

Institutional Features and Policy Representation in the States

Barry C. Burden

Harvard University
Department of Government
Littauer Center 322
Cambridge, MA 02138
burden@fas.harvard.edu
www.fas.harvard.edu/~burden
617-495-4249

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Abstract

I theorize about the ways in which institutional features have the power to strengthen or weaken the influence of public opinion on policy making. While in general institutions limit representation, I identify two institutional features in the states that enhance democratic control in different ways. One feature external to government – the initiative – is hypothesized to improve representation on specific issues while one internal to the legislature – the committee discharge procedure – is expected to improve the representation of mass preferences generally. This difference emerges because legislators engage in repeated interactions and logrolling across a wide range of issues while advocates of ballot initiatives do not. Data on policy, opinion, and institutional features in the states are used to test these propositions. The results are supportive, with the initiative making abortion and death penalty policy more responsive and discharge making general policy outcomes more responsive. The paper thus points to the domain-specific influence of institutions thought to have similar positive effects on policy representation.

In a direct democracy where every citizen participates equally, policy representation would in theory be perfect. Mass preferences would be aggregated without bias and policy-making would be an unadulterated expression of those preferences.¹ Republican democracy in modern America is some steps removed from this standard. First, the people do not make policy directly. Instead, constituents are represented by elected officials who make policy on their behalf. To the degree that these representatives dismiss public opinion or are unable to discern it, the link between mass preferences and public policy will be weakened. Second, institutions mediate the relationship between public opinion and policy outcomes. Formal political institutions have the capacity either to dampen representation by providing additional checks on public opinion or to enhance representation by democratizing the policy making process. The dampening effects of institutions – checks and balances, bicameralism, veto points, and the like – have largely been documented. It is thus to the second possibility, that institutional features might actually encourage policy representation, that I turn.

I propose that how institutional features enhance policy representation depends on their design. In particular, it is critical to distinguish institutional features that are part of the legislature from those that operate outside of it. I suggest that *internal* features are more likely to make *overall* policy more responsive to general public preferences while *external* features are more likely *specific* policies conform to opinion on those issues.² I reach this conclusion in the following steps. I begin by outlining the role of external institutional features by focusing on recent research on the citizen initiative. Then I describe an underappreciated internal feature of most state legislatures – the discharge procedure – that also has the potential to strengthen

¹ From Arrow's work onward the social choice literature suggests the problems inherent in aggregating preferences.

² Some might prefer not to label the initiative an "institutional feature" since it specifically allows citizens to circumvent institutions such as the legislature and bureaucracy. In my terminology, any policy-making procedure – statutory, constitutional, or otherwise – is an institutional feature, though perhaps not an institution per se.

representation. My theory suggests that the effects of the initiative and discharge ought to be observed in different policy domains. I test these hypotheses using data on two specific policies, abortion consent and the death penalty, and general policy contours in the fifty states.

Interacting public opinion with indicators for each institutional feature, regression models find support for the theory. The initiative can strengthen representation on particular issues while discharge can strengthen policy at a more global level. These important differences ought to alert those who care about representation and the design of state institutions that not all features affect the link between opinion and policy in precisely the same way.

Institutional Features and Democracy

It is perhaps axiomatic that every institution must naturally disrupt the connection between public opinion and public policy. Each procedural requirement or additional layer of government further removes policy making from public control (Dahl 2003). Even representative assemblies, which are theoretically closest to the people, are sufficiently complex as to limit public influence. Legislators are unlikely to be representative of the public at large, are apt to be influenced by parties or interest groups, and are embedded in a process with many veto points and asymmetries of power. Committees, for example, are an excellent way to divide labor, facilitate deliberation, and allow for specialization. Yet committees also inhibit representation to the degree that their membership is self-selected, they give disproportionate power to the committee chair, they serve as gatekeeping devices that favor the status quo, or they facilitate logrolling.

Since my focus is on state legislatures as policy makers, it is useful to distinguish between institutional factors that are internal versus external to the legislature. States are ideal units of analysis because they provide important variation in the availability of these devices.

Most of the literature to date has focused on the initiative as a prime example of direct democracy. Several studies now provide evidence that the initiative heightens policy responsiveness (Arceneaux 2001; Bowler and Donovan 2003; Gerber 1996, 1999; Matsusaka 2004; cf. Camobreco 1998; Lascher, Hagen, and Rochlin 1996). States with the initiative show stronger relationships between public opinion and public policy, even after controlling for a myriad of other factors. Either legislators preempt citizen initiatives by passing popular policies themselves, or they are overtaken when a ballot measure is passed over their objection. Either way, the literature now seems clear in pointing out the democratizing tendencies of the initiative. The existence of so much research pointing to an effect raises a more general possibility: the degree of policy representation should depend on institutional design.

Students of the initiative process highlight it as opportunity for the public to circumvent the nondemocratic tendencies of policy-making institutions. This happens precisely because the initiative is outside the control of the state legislature. But I suggest that a look inside the legislature is also instructive. While many aspects of legislatures work against direct democracy, there are also institutional features that allow for constituents to wield influence. Generally speaking, the more democratic the body, the more likely public opinion is to be reflected in the policy process. In the most extreme situation, a legislature with randomly chosen legislators, no pressure from parties or interest groups, and no internal hierarchy or gatekeeping would always pass legislation at the median voter's ideal point. But real world legislatures are much thicker institutions than this abstraction. This fact makes matters of institutional design all the more important. Any democratizing institutional features that resist the nonmajoritarian tendencies of legislatures have the potential to enhance policy representation. I posit that the ability to

overcome the gatekeeping powers of legislative committees is an especially important feature in this regard.

The Discharge Petition

A legislature is an institution because of its rules. Those rules typically regulate who may be recognized on the floor and when and how legislation is in order. Regulations provide stability, help manage a heavy agenda, and allow majority party leaders to pass bills they prefer (Oleszek 2004). Committees serve an especially important function in this regard. A committee's main advantage is the ability to exercise negative power by preventing bills its members dislike to continue through the legislative process. Krehbiel reminds us that "of all the bottlenecks in the legislative process, committees are the most significant" (1985, 643). In most legislatures far more bills are introduced than eventually become law, and committees play an important role of gatekeeper, even at the state level (Francis 1989; Hamm and Moncrief 2004; Rosenthal 1998). The more powerful and unrepresentative are these bottlenecks, the less likely the legislature will make policy near the median voter's ideal point.

This assumes that committees are at least sometimes unrepresentative of their parent chambers. The more they deviate from the chamber, the more important their gatekeeping powers become. There is of course ongoing debate about whether in fact committees are "preference outliers" in Congress (Cox and McCubbins 1993; Krehbiel 1991; Shepsle and Weingast 1987) and state legislatures (Aldrich and Battista 2002; Overby, Kazee, and Prince 2004). I do not attempt to resolve this debate here. Rather, I note that even the strongest proponents of the "informational model" of legislative organization concede that at least some committees are unrepresentative. More to the point, to the degree that committees are microcosms of their parent chambers, discharge procedures will have no effect on policy

outcomes. In other words, the absence of outliers only biases the analysis toward null results. Furthermore, just because a committee is representative of the chamber based on roll call scores does not necessarily mean that its decisions about what bills to hold or report will reflect majority will.

Most legislative rules are thus designed – intentionally or not – to inhibit pure democratic representation. By setting the agenda and controlling the flow of legislation, small groups of legislators occupy a privileged place in the policy-making process. This has the effect of pulling policy outputs away from the median voter’s position and toward the center of the majority party or committee of jurisdiction. Yet one heretofore unappreciated legislative procedure – committee discharge – has the power to counteract these nonmajoritarian tendencies. While there are surely many institutional features that might mediate the impact of public opinion, I use discharge as a convenient example to illustrate the broader theoretical possibilities.

Some background on the discharge procedure is in order. Because a committee is said to be “charged” with the duty of handling a bill, it is discharged when the bill is removed from its control. It is technically the committee not the bill that is discharged. Nearly every legislature provides rank and file members the opportunity to discharge a committee when it sits on a bill that the floor is eager to consider. The challenge is in deciding precisely how difficult to make discharge, or alternatively, exactly how much veto power is to be allocated to committees. As Krehbiel puts it, “The issue is one faced by any parliamentary body in which committees have the right to consider legislation; namely, what are the conditions under which the parent body can extract from a committee a piece of legislation that the committee seems not to want

considered?” (1999, 45). The more lenient these “conditions,” the more democratic – and thus responsive – a legislature will be.³

Much like the initiative, the power of discharge lies in its potential to make policymaking more responsive to public opinion (Beth 2001; Burden 2003; Krehbiel 1985; 1991). Like the presidential veto and Senate’s filibuster, discharge is a bargaining chip that can be used to aid legislators in negotiating for legislation they want. And while discharge does not happen often, committees presumably anticipate its potential and avoid acting in an “arbitrary” way (see also Krehbiel 1999). So while committees might not be discharged routinely, one suspects that they frequently modify legislation in anticipation of the possibility. Committees, after all, are successful on the floor because they do so well at predicting what is likely to pass (Fenno 1962).⁴

The U.S. House of Representatives today requires that a majority of the membership sign a petition for a committee to be discharged from a bill (see Beth 2001 for details). This simple fact has been the foundation for Krehbiel’s (1991) informational theories of legislative organization where majoritarianism is a central assumption. Rosenthal notes that “virtually every [state legislative] chamber makes provision for discharging a bill from committee” (1991, 144). State legislatures are attractive units of analysis because they vary so much in the number of members who must support discharge. It is the variation in the discharge threshold that I exploit to determine whether features of institutional design within a legislature have the power to enhance policy representation.

³ For histories of the adoption of discharge in the U.S. Congress see Beth (2001), Binder (1998), and Schickler (2001).

⁴ It almost goes without saying that committee power on the floor has several sources including their informational advantages (Krehbiel 1991) and the ability to reciprocate logrolling with other committees and shape legislation in post-floor conference negotiations (Shepsle and Weingast 1987).

Hypotheses

The main contention of this paper is that institutions may enhance or dampen policy responsiveness by making policymaking more or less democratic. In particular, institutional features that encourage broader participation tend to strengthen the opinion-policy link as they are able to overcome veto points, participant bias, and institutional inertia that often favor the status quo. I analyze two institutional features – the initiative and the discharge procedure – that harbor the potential to enhance responsiveness. This comparison is notable since the initiative is external to the legislative process while discharge is only possible within the legislature.

It would be naive to assume that both the initiative and discharge have identical effects. Only the simplest approach to the study of representation would ignore the important differences between the two, or assume that any one institutional feature affects all policy equally. I posit that they democratize in different domains. *The initiative will often enhance representation on specific policies but not general policy orientations of a state. In contrast, discharge will heighten the general policy responsiveness of state government but it is unlikely to affect individual policies.*

The logic goes as follows. The initiative allows organized groups to take their concerns about a policy matter directly to the people. While citizens' groups are sometimes responsible for putting items on the ballot, it is often industries, unions, entrepreneurs, or other elite coalitions who do so (Broder 2000; Gerber 1999; Smith 1998; cf. Lupia and Matsusaka forthcoming; Matsusaka 2004). The nature of these efforts is that they are focused on a single measure, often just one facet of a larger policy domain. Examples of ballot measures from the last few years include such specifics as creating a school voucher program, defining heterosexual marriage, lowering taxes, protecting animal rights, funding high-speed monorail, requiring

school instruction to be in English, increasing the cigarette tax, and implementing background checks at gun shows. These are remarkably narrow policy proposals aimed at changing a particular statute or practice. And most are one-shot attempts where a group mobilizes resources in a whole-hearted attempt to affect policy. Because the groups that enough resources to mount an initiative do not adequately represent the universe of policy interests, initiatives tend to focus on a discrete class of policies.

Discharge, in contrast, can only be initiated by legislators themselves. This leads to a rather different dynamic. Inside the legislature, interactions are repeated and multidimensional. A committee chair must negotiate time and time again with party leaders and rank and file members about when and how to report bills. Sometimes committee members will have different preferences than their colleagues, but legislating is an exercise in compromise. Legislators often disagree but seldom wish to confront one another aggressively. Instead, they work behind closed doors to broker solutions to policy disputes. In an extreme situation, it is possible that disgruntled members could accost a recalcitrant committee with a discharge effort just as citizens' groups confront a recalcitrant legislature with a ballot initiative. But these tactics violate the deliberative norms of comity that define legislative business, thus making future negotiations more uncertain. A committee would like to have its bills be successful on the floor than have a bill it dislikes pulled violently from its grips (Fenno 1962). Much as the threat of the filibuster and hold in the Senate encourage pre-floor compromise, the possibility of discharge encourages committees to modify bills before reporting them so that they have a good chance of passage on the floor (Beth 2001; Krehbiel 1991). While there are sometimes dramatic cases of a gatekeeping committee being overtaken on a bill of particular controversy, most of the time discharge simply forces a committee to moderate during pre-floor negotiations.

Fear of the initiative can in fact cause politicians to moderate as well, but the incentives for altering large scale policy are weaker. Initiatives are more discrete in nature; they deal with one policy piece at a time and do not involved repeat actions among policy makers. Thus, there is little reason for politicians to believe that initiators will relent in the future if they compromise now. Discharge, on the other hand, encourages compromise. Legislators are strategic actors who interact repeatedly and often deal with omnibus legislation that covers more policy ground than an initiative might. Determining funding levels for transportation and health must be done every budget cycle, and the finance committee will be forced to temper its fiscal preferences a bit to accommodate a floor with different views.

The initiative too is always a threat, and perhaps moderation by the legislature will diffuse the excitement to put an issue on the ballot. But there is no logrolling or compromise since it is largely a one-way interaction that can be unpredictable. Animal rights activists, for example, may use the initiative to push for a ban on dog racing without much concern for other policy areas or future negotiations. Seldom can a legislature offer an interest group concessions on another policy in exchange for their relenting on the initiative.

In summary, neither the initiative nor discharge is a guarantee that policy will follow public opinion entirely. But their presence makes it more likely that policymakers will be responsive, though in different ways. While the initiative should make policy more responsive on specific issues, discharge will affect the overall character of policy as it affects many bills.

Data and Models

I approach these hypotheses with relatively straightforward regression models. State public opinion is interacted with indicators for initiative and discharge opportunities in each state. The expectation is the relationship between opinion and policy will be heightened when

discharge can be enacted by a majority of legislators. The further the critical percentage moves from 50% – either upward or downward – the less responsive will policy making be to public opinion.

This method almost certainly underestimates the power of institutional features to strengthen the opinion-policy linkage. It ignores some crucial institutional features, namely the ability of the upper chamber (outside of Nebraska) and governor to veto more Democratic decisions made by the lower house. Though discharge might make a legislative chamber more democratic, this effect might not translate to policy outcomes because of disagreements with other institutional actors. And it does not account for the difficulty of getting an initiative on the ballot, which is an important institutional feature in itself (Bowler and Donovan 2003).

In analyzing the policy-opinion linkage, I consider two specific policy areas and a more global set of policy indicators. The former ought to provide the strongest case for the initiative, the latter for discharge. The two specific measures – abortion consent and death penalty policies – build on Gerber's (1996, 1999) models. Gerber points out that both are primarily *legislative* matters since the courts established parameters in the mid-1970s. The general measures are taken from Erikson, Wright, and McIver (1993) and inserted into the baseline model established by Gerber. A reminder about these data is in order.

Gerber identifies two policy areas – abortion notification and death penalty – where measures of public opinion can be matched to specific policies. The 1988-1992 Senate Election Studies asked samples in each state for their opinion on abortion notification and consent laws and whether the death penalty ought to be legal.⁵ Because one can easily identify which states have these laws, it is possible to determine the factors that make the link between opinion and

⁵ The reliability and validity of the data have since been verified by Jones and Norrander (1996) and Norrander (2001).

policy stronger and weaker. Because of her theoretical interest in the initiative, her strategy involved regression models where the key independent variable is the interaction of the initiative and public opinion. As of 1990, 35 states had parental consent laws and 36 allowed for capital punishment.⁶ The mean voter opinion in the states is 69.1% in favor of parental consent and 75.8% in favor of the death penalty.

Erikson, Wright, and McIver's (EWM) measure of state opinion is a composite of many issues that together are expected to define the liberal-conservative continuum. The index includes eight policy areas, ranging from education to tax policy. In fact, each of these policy measures is a scale itself, built from as many as 10 indicators. So the score for each state is actually based on dozens of items. The policy liberalism score for a particular state is the factor loading standardized with a mean of zero and standard deviation of one. The states range from most conservative Arkansas (-1.54) to extremely liberal New York (2.12).⁷ EWM provide evidence that the index is a reliable and valid measure of policy in the states, and that it correlates quite strongly with public opinion.

Public opinion is measured using responses to CBS/*New York Times* surveys conducted in the states between 1976 and 1988. Following EWM, I take the difference between the percent liberal and percent conservative as a measure of constituent opinion on the left-right scale. Conveniently, the data on policy and opinion come from the late 1970s to late 1980s and so are not much separated in time from the Gerber data collected just a few years later. Though opinion and policy might change substantially over time, it is unlikely that either will fluctuate much within the span of a decade.⁸

⁶ And these are largely different states. The correlation between the two policies is only .27.

⁷ Alaska and Hawaii were excluded.

⁸ In addition to the tests in Erikson, Wright, and McIver (1993), Wright, McIver, Erikson, and Holian (2000) report that state partisanship (and thus the relationship between partisanship and ideology) has changed meaningfully

I estimate simple multivariate regression models where policy is viewed as a function of several variables. The baseline specification is taken from Gerber's models of abortion and death penalty policy in the states.⁹ The policy outcome – whether a state has a parental consent law or capital punishment – is a product of public opinion on the issue and institutional features, plus a short list of control variables. In Gerber's case, the interaction is between public opinion and the presence of the initiative in a state, a practice others have repeated (Arceneaux 2002; Bowler and Donovan 2003; Camobreco 1998; Lascher, Hagen, and Rochlin 1996).¹⁰ I retain this interaction and include another interaction between public opinion and a measure of discharge. What I label the “discharge threshold” is merely the absolute difference between the actual percentage of the lower house required to discharge a committee and majority rule (i.e., 50%). Since nearly all states have some form of discharge, I use the percentage of the lower house that is required for a committee to be discharged. In all cases I choose a small number of control variables based on which were significant in Gerber's models. Specifically, I borrow the variables that were significant at the .05 level in the abortion and death penalty models in *The Populist Paradox* (Tables 7.3 and 7.5). For abortion this includes the initiative interaction, professionalism of the state legislature (from Squire), and the amount of turnout in the chamber.¹¹ For the death penalty the variables are the initiative interaction and professionalism again, along with a divided government indicator, percent black, and crime rate in the state.

between 1976 and 1999, an even longer time span than the one considered here. Moreover, mass ideology has in their words been “remarkably stable” (2000, 12). There are not strong reasons to suspect that the state policy index was rendered invalid by 1990 either.

⁹ Gerber provides a justification for this specification, which Matsusaka (2000) finds acceptable.

¹⁰ I note that all but one of the Lascher, Hagen, and Rochlin (1996) models uses measures of *general* preferences to explain *specific* policies, which is neither the practice in the rest of the literature on the initiative nor consistent with my theory. Camobreco's (1998) models similarly use a general measure of preferences but somewhat more specific measures of fiscal policy.

¹¹ Liz Gerber generously provided the data necessary to replicate these models.

I augment these baseline models by interacting the discharge threshold variable with public opinion. There are two steps involved. First, one must gather information about how discharge works in each state. Second, one must determine how to include this information as a variable in the regression model.

Identifying the details of legislative procedures in the states takes considerable effort. In some states, procedures for evicting bills from committees were easily identified in rules posted on legislatures' web sites. For example, "Rules of the House of Representatives of Alabama" appears on-line. Rule 69 in that document states that "Upon a vote of a majority of the whole house any standing committee may be directed to vote on any bill which shall have been referred to such committee, and to report the results to the House at its next sitting." In other states, discharge procedures were more difficult to establish. Some state legislatures were contacted directly to request hard copies of rules. In few cases neither on-line material nor hard copies of parliamentary rules were unambiguous about discharge. In these situations, phone calls were placed to parliamentarians or legislative experts in the state. In the end the search revealed that every state but Texas has some form of committee discharge so the maximum sample size is 49.¹² Importantly, the thresholds for discharge vary. While most states use a simple majority standard as in the contemporary U.S. House of Representatives, there is also a substantial range. On the lower end of the spectrum, Pennsylvania's House of Representatives requires only 25 out of 203 members – just 12.3% of the chamber – to support discharge. In contrast, rules in the Arizona House require 60% support while two-thirds of Arkansas representatives must sign on to discharge a committee. The mean is 50.4% with a standard deviation of 10.4 points.

¹² Krehbiel (1999, footnote 25) asserts that 92 out of 99 legislative chambers have discharge. See also Rosenthal (1998).

Theory suggests that discharge is most majoritarian – that is, closest to majority rule – when the threshold is near 50%. Anything higher than that requires a supermajority and cannot be assumed to represent the median voter. Anything lower than that requires only a minority, which could easily be unrepresentative. I thus measure the discharge threshold relative to majority rule. Specifically, for each state I compute $50 - |50 - \text{discharge \%}|$ so that the indicator runs from zero (furthest from majority rule) to 50 (exactly majority rule).¹³ In practice this “folded” measure runs from 12.3 to 49.8 with a mean of 43.7 and standard deviation of 8.2. To the extent that a majoritarian procedure for discharging committees from desirable bills works, we ought to observe a positive effect when this threshold variable is interacted with public opinion.

Conveniently, different sets of states tend to have the initiative and majoritarian discharge thresholds. The correlation between the raw discharge percent and the presence of the initiative is an insignificant .18 ($p = .21$). And the correlation between my discharge threshold measure and the initiative is even weaker ($r = .005, p = .97$). While direct democracy reforms are often found in the same states, it is clear that discharge and initiative provisions are unconnected.

Specific Policies

We begin with analysis of the two specific policies, abortion consent and capital punishment. Tables 1 and 2 report logit models predicting whether a state has each these policies. As explained above, these simple models essentially replicate Gerber’s work while adding an interaction term for public opinion on the issue and the discharge threshold measure. The first column shows the baseline results; the second column includes the discharge interaction. The results reveal precisely the null results that were expected. In neither case is

¹³ This is equivalent to a piecewise function whose value is (1) merely the raw *discharge %* if $\text{discharge \%} \leq 50$ or (2) $100 - \text{discharge \%}$ if $\text{discharge \%} \geq 50$. I get identical results interacting *opinion* with *discharge %* squared or simply using a dummy for states where discharge requires at least 50%.

there any evidence that varying the standards for forcing a committee to report a bill affects how well policy reflects public opinion.

Table 1: Abortion Notification and Consent

Opinion × Discharge Threshold	--	.02 (.06)
Opinion × Initiative	4.69** (1.63)	4.51** (1.63)
Professional	-8.36* (3.31)	-8.13* (3.29)
Turnover/100	-11.84* (5.34)	-11.43* (5.39)
Constant	10.74* (4.49)	9.84* (4.71)
Log Likelihood	-22.08	-21.58
Number of Cases	50	49

Note: Cells contain logit coefficients with standard errors in parentheses. Texas is omitted in second equation.

* $p < .05$, ** $p < .01$, two-tailed test.

Table 2: Death Penalty

Opinion × Discharge Threshold	--	-.12 (.09)
Opinion × Initiative	5.29** (1.98)	6.44** (2.40)
Professional	-20.51** (7.13)	-23.35** (8.39)
Divided Government	-2.50 (1.43)	-2.62 (1.52)
Percent Black	.74* (.31)	.85* (.36)
Crime	.0009 (.0005)	.0011* (.0005)
Constant	-3.53 (2.02)	-.33 (2.86)
Log Likelihood	-12.31	-11.32
Number of Cases	50	49

Note: Cells contain logit coefficients with standard errors in parentheses. Texas is omitted in second equation.

* $p < .05$, ** $p < .01$, two-tailed test.

Yet the initiative has clear positive effects on policy representation. The effects of the initiative on specific policies have already been demonstrated (Arceneaux 2002; Bowler and Donovan 2003; Gerber 1996, 1999). My results largely confirm this earlier work by showing the specific politics are more strongly related to specific opinions when ballot initiatives are possible.

Most important are the null findings on the discharge variable in both models. The discharge threshold in a state apparently neither strengthens nor weakens the opinion-policy link, at least in these two policy areas. In neither model is the coefficient close to statistical significance. We thus have good evidence that making rules internal to the legislature more democratic is a surprisingly ineffective way to improve representation on an issue by issue basis.

Though they have little to say about the theoretical perspective in this paper, some mention of the control variables is warranted as well. In the abortion model, both are significant predictors of policy and are entirely consistent with Gerber's earlier work. Abortion notification laws are more likely where a legislature is less professional and where turnover is lower. The only parallel between the two models comes in the effect of legislative professionalization. In both cases greater professionalism leads to more liberal policies: lower chances of abortion restrictions and the death penalty. We shall return to this finding below.

General Policy

The second analysis applies the same model to the composite index of policy liberalism created by EWM. The specification is an amalgam of the models above – including professionalism and turnover as controls – though linear regression rather than logit is applied since the dependent variable is continuous. (Including all of the control variables the abortion

and death penalty models does nothing to affect the interaction effects. These results are available from the author on request.)

The results in Table 3 provide the results, which are entirely consistent with expectations.¹⁴ The interaction of public liberalism with the discharge threshold measure has a positive and highly significant effect on policy liberalism. (Recall that the measure is $50 - |50 - \text{discharge \%}|$ so that higher scores indicate thresholds that are closer to strict majority rule.) Yet the interaction of opinion with the initiative is far from significant. Though the opinion times discharge percent coefficient might seem small, it is substantively meaningful once the scale of the variables is considered.¹⁵ Recall that the dependent variable – policy liberalism – ranges from -1.54 to 2.12. Holding other explanatory variables at their means, varying the discharge threshold interaction from its mean to maximum changes the predicted policy in a state from -1.14 to 1.06.¹⁶

Table 3: General Policy Liberalism

Opinion × Discharge Threshold	.0018** (.0003)		.0018** (.0004)
Opinion × Initiative		.023 (.013)	.002 (.012)
Professional	2.35** (.74)	3.80** (.86)	2.37** (.75)
Turnover/100	2.06* (.95)	2.42 (1.21)	2.10* (.98)
Constant	-.96 (.83)	-2.49* (.97)	-.99 (.85)
Adjusted R^2	.571	.316	.561
Number of Cases	47	48	47

Notes: Cells contain OLS regression coefficients with standard errors in parentheses. Alaska, Hawaii, and Texas are omitted.

* $p < .05$, ** $p < .01$, two-tailed test.

¹⁴ EWM remove Nevada as an outlier from their analyses. Omitting it from Table 3 does not change the signs or significance of any variables.

¹⁵ The interaction variable runs from -1254.7 to -9.5 with a standard deviation of 320.0.

¹⁶ This was done using the Clarify simulation package (King, Tomz, and Wittenberg 2000). The 95% confidence intervals for the low and high predictions are (-1.63, -.63) and (.60, 1.53) respectively.

Among the control variables, professionalism and turnover contribute to policy liberalism. This professionalization effect is remarkably consistent with that found in the policy-specific models above: professional legislatures produce more liberal policies at both the specific and general levels. One explanation for this finding is that of Fiorina (1996): professional legislatures are more likely to attract Democrats and less likely to attract Republicans because of the opportunity costs that come with the job of full-time legislator. Democratic candidates are more likely to assume state legislative office when the pay is high enough to replace their current incomes while Republicans are less likely because a year-round obligation is likely to cost them income they could earn in the private world. It is also possible that Democrats just prefer more active legislatures under the assumption that government will do more. Either way, it is possible that the professionalization variable is actually capturing how many seats are held by the Democrats since members of the party would also push for more liberal policies (Erikson, Wright, and McIver 1993). It could also be that both are true: professionalism contributes to the percent Democratic, which in turn contributes to policy liberalism. I examined this possibility by rerunning all three models including a variable measuring the percentage of lower house seats held by the Democrats in 1980 and 1990. In none of these six models did the size of the Democratic contingent affect policy and in every case professionalism continued to exert a direct impact on policy. Moreover, the bivariate correlations between percent Democrat and professionalization are insignificant. Professionalization's liberalizing effect is thus not an artifact of partisanship and deserves further study.

Conclusion

This paper makes several contributions. Most importantly, it demonstrates that institutional features do in fact affect the degree to which public preferences shape public policy.

All else constant, more democratic procedures lead to more accurate policy representation. Yet these effects are not uniform. Procedures external to the governmental apparatus are more likely to affect a smaller number of specific policies while features inside the legislature are more likely to affect policy generally, perhaps without improving representation much on any one issue. It is important to anticipate theoretically the types of policies that any particular institutional feature will influence, and to be sure that the specificity of our opinion and policy measures are in alignment. My approach explains why studies of the initiative find strong evidence for effects of specific opinions on those policies but not for general ideological orientations on either general or specific policies (Camobreco 1998; Lascher, Hagen, and Rochlin 1996).

Beyond this main theoretical thrust, we discover that professionalism makes policy more liberal, whether specific or general. And this effect was not due to the opportunity costs that Republican politicians incur in more professionalized states. Professionalism remained a predictor even when the partisan composition of the legislature was considered. Additional research is required to further explore this effect. Maestas (2000) argues that professionalism heightens representation because it changes the incentives for ambitious politicians. This would be yet more evidence that institutional features affect the opinion-policy link. By the results offered here suggest that institutional design could affect not just the strength of the opinion-policy relationship but also systematically bias the very content of public policy itself.

I leave open the question of whether direct democracy is preferable to a republican system where policy is made by legislators and groups who might not represent the public's preferences and where institutions may distort how opinion is translated into policy. Indeed, there are merits to both side of this argument since we often simultaneously hope that government will be responsive to its constituents yet agree that only policy makers have the time

and expertise to produce prudent policy. Congressional resistance to discharge, for example, is rooted in the idea that overriding committees harms the deliberative process (Beth 2001). There are thus likely to be different opinions on the degree to which we want to allow voters to circumvent traditional institutional channels. The Founders built in checks on public control by staggering terms, separating powers, and making judges and senators appointed rather than elected.

In choosing how to design institutions, the research offered here adds another consideration to the mix. Institutions are not just a matter of degree but of kind. Beyond determining how much government should listen to citizens, one must also decide in what domains it should listen most. While committee discharge and citizen initiatives both have the potential to improve policy responsiveness, they do it quite differently. Normatively discharge might be preferable if one believes that government ought to heed public opinion generally but that the average citizen is not as well-equipped as legislators to make complex policy decisions on specific measures. Moreover, because the issues addressed by the initiative are more discrete and selective, it is unlikely that the enhancing effects will cause government generally to be responsive to opinion outside the limited domains where groups have enough resources to make the initiative work for them.

There is a secondary issue of implementation. When the legislature is hostile to a ballot initiative, it is likely to implement the policy in an incomplete manner (Bali 2003; Gerber, Lupia, and McCubbins 2004; Gerber et al. 2000; Norrander 2000; Smith 2001). It seems natural to assume that legislators will resist implementation of initiative-made law more than law they make themselves. Though some legislatures allow for just a minority to discharge a committee, in the end a majority must pass the bill for it to become law. Unless there is substantial turnover

among legislators, the same legislators who pass a bill will devise funding and implementation of the policy. So in addition to internal and external institutional features affecting different kinds of policies, one suspects that the implementation will be more faithful to the law when internal rather than external factors are responsible for its passage.

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