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# When Reputation Trumps Policy: Party Productivity Brand and the 2017 Tax Cut and Jobs Act

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**Abstract:** In late 2017, congressional Republicans enacted a major tax bill despite voter opposition, resistance from organized interests, and considerable uncertainty about its policy consequences. Why did they do so? We argue that Republicans' concern with their party's reputation—in particular, its productivity brand—trumped negative evaluations of the legislation by citizens, interest groups, and policy experts. To support this claim, we analyze measures of legislative output, news media content, public opinion, and lawmaker sentiment. Our findings underscore the importance of party reputation in explaining legislative behavior and suggest that there may be explanatory value in distinguishing between different types of party valence brands.

## Introduction

In the final months of 2017, Congress enacted the most significant federal tax law in more than a decade. The Tax Cut and Jobs Act dramatically reduced federal corporate taxes, curtailed several popular tax deductions, and repealed the individual mandate portion of the Affordable Care Act (ACA). Majority party Republicans touted the bill as a major legislative accomplishment, while Democrats, who uniformly voted against it, sharply criticized the measure as an unnecessary budget-buster that disproportionately rewarded the wealthy.

Though tax reduction had been a core plank of the GOP's agenda for many years, passage of the bill was something of a puzzle. A majority of Americans opposed it and placed tax reform low on their list of legislative priorities. Economists and taxation experts, including Congress' own policy analysts, warned that the measure would create chronic deficits and do little to spur growth. And the bill targeted exemptions that were popular with the public and influential advocacy groups.

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Observers proposed a number of explanations for the bill's passage in spite of these obstacles, but we make the case for one in particular: Republican legislators' concern with their party's reputation for productivity. Our evidence for this claim adds to the growing body of research that shows how enhancing or protecting a party's reputation, or brand, is an important motivation for policy enactment in Congress. It also suggests that disaggregating a party's valence brand—its reputation for bringing about popular policy outcomes or following widely desired behavior, like being legislatively productive—can help explain legislator behavior.

The paper proceeds as follows. First, we review prior literature on party brands and distinguish among different types of party valence brands. Next, we briefly outline the legislative journey of the Tax Cut and Jobs Act, discuss several existing theories for why it was enacted, and suggest why those theories are insufficient explanations of Republicans' motivation to pass the tax bill. Finally, we offer both qualitative and quantitative data that are consistent with the hypothesis that one kind of party valence brand, legislative productivity, was a top concern of congressional Republicans in late 2017 and an important reason why they ignored numerous disincentives to enact tax reform.

## Unpacking the Party Valence Brand

Stokes (1963, 1992) identified two basic kinds of party reputation. The first, derived from a party's position on questions of public policy, is what Butler and Powell (2014) call "party policy brand." The second, "party valence brand," is defined by Stokes as "the linking of parties with some condition that is positively or negatively valued by the electorate" (Stokes 1963, p. 373). Political scientists have identified the first kind of reputation as an important influence on the electorate and, by extension, on the strategic choices of members and leaders of that party (Grynaviski 2010; Koger and Lebo 2017).<sup>1</sup> But the second kind may also shape the voting behavior of citizens. For instance, David Mayhew suggests that valence can explain durable swings in party control of government (Mayhew 2002, pp. 150–152; see also Ansolabehere and Snyder 2000). Daniel Butler and Eleanor Neff Powell use experimental and survey data to show that voters are drawn

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<sup>1</sup> The degree of a party's unity on policy may also have a reputational effect and thus influence elections (Woon and Pope 2008). In addition, one study found that voters may align more closely to a party when it is connected explicitly to positions on policy issues (Tomz and Sniderman 2005).

toward candidates whose parties have a better valence brand, and they find that state lawmakers expect greater discipline from their leaders when the party's valence reputation is at stake (Butler and Powell 2014; see also Nielsen 2016).<sup>2</sup>

Though they largely agree that valence matters, studies of party valence differ in identifying what specific kinds of valence issues or conditions might have causal effects. For instance, Stokes gives as examples of influential valence issues the state of the economy, military and diplomatic success, and the level of government corruption (Stokes 1963, p. 373; see also Stokes 1992). By contrast, Gary Cox and Mathew McCubbins argue that the reputation of a congressional party “depends significantly on its record of legislative accomplishment,” citing as an example the criticism House Republicans suffered after government shutdowns in 1995 (Cox and McCubbins 2005, pp. 21–22). Butler and Powell, meanwhile, offer an empirical measure of valence based on ethical conduct and the timely passage of government budgets (Butler and Powell 2014). All are potentially influential aspects of party valence, but they vary significantly in substance, and it is plausible that voters and legislators may prioritize and evaluate distinct valence-related issues and concerns differently.

For theoretical clarity, and to account for the possibility that different valence issues have discrete causal consequences for political parties, we disaggregate the party valence brand into four types identified by prior studies as applicable to congressional parties (see Table 1). The first, political and economic conditions, involves the reputational effect of the state of the economy, the nation's security, and other policy-driven aspects of national life that are widely, if not universally, valued (Stokes 1963; Arnold 1990, p. 41). The second, ethical conduct, is related to the degree that members of a party behave and govern ethically (Stokes 1963; Lee 2009; Butler and Powell 2014). The third, competence, stems from the ability of the party in power to fund the government and meet basic legislative deadlines (Cox and McCubbins 2005; Butler and Powell 2014). The fourth, productivity, is defined as the governing party's successful enactment of significant legislation or large numbers of bills (Cox and McCubbins 2005).<sup>3</sup>

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<sup>2</sup> Studies have also uncovered links between the performance-related reputation of individual candidates and citizens' vote choices (e.g. Miller, Wattenberg, and Malanchuk 1986; Ohr and Oscarsson 2011). Adler and Wilkerson (2012) argue that voters judge incumbents based on congressional performance irrespective of which party is in the majority, though perhaps less so under unified party government (as was the case in 2017).

<sup>3</sup> These are valence issues most readily linked to the behavior of a political party in Congress. The list is not meant to be exhaustive; there may be others that are potentially salient, like “good-government” matters such as electoral integrity and effective information gathering (Lee 2009, pp. 106–7).

**Table 1:** Four Types of Valence Issues for Congressional Parties.

| Type of Valence Issue             | Definition                                            | Recent Examples of Issue Salience                                        |
|-----------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------|
| Political and Economic Conditions | Responsibility for political and economic environment | Iraq War (2000s), Great Recession (2006)                                 |
| Ethical Conduct                   | Ethical behavior of party and its members             | Abuse of earmarks (2000s), sexual and campaign-related misconduct (2017) |
| Competence                        | Ability to maintain basic functions of government     | Government shutdown (2012)                                               |
| Productivity                      | Success in enacting (noteworthy) legislation          | Tax Cut and Jobs Act (2017)                                              |

Our focus is the fourth type of valence brand, productivity, and its relationship to tax reform in the 115th Congress. We acknowledge that one may object to considering productivity as a discrete type of party valence. A non-trivial percentage of the public may prefer Congress do nothing rather than upset the status quo (Mayhew 2017, p. 107), and productivity can be closely entwined with policy preferences, since a governing party will usually pursue and emphasize legislative achievements that are attractive to fellow partisans and viewed negatively by a party’s opponents (Butler and Powell 2014). Still, voters are likely to recoil from a congressional party whose taxpayer-salaried members are unproductive. Parties in Congress have also been known to press for the passage of bills in order to demonstrate their productivity, even at the expense of abandoning their policy goals (e.g. Cochran 2003; Goldfarb and Weyl 2012). More than a few congresses have been slapped with the label of “do-nothing” for failing to enact legislation, which often preceded unexpectedly poor electoral showings for the party in power.<sup>4</sup> We thus maintain that productivity should be considered a distinct type of congressional party valence brand with its own potentially unique effects on legislative behavior.

## The Puzzle of Tax Reform

When Republicans gained control of the House of Representatives in November 2014, they began discussing the possibility of passing major tax legislation.

<sup>4</sup> Noteworthy examples of congresses labelled as “do-nothing” include the 67th Congress (1921–1922), the 71st (1929–1930), the 80th Congress (1947–1948), and possibly the 105th (1997–1998) (Myers 1922; Lee 1963; “Past as Prologue”).

However, it was not until the 2016 elections, when the GOP won the White House and retained control of Congress, that a rare “policy window” (Kingdon 1984) opened for passage of tax reform. In April 2017, the White House released the outline of a bill that included a broad set of tax cuts, which Democrats roundly attacked for being slanted towards companies and wealthier individuals. Concluding they could not count on Democratic votes for tax reform, congressional GOP leaders unveiled a general framework for legislation in September designed to appeal to their own party. Its centerpiece was a dramatic reduction in the corporate taxation rate, from 35% to 20%, along with a cut in the tax rate for profits on pass-through businesses (i.e. businesses whose owners report company profits as personal income to the IRS), the elimination of some popular deductions (such as deductions for state and local taxes), an increase in the standard deduction, and a reduction in the number of individual tax brackets (Davis and Rappeport 2017; Paletta 2017; Sahadi 2017).

After House Republicans introduced their bill on November 2, they moved fast. The measure was approved by the Ways and Means Committee on November 13 with no public hearings, and it passed the House 3 days later, 227–205, with not one Democrat voting in favor of the bill and 13 Republicans casting ballots against it. The measure reduced the number of tax brackets from seven to four, doubled the standard deduction, capped the popular mortgage interest and property tax deductions, and did away with sales tax and other state and local income tax deductions. In addition, while the bill’s individual tax cuts were phased out after a number of years to reduce their long-term impact on the deficit, the corporate tax reduction was made permanent (Jagoda and Marcos 2017; Kaplan and Rappeport 2017; McPherson 2017b).<sup>5</sup>

The Senate’s version of the tax bill, first released on November 10, was, on balance, slightly more favorable to maintaining the status quo, but it had one major provision absent from the House measure: repeal of the ACA requirement that individuals purchase health insurance (Long 2017a). It too sped through the legislative process, narrowly passing the Senate chamber on December 2 without any votes from Democrats and one Republican, Sen. Bob Corker (TN), voting no. Negotiations between the House and Senate resulted in a final product that mostly hewed to the Senate bill. That bill repealed the health insurance mandate, permanently cut the corporate tax rate to 21%, ended its individual tax cuts after 8 years, and made no change to the existing number of tax brackets. It also doubled the

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<sup>5</sup> The House and Senate bills had originally been less generous to wealthy taxpayers and corporations, but became more so during backroom negotiations, resulting in some curtailment in tax cuts for middle class and individual taxpayers to keep the bill within a required limit of \$1.5 trillion in deficit spending (DeBonis 2017; Paletta 2017).

standard deduction, increased the child tax credit, capped the mortgage interest deduction (albeit at a higher level than in the House bill), and allowed state, local, and property taxes to be deducted but capped them as well (Long 2017b; McPherson 2017b; Paletta and Stein 2017). Amid vocal protests from the galleries, the House passed the legislation on December 19, 227–203, with no Democrats voting in favor and 12 Republicans in opposition, and the Senate approved it the next day on a perfect 51–48 party-line vote (“Congress Approves Tax Plan Setting Up Delivery to Trump’s Desk”).<sup>6</sup>

What made enactment of the Tax Cut and Jobs Act unusual was that the bill surmounted multiple obstacles that would usually sink a measure of such magnitude. For one thing, it defied a maxim of former congressman Barney Frank (D-MA) that “nobody pushes for unpopular policies” (Binder and Lee 2016, pp. 94–95). With an average 32% approval rating by the end of November, the measure was less popular than other major bills signed into law in the past two decades and favored less than any significant tax bill since at least the 1980s. Voters also ranked tax reform well below other policy concerns (Bump 2017; Enten 2017; Sides 2017).<sup>7</sup> In addition, the bill reduced or abolished deductions that had been immune from curtailment in the past because of their broad support from voters and lobbyists (Birnbaum and Murry 1988).<sup>8</sup> Large interest groups like the American Association of Retired Persons, the National Association of Realtors, the National Association of Home Builders, and a coalition of major charitable organizations came out against early versions of tax reform because they eliminated or reduced many prized tax deductions, while the American Medical Association strongly opposed the bill’s repeal of the ACA insurance mandate (“Charities Say Tax Bill Will Cost Them Billions”; Salant 2017; Weixel 2017). Polls also showed that voters overwhelmingly liked the deductions that would be capped or abolished by the bill (e.g. Easley 2017).

Furthermore, Republicans ignored the warnings of analysts that the bill would not only fail to achieve its purported objectives but could have a variety of negative policy consequences. Many economists were doubtful that the measure would deliver much economic growth, and they raised alarm bells that it would

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<sup>6</sup> All 12 Republicans had voted against their chamber’s version of the bill. Rep. Tom McClintock (R-CA) was the lone lawmaker who had switched from no to yes (“Congress Approves Tax Plan Setting Up Delivery to Trump’s Desk”).

<sup>7</sup> Some research has found a correlation between citizen preferences and policy outcomes (e.g. Monroe 1998; Erikson, MacKuen, and Stimson 2002).

<sup>8</sup> Put another way, bills that eliminate specific deductions are usually difficult to pass because they impose costs that are concentrated among a subset of the population who are likely to organize and lobby against them (Arnold 1990, but see Drutman 2017).

increase federal deficits, lead to higher health insurance premiums, and create new tax loopholes (Goodman and Cohen 2017; Klein 2017a).<sup>9</sup> Multiple studies showed that the bill's tax cuts benefitted the middle class less than the rich and, because many of those cuts were phased out over time, would eventually result in higher taxes for many Americans (Jagoda and Marcos 2017; Long 2017a). Even business leaders could not guarantee that the corporate tax cuts would lead them to create more jobs, as Republicans had promised (Bump 2017; White 2017).

The GOP employed multiple tactics to overcome or bypass these impediments. Tax reform was rushed through the legislative process before opponents could mobilize and too many Republican legislators could get cold feet.<sup>10</sup> It moved with such dispatch that the Senate bill accidentally negated business-friendly tax credits, while the House was forced to pass the final measure twice because some provisions in the first version violated Senate rules and had to be removed (Carter 2017; "Congress Approves Tax Plan Setting Up Delivery to Trump's Desk"; Scott 2017). Another tactic was to revise the bill to alleviate specific complaints. Initial provisions eliminating tax credits for child adoption and deductions for state and local taxes, graduate school tuition waivers, teacher expenditures on classroom supplies, and medical payments were abandoned in the face of criticism, and Senate leaders made legislative adjustments and promises to take action on unrelated bills to win the votes of wavering Republican lawmakers like Susan Collins (ME), Jeff Flake (AZ), Ron Johnson (WI), Lisa Murkowski (AK), and Marco Rubio (FL) ("Congress Approves Tax Plan Setting Up Delivery to Trump's Desk"; Cunningham 2017; DeBonis and Werner 2017; Horowitz 2017; Vassel 2017). In addition, campaign ads touting tax reform were aired in swing lawmakers' districts and states; President Trump lobbied key members of Congress; and Speaker Ryan cancelled a fundraiser for one Republican who voted against the House bill and contemplated taking away the committee chairmanship of another opponent of the measure (Arkin 2017; Bade and Bresnahan 2017; Goldmacher 2017; Jagoda and Marcos 2017). Tax reform supporters also used framing to counter negative evaluations of the measure. They downplayed its unequal distribution of benefits,

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<sup>9</sup> One economist told the *Wall Street Journal* that "There are more ticking time bombs in this bill than a Road Runner cartoon" (Newmyer 2017).

<sup>10</sup> Less than 2 months passed between the bill's introduction and its final passage. By contrast, the same process took two and a half months in 2001, and the 99th Congress (1985–1986) took more than a year to pass tax reform ("Congress Cuts Deal on Taxes;" "Congress Enacts Sweeping Overhaul of Tax Law"). In addition, much of the tax bill was initially written behind closed doors to minimize opposition and reduce traceability between lawmakers and the legislative content of the bill (Arnold 1990; Curry 2015). Republicans also wanted to move quickly before a December special election in Alabama that could cost the party a seat in the closely-divided Senate (Kaplan and Rappeport 2017).

slammed its critics for being disingenuous or unreliable, argued the bill would become more popular once enacted, and distributed talking points to the rank-and-file that questioned the veracity of the negative analyses offered by Congress' own Joint Committee on Taxation (Fuller 2017; Golshan 2017; Stein 2017; Tankersley 2017).

## Possible Explanations for Tax Reform

These tactics helped the bill jump over numerous political and policy hurdles, but they do not explain the underlying resolve of Republican leaders and most rank-and-file lawmakers to pass it. One of the more persuasive explanations offered by journalists and observers was that tax cuts were, and have long been, a centerpiece of the GOP's policy agenda. During their presidencies, Ronald Reagan and George W. Bush pushed for broad tax cuts or reductions in corporate tax rates; establishing a "pro-growth tax code" was the very first item listed in the GOP's 2016 platform; and Speaker Ryan listed tax reform as a top agenda item for the 115th Congress (Karol 2009; Republican Party Platform 2016; McPherson 2017a; Paletta 2017). However, while policy preferences explain why tax reform (and, in particular, corporate tax reduction) had been in the works for several years and was the issue on which Republicans were willing to expend political capital, they cannot explain why lawmakers pushed for a bill that had a non-trivial likelihood of failing to accomplish several valued policy outcomes, including job creation and greater economic growth. Indeed, one columnist warned that the bill's inability to simplify the tax code, its lopsided benefits to the wealthy, and its risk of increasing health insurance costs "could undercut the last remnant of credibility related to Trump's populist posturing" (Hohmann 2017). The legislation also ran counter to another long-standing public policy goal: deficit reduction. While Republicans had shown willingness in the past to raise the deficit as a way of paying for tax cuts, the bill nonetheless directly contradicted their own 2016 platform, which warned that the federal debt "threatens the security, liberty, and independence of our nation" (Republican Party Platform 2016, p. 23; Hacker and Pierson 2017).

If policy preferences were a necessary but not sufficient condition for tax reform to be passed into law, could election-related factors have contributed as well? The answer would, at first blush, appear to be no. The bill was never especially popular with the public, and Republicans in Congress might have believed that public resistance to tax reform could simply be ignored or overcome (Barker 2017; Hacker and Pierson 2017). But it seems improbable that GOP lawmakers were immune from the powerful and perennial worry of losing reelection (Mayhew 1974). In fact, at least some Republicans appear to have believed that not passing

tax reform would endanger their reelection. In early November, Rep. Tom Cole (R-OK) defended the legislation because “it clearly is a do-or-die moment in my view in terms of holding the majority” (Cheney and Kim 2017), and in late October, Sen. Lindsey Graham (R-SC) remarked that “if we fail on taxes, that’s the end of the Republican Party’s governing majority in 2018” (Kaczynski 2017).

One possibility is that, while the tax bill was unpopular with the general public, it was sufficiently well-liked among a valued subset of the public to give lawmakers an electoral incentive to pass it. For instance, tax reform may have appealed to the policy preferences of the party’s Republican base (e.g. Klein 2017b), and surveys did show that GOP voters liked tax reform more than other voters. But self-identified independents, who would be a key voting bloc for Republican incumbents running in marginal districts in 2018, largely opposed the bill, and even the party’s base was less enthusiastic about the legislation than one might have expected: various polls showed 60%–70% of Republicans supporting it, whereas over 80% had favored the GOP’s 2001 tax bill (Newport 2018).<sup>11</sup> Another important subset of the population—wealthy contributors—may have pushed congressional Republicans to pass tax reform. Multiple studies have found that Congress is more responsive to the interests of wealthier Americans (e.g. Bartels 2008; Schlozman, Verba, and Brady 2012; Gilens 2014), and those who usually contributed money to congressional candidates may have had special leverage in persuading legislators to pass tax reform. For instance, Congressman Chris Collins (R-NY) told one reporter that “My donors are basically saying, ‘Get it done or don’t ever call me again’” (Marcos 2017b), and there is anecdotal evidence that affluent GOP supporters demonstrated with both their words and their wallets that congressional action on taxation legislation was an important precondition for contributions (Choma 2017; Hulse 2017; Isenstadt and DeBenedetti 2017; Peoples 2017; Schouten 2017). Still, campaign funds are only one important electoral resource, and Republicans seemed to be risking the loss of another—votes—by pushing for an unpopular bill.

There is, however, another possible election-related explanation: the party’s valence reputation, and in particular its reputation for productivity, was considered to be at serious risk if reform did not pass. In other words, Republicans in Congress believed that voters would punish them in the next election if they could not display an ability to enact major legislation like tax reform. In the next section, we introduce several sets of data that are consistent with this argument.

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<sup>11</sup> See e.g. Gallup Poll, May 7–9, 2001 and Gallup/CNN/USA poll, May 18–20, 2001 [USGALLUP.01MY007.R08, USGALLUP.01MY18.R24]. A related possibility is that Republican politicians systematically overestimated public support for conservative legislation (Broockman and Skovron 2018).

## Evidence for the Productivity Brand

One set of evidence that at least implies the salience of a productivity brand is metrics of legislative output that demonstrate a lack of congressional activity. To be sure, by some measures the 115th Congress was, in fact, relatively productive. By the end of July 2017, the House had met for 115 days, more than the same time period in 2015 (104 days) and 2013 (100 days), and from January through September 2017, House committees reported 251 bills and Senate committees reported 195 bills, an unusually high number (Thorning 2017). One study from the end of August noted that Congress had enacted 55 bills by that point, which compared favorably with past congresses, albeit a bit below average for unified party government (DeSilver 2017).<sup>12</sup>

However, other measures of legislative activity were indicative of a potential productivity brand problem for the GOP. By August 2017, Congress was 4 months behind the deadline to pass its annual budget resolution and had not yet enacted a single appropriations bill for the next fiscal year. (It did not pass the resolution until October, 6 months late, and ultimately had to approve short-term spending measures to avoid a government shutdown (Thorning 2018)). The nature of the bills that became law in the 115th Congress was also a sign of low productivity. The August study cited previously estimated that 46 of the 55 bills were substantive in nature, a proportion not matched or exceeded since the 105th Congress (1997–1998). Yet 14 of those 46 measures overturned previous executive orders issued by President Obama, and they were passed via a seldom-used statutory process which was arguably easier to follow than writing new legislation from scratch. If one omits those 14 measures, just 32 bills (58%) were substantive, the fifth lowest percentage of any Congress since 1987 (DeSilver 2017). Nor would any of those 32 bills qualify as landmark pieces of legislation, and as one news report put it, “every president of the modern era has been able to claim at least one signature legislative achievement before the first August recess” (DeBonis and O’Keefe 2017). Thus, while the 115th Congress had hardly been dormant during the first three quarters of 2017, Republican members had plausible reasons to fear that their party could be criticized for low legislative productivity.

A second piece of evidence for the salience of the party productivity brand is the inordinate number of negative news stories criticizing the 115th Congress for legislative inactivity. Table 2 shows the percentage of sampled newspaper articles

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<sup>12</sup> Since 1987, the pre-Labor Day first sessions of Congresses had enacted a median 57.5 bills, and the 115th was the first Congress in eight years to pass more than 50 bills by Labor Day. However, the previous four congresses with unified party government had done slightly better, enacting 63 (111th), 60 (109th), 79 (108th), and 81 bills (103rd) by then (DeSilver 2017).

**Table 2:** News Coverage of Congressional Productivity under Unified Party Government.

| Year | Party in Power | Number of News Stories | % Positive | % Neutral/ Mixed | % Negative |
|------|----------------|------------------------|------------|------------------|------------|
| 1993 | D              | 15                     | 40%        | 33%              | 27%        |
| 2001 | R*             | 15                     | 47%        | 47%              | 7%         |
| 2009 | D              | 17                     | 53%        | 24%              | 24%        |
| 2017 | R              | 28                     | 7%         | 25%              | 68%        |

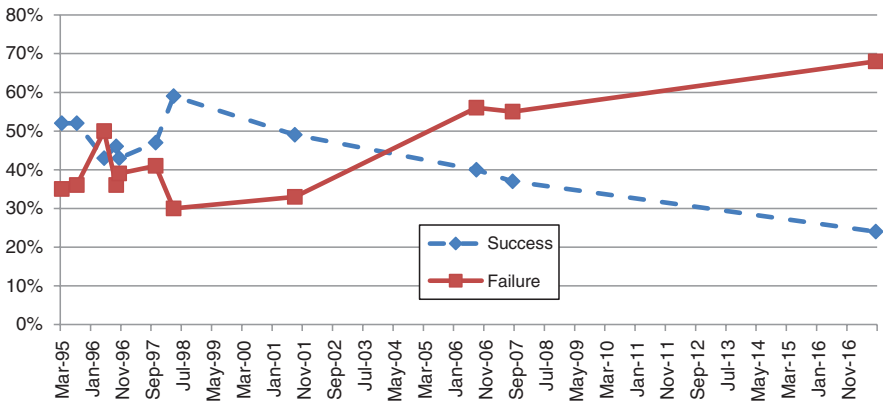
\*Republicans lost their majority in the Senate in May 2001, when Vermont Senator Jim Jeffords switched to the Democratic Party, but remained in control of the House and the presidency.

in the first 11 months of 2017 that mentioned the productivity or legislative accomplishments of Congress or the congressional majority party, broken down by coverage (positive, neutral, or negative). It also provides the same data for the first 11 months of 1993, 2001, and 2009, which, like in 2017, were periods of newly-unified party government that immediately followed a presidential election.<sup>13</sup> The differences are stark. Between 40% and 53% of news stories from prior periods delivered positive coverage of congressional productivity, while less than 10% of stories in the first 11 months of 2017 were positive. In addition, over two-thirds of newspaper stories in 2017 that discussed legislative productivity were negative, well above the rates of past years of unified government.

The following are examples of the kinds of political reportage that dominated the news in 2017:

- \* April: “In his [President Trump’s] first 100 days, there have been no major legislative accomplishments” (Przybyla 2017).
- \* July: if Obamacare is not repealed, “congressional Republicans would be in real danger of hitting the 200-day mark of Trump’s presidency next month without a single major legislative accomplishment” (Marcos 2017a).
- \* July: “Congress is still trying to send President Donald Trump his first unqualified legislative triumph” (Fram 2017).
- \* October: “Despite controlling both chambers of Congress and the White House, Republicans have achieved no major legislative successes this year” (Lucey 2017).
- \* November: Trump and GOP leaders in Congress “are trying to deliver a major legislative accomplishment after a year full of misfires” (DeBonis, Werner, and Paletta 2017).

<sup>13</sup> Stories were found in LexisNexis using the search terms “[party] and legislative accomplishments,” “[party] and Congress and success,” and “[party] and Congress and productive,” taken from the first 75 stories sorted by relevance. Op-eds, guest columns, and non-US news sources were excluded.



**Figure 1:** Percent of Respondents Describing Congress as a Success vs. Failure.

Source: CBS/NYT, CNN, and Gallup/CNN surveys taken between March 1995 and August 2017.

By the August recess, the news media were widely portraying Congress, the majority party, or both as unproductive.

A third set of data that suggests congressional productivity was a salient issue in 2017 is the unusually high percentage of the public that believed the majority party was ineffective. Survey firms seldom ask about congressional productivity specifically, but one can use as a rough proxy the more commonly asked question of whether citizens believe the majority party in Congress has been “successful.” As shown in Figure 1, only 24% of Americans in August 2017 thought the Republican-led Congress was successful, the lowest level in over two decades. This decline in positive evaluations of the governing party was true of all voters, including Republicans: in the same 2017 survey, Republican respondents were evenly split between those who saw the legislature as successful (44%) versus unsuccessful (44%), while just 21% of independents and 10% of Democrats had a positive view of Congress. By contrast, in August 2007, when Democrats were in the majority, 57% of Democratic respondents saw Congress as a success, as did 32% of independents and 24% of Republicans, and in August 2001, when Republicans controlled the House and presidency (and had only lost control of the Senate 3 months before), 65% of Republicans did so, along with 46% of independents and 37% of Democrats.

Other survey data reinforce the claim that voters were skeptical of Republican productivity. For instance, an August 2017 CNN poll found that a plurality (38%) of respondents blamed “disagreement among Republicans in Congress” for Congress’ low legislative productivity, versus 26% who blamed Trump and 25% who blamed Democrats.<sup>14</sup> SurveyMonkey tracking polls also found a decline

<sup>14</sup> CNN Poll, August 2017 [USSRSR.081017CNNA.R14].

in the percent who believed the president could “get things done” from 38% in February 2017 to 25% in early November (Blumenthal 2017). These measures of public perceptions about congressional productivity are indirect, but nonetheless strongly suggest that voters of all stripes believed Congress and/or majority party Republicans were not fulfilling a basic expectation to pass laws.

The fourth, and perhaps most remarkable, indicator of the salience of the productivity brand in 2017 was the number of majority party lawmakers who fretted publicly about the GOP’s reputation for productivity and linked it explicitly to tax reform. Signs of this worry among Republicans began to emerge in mid-summer, when the congressional GOP failed to fulfil its long-standing promise to repeal the ACA. In July, House leaders held a press conference touting the high number bills passed by their chamber, but the House Freedom Caucus, a group of conservative Republicans, demanded that Congress’s usual August recess be cancelled because their party had thus far failed to complete its legislative agenda. Caucus leader Mark Meadows (R-NC) publicly doubted that more than 30 percent of Republican lawmakers’s constituents believed Congress had been legislatively fruitful up to that point (Marcos 2017a). Concerns over productivity continued in the fall. Representative Kevin Yoder (R-KS) pointedly remarked that “September is an opportunity to show the American people that Congress is solving problems, getting things done and governing the country in a responsible way,” and Congressman Mark Walker (R-NC) predicted that “the grade of this 115th Congress comes down to the next 60–90 days and the ability of us to come together and accomplish some things we promised to the American people” (Murphy 2017).

As the end of the first session of the 115th Congress approached, an unusually large number of legislators were willing to go on the record stating that the productivity brand was a paramount reason to enact tax reform. A search of media accounts of Congress in 2017 turned up nearly a dozen Republican lawmakers who publicly justified passing a tax bill in terms of making their party appear more productive (see Table 3). Though they represented a small percentage of the Republican Conference, rarely does one see so many lawmakers openly admitting that productivity matters at least as much, if not more so, than policy content. It also almost certainly understates the percentage of Republicans who felt this way, for many attested anonymously to reporters that the GOP needed to pass any major bill, regardless of its content, to show that it could legislate (e.g. “GOP Panel Members Threaten to Bottle Bill Up”; Hulse and Stolberg 2017; Phillips 2017). As Amy Walter of the Cook Political Report said in mid-April, “I talk to a lot of Republicans who say, man, we have the House, we have the Senate, we have the White House. We still can’t get things done” (PBS News Hour 2017).

This desire to enact a significant piece of legislation appears to have become more acute among congressional Republicans starting in late July, when the

**Table 3:** Quotes from Republican Lawmakers Emphasizing the Productivity Brand.

| Republican Lawmaker      | Date     | Quote                                                                                                                                                                                                       | Source                             |
|--------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Rep. Diane Black (TN)    | 12/16/17 | "The American people are just not going to accept the fact that we do not get our job done after we've talked about this for years."                                                                        | Long 2017c                         |
| Rep. Dave Brat (VA)      | 11/8/17  | "If we face-plant on health care <i>and</i> taxes, I don't want to see it."                                                                                                                                 | Cheney and Kim 2017                |
| Rep. Chris Collins (NY)  | 11/13/17 | "Republicans of all ilk, my supporters, everyone is saying we need to get tax reform done... The point is we've got to deliver this to keep our base enthused to turn out in the midterms."                 | Paletta and Wagner 2017            |
| Rep. Matt Gaetz (FL)     | 12/2/17  | "There is a distrust that the GOP Congress can deliver on the promises it's made."                                                                                                                          | Weigel 2017                        |
| Sen. Lindsey Graham (SC) | 11/13/17 | "If we don't produce, it'll get worse. People don't see our majority as being effective."                                                                                                                   | Fox 2017a                          |
| Rep. Mark Meadows (NC)   | 12/18/17 | "It's all about getting things done."                                                                                                                                                                       | Fox 2017b                          |
| Sen. Rob Portman (OH)    | 11/8/17  | [After Virginia Democrats win state races:] "I think the lesson is, let's get some things done. I think what people want, whether they're Republicans or Democrats, is to see progress here in Washington." | Cheney and Kim 2017                |
| Rep. Tom Reed (NY)       | 11/8/17  | [After Virginia Democrats win state races:] "What I saw was more of a frustration with not getting something done."                                                                                         | Cheney and Kim 2017                |
| Rep. Dennis Ross (FL)    | 11/16/17 | "It's more than just a tax bill. It will show that Republicans can get things done."                                                                                                                        | Wong 2017                          |
| Sen. Mike Rounds (SD)    | 11/8/17  | [After Virginia Democrats win state races:] "But they also expect you to act like adults and to get things done. And sometimes that's not happening up here."                                               | Desiderio 2017                     |
| Rep. Paul Ryan (WI)      | 11/8/17  | [After Virginia Democrats win state races:] "I think it simply means we've got to deliver."                                                                                                                 | Cheney and Kim 2017                |
| Sen. John Thune (SD)     | 11/8/17  | [After Virginia Democrats win state races:] "It means people want us to get things done."                                                                                                                   | Cheney and Kim 2017                |
| Sen. Thom Tillis (NC)    | 1/14/18  | "The discussion we were having with candidates last year is we've really got to produce a result. We've got to have something to run on."                                                                   | Scherer, Dawsey, and Sullivan 2018 |

Senate abandoned the GOP's multi-year effort to undo the ACA, effectively killing the party's top legislative agenda item. Conservatives condemned the GOP: as the *Wall Street Journal* opined in one editorial, the bill's loss was "one of the great

political failures in recent U.S. history” (Peters 2017). Later, trying to explain why Congress had to pass tax reform, Chris Collins (R-NY) remarked that “We didn’t get health care done” (Paletta and Wagner 2017). “Given the party’s epic collapse on repealing Obamacare earlier this year,” wrote two journalists in November, “there’s a pervasive anxiety among lawmakers that they’d better do something big before voters sour on them for good” (Cheney and Kim 2017). Some of the quotes in Table 3 also suggest that another event—Democrats doing unexpectedly well in Virginia’s state legislative elections in November—heightened the worries of Republican lawmakers that a lack of legislative productivity would have deeply negative electoral consequences.<sup>15</sup>

## Conclusion

Why did Republicans in the 115th Congress ignore the preferences of voters and interest groups, and the warnings of policy experts, and pass the Tax Cut and Jobs Act? While a strong ideological commitment to tax cuts likely explains why GOP lawmakers made them a centerpiece of their legislative agenda, the data we have presented here are consistent with the claim that the productivity brand was an important electoral motivation for passing the measure. The Republican Party had unified control of the federal government for the first time in over a decade, yet by the last 3 months of 2017, Congress had not enacted many significant bills, the press was writing repeatedly about Congress as unproductive, and voters seemed to concur with that assessment. Moreover, majority party lawmakers themselves openly admitted that productivity was of utmost concern.

To be sure, some of the evidence we present for the salience of the productivity brand, such as polling data, is indirect. In addition, it may be that the productivity brand with respect to the tax bill mattered more for certain voters—i.e. Republicans—than for the public at large. Additional research is needed to determine ways that different valence issues like productivity may or may not lead political elites to act differently. Nonetheless, it does appear that congressional Republicans who pushed for tax reform worried deeply about their party’s reputation for enacting major laws, and they had good reason for doing so.

Initially, there were signs that passage of the tax bill would shore up the GOP’s standing with voters, as Republicans had hoped. Tax reform grew in popularity, Congress’ approval ratings rose somewhat (from 13% to 20%), and the average gap between Democrats and Republicans in the generic ballot

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<sup>15</sup> As David Mayhew observed, “nothing is more important in Capitol Hill politics than the shared conviction that election returns have proven a point” (Mayhew 1974, p. 71).

question shrank from 13% to 7% (Casselman 2018; Generic Congressional Vote 2018; Newport 2018). Donors seemed to respond positively as well, with the GOP seeing a “fundraising uptick” after the measure became law, and a pro-Republican “super PAC,” the Congressional Leadership Fund, receiving tens of millions of dollars from large companies and wealthy individuals who gained the biggest windfall from tax reform (Scherer, Dawsey, and Sullivan 2018; Tankersley and Tackett 2018). Campaign donations aside, however, the good news did not last. Subsequent surveys suggested that while Republican voters liked the new tax law overall, it was still more unpopular than popular with the broader public (Hook 2018; Jones 2018). News stories highlighted multiple mistakes made by harried drafters of the legislation that negatively affected some taxpayers and created unintended loopholes for others (e.g. Faler 2018; Tankersley and Rapoport 2018). Furthermore, Republican congressional candidates in competitive races talked less about the tax bill as time went on, an ominous sign that the measure would do little, if anything, to help the party maintain its majority in Congress (Morgan 2018).

As of this writing, it is too soon to tell whether tax reform will save the GOP from what many predict will be a major Democratic wave election in November. Regardless, it does appear that enough Congressional Republicans believed it would that they agreed to institute one of the most dramatic changes to the US tax code in many years.

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