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Bipartisan Governing: Possible, Yes; Likely, No

by
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A president who received fewer popular votes than his chief opponent, a House with a razor thin majority for the president's party, and a Senate evenly split—this is not most political scientists' prescription for policy success and certainly not what Republicans had in mind when they dreamed of unified Republican government. During the campaign, George Bush proposed a policy agenda that was ambitious if often vague about details and promised to change the often nasty and bitterly partisan tone in Washington. Are these now impossible dreams?

As the contest for the presidency played itself out after the election, a consensus emerged that getting anything accomplished legislatively in the next two years would require bipartisanship, if not a form of coalition government. What strategies are possible and how likely are they to work?

I argue here that, if Republicans really expect to change the tone and simply in order to get anything much accomplished legislatively, bipartisan deals at the peak level will be required; that is, Bush and the Republican congressional leadership will have to bargain with the Democratic congressional leadership. Congressional Republicans (and undoubtedly Bush as well) would like to create their winning coalitions by picking off conservative Democrats and adding them to a solid or near-solid Republican voting bloc. Thus Rep. Rob Portman (R-OH), a Bush ally, has talked about recreating a situation similar to that in 1981 when Boll Weevil Democrats defected from their party and provided the votes to push Reagan's economic program through the House (Crabtree 2000, 32). The appeal of such a strategy is that the amount of substantive compromise required is kept to a minimum. However, even leaving aside that Reagan was perceived to have received a mandate Bush completely lacks, this strategy is much less possible to carry out successfully now than it was in 1981.

The Congress of today is significantly different from the Congress of 20 years ago. The political party contingents are more internally cohesive and much more polarized, and the polarization is based on the character of members' electoral coalitions (Jacobson 2000). Both House and Senate have changed in how they function internally, though in somewhat different ways. In the House, the majority party leadership is stronger and more actively engaged in all aspects of the legislative process, but is of necessity highly responsive to its party membership. So long as it is leading its members in the direction they want to go, the party leadership can make aggressive use of the considerable tools (the scheduling power and restrictive rules, for example) at its command. These developments predate the Republican takeover of the House in 1995 (Sinclair 1983, 1995); it is by no means simply a Republican party trend.

Greater party polarization and a stronger party leadership make control of the House even more important to members and, with control in the balance in every election since the mid-1990s, the members of each party perceive their fates to be more closely bound together than they used to. The one thing on which Republican and Democratic House members agree wholeheartedly is that being in the majority is much more rewarding and much more fun than being in the minority. When Newt Gingrich left the House in 1998, there was considerable hope that relations between the parties would improve, and certainly that the leaders would be able to work together to some extent; yet the relationship between Speaker Dennis Hastert (R-IL) and Minority Leader Dick Gephardt (D-MO) quickly deteriorated to one of mistrust and hostility. No dispassionate observer could attribute this state of affairs to either or both men's personalities. Clearly, structure and political context underlay their poor relationship. Furthermore, in their dealings with one another, both men

represented their party membership. Had they been acting only on personal ambition and sacrificing their members' interests they would soon have been called to account.

Republicans do have a majority in the House, but can they go it alone? The House, after all, is a majority-rule chamber. In the 106th Congress, the Republican majority was almost as slim and yet the party did maintain high cohesion and won most though not all important votes. Republicans' task in the 107th Congress is, however, harder. They are faced with passing the agenda of a president of their own party, and moderate Republicans may be even more nervous about casting votes that can be portrayed as far right or passing controversial legislation on pure party-line votes. Can Republicans secure the votes of enough conservative Democrats when they need them? On some issues they probably can, but they can't count on doing so consistently because the price Democrats who support Republican initiatives pay will be high. Not only do even minority-party leaders command more resources (influence over committee assignments, for example) than they used to, much more of members House lives takes place within their party and with their party colleagues. Certainly, Republican attempts to jam legislation through on pure party-line votes or to win over a small number of Democrats would exacerbate partisan rancor. And any increase is more likely to prove costly for a president who promised an end to all that and to the House Republicans hoping to strengthen their majority in the 2002 midterm elections than to a Democratic House minority now freed of all governing responsibilities. Furthermore, the cost would not, in most cases, be balanced by a policy payoff because legislation must pass both chambers.

To end partisan gridlock, Bush and Republican congressional leaders will have to deal with Democrats as an organized unit, not just with individual conservative Democrats. That means they will have to deal directly or indirectly with the Senate and House Democratic leaderships.

Republicans' prospects of going it alone successfully in the Senate are much dimmer than their chances in the House, and not just because the seat split is 50–50. The Senate has always operated under highly permissive rules; amendments to most legislation need not be germane and cutting off debate over any senator's objection requires a supermajority. Throughout the 1950s and early 1960s, senators were quite restrained in using their prerogatives but during the 1970s senators as individuals became much more willing to offer multitudes of amendments on the floor and to use extended debate (Sinclair 1989). The 1990s saw these prerogatives increasingly being employed by the parties, especially, of course, by the minority party (Sinclair 2000, 2001). In 1993-94, when Democrats controlled both Congress and the presidency, Republicans used Senate rules to kill many majority-supported bills (e.g., Clinton's stimulus program, telecommunications, lobbying reform, and clean drinking water legislation) and to extract substantive concessions on others (e.g., voter registration legislation ["motor voter"] and the national service program).

When Republicans gained the Senate majority, Democrats returned the favor, killing and forcing concessions on legislation they opposed. In addition, they became increasingly adept at using their prerogatives to offer nongermane amendments and extend debate to seize agenda control from the majority party. In 1996, Senate Democrats used this strategy to enact a minimum wage increase and, since then, they have forced highly visible floor debates on tobacco regulation, campaign finance reform, gun control, and managed care reform, all issues the majority party would have preferred to avoid. To spare his vulnerable members tough votes on such hot button issues, Majority Leader Trent Lott (R-MI) used various parliamentary procedures to block Democrats from offering their amendments (filling the amendment tree, for example, [see Sinclair 2001]). But, because he could seldom muster 60 votes to cut off debate, the result was stalemate.

The leader of the majority party in the Senate becomes the Senate Majority Leader and, by precedent, gains the right of first recognition, which he uses to manage the floor schedule. However, because motions to proceed to consider legislation (as well as legislation itself) can be filibustered, truly controlling the Senate agenda, much less outcomes, requires garnering 60 votes. The Senate only runs smoothly when the Majority Leader and the Minority Leader cooperate--and not always then. Even before it became clear that each party would hold 50 seats in the new Senate, Republicans were conceding that Democrats would have to be afforded more opportunities to debate and get votes on their issues. With a 50–50 split, Democrats' price for cooperation will be high.

Senate Republicans will sometimes be able to forge coalitions that include all or most Republicans and a few conservative Democrats--but not on issues on which 41 Democrats feel really strongly. Democratic Leader Tom Daschle (D-SD) was highly successful in holding his members together to block cloture when Democratic numbers were smaller. Democrats realized their influence depended on forcing Republicans to deal with them as a group and maintained high cohesion on cloture votes. With their numbers greater, and lacking a

president to bail them out through a veto or veto threat, Democrats are likely to maintain that cohesion.

The exception to the supermajority requirement in the Senate is legislation passed via the budget process, and that is a very significant exception. Bush's tax cut proposals, some spending cuts, and, if Republicans were willing to push the envelope, social security and Medicare program changes could be enacted through the budget process. They could, in fact, be wrapped into one omnibus reconciliation bill, which budget rules would protect from filibusters in the Senate. Thus, if Republicans were able to maintain complete or almost complete cohesion, they could enact a significant part of the Bush agenda without help from Democrats. Attempting to go that route would, however, be a declaration of partisan war. Will moderate Republicans be willing to risk passing such major legislation on straight party-line votes, especially if it leans strongly to the right? Will Bush be willing to sacrifice any hope of maintaining even a facade of bipartisan comity?

To end partisan gridlock, Bush and Republican congressional leaders will have to deal with Democrats as an organized unit, not just with individual conservative Democrats. That means they will have to deal directly or indirectly with the Senate and House Democratic leaderships. Sometimes, the congressional leaderships on both sides of the aisle may be willing to allow their moderates to take the lead and be out front in cutting deals. But, without the blessing of the Republican and Democratic leaderships, the moderates cannot regularly spearhead deal making because they lack the institutional tools to turn deals they make into law.

If Bush and congressional Republicans sincerely attempt to govern in a bipartisan fashion in this sense, Democratic leaders will have no choice but to go along. Democratic moderates will pressure them to do so and the news media will make sure that the moderates' efforts get maximum sympathetic coverage. Even more liberal Democrats may well add to the pressure. Democrats like to legislate and many may well be ready to settle for a reasonable compromise on issues such a prescription drug benefit for seniors and the patients' bill of rights. The alternatives, after all, are nothing at all for at least two years or something worse. Furthermore, so long as the projections for budget surpluses continue to hold up, the sheer amount of money available makes compromise easier for Republicans and Democrats alike.

Will Bush and congressional Republicans be willing to try? Clearly, it is not their first choice. For all of Bush's talk about compassionate conservativism, his program is, by and large, solidly conservative. During the campaign, the music may have been moderate, but the words were conservative. His vaunted bipartisanship in Texas mostly consisted of working with conservative Democrats whose positions were not very far from his own. Core Republican constituency groups almost immediately began making claims on the administration. Congressional Republicans, with few exceptions, range from conservative to far right and have a large unrealized agenda of conservative policy changes in which they believe fervently. After the legislative frustrations of the last six years and having achieved unified government, if only barely, for the first time in many of their lifetimes, are these members going to be willing to make the big compromises true bipartisanship would entail? Possibly, yes; in likelihood, no.

For the next several years, federal politics may remain quite similar to what they were during the second half of the 1990s. Feigned bipartisanship—especially in rhetoric—will be pervasive, but the real thing will be rarer. Instead, members of both parties' will wage fierce public relations battles to attempt to seize the high ground of public opinion so as to strengthen their position for when negotiations become necessary, as they inevitably will. Legislative accomplishments, while not completely absent, will be sparse and many in both parties will again look to the next election to settle the country's direction.

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