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# Lame duck theory called into question

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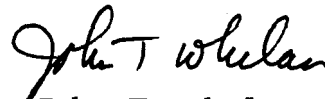
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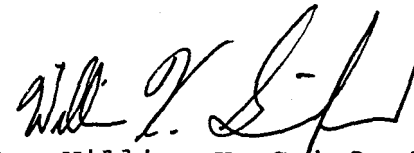
## Abstract

Many studies of state politics hold that a governor's success in his or her dealings with the state's legislature is at its height during the executive's initial legislative session and then decreases as the final year approaches. The purpose of this paper is to examine the validity of this generally accepted assumption. This thesis tests the hypothesis that governor's serving out the concluding year of their term are lame ducks. An analysis of the legislative passage and amendment rates of two Governors of Virginia, Gerald Baliles (1986-1989) and L. Douglas Wilder (1990-1993), during their first and last years reveals that lame duck theory is suspect. Both of these executives achieved first and last year passage and amendment percentages which were more congruous than one might expect. Other variables besides Governor Baliles and Wilder's time in office affected their ability to gain the passage of their legislative proposals.

I certify that I have read this thesis and find that, in scope and quality, it satisfies the requirements for the degree of Master of Arts.

  
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LAME DUCK THEORY CALLED INTO QUESTION

by

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A Thesis

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of the University of Richmond

in Candidacy

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## Introduction

The foundations of lame duck theory, the expression connoting the study of executive/legislative relations in association with tenure constraints, are composed of broad generalizations which are generally unchallenged by political scientists. Evidence in support of this assertion is scattered throughout relevant literature, most of which centers upon the national executive, the two-term limitation imposed by the Twenty Second Amendment, and the subsequent lack of influence our country's presidents wield as their "political capital dwindles" proportionate with the temporal progress of their second term (Grossman, 1990, 221; see also Cronin, 1975; Nice, 1986; and Thomas, 1988). Interestingly, while a great deal of time and energy has been devoted to the discussion of the lame duck president, "very little has been done to analyze systematically" the lame duck governor (Gross, 1989, 778; see also Dometrius, 1987). As such, "our understanding of the governor's ability to influence legislative action and policy-making" as the conclusion of his/her term approaches "remains highly speculative and individualized." (Gross, 1989, 778; see also Schlesinger, 1972)

Theorists routinely adhere to the basic tenets of the lame duck doctrine. Many maintain that although one might expect executives in the final year of their tenure to be more adept at "building successful coalitions with the network of executive departments, agencies" and legislatures due to the increased amount of time they have served in office and their resulting

familiarity with its intricacies, in reality all executives experience "a kind of natural cycle, a decline in quality in the twilight of the administration." (Grossman, 1990, 218-219; see also Ransome, 1982) As such, those who accept the doctrine's tenets view the lame duck executive, defined as an individual operating within the final year of his/her term who is constitutionally restricted from seeking reelection, as being in a less influential position. They contend that executives are victims of an evolutionary, cyclical process which, regardless of their efforts, eventually restricts their resources and inhibits their ability to "impose their will on....the rest of the political community in policy disputes." (Grossman, 1990, 226; see also Ransome, 1982; and Schlesinger, 1972) Thus, the lame duck executive may be politically impotent, for limited tenure presumably reduces the executive's leverage over other politicians as their "resources for bargaining and coalition building" wane (Thomas, 1988, 501).

This project, while not the first to question the soundness of lame duck theory, makes an important contribution by providing a systematic analysis of lame duck theory at the state level.<sup>1</sup> By analyzing the executive success rates, defined as the ability of the head of state to initiate and gain the passage of their

<sup>1</sup>: Beyle, 1983; Crew, 1992; Dometrius, 1987; Gross, 1989; Jewell, 1972; and Sigleman & Dometrius, 1988, have commented on the notion that there are many variables to consider if one is attempting to investigate gubernatorial/legislative relations in general. Also, Steven D. Johnson (1990) noted that former Virginia Governor Chuck Robb's effectiveness increased as his term progressed. But none of the above attempt to evaluate systematically the effects of the variables analyzed here during the governor's final year in office.

executive package,<sup>2</sup> of two of Virginia's recent Governors, Gerald Baliles (1986-1989) and L. Douglas Wilder (1990-1993), I will attempt to illustrate that an executive's success in his or her dealings with the state legislature toward the end of their tenure is not wholly dependent upon the electoral limitations and the executive's lame duck status (Jewell, 1972).<sup>3</sup> Rather, it is hypothesized that despite the constraints cited in lame duck theory, during a governor's final year in office executive success still hinges on other critical variables associated with executive/legislative relations: the governor's future ambitions, personality traits and leadership skills, and the political environment - the fiscal situation, the executive's agenda, gubernatorial popularity, electoral results, and the partisan arrangement of the legislature.

<sup>2</sup>: The executive package consists of the bills formally introduced into the legislature by the governor and those agencies and departments under his direct control and supervision.

<sup>3</sup>. As I point out further along in the thesis, "success" can be defined in a variety of ways. Yet the controversy over the term does not undermine the conception offered here. While my definition may be challenged on the grounds that not all aspects of the executive package are equally important, it does include the most extensive set of items in the executive package and I do break down the package by issue area to enrich the analysis. So, while no single conception of "success" is absolute, my definition is legitimate for the purpose of testing the lame duck hypothesis.



Lame Duck Theory

The decentralization movement fostered under Presidents Reagan and Bush resulted in the displacement of the federal government as the primary policy-maker on a host of domestic issues (Rosenthal, 1990). Consequently, states were forced to assume a greater portion of the burdens previously attended to by their national counterpart. While most states vigorously accepted this responsibility, becoming the new "locus of initiatives in education, public welfare, the environment, growth management and other areas," those who adhere to lame duck theory doubt the ability of an executive serving out their final year to operate effectively within this new arena (Rosenthal, 1990, 1). One study that takes this view wonders if outgoing governors are equipped with the power and resources necessary to establish "policies which govern the day to day operations of the executive branch....secure policy coordination among the agencies which make up the executive branch....and assume formerly national responsibilities (Ransome, 1982, 171).

Not surprisingly, those who accept lame duck theory are quick to answer the above inquiries negatively. Their disconsolate assertions are usually of the ensuing variety:

It would seem that the four year term with no bar to succession....would give the governor a boost in his role in policy formation. The governor needs to stay in office for more than four years primarily so that he can build a legislative bloc to support his program. His power is generally at its height during the first legislative session but tends to go downhill in subsequent sessions in those states where the governor cannot succeed himself. However, if there is a strong possibility that the governor may succeed himself, legislators tend to pay more attention to the governor's program and to be more receptive to his viewpoint (Ransome, 1982, 170-171).

Interestingly, it is not difficult to isolate the generalizations presented as fact. When Ransome says that "the governor needs to stay in office for four more years primarily so that he can build a legislative bloc to support his program," he ignores an assortment of variables which influence the executive/legislative relationship. These unexplored factors include whether the proposed program is controversial, the legislative strength of the governor's party, whether the package has tendered public support and publicity, and/or the executive's persuasive and leadership abilities. While not exhaustive, this catalog of variables reveals the limitations of lame duck theory: it rests on isolated suppositions dependent on the amount of time spent in office rather than a host of other pertinent variables which effect gubernatorial/legislative relations.

Scholars of state politics have begun to question the soundness of theories which disregard a wide array of applicable factors (Crew, 1992; Dometrius, 1987; Gross, 1989; and Sigleman & Dometrius, 1988). Many acknowledge that as the electorate increasingly turns its eyes inward and calls upon the states to meet the demands neglected by the national government, the status and obligations of the states will continue to increase. Consequently, the competence and skill of governors and legislators deserve more attention in analyses of executive/legislative relations. As such, now is the time for analyses which question simple theories and offer alternative explanations of gubernatorial/legislative relations. "The point

seems very simple. If we do not consider such information....we simply cannot systematically evaluate" executive success (Gross, 1989, 780).

Lame Duck Theory and Virginia's Governors

Virginia's governors operate within the confines of a single-term rule which precludes them from immediately succeeding themselves.<sup>4</sup> This fact makes Virginia an appropriate state to examine if one seeks to investigate the limitations of lame duck theory. Furthermore, since the formal powers afforded the executive and legislative branches are roughly balanced, the conclusions derived from this study have wider application to states where the executive, while not confined to a single-term, confronts an equally empowered legislature, is limited to two successive terms and/or announces that he/she will not be seeking reelection prior to the conclusion of his/her tenure.<sup>5</sup> Those who agree with lame duck theory would claim that the one term limit without the possibility of succession would certainly result in the continual decline of the governor's success rates. We turn now to two specific cases, Gerald Baliles and L. Douglas Wilder, to test the validity of the lame duck hypothesis.<sup>6</sup>

*Governor Gerald Baliles, 1986-1989*

In 1985, Virginia's Democratic party "constructed a precedent-

<sup>4</sup>: Kentucky also limits its governors to a single-term.

<sup>5</sup>: Alan Rosenthal's characterization of the Virginia political scene sums up the governmental symmetry of the legislative and executive branches: "the governor....is institutionally strong, partly because Virginia's political culture is a deferential one, with considerable respect accorded to the chief executive. Yet Virginia's political elites have a keen sense of institutional boundaries, so the legislature can reign in its domain while the governor reigns in the executive domain. For the most part, lines are not crossed, and power is wielded subtly and shared amicably between the two branches." (Rosenthal, 1990, 197-198)

breaking, historic ticket that for the first time included a black and a woman" (Sabato, 1987, 61). Led by Gerald Baliles (the previous administration's Attorney General), L. Douglas Wilder and Mary Sue Terry, the Democrats hoped to gain their second straight sweep of the three statewide offices - governor, lieutenant governor and attorney general. The recurring question was whether the "Old Dominion" was prepared to support such a revolutionary move.

When the ballots were tallied, Baliles had received 55.2% of the votes cast, and became the "first gubernatorial candidate since Democrat Albertis S. Harrison in 1961 to carry all ten congressional districts." (Sabato, 1987, 71) His running mates, having "wrapped themselves in traditional Virginia values....conducted sedate and subdued campaigns....and embraced the moderate-conservatism of....their ticket leader," secured the Democratic sweep, with Douglas Wilder and Mary Sue Terry capturing 51.8% and 61.4% of the vote respectively (Sabato, 1987, 102). These results signaled the "coming of age of the new Democratic party of Virginia - a moderate party forged in the wilderness of twelve fruitless years, a party that has turned away from liberal extremes and toward centrism, a party that once again is whole and financially healthy rather than splintered and broke." (Sabato, 1987, 107)

6: This examination will compare the governor's first and last years in office because most who adhere to the lame duck doctrine also feel that the initial year ought to coincide with the executive's strongest legislative showing. Consequently, if lame duck theory is verifiable, the first and last year executive success rates should be highly disparate.

Buoyed by these electoral successes, the state's advantageous fiscal situation and the priceless endorsement of party favorite and gubernatorial predecessor Charles S. Robb, Governor Baliles seemed poised for a highly successful first year in office.<sup>7</sup> Add to the favorable political environment a 2 to 1 Democrat advantage in the House of Delegates and a 4 to 1 margin in the state Senate, and one would expect Governor Baliles to pass the bulk of his executive package.

Tables 1 and 2 document his impressive performance. In 1986, Baliles' first year as Governor, the executive package consisted of 118 bills, of which 82 were introduced in the House of Delegates and 36 into the Senate. He lost only 4.24% [5] of his package either to continuation of the legislation to the 1987 session or death on the Assembly floor. Further, fewer than half of the bills were amended [58] while only 18.6% [22] were altered by both houses.<sup>8</sup> The most volatile portion of the package proved to be the 39 Human Resource bills, initiatives which account for a large portion (19.5%/23) of the governor's total amendment rate (49.2%/58). With most governors deemed successful if their passage rate approaches 80.0% (Rosenthal, 1990, 113), Governor Baliles' 95.8% rate confirms that 1986 was a good year for executive/legislative relations in Virginia, with a minimum amount of bills being killed or continued while few proposals were seriously amended.<sup>9</sup>

Baliles' final year in office (1989), in contrast to 1986,

<sup>7</sup>: Virginia's general fund budget increased by 10% for the fourth straight year (Harris & Tapscott, 1992).

## - Table 1: Governor Gerald Baliles, 1986 Legislative Session:

Passage Rate: 95.76% / Amendment Rate: 49.2%

\*Total Number of Bills Introduced: 118  
 \*Number Introduced into the House of Delegates: 82  
 \*Number Introduced into the State Senate: 36  
 \*Number of Duplicate Bills: 0

	House	Senate	Totals
- Number of Bills Amended in House of Origin Only	21 / 25.6%	4 / 11.1%	25 / 21.2%
- Number of Bills Amended in Second House Only	4 / 4.90%	7 / 19.4%	11 / 9.32%
- Number of Bills Amended in Both Houses Only	13 / 15.9%	9 / 25.0%	22 / 18.6%
- Number of Bills Killed	2 / 2.44%	0 / 0.00%	2 / 1.69%
- Number of Bills Continued	3 / 3.66%	0 / 0.00%	3 / 2.54%
- Total Number of Bills Amended <sup>8</sup>	38 / 46.3%	20 / 55.6%	58 / 49.2%

<sup>8</sup>: Total Number Amended calculated by adding the first three lines.  
 Source: 1986 Legislative Session Documents, Division of Legislative Services Library

<sup>8</sup>: The tables account for the total number of amended bills, not the total number of amendments. This proved to be a reliable measure of legislative activity, for the total number of amendments for the four years surveyed was 240, only 11 greater than the total number of amended bills [229].

<sup>9</sup>: Following the 1986 legislative session, Governor Baliles achieved what many observers believe to be his greatest legacy. In a special legislative session held in October, 1986, the governor was able to push through record tax increases to pay for a mammoth road building plan (12-year, \$12 billion construction program) which ended the state's antiquated "pay-as-you-go" financing of roads, bringing the "'New Dominion' up to speed" (Melton, January 15, 1989, B1). This was the zenith point of the highly successful first year.

-Table 2:

:Governor Baliles, 1986 Legislative Session:

## \*Breakdown of Executive Package:

	Number of Bills Amended in House of Origin Only	Number of Bills Amended in Second House Only	Number of Bills Amended in Both Houses Only	Number of Bills Killed or Continued	Total Number of Bills Amended *
Trans. & Public Safety (40 Bills)	8.47% (10)	0.00% (0)	5.10% (6)	3.39% (4)	13.6% (16)
Human Resources (39 Bills)	5.93% (7)	5.93% (7)	7.63% (9)	0.85% (1)	19.5% (23)
Commerce & Trade (17 Bills)	3.39% (4)	0.85% (1)	1.69% (2)	0.00% (0)	5.93% (7)
Administration (10 Bills)	2.54% (3)	0.85% (1)	2.54% (3)	0.00% (0)	5.93% (7)
Finance (7 Bills)	0.85% (1)	0.85% (1)	0.00% (0)	0.00% (0)	1.69% (2)
Education (5 Bills)	0.00% (0)	0.85% (1)	1.69% (2)	0.00% (0)	2.54% (3)
-----					
Total:	21.2% (25)	9.32% (11)	18.6% (22)	4.24% (5)	49.2% (58)

\*: Totals Calculated by Adding Number of Bills Amended in House of Origin Only, Second House Only and Both Houses Only

Source: 1986 Legislative Session Documents, Division of Legislative Services Library

was a year in which the lofty expenditures associated with the 1980's led Virginia and the rest of the country to the brink of an economic downturn. The state's annual 10% budget increase came to a halt and personal income for married couples declined by over 2%, the first drop since 1983 and the biggest since 1979 (Harris & Tapscott, 1992).<sup>10</sup> These economic indicators did not bode well for

<sup>10</sup>: The 89'-90' Budget, drafted in the fall of 1988, showed a slight 4.0% increase in Virginia's general fund budget. In contrast, the prior Budget, drafted in the fall of 1987, depicted a 17.0% increase for the 88'-89' fiscal year (Va. Department of Taxation, Tax Policy Section).



Governor Baliles' chances of expanding his agenda in the upcoming legislative session:

When times are good and revenues are mounting governors have the wherewithal to propose far reaching policy agendas....when times are bad and revenues are in decline....they must focus substantial energies on coping with economic crisis. The amount of fiscal resources available, in short, forces governors to set priorities and also constrains their ambitions (Rosenthal, 1990, 99).

Thus, even though he still maintained a 2 to 1 Democrat to Republican advantage in the House of Delegates and a 3 to 1 margin in the Senate, according to a member of Baliles' staff, the inauspicious economic climate "was somewhat of a concern. For the first time, we felt as if our capital resources were limited. These indicators dictated that we restrict our ambitions and narrow our agenda."<sup>11</sup> (Staff Interview, 4/13/94)

Tables 3, 4 and 5 indicate that despite the fiscal constraints, and contrary to what lame duck theory would have us believe, Governor Baliles did not experience a significant reduction in his ability to gain legislative support of his executive package. Tables 3 and 4, akin to Tables 1 and 2, show that 97.14% [68] of the bills introduced by the governor were passed. Meanwhile, the amendment rate actually declined from 49.2% [58] in 1986, to 47.1% [33] in 1989.

Table 5 charts the success of the governor's Finance and Appropriations proposals highlighted in Table 4. To summarize, in an attempt to give localities more revenue options, the governor submitted a package which allowed local governments to impose an

<sup>11</sup>. Some of the material contained within this work was obtained by the author in interviews with two former Deputy Secretaries, two members of both Gerald Baliles' and L. Douglas Wilder's administrative staff and a high

## -Table 3: Governor Gerald Baliles, 1989 Legislative Session:

Passage Rate: 97.14% / Amendment Rate: 47.1%

\*Total Number of Bills Introduced: 70  
 \*Number Introduced into the House of Delegates: 49  
 \*Number Introduced into the State Senate: 21  
 \*Number of Duplicate Bills: 7

	House	Senate	Totals
- Number of Bills Amended in House of Origin Only	10 / 20.4%	2 / 9.52%	12 / 17.1%
- Number of Bills Amended in Second House Only	3 / 6.12%	5 / 23.8%	8 / 11.4%
- Number of Bills Amended in Both Houses Only	9 / 18.4%	4 / 19.0%	13 / 18.6%
- Number of Bills Killed	3 / 6.12%	2 / 9.52%	2 / 2.86% <sup>Ⓢ</sup>
- Number of Bills Continued	0 / 0.00%	0 / 0.00%	0 / 0.00%
- Total Number of Bills Amended <sup>Ⓢ</sup>	22 / 44.9%	11 / 52.4%	33 / 47.1%

<sup>Ⓢ</sup>: Total Number Amended calculated by adding the first three lines.

<sup>Ⓢ</sup>: Number Decreases Because of Surviving Duplicate Bills

Source: 1989 Legislative Session Documents, Division of Legislative Services Library

income tax to finance future transportation expenditures. This unusual and politically risky gambit sparked many partisan and nonpartisan debates (Staff Interview, 9/13/93). But in the end, this initiative, while amended somewhat extensively (64.7%/11), achieved a passage rate of 100.0%.

11: ranking member of the Department of Planning and Budget's Legislative Services branch. Hereinafter, these are referred to as "Staff Interviews" followed by the date on which they were conducted.

- Table 4:

:Governor Baliles, 1989 Legislative Session:

## \*Breakdown of Executive Package:

	Number of Bills Amended in House of Origin Only	Number of Bills Amended in Second House Only	Number of Bills Amended in Both Houses Only	Number of Bills Killed or Continued	Total Number of Bills Amended *
Finance & Appropriations (17 Bills)	8.57% (6)	4.30% (3)	2.86% (2)	4.30% (3)	15.7% (11)
Health & Human Resources (17 Bills)	2.86% (2)	1.43% (1)	4.30% (3)	0.00% (0)	8.57% (6)
Trans. & Public Safety (16 Bills)	2.86% (2)	1.43% (1)	4.30% (3)	2.86% (2)	8.57% (6)
Economic Development (9 Bills)	0.00% (0)	1.43% (1)	4.30% (3)	0.00% (0)	5.71% (4)
Natural Resources (7 Bills)	2.86% (2)	1.43% (1)	1.43% (1)	0.00% (0)	5.71% (4)
Administration (3 Bills)	0.00% (0)	0.00% (0)	1.43% (1)	0.00% (0)	1.43% (1)
Education (1 Bill)	0.00% (0)	1.43% (1)	0.00% (0)	0.00% (0)	1.43% (1)
-----					
Total:	17.1% (12)	11.4% (8)	18.6% (13)	2.86%* (2)	47.1% (33)

@: Totals Calculated by Adding Number of Bills Amended in House of Origin Only, Second House Only and Both Houses Only

\*: Number Decreases Because of Surviving Duplicate Bills

Source: 1989 Legislative Session Documents, Division of Legislative Services Library

These legislative tallies indicate that Governor Baliles did not experience a discernable abatement of executive success during the interim between his first and last years in office. While the 1989 executive package contained 40.7% fewer bills than the 1986 proposal, a decline attributed to the pessimistic fiscal forecast and the fact that "he (Baliles) had introduced all the

## - Table 5: Governor Baliles, 1989 Finance &amp; Appropriations Package:

Passage Rate: 100.0% / Amendment Rate: 64.7%

\*Total Number of Bills Introduced: 17  
 \*Number Introduced into the House of Delegates: 10  
 \*Number Introduced into the State Senate: 7  
 \*Number of Duplicate Bills: 7

	House	Senate	Totals
- Number of Bills Amended in House of Origin Only	4 / 40.0%	2 / 28.6%	6 / 35.3%
- Number of Bills Amended in Second House Only	1 / 10.0%	2 / 28.6%	3 / 17.6%
- Number of Bills Amended in Both Houses Only	2 / 20.0%	0 / 0.00%	2 / 11.8%
- Number of Bills Killed	2 / 20.0%	1 / 14.3%	0 / 0.00%®
- Number of Bills Continued	0 / 0.00%	0 / 0.00%	0 / 0.00%
- Total Number of Bills Amended®	7 / 70.0%	4 / 57.1%	11 / 64.7%

®: Total Number Amended calculated by adding the first three lines.

®: Number Decreases Because of Surviving Duplicate Bills

Source: 1989 Legislative Session Documents, Division of Legislative Services Library

legislation he deemed necessary, especially with it being a short legislative session," the executive success rates were virtually equal (Staff Interview, 9/13/93).<sup>12</sup> Further, the passage and amendment percentages of the most contested issues of 1986 and 1989, the Human Resources and Finance and Appropriations packages respectively, were also analogous. The Human Resource bills

12: In odd calendar years, Virginia's legislative session is restricted to thirty calendar days. In even-numbered years, the legislative session is 60 calendar days. Both may be extended by another thirty days.

garnished a 97.44% passage rate and a 59.0% amendment rate, while the Finance and Appropriations package attained a 100.0% passage rate and a 64.7% amendment rate.

Now, an analysis of Governor Baliles' final year would be incomplete if it failed to note the negative portrayal it received in the media. First, local journalists routinely questioned the legislative achievements of Governor Baliles, reporting that a number of amendments to the Finance and Appropriations proposals drastically altered their effect.<sup>13</sup> Also, in March, 1989, "the Supreme Court ruled that states must apply the same tax rules to federal pensions, which Virginia had been taxing, and state pensions, which it had not." (Baker, 1989, B1) The ruling, which prevented states from taxing federal pensions if they did not treat other government retirees identically, "scuttled Virginia's pension-tax system." (Hardy, 1990, A1) This development caught the governor by surprise, forcing him to call a special legislative session in the fall of 1989. Unlike the preconceived and highly anticipated 1986 gathering, the reports of most journalists concluded that this special session ended in failure for the governor. In response, two former Deputy Secretary's challenged the conclusions of reporters.

<sup>13</sup>: Amendments differ in the extent to which they alter the thrust and meaning of particular pieces of legislation. It is possible that some amendments do not affect the letter or spirit of a governor's particular legislative proposals, but certainly other amendments can cause dramatic changes. Governors can have proposals passed into law, but if those proposals are amended to the point where the governor's intent is damaged or lost altogether, can the proposal's passage truly be labeled a success for the governor? Queries like these lend credence to the assertion that executive success might be defined in a variety of ways.

The setbacks during the final special session were traceable to the fact that the problems which were dealt with were unexpected and somewhat unprecedented. The impetus for it came from outside the state and, because of the Court's penchant for time consumption, an early decision was not expected. The lack of forewarning caught both the governor and the state's legislators off-guard, and since neither knew exactly how to deal with the dilemma, a perceived 'failure' was imminent. In reality though, the agreed upon solution was full of compromises more so than failures (Staff Interview, 10/1/93).

While the majority of the local media may have been less impressed with the 'successes' of 1989, others broadened their field of vision, looked at the entire package and the atypical conditions surrounding the special session, and, consequently, portrayed our accomplishments in a more favorable light. The governor's office took that view and, when the dust settled, genuinely felt that while the 89' session was both a challenge and, at times, distressing, in the end, it was, overall, a 'successful' experience. Even when one focuses on the amendments to the transportation sections of the appropriations bills, while the Assembly struck a blow by adding the requirement that the local voters would have to approve the levy, we (Governor Baliles and his staff) were OK with this because we knew that the very real possibility of a recession made the passage of a package calling for the mandatory imposition of another statewide tax a political impossibility. It was this, and not Baliles' 'lame duck' status, which forced us to accept the bills as amended in the Assembly. So, it's evident that 'success' is a subjective term, largely defined by one's outlook, perspective and the criteria upon which conclusions are based (Staff Interview, 12/12/93).

The conflicting interpretations offered above illustrate the chief difficulty associated with defining executive success: while each view warrants consideration, it is impossible to determine whether one supersedes the other. Yet, neither suggests that the governor's power declined because his term was approaching its conclusion. Thus, while the results of the 1989 session lend themselves to conflictual interpretations, it still appears that Governor Baliles confronted his final year and defied the tenure constraints allied against him. As such, it would be appropriate for one to ask how Governor Baliles was able to maintain his success percentages during his final session? Could enabling

variables, if skillfully implemented, empower an executive and permit him or her to overcome the limitations of the electoral cycle? These queries will be explored after we review Governor Wilder`s record.

*Governor L. Douglas Wilder, 1990-1993*

In 1985, L. Douglas Wilder campaigned for the position of Lieutenant Governor "not as a Jesse Jackson, concentrating his time and energy on the black community, but rather as

a....mainstream black candidate widely acceptable to whites."

(Sabato, 1987, 84) In doing so, he was able to capture seven of ten congressional districts and 51.8% of the votes cast in spite of his many liabilities:

His race, his liberal record on many social issues during fifteen years in the State Senate, and his personal problems (including a reprimand by the State Supreme Court for poor representation of a client, repeated late payment of taxes, and building code violations on some of his Richmond property). Resentment also lingered in some quarters of the Democratic party because of his threat to bolt the party and run as an independent for the U.S. Senate in 1982 (Sabato, 1987, 104).

Douglas Wilder`s 1989 campaign for the governorship mirrored this previous effort. Unopposed for the position in his own party, Wilder`s nomination still caused concern from "moderate-conservative Democrats who were uneasy about the prospect.

Wilder`s continuing family feud with former Governor Charles Robb and his frequent disagreements with Governor Gerald Baliles only increased their anxiety." (Sabato, 1991, 62) But as the election drew near, the Democratic party rallied around their candidate, helping him to win the closest gubernatorial election of this

century by a mere .30% (or a total of 50.1% of the vote). Thus, although Governor Wilder was "beautifully positioned for battle: he was unopposed for the nomination, enjoyed the support of a united party reconciled to his run, was well financed, reigned as heir apparent to two popular administrations, won the preponderance of editorial endorsements, and ran a shrewd campaign....he barely won." (Sabato, 1991, 100)

Once in office, Governor Wilder viewed his initial legislative session with a modicum of apprehension. While he enjoyed the benefits of first year executive status and a partisan advantage of 59 Democrats to 39 Republicans in the House of Delegates and 30 Democrats to 10 Republicans in the Senate, his narrow electoral victory and lack of vigorous intra-party support showed that he did not command the same level of deference afforded his Democratic predecessor. Furthermore, the state's fiscal situation continued to decline. In 1990, Virginia experienced its first decrease in the general fund budget in ten years and the elimination of 40,200 private sector jobs. Consequently, when he came into office in January of 1990, Governor Wilder acknowledged that the state needed to "bite the bullet" and institute "substantial budgetary cuts" geared towards rationalizing and scaling back the expenditure advances made during the Robb-Baliles years (Slipek, 1990, 16; see also Harris & Tapscott, 1992; and Morris, 1992). He focused his initial legislative agenda accordingly.

Tables 6 and 7 document his 1990 performance. While his



## - Table 6: Governor L. Douglas Wilder, 1990 Legislative Session:

Passage Rate: 94.26% / Amendment Rate: 55.7%

*Total Number of Bills Introduced:	122
*Number Introduced into the House of Delegates:	69
*Number Introduced into the State Senate:	53
*Number of Duplicate Bills:	12

	House	Senate	Totals
- Number of Bills Amended in House of Origin Only	23 / 33.3%	10 / 18.7%	33 / 27.0%
- Number of Bills Amended in Second House Only	6 / 8.70%	8 / 15.1%	14 / 11.5%
- Number of Bills Amended in Both Houses Only	8 / 11.6%	13 / 24.5%	21 / 17.2%
- Number of Bills Killed	2 / 2.90%	6 / 11.3%	5 / 4.10% <sup>Ⓢ</sup>
- Number of Bills Continued	1 / 1.45%	1 / 1.89%	2 / 1.64%
- Total Number of Bills Amended <sup>Ⓢ</sup>	37 / 55.2%	31 / 58.5%	68 / 55.7%

<sup>Ⓢ</sup>: Total Number Amended calculated by adding the first three lines.

<sup>Ⓢ</sup>: Number Decreases Because of Surviving Duplicate Bills

Source: 1990 Legislative Session Documents, Division of Legislative Services Library

percentage of bills amended (55.7%/68) exceeded the 49.2% [58] posted by Governor Baliles in 1986, the new governor still achieved a 94.26% [115] passage rate. Included within this executive package were 28 Finance bills aimed at drastically reducing Virginia's \$181 million revenue short fall and the subsequent creation of a monetary reserve. As the economy slowed and personal income dropped, partisan rhetoric grew more heated

- Table 7:

:Governor Wilder, 1990 Legislative Session:

## \*Breakdown of Executive Package:

	Number of Bills Amended in House of Origin Only	Number of Bills Amended in Second House Only	Number of Bills Amended in Both Houses Only	Number of Bills Killed or Continued	Total Number of Bills Amended *
Trans. & Public Safety (32 Bills)	8.20% (10)	2.46% (3)	2.46% (3)	1.64% (2)	13.1% (16)
Finance (28 Bills)	7.38% (9)	2.46% (3)	5.74% (7)	2.46% (3)	15.6% (19)
Economic Develop- ment (27 Bills)	7.38% (9)	1.64% (2)	2.46% (3)	0.82% (1)	11.5% (14)
Health & Human Resources (17 Bills)	3.28% (4)	1.64% (2)	4.10% (5)	0.00% (0)	9.02% (11)
Natural Resources (10 Bills)	0.82% (1)	0.82% (1)	2.46% (3)	0.82% (1)	4.10% (5)
Administration (5 Bills)	0.00% (0)	1.64% (2)	0.00% (0)	2.46% (3)	1.64% (2)
Education (3 Bills)	0.00% (0)	0.82% (1)	0.00% (0)	0.00% (0)	0.82% (1)
-----					
Total:	27.0% (33)	11.5% (14)	17.2% (21)	5.74%* (7)	55.7% (68)

@: Totals Calculated by Adding Number of Bills Amended in House of Origin, Second House Only and Both Houses Only

\*: Number Decreases Because of Surviving Duplicate Bills

Source: 1989 Legislative Session Documents, Division of Legislative Services Library

and the importance of these measures grew (Hardy, 1990). The analysis showed that of the 28 bills, while 67.9% [19] were amended, the package was passed in full. Therefore, Governor Wilder's first year, and presumably his strongest, saw the attainment of an enviable passage percentage but a less favorable amendment rate.

Wilder's final legislative session (1993), bore witness to yet another Virginia governor choosing his last year in office to introduce into the Assembly controversial legislation. Governor Wilder incorporated a 14 point Violent Crime initiative into the 127 bills comprising his executive package. Two of the 14 bills, HB 1592 and SB 670, (duplicate bills which recommended that individuals be restricted to the purchase of one hand gun per month), attracted national attention and media coverage. As the lobbyists for the National Rifle Association (NRA) swung into action, the 1993 session promised to play host to numerous political debates and battles.

Tables 8, 9 and 10 map the fallout. Interestingly, when the executive's package is viewed in full (Tables 8 and 9), one again notices that while Governor Wilder's amendment rate (55.1%/70) exceeds the percentage posted by his predecessor, it is within 0.6% of Governor Wilder's 1990 amendment rate (55.7%/68). Also, his passage rate still hovers slightly above 90.0% (90.6%/115), a proportion which many governors would treasure (Rosenthal, 1990).

Lastly, Table 10 examines the governor's Violent Crime package. Though the discussions were intense and the confrontations volatile, 92.9% [26] of the bills were passed by the Assembly. Of the 28 measures, consisting of 14 duplicates, the legislature amended 71.4% [20]. While this number outpaces the amendment rates of Governor Baliles, it is comparable to Governor Wilder's Finance package percentage (67.9%/19) from the 1990 legislative session. This comparison illustrates that,

## - Table 8: Governor L. Douglas Wilder, 1993 Legislative Session:

Passage Rate: 90.6% / Amendment Rate: 55.1%

*Total Number of Bills Introduced:	127
*Number Introduced into the House of Delegates:	82
*Number Introduced into the State Senate:	45
*Number of Duplicate Bills:	26

	House	Senate	Totals
- Number of Bills Amended in House of Origin Only	21 / 25.6%	4 / 8.90%	25 / 19.7%
- Number of Bills Amended in Second House Only	7 / 8.54%	9 / 20.0%	16 / 12.6%
- Number of Bills Amended in Both Houses Only	17 / 20.7%	12 / 26.7%	29 / 22.8%
- Number of Bills Killed	9 / 11.0%	8 / 17.8%	12 / 9.45%®
- Number of Bills Continued	0 / 0.00%	0 / 0.00%	0 / 0.00%
- Total Number of Bills Amended®	45 / 54.9%	25 / 55.6%	70 / 55.1%

®: Total Number Amended calculated by adding the first three lines.

®: Number Decreases Because of Surviving Duplicate Bills

Source: 1993 Legislative Session Documents, Division of Legislative Services Library

similar to Governor Baliles, Governor Wilder's initial and final year box scores, defined as the percentage of bills amended, passed, killed, and continued, did not significantly fluctuate.

These findings do not conform with the expectations of lame duck theory. The evidence reveals three important conclusions. First, neither governor experienced a passage rate below 90%. Second, while both chose to advance controversial legislation

- Table 9:

:Governor Wilder, 1993 Legislative Session:

## \*Breakdown of Executive Package:

	Number of Bills Amended in House of Origin Only	Number of Bills Amended in Second House Only	Number of Bills Amended in Both Houses Only	Number of Bills Killed or Continued	Total Number of Bills Amended *
Violent Crime (28 Bills)	2.36% (3)	2.36% (3)	11.0% (14)	3.15% (4)	15.7% (20)
Economic Develop- ment (21 Bills)	4.72% (6)	0.79% (1)	0.79% (1)	0.00% (0)	6.30% (8)
Public Safety (16 Bills)	2.36% (3)	0.79% (1)	1.57% (2)	2.36% (3)	4.72% (6)
Health & Human Resources (14 Bills)	3.94% (5)	1.57% (2)	0.00% (0)	0.00% (0)	5.51% (7)
Finance (12 Bills)	0.00% (0)	0.79% (1)	4.72% (6)	3.94% (5)	5.51% (7)
Education (10 Bills)	2.36% (3)	0.79% (1)	1.57% (2)	0.00% (0)	4.72% (6)
Natural Resources (8 Bills)	0.79% (1)	1.57% (2)	2.36% (3)	0.79% (1)	4.72% (6)
Administration (7 Bills)	0.009% (0)	3.94% (5)	0.00% (0)	0.00% (0)	3.94% (5)
Transportation (7 Bills)	3.156% (4)	0.00% (0)	0.79% (1)	0.00% (0)	3.94% (5)
Ethics (4 Bills)	0.00% (0)	0.00% (0)	0.00% (0)	3.15% (4)	0.00% (0)
-----					
Total:	19.7% (25)	12.6% (16)	22.8% (29)	9.45%* (12)	55.1% (70)

@: Totals Calculated by Adding Number of Bills Amended in House of Origin, Second House Only and Both Houses Only

\*: Number Decreases Because of Surviving Duplicate Bills

Source: 1993 Legislative Session Documents, Division of Legislative Services Library

their final year in office (Baliles' Finance & Appropriations package and Wilder's Violent Crime initiatives), a point when they

## - Table 10: Governor Wilder, 1993 Violent Crime Package:

Passage Rate: 92.86% / Amendment Rate: 71.4%

\*Total Number of Bills Introduced: 28  
 \*Number Introduced into the House of Delegates: 14  
 \*Number Introduced into the State Senate: 14  
 \*Number of Duplicate Bills: 14

	House	Senate	Totals
- Number of Bills Amended in House of Origin Only	2 / 14.3%	1 / 7.10%	3 / 10.7%
- Number of Bills Amended in Second House Only	2 / 14.3%	1 / 7.10%	3 / 10.7%
- Number of Bills Amended in Both Houses Only	7 / 50.0%	7 / 50.0%	14 / 50.0%
- Number of Bills Killed	1 / 7.10%	3 / 21.4%	2 / 7.14%®
- Number of Bills Continued	0 / 0.00%	0 / 0.00%	0 / 0.00%
- Total Number of Bills Amended *	11 / 78.6%	9 / 64.3%	20 / 71.4%

®: Total Number Amended calculated by adding the first three lines.

®: Number Decreases Because of Surviving Duplicate Bills

Source: 1993 Legislative Session Documents, Division of Legislative Services Library

were theoretically assumed to be at their weakest, both witnessed the passage of these proposals. Third, their box score ratios remained remarkably consistent, with neither experiencing a notable decline at the conclusion of their tenure. In short, the typical outcomes associated with lame duck theory simply did not materialize during the legislative sessions. Neither governor was unable to build "a legislative bloc to support his program", nor

did either watch as their power went "downhill in subsequent sessions." (Ransome, 1982) What then does this mean for lame duck theory?

### *Alternative Explanations for Gubernatorial Success*

It is obvious that the gubernatorial/legislative puzzle is not as simple and clear cut as the lame duck theory would have us believe. On the contrary, while governors face distinctive challenges during their final year in office, the analysis above suggests that such challenges are not necessarily insurmountable. Table 12 illustrates this point. Therefore, we must now go beyond the question of whether a governor can sustain his or her executive success rates over the course of their tenure and ask why some governors excel, consistently maintaining exemplary executive success percentages, while others might fall comparatively short.

A governor's ability to deal successfully with the state legislature does not decline solely because they lack tenure potential or because they lack formal powers over administration, i.e. veto and budgetary power and appointive authority (Schlesinger, 1972). Instead, several studies argue that one reason governors do not succeed is that they "are apparently personally incapable or disinclined to use those powers that they do possess." (Sigleman & Dometrius, 1988, 158; see also Beyle, 1983; and Gross, 1989) Since a "governor's relationship with and success in dealing with the legislature often determines the

- Table 12: Comparison of the First and Last Year - Baliles and Wilder:

	Entire Package			Controversial Initiative		
	Passage Rate	Amendment Rate	Bills Amended in Both Houses	Passage Rate	Amendment Rate	Bills Amended in Both Houses
Baliles 1st Year	95.76%	49.2%	18.6%	97.44%	59.0%	20.5%
Baliles 4th Year	97.14%	47.1%	18.6%	100.0%	64.7%	11.8%
Difference	+1.4%	-2.1%	0.0%	+2.6%	+5.7%	-8.7%
-----						
Wilder's 1st Year	94.26%	55.7%	17.2%	100.0%	67.9%	25.0%
Wilder's 4th Year	90.60%	55.1%	22.8%	92.86%	71.4%	50.0%
Difference	-3.6%	-0.6%	+5.6%	-7.1%	+3.5%	+25.0%

success" of the administration, "formal powers do relatively little to bolster a governor's influence where informal resources and charisma are lacking." (Beyle, 1983, 206; see also Sigleman & Dometrius, 1988, 157; and Gross, 1989) Therefore, executive success could depend on the governor's ability to utilize and manage formal power in dealings with the legislature. This skill may be affected by the political environment and the particular aspirations and skills each governor brings to the office. Consequently, we should explore the hypothesis that personal traits, characteristics and skills, the political environment and future ambitions all effect the outcome of executive/legislative relations.

Returning to the executives studied here, while there was



some speculation to the contrary, Governor Baliles did not possess the same future electoral ambitions as either Chuck Robb or Douglas Wilder. As a result, his behavior as governor lent itself to collaboration and consensus, a style of leadership favored by those who place the state agenda over personal objectives:

When Baliles took over, it was widely known that he did not harbor the same ambitions as Robb, or, for that matter, Wilder. The possibility of a future national appointment was not out of the question, but, for the most part, we knew that he wanted to work for the state of Virginia with the democratically controlled General Assembly. He looked upon the Assembly as his partner. His equal. The primary goal of his administration was to work with this partner to construct an agenda geared towards improving the condition of the state, not furthering his own political aspirations (Staff Interview, 2/9/93).

This demeanor influenced Governor Baliles' dealings with the legislature. During his administration, he took great care to forge strong, personal relationships with the Assembly as a whole and many of its individual representatives and leaders. To facilitate these friendships, Baliles, a former member of the House of Delegates, would often journey to the Assembly and consult with individual legislators. On other occasions, he went out of his way to give them and their branch credit for legislative accomplishments. By no means one dimensional, he was also highly adept at the politics of provision, rubbing elbows, massaging egos and granting perks and favors when necessary. Baliles' leadership style afforded the governor many successes, yielding dividends during his final, and most trying legislative session.

To summarize, faced with the difficulties that accompany the

lame duck label, a factious Assembly, a short, odd-year legislative session and a troubling fiscal forecast, Governor Baliles was quick to narrow his agenda, focus his resources and propose the legislation developed under difficult fiscal conditions (Staff Interview, 2/9/93). Remarkably, despite the fact that portions of his Finance and Appropriations proposals divided the Assembly, his overall amendment rate decreased 2.1% from 1986, his initial year in office, while his passage rate remained consistent (See Table 12). To achieve these numbers, Governor Baliles practiced the politics of cooperation and compromise.

Governor Baliles' successor was elected into office at a time when the political environment was tumultuous. "With controversies and crises looming on the budget and in transportation, education, mental health, rural housing and corrections," the new governor initially viewed his post with some apprehension (Sabato, 1991, 96). But as the 1990 legislative session began, Governor Wilder boldly decided to forego the conciliatory techniques applied by his predecessor. "Eager to fashion a reputation as a fiscal conservative," a stance "clearly linked to his presidential ambitions," (Eckholm & Hinds, A1, 1991) and wary of appearing vulnerable during a period of economic and political uncertainty, he instead chose to assert his own power and strength by introducing a series of controversial spending cuts and demanding that the Assembly act on his proposals (See also Harris & Tapscott, 1992; and Schapiro, 1990). By refusing to

call for tax increases, he shrewdly thwarted G.O.P. attempts to label him as a free spending liberal, silenced those Democrats who felt that tax hikes were necessary but who faced reelection battles in 1991 and unabashedly attempted to transform "fiscal distress into a political asset." (Eckholm & Hinds, Al, 1991) At the end of the 1990 session, Governor Wilder had achieved a laudable passage rate and national recognition for his fiscal prudence, but his confrontational and somewhat self-serving stance left many wondering if the new governor's loyalties were misplaced (Associated Press, 1990; Eckholm & Hinds, 1991; and Hardy & Schapiro, 1990.).

This first legislative session set the tone for the remainder of his administration, one which witnessed an aborted presidential bid, senatorial posturing for a possible 1994 Senate race and public approval ratings which fluctuated between 34% and 48% (Richmond Times Dispatch, Media Research Department). Furthermore, the mid-term Assembly elections reduced the Democratic advantage by 10, from 61 to 59 in the House of Delegates and 30 to 22 in the Senate (Whelan, 1993, 4). Consequently, as his term progressed, the Assembly's increasing partisanship combined with Governor Wilder's contentious personality and leadership style to strain the congenial gubernatorial/legislative relationship enjoyed by his predecessor. Staff members routinely characterized him as a head of state who felt that "he alone knew what was best for Virginia." (Staff Interview, 2/9/93) Once Governor Wilder proposed his executive

package he felt that the legislative branch ought to implement his proposals without question. Those portions of his package which furthered his own interests and received national attention, like the 1993 Violent Crime initiatives, benefited from a more flexible governor who deviated from his confrontational stance if the move promoted the passage of the bill(s) (Staff Interview, 2/9/93).<sup>14</sup>

But, more often than not, the governor chose not to cooperate and compromise, preferring to remain obdurate in the face of a frequently less than amicable political environment.

Consequently, it should come as no surprise that while the amendment and passage proportions achieved by Governor Wilder in his initial and final years in office parallel each other (Table 12), a fact which undermines lame duck theory, his success rates do not equal those posted by Governor Baliles (Table 13).

- Table 13: Comparison, Baliles and Wilder - First and Last Year Averaged:

	Entire Package			Controversial Initiative		
	Passage Rate	Amendment Rate	Bills Amended in Both Houses	Passage Rate	Amendment Rate	Bills Amended in Both Houses
Baliles, 1986 & 1989 (188 Bills)	96.5%	48.1%	18.6%	98.7%	61.8%	16.1%
Wilder 1990 & 1993 (249 Bills)	92.4%	56.1%	20.0%	96.4%	69.6%	37.5%

<sup>14</sup>: To this end, Washington Post reporters John Harris and Donald Baker report that Wilder's 1993 Violent Crime efforts ended in victory "according to legislators because in the final year of his administration he did what he steadfastly refused to do throughout the first three years: He identified an issue well before the session, carefully cultivated public

First, while Governor Wilder's passage rate for the entire package is within 5.0% of that posted by Governor Baliles, his amendment percentage exceeds his predecessor's by 8.0%. Secondly, and more significantly, a comparison of the controversial initiatives advanced by each shows that Governor Baliles' proposals sparked less negative legislative activity than did Governor Wilder's. Governor Wilder's amendment rate outpaces the Governor Baliles' by 7.8%, while his percentage of bills amended in both of the Assembly's houses is 37.5%, 21.4% greater than Governor Baliles' 16.1%. Therefore, while each was able to overcome the constraints of their final year, Governor Wilder's ability to gain the unrevised passage of his legislative proposals lagged behind that of his predecessor. These facts suggest that executive success depends upon an assortment of factors ranging from the personal skills, ambitions and agenda of the executive to the political environment - the fiscal situation, gubernatorial popularity, electoral results and the partisan arrangement of the legislature. Each of these factors, even during the concluding year of an executive's term, affects the passage and amendment rates of gubernatorial initiatives.

<sup>14</sup>: support, then built a legislative majority through a mix of persuasion and compromise. In short, Wilder performed more like a traditional governor and less like a maverick outsider than in previous years. He no longer seemed more intent on rattling the establishment and going it alone than on affecting public policy." (Harris & Baker, 1993, B1)

## Conclusion

All governors enter office and employ a particular strategy to guide their actions:

To achieve their goals in the face of uncertainty, surprise, ambiguity, inadequate information, and centrifugal forces, public executives need....a set of premises deliberately chosen to provide direction to their thinking, choices and administrative behavior (Crew, 1992, 24).

Since "most studies of gubernatorial behavior focus on success in achieving policy purposes and how the governor develops and uses his or her political resources....to achieve policy success", it stands to reason that the premises governors generate are geared towards dealing with the political environment and maximizing their potential for present and, if applicable, future success (Crew, 1992, 16). How each governor implements and coordinates these premises and objectives in the face of the structural and environmental hurdles he/she faces throughout their tenure and, especially, during their concluding year, is critical. If a governor proposes viable legislation, is comfortable with and respected by the legislature, enjoys face-to-face negotiations regularly and is the beneficiary of a relatively stable political environment, we would expect his or her passage and amendment rates to remain consistent. Conversely, the head of state who toils within a dynamic political environment, advances respected but occasionally highly contentious policy proposals and who finds it difficult to cooperate and compromise with the legislature would be more likely to record passage and amendment percentages which trail those posted by the executive delineated above and

are, comparatively, less congruous.

These examples are a small sample of the myriad of combinations of variables which can affect gubernatorial-legislative relations and executive success rates. If one elects to address the notion of what constitutes executive success and, in doing so, contrasts the media's interpretations with those offered by political scientists, the picture becomes more muddled. Journalists tend to pen event driven renditions which focus on daily nuances, whereas political scientists seek to discern the relative importance of these nuances within the context of broader trends and general patterns of behavior. Consequently, while the data reviewed above suggests that it may be "inappropriate to fix a cycle of increasing or decreasing policy effectiveness for governors" (Johnson, 1990, 359), it neither purports to offer the definitive word on the executive/legislative relationships analyzed here nor adequately explains why the success rates of Governors Baliles and Wilder remained relatively constant. The main objective throughout has been to show that discourse concerning lame duck theory needs to begin anew. Future examinations must account for and discuss the correlation between success and personal skills, environmental considerations and future political ambitions. Such studies would no longer be tempted to reduce the investigation of executive/legislative relations to any one factor, being obliged to address the dynamic interaction between a variety of variables. This thesis illustrates that those studies are necessary if we are

to move beyond the simple assumptions of lame duck theory and provide a fuller explanation of gubernatorial success with state legislators.



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