



President George W. Bush addresses joint session of Congress, Sept. 20, 2001. Though a rare occurrence, Congress projected total unity following the 9/11 attacks. *The Christian Science Monitor* reported: "It's the hour of the statesman on Capitol Hill. The byword is not just bipartisanship, where two parties work together, but nonpartisanship — where all work for the common good" (Gail Russell Chaddock, Sept. 19, 2001). Photo by Paul Morse, courtesy National Archives and Records Administration, ARC 5997341

WHAT'S THE MATTER WITH CONGRESS?

Is the partisan divide too deep to accomplish "the people's work"?

BY CINDY SIMON ROSENTHAL AND RONALD M. PETERS, JR.

Cindy Simon Rosenthal is Director and Curator of OU's Carl Albert Congressional Research and Studies Center, and the author of *When Women Lead*. Ronald M. Peters, Jr., is Regents Professor of Political Science at the University of Oklahoma, and the author of *The American Speakership*.

In their book *Speaker Nancy Pelosi and the New American Politics* (Oxford University Press, 2010), scholars Cindy Simon Rosenthal and Ronald Peters examine contemporary American politics and how Nancy Pelosi navigated social, political, and institutional forces to become the first woman Speaker of the House in U.S. history. Here, they employ that research to show how political trends are making the inner workings of Congress anything but "business as usual."

The debate over the national debt ceiling last summer exposed in great detail the state of national (and particularly congressional) politics. What political scientists and policy experts previously described as "gridlock" has now morphed into a total breakdown of governance and doubts about the U.S. government's ability to function effectively. While an eleventh-hour deal averted a U.S. default on paying its bills, financial markets around the world reacted to the drama with gyrosopic swings. In an August 2011 press release announcing its first-ever downgrade of the country's credit rating, Standard &

Poor's cited doubts about "the effectiveness, stability, and predictability of American policymaking and political institutions."

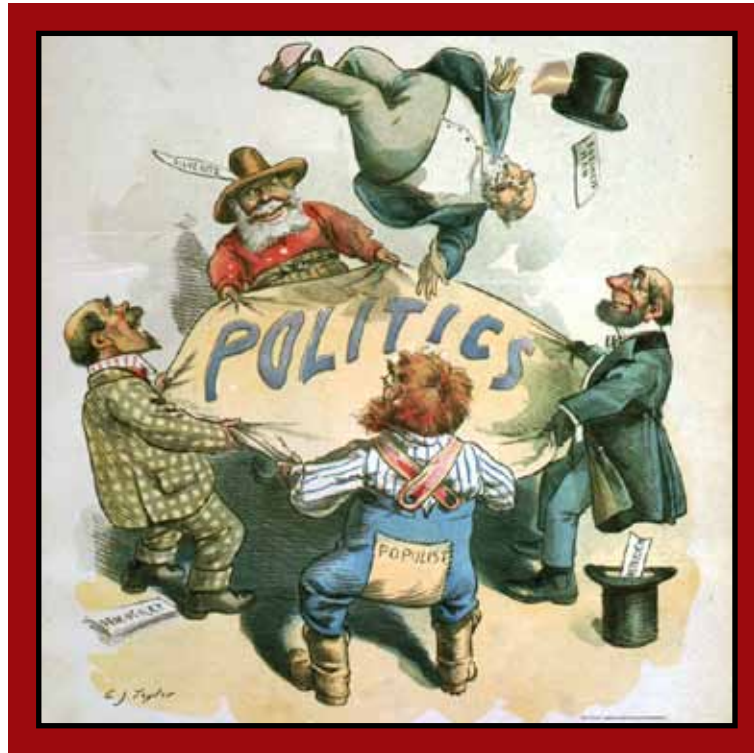
In *Federalist 10*, James Madison took solace in the protections of the "extended sphere" (our sheer geographic expanse) to prevent the creation of large factions that would potentially lead to tyranny by the majority. Madison believed that the causes of factions could not be prevented, but their worst effects might be controlled. Madison could not have anticipated, however, the influences of technology and partisanship that have reshaped politics in the 21st century. The polarization of Congress did not evolve overnight. Rather, specific trends have transformed political praxis in Congress over the last 25 years. What Americans and the global community observed in the recent debt ceiling debate was the culmination of what we describe as the "New American Politics." Understanding the New American Politics reveals a great deal about how legislators arrived at a precipice during the summer of 2011.

CONGRESS IN TRANSITION

The dynamics of the New American Politics reflect evolutions in partisanship, campaign funding, political organization, technology, and representation. First, and widely-recognized, is the hyper-partisanship in Congress and on the campaign trail. Both parties have sought to win elections by mobilizing their base voters rather than appealing to the center of the electorate. Historically the parties fought for the median voter, effectively moderating positions in national elections; but a strategy focused on mobilizing a party's base thrives on dividing the electorate into "us" and "them" with the goal of turning out more of "us" than the other party's "them." If elected officials see little purchase in campaign appeals to a moderate middle, then neither party has incentives to seek bipartisanship in governance or even to characterize the other party in positive terms. Indeed, preaching to the choir encourages a shrillness which characterizes the opponent in almost demonic terms. This effect is observed in particular in party primary elections, with candidates pulled to the extremes in order to secure nomination.

Polarization has consequences. The *National Journal* reported the 111th Congress was the most ideologically divided in 30 years (Ronald Brownstein, Feb. 27, 2011). As a consequence, then Speaker Nancy Pelosi was forced to develop and pass legislation by seeking the 218 votes needed for passage from within her own caucus. Bipartisan negotiations in the Senate, where 60 votes were needed for passage, frequently broke down. Voters in turn punished centrist congressional members in the 2010 midterm elections; many

conservative "Blue Dog" Democrats lost their seats and the most moderate Republican House member (Mike Castle of Delaware) was dumped in his party's primary when he attempted to run for the U.S. Senate. Similarly, Utah Senator Bob Bennett was denied a fourth term by a Republican convention dominated by Tea Party activists intent on punishing him for his vote on TARP (the Troubled Asset Relief Program designed to address the subprime mortgage crisis). Needless to say, bipartisan cooperation evaporated in the 112th Congress with prominent Republicans, including Senate Leader Mitch McConnell, embracing as their "single most important" goal to make President Obama a one-term president. In a ForeignPolicy.com essay ("Worst. Congress. Ever."), veteran congressional scholar and American Enterprise Institute fellow Norman Ornstein quoted Senator McConnell's view of bipartisanship: "We worked very hard to keep our fingerprints off of these proposals, because we thought -- correctly, I think -- that the only way the American people would know that a great debate was going on was if the measures were not bipartisan."



FUN FOR THE POLITICIANS, BUT ROUGH ON THE BUSINESS MAN. Depicts four men, "Populist, Democrat, Silverite, Republican," tossing "Business Man" on a sheet of "Politics." Illustration by Charles Jay Taylor, c. 1896 by Keppler & Schwarzmann. June 10, 1896, *Puck* magazine. Library of Congress, LC-USZC4-5605

Two other trends in the New American Politics feed the partisan divide: money and organization. The 1974 Campaign Finance Reform Act established the political action committee (PAC) system that dominates today's politics. Intended to strengthen the role of political parties through unlimited party contributions known as "soft" money, the legislation enhanced the role of PAC fundraising in campaigns, heightened the power of lobbyists who could access PAC funds, and rewarded the talents of those political officeholders with prowess at securing donations. The act also opened the door to big donors writing large checks for "party

building" activities. In the short run, the infusion of party money allowed the Democrats to overcome a gap in organizational capacity and to match the innovations of the Republican Party in the fields of direct mail, database development, micro-targeting, and efforts to identify, communicate with, and turn out base voters.

The Bipartisan Campaign Reform Act of 2002, the so-called McCain-Feingold law, attempted to reform some of the abuses of soft money and the proliferation of issue advocacy groups that utilized corporate or union funds. In 2003, the Supreme Court upheld most of the law in *McConnell v. Federal Election Commission* (which included then-Majority Whip Mitch McConnell among the plaintiffs); but in 2010, in a 5-4 decision that included Justices appointed by President George W. Bush, the Supreme Court struck down sections of McCain-Feingold that limited corporate contributions (*Citizens United v. Federal Election Commission*). The "permanent campaign"—what political scientists call the non-stop effort to raise funds,

placate interest groups, and woo voters—has become a fixture of Congress, requiring unprecedented amounts of money, and the need to accumulate mountains of campaign cash will not abate any time soon.

In the 21st century, communication technology is transforming politics. The Internet and social media have dramatically accelerated the fragmentation of society into polarized enclaves. *New York Times* columnist Thomas Friedman sees technology as a key driver of modern political activism: “Thanks to cloud computing, robotics, 3G wireless connectivity, Skype, Facebook, Google, LinkedIn, Twitter, the iPad, and cheap Internet-enabled smartphones, the world has gone from connected to hyper-connected” (August 13, 2011). In his book *Republic.com 2.0*, legal-scholar-turned-Obama-advisor Cass Sunstein describes the resulting political fragmentation as “enclave deliberations” in which citizens (and elected officials) converse only with like-minded persons and gather information selectively from only sympathetic sources. Such selective deliberations undermine the possibilities of compromise.

The last trend captures the growing diversity of American society with new groups and voices seeking representation in the government. The Civil Rights Movement, the women’s movement, waves of new immigrants, and growing income inequality have changed the face of American politics. What was once a predominantly white, middle-class, and non-Hispanic country is projected to be majority minority by 2050. As the country has become increasingly diverse over the past 40 years, so have our elected representatives. These differences animate political discourse and are exploited in campaigns. They create chasms of policy differences never to be bridged in Congress, and ultimately the ideological chasms produce the dramatic swing elections of 2006, 2008, and 2010 in which party centrists (whether moderate Republicans or Blue Dog Democrats) fall victim. In 2010, 45 of the 98 Democrats with the most moderate voting records were defeated and the party lost the seats of 10 other moderates who retired (Brownstein). Oklahoma’s own Rep. Dan Boren occupies the lonely middle and has chosen to retire from Congress in 2012. The GOP is targeting his district.

In a *Newsweek* column written shortly after the debt ceiling vote, former Rep. Jane Harman (D-CA) lamented the loss of bipartisanship: “Governing effectively and solving problems used to be rewarded. Now, what’s rewarded is defeating the other party. And sadly, no one seems to find political value in bipartisanship. How I miss Ted Kennedy, Bob Dole, Phil Hart, Howard Baker, Tom Foley, and Bob Michel” (August 15, 2011). Many have worried about the institution of Congress, which no longer facilitates friendships across the aisle. The lack of a working relationship starts at the top but permeates every

rank of the membership. Indeed, Nancy Pelosi and John Boehner have a distant relationship, and former Speakers Newt Gingrich and Dennis Hastert were barely on speaking terms with Democratic Leader Dick Gephardt. This contrasts with Speaker Tip O’Neill who golfed regularly with Republican Leader Bob Michel.

Today, members occupying the ideological middle of their party, who build a career of seeking compromise, have little chance of rising in leadership; indeed they may face ostracism.

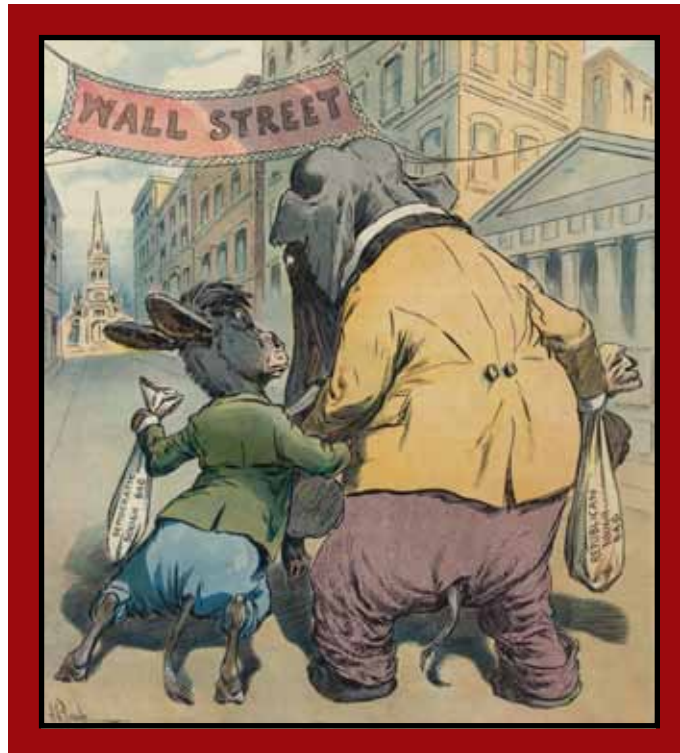
THE DEBT LIMIT SHOWDOWN

Article I, Section 8 of the U.S. Constitution gives Congress final say over federal government taxing, spending, and borrowing to pay debts, which, for the country’s first 128 years, meant specifying amounts, interest rates, and terms. Reporting for *CQ Weekly* in July 2001 (“In Whose Hands”), John Cranford and Joseph J. Schatz noted that borrowing changed in the midst of the struggle to finance World War I. The Second Liberty Bond Act of 1917 shifted borrowing discretion to the U.S. Department of Treasury and eliminated micro-management by Congress. By the end of the Great Depression, the debt limit extended to virtually all government-issued debt and social safety net programs.

In the late 1970s, Rep. Richard A. Gephardt (D-MO) persuaded his colleagues to adopt House rules that allowed members to make increases in the debt limit almost automatic with passage of a budget. When House Republicans took the majority in 1995, they initially abandoned the so-called Gephardt rule but then reinstated it because

of its utility in protecting members from a politically difficult vote. Speaker Nancy Pelosi kept the rule in place during the 110th and 111th congresses, even though House Democrats did not pass a budget in 2010 and the House-passed budget in 2011 died in the Senate. When Speaker John Boehner took control in January 2011, he faced a class of Tea Party-backed freshman Republicans who vowed to use the debt ceiling to force unprecedented cuts in federal spending. They had no use for the Gephardt rule.

The summer of 2011 was not the first time partisan politics have been interjected into debt limit debates. Even with the protection of the Gephardt rule, the Congress has had to vote to increase the debt limit 35 times since 1981, of which 14 bills included other legislative provisions dealing with spending and deficit reduction. Cranford and Schatz argue that the Senate sometimes has taken a posture of bipartisanship, but the House has, as often as not, viewed debt ceiling votes as partisan affairs.



Go on! YOU ask 'em! They can't do more than refuse. The Democratic donkey, carrying the “Democratic Dough Bag,” and the Republican elephant, carrying the “Republican Dough Bag,” walk down “Wall Street,” seeking campaign funding for the upcoming presidential election. Illustration by John S. Pughe, c. 1908 by Keppler & Schwarzmann. April 1, 1908, *Puck* magazine. Library of Congress, LC-DIG-ppmsca-26258.

The 2011 debt ceiling debate differed from previous votes because of the shadow cast by the fragile economy and the weak jobless recovery. Ornstein cautioned that the debt ceiling showdown was “a dangerous flirtation . . . carrying with it the very real threat of economic catastrophe.” A bipartisan chorus of warnings from Main Street and Wall Street included prominent standard-bearers of Republican economic philosophy like Reagan presidential advisor Martin Feldstein and Henry M. Paulson Jr., Treasury secretary to President George W. Bush. Nonetheless, partisan brinkmanship prevailed.

GOOD POLITICS VS. GOOD GOVERNANCE

In governing, the two parties face different challenges. The Democratic caucus has a broader ideological spectrum. For example, Speaker Pelosi had to build her majority by recruiting more conservative Democrats to run in Republican-leaning districts. She was thus pulled both to the Left—by her own predilections and the liberal majority of her caucus—and to the middle. Her challenge was to find votes irrespective of her own policy preferences. She mitigated caucus dissension by building a leadership team of loyalists. As a result, the 111th Congress, operating under highly polarized conditions and unified party control in the Congress and the White House, accomplished a significant public policy agenda that included a stimulus package, health care reform, and financial regulation.

In the 112th Congress, voters brought back divided government with GOP control of the House and much narrower margins in the Senate. The deep recession arising from the economic crisis of 2008-2009 gave legs to the Tea Party and produced a freshman House class of highly ideological conservatives who raised the ante on partisanship. Though a pragmatist by reputation, Speaker Boehner has been pulled further to the Right to avoid being undercut by Majority Leader Eric Cantor (R-VA) and the Tea Party freshmen. Indeed, it was pressure from Cantor and unapologetic obstructionists that blocked negotiations for a “grand plan” on the debt ceiling with President Obama.

While the electoral dynamics for each party might differ, the consequences for governing do not. Extremes are dominating; the middle is vanishing; the incentives for cooperation no longer exist. Our political structure has either shrunk the middle or, more likely, has rendered it unable to express itself in the electoral process. Under these circumstances, the system cannot work effectively to solve the major problems we face. Without a strong middle and a willingness to compromise among political leaders, it's hard to see a way forward. ↪



House Speaker Nancy Pelosi speaks at the Democratic National Convention, Denver, Colorado, Aug. 25-28, 2008. Photo by Carol M. Highsmith, courtesy Library of Congress, LC-DIG-highsm-03819