

The Direct Election of Senators and the Emergence of the Modern Presidency

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Research on presidential power delineates between a modern era of relative autonomy and an earlier period of congressional dominance. What drove this change? Unlike prior arguments about presidential entrepreneurship and the rise of the United States as a global power, we attribute the emergence of the modern presidency to the inadvertent consequence of an institutional change—the adoption of direct election of senators that culminated in the 17th Amendment. With direct election, senators were selected by individual voters rather than state legislators. As a consequence, senators answered to a new principal—the general public—that was (in the aggregate) less informed and less interested in foreign policy. As a consequence, senators had less incentive to constrain presidential foreign policy preferences. We find evidence for this shift in the relationship between the piecemeal adoption of direct election and senate votes to delegate foreign policy authority to the executive. The implication is that the direct election of senators played an underappreciated role in the emergence of the modern presidency.

Congress, despite its constitutional mandate, does little to constrain presidents when it comes to foreign policy. It allowed open-ended US engagement in Syria on the strength of authority granted after the September 11 terrorist attacks. It deferred to Barack Obama in Libya. Most prominently, Congress acquiesced to George W. Bush's invasion of Iraq, with even most Democrats reluctantly providing support.

The observation that presidents dominate US foreign policy is hardly novel. Around the world, executives generally have informational advantages in international affairs that translate into foreign policy autonomy (Baum and Potter 2015). Political institutions and practices make this doubly true in the United States (Howell 2003). Indeed, presidential dominance in foreign policy is so widely accepted that there is shorthand for it—"two presidencies"—a weaker one for domestic policy and a stronger one for foreign affairs (Wildavsky 1966; Canes-Wrone et al. 2008).

Most scholarship, however, glosses over how we got to these two presidencies, gauzily attributing it to presidential entrepreneurialism and the emergence of the United States as a superpower (e.g., Neustadt 1991; Moe 1985). In this telling, presidential foreign-policy power is the combined product of geopolitical change that thrust the US into the role of a global superpower and the savvy of presidents who availed themselves of that opportunity.

We make a different argument: the emergence of the modern presidency was partially the consequence of institutional change.¹ Specifically, the shift to the direct election of senators realigned the division of foreign policy power between the branches. By shifting senators' electoral principals from state legislators to the median state voter, direct election disincentivized

¹ For other recent studies that examine the growth of the modern presidency, see Rogowski (2016) and Dearborn (2019).

attentiveness to foreign policy—a domain that the average voter knows and cares little about (Delli Carpini and Keeter 1997; Holsti 1996). With senators no longer rewarded for muscularly engaging in foreign policy, presidents inserted themselves into the vacated political space.

We leverage the piecemeal phase-in of senatorial direct election to identify the impact on votes to either expand or limit presidential authority over tariffs or treaties between the 45th (1877-79) and 63rd (1913-15) Congresses.² Our results indicate that senators subject to direct election were more inclined to delegate foreign policy autonomy to presidents. We confirm these results with a placebo test on similar votes in the House of Representatives, where no equivalent institutional change occurred. We also show that senators subject to direct election shied away from foreign policy committee assignments.

Direct Election and Presidential Power

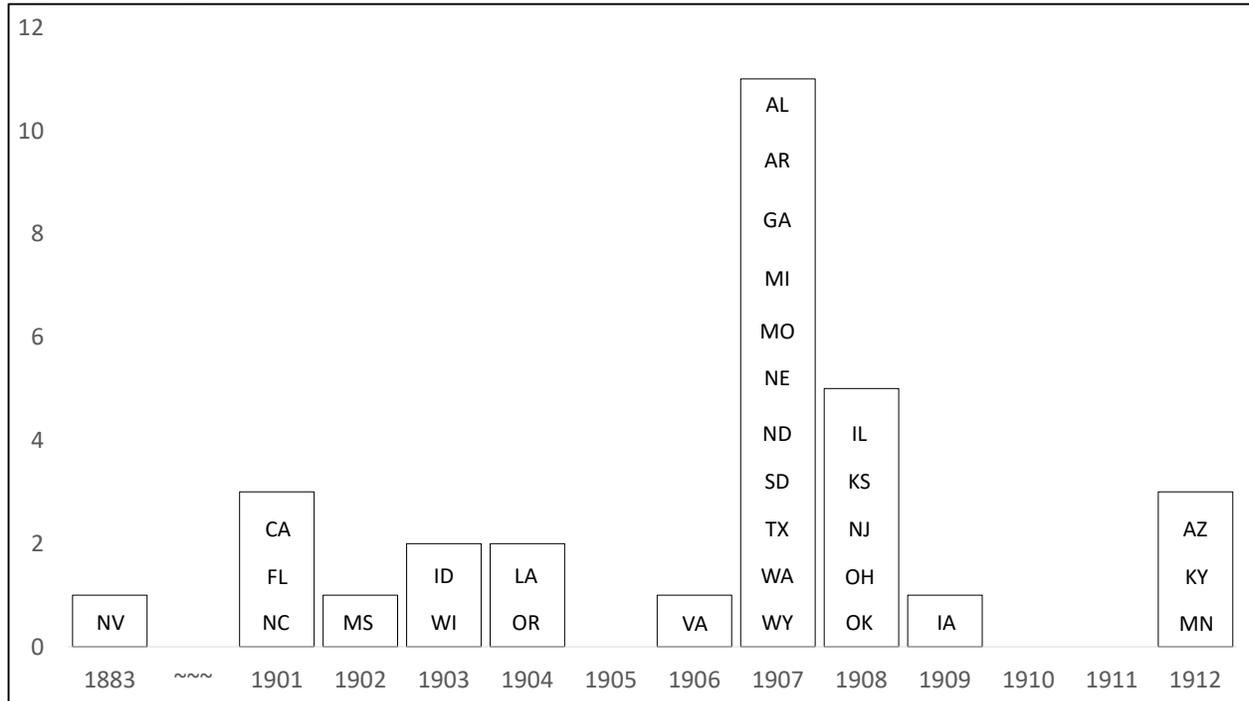
The shift to direct election of senators was driven by Progressive-era ambition to bring government closer to the people it ostensibly represented. There were less lofty, more practical, considerations at play as well—that direct election would limit corruption by making influence costlier and avoid the Senate vacancies produced deadlocked state legislatures (Schiller and Stewart 2015).

As with any major institutional change, there were controversies that delayed adoption. Southern leaders, for example, resisted for fear that it would threaten the Jim Crow system (Lapinski 2000). That said, in comparison to the fights over other constitutional amendments, the debate was muted. By the time the 17th Amendment was ratified in 1913, a majority of states,

² This approach is modeled on other work that successfully leverages state-by-state adoption of what would become national-level policy to overcome inference problems (e.g. Donohue and Levitt 2001; Lott and Kenny 1999).

led by those in the West, had already moved toward direct election through direct primaries (Figure 1).

Figure 1. Adoption of Direct Election via State Primaries



We argue that direct election had an unintended consequence. While it may have moved the Senate closer to the ideals of plebiscitary democracy, direct election also shifted the incentives of senators in ways that directly empowered the executive and contributed to the emergence of the modern presidency.

Why did this seemingly innocuous change have such a profound effect? The answer lies in the ultimate source of accountability. As elected agents, senators are held responsible for their actions by principals who must be both attentive and knowledgeable about their foreign policy performance. The shift to direct election increased information and attentiveness asymmetries by shifting the principal from state legislators to citizens.

Information is required to ensure this accountability, but it is hard for the average citizen to acquire this information and the individual rewards for doing so are minimal.³ Holmstrom (1979) notes that monitoring foreign policy is especially difficult due to the natural information asymmetries between leaders and citizens, which is compounded by low popular attentiveness to (and knowledge about) foreign policy (Baum and Potter 2015, Holsti 1996).

The shift to direct election exacerbated these information and attentiveness gaps by shifting the principal from state legislators to citizens. Absent major conflict, foreign policy operates well beneath the public's radar (Ostrom and Simon 1985; Miller and Stokes 1963). This is because typical voters do not know much about or engage with foreign policy (Delli Carpini and Keeter 1997; Holsti 1996). Most significantly, they tend to vote based on their immediate concerns rather than foreign policy considerations or other public goods, particularly those at the national level.

Once citizens were given the responsibility to elect senators directly, their voting reflected this prioritization. Directly elected senators had little choice but to change their behavior accordingly, with increased attention to local concerns at the expense of foreign policy. The takeaway is that the insulation that came with indirect election led to a Senate that was better positioned to constrain executive preferences over foreign policy. As that insulation evaporated as a consequence of direct election, the incentives to meaningfully constrain presidential foreign policy preferences went with it.

³ Note that nearly all of what we know about public opinion and foreign policy draws on evidence from after the period under scrutiny in this analysis (with the advent of scientific polling). There is, however, little reason to believe that these deep trends in American politics operated differently at the turn of the 20th century than they did 50 years later. It is plausible that they were actually more exaggerated when media was more limited and mass education was poorer.

In comparison to the mass public, state legislators were (and are) more informed about and concerned with matters of national significance including foreign policy. Around the turn of the 20th century, as they remain today, state legislators were, on average, wealthier and better educated than their constituents, attributes that are consistently associated with better political information and foreign policy attentiveness. According to Campbell (1980: 39), “Both Democrats and Republicans recruited their delegations mainly from the more eminent citizens of small town and rural America...”

Even when not particularly versed in or concerned with foreign affairs in their own right, state legislators were pushed in ways that led to the election of senators better positioned to constrain presidential foreign policy preferences. State legislators in this period were highly reliant on “power brokers”—party bosses, party machines, and wealthy patrons—for political survival (Rothman 1966; MacNeil and Baker 2013, 20; Schiller and Stewart 2015, 38-40).⁴ These power brokers, who had wide-ranging business and financial interests, pushed state legislators to select senators who were attentive to defending the institutional prerogatives of the chamber, including in the realm of foreign policy (Gailmard and Jenkins 2009).

Finally, states in this period more directly bore the cost of assertive foreign policy and conflict than they do now—meaning that state legislatures and powerbrokers had substantial incentives to constrain presidential foreign policy initiatives that might impact their budget priorities. Peacetime defense outlays were minimal, so there was a clearer link between foreign adventures, state budgets, and taxation. Trade and treaties were also more immediately salient in

⁴ For example, MacNeil and Baker (2013) note: “In the decades after the Civil War, the state party conventions became a routine vehicle for nominating candidates to the Senate... They and their henchmen were able to tell legislators just whom they were to choose for US senator.”

this period because they dictated the bulk of the federal budget prior to the imposition of the income tax.⁵

In short, prior to the implementation of direct election, comparatively more sophisticated and informed state legislators were the principals selecting and overseeing senators. Afterward, amateurs (regular citizens who were less sophisticated and informed) took on this role. As a consequence, the procedural change to direct election broke the careful equilibrium required for the system of checks and balances to function as the Framers intended. The shift fundamentally altered both the demographics and policy preferences of the relevant median voter, with predictable consequences (Gailmard and Jenkins 2009). With their political futures now determined by direct election, senators no longer had sufficient incentives to engage with foreign policy.

This leads us to the simple expectation that *a shift from indirect to direct election of senators will be associated with an increased probability of voting to delegate foreign policy autonomy to presidents.*

Research Design

To assess this expectation, we leverage the phased adoption of direct primaries prior to the ratification of the 17th Amendment. This approach allows for better identification of the causal process by providing variation *within* Senate roll calls and *within* Senators, with some senators facing popular election and others still answering to state legislatures. The approach also

⁵ This raises the issue of whether the 16th Amendment—which instituted a federal income tax—played the more important role in the emergence of the modern presidency. Our research design, which leverages the piecemeal adoption of senatorial direct election by the states, allows us to differentiate our argument from the single adoption of the federal income tax through the 16th Amendment.

differentiates between our argument and the rival possibility that the federal income tax empowered the modern presidency by increasing financial autonomy. While the 16th and 17th Amendments were ratified in close succession, the income tax was not adopted piecemeal by the states.

To establish a valid set of votes for comparison, we rely on all roll calls on tariffs and treaties in the Senate from the 45th (1877-79) through 63rd (1913-15) Congresses—the period after Reconstruction until the ratification of the 17th Amendment. Among this set, we identify those votes that explicitly sought to expand or limit presidential discretion. Examples include authority to staff commissions and authorization to choose the details of policy implementation. These roll calls are mostly on amendments, motions, and resolutions that narrowly address presidential power, rather than final-passage votes on full multi-faceted bills.⁶ As required, we recoded such that a positive observation indicates a position in favor of presidential autonomy. The result is a dataset of 1,916 individual votes from 32 roll calls, 15 of which were on tariff issues and 17 on treaty-implementation issues. Our unit of analysis is the senator-vote.

We define the “treatment,” which we call *Direct Election*, as whether the senator’s state had, by that Congress, introduced some form of direct primary for the election of senators.⁷ We also include a dichotomous measure of co-partisanship (*President Co-partisan*) on the expectation that this could lead to more willingness to support an expansion of presidential authority.

In Table 1, we present results from simple linear probability models as well as conditional logistic regressions that better fit the dichotomous dependent variable. Within each

⁶ The full list appears in Online Appendix B.

⁷ Data from Lapinski (2000).

model type, we estimate models with (1) senator and roll-call fixed effects and (2) state and roll-call fixed effects. We also include a specific time trend for each state in all models and cluster our standard errors at the senator or state level, depending on the fixed effects. State-specific time trends address the possibility that states' preferences on these issues changed over the period, and that this change could vary by state. One potential threat to our design is if important features of states' preferences for foreign-policy oversight were also important for switching to popular election. Our state-specific time trends help partially mitigate this by allowing states to change in different directions and in different rates.

The two fixed-effects approaches allow us to test slightly different things. The senator-fixed-effects models assess changes to the individual senator's behavior rather than change brought about by the election of new senators. This measures the impact of the change-in-principal on individual senators. In total, we observe 26 senators with 396 total votes cast before and after a change to direct primaries. In the state-fixed-effects models, information is drawn from changes within states' combined voting, which combines the effects of individual change with replacement, the changes brought about by new senators with different tendencies getting elected under a different electoral system.

Table 1. Direct Election and Support for Presidential Autonomy

	<i>Model 1</i> (OLS)	<i>Model 2</i> (Cond. Logit)	<i>Model 3</i> (OLS)	<i>Model 4</i> (Cond. Logit)
<i>Direct Election</i>	0.25* (0.11)	1.24** (0.46)	0.22** (0.08)	1.06** (0.37)
<i>President Co-partisan</i>	0.06 (0.05)	0.32 (0.22)	0.10** (0.03)	0.47** (0.13)
<i>Fixed Effects</i>	Senator, Vote	Senator, Vote	State, Vote	State, Vote
<i>N</i>	1,916	1,780	1,916	1,914
<i>Clustering Level</i>	Senator	Senator	State	State
<i>Clusters</i>	294	208	48	47
<i>R²</i>	0.28	0.15	0.18	0.14

*Note: Each model contains state-specific time trends. Models 2 and 4 suffer minor data loss due to within-unit invariance in outcome (senators only voting in one direction throughout their careers). *= $p < 0.05$, **= $p < 0.01$; one-tailed tests*

The models indicate that senators subject to direct election were more likely to vote in favor of presidential autonomy. Senators subject to a popular vote were about 25 percentage points more likely to support presidential discretion than earlier in their careers under legislative electoral systems (Model 1). We recover a similar effect (22 percentage points) in the state-fixed-effects model (Model 3).

Our theoretical arguments do not predict whether this transition is driven by changing the behavior of existing senators or replacing senators with new ones. However, one artifact of our design is that a comparison of the models us to speak fairly conclusively to that question and the evidence weighs in favor of the conversion of existing senators. Specifically, the similarity of these two effect sizes between Model 1 and Model 3 indicates that the impact of direct election arises primarily from the changes in the behavior of sitting senators rather than changes in who was in the Senate. This does not, however, foreclose the possibility that, had existing senators been less responsive, replacement could also have been a powerful mechanism.

Co-partisanship is only significant in models with state fixed effects, most likely due to the limited variation in presidential partisanship in these phase-in years (Democrats only held the presidency during the split administration of Grover Cleveland) meaning that many senators had little or no variation in presidential party during their time in office.⁸ As a consequence, the state-fixed-effects models are better equipped to reveal the role of co-partisanship—senators sought foreign policy autonomy for their own party’s presidents more than rival-party presidents by about 10 percentage points.

Extending the analysis, we explore a potential conditioning role for co-partisanship by interacting *Direct Election* and *President Co-partisan*. Again, we present four models (Table 2): two OLS models (1 and 3) and two conditional logistic regressions (Models 2 and 4), varying whether we specify senator or state fixed effects.

Table 2. Direct Election (Conditional on Co-partisanship) and Support for Presidential Autonomy

	<i>Model 1</i> (OLS)	<i>Model 2</i> (Cond. Logit)	<i>Model 3</i> (OLS)	<i>Model 4</i> (Cond. Logit)
<i>Direct Election</i>	0.71** (0.11)	3.56** (0.90)	0.38** (0.09)	1.76** (0.41)
<i>President Co-partisan</i>	0.07 (0.05)	0.30 (0.22)	0.12** (0.03)	0.56** (0.14)
<i>Direct Election X Pres. Co-partisan</i>	-0.68** (0.18)	-3.35** (0.98)	-0.25** (0.07)	-1.15** (0.35)
<i>Fixed Effects</i>	Senator, Vote	Senator, Vote	State, Vote	State, Vote
<i>N</i>	1,916	1,780	1,916	1,914
<i>Clustering Level</i>	Senator	Senator	State	State
<i>Clusters</i>	294	208	48	47
<i>R²</i>	0.29	0.16	0.18	0.14

Note: Each model contains state-specific time trends. *= $p < 0.05$, **= $p < 0.01$; two-tailed tests

⁸ Democrats held the presidency (Woodrow Wilson) in the 63rd Congress, but our Senate analysis has no votes from those years.

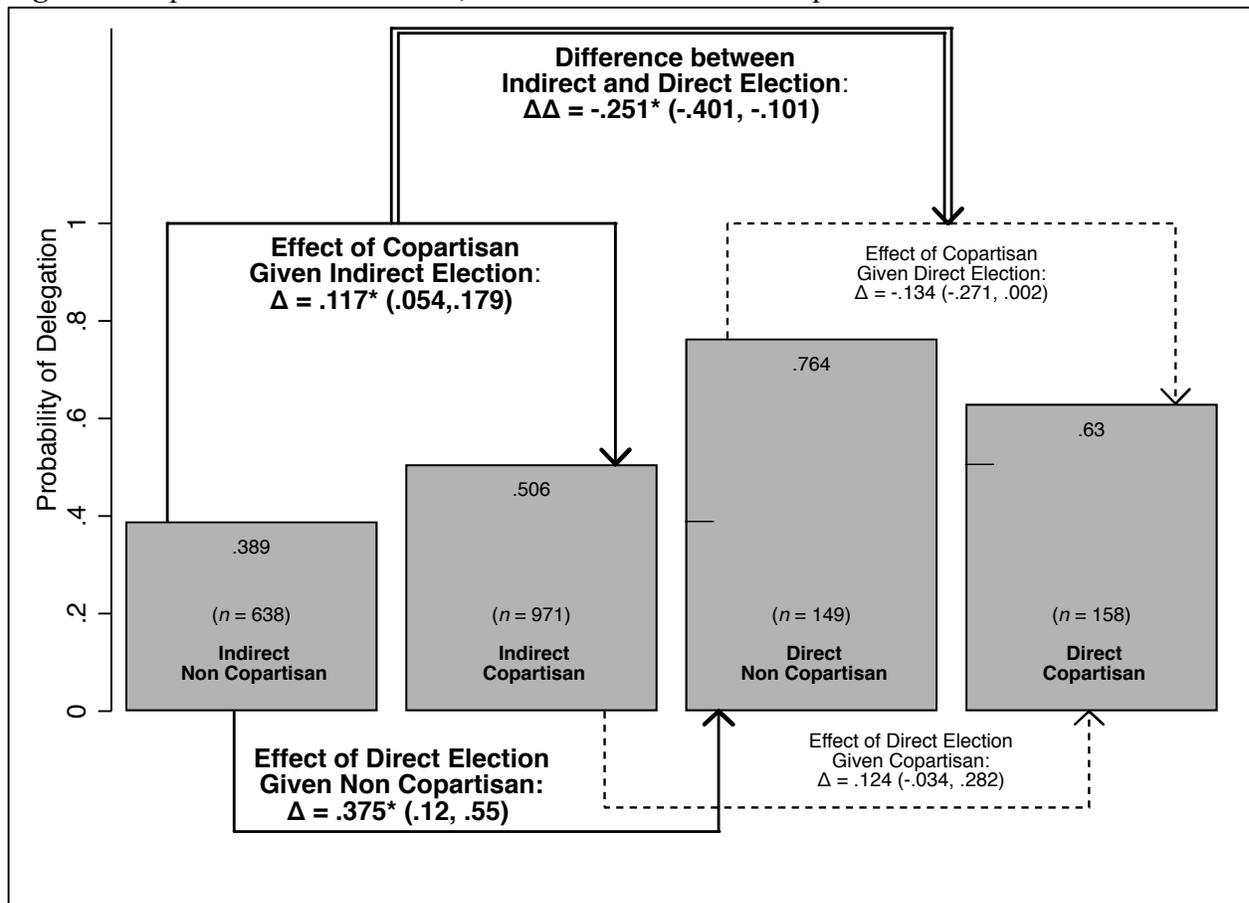
The interactive model clarifies that the effect of the shift to direct election was particularly strong among rivals (resulting in a negative and significant coefficient for the interaction term between *Direct Election* and *President Co-partisan*).

Figure 2 is an “enhanced bar graph,” with the predicted probability of supporting the president for all four possible combinations of presidential co-partisanship and direct-election status (following the example of Berry and Hauenstein 2017). The graph indicates the difference both within and between each category, demonstrating the conditional effects that collectively produce the overall differences we observe in Table 1.⁹

Among senators selected by state legislatures, co-partisanship with the president is associated with an approximately 12-percentage-point increase in the likelihood of voting to delegate foreign policy authority. Among those elected via direct primaries, the difference is not significant.

⁹ The enhanced bar graph “combines a graph’s strength in facilitating general-pattern recognition with a table’s strength in displaying numerical results” (Berry and Hauenstein 2017). We believe that this design better conveys treatment effects while maintaining point estimates and confidence intervals. The arrows identify the first and second differences in means. Solid arrows indicate that a difference is statistically significant and substantively important.

Figure 2. Impact of Direct Election, Conditional on Partisanship



Note: Each bar shows the probability of delegation among senators subject to indirect and direct election from Model 3 in Table 2. Each Δ value is a first difference in means. Each estimated quantity of interest is reported along with the boundaries for a 95% confidence interval in parentheses. An asterisk (*) and bold font indicates statistical significance at the 0.05 level (two-tailed test).

The pronounced increase among partisan rivals as we move from indirect to direct election might seem counterintuitive, but the explanation is straightforward. Because partisanship at the turn of the 20th century was more fluid with regard to foreign policy, the president’s partisan opponents in the Senate were more available to shift once overseen by less watchful eyes. As we have noted, it was primarily party power brokers who enforced state legislative oversight of senators when it came to constraining presidential foreign policy. As a consequence, co-partisans were under less pressure than rivals to constrain under indirect

election, allowing for the greater swing to occur among the rival partisans with the transition to direct election. For example, during the McKinley, Roosevelt, and Taft Administrations, attempts to provide the president with authority to negotiate trade agreements (to promote trade reciprocity) and to create a Tariff Commission found some Democratic support (Goldstein 1993, 113; Wolman 1992). This pattern is borne out in Figure 2.

Additionally, we consider the possibility that we are capturing larger Congressional trends that happened to coincide with the transition to direct elections. This would undermine our thesis as the shift to direct election only occurred in the Senate. To address this, we conduct placebo tests on the US House, following identical specifications to those found in Tables 1 and 2. We find no comparable effect of switching senatorial election type on House votes. This implies that the changes in senatorial allowance of presidential discretion are senate-specific and timed to the piecemeal adoption of popular election.¹⁰

Committee Assignments

Our argument assumes that popular disinterest in foreign policy translates into senatorial disinterest once senators are subject to direct election. We can empirically establish the existence of this senatorial disinterest by looking at committee assignments. That is, if direct election leads senators to disengage from foreign policy because it has been devalued, this should show up in their committee assignments. Specifically, directly-elected senators should hold fewer foreign policy committee assignments as a function of their total committee assignments than indirectly-elected senators. This could occur because directly-elected senators push back against foreign policy committee assignments, party leadership recognizes that it would be electorally

¹⁰ These null results are presented in Online Appendix A.

advantageous to assign committees in a way that minimized the foreign policy engagement of directly-elected senators, or some combination thereof.

To assess this, we explore two regressions of foreign-policy committee assignments (as a percentage of total committee assignments) on direct election and co-partisanship with the president.¹¹ Table 3 presents these two models: a simple OLS model with senator fixed effects (Model 1) and a bounded tobit model with senator fixed effects to account for the structure of our 0-100 (percentage) dependent variable (Model 2). As anticipated, in both cases, direct election is associated with a significant decrease in the relative foreign-policy committee burden. For indirectly-elected senators, approximately 23 percent of their total assignments are on foreign-policy committees. This drops to 18 percent for those who are directly elected (based on Model 1 in Table 3). This 22-percent (five-percentage-point) drop reflects a significant reduction in commitment to foreign policy oversight, which is itself a symptom of a reduced emphasis on foreign policy, but also has the knock-on effects in the future because of the declining specialization and expertise as these committees receive less attention and effort.

¹¹ While there is overlap between domestic and foreign policy jurisdictions, we designate only committees for which the preponderance of the duties related to international affairs. Data on committees obtained from Canon, Nelson, and Stewart (1998). We treat the following as “foreign policy” committees: Canadian Relations, Coast Defenses, Commerce, Cuban Relations, Foreign Relations, Interoceanic Canal, Military Affairs, Philippines Relations, State, and War. The results are robust to the inclusion or exclusion of the following as foreign policy committees: Pacific Islands and Puerto Rico, Territories, and Territories and Insular Possessions.

Table 3. Direct Election and Committee Assignments

	<i>Model 1</i> <i>(OLS)</i>	<i>Model 2</i> <i>(0,1 Bounded Tobit)</i>
<i>Direct Election</i>	-0.05* (0.02)	-0.05* (0.02)
<i>President Co-partisan</i>	0.001 (0.006)	0.002 (0.007)
<i>Fixed Effects</i>	Senator	Senator
<i>N</i>	3,343	2,080
<i>Clustering Level</i>	Senator	Senator
<i>Clusters</i>	1,491	507
<i>R²</i>	0.60	0.37

*= $p < 0.05$; one-tailed tests

Senators take committee assignments seriously and leverage them assiduously for electoral gain (Groseclose and Stewart 1999; Canon and Stewart 2002). The existence of a significant difference in foreign-policy-committee service between the directly and indirectly elected is difficult to account for without resorting to the conclusion that direct election shifted senators' perception of their political interests. These new interests put less emphasis on foreign policy.

Conclusion

Our findings suggest that the shift to the direct election of senators played an underappreciated role in the emergence of the modern presidency. However, this is not the end of the story as this finding generates as many questions as it resolves and creates and opens the door to a number of avenues for additional research.

First, while we have plumbed the depths of available data on votes and committee assignments, it is plausible that qualitative evidence for the mechanism might be found by American political development (APD) scholars working on presidents, Congress, or state

legislatures. Such work would also do well to explore whether the senate was more diligent in protecting other institutional prerogatives prior to the advent of direct election.

Second, there are additional implications of the theory that could be exploited. For example, our theory implies a different selection process with observable impacts on the demographics and attributes of the individuals who become senators in terms of income, education, experience, urban/rural, and so on.

Third, while we have explored the impact of direct election on presidential foreign policy power, our theory points to a more general argument. We have argued that the shift to direct elections led senators to favor the particularistic interests of individual voters over foreign policy because that latter domain is a national-level concern far from their daily experience and knowledge. By that logic, there are other domains that may have also become less politically salient for senators once they were subject to direct election and therefore also candidates for delegation to presidents. Examples would include public lands policy, the credit of the federal government, the public debt of the nation, decisions involving cabinet-level departments, and potentially advice and consent with regard to the senate confirmation process. In the current context, such arguments might inform discussion on why the senate fails to assert itself on pressing national matters such as climate change.

Finally, consideration must be given to the ultimate impacts augured in by the direct election of senators. We have demonstrated an impact on a relatively small set of votes to delegate foreign policy authority and drawn a theoretical linkage to the broader issue presidential foreign policy empowerment as identified by the “two presidencies” literature. However, much more can be done to outline precisely what this empowerment entails and how it stems from the relative indifference to the president’s only constitutionally enabled check on foreign policy.

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Appendix A. House “Placebo Test” Results

To address possible alternative explanations for our findings, we conduct a placebo test on the U.S. House of Representatives.¹² The House is a useful comparison for our theory because its members have been directly elected since the institution’s inception. Thus, the shift to the direct election of senators should have had no effect on House member vote choices. If our results are spurious and the true relationship is driven by rival explanations that are collinear with our argument but not specific to direct election or the Senate, this would be revealed by a positive, significant result in the House placebo test.

One challenge, however, is that the House did not take many votes on exactly the same issues—tariffs and treaties—that we use in our Senate test.¹³ As a next best option, we consider votes on presidential discretion on a broader range of foreign-affairs topics including hosting and designating attendees for international conferences and peace-time military improvements.¹⁴ Otherwise, our coding and analysis are the same as those we conduct for the Senate.

Table A1 replicates the model specifications from Table 1 in the main analysis but for the U.S. House. We include representative and roll call fixed effects in Models 1 and 2, and state and roll call fixed effects in Models 3 and 4. A House member’s vote is considered to be treated with “direct election” if the senators from that state were elected by a direct primary at that point in time.

Table A1. Direct Election and Support for Presidential Autonomy, House Placebo

	<i>Model 1</i> (OLS)	<i>Model 2</i> (Cond. Logit)	<i>Model 3</i> (OLS)	<i>Model 4</i> (Cond. Logit)
<i>Direct Election</i>	-0.24 (0.13)	-1.19** (0.47)	-0.14 (0.08)	-0.85* (0.41)
<i>President Co-partisan</i>	0.27** (0.03)	1.32** (0.15)	0.25** (0.02)	1.34** (0.08)
<i>Fixed Effects</i>	Rep., Vote	Rep., Vote	State, Vote	State, Vote
<i>N</i>	3,843	2,219	3,843	3,843
<i>Clustering Level</i>	Representative	Representative	State	State
<i>Clusters</i>	1,721	650	48	48
<i>R²</i>	0.58	0.34	0.29	0.24

Note: Each model contains state-specific time trends. *= $p < 0.05$, **= $p < 0.01$; two-tailed tests

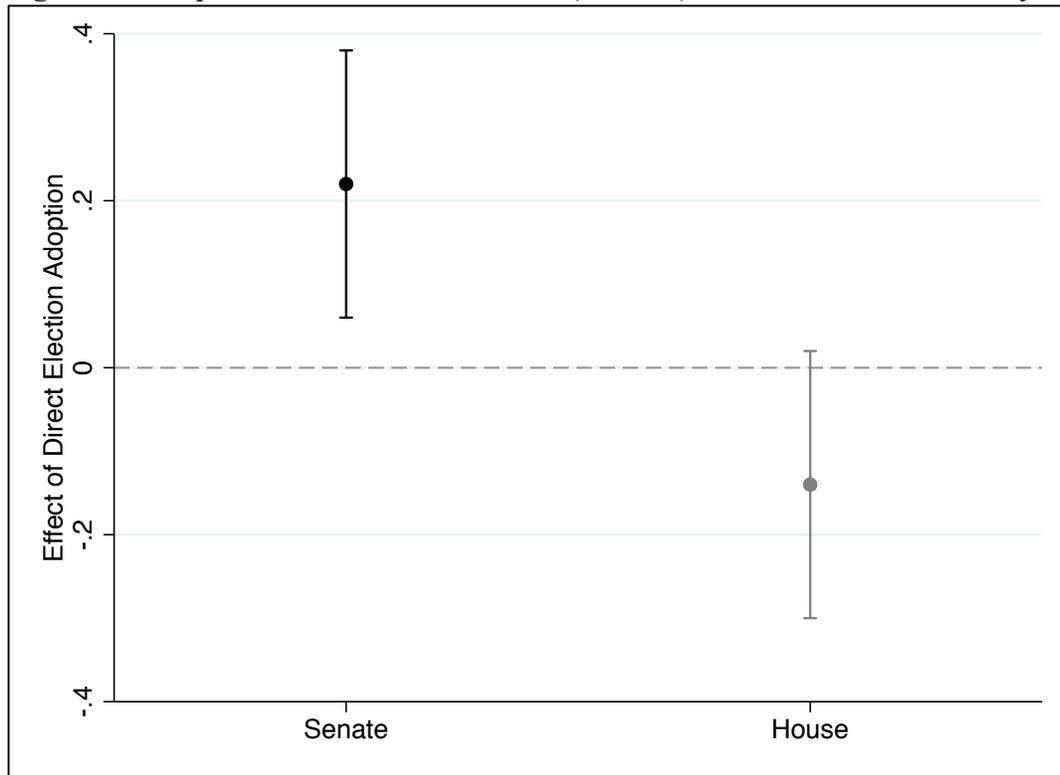
In contrast to the Table 1 findings, there is a negative relationship with mixed statistical significance in the House models. Figure 3 (derived from Table 1 Model 3 and Table 3 Model 3) indicates that while there is a strong positive relationship between direct election and delegation in the Senate, there is a negative (overlapping with zero) effect in the House. These effects—in the Senate and in the House—are statistically distinguishable from one another.

¹² For a Senate study that uses the House as a placebo, see Lowande and Peck (2017).

¹³ As a consequence, our test is not a placebo test by the strictest definition and might be better thought of as a “pseudo placebo test.”

¹⁴ The full list and description of the roll calls appear in Appendix C.

Figure 3. Comparison of Senate and House (Placebo) Results for Direct Primary Election Effect



Taken together, these results suggest that the Table 1 findings are not driven by rival explanations equally applicable to the House and Senate. Our core findings are, at a minimum, Senate specific.

We also produce a placebo test equivalent to the interactive models (Table 2) in the main analysis. We present these results in Table A2. As with Table A1, we find no matching results in our House placebo tests. While our main test found a strong positive effect for the treatment, especially among counter-partisans, the House test finds a negative effect, either insignificantly (among contra-partisans) or significantly (among co-partisans). In neither case does the result match what we observe in the Senate tests.

It is worth noting that we do find some significant (negative) results in our placebo tests. All of these go in the opposite direction of our expectations (and the results in the Senate models). This implies that while the House does not here serve as a perfect null placebo, it also does not show similar patterns occurring in the House, which would undermine our causal explanation. The House's lack of a pure null result is not evidence against our arguments, but should caution us in our interpretation of its strength in vindicating our arguments.

Table A2. Direct Election (Conditional on Co-partisanship) and Support for Presidential Autonomy, House Placebo Test

	<i>Model 1</i> <i>(OLS)</i>	<i>Model 2</i> <i>(Cond. Logit)</i>	<i>Model 3</i> <i>(OLS)</i>	<i>Model 4</i> <i>(Cond. Logit)</i>
<i>Direct Election</i>	-0.14 (0.13)	-0.43 (0.50)	-0.02 (0.09)	-0.19 (0.47)
<i>President Co-partisan</i>	0.39 (0.04)	2.37** (0.27)	0.32** (0.03)	1.77** (0.17)
<i>Direct Election X Pres. Co-partisan</i>	-0.25** (0.06)	-1.90** (0.35)	-0.23** (0.05)	-1.36** (0.26)
<i>Fixed Effects</i>	Member, Vote	Member, Vote	State, Vote	State, Vote
<i>N</i>	3,843	2,219	1,916	1,914
<i>Clustering Level</i>	Member	Member	State	State
<i>Clusters</i>	1,721	650	48	47
<i>R²</i>	0.43	0.35	0.18	0.14

Note: Each model contains state-specific time trends. *= $p < 0.05$, **= $p < 0.01$; two-tailed tests

References

Lowande, Kenneth, and Justin Peck. 2017. "Congressional Investigations and the Electoral Connection." *Journal of Law, Economics, and Organization* 33(1): 1-17.

Appendix B. List of Senate Roll-Call Votes Analyzed

Congress – Roll-Call Number – Vote Breakdown (yea-nay)
Description

48 – 335 – 35-21

To amend H.R. 7970, (app. March 3, 1885), (23 stat. L. 302) making appropriations for current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for fiscal 1886, which amendment eliminates the section authorizing the president to negotiate with various Indian tribes for opening to settlement under the homestead laws the unassigned land in ceded Indian territory for which purpose \$5,000 is appropriated, and to report to Congress what action he takes. (p. 1746-2)

49 – 346 – 6-42

To amend S. 3173, a bill regarding the fishing rights of the U.S., by inserting as follows, “whenever the president shall be satisfied that American vessels or fishermen are obstructed by Canadian authority in their free use of such easements and rights in Canadian waters as belong to them by ancient ownership sanctioned by treaty”.

51 – 345 – 30-34

To amend H.R. 9416, eliminating the effective date of exemption from duty of July 1, 1891, and eliminating the provision giving the president authority to proclaim suspension both of schedule of duties, and of provisions relating to duty free importation of sugar, molasses, coffee, tea and hides; and in lieu thereof declaring that exemptions are made to encourage reciprocal trade, and providing that Congress be informed by the president when countries producing above articles impose duty on U.S. products, and that Congress then revive whatever duties it may determine on same.

51 – 346 – 7-59

To amend H.R. 9416, by eliminating the president’s authority to proclaim suspension of provisions relating to duty free importation of sugar, molasses, coffee, tea and hides, eliminating July 1, 1891, as date when duty exemptions begin; and instead authorizing the president to proclaim remission of duties collected on above articles if satisfied that countries exporting same have abolished duties and taxes on principal U.S. Agricultural products.

51 – 347 – 30-35

To amend H.R. 9416, by authorizing the president to suspend the provisions of the act relating to the free introduction of sugar, coffee, tea, molasses, and hides, any time after passage of that act rather than on or after July 1, 1891, should he decide that a country is imposing an unreasonable tax against producers of the U.S. (p.9907)

51 – 348 – 19-39

To amend H.R. 9416, by including wool with sugar, coffee, tea, molasses and hides as being exempt from duty for the purpose of enabling the president to secure reciprocal trade with countries producing these articles, and authorizing the president to suspend, after July 1, 1891,

the free introduction of above articles, should any country impose unreasonable or unequal duties against products of the U.S. (p.9906)

51 – 350 – 39-28

To amend H.R. 9416, by exempting from duty sugar, molasses, coffee, tea and hides, with a view to securing reciprocal trade with countries producing these articles, and empowering the president to suspend said exemption, and stipulating duties on above articles in case of suspension. (p.9906)

51 – 355 – 31-31

To amend H.R. 9416, by providing for the establishment of a custom commission composed of 5 disinterested persons appointed by the president, to consider importations and their effects.

53 – 303 – 19-26

To amend H.R. 4864 by providing to empower the president to take retaliatory measures where foreign governments impose prohibitory duties or other exactions upon grain or other agricultural products of the U.S. by having the secretary of the treasury levy and collect additional and discriminating duties on articles and products exported from such foreign country into the U.S., equal to 50% of the duties provided for in this act, in order to secure for the producers of grain and the products of grain in this country some portion of the market of the continental countries of Europe. (p. 6058-1)

53 – 375 – 23-40

To amend H.R. 4864 by providing that the president appoint three commissioners to meet the commissioners of Canada and Newfoundland to consider the most desirable manner in which to accomplish a larger exchange of the products and manufactures of the two countries and possibility of reducing duties now existing between the countries. (p. 8323-2)

53 – 479 – 34-35

To amend S. 1481, a bill to incorporate the maritime canal company of Nicaragua, by eliminating from section 4 the provision that prior to the first day of July, 1897, no bonds indorsed shall be issued from the treasury in excess of \$30,000,000 and so that it will read, that the president may at any time suspend the issue of said indorsed bonds until Congress being informed by him of the reasons for such suspension shall otherwise direct. (p. 1556-1)

53 – 485 – 30-31

To amend S. 1481, by striking out all after the enacting clause and inserting as a substitute authorizing the president to appoint three persons (2 U.S. Army civil engineers and one citizen) to make a general survey of route, to submit plans, cost, and to employ necessary assistants and to appropriate money necessary for this investigation, (p. 1566-2)

53 – 486 – 14-32

To amend S. 1481 by offering a substitute bill giving the president authority to negotiate with the Nicaraguan and Costa Rican governments for a canal as anticipated by the company, and to take over, finance and build this canal. (p. 1561-1)

55 – 19 – 23-33

To table the amendment to treaty, which amendment strikes out in article viii the provision that in cases where question involved is one which concerns a particular state or territory of the U.S., the president can appoint a judicial officer to be one of the arbitrators under articles 3,5, or 6 and likewise in similar cases involving a British colony or possession her Britannia majesty may also appoint a similar arbitration.

55 -164 – 32-22

To amend H.R. 379, by authorizing the president subject to the consent of the Senate, to make reciprocal trade agreements with foreign nations within 2 years from the passage of this act and to reduce the duties under the act 20% and to retain imports on the free list for a period of not more than 5 years. (p. 2227-1)

56 – 3 – 42-24

To table for the purpose of defeating an amendment to a Senate resolution requesting the president to communicate to the Senate all communications received by him, or by any department, of people in arms against the U.S. in the Philippines, if to do so is, in his judgment, not incompatible with the public interest, which amendment proposes to request the president to furnish the Senate with all instructions given to the commissioner who negotiated the treaty of peace with Spain, on the ground that this would be a matter pertaining to executive business. (p.853-2)

56 – 103 – 33-24

To table the amendment to bill S. 4300, which amendment seeks to end military occupation of the Philippines, until the president first proclaims amnesty for all political offenses against the U.S. In the islands, agrees on an armistice with the hostile elements there, and invites not less than 10 leaders of the hostile peoples to come to the U.S. and state their grievances, expenses paid. (p.853-2)

57 – 87 – 56-23

To amend H.R. 3110 (32 stat l. 481, 6/28/02), a bill making provision for construction of a canal connecting the Atlantic and Pacific Oceans, by seeking to create an isthmian canal commission of seven members, appointed by the president with Senate advice, their salaries to be fixed by the president until Congress orders otherwise, and authorizing the use of army engineers, their official salaries to be deducted from whatever salary is fixed for such services.

57 – 88 – 45-32

To table an amendment to H.R. 3110, said amendment imposing a definite time limit of six months on authorization of the president to acquire possession of the new Panama Canal Company and the perpetual control of the necessary land to build same from the Republic of Columbia. (p. 7069, p. 7071)

57 – 89 – 35-39

To amend H.R. 3110 by imposing a definite time limit of twelve months in which the president must obtain for the U.S., title to the property of the new Panama Canal Company, to obtain

control and jurisdiction over the necessary territory of the Republic of Colombia, including the right to operate the Panama Railroad Company.

57 – 90 – 42-33

To table an amendment to H.R. 3110 which amendment gives the president authority to change the route of the canal, if he deems it advisable, from its proposed course through the Isthmus of Panama, to what is known as the Nicaragua route, between Greytown in the Caribbean Sea, and Brito, on the Pacific, via San Juan River and Lake Nicaragua.

57 – 91 – 44-37

To amend H.R. 3110 by giving the president authority to build a canal by the Nicaragua route, instead of the Isthmus of Panama, if for any reason he deems it advisable. (p. 7072-2)

57 – 92 – 14-63

To agree to an amendment offered as a substitute to H.R. 3110, said amendment giving the president authority to construct a canal from the Atlantic to the Pacific Oceans, by such route as he may select, together with the construction or improvement of harbors as he shall deem necessary and also giving him free authority to employ such agencies and to obtain such advice as he shall find necessary and to employ such officers of the army and navy for engineering assistance as he thinks fit and to appropriate \$10,000,000 toward this work, whose total cost shall not exceed \$180,000,000. (p. 7073-1)

57 – 95 – 41-23

To table an amendment to H.R. 3110 which would authorize the president to conclude agreements with the Republic of Costa Rica and Nicaragua for land to build a canal on the Nicaragua routes. (p. 7074-1)

58 – 2 – 41-23

To amend a resolution that the president be requested to inform the Senate whether all the correspondence and notes between the Department of State and the legation of the U.S. at Bogota, and between either of these and the government of Columbia, for the construction of an isthmian canal, and all the correspondence and notes between the U.S. and any of its officials or representatives or government of Panama concerning the separation of Panama from Columbia, have been sent to the Senate, and if not, that he be requested to send the remaining correspondence and notes to the Senate in executive session; amendment being to add to the end of the resolution the words-- “if not, in his judgment, incompatible with the public interest.”

59 – 58 – 21-40

To amend S.J. Res. 60, (6-25-06, 34 stat. L. 835), providing for the purchase of material and equipment for the construction of Panama Canal, which amendment authorizes the rejection of bids or tenders, if deemed unreasonable by the president. (p. 7717)

61 – 104 – 21-41

To amend H.R. 1438, by giving president power to reduce duties on certain goods, wares, and merchandise, (deemed to be to the best interests of U.S.), for a period not exceeding 5 years, to

the extent of not more than 20% thereof, with a view to securing reciprocal trade with foreign countries. (p.4085-1)

61 – 105 – 25-28

To amend an amendment to H.R. 1438, by establishing a “customs commission”, composed of 5 members appointed by the president by and with consent of the Senate, no more than 3 to be of the same political party at a salary of \$7,500 per year, and instructing same to inquire into the effect of the tariff rates on production, and prices, also on the enlargement of our commerce in other countries. (p. 4088-1)

61 – 106 – 40-25

To agree to the amendment to H.R. 1438, which amendment; provides for additional duties on imported goods and the control of reciprocal trade activities by authorizing the president to adjust duties in accordance with actions taken by foreign countries, thereby protecting the American industries. (p.4068-1,2)

62 – 35 – 20-41

To amend H.R. 4412, by granting power to the president to remove from the Canadian tariff free list articles specified in proclamation. (p. 2789-1)

62 – 36 -13-48

To amend H.R. 4412, by eliminating the provision giving the president the right to admit, free of duty, certain enumerated articles from Canada, by proclamation, upon evidence that Canada admits free of duty certain articles from the U.S., and to revoke such proclamation upon proof that such admission no longer prevail in Canada. (p. 2784-2 2785-1)

62 – 241 – 47-15

To amend, in the nature of a substitute H.R. 21969, (37 Stat. L. 560, 8-24-12), a bill to provide for the opening, maintenance, protection and operation of the Panama Canal and the sanitation and government of the canal zone, by authorizing the president to execute orders discontinuing the Isthmian Canal Commission and to appoint a governor of the Panama Canal by consent of the Senate, for four years at a salary of \$10,000 per annum, (subject to removal). (p. 10294-2,10295-1)

Appendix C. List of House Roll-Call Votes Analyzed

Congress – Roll-Call Number – Vote Breakdown (yea-nay)
Description

45 – 88 – 199-74

To amend H.R. 1093 by providing that the president shall arrange within 6 months from passage of bill, a conference with other nations to adopt a common ratio between gold and silver in order to establish bimetallism and appoint three commissioners to attend said conference at \$2,500 yearly plus expenses.

45 – 200 – 119-108

To amend S. 1016 (20-Stat-144, 6/18/78), a bill providing for the distribution of awards made under the convention between the U.S. and the Republic of Mexico, by striking out the 5th sec. of the Senate bill, giving the president 6 months to consider the award made in the cases of Benjamin Well and La Abra Silver Company and inserting in lieu thereof the fifth section of the House bill on the same subject, providing that the president may consider any claims filed by or given against Mexico in negotiations.

48 – 151 – 91-147

To recede and concur in a Senate amendment to H.R. 4716 providing a \$2,500,000 appropriation for the president authorizing him to build ten warships of various types. (p. 5857-2)

48 – 184 – 111-76

To recede and concur in a Senate amendment to H.R. 6770 authorizing the president to appoint three commissioners at \$7,500 each and a secretary at \$3,000 to tour South American and Central American countries for the purposes of transmitting to Congress a report on best modes of promoting more intimate international and commercial relations with them.

50 – 195 – 192-4

To pass bill H.R. 11309, a bill authorizing the president to protect and defend the rights of American fishing vessels, fisherman, and trading and other vessels in certain cases and for other purposes. (p. 8439-2)

53 – 107 – 93-159

To pass a resolution declaring it to be the sense of the House that it will condemn any intervention by the president or by civil or military authorities without congressional authority, to disturb or overthrow a friendly government and to aid in the substitution or restoration of a monarchy.

55 – 48 – 148-104

To table the resolution requesting the president, if not incompatible with the public service, to transmit to the House information disclosing by what authority he has undertaken to bind the U.S. to pay \$4,000,000, to the bond creditors of the Hawaiian government, in the treaty of annexation negotiated with that government.

56 – 69 – 100-132

To agree to the report of the committee of whole on bill S. 1939, authorizing the president to appoint a commission to study and make a full report upon the commercial and industrial conditions of China and Japan.

57 – 65 – 81-98

To recede from disagreement to Senate amendment 91 and agree to same, relating to H.R. 14046 (32 Stat 662, 7/1/02), a bill making appropriations for the naval service for fiscal year ending June 30, 1903, which substitute amendment authorizes the president to increase the naval establishment by building certain battleships, cruisers and gunboats, fixing expenditures and rules for awarding contracts, etc

61 – 187 – 90-131

To recommit the bill H.R. 32909 (36 Stat, 3/4/1911), making appropriations for sundry civil expenses of the government for fiscal year ending June 1912, to the committee on appropriations with instructions, "that no part of this sum shall be available for expenditures until the president shall have determined that he is unable to negotiate and conclude a treaty with the majority of the leading maritime nations of the world joining the U.S."

62 – 139 – 161-137

To amend section 5 of H.R. 21969 (37 Stat. 560, app. 8/24/1912), a bill providing for opening, maintaining, protecting, and operating the Panama Canal, and the sanitation and government of the canal zone, by authorizing the president to prescribe, and from time to time change, the tolls, which may be based upon gross or net registered tonnage, exempting from tolls vessels engaged in coastwise trade of the U.S.

62 – 187 – 88-159

To concur in Senate amendment 102, H.R. 24565 (37 Stat. 328 app. 8/22/1912), a bill making naval appropriations for 1913, which amendment authorizes the president to have constructed 2 first-class battleships at a cost of \$7,425,000 each. (p.11172-1, 1177-2, 11178-1)

63 – 69 – 319-14

To pass H. Res. 298, authorizing the president to co-operate with the United Kingdom of Great Britain to the end that naval construction may be suspended for the period of one year. (p.479-2)

63 – 114 – 338-37

To pass H.J. Res. 251 (38 stat. 770, 4/22/1914), justifying the employment by the president of the armed forces of the U.S. in enforcing certain demands made upon Victoriano Huerta to satisfy U.S. for affronts and indignities committed against the U.S. government.

63 – 116 – 120-217

To recommit the 1915 naval appropriations bill H.R. 14034 (38 Stat. 392, 6/30/1914), to the committee on naval affairs with instructions to report same back with amendment authorizing the president to construct one battleship instead of two as provided in the bill.