert Olson (D)	5	3	40.0
1943	Earl Warren (R)	8	5	37.5
1947	Earl Warren (R)	7	6	14.3
1951	Earl Warren (R)	6	4	33.3
1955	Goodwin Knight (R)	7	3	57.1
1959	Pat Brown (D)	6	4	33.3
1963	Pat Brown (D)	6	5	16.7

<sup>11</sup> While some observers have charged that the relatively safe seats that legislators drew for themselves following the 2000 census insulated members of both parties from voters and made stalemate more likely, there is no evidence to support the contention in these data. In fact, the levels of gridlock observed in 2003 and 2004 are lower than they typically were under more competitive redistricting plans drawn by Special Masters and legislators in the 1970s, 1980s, and 1990s.



1967	Ronald Reagan (R)	7	5	28.6
1971	Ronald Reagan (R)	6	3	50.0
1975	Jerry Brown (D)	10	7	30.0
1979	Jerry Brown (D)	10	5	50.0
1983	George Deukmejian (R)	10	3	70.0
1987	George Deukmejian (R)	7	2	71.4
1991	Pete Wilson (R)	3	1	66.7
1995	Pete Wilson (R)	6	3	50.0
1999	Gray Davis (D)	6	5	16.7
2003	Gray Davis (D)	6	4	33.3
2004	Arnold Schwarzenegger (R)	6	3	50.0

*Notes: Shaded years indicated that control of the legislative and executive branches of government was divided between the two parties; all other years are cases of unified government.*

and dropped by 20 points when Democrats retook unified control in 1975. By contrast, the changes in gridlock that came with regime transitions in the much more polarized 1980s and 1990s were sharper. Gridlock rose by 20 percentage points when George Deukmejian came into office in 1983, then fell by 32 points when Democrats finally recaptured the governor's office in 1999. The transition to Gov. Schwarzenegger after Davis' recall brought only a 17 point rise in gridlock, but this could be attributed to his moderation. It is difficult to determine whether increasing polarization, or some other feature of modern California politics, is driving this apparent trend. Overall, there are simply not enough transitions to and from divided government in California over this period to draw any definitive conclusions, but the data suggest that polarization may accelerate the impact of party shifts in the governor's office.

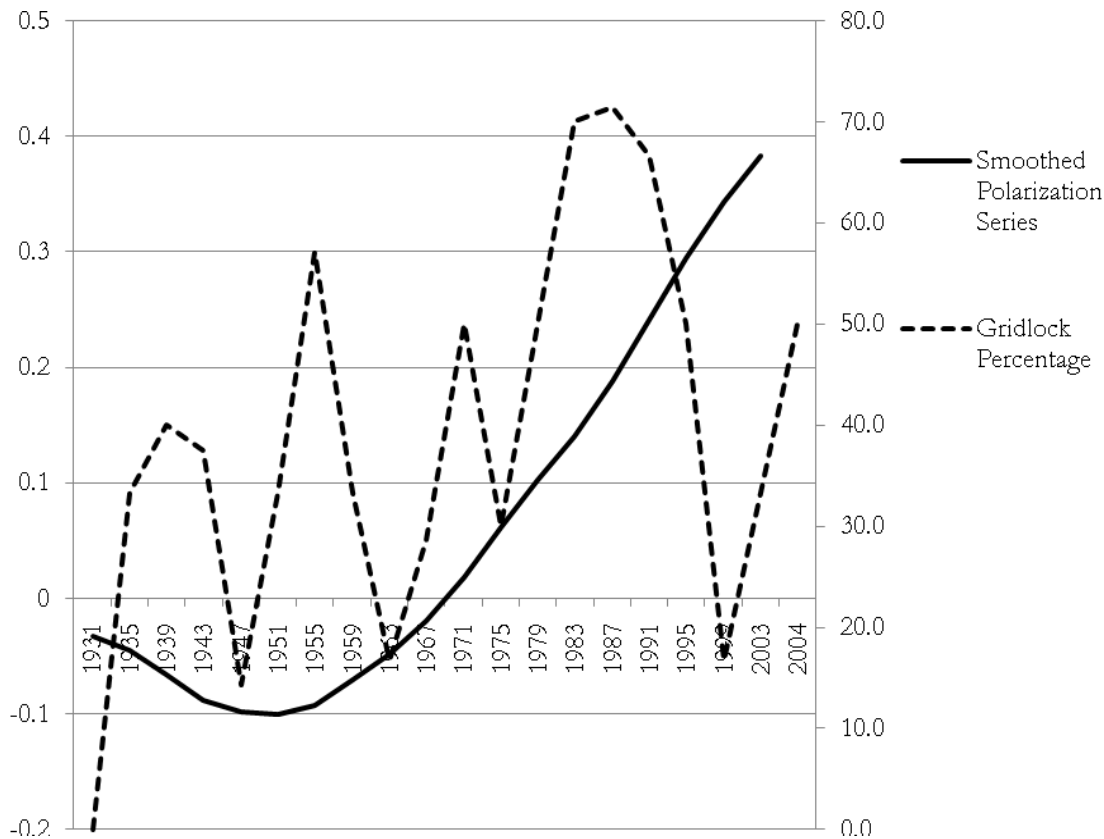
The visual patterns identified by the table and figure can be confirmed by statistical tests. The correlation between legislative polarization and the gridlock percentage is weak. The coefficient summarizing the link between these two measures is 0.29, and falls far short of being "statistically significant" (so large that we can be sure it is not due to random chance). By contrast, the link between divided government and gridlock is strong. The average gridlock percentage registers 53.3% in years with divided government, but just 29.6% when the same party controls both branches. This difference is statistically significant at well above the 95% confidence level. The finding that divided government leads to gridlock is consistent with Bowling and Ferguson's (2001) analysis of total bill production in all 50 states as well as Binder's (1999) study of major legislation in Congress.<sup>12</sup> A regression analysis<sup>13</sup> that

<sup>12</sup> The finding differs, however, from Mayhew's (1991) earlier discovery that divided government brought no decrease in the number of major legislative actions. This difference might have occurred through one of two different mechanisms – either because California and national politics differ, or because I follow Binder's later approach of dividing legislative actions by the size of the agenda to calculate a gridlock percentage. In fact, it was driven by a substantive difference between California and U.S. politics. Even when I analyze variation in the number of issues successfully resolved, rather than the gridlock percentage, divided government still brings a significant drop in government productivity (and polarization still has no clear effect).

<sup>13</sup> In this regression, which explains 38% of the variation in gridlock across 21 cases, the coefficient on divided government is significant at the 95% confidence level (an estimate of 23.1% with a standard error of 8.1%), while the coefficient on polarization is not statistically significant and is far smaller than its standard error (an estimate of



**Figure 3. Partisan Polarization and Gridlock in California**



The recent rise in gridlock cannot be solely explained by increases in polarization

uses both the presence of divided government and partisan polarization to explain the level of gridlock tells the same story: Divided government clearly increases gridlock, legislative polarization exerts no direct effect, and polarization’s only impact is that it perhaps sharpens the effect of a shift to divided government. The bottom line is that the major constraint placed upon government productivity is inter-branch disagreement, not inter-party polarization.

### Conclusions

Current observers often offer dismal diagnoses of the health of California government. Analyzing the record of gridlock throughout the state’s recent history makes it possible to question these diagnoses, and to speculate about the various cures that have been proposed. It can also provide answers to the questions that began this chapter. The first asked whether parties have indeed become more polarized in recent decades. Seth Masket’s (2004, 2007) research clearly shows that the average Democrat and Republican in the state legislature have shifted

3.5% with a standard error of 20.3%). In a separate regression, I tested the hypothesis that the effects of divided government on gridlock are even stronger when polarization is high, but the coefficient on this interaction term was significant only at the 90% confidence level (an estimate of 72.1% with a standard error of 40.8%).

farther and farther away from each other on the ideological spectrum since about 1960. Yet over the same period, there has been relatively little change in the ideological distribution of voters. Some moderates have moved toward the ideological poles, but research by Jacobson (2004) suggests that legislative polarization has also been prompted by the migration of voters into party camps that more closely reflect their ideological leanings, and greater party loyalty on the part of these voters.

Parties are now more cohesive and ideologically coherent in California today than they were decades ago. When one party controls both the executive and legislative branches of government, this facilitates dealmaking. Unified government has produced low levels of gridlock in California, even as recently as during the Gray Davis administration. Yet whenever the legislature and governorship have been controlled by different parties, gridlock has ensued. This was just as true during Pete Wilson's era as it was in Culbert Olson's, though the rise in gridlock following a shift to divided government appears to be sharper in recent years. This chapter's analysis shows that the increasing levels of gridlock observed in the 1980s and early 1990s were more a function of divided government than of legislative polarization, and that consensus among lawmakers returned when voters placed both branches under the same party's control.

The policy implications of this pattern depend on one's view of gridlock. From one perspective, voters could simply be getting what they asked for when they handed control of the legislature to one party and the governorship to the other. After studying the politics of the 50 states, Fiorina (1992, p. 5) argues that "divided government in the United States probably reflects a lack of popular consensus about important issues, and a consequent unwillingness to trust either party with the full power to govern." Gridlock is good, in this view, because it delivers the sort of cautious government that voters demand by splitting their tickets in elections.

Another perspective on the link between divided government and gridlock can be informed by examining the timing of the two trends to sort out cause and effect. It is possible that voters register their disgust with gridlock under one party by turning over control of the governorship or legislature to the other party. If this were the case, transitions to divided government would represent voter dissatisfaction with status quo policy. In fact, the historical pattern show in Table 2 makes it clear that transitions to divided government occur most often when the legislative and executive branches have been exceptionally productive. The elections of Ronald Reagan and Arnold Schwarzenegger followed closely after many major leftward policy deals were reached by unified Democratic regimes. Perhaps voters saw California government moving too fast in one direction, leading them to use elections to correct this movement via the logic outlined in Stimson's (1991) national study of counter-reactions to "policy excess."

A third view holds that the link between divided government and gridlock appears because leaders of the two branches in California represent two distinct constituencies, as explained in Cain (1997, p. 337-340): Legislative leaders have a political incentive to respond to the demands of all state *residents* while governors face pressure to represent the desires of voters. Because California residents are less affluent than voters, younger, less highly educated, and more likely to be members of minority groups (Kousser 2005, p. 152, Baldassare 2006), this sets

up conflict between the legislative and executive branches. Voters and residents often choose leaders from different parties to represent them, and these leaders will take different ideological positions if both perfectly represent their constituencies. Compromise is still possible, but frequent policy disagreement between the executive and legislative branches is in some sense a built-in feature of California's political institutions.

Viewed through these lenses, the fact that divided government often leads to gridlock is an unsurprising and perhaps benign pattern. But what about concerns over the increasing level of legislative polarization? Uncovering the causes and consequences (or lack thereof) of legislative party polarization has implications for the proposed solutions to it. Because elite polarization does not appear to be rooted in any major shift in mass ideology, it could be altered by reforms changing the ways in which voter preferences are aggregated or legislators behave. Greater moderation among legislators could be spurred by altering the mechanisms by which candidates are nominated, reducing the key role that party leaders play in distributing campaign contributions, or eliminating the control that a few powerful legislators exert over the high-stakes bills placed on each house's "Suspense File." Radical shifts in the way that districts are drawn, votes are counted, or in the size of the legislature itself may not be necessary to induce moderation. After all, the seemingly minor electoral change that eliminated cross-filing has had a profound impact on the level of polarization.

Yet the fundamental message of this chapter may be that rising party polarization in the California legislature is a condition that poses no dire threat to the state's political health. It has been driven in large part by voters picking parties that accurately reflect their policy preferences, which frees the parties to become ever-more cohesive. Most importantly, it does not stop government from reaching consensus on the major issues of the day. Even today, when legislative polarization has reached historically high levels, California's legislature and governor can work together to resolve major issues, as long as both branches are controlled by the same party.

## References

- Associated Press. 1943. "Governor Warren's Inaugural Address." *Los Angeles Times*, January 5, 1943, pg. 7.
- Baldassare, Mark. 2006. *California's Exclusive Electorate*. San Francisco, CA: Public Policy Institute of California.
- Binder, Sarah A. 1999. "The Dynamics of Legislative Gridlock, 1947-96." *American Political Science Review* 93(3):519-533.
- Bowling, Cynthia J. and Margaret R. Ferguson. 2001. "Divided Government, Interest Representation, and Policy Differences: Competing Explanations of Gridlock in the Fifty States." *The Journal of Politics* 64(1):182-206.
- Cain, Bruce E. 1997. "Epilogue: Seeking Consensus among Conflicting Electorates." In *Governing California: Politics, Government, and Public Policy in the Golden State*, ed. Gerald C. Lubenow and Bruce E. Cain. Berkeley, CA: Institute of Governmental Studies Press.
- Cain, Bruce E. and Elisabeth Gerber, editors. 2002. *Voting at the Political Faultline: California's Experiment with the Blanket Primary*. Berkeley, CA: University of California Press.
- Cain, Bruce E. and Thad Kousser. 2004. *Adapting to Term Limits: Recent Experiences and New Directions*. San Francisco, CA: Public Policy Institute of California.
- Cox, Gary W., Thad Kousser and Mathew D. McCubbins. 2005. "What Polarizes Parties? Preferences and Agenda Control in American State Legislatures," presented at the 2005 American Political Science Association Meetings.
- Dallek, Matthew. 2000. *The Right Moment: Ronald Reagan's First Victory and the Decisive Turning Point in American Politics*. New York: Free Press.
- Fiorina, Morris P. 1992. *Divided Government*. New York: Macmillan.
- Fiorina, Morris P., with Samuel J. Abrams and Jeremy C. Pope. 2005. *Culture War? The Myth of a Polarized America*. New York: Pearson Longman.
- Gledhill, Lynda. 2006. "Lawmakers Promote 'Citizens Assembly' for California." *San Francisco Chronicle*, January 27, 2006, pg. B3.
- Hanson, Chester. 1943. "Governor Signs Old-Age Pension Pay Increase." *Los Angeles Times*, May 8, 1943, pg. 6.
- Jacobson, Gary C. 2004. "Partisan and Ideological Polarization in the California Electorate." *State Politics and Policy Quarterly* 4(2):113-139.
- Korey, John L. and Edward L. Lascher. 2006. "Macropartisanship in California." *Public Opinion Quarterly* 70: 48-65.

- Kousser, Thad. 2005. *Term Limits and the Dismantling of State Legislative Professionalism*. New York: Cambridge University Press.
- Los Angeles Times*. 1943. "The Fifty-fifth Legislature." *Los Angeles Times* May 5, 1943, pg. A4.
- Masket, Seth, *A Party by Other Means: The Rise of Informal Party Organizations in California*, Dissertation, University of California, Los Angeles, 2004.
- Masket, Seth. 2007. "Extra-Legislative Organization and Partisanship in the California Assembly, 1849-2006." *American Journal of Political Science* 51(3):482-497.
- Mayhew, David R. 1974. *Congress: The Electoral Connection*. New Haven: Yale University Press.
- Mayhew, David R. 1991. *Divided We Govern*. New Haven: Yale University Press.
- McCarty, Nolan. Keith T. Poole, and Howard Rosenthal. 2006. *Polarized America: The Dance or Ideology and Unequal Riches*. Cambridge, MA: The MIT Press, 2006.
- Mendel, Ed. 2006. "'Fab 4' Legislators Find Success with New Cooperation." *San Diego Union Tribune*, June 30, 2006, pg. A-4.
- Persily, Nathaniel, Thad Kousser, and Pat Egan. 2002. "The Political Impact of One Person, One Vote: Intended Consequences, Perverse Effects, and Unrealistic Expectations." *University of North Carolina Law Review*. 80:1291-1352.
- Rarick, Ethan. 2005. *California Rising: The Life and Times of Pat Brown*. Berkeley, CA: University of California Press.
- Roberts, Jerry. "The Big Fix: Taking On the Sacred Cows of Political Gridlock." *San Francisco Chronicle*, September 3, 1995, pg. 7.
- Snyder, James M. 1992. Artificial Extremism in Interest Group Ratings. *Legislative Studies Quarterly* 17: 319-46.
- Stimson, James A. 1991. *Public Opinion in America: Moods, Cycles, and Swings*. Boulder, CO: Westview Press.
- Syber, Richard. 1992. "Legislative Election is Over – It's Time to Go to Work." *San Francisco Chronicle*, December 31, 1992, pg. A21.
- York, Anthony, "Bedlam by the Bay," [www.salon.com](http://www.salon.com), August 1999.

*The Bill Lane Center for the American West at Stanford University is dedicated to advancing scholarly and public understanding of the past, present, and future of western North America. The Center supports research, teaching, and reporting about western land and life in the United States, Canada, and Mexico.*