

In Congress, partisan voting has reached its highest levels in modern times. Senate majority leader Bill Frist (R.-Tenn.), at left, and minority leader Thomas Daschle (D.-S.D.) meet the press.

Pols Apart

by Donald R. Wolfensberger

On April 17, 1997, shortly after I had completed my oral testimony on “civility in the House of Representatives” at a subcommittee hearing of the House Rules Committee, Chairman David Dreier (R.-Calif.) announced that he would have to suspend the rest of the hearing. Our testimony was “extraordinarily timely,” Dreier wryly observed, because a “real ruckus” had just erupted on the floor of the House over whether a member had violated House rules by engaging in personal criticism during debate: Representative John Lewis (D.-Ga.) said on the floor that the House ethics committee had found Speaker Newt Gingrich (R.-Ga.) guilty of “lying” and “bringing discredit” on the House. The members of Dreier’s subcommittee were summoned to vote on whether

to strike these personal references to Gingrich's conduct from the *Congressional Record*. On a near party-line vote of 227 to 190, the House agreed to do so.

Why the poisoned atmosphere? The change in party control of Congress in 1995, when Republicans replaced the ruling Democrats, provided one explanation. According to this view, House Democrats were still in denial about their loss of power and were lashing out at Speaker Gingrich as payback not just for his successful effort to win the House for Republicans but for his role in toppling Speaker Jim Wright (D.-Texas) on ethics charges in 1989. On the surface, at least, that seemed a plausible explanation for what some were already calling “the partisan wars on the floor” and “the politics of personal destruction.”

But I think that something more was going on beneath the surface, and that it predated the Gingrich and Wright speakerships. The whole culture of the House had been changing over time, from one of governing through deliberation to one of perpetual campaigning through confrontation. As I wrote in *Congress and the People: Deliberative Democracy on Trial* (2000):

The cultural shift would not be so bad if campaigns were primarily about competing political philosophies and ideas of how best to solve our most pressing national problems. But, more and more, campaigns are driven by polls, promises, pandering, personalities, and peccadilloes. Candidates are now told by their professional managers that to wage a successful campaign they must demonize their opponent, define all issues as a choice between good and evil, avoid discussing the tough issues, oversimplify and magnify the importance of their key “wedge” issues, and attack, attack, attack.

The commonly used term for this development is “the permanent campaign,” but I prefer to call it “the perpetual campaign,” which suggests both perpetual motion and self-perpetuation—a phenomenon that grows by feeding continuously on itself.

To the extent this culture of perpetual campaigning takes over Congress and the presidency, deliberation will suffer: There will be no room for the kind of compromise that's necessary for effective governance. Yes, Congress should be political—in the sense that it should be a place where competing philosophies clash over how best to govern. But it's not a place where you must destroy your opponent in order to win, as may happen in a campaign. Unlike campaigning, governing is not a zero-sum game. It is an ongoing enterprise that requires different coalitions at different times to form a majority policy consensus. Today's opponent might be tomorrow's ally. If partisan campaign tactics and wedge issues replace genuine

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political differences and deliberation about significant issues in Congress, we can expect a steady decline in the comity and decorum that have traditionally held our legislative system together.

Congress has not yet passed a point of no return, from a culture of governing to one of perpetual campaigning. Important legislative and oversight work, of both a partisan and a bipartisan nature, is still being done. But even the most routine and necessary work, such as enacting the 13 annual spending bills needed to keep the government running and set its priorities, is becoming more and more tainted, and bogged down in partisan machinations having little to do with significant political differences or effective governance. More important, intense partisan strife and interest-group politics have made it exceedingly difficult for Congress to address matters of truly national urgency, such as the impending insolvency of Social Security and Medicare,

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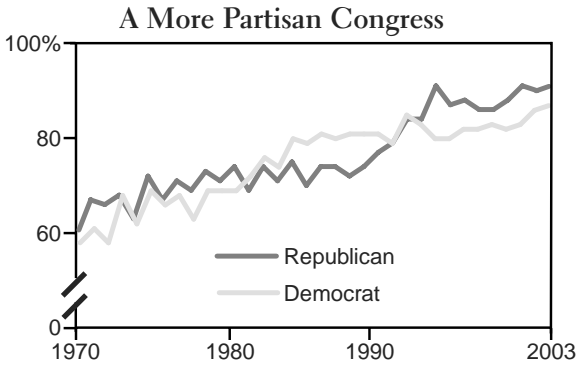
and the need for a national energy policy. The last significant reform of Social Security, for example, occurred during the 1980s, thanks only to cooperation between the Reagan administration and a leading Senate Democrat, Daniel P. Moynihan. Bipartisanship is not merely a bromide. Without it, action on issues of this magnitude, which always involves very painful costs, simply can't be agreed upon.

Meanwhile, among the American people there is puzzlement, disenchantment, and increasing disillusion with the wars on Capitol Hill. Why is Congress so partisan when fewer Americans are identifying with either political party, and when party organizations at the state and local levels are weaker than ever?

According to Harris polls, in 1969, the first year of Republican president Richard M. Nixon's first term, 81 percent of the American people identified with one of the two major parties (Democratic, 49 percent; Republican, 32 percent), while 19 percent considered themselves independents. By 2003, only 61 percent of the American people identified with either of the two major parties (Democratic, 33 percent; Republican, 28 percent), and 24 percent of those polled considered themselves independents. (The rest gave no answer.) The Harris polls also reveal an amazing uniformity from the 1970s through today on how people describe their own political philosophy. Around 40 percent of those polled have consistently called themselves moderates, roughly 33 percent conservatives, and 18 percent liberals.

The story in Congress is strikingly different. By tracking roll call votes over time, *Congressional Quarterly* gives a good sense of partisan trends in Congress. It identifies partisan votes as those in which a majority of one party votes on the opposite side of an issue from a majority of the other party. In 1970, 27.1 percent of the roll call votes in the House were partisan; in 1980, 37.6 percent; in 1990, 49.1 percent; and in 2003, 51.7 percent. Even more revealing is the av-

erage “party unity” score of members of each party, that is, the average percentage of times members vote with a majority of their own party on contentious issues. In 1970, House Republicans did so 60 percent of the time and Democrats 58 percent. By 1980, the figures were 71 percent and 69 percent, respectively. In 1990, the party unity measure was essentially unchanged, but by 2003 Republicans were voting with their party majority 91 percent of the time, and



The increasing partisanship on Capitol Hill is reflected in “party unity” scores in the House of Representatives. The chart shows that, in cases where a partisan issue was thought to be at stake, members voted with their own party’s majority far more often in 2003 than they did in 1970.

Democrats with their 87 percent of the time. The clear trend has been toward greater party unity on more and more issues.

The fact that fewer Americans identify with either party, and that a plurality of Americans consider themselves moderate in political philosophy, may help explain why most members of Congress tend to downplay their party label when campaigning and

advertising in their district. They understand that, in a close race, the moderates and independents may cast the decisive votes. Members are therefore always looking for ways to reach out to independents and members of the other party. They try to convince constituents that they’ve done a good job representing and serving the district, and that constituent and district service is more important than party label. How is it, then, that these same members can be so partisan when they return to Washington for work during the week?

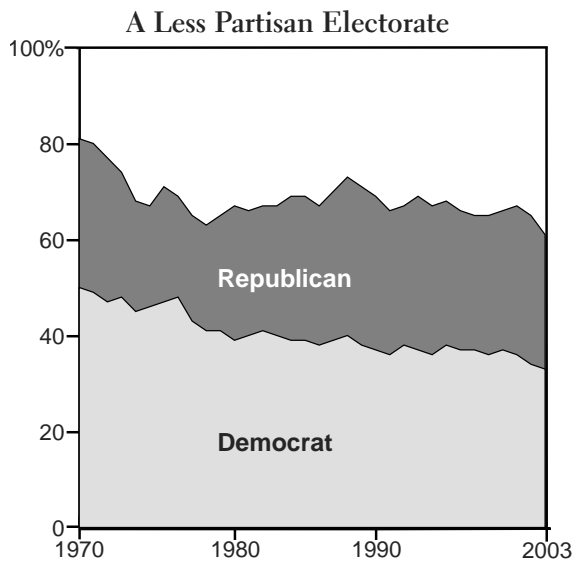
The answer, I believe, is that there are *two* perpetual campaigns, taking place simultaneously. One is the campaign by individual candidates to win seats in Congress by appealing to the broadest possible base of voters. The other is the campaign by each party’s leaders in Washington to draw sharp lines of distinction in order to motivate their base of partisan activists and allied interest groups to support the party, its programs, and its candidates in every possible way—from making campaign contributions, staging fundraising events, and volunteering for get-out-the vote activities to running independent ads and writing op-ed pieces and letters to the editor.

The two campaigns are interconnected and interdependent. Members need money and other support to run successfully for office; party leaders need members in the majority to set the policy agenda and win the votes on legislation of importance to the party’s activists and interest-group supporters. According to Campaign Finance Institute data, in 1980 the average House race cost \$153,221. By 2000, the cost had risen to \$682,952 (with \$814,507 spent by the average incumbent and \$369,823 by the average challenger). About a quarter of the average campaign budget goes to media advertising, with television ads being the most expensive item.

I trace the emergence of the culture of campaigning in Congress to the 1970s, when the institution underwent a reform revolution that had both intended and unintended consequences. The reforms were aimed at breaking the decades-old hold of conservative southern Democratic committee chairmen on the legislative agenda, offsetting the growth of the imperial presidency, and opening Congress to the people (i.e., enabling “government in the sunshine”) so that it would be more responsive and accountable. The reform movement was sparked by members of the Democratic Study Group in Congress, whose liberal agenda remained bottled up in committees. But it was joined by many Republicans, who saw opening the system to greater public scrutiny as a way of getting their message out and exposing the shortcomings of Democrats.

Committees are where most of the important work on legislation in Congress is done (or not done). The reformers recognized that those who controlled committee agendas set the agenda for Congress and the country. A “committee bill of rights” was enacted to allow the majority of a committee to schedule things its chair refused to consider, and a “subcommittee bill of rights” was made part of Democratic Caucus rules to give subunits authority and staff independent of the full-committee chair. The Democratic Caucus adopted a rule allowing separate votes to elect committee chairs, thereby breaking the long-standing seniority rule that had automatically elevated the longest-serving members to the top committee slots. House rules were adopted to make it more difficult to close committee meetings and hearings to the public and press, and committee votes were made available for public inspection.

The net effect of these reforms, however, was not what the reformers had intended. The proliferation of subcommittees did empower individual members, but it also freed them to pursue their own ambitions and agendas more vigorously. Sunshine rules opened the system primarily to those most able to take advantage of the new transparency—in particular, the organized interest groups, which established lobbying shops in Washington. With committee power giving way to a semi-autonomous subcommittee system and to a new breed of members who acted as “policy entrepreneurs” in championing particular causes, the majority Democrats soon realized that they needed to empower their elected party leaders to restore some sense of order to this democratic chaos. Beginning in the late 1970s, the Speaker was given new authority over



The percentage of voters who identify with either of the two major parties has dropped to record lows. Last year, only 61 percent said they were Democrats or Republicans.

committee appointments, the legislative agenda, and, as time went on, even the contents of important legislation and the ground rules under which bills would be debated and amended on the floor. The trend toward greater power for party leaders at the expense of the committee system continued when Republicans took control of Congress in 1995, under the strong leadership of Speaker Newt Gingrich (1995–98), and it persisted under his successor, J. Dennis Hastert (R.-Ill.).

Political scientists tell us that the main roles of the Speaker are *institutional maintenance*, that is, building winning coalitions to pass legislation of importance to the party and its constituencies, and *party maintenance*, or “keeping peace in the family” by making sure that members’ political needs are met (through key committee assignments, campaign fundraising assistance, and appropriations for pet projects in their districts). The Speaker is thus at the hub of the two perpetual campaigns: the campaign to secure party and interest-group support by scheduling and passing legislation that addresses the needs of partisan and interest-group activists, and the campaign to ensure continued majority control by electing new members and reelecting incumbents.

In my own experience, certain institutional changes now stand out as having had a pronounced influence on moving Congress toward this new culture of the perpetual campaign. I arrived on Capitol Hill on January 20, 1969, to serve as legislative assistant to my home-district congressman, John B. Anderson (R.-Ill.). (Republicans had been in the minority in Congress, with few interruptions, for nearly 40 years.) Richard M. Nixon was being sworn in as president that day, and his political comeback was an amazing success story. As vice president in 1960, he had lost the presidential race against Senator John F. Kennedy by a whisker, or, perhaps more accurately, by a five o’clock shadow and a little perspiration during the critical first televised debate with Kennedy. Nixon vowed subsequently to master the new medium of television and, with a little help from some Madison Avenue types, was repackaged as “the

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New Nixon,” a product that moved better in the fall of 1968 than the old Humphrey did, after the Democrats’ disastrous Chicago convention and the party’s deep and contentious split over the Vietnam War.

Nixon’s use of television did not stop with his election. He saw the presidency as an electronic bully pulpit, to be employed strategically in governing (at the outset of his administration, for example, he introduced his new cabinet to a national audience on live television). His dominance of the airwaves drove the Democrats nuts at a time when there were no established procedures for allowing “the loyal opposition” equal time to respond to televised appearances.

Matters came to a head on April 30, 1970, when Nixon announced on national television that he had ordered a military thrust into the “Parrot’s Beak” region of Cambodia to clean out suspected Vietcong and North Vietnamese sanctuaries. This expansion of the fighting to a country previously off limits to

A Brief History of Polarization

In historical terms, today's politics of attack ads and forged National Guard documents is practically child's play. It's hard to imagine either of today's presidential candidates being reduced to tears, as President William Howard Taft was in 1912 by the harsh attacks of his leading rival—who happened also to be a member of his own party and the man who had virtually installed him in the White House, former president Theodore Roosevelt.

In the early American republic, political libel and slander were as common as whiskey and horseflies. Even the revered George Washington was vilified as a closet monarchist and worse, and his less temperate successor, John Adams, tossed some of his most vocal critics in jail. But in the annals of American political conflict, it's hard to top the events of 1804, when Vice President Aaron Burr shot and killed the leader of the opposition party, Alexander Hamilton.

The Civil War went beyond polarization, bringing politics to the battlefield. But during the succeeding decades, writes historian Mark Wahlgren Summers in *Party Games* (2004), presidential campaigns were fought like “Armageddon with brass bands,” as if victory for the other side would pitch the country into the abyss. Politics was a form of entertainment as well as a civic duty, and with massive voter turnouts of 80 percent or more and a closely divided electorate, a slight inflection of the vote here or there could make all the difference. In 1888, Republican Benjamin Harrison fought off fabricated quotations—“a dollar a day was enough for any workingman”—and a gaudy assortment of charges in the press. *The New York Herald*, stirring up fears of Chinese immigrants, screamed that “Mongolian Republicans” were bankrolling Harrison's campaign. President Grover Cleveland faced equally vicious attacks. In the end, he won the popular vote (thanks as much to voter fraud as to rhetoric) but nevertheless lost in the Electoral College.

In 1896, William McKinley's decisive victory over William Jennings Bryan tipped the longer-term balance in favor of the Republicans, helping to drastically reduce the national quotient of polarization—and to initiate a decline in voter turnout that has continued to the present. Elections were still bitterly contested in the 20th century, but the hostilities were rarely as sustained and widespread as in the past. After the election of 1932 tipped the balance back to the Democrats, a number of elections were quite close (such as Kennedy-Nixon in 1960) without being especially polarized.

Indeed, by the 1950s political scientists were complaining about the lack of real partisanship in American politics. They admired the European “responsible party” model, in which political parties offer voters a comprehensive program and compel legislators to vote the party line, and they despaired of the ideologically impure American parties produced by a system that forced liberal northerners, for example, to cohabit with conservative southerners in the Democratic Party.

The political system has evolved much as the political scientists hoped: Voters are more issue oriented, national party organizations are stronger and more ideologically coherent, and legislators are more likely to toe the party line. In *Responsible Partisanship?* (2002), edited by John C. Green and Paul S. Herrnson, a new generation of political scientists puzzles over why things still went wrong. One suggestion: Political elites are simply out of step with the more sensible citizenry. But political scientist Michael Robinson and his colleague Susan Ellis write in *The Weekly Standard* that “if the Democrats were still the majority party and still controlled Congress and the presidency, the professoriate and the press would probably consider [the current situation] to represent good, responsible government, not dreaded polarization.” It seems that polarization itself has now become a political issue.

American troops provoked massive street protests and strong opposition from many members of Congress. Lawrence O'Brien, chairman of the Democratic National Committee (DNC), asked the three major networks to carry his reply to Nixon's Cambodia address. ABC alone did so—and then, only as part of its news coverage—while insisting it was not obliged to.

On June 11, 1970, Senator J. William Fulbright (D.-Ark.), chairman of the Senate Foreign Relations Committee, introduced a bill to amend the Federal

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Communications Act to require the major networks, as a public service, to allow representatives of the House and Senate to discuss important public issues on the air at least four times a year. Testifying before a Senate subcommittee, Fulbright said his bill was institutional and not a partisan matter: "There is nothing in the Constitution which says that, of all elected officials, the

president alone shall have the right to communicate with the American people." Still, there was no denying the presence as well of a legitimate, partisan electoral concern. As DNC counsel Joseph A. Califano, Jr., told the same subcommittee, "This nation must face up to the dominant political fact of our generation: The name of the deadly serious game of national and statewide politics in the 1970s is television. . . . We believe that the survival of the two-party system depends on access to television on some equitable basis for the party out of power."

Although Fulbright's bill never made it out of subcommittee, the networks did relent in granting some airtime to the Democrats. But the continued withdrawal of U.S. troops from Vietnam, combined with a new economic policy and diplomatic openings to China and the Soviet Union, gave Nixon a huge victory (61 percent of the popular vote and 97 percent of the electoral vote) over Senator George McGovern (D.-S.D.) in the 1972 presidential election.

A month after the election, Representative Jack Brooks (D.-Texas), chairman of the Joint Committee on Congressional Operations, asked the Congressional Research Service (CRS) "to prepare a study of congressional capability for utilizing the communications media more effectively in communicating to the American people." CRS contracted with the former communications director of the DNC, John G. Stewart, to conduct the study. Stewart's final report, *Congress and Mass Communications: An Institutional Perspective*, released in early 1974, amply documented something the DNC had been hammering home for the previous four years: The television networks provided President Nixon far more coverage than they did those members of Congress who opposed his policies. It also noted that "President Nixon has made far greater use of television in prime viewing hours than any of his predecessors."

The report offered Congress numerous options. One was televising sessions



During the 1950s, Texas Democrat Sam Rayburn (left) and Massachusetts Republican Joseph Martin were the best of friends, even though they were also the leaders of their parties in the House of Representatives.

of Congress, so that people would better understand the vital role the institution plays in our political system. At a hearing on the report in 1974, my boss, Representative Anderson, who strongly favored that option, offered this cautionary note: “If we attribute too much power and potential to the media in the power struggle between the branches, we will be falling prey to mistaking the media for the message. And if we fall prey to that mistake, the inevitable result will be a tendency to shape the message, in this case the legislative process, to fit the media.” His words proved prophetic of the introduction of “message politics” and the perpetual campaign to Congress several years later.

By the time the Joint Committee endorsed televised proceedings in October 1974, President Nixon was history, having resigned as a result of the Watergate scandal. Ironically, his demise was hastened by dramatic disclosures at the televised hearings of the Senate Watergate Committee in 1973, followed in 1974 by the televised impeachment deliberations and votes in the House Judiciary Committee. With Nixon literally out of the picture, there was not the same urgency among top Democrats to proceed with televising sessions of Congress. Nevertheless, the Joint Committee persisted and, in October 1975, issued a report, *A Clear Message to the People*. The committee said that Congress should not launch a public-relations campaign to improve

its image, and, picking up on Anderson's testimony, it asserted that "we also reject any effort to shape the legislative process to suit some media mandate." But it endorsed televising House and Senate floor sessions.

The resolution in favor of televising House floor debates was introduced by Joint Committee chairman Jack Brooks in 1975, as were alternative approaches. But after numerous hearings and votes, the proposals all died in the Rules Committee at the end of the 94th Congress in 1976, mainly because of the objections of House Majority Leader Tip O'Neill (D.-Mass.), acting on behalf of Speaker Carl Albert (D.-Okla.). But in 1977, as the newly elected Speaker of the House, O'Neill did an about-face and indicated his support for a House broadcast system—provided it was owned and operated by the House, and the Speaker controlled its cameras. By the beginning of the next Congress, in March 1979, the live broadcast signal became available to the public, and C-SPAN was born.

Tip O'Neill was responsible for another reform that would figure prominently in the rise of the perpetual campaign in Congress. In 1970, when he was Democratic whip and a member of the Rules Committee, he offered an amendment to the Legislative Reorganization Act to put members on record as voting for or against amendments offered on the House floor. Before that, only nonrecord "teller votes" were taken on amendments—that is, the number of members voting for or against was determined only by counting heads as members filed up the aisle. In offering his amendment, O'Neill said that "if the people at home knew how we actually voted [on amendments], I believe we probably would have had some different results."

Notwithstanding the new sunshine rules, many House Republicans felt that the people still were not paying attention to what was going on in Congress. They thought that their Democratic colleagues were being reelected by stressing their constituent and district service while downplaying their liberal voting records. Consequently, in the late 1970s and early 1980s the Republicans began a concerted campaign to highlight party differences by using the two innovations O'Neill had made possible—recorded votes on amendments and televised floor proceedings. Leading the charge were "young Turk" backbenchers such as Gingrich and Robert Walker (R.-Pa.). They and their colleagues began to dominate "special order" speech periods at the end of the day's legislative business, periods during which members could speak before the C-SPAN cameras, for up to an hour each, on any subject.

Republican members began to devise floor amendments that would politically embarrass Democrats—for example, to a Democratic bill establishing a new domestic program they offered an amendment that allowed no money to fund the program until a balanced budget had been achieved. The Democrats reacted to the exploitation of special order speeches by threatening to pull the plug on television coverage when legislative business for the day was completed. But in the ensuing media coverage of the controversy, they were beaten back by arguments that they were trying to trample the free-speech rights of Republican members.

In response to the Republicans' use of amendments for political purposes, Democrats asked their leaders to cut back on the number of amendments that could be offered on the House floor. (The number of recorded votes on amendments had risen from 200 during 1971–72 to 500 during 1979–80.) The Speaker

responded to his Democratic colleagues' requests by using the Rules Committee to increasingly restrict the amendment process on the House floor. Republicans complained bitterly about these "gag rules" on amendments. But after coming into the majority in the 1990s, they eventually became more restrictive than the Democrats had ever been. In the 103rd Congress (1993–94), their last as a majority, the Democrats allowed no amendments, or only one Republican substitute, to be offered on 18 percent of the major bills considered; by the 107th Congress (2001–2002), the majority Republicans were imposing such restrictions on 44 percent of the major bills.

The perpetual campaign is a reality of the modern media age. Long before the coming of television, presidents recognized the nexus between the news media and public opinion. As Abraham Lincoln once noted, in a popular government such as ours, "public sentiment is everything. With public sentiment, nothing can fail; without it, nothing can succeed." Presidents have had the easiest time of persuading the public to support their policies because they speak with a single voice. Congress, by contrast, speaks in many tongues—it's a veritable tower of babble at times. Presidents have always been the first to adapt to new media to communicate with the people, while Congress has always been behind the curve, which helps explain why the people still don't understand how Congress works (or even *whether* it works).

When Congress finally did put aside the quill pen and spring into the modern age in the 1970s and 1980s by televising its committee and floor sessions, it was somewhat taken aback that the gesture did not improve its image. The new exposure merely magnified the people's sense of a confusing arena where squabbling adversaries thwarted clear-cut presidential wishes. Only as the two parties became more homogeneous and unified internally, and more set against each other in their policy prescriptions, were they able to gain something of the power presidents have long enjoyed in projecting coherent policy positions through the media. But the power came at the cost of reducing complex policy debates to simple messages that the media could easily interpret and the attentive elites (if not the masses) easily understand. That, in turn, meant keeping party differences sharp and distinct, rather than blurring the differences through a deliberative process that might produce a bipartisan policy consensus.

The perpetual campaign is a reality of the modern media age that's not likely to end when one party or the other gains a stronger hold on majority status. Perhaps a more resigned minority party will then accept its status, and some of the partisan bitterness and outbreaks of incivility will diminish. But don't bet on it. The best one can hope for is that the two parties will encourage the committee system to reassert its authority, thereby giving policy expertise a bigger role in the legislative process and creating more opportunities for deliberation.

In a more deliberative setting, there will still be—as there should be—legitimate partisan differences, but presumably these will lead to more thoughtful and effective policy solutions, emerging in a more civil environment. The people may continue to view Congress as an unruly sandbox, full of partisan bickering, but before dismissing the institution out of hand, they should consider the alternative. □