The Forum

Volume 4, *Issue* 3 2006 *Article* 1

2006 MIDTERMS: POST-ELECTION APPRAISAL

Frustrated Ambitions: The George W. Bush Presidency and the 2006 Elections

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Abstract

The 2006 elections dealt a strong blow to the sizeable political and policy ambitions motivating the George W. Bush presidency. Bush's attempt to entrench a conservative political regime in national politics now faces its greatest peril. In particular, Bush's "political capital" is much reduced by Democratic control of the House and Senate. Bush's assertion of his formal powers will also receive greater challenge by Congress. It is now up to future GOP presidents to achieve Bush's extensive regime ambitions.

KEYWORDS: presidency, leadership, political parties

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The grand ambitions motivating the George W. Bush presidency – creating a GOP electoral majority, pursuing a more militarily assertive foreign policy and reconfiguring taxation and entitlement spending – aimed to create constructions of extensive consequence. The 2006 elections quashed administration hopes that these ambitions could be furthered during the remainder of his presidency.

Bush's big plans are best understood in terms of the power and authority a president seeks to exercise. *Power* involves the resources, formal or informal, that a president has in a given period to accomplish his goals. Success with power involves husbanding the resources of the office and deploying them strategically (Skowronek 1997, 18). Powers are both formal and informal. *Formal powers* are numerous and widely excised by recent presidents, growing from Constitutional authority, federal law and court interpretation. Bush will have to deploy these powers more defensively in upcoming fights with the Democratic Congress.

Bush's informal powers, however, are most diminished by the 2006 elections. *Informal power* is a function of the "political capital" presidents amass and deplete as they operate in office. Paul Light defines several components of *political capital*: party support of the president in Congress, public approval of the president's conduct of his job, the President's electoral margin and patronage appointments (Light 1983, 15). Richard Neustadt's concept of a president's "professional reputation" also figures into his political capital. Neustadt defines this as the "impressions in the Washington community about the skill and will with which he puts [his formal powers] to use" (Neustadt 1990, 185). In the wake of 9/11, George W. Bush's political capital surged and the public and Washington political elites granted him a broad power to prosecute a war on terror. By the middle of Bush's troubled second term, beset by a lengthy occupation of Iraq and a rash of Congressional GOP scandals, he found his political capital had shrunk. Bush's public approval, professional reputation and political support in Congress surged after 9/11, and then all three eroded in his troubled second term. After the 2006 elections, Bush's public approval and party support in Congress have again sunk, limiting further his leadership prospects for the remainder of his presidency (PollingReport 2006).

Regime Designs

In recent decades Washington power structures have become more entrenched and elaborate (Drucker 1995) while presidential powers – through increased use of executive orders and legislative delegation (Howell 2003) have also grown. The presidency has more powers in the early 21st century but also faced more entrenched coalitions of interests, lawmakers and bureaucrats whose agendas often differ from that of the president. This is an invitation for an energetic

president – and that description fits George W. Bush – to engage in major ongoing battles to impose his preferences.

At the center of the conflict lies the desire of presidents to create political "regimes" supported by popular approval and constitutional authority (Schier 2004, 3). A *regime* is a stable *authority structure* that reworks Washington power arrangements to facilitate its own dominance. Presidential power is intimately tied to presidential *authority*, defined as the "expectations that surround the exercise of power at a given moment; the perception of what it is appropriate for a given president to do" (Skowronek 1997, 18). Authority, to presidential scholar Stephen Skowronek, rests on the "warrants" drawn from the politics of the moment to justify action and secure the legitimacy of changes. The more stable a president's grant of authority, the easier his exercise of power.

George W. Bush's central project has been the promotion of a conservative Republican political regime. Politically, the administration sought persistent GOP electoral majorities through the tactic of ensuring high turnout among the party's base voters. This delivered a reelection victory for Bush in 2004. A second tactic of the Bush White House involved courting certain target groups in the electorate for conversion – in 2004, this included women, Latinos, African Americans and Jews. Central ideas of the regime included an emphasis upon employing market forces in public policy (from market-driven environmental protection policies to private Social Security accounts), economic stimulus through recurrent tax cuts, and an aggressive foreign and military policy driven by a doctrine of preemption of international terrorist threats. Institutionally, these policies would result from partisan GOP majorities in the House and Senate and enhanced presidential control over the executive branch, through expansive use of executive orders and reorganization, many spawned by national security concerns (Schier 2004, 3-4).

The 2006 election results preclude the fulfillment of the regime-level aspirations of the Bush presidency. Though the GOP base supported their candidates strongly in 2006, a mass exodus of independent voters, frustrated by Iraq and corruption, and a heavy turnout of motivated Democrats caused the GOP electoral coalition to shrivel (ABC News Polling Unit 2006). Republican support among at least one crucial target group plummeted; Latino support for the GOP dropped from 40-44 percent in 2004 to 30 percent in 2006 (Fears 2006). Private Social Security accounts, shunned by a skittish GOP-controlled Congress in 2005-6, seem farther than ever from passage. GOP recapture of Congress, particularly in the Senate where 31 of 34 seats up for election in 2008 are Republican-held, seems a difficult task at best. Bush's expansive formulation of executive powers will now spawn extensive and hostile Congressional investigations. National security concerns, once a "hole card" for the GOP in elections, have now turned into a negative for Republicans due to America's protracted and difficult military involvement in Iraq.

In broader perspective, what limits is George W. Bush now up against? One type involves the "*endogenous limits* that stem from the nature of the political agreement that binds participants" (Cook and Polsky 2005, 580). How well has his coalition stuck together? The George W. Bush presidency benefited from relatively few endogenous limits of this sort until its second term. But midway through this term, beset by an array of difficult events and policy controversies – the response to hurricane Katrina, the Iraq occupation and battles over immigration reform – Bush found his support among GOP lawmakers receding. And despite strong Republican support in the 2006 elections, his coalition proved a distinct minority of the electorate. In the 2006 House elections, the GOP polled only about 46 percent of the vote nationwide, by far the lowest percentage since the GOP took control of Congress in 1994 (Cost 2006).

Exogenous constraints, those arising from the political environment in which the regime operates, have proved much more restrictive throughout Bush's presidency (Cook and Polsky 2005, 580-1). Bush encountered firm limits from these constraints as his presidency proceeded. The administration's emphasis on the maintenance of its supporting coalition spawned partisan polarization in Congress and the electorate. This placed a low ceiling on Bush's job approval after the halo effect of 9/11 dissipated. It provoked Democrats to employ institutional rules like the filibuster and federal court challenges to impede the administration's agenda and spawned grassroots liberal organizations like MoveOn to engage in ongoing media campaigns against the administration. These opposition efforts will magnify in the new Democratic Congress.

The Trail of Events

At the heart of any presidency lie events and the political skills of the president and his administration. Presidents have discretion to create some events, but they also are subject to nondiscretionary events that just happen to them. Such events create positive and negative political impact for presidents. A careful look at the major events of the Bush presidency from this perspective reveals the rollercoaster ride of the George W. Bush's time in office. Bush had two impressive years and then encountered big trouble, both self-created and from without.

By examining the chronicles of major events in three reputable reference sources – the World, Time magazine and New York Times Almanacs – one can identify major trends of the Bush presidency through 2005. Following Brace and Hinckley (1993), events involving Bush's presidency were included if at least two almanacs mentioned them. The events received classification as discretionary – happenings the president helped to create, or nondiscretionary – news foisted on the president from without. This analysis also classified the events as politically

positive or negative for Bush in the short term. Multiple researchers checked the classifications, producing a reliable chronicle of Bush administration events and their political consequences.[1]

The evidence reveals tremendous zigs and zags for this president. Despite a highly controversial election, the Bush administration got off to a very strong start, buoyed by savvy presidential actions and news from without that boosted the president. In 2001, the Bush administration produced twenty-six positive discretionary events and only one negative event – recall the tax cuts, major education reforms, an arms control deal with Russia and military success in Afghanistan. In addition, nondiscretionary events ranked three to one positive for the administration, most notably including the 9/11 catastrophe that produced an upsurge of public support for Bush. The Bush administration's roll continued at a slower clip in 2002, posting a 4.2 to 1 positive ratio in their discretionary actions despite bad news on the economy. By the end of 2002, though, the Bush administration had already racked up a majority of all its positive discretionary events.

The turning point in Bush's presidency was clearly the Iraq war. The successful invasion has been just about the last good international news that the Bush administration received. From 2003 through 2005, negative fallout from the war buffeted the administration – the Abu Ghraib prison abuse scandal in Iraq, the Valerie Plame CIA leak controversy, no WMD found in Iraq and no clear connection of Iraq with 9/11 revealed. In the event count, 2004 was clearly Bush's worst year, with half of all the major negative news events buffeting the administration occurring in that year. Twelve major news events from without were negative for the administration in that year, none positive. One of Bush's greatest political accomplishments was winning reelection in such an ominous situation.

The first half of 2005 produced a small recovery in positive discretionary events for the administration, but that was short lived. Overall, the administration compounded the bad news since 2002 with errors of their own – the poor response to hurricane Katrina, failure at Social Security reform, staff shakeups, the administration retreat from a Dubai firm's attempt to own American ports, the aborted Harriet Meiers Supreme Court nomination. That left the administration in a deep valley in 2006 from which they could not recover.

[1] Three researchers independently coded the event data, classifying events as discretionary and nondiscretionary and politically positive or negative in the short term. The Index of Agreement among the three coders was 95.7 percent. The few differences in coding regarding disputed cases were easily resolved in subsequent discussions among the coders. Thus the reliability of the analysis rivals that of Brace and Hinckley's event study of previous presidents (1993, Appendix A).

This event analysis suggests that the George W. Bush presidency turned on the Iraq war. Whether or not the U.S. involvement in Iraq ultimately yields success, the immediate political costs for Bush were heavy indeed, and the administration responded to this adverse environment with a series of costly political errors. The grand regime goals of the Bush administration – a political realignment and policy revolution benefiting conservative Republicans – were partially realized by 2002. After that, progress on those goals slowed considerably, undone by adverse events and the White House's unskillful response to the ensuing difficulties. The 2006 elections augur a countertrend that places all of Bush's early regime goals in great jeopardy.

Defining Success

Responding with skill to the challenges imposed by events is a concise definition of a successful presidency. A president's success or failure at this greatly determines his informal powers – his political capital – and thus his ability to employ formal powers effectively in practice. In this regard, the passage of time is usually not kind to presidents. As challenges arise and decisions are made, presidents make enemies and deplete their public popularity (Brace and Hinckley 1993, Light 1983). Second terms in particular usually feature lower presidential popularity and success at governance, and the George W. Bush presidency proved no exception to this (Brace and Hinckley 1993; Zacher 1996). National crises may punctuate these trends with "rally" effects that produce a surge of popular approval of a president, temporarily expanding his political capital (Brody 1991). The post-9/11 "rally" for George W. Bush is the most long-lived in presidential history (Hetherington and Nelson 2003).

Wars, however, create great changes in national politics and can deplete a president's political capital. Yale political scientist David Mayhew identified the two major effects of American wars on our national politics and public policy. First, wars produce "new issue regimes," defined by Mayhew as "new long-lasting highly public controversies within specific issue areas" (Mayhew 2005, 475). Since Sept. 11, 2001, those issues have involved national security from terrorist attacks and a related debate on the future of civil liberties. Second, wars can also create new political alignments. Bush and the GOP exploited concerns about terrorism to maximum partisan advantage in 2002 and maintained an important edge with those issues in 2004. Historically, parties in charge of major wars suffered big electoral reversals after the conflict's conclusion (Mayhew 2005, 483). Larry Bartels and John Zaller also found that the drawn-out wars of Korea and Vietnam cost the party in charge a 4 percent loss at the polls in the 1952 and 1968 elections as the wars dragged on (Bartels and Zaller 2001). The

electoral costs of the Iraq war in 2006 place it firmly in the Korea/Vietnam category.

Two pitfalls obstructed Bush's large presidential ambitions. One grew from the small partisan majorities supporting Bush in Congress. Any slippage in his partisan support in either chamber risked stalemate (Hargrove and Nelson 1984, 214). GOP disunity on the administration's Social Security reform plans in 2005 produced exactly that outcome. A related pitfall concerned public opinion. The strongly partisan profile of the administration's agenda inhibited widespread public support for it as 9/11 faded from memory and the troublesome military occupation of Iraq produced an unhappy public mood (Jacobson 2006). Polls during his second term revealed little public enthusiasm for Bush's agenda (PollingReport.com 2005). Bush in his second term risked a situation similar to that befalling William Howard Taft, in which "the president's agenda bears little resemblance to what the public is willing to accept" (Hargrove and Nelson 1984, 68). His failure to sell his structural changes in Social Security placed him, on that issue, in Taft's situation. Bush's declining political capital in his second term first led to GOP fragmentation in Congress as lawmakers distanced themselves from an unpopular president, and then to the large GOP losses in the 2006 elections. The attempt by the Bush administration to operate a neo-parliamentary regime based on unified GOP support in Congress (Pomper 2003) facilitated a sweeping repudiation of the party in the 2006 elections. The GOP "brand" had been on bold public display for several years, making it an easy target for opponents as events turned sour.

Conclusion

The George W. Bush presidency has proven highly ambitious in its broader regime construction efforts and everyday governing style. At the systemic level, George W. Bush energetically used his formal and informal powers in an attempt to entrench a durable, conservative GOP regime, a stable authority structure that would persist for years to come. His ambitions were blunted through the exogenous limits imposed by partisan polarization spawned by his very regime construction efforts. As difficulties mounted in his second term, additional endogenous limits to Bush's ambitions appeared. Declining public approval of the Bush increased internal divisions within his governing party, reducing the stability and durability of his governing coalition. Public dissatisfaction with Congressional corruption and America's Iraq involvement then fractured the GOP regime via the Democratic triumph in the 2006 elections.

What is left to Bush in 2007-8? He must manage Iraq in a way to produce a more peaceful situation and smaller American military presence there. He can

work with Congressional Democrats in a few areas of common interest, such as immigration reform.

His ability to further a conservative regime in the courts is now largely ended, and his attempts to assert extensive executive powers will receive new political challenges from Congress. Ultimately, his regime ambitions are now reduced to conserving enough popularity to keep the GOP competitive in the 2008 presidential election. For it is up to future Republican presidents to fulfill Bush's extensive regime ambitions. The events of his second term, and his response to them, have ended those grand designs.

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Volume 4, *Issue* 3 2006 *Article* 2

2006 MIDTERMS: POST-ELECTION APPRAISAL

The Midterm: What Political Science Should Ask Now

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The Midterm: What Political Science Should Ask Now*

John J. Pitney Jr.

Abstract

The 2006 midterm has undercut some familiar assertions about contemporary electoral politics. Political analysts seem to have overstated Republican advantages in several areas: voter turnout, campaign finance, congressional apportionment, party unity, and social issues. The GOP's loss is the discipline's gain, as the election raises good questions for scholarly research.

KEYWORDS: elections, midterms, congress, political parties

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The 2006 midterm has undercut some familiar assertions about contemporary electoral politics. In doing so, it has raised good questions for scholarly research.

According to some accounts, Republicans had built an advantage so great that they could cling to power even if moderate voters turned against them. This "backlash insurance" purportedly put democracy itself at risk. Such fears proved farfetched.

Start by considering campaign technology, which was the subject of news articles (De Frank and Bazinet 2006) and popular books (Hamburger and Wallsten 2006). Using costly databases, Republicans amassed detailed statistics on millions of households. They targeted voter appeals with high precision, sending one kind of message to snowmobile owners, another to Krugerrand investors, and so on. GOP operatives claimed that this "microtargeting" had helped tip close states to President Bush in 2004. Some observers thought that it would perform similar magic for congressional Republicans in 2006. They forgot two things.

First, Democratic party organizations and their allies were spending millions on their own databases. "We've caught up to, if not passed [the Republicans] on the technological level," said the head of one microtargeting firm that works with Democrats (Hoover 2006).

Second, there were questions as to whether microtargeting lived up to its billing. In a post-election article, a Republican consultant said that microtargeting can work under the right circumstances. But in an unfavorable setting – such as Republicans faced in 2006 – the data become unreliable. He worried that GOP efforts may have backfired by inadvertently turning out Democratic voters (Stutts 2006).

Donald Green, a leading academic expert on voter turnout operations, questioned media stories of how buying habits betoken political views. "Consumer preferences do not predict a large degree of variance in voting preference beyond what is predicted by party registration, voting in party primaries, and other more directly political predictors." He stressed that "there is no reliable scientific evidence – that is, evidence based on randomized experiments – showing that microtargeting is worth the cost" (Green 2006). Anecdotes about Democratic success and Republican frustration may now prompt scholars or political professionals to carry out these experiments.

Another much-hyped GOP advantage lay in campaign finance. Total spending by GOP party committees did top that of Democratic committees – but by a smaller margin than in the past. And the Democratic Senatorial Campaign Committee (DSCC) actually outspent the National Republican Senatorial Committee (NRSC). Democrats also enjoyed the help of labor unions and other groups outside the formal party organization (Greenhouse 2006).

Republican incumbents tended to have more money than Democratic challengers. As scholars of campaign spending have long known, challengers need not match incumbents in fundraising, as long as they gather enough money to reach the voters. In early August, it was clear that many Democratic challengers had already reached that point. The Democrats' moneyball gained momentum as corporate political action committees courted the favor of the likely new majority. Charles Rangel (D-New York) joked to the *Los Angeles Times*: "I don't think meeting with the chairman of General Electric has anything to do with my taking over Ways and Means; I just never realized how much they loved me" (Simon 2006).

Researchers should ask how Democrats narrowed the fundraising gap, with special attention to the congressional campaign committees. In particular, NRSC chair Elizabeth Dole (R-North Carolina) seemed out of her league next to DSCC chair Charles Schumer (D-New York). Did this weakness help cost Republicans control of the Senate?

The Democratic takeover of the upper chamber appears all the more remarkable in light of claims about its pro-GOP bias. Republicans do better in smaller, rural states, and each state gets two senators regardless of population. Therefore, the GOP might seem to have a permanent structural edge in Senate elections. History undermines this notion. Since direct elections for the Senate started in 1914, the same party has controlled both chambers nearly ninety percent of the time. A striking and under-appreciated pattern keeps the House and Senate moving in tandem. Senate races are more competitive than House races, so even though only one-third of Senate seats are up in any election, a national tide will shift a greater share of those seats (Martinson 2004). So just as 1994 swept in Republican majorities on both sides, 2006 swept them out.

On the House side, gerrymandering was an ostensible barrier to a Democratic takeover. The redistricting after the 2000 census did protect House incumbents, making it harder for the minority party to score gains. Nevertheless, some commentators overstated the effect of computer-crafted districts. No matter how technologically sharp a redistricting scheme may be, demographic and political changes start to blunt its impact as soon as the map comes out of the printer. Young people and new citizens enter the electorate. Old voters die. Americans of all ages move around. Economic and social upheavals lead people to switch their party preference. Such shifts were on stark display in New York State, where a bipartisan gerrymander had once seemed to guarantee the GOP a certain minimum of House seats. Between 2002 and 2006, the Republican registration advantage outside New York City shrank from 160,000 to less than 3,000 (Roberts 2006). This trend helped nudge three GOP seats into the Democratic column.

Texas, Florida, and Pennsylvania had notorious Republican gerrymanders that boomeranged. The *Wall Street Journal* reported shortly after the election: "Republican leaders may have overreached and created so many Republican-leaning districts that they spread their core supporters too thinly. That left their incumbents vulnerable to the type of backlash from traditionally Republican-leaning independent voters that unfolded this week" (Cummings 2006).

District lines surely saved a number of GOP seats that would otherwise have gone under, but it seems likely that the Republican redistricting advantage had ebbed. If enterprising graduate students get the necessary data, they can write fine dissertations gauging the breadth of this change.

Those who worried about GOP dominance asserted that the party had a unified national machine that could crush the disorganized Democrats. Think tanks, interest groups, magazines, blogs, and radio programs all supposedly worked with party organizations to maintain Republican power. Such claims had always been overblown, and in 2006, they were almost risible. Far from serving as instruments of Republican power, conservative organizations and activists held a lively discussion over whether victory was even desirable (Antle 2006). Wrote *National Review* senior editor Ramesh Ponnuru:

> The Congressional wing of the party lost its reformist zeal years ago and has been trying to win elections based on pork and incumbency. An election victory would reward that strategy, leaving the congressmen even less interested in restraining spending, reforming government programs and revamping the tax code. Political incompetence and complacency, sporadic corruption and widespread cynicism: having paid a price for none of it, Republicans would indulge in more of the same. (Ponnuru 2006).

He concluded that a loss of power "would make the Republicans hungrier and sharpen their wits." Former Delaware Governor Pete du Pont, who sought the 1988 GOP presidential nomination and now heads a conservative think tank, said of congressional Republicans: "They haven't done anything on health care. And they have raised federal spending by $750 billion since 2001 and for fiscal 2006 approved 10,000 earmarks costing $29 billion. Conservative principles seem to have faded away, and ethical principles have weakened – names like DeLay, Ney, and Foley make the point" (du Pont 2006). He was actually arguing *for* a GOP victory: though Republicans deserved to lose, he said, Democrats were worse. Not exactly the St. Crispin's Day Speech.

The conservative Club for Growth spent heavily to beat liberal Senator Lincoln Chafee in the Rhode Island Republican primary, forcing the National Republican Senatorial Committee to spend heavily in his support. A weakened Chafee won the primary, and then lost the general election. This internal warfare burned resources that would have helped other Republicans.

Contrary to myth, Republicans on Capitol Hill were not more unified than their foes. For decades, both parties in both chambers had attained comparable levels of cohesion on roll call votes. In the 2005 *CQ* party unity scores, for instance, House Republicans stood only two points ahead of the Democrats, and the Senate parties were tied at 88 percent each (Kady 2006). During the 109th Congress, in fact, the parties seemed to swap their stereotypical roles. Democrats united against President Bush's Social Security proposal, while the GOP quit the fight. Republicans bickered over earmarks and ethics reform, and many moved away from their previous support of the administration's policy on Iraq.

The party split over immigration, with House members favoring a tough enforcement approach and senators backing a more lenient policy. While some Republicans seemed to gain traction with a hard-line message, Hispanic support for GOP House candidates fell at least 10 points from 2004. The GOP dropped at least one seat over the issue. In the race to succeed Jim Kolbe (R-Arizona), the National Republican Congressional Committee (NRCC) backed a moderate candidate, who lost the primary to Randy Graf, a member of the Minutemen. As NRCC had feared, Graf's stance put off independents and Democrats, and he went down to a double-digit defeat in November.

To gain a full understanding of national party politics, scholars must grasp the divisions among conservatives and Republicans. This topic needs much more attention in the literature.

Yet another assumption that has outlived its validity is the notion that Republicans win with "hot-button social issues." Immigration is not that only hot button that went cold or unpressed in 2006. There was little talk about gay marriage in the campaign, and for a simple reason: most states had already limited marriage to the union of a man and a woman (National Conference of State Legislatures 2006). Constitutional amendments banning same-sex marriage were on the 2006 ballot in eight states, but all eight had previously enacted statutory bans. Voters approved seven of these measures, without any great sense of urgency. Late in the season, the New Jersey Supreme Court ruled that same-sex couples should enjoy the same legal rights as heterosexual couples. Though some Republicans tried to rally the base, the decision was too late and too ambiguous to make much of a mark.

Few scholars have noticed that Republican candidates seldom oppose affirmative action anymore. A measure on the 2006 Michigan ballot proposed to end racial and gender preferences in state employment and contracting, as well as public education. The GOP nominees for governor and senator both came out against it. The measure passed by a wide margin, in spite of the hostility of the state's political establishment and an intense campaign against it. This outcome in a 'blue" state suggests that affirmative action could still be a potent political issue. Scholars should ask why Republicans have backed away from it.

More generally, political scientists should give a more careful look to the GOP. With certain exceptions (e.g., Taylor 2005), they have not done the kind of careful, interview-based research that the subject deserves. The 2006 election suggests that there is much more to learn.

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2006 MIDTERMS: POST-ELECTION APPRAISAL

Big Deal: The 2006 Midterm Elections, the Progressive Project, and the Reagan-Bush Revolution

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Big Deal: The 2006 Midterm Elections, the Progressive Project, and the Reagan-Bush Revolution*

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Abstract

Were the 2006 midterm elections a Big Deal or No Big Deal? On the surface, the outcome seems ordinary: a setback for the president's party in his sixth year, and a return to divided government. Taking a longer view, these elections are historically important. Democratic victories interrupted the work of a sustained Republican "revolution" rolling back the bipartisan Progressive project of the 20th Century in regulation, public provision and civil rights.

KEYWORDS: congressional elections, political parties, midterms, presidency

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One of the hottest new shows on television this fall is NBC's "Deal or No Deal," an update of the 1960s classic "Let's Make A Deal." In the new show, the audience watches a contestant make a series of agonizing choices between constantly changing cash buyout offers and the chance to win far more (or far less) money hidden in a closed briefcase. Host Howie Mandel hovers around the hapless contestant, alternately pointing out the safety of taking the money and running, and the temptations of huge (possible) riches. Tantalus would recognize the situation.

Tantalus would also have recognized the last stages of the 2006 midterm election campaign, in which Republicans staggered into November trying to sustain their majorities in the House of Representatives and the Senate amidst an increasingly catastrophic Iraq war and corruption and sex scandals that implicated many of their most powerful leaders. Democrats saw the opportunity to gain enough seats to win back the House for the first time in 12 years, but it was never a sure thing. And few gave them much chance of winning back the Senate. Would it be a Big Deal or No Big Deal?

As it turned out, Democrats carried the day and won at least twice the 15 seats they needed for a majority in the House (one contest – in the 13th district of Florida – remains unresolved as of this writing because of problems with electronic voting machines). They surprised almost everyone by gaining six seats and narrow majority control in the Senate, presuming the support of independent Senators Bernie Sanders of Vermont and Joe Lieberman of Connecticut.

For Democrats and Republicans in Washington, then, the midterm election of 2006 definitely turned out to be a Big Deal. Next January, for the first time since 1994, Republicans will no longer control even one chamber of Congress. And Democrats have turned George W. Bush into a lame duck by winning a majority of both chambers for the last two years of his presidency.

I will argue here that those of us who take a longer view should also view this election as a Big Deal. It has interrupted the momentum of a Republican revolution declared by Ronald Reagan a generation ago.

No Big Deal

Of course, political scientists can argue that the raw outcome of the 2006 midterm was No Big Deal. Historically, it comes as no surprise that Democrats should regain majorities in Congress for Bush's final two years, and that we now face two years of divided government (Menefee-Libey 1991). Bush looks set to become only the sixth president since 1900 to serve out two full terms in office, joining Woodrow Wilson, Franklin Roosevelt, Dwight Eisenhower, Ronald Reagan and Bill Clinton. Each of these presidents entered office with their party controlling at least one chamber of Congress, with all but Reagan initially

controlling both the House and the Senate. Before they were done, all but FDR lost control of both chambers. Table 1 presents the partisan balance in each chamber immediately after each election.

Table 1: Two-Term Presidents and Divided Government

President	Election Year	House Dems	House Reps	House Other	Senate Dems	Senate Reps	Senate Other
Wilson	1912	**291**	134	10	**51**	44	1
Wilson	1914	**230**	196	9	**56**	40	-
Wilson	1916	**214**	215	6	**54**	42	-
Wilson	1918	192	**240**	2	47	**49**	-
F.D. Roosevelt	1932	**313**	117	5	**59**	36	1
F.D. Roosevelt	1934	**322**	102	10	**69**	25	2
F.D. Roosevelt	1936	**334**	88	13	**76**	16	4
F.D. Roosevelt	1938	**262**	169	4	**69**	23	4
F.D. Roosevelt	1940	**267**	162	6	**66**	28	2
F.D. Roosevelt	1942	**222**	209	4	**57**	38	1
F.D. Roosevelt	1944	**242**	191	2	**57**	38	1
Eisenhower	1952	213	**221**	1	47	**48**	1
Eisenhower	1954	**232**	203	-	**48**	47	1
Eisenhower	1956	**234**	201	-	**49**	47	1
Eisenhower	1958	**283**	153	1	**65**	35	-
Reagan	1980	**242**	192	1	46	**53**	1
Reagan	1982	**269**	166	-	46	**54**	-
Reagan	1984	**253**	182	-	47	**53**	-
Reagan	1986	**258**	177	-	**55**	45	-
Clinton	1992	**258**	176	1	**57**	43	-
Clinton	1994	204	**230**	1	48	**52**	-
Clinton	1996	206	**228**	1	45	**55**	-
Clinton	1998	211	**223**	1	45	**55**	-
G.W. Bush	2000	212	**221**	2	50	**50**	0
G.W. Bush	2002	204	**229**	1	48	**51**	1
G.W. Bush	2004	202	**232**	1	44	**55**	1
G.W. Bush	2006	**233***	202*	-	**49**	49	2

Sources: Clerk of the House 2006, Secretary of the Senate 2006.
* As of December 6, the contest for the 13th Florida House district remained unresolved.

The voting patterns that led to the 2006 outcome are in some ways unsurprising. Exit polls suggest that many voting patterns closely resembled those of 2004 (CNN.com 2004, CNN.com 2006). About 38% of voters identified themselves as Democrats, about 36% as Republicans, about 32% as Independents, so neither party gained any special advantage from their turnout efforts. The overwhelming majority of Democrats voted for Democratic candidates, just as

Republicans voted for Republican candidates. Overall turnout was about 40% of eligible voters, which is consistent with recent midterm elections (Gans 2006). Democrats won simply because enough Independents switched to support Democratic candidates instead of Republicans.

The raw numbers in the House are unsurprising as well in historical terms. Democrats won about 53% of the two-party vote, and 233 seats is about 53% of all House seats. Despite commonly expressed concerns that gerrymandering of House districts protects incumbents from losing their seats, and assertions that it would take an extraordinary "wave" to dislodge them, many incumbent Republicans were thrown out in supposedly "safe" districts. In the aggregate, American voters got what they asked for.

Big Deal

One must step back from the details of the returns, however, to see the broader historical importance of the 2006 midterm. The election came after twelve years of Republican control of the House of Representatives, the longest period of Republican control since the early 20th Century. It ended a similar period of Senate control interrupted for 18 months in 2001-2002 by Vermont Sen. James Jeffords' switch from Republican to Independent, which gave Democrats nominal control of the chamber but little policy influence.

More importantly, George W. Bush's lame duck biennium will end a six-year period in which Republicans controlled all three branches of the national government – legislative, executive and judicial – for the first time since the 1920s. In 2003, Steven Schier argued in these pages that this has been a period "unusual in the wide scope of its ambitions" in foreign and domestic policy. Schier argued that,

> [t]he primary project of the Bush presidency is the completion of the political reconstruction of national politics, government and policy begun by Ronald Reagan in 1981. Examine the features of the second Bush regime, and you will find commitments, policies and tactics consistent with those of Reagan and having as their ultimate end the lasting triumph of Reaganite rule in national government: military strength, tax cuts, enhanced executive power at the expense of Congress and a stable electoral majority that prefers conservative Republicans" (Schier 2003).

Democrats, Republicans, and most observers of American politics of the past thirty years would join me in concurring with these elements of Schier's analysis.

I would however make a broader argument: that in addition to the elements Schier describes, the ambition of Reagan and Bush Republicans has been to roll back the bipartisan Progressive project of the 20th Century.

That Progressive project included three domestic elements that Reagan and Bush Republicans would generally label "big government." The first element is the regulatory system initiated by Theodore Roosevelt and his Progressive allies, who sought regulation of private business activities destructive of public interests and values. They sought legislation to constrain the financial practices of corporations and trusts, regulate labor practices including child labor, and guarantee food safety and public sanitation, among other things. Franklin Roosevelt worked during the New Deal to expand this regulatory system to cover a broader array of economic activity, particularly those of banks and financial institutions, and to guarantee the rights of American workers to organize and bargain collectively. Democratic and Republican presidents from Truman to Carter oversaw the further expansion of the national government's regulatory power to include workplace safety and environmental protection. In all of these cases, a core intent was to create and exercise public or governmental power to match corporate or other private power, and to protect Americans and America.

The second element of the Progressive project was public provision of goods and services, often for those who could not provide for themselves. During the New Deal, Progressives supported the creation of the Social Security system of pensions for the elderly, disabled and dependent children, as well as unemployment insurance and job training programs. They also enacted legislation creating public housing and food subsidies for the poor. After World War II, President Truman and Democrats expanded public subsidies for hospitals and health care provision, and Lyndon Johnson led the creation of Medicare for the elderly and Medicaid for low income Americans. Johnson's Great Society dramatically expanded means-tested programs for the poor as well as federal subsidies of elementary and secondary schooling and Head Start for pre-schoolers. In these and other such policies, Progressives worked to mitigate the inequalities inherent in a market-based economy, and to establish basic minimal standards of material living for Americans.

Third, Progressives worked to secure and advance the civil rights of the less powerful. This was the most belated aspect of the Progressive project, begun by President Truman's desegregation of the Army and President Eisenhower's sending of federal troops to Little Rock, Arkansas to enforce a federal court order to desegregate that city's public school system. The Black Civil Rights Movement of the 1950s and 1960s provoked, consolidated and expanded these efforts to include legislation intending to secure the voting rights of all Americans, as well as protection from discrimination and exclusion in housing, education and other areas. Women, Chicanos, homosexuals, Asian Americans and other marginalized groups followed the Civil Rights Movement's model and worked with greater and

lesser success to gain federal government protection and advancement of their rights as well.

Each of these endeavors expanded the scope and reach of government in the United States, and each provoked substantial resistance. The contemporary form of this resistance first crystallized in Arizona Sen. Barry Goldwater's presidential candidacy in 1964. It also shaped Alabama Gov. George Wallace's and former Vice President Richard Nixon's 1968 presidential campaigns, and its advocates nearly secured the presidential nomination of former California Gov. Ronald Reagan in 1976. Their triumph finally came in 1980, when Reagan won the presidency in a landslide and swept a Republican majority into the U.S. Senate on his coattails.

Reagan was a forceful and articulate challenger of the Progressive project, rallying voters against "big government" in all its incarnations and arguing in his first inaugural address that "In this present crisis, government is not the solution to our problem. Government is the problem." He attacked all three dimensions of the Progressive project, securing substantial deregulation of businesses, slowing the growth of public spending on means tested programs, and shifting government attention away from civil rights protections and enforcement he viewed as divisive and unfair. With a persistent Democratic majority in the House of Representatives, however, he and his Republican allies never had the kind of free hand they needed to fundamentally reshape American government and to turn decisively away from the Progressive project.

That task was left to Texas Gov. George W. Bush after his accidental election to the presidency in November 2000 (Wand et al. 2001). He took office in January 2001 along with small but cohesive Republican majorities in both the House and the Senate, and together they set to work rolling back all three elements of the Progressive project.

Rolling Back the Progressive Project

The Bush Republicans' work on the first, regulatory, element focused on both executive action and legislation. President Bush appointed anti-regulation officials to the full array of executive branch agencies, ranging from the Departments of Labor and Commerce to the Department of Interior and the Environmental Protection Agency. His Interior Department Secretary, for example, was Gail Norton, a former lobbyist for the lead industry. These officials immediately began reorienting their subordinates away from regulating private sector activities, and their work was further supported by the Republican Congressional majority, which had embraced business deregulation and tax cuts in their Contract with America in 1994.

President Bush's efforts on the second element of the Progressive project were more complex. On one hand, he carried forward the "welfare reform" policies enacted by the Republican Congressional majority in 1996 and signed by President Bill Clinton, which ended the entitlement of poor American men, women and children to a basic income. President Bush also pressed for the "privatization" and disaggregation of medical and pension programs, arguing instead for individualized "health savings accounts" and "personal accounts" under the Social Security program. These policies would erode the diffusion of catastrophic risk offered by social insurance, and instead shift the risk of personal bankruptcy and poverty onto individuals and households (Hacker 2006).

On the other hand, President Bush also supported the enactment of two substantial expansions of government social spending. First, he fought for and signed the No Child Left Behind Act of 2001, which reauthorized the Elementary and Secondary Education Act, a centerpiece Lyndon Johnson's Great Society program. NCLB expanded federal involvement in a traditionally state and local government activity and also substantially increased the amount of money spent on the program. Second, President Bush fought for the 2003 creation of a dramatically expanded prescription drug benefit under Medicare, a policy that will cost hundreds of billions of dollars in its first ten years. These two actions, along with his willingness to sign a huge highway bill, earned President Bush scorn from many Republicans who objected to what they saw as "big government conservatism."

President Bush has established a somewhat more consistent record in rolling back the third element of the Progressive project. He ran for office in 2000 as a "compassionate conservative" actively seeking the support of African Americans and particularly Latinos, and like President Reagan, Bush openly embraced the rhetoric of equal opportunity and racial tolerance. On the other hand, he consistently challenged government activism in support of civil rights for women and minorities, notably directing the Justice Department to file briefs in support of lawsuits challenging affirmative action and school desegregation. His administration has elevated gay marriage to a constant topic of political debate, and the President has supported a constitutional amendment to deny marriage rights for homosexuals.

As Steven Schier notes, Presidents can advance such policy agendas in several ways, including political and electoral work, policy and legislation, and governance. President Bush and his political allies, guided by presidential advisor Karl Rove and House Majority Leader Rep. Tom DeLay of Texas, proved particularly effective in the political and electoral work. Their strategy focused on expanding and mobilizing the Republican party's "base" of conservative voters, and establishing an image of forceful and clear leadership in the minds of independents. For the first six years of Bush's presidency they succeeded in

minimizing the tensions among social conservatives, business conservatives and libertarians within the Republican coalition, and in gaining sufficient independent support to establish narrow but stable majorities that would elect Republicans at all levels of government.

President Bush and his allies also achieved notable policy success both in the executive branch and in Congress from 2001 through 2006. The ability of Congressional Republican leaders to enact legislation with little dissent became legendary, particularly in the House, where for example the first round of tax cuts sailed through in a matter of days with little debate in March, 2001. Republican members of both the House and the Senate established nearly unprecedented records of party unity in their voting, which enabled their leaders to prevent virtually any serious consideration of legislative proposals not supported by the White House (Sinclair 2006). When party unity faltered, as it did for example in the enactment of the Medicare prescription drug benefit, Republican leaders proved willing to manipulate the rules of both the Senate and the House almost beyond recognition (Mann and Ornstein 2006). In February 2006, they even succeeded in enacting a deficit reduction bill that violated the Constitution's requirement that all laws pass the Senate and the House in identical form. President Bush signed the "corrected" version and Republicans successfully defied anyone to challenge them (Weisman 2006).

It was in governance that President Bush and the Congressional Republicans ultimately faltered. Their early actions drew little public objection. Although expressing hostility to the very nature of government, President Bush followed President Reagan's lead in paying close attention to its personnel, purging the executive branch and appointing only political allies to cabinet agencies and judicial positions. The Bush White House carried these practices even further, screening appointments to scientific review boards and advisory commissions as well as independent agencies. Congressional Republicans were similarly thorough, purging insufficiently dependable staff and proclaiming that members would not meet with lobbyists from firms that hired Democrats. Partisan loyalty became the highest value, and Republican leaders in the House purged their Ethics Committee chair when he agreed to investigate allegations of wrongdoing by a fellow member of his caucus.

A series of catastrophic events revealed breakdowns in this Republican approach to governance. As the Iraq war turned increasingly grim in 2005 and 2006, it became clear that the administration's intelligence gathering and analysis had been deeply flawed, and Secretary of Defense Donald Rumsfeld and National Security Advisor-turned Secretary of State Condoleezza Rice proved both unwilling to acknowledge their fundamental errors and unable to offer war policies that would bring any prospect of success on the ground. Hurricane Katrina hit New Orleans and the Gulf Coast in August of 2005 and the federal

government's emergency assistance system proved incapable of responding to the calamity, instead casting about wondering whom to blame. In the 15 months since, New Orleans has remained a persistent disaster area with no effective government remedy in sight. In 2006, three Republican members of Congress resigned under indictment and two were convicted of felonies even though the House's Ethics Committee had never even begun proceedings on any of the allegations against them. A sex scandal involving the Congressional page program burst into public view in August of 2006, and Republican leaders in the House argued among themselves over who should have done something about the problem during the months that they had known about it.

So while a majority of voters remained supportive or at least tolerant of the political and policy efforts of President Bush and Congressional Republicans throughout 2005 and 2006, those same voters grew increasingly critical of the Republicans' failures in governance. The percentage of Americans approving of the President's handling of his job fell dramatically during that period, and settled in the mid-30s for most of 2006. Approval of Republicans' stewardship of Congress slipped even lower, to the point where even a large minority of self-identified Republican voters disapproved of their representatives' work. On Election Day, voters told survey researchers that their chief concern was corruption and ethics, and they had no confidence in Congressional Republicans' ability to offer solutions to their own governance problems. Similarly, the large proportion of voters expressing concern with Iraq said they had voted heavily against the Republicans and for Democratic Congressional candidates.

That was all the Democrats needed. Regardless of their own legislative proposals (which were substantial), exit polls suggest that Democrats' fortunes at the ballot box were often more about voters' rejection of President Bush and Congressional Republicans than they were about the alternative candidates. This was especially true in House elections, where Republican candidates struggled to distinguish themselves from their disgraced leaders. Democrats beat dozens of supposedly safe Republican candidates, including long-time incumbents and some races in districts that had voted overwhelmingly for President Bush in 2004.

Ironies abound here. Reagan-Bush Republicans campaigned for office by challenging "big government," and voters either supported or proved willing to tolerate their policy efforts to transform government and roll back the Progressive project. President Bush and Congressional Republicans achieved substantial success in this transformational effort, particularly when it came to politics and policy. Although virtually all elements of the Progressive project remain broadly popular among Americans, the radicalism of the Bush Republicans' political program did not create problems for them at election time in 2002 or 2004. Indeed, Bush won the popular vote in 2004 that he had failed to win in 2000. But the Bush Republicans' inattention to basic governance proved to be their undoing:

the election outcomes of 2006 suggest that voters simply will not tolerate neglectful, incompetent or corrupt governance, particularly in a time of crisis.

Waiting for Howie?

No matter why it happened, it is a Big Deal that the Reagan-Bush revolution has been interrupted. But what does this mean for the future? Will American government continue its turn away from the Progressive project, and toward a Reagan-Bush vision of politics and policy? It is impossible to say. As my colleague Andrew Busch has observed, it could be that the Democratic victory in 2006 is like the Republican Congressional victory in 1946, a fleeting repudiation of an unpopular president that does not change the fundamental dynamics of the time. If that is the case, Republicans will take back Congress and perhaps the presidency in 2008 and the Progressive project may come to a definitive end.

Alternately, 2006 could be more like 1958, a Democratic surge that presaged a long period of cohesive party control and substantial policy innovation. That seems doubtful to me, not least because few Congressional Democrats seem committed to the broader purposes of the Progressive project or even aware of its particulars or its role in American public life. Even if Democrats hold the House and the Senate for a time, it isn't clear what they will do with that power.

Finally, the Democratic victory in 2006 could be like the Republican victory in 1994. That is, a dramatic surge to be followed by a determined struggle to cling to a small majority. The 25-seat Democratic House majority is about the size of the majority Rep. Newt Gingrich led in 1995 as he fought to establish the Contract with America as the nation's legislative agenda. Congressional Republicans accomplished a great deal during Clinton's last six years, and a great deal more during the first six years of George W. Bush's presidency. But for many Congressional Republicans, the preservation of that majority apparently became an end in itself, and a majority of voters turned against them. A cautionary tale for all concerned.

Will the next elections bring Big Deals or No Big Deals? Perhaps we could ask Howie Mandel to distract and entertain us as we wait to find out.

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The Forum

Volume 4, *Issue* 3 2006 *Article* 9

2006 MIDTERMS: POST-ELECTION APPRAISAL

A Regional Analysis of the 2006 Midterms

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A Regional Analysis of the 2006 Midterms*

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Abstract

For only the sixth time since 1900, control of both the House and Senate switched during a midterm cycle in the 2006 congressional elections. Although the magnitude of the changes was not as great as 1994, the results from 2006 more fully aligned the two parties' control of Congress with their presidential performance in the Electoral College. Democrats now dominate the Northeast in the same way Republicans dominate the South. For the first time in decades, Democrats will govern as a solidly non-Southern party. At the same time, Republicans face the challenge of overcoming the perils of regional over-representation and a drift to the right, as suggested by the recent comeback of Mississippi Senator Trent Lott. In coming cycles, election battles will focus most fiercely on the 20 competitive Midwest and Interior West states.

KEYWORDS: congressional elections, political parties, midterms, southern politics

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The election of the 2006 represents a significant event in American politics. Since 1900, control of the House and Senate has shifted parties in only five previous midterm elections (1910, 1918, 1946, 1954, and 1994). In another two midterms (1986 and 2002) control of the Senate, but not the House, shifted parties.[1]

While notable, the elections of 2006 do not seem to represent a fundamental shift in basic patterns of American electoral behavior. For the last fifty years, the parties have engaged in a process of shifting their regional bases. The principal source of this shift has been in the South, as the region moved from solidly Democratic to competitive to solidly Republican. A corresponding, but less significant shift saw control of the Northeast change from the Democrats to the Republicans. Evidence of the changes in regional voting patterns can be seen by comparing the House lineups in 2006 and 1954, the last election in which the Democrats regained the majority.

Table 1 shows the regional breakdown of seats held by the Democrats. In 1954, the Solid South was still much in evidence as that party controlled all but 10, or 92 percent, of the region's House seats. In contrast, the Democrats were clearly the minority party in the other regions. By 2006, however, the Democrats had become the minority party in the South, but ran much more strongly in the other regions, particularly the Northeast.

Table 1: Percent of Seats Held by Democrats, 1954 v. 2006

	1954			2006			
Region[2]	Total Seats	D Seats	% D	Total Seats	D Seats	% D	Change in % D
Northeast	129	58	45%	95	70	74%	29%
Midwest	129	44	34%	100	49	49%	15%
West	57	20	35%	98	57	58%	23%
South	120	110	92%	142	57	40%	-52%
Total	435	232		435	233		

[1] In 1930, the Republicans managed to hold the House 218-216, but by the time the new Congress met (prior to the passage of the 20th Amendment this did not occur until the following December, thirteen months later) 19 representatives-elect died and Democratic victories in the ensuing special elections gave them control of the House.

[2] Northeast: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. Midwest: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. West: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. South: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

These changes in regional competitiveness have also altered significantly the regional composition of the parties. As Table 2 shows, in 1954, nearly half of all Democratic House members represented the South. Today, in contrast, the Democratic caucus is relatively well balanced across all regions.

Table 2: Regional Breakdown of Democratic Seats, 1954 v. 2006

	1954			2006			
	Total Seats	D Seats	% of All D Seats	Total Seats	D Seats	% of All D Seats	Change in % of All D Seats
Northeast	129	58	25%	95	70	30%	5%
Midwest	129	44	19%	100	49	21%	2%
West	57	20	9%	98	57	24%	15%
South	120	110	47%	142	57	24%	-23%
Total	435	232		435	233		

The Republicans, however, now run the risk of regional over-representation (Table 3). In 1954, Southerners were a trivial percentage of Republican House members. Today, however, Southerners are nearly as dominant in the GOP as they were in the Democratic Party fifty years ago.

Table 3: Regional Breakdown of Republican Seats, 1954 v. 2006

	1954			2006			
	Total Seats	R Seats	% of All R Seats	Total Seats	R Seats	% of All R Seats	Change in % of All R Seats
Northeast	123	71	35%	95	25	12%	-23%
Midwest	129	85	42%	100	51	25%	-17%
West	57	37	18%	98	41	20%	2%
South	126	10	5%	142	85	42%	37%
Total	435	203		435	202		

Exit polls also show these regional differences in the House vote, with the Democrats carrying the Northeast by 28 points, the Midwest by 5 points, the West

by 11 points, while losing the South by 8 points.[3] Nonetheless, the 2006 election results only contributed marginally to this trend of regional realignment. Table 4 shows that the shift away from the Republicans in 2006 was relatively evenly distributed throughout the U.S. In 2004, the Democrats received approximately 49 percent of the two-party House vote. In 2006, they increased their percentage to 54 percent, a shift of just over five percentage points.[4] The Democrats ran a bit better than this in the Northeast and the South, but a bit behind in the Midwest and West. Exit polls show that the Democrats increased their vote by six percentage points in the Northeast and the Midwest, but only three points in the West and two points in the South.

Table 4: Democratic Percentage of Two-Party House Vote

	2004	2006	Change
Northeast	57.7%	64.3%	6.6%
Midwest	48.3%	52.5%	4.2%
West	51.5%	55.7%	4.2%
South	41.0%	46.9%	5.9%
Total	48.7%	54.0%	5.3%

The change in House seats reflects an even more pronounced regional variation. Overall, 30 seats switched from the Republicans to the Democrats in 2006.[5] As Table 5 shows, most of these newly-captured Democratic seats were in the Northeast and the Midwest. This pattern is reinforced when we look at the percentage of GOP-held seats the Democrats flipped. Here, the Democratic gains in the Northeast and Midwest are even more evident. In the Northeast, the Democrats succeeding in winning nearly a third of the GOP held seats. In the Midwest, the Democrats took nearly one in six Republican seats.

If the year-against increases in the South between 2004 and 2006 seem a bit incongruent with the relatively low seat capture in the region, remember that not only did Democrats lose the region overall, but that the racial-partisan gerrymandering of southern House districts arguably makes the win-loss responsiveness less sensitive to electoral waves. Put more simply, the packing of Hispanic and African American voters into majority-minority districts means that

[3] Exit polling data available at [http://www.cnn.com/ELECTION/2006/pages/results/states/US/H/00/epolls.0.html].

[4] Figures compiled from election data purchased from Polidata (http://www.polidata.org/). These figures also include estimated vote totals for five uncontested House seats in Florida. For these races, I used the average number of votes for winning candidates of that party in contested races.

[5] As we write, the election in the Florida 13th is still undecided. Republican Vern Buchanan has a slight lead, but strong evidence of voting machine irregularities in Sarasota County probably means that a final determination may be weeks or months away. All calculations include the Florida 13th as a Republican seat.

the magnitude of an electoral wave must be greater to produce the sort of changes that might be expected elsewhere. This reality is one that Democratic governors and state legislators, who are at much greater parity with Republicans than are Democrats in the Congress, ought to keep in mind as the 2010 Census approaches.

The Democrats' performance was particularly poor in the South, where they managed to only win six of the 91 GOP-held seats. And even this overstates the Democrats' accomplishments, since three of the Democratic switches resulted from very unusual circumstances. In the Texas 22nd, embattled and indicted Republican Majority Leader Tom DeLay resigned his seat and sought to withdraw from the race, but local Republicans failed in their efforts to replace him on the ballot. This forced the Republicans to mount a difficult and ultimately unsuccessful write-in campaign. Additionally, in the Florida 16th, incumbent Republican Mark Foley resigned in early October after allegations of improper conduct with congressional pages. The lateness of his resignation meant that Foley's name stayed on the ballot. In both races, had the GOP been able to place other candidates on the ballot, they almost certainly would have held the seats. Finally, one Democratic pickup came in a run-off election in the Texas 23rd, where the district was redrawn to include more Hispanics after the U.S. Supreme Court ruled that its existing boundaries violated the Voting Rights Act. Without these seats, the Democrats would only have won 3 in the South, or 2 percent of all seats in the South and 3 percent of the GOP-held seats in the region.

Table 5. 2006 House Seat Switches, by Region

Region	Seats	Switches	% Switching	2004 GOP Seats	% Switching
Northeast	95	11	12%	36	31%
Midwest	100	9	9%	60	15%
West	98	4	4%	45	9%
South	142	6	4%	91	7%
Total	435	30	7%	232	13%

Another interesting result is the strange polarity in the types of districts Democrats picked up. On one extreme, Democrats unseated or replaced 10 of the 18 seats held by Republicans from the 176 districts that John Kerry and Al Gore both carried, for a 56 percent "switch" rate (see Table 6). It is least surprising that a significant share of these seats flipped, for the Republicans in them were winning despite a clear Democratic tilt in presidential elections and an undeniable voter penchant for splitting the federal tickets. Winners here include Joe Courtney (CT-2), Paul Hodes (NH-2), Ron Klein (FL-22), Dave Loebsack (IA-2), and Ed Perlmutter (CO-7).

At the other extreme, Democrats defeated 19 of the 207 Republicans, or about

9 percent, from the 237 districts that Bush carried in both 2000 and 2004. These Democratic pickups, on the other hand, are the more unlikely 2006 wins—although, as we mentioned earlier, this group includes two seats where the GOP was defending the seats of resigned members with write-in substitutes (FL-16 and TX-22). Surprise winners in this category include Jason Altmire's victory over Melissa Hart (PA-4), Nancy Boyda's upset of Jim Ryan (KS-2) and Harry Mitchell's defeat of J.D. Hayworth (AZ-5).

Table 6. 2006 House Seat Switches, by Presidential Winner

2000 and 2004	Seats	Republicans	Defeated	% Switching
Both Gore and Kerry	176	18	10	56%
Either Gore or Kerry	22	7	0	0%
Bush carried twice	237	207	19	9%
Total	435	232	29[6]	13%

What is perhaps most surprising are the results from the 22 mixed districts—i.e., those that one of the past two Democratic presidential nominees carried, but not both. Oddly, none of these districts changed partisan hands. How is it that this small, middle group, which includes 15 Democrats and seven Republicans, managed to produce not a single party switch? It may simply be that this group of embattled centrists has developed special appeals to their respective constituencies. Alternatively, it may be that both parties focused so much attention on these districts, that their efforts were neutralized.

Whatever the case, these 22 incumbents may need to tread carefully in the next two years, especially since only two of them got above 55 percent of the vote. They will be among the targets that the parties will be trying to switch or defend. And among the 15 Democrats from this group, nine, or 60 percent, of them are from the South: John Barrow (GA-12); Marion Berry (AR-1); Sanford Bishop (GA-2); Lloyd Doggett (TX-25); Ruben Hinojosa (TX-15); Brad Miller (NC-13); Solomon Ortiz (TX-27); Mike Ross (AR-4); and John Tanner (TN-8). Winning narrowly during a strong Democratic year in a district that, in seven of the nine cases, Kerry lost, is a potential harbinger of electoral jeopardy for these Democrats in 2008.[7]

There are several consequences of the regional patterns resulting from the 2006 election. First, the Democrats will, for the first time in decades, govern as a solidly non-Southern party. In fact, for the first time since the 83rd Congress (1953-54), the party which controls the minority of southern seats in the House

[6] This tabulation does not include the Texas 23rd, where the recent redrawing of the district boundaries makes it impossible for us to determine the 2004 presidential vote.

[7] Kerry won, but Gore lost, Doggett's and Miller's districts; in the other seven, the reverse is true.

and Senate will nevertheless be the majority party in both chambers. The portion of non-Southerners in the Democratic caucus is even higher than it was after the Democratic landslide of 1964. In that year, 194 of 295 Democrats (66 percent) were from outside of the South. In the upcoming Congress, 177 of 233 Democrats (76 percent) will be from outside of the South. And while many Democrats from outside of the South are moderate or conservative in their views, the Democrats in the upcoming Congress will likely present the most consistently liberal governing majority in many decades, if ever. Indeed, the 110th Congress could easily be described as the most liberal in history were the size of Democratic majority as large as it was were during the Kennedy-Johnson era. Because the governing margin is so much smaller, conservative Democrats, even if smaller in proportion, will still hold significant sway.

Second, the Republicans face the challenge of overcoming the perils of regional over-representation. Parties too narrowly based in one region, especially a region that it is ideologically out of step with the rest of the country, confront the political equivalent of Gresham's law as ideologically extreme views tend to become increasingly predominant within the party. That growing ideological purity threatens to further narrow the Republican appeal to other regions, which could, in turn, make the GOP an even more regionally concentrated party.

One sign of this process might be the recent comeback of Mississippi Senator Trent Lott. Lott was forced to step down as Republican minority leader in late 2002 in response to a public outcry after he praised Strom Thurmond's segregationist 1948 presidential campaign. Shortly after the election, Lott was able to return to his party's leadership when he was elected as minority whip, albeit by only one vote. It seems unlikely that Lott would have won that election if the Republicans had maintained their majority in Congress, if only because several of the losing northern Republican Senate candidates, such as Lincoln Chafee, of Rhode Island, would have been much less likely to vote for someone with Lott's political baggage. Though much of the dust has settled since the initial controversy, the Republicans' renewed identification with Lott will surely hinder their efforts to reach out to moderate voters outside of the South.

On the other hand, the post-election leadership battles in the House reflect some recognition among Republicans that they had better be careful not to move too far to the right. Although neither Mike Pence of Indiana nor John Shadegg of Arizona are southerners, had they replaced Ohio's John Boehner and Missouri's Roy Blunt for the top two Republican leadership positions, their victories would have marked a significant shift rightward because Pence and Shadegg are ranked by the *National Journal* as two of the 10 most conservative members of the

Republican House caucus. Though nobody would call them liberals, Boehner and Blunt are ranked 46th and 76th most conservative, respectively.[8]

Conclusion

There has been a steady bifurcation of the two major parties in recent presidential contests, with Republicans dominating the Southeast, the Plains and Mountain states, as Democrats locked down the Northeast and the Pacific Coast. In 2004, just three states switched partisan hands from 2000: Iowa and New Mexico went from Al Gore in 2000 to George W. Bush in 2004, while New Hampshire flipped from Bush to John Kerry. The flip of only three states was the fewest to change since George Washington again won unanimous re-election in 1792—and Washington's selection came before the advent of popular voting in presidential elections. In short, the 2000 and 2004 presidential elections represent the most stable consecutive presidential elections in American history. The electoral map, at least for the moment, is calcifying.

This pattern of calcification and clear regional divisions to some degree also existed on the congressional level prior to 2006. What the results from 2006 did was more fully align congressional control with recent presidential outcomes. The Democrats now boast 21 of 22 House seats from the six New England states and, if Vermont's Bernie Sanders is counted as a member caucusing with the Democrats, the party controls eight of New England's 12 senators. In the Northeast and Midwest more broadly, the Democrats control a share of seats commensurate with their dominance of the region in presidential politics, and achieved such parity by purging the Rust Belt of what were once known as "Ford" or "Rockefeller-style" Republicans. Meanwhile, despite a few isolated Democratic wins in the best Democratic cycle since at least 1992, the Republicans for the most part held sway in the South, losing just six House seats and the Virginia senate seat captured by a former Republican and Reagan Navy secretary who won narrowly over one of the most self-destructive incumbent candidates in recent memory.

Whether and to what degree these regional patterns in congressional results persist will depend on a variety of factors, including but not limited to the targeting by the parties' House and Senate campaign committees, the nominees and result of the 2008 presidential election, and the competitiveness of state and local party organizations. On this last count, the trend toward regional symmetry continues, with most of Democratic gains among governors and state legislatures

[8] Based on rankings for the 108th Congress, of the 224 members for whom the National Journal provided ideological vote scores, Pence was the fifth most conservative and Shadegg was tenth. (As of this writing, final ratings for the 109th Congress were not yet available.

coming outside the South: Five of the six new Democratic governors elected in 2006 (Arkansas' Mike Beebe excepted) won outside the South, and in the 2004 and 2006 cycles the Democrats flipped a combined 18 state legislative chambers, only one of which was in the South.

Returning to Congress, there still exist what might be called "regionally misplaced" members of Congress for both parties—i.e., southern Democrats and northeastern Republicans. And it is quite possible that both parties have maximized their control over their regional strongholds. If true, the battle in coming cycles will focus on the more competitive Midwest and Interior West states. These 20 states were home to all but three of the 11 states decided by five points or fewer in the 2004 presidential race, the idea that these states and regions will become the central battlegrounds for the future control of Congress makes perfect sense—especially in the wake of the 2006 midterms, which aligned national legislative control more closely with presidential performance.

The Forum

Volume 4, *Issue* 3 2006 *Article* 10

2006 MIDTERMS: POST-ELECTION APPRAISAL

The New Democratic Majority in Congress: Preferences, Structure, and Bargaining

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The New Democratic Majority in Congress: Preferences, Structure, and Bargaining*

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Abstract

This paper begins by exploring the impact of the 2006 midterm elections on the distribution of policy preferences within the U.S. House and Senate during the 110th Congress. We then consider the consequences of the new political configuration in Washington for the distribution of power between party leaders and the committee systems in both chambers, the patterns of bargaining that will occur between congressional Democrats and the Bush White House, and the likely contents of legislative outcomes during 2007-08.

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The 2006 midterm elections produced a shift from GOP to Democratic control in both chambers of Congress and a general sense among political elites that the public prefers a more centrist policy agenda, including significant changes in U.S. involvement in Iraq. After four years of unified Republican control, power in Washington is once again divided along partisan lines, with a Democratic Congress and a Republican president. What are the likely consequences for governing in the 110th Congress? We begin by exploring how the configuration of member preferences within the new Congress is likely to compare with the distribution of preferences during 2005-06. Our attention then turns to likely changes in the roles played by party leaders and committees. We also consider the consequences of the 2006 elections for bargaining between the Congress and the Bush White House, the content of the policy agenda, and the fate of legislation.

The Distribution of Preferences

In contrast to the landmark 1994 midterm elections, which GOP leaders portrayed in starkly ideological terms, most congressional Democrats have not chosen to interpret the 2006 results as a mandate for a left-leaning agenda. The election of a Democratic majority mostly turned on party victories in moderate districts and increased support from centrist voters. In the six states where Democrats picked up Senate seats, exit polls indicated that independent voters and ideological moderates were disproportionately likely to vote for the Democratic candidate.[1]

Tables 1 and 2 provide summary data about the impact of the 2006 elections on the distribution of member preferences in the House and Senate. In Table 1, we divide GOP and Democratic members of the 109th House and Senate into deciles, depending on their DW-Nominate scores.[2] In the House, the first four deciles are for the most liberal House members. All of the members in these deciles were Democrats. Not surprisingly, the five most conservative deciles (6-10) were comprised of Republicans. Only a single decile (the fifth) included representatives from both parties. Based on the DW-Nominate values for the Senate, the distribution of ideological views in that chamber was similarly polarized along party lines during the 109th Congress.

[1] Bob Benenson, "Swing Voters Change Course," *CQ Weekly Report*, November 13, 2006, 2964.
[2] Devised by Keith Poole and Howard Rosenthal, first-dimension DW-Nominate values are the most commonly used indicators of legislator ideology in political science. They range from -1 (very liberal) to +1 (very conservative). Rank orderings for the 109th Congress were downloaded from http://voteview.com and were current as of July 1, 2006.

Table 1. Changing Composition of the House and Senate: Member Ideology

	House			Senate		
DW-NOMINATE by Deciles	Republicans in the 109th House	Democrats in the 109th House	Republican Seat Losses	Republicans in the 109th Senate	Democrats in the 109th Senate	Republican Seat Losses
1	0	44	--	0	10	--
2	0	43	--	0	10	--
3	0	44	--	0	10	--
4	0	43	--	0	10	--
5	15	29	7 (46.7%)	5	5	2 (40%)
6	43	0	7 (16.3%)	10	0	0
7	44	0	4 (9.1%)	10	0	3 (30%)
8	43	0	5 (11.6%)	10	0	0
9	44	0	4 (9.1%)	10	0	1 (10%)
10	43	0	3 (7.0%)	10	0	0
Total	232	203	30	55	45	6

NOTE: Although formally independents, Bernie Sanders and James Jeffords, both of Vermont, are treated as Democrats because they supported the party on organizational matters. For the House, the total number of members within each DW-Nominate decile alternates between 44 and 43 because the size of the membership does not evenly divide by ten. Percentages reported in columns 4 and 7 are for the number of GOP seat losses divided by the number of GOP seats in the relevant DW-Nominate decile.

For each chamber, the table also indicates where the GOP seat losses (both incumbent defeats and open seat races that produced Democratic victories in constituencies previously represented by Republicans) were located along the liberal-conservative spectrum. In the House, there were Democratic pickups in districts represented by GOP incumbents across the full range of ideological deciles that included at least one Republican in the 109th Congress. Still, almost half of the Democrat seat gains were in districts that had been represented by moderate Republicans during 2005-06. From within the fifth decile, for instance, the Republican losses include longtime party centrists Jim Leach, Iowa, and Nancy Johnson, Conn. In the Senate, GOP losses included two party moderates (Lincoln Chafee, R.I. and Mike DeWine, Oh.). The other four losses were mainstream conservatives (James Allen, Va., Conrad Burns, Mont., Rick Santorum, Penn., and Jim Talent, Mo.)

We cannot predict with precision the ideological values of the Democrats replacing these defeated Republicans, but the partisan and ideological leanings of their constituencies are an important clue. Table 2 categorizes congressional districts and states by the percentage of the vote given to George W. Bush in the 2004 presidential contest. Obviously, a number of factors shape voting in presidential elections at the district or state level. But congressional elections scholars often use the presidential vote as an indicator of ideological/partisan leanings within a district or state (Jacobson, 2004) and we follow their lead here. Interestingly, only two of the House Democratic pickups were in districts that can be characterized as safe for the party (Bush received 45 percent or less of the vote in 2004). Nine of the House seats that changed hands were solidly in the GOP camp during the previous presidential campaign and in the remaining 19 both Bush and Kerry were competitive. Regardless of the ideological leanings of the defeated Republicans, then, the districts that Democrats picked up in 2006 were predominantly conservative or moderate-leaning constituencies. It makes good sense that (according to media accounts) the Democrats who ran and won in these districts disproportionately emphasized centrist themes in their campaigns.[3] The Senate half of Table 2 indicates that only one of the Democratic pickups in 2006 was on solidly Democratic terrain – Sheldon Whitehouse's defeat of Lincoln Chafee in the "blue" state of Rhode Island – and four of the party's victories were in states where both presidential candidates were fairly competitive in 2004. Of the newly elected Senate Democrats, at least four (Robert Casey, Penn., Claire

[3] See, for example, Arthur H. Rotstein, "Center's votes likely to hold key to who wins Kolbe's seat," *Associated Press State and Local Wire*, October 21, 2006; Tim Whitmire, "In fierce campaign, Shuler dances between moderates and liberals," *The Associated Press State and Local Wire*, November 2, 2006; "Boyda strategy changed from '04," *Topeka Capital-Journal*, November 4, 2006, 1A.

Table 2. Changing Composition of the House and Senate: Constituency Partisanship/Ideology

	House			Senate		
2004 Constituency Support for Bush	Republicans in the 109th House	Democrats in the 109th House	Republican Seat Losses	Republicans in the 109th Senate	Democrats in the 109th Senate	Republican Seat Losses
<= 30%	0	49	--	0	0	--
31-35%	0	18	--	0	0	--
36-40%	0	34	--	1	7	1 (100%)
41-45%	2	43	2 (100%)	2	10	0
46-50%	20	24	8 (40%)	9	15	1 (11.1%)
51-55%	49	17	11 (22.4%)	10	4	3 (30.0%)
56-60%	57	13	6 (10.5%)	16	6	1 (6.3%)
61-65%	57	2	3 (5.3%)	8	2	0
66-70%	29	3	0	7	1	0
>70%	18	0	0	2	0	0
Total	232	203	30	55	45	6

NOTE: Percentages reported in columns 4 and 7 are for the number of GOP seat losses divided by the number of GOP seats in the relevant range of 2004 Bush support. 2004 presidential election data are drawn from *The Almanac of American Politics, 2006,* edited by Michael Barone and Richard E. Cohen, The National Journal Group.

McCaskill, Mo., Jon Tester, Mont., and James Webb, Va.) clearly positioned themselves as centrist Democrats in their campaigns.

One implication of Tables 1 and 2 is that the Democratic majorities of the 110th House and Senate should be somewhat more heterogeneous ideologically than was the case for the GOP majorities of the 109th Congress. During 2005-06, the standard deviation in district 2004 Bush support among House Republicans was 7.20, while the analogous standard deviation within the new Democratic majority is 12.81. If the Democrats are to hold on to their majority, it will be crucial for them to continue to appeal to voters in the centrist and right-leading constituencies where they picked up seats in 2006.

Another implication of the tables is that Democratic leaders in both chambers will need to retain most if not all of their moderate members to prevail in committee and on the floor. The distribution of preferences is especially precarious for Democrats in the Senate, where the party's organizational majority includes just fifty Democrats and one independent; far short of the sixty votes necessary to invoke cloture and end a filibuster without support from the minority party.[4] The centrist nature of the constituencies represented by the newly elected Democrats will further complicate attempts by Democratic leaders to advance initiatives aimed at pleasing the party's activist base.

Especially in the House, the GOP losses of 2006 came disproportionately from the party's moderate ranks. In the 110th Congress, the House Republican Conference will be even more homogeneous than was the case during the 109th Congress, and also in comparison with the Democratic minority of 2005-06.[5] Remarkably, the ranks of ideological moderates within the Senate Republican Conference now include just three members from two northeastern states (Susan Collins and Olympia Snowe of Maine and Arlen Specter, Penn.).

One key question concerns the ability of moderate members of both parties to form organized coalitions capable of bargaining with party leaders. Members of the House Democratic "Blue Dog" coalition and the Republican "Tuesday Group," both vehicles for party moderates, met privately before the November 7 elections to gauge whether they could work together across party lines on common agenda items. In the 110th Congress, the number of Blue Dogs will rise to 40-45 members. Following the election, the leaders of the Blue Dogs pledged

[4] As a Senator, Bernie Sanders, I-Vt., will continue his House practice of supporting the Democrats on organizational matters. At the beginning of the 110th Congress, the formal party designation of Joseph Lieberman, Conn., was "Independent-Democrat;" we treat him as a Democrat.

[5] In the 110th House, the standard deviation in district Bush support among Republicans has decreased slightly to 6.91. An already unified Republican Conference has become somewhat more homogeneous.

once again to be a force for moderation within the Democratic Caucus, coalescing behind an agenda that featured a balanced budget constitutional amendment, strict limits on earmarks and so-called "emergency" spending, and various reforms of House procedure.[6] Another possible vehicle for moderates within the Democratic Caucus is the New Democrat Coalition, which is mostly comprised of urban lawmakers interested in technology and economic development issues. In the 110th Congress, over 70 House Democrats likely will be members of the Coalition. Still, in recent years, similar attempts to organize party moderates and forge bipartisan, centrist, coalitions have mostly failed. Moreover, the House Republican losses in 2006 included Rep. Charles Bass, R-N.H., co-chair of the Tuesday Group, along with six other members of the organization.

On the other side of the Capitol, Olympia Snow, R-Maine, who headed the bipartisan Senate Centrist Coalition during the 109th Congress, has asserted that her group will play a more prominent role in the 110th Congress, possibly reaching out to newly elected Democratic moderates such as Jim Webb and Claire McCaskill.[7] But the Centrist Coalition lost two prominent Republican members in November 2006, DeWine and Chafee; and, as a result, any serious momentum for ideological moderation will have to come mostly from the Democratic side of the aisle.

Leaders and Committees

Scholars of the congressional parties generally agree that the policy-making roles of party leaders and committees are shaped by the distribution of member preferences. Evidence indicates that certain prerogatives of the majority leadership, especially control over the floor agenda, may not vary all that much over time (Cox and McCubbins, 2005). But Aldrich, Rohde, Sinclair, and others assert that the relative importance of leaders and committees will depend in part on the degree of preference homogeneity within the majority caucus and the level of ideological polarization between the parties.[8] The greater the cohesion of preferences within the majority party and the larger the ideological gulf that exists between the majority and minority, the more power that rank-and-file legislators will be willing to cede to their party leaders. Clearly, the Democratic majorities of the 110th Congress will be relatively homogeneous by historical standards, and the dwindling number of Republican moderates will help ensure continued

[6] On the possibilities for an organizational presence for House moderates during the 110th Congress, consult Emily Pierce and Jennifer Yachnin, "Uncertainty for Moderates in 110th," *Roll Call*, November 13, 2006.
[7] Ibid.
[8] See especially Rohde (1991), Aldrich (1995) and Sinclair (1995).

polarization between the parties. The 110th Congress should be characterized by activist party leaders.

Still, several factors suggest that Speaker Nancy Pelosi, D-Calif., will not play as prominent a coalition-building role as did her Republican predecessors, Dennis Hastert, Ill., and Newt Gingrich, Ga. For one, the new Democratic majority probably will be less cohesive on policy. During the 110th Congress, 91 members of the Democratic Caucus will represent districts that gave Kerry 60 percent or more of the vote in 2004; constituencies that are strongly left-leaning. About half of the new committee chairs hail from these districts, including the chairs of Ways and Means (Charles Rangel, N.Y.), Energy and Commerce (John Dingell, Mich.), Judiciary (John Conyers, Mich.), Financial Services (Barney Frank, Mass.), Government Reform (Henry Waxman, Calif.) and International Relations (Tom Lantos, Calif.). Appropriations Chair David Obey, Wis., is also a prominent liberal and a forceful partisan. Chairs such as Dingell, Obey, and Conyers also served as full committee leaders during the long period of Democratic control prior to 1995. They and other senior members of their party were socialized into the Congress during an era when much less weight was placed on rank-and-file deference to central party leaders. Pelosi confronts a vexing strategic dilemma – the need to balance the competing pressures emanating from the liberal wing of her Caucus, especially left-leaning committee and subcommittee chairs, and the electoral needs and programmatic demands of the pivotal moderate members.

Relative to Speaker Hastert, Pelosi also confronts greater prospects for political and personal differences within her own leadership ranks. Following the 2006 elections, Pelosi endorsed John Murtha, Pa., for majority leader over Steny Hoyer, Md., then the party's whip and widely viewed as front-runner for the post. More important, Pelosi and her allies lobbied intensively on behalf of Murtha within the Democratic Caucus. Hoyer was endorsed by the incoming Democratic chairs on nine standing committees and easily prevailed.[9] The Murtha-Hoyer contest created considerable dissention among House Democrats, resulted in an embarrassing early defeat for the Speaker, and reduced the likelihood that Pelosi can count on unified and enthusiastic support from within the Democratic leadership as she grapples with the aforementioned coalition-building challenges of the 110th Congress.[10]

Still, as Speaker, Pelosi will operate within an institutional context that has been significantly altered by twelve years of GOP rule. Following their 1994

[9] Jennifer Yachnin, "Democrats Set out to Heal Divisions," *Roll Call*, November 20, 2006.

[10] In part because of the defeat of a number of prominent moderate members, House Republicans should be relatively unified behind a conservative ideological program throughout the 110th Congress. During the November 2006 transition period, Minority Leader John A. Boehner, Ohio, and GOP Whip, Roy Blunt, Mo., both faced credible challenges from the conservative wing of the Republican Conference, further reducing incentives for them to work across the partisan aisle.

electoral victory, for example, House Republicans implemented six-year term limitations for committee chairs. The consequences for the political and policy-making clout of top party leaders have been profound. The first wave of Republican chairs was forced to give up its positions in 2000, leading to a number of campaigns between senior Republicans for the open chairmanships (Deering and Wahlbeck, 2006). The chair "wannabes" attempted to mobilize support for their candidacies among rank-and-file Republicans, often formed their own political action committees to channel largesse to their colleagues' campaigns (currying favor and hopefully demonstrating their party-building prowess), and otherwise competed for the position of committee leader. Late in 2000, the wannabes appeared before Speaker Hastert and other GOP leaders, essentially auditioning for the job of chair. Republican Conference rules also ensured that party leaders would have disproportionate say over which members were finally selected for the chairmanships. Similar campaigns for committee leadership positions also occurred in 2002 and 2004 as a few chairmanships became open.

By most accounts, the term limits on chairs increased the leverage exerted by Gingrich and Hastert over the committee process. The selection process itself emphasized loyalty to the party and the leadership. Term limits also ensured that GOP chairs would not be able to accumulate a decade or more of seniority in their positions, which in turn kept them from transforming their positions into independent power bases *a la* many previous Democratic chairs. In addition, rank-and-file committee members, especially senior Republicans eyeing their own chair candidacies down the line, knew very well that the tenure of GOP chairs would be six years or less, creating disincentives for them to defer extensively to committee leaders and increasing the clout of the centralized party leadership.

At the beginning of the 110th Congress, the Democrats largely retained the GOP-written chamber rules from the previous Congress, including term limits for committee chairs. The decision was made by Pelosi and other Democratic leaders with little input from the incoming chairs or the Democratic Caucus. Remarked Financial Services Chair Barney Frank, "I think it was sort of left in."[11] Several Democratic chairs expressed opposition to the limitations on their terms, including Conyers, Dingell, Rangel and Waxman. Interestingly, Majority Leader Hoyer also called for a repeal of the GOP rule.[12] On the other hand, there also was considerable support for retaining the chairmanship limits within the Democratic Caucus and even among certain chairs. Rules Committee Chair Louise Slaughter, D-N.Y., pledged that the Democratic Caucus would reconsider the issue of term limits on committee chairs after chamber completion of the 100-hour agenda. Whether or not the Democrats do choose to repeal the GOP rule will be another

[11] Jennifer Yachnin, "Chairs Surprised by Term Limits," *Roll Call*, January 8, 2007.
[12] *CongressDaily PM*, January 9, 2007.

important signal about the likely balance of power between party leaders and the committee system in the Democratic House.

Prior to the election, Pelosi pledged to open up chamber deliberations to be more inclusive of the partisan minority. Amendment rules would be less restrictive under Democratic control, she promised, and the Republicans would be included in conference committee deliberations. During the transition period, there also was discussion within the House Democratic Caucus of placing binding limits on the duration of floor roll calls. Republicans occasionally prolonged roll calls to enable them to whip pivotal GOP members into line behind the party position. The early agenda of the House Democrats, however, was considered subject to highly restrictive procedures with little input from the GOP minority, suggesting that Democratic pledges of increased openness would be countervailed by the practical needs of managing business on the floor.

In the Senate, the new majority leader is Harry Reid, D-N.V. In certain ways, Reid resembles former Democratic leader Robert C. Byrd. He is a superb legislative tactician and vote counter, but lacks the public relations abilities of a Thomas Daschle or George Mitchell, both former Senate leaders for the Democrats. Majority party leaders in the Senate lack the formal prerogatives granted to their House counterparts. The broad dispersal of agenda powers within the chamber, the opportunity to offer nongermane amendments on the floor, and the ability of individual lawmakers to engage in dilatory tactics such as the filibuster all sharply constrain the control that the majority leader can exert over Senate deliberations. Rank-and-file Senators also are far more likely than is the typical House member to be national figures capable of mobilizing public support behind their personal programs. The parameters of leadership under Reid should not be substantially different from those faced by Bill Frist, R-Tenn., the previous GOP majority leader, except that Reid lacks a fellow partisan in the White House and can only count on the slimmest possible partisan majority; just fifty Democrats and one independent (Bernie Sanders, Vt.) who will vote with the party on organizational matters.[13]

Shortly after the 2006 election, Reid pledged to be more deferential to committee chairs and the committee process than had been recent GOP Senate leaders. Frist, for example, often treated conference committee meetings between the chambers as pro forma sessions for rubberstamping agreements already forged in private between House and Senate Republicans. Reid promised to make conference committees significant arenas for developing bicameral compromises.

[13] Reid's Republican counterpart during the 110th Congress, Mitch McConnell, Ken., is also viewed as a masterful parliamentarian. The tactical skills of the GOP leadership should be further enhanced by the election of Trent Lott, Miss., a former Senate Republican whip and majority leader, to the position of minority whip.

In the Senate, Republicans also impose term limits on committee leaders, while Democrats do not. But Senators are much less reliant on their committee assignments as a source of influence, reducing the potential impact of the shift away from term limits on the distribution of power between party leaders and committee leaders in the 110th Senate.

Veto Bargaining

The altered partisan and preference configuration in the 110th Congress, especially the return of divided government, will have major consequences for bargaining between the branches. There is a large scholarly literature about the policy-making impact of divided versus unified partisan control of the federal government. In his classic work, *Divided We Govern*, Mayhew (1991) asserted that significant differences in legislative and oversight output do not occur between periods of unified and divided government. Other scholars disagree. Controlling for differences in the size of the legislative agenda over time, Binder (2003) finds that legislative productivity is somewhat lower during periods of divided party control, but that the degree of partisan polarization within the House and Senate and the relative congruence of policy preferences between the chambers also matter a great deal. Still, existing scholarship suggests that, although partisan conflict between the branches will complicate efforts at political compromise, legislative gridlock is not inevitable during the 110th Congress.

The character of the bargaining that occurs between Congress and the President, however, will be fundamentally altered. During 1999-2000, the most recent Congress characterized by divided partisan control, President Bill Clinton vetoed 11 measures and pocket vetoed a twelfth. During 2005-06, in contrast, George Bush vetoed just one measure, aimed at expanding federally funded research using stem cells. As Charles Cameron (2000) argues, the incidence of actual vetoes does not capture or reflect the pervasive impact of the veto prerogative on the legislative process, especially during periods of divided government. Although vetoes are relatively rare, threatened vetoes are commonplace and often result in significant alterations in the content of public policy.

Perhaps the most systematic and authoritative source of evidence about veto threats are the written Statements of Administration Policy (SAPS, for short) that presidents send to the House and Senate prior to the consideration of major bills.[14] These messages provide a highly useful glimpse at the often tacit bargaining that occurs between the two ends of Pennsylvania Avenue. SAPs are letters (ranging in length from a paragraph to ten or more pages) that summarize an

[14] For a discussion of the role of SAPS, both as a bargaining device and a source of data about legislative-executive relations, see Evans and Ng (2006).

administration's views about a matter pending on the House or Senate floor. Often, they include veto threats. During the 109th Congress, the Bush White House sent 140 SAPS to Congress (94 addressed to the House and 46 to the Senate) touching on more than 100 pieces of legislation (sometimes individual bills are the subject of multiple SAPs). Twenty-seven of these statements (19.3 percent) included veto threats of some form.[15]

Interestingly, a close examination of the SAPS indicates that there are important gradations in the intensity and clarity of veto threats, reflecting the ongoing strategic game between the president and Congress. The least ambiguous form is the *presidential veto threat,* which states unequivocally that, "if the legislation is presented to the President in its current form, he will veto the bill." Providing the administration with somewhat greater "wiggle room" are *senior advisors threats*, which maintain that if the legislation arrives at the oval office in its current form, the president's senior advisors will recommend a veto. Veto threats that reference only the relevant cabinet secretary or agency head entail somewhat greater levels of ambiguity. During the 109th Congress, which featured unified Republican control of the legislative and executive branches, eight SAPs included presidential veto threats (5.7 percent) and fifteen included senior advisor threats (10.7 percent). There were no "secretary" threats, but at least four additional SAPs included contingent veto threats – If certain changes were made during the floor amending process, the administration threatened a veto. Even during this period of unified Republican control of Congress and the White House, the president periodically used veto threats as a bargaining ploy.

According to Cameron, veto bargaining should be especially prevalent and consequential when Congress and the executive branch are controlled by different parties. During 1999-2000, the Clinton White House sent 311 SAPs to the GOP-controlled House and Senate.[16] Twenty-one (6.8 percent) included presidential veto threats, 50 (16.1 percent) included senior advisors threats, and eight (2.6 percent) included secretary threats. During the most recent period of divided government, then, the proportion of SAPS that included veto threats was somewhat higher than was the case during 2005-06. But the most significant differences concerned the number of SAPS, that is, the magnitude of the flow of formal communications between the branches. By most accounts, during the 109th Congress President Bush attempted to forge agreements on legislation with congressional Republicans informally and privately. One likely consequence of

[15] Data on SAPs from the 109th Congress are available on the website of the Office of Management and Budget, http://www.whitehouse.gov/omb/legislative/sap/index.html. Two of the SAPs could not be accessed (dealing with H.R. 4340 and H.R. 1268), but based on the contents of the targeted legislation, it is unlikely that either was subject to a veto threat.

[16] Evidence about SAPS issued during the 106th Congress is drawn from Table 8.1 of Evans and Ng (2006).

the return to divided government should be an increase in veto bargaining, heightened and more formal public communications between the branches about pending bills, and a rise in veto threats. The outcome of the bargaining game will depend on the distribution of preferences in the relevant issue area and the importance that one or both parties places on making law (and thus claiming credit) versus position taking for political gain. We consider these conditions in more depth in the next section.

Agendas and Policy Making

The backdrop for the 110th Congress will be the presidential election campaign of 2008. Indeed, the legislative agenda can be usefully viewed as preliminary skirmishing in that campaign. For the first time since 1928, neither party has a sitting president or vice president who will be a candidate. Certain of the congressional seats that Democrats won in 2006 will be difficult to hold, especially in constituencies that were Bush bulwarks in 2004.

Early floor action in the 110th Congress centered on the House Democrats "100-hour" agenda, which includes ethics reform, enacting certain of the congressional rule changes recommended by the 9/11 Commission, a return to pay-as-you-go budgeting rules, increasing the minimum wage, cutting the interest rate on student loans, enabling the government to negotiate with drug companies for lower prices for Medicare recipients, eliminating tax breaks for the oil industry, and expanding federal funding for stem cell research.[17] By design, the 100-hour agenda features initiatives that are popular with the public and have at least the potential for bipartisanship. As the 110th Congress proceeds, the outcome of the lawmaking process should vary in predictable ways by policy area, depending on the distribution of preferences, the strategic posture adopted by congressional leaders, and the use of veto bargaining and related tactics by the Bush administration.

To illustrate the conditional consequences of divided government for the 110th Congress, it is useful to conceptualize the bargaining game between the parties and branches in spatial terms, with the main policy alternatives, existing law, and the preferences of key political actors (e.g., congressional Democrats, the Bush White House) captured as ideal points arrayed along one or more underlying

[17] David Espo, "Pelosi Says She would Drain GOP 'Swamp,'" *Washington Post*, October 6, 2006 (on-line version). At the beginning of the 110th Congress, it remained unclear just how many of the House rules changes recommended by the 9/11 Commission would be fully embraced by congressional Democrats. See Jonathan Weisman, "Democrats Reject Key 9/11 Panel Suggestion; Neither Party has an Appetite for Overhauling Congressional Oversight of Intelligence," *Washington Post*, November 30, 2006, A07; Walter Pincus, "House Nears Passage of Resolution to Add Intelligence Oversight Panel," *Washington Post*, January 9, 2007, A4.

dimensions of evaluation (e.g., the traditional liberal-conservative continuum). On the minimum wage issue, for example, the status quo of existing law has been $5.15 per hour since 1996. Pelosi and other House Democrats have endorsed an increase to $7.25 per hour, phased in immediately or over two years. Many Republican members oppose any mandated increase, arguing that market forces should determine employee pay. But in a session with reporters in December 2006, Bush signaled that he could support a minimum wage hike that was coupled with tax cuts and regulatory relief to protect small businesses.[18] In this issue area, then, the ideal points of congressional Democrats and the administration both fall on the liberal side of the status quo, with the Democrats further to the left. Depending on the precise location of the president's position and the willingness of Democratic leaders to accept legislation closer to the president's position than is existing law, there are good prospects for bipartisan comprise and a change in policy. The administration may need to use veto threats to induce Democrats to make the necessary concessions, but the likelihood of eventual agreement on the minimum wage is high.

Now consider health care issues, which will be a major Democratic agenda priority during 2007-08. According to Democratic leaders, the party will push legislation aimed at expanding access to health insurance, forcing the Bush administration to bargain with drug companies over the prices they charge as part of the Medicare prescription benefit, and lifting restrictions on federally funded stem cell research.[19] Both parties agree that steps are necessary to increase access to health insurance for adults, as well as children, but prefer divergent policy approaches, with Democrats generally wanting greater federal involvement and Republicans favoring increased reliance on the private sector. Proposals for comprehensive health insurance reform create preference configurations where the ideal points of Democratic leaders and the president are on opposite sides of the status quo, all but ensuring gridlock as the outcome. On government negotiation with drug companies and the stem cell issue, Bush might be able to support small shifts in policy toward the Democratic position, but the preferences of the two parties are so divergent that the majority Democrats would need to mostly cave on policy to avoid a presidential veto. Here, it is not unlikely that Pelosi and other Democratic leaders will prefer to pass the strongest bills that they can push through Congress, draw a veto, and (if an override is infeasible) attempt to turn the resulting inaction into a campaign issue in 2008.

Inter-branch action on the Iraq war may also depend on difficult political and policy calculations by congressional leaders and the president about what and

[18] Michael A. Fletcher and Jonathan A. Weisman, "Bush Supports Democrats' Minimum Wage Hike Plan," *Washington Post*, December 21, 2006, A14.
[19] Christopher Lee, "Shift in Congress Puts Health Care Back on the Table," *Washington Post*, December 25, 2006, A12.

how much to concede and the value of position-taking for political gain relative to meaningful alterations in policy. Congressional Democrats, a majority of the American people, and now the Bush administration seem to agree that steps should be taken to reduce the U.S. military presence in Iraq. In some sense, then, the preferences of the main political actors are on the same side of the status quo, creating the possibility of a degree of bipartisan consensus on a new course for the war. As the 110th Congress began, Bush purportedly was rethinking his position.[20] But it remained to be seen whether the administration's shift in the direction of the Democrats would be large enough for such a consensus to be achievable, or whether the two parties would mostly stand firm on Iraq and look instead to the 2008 elections and perhaps the judgment of history. Indeed, the administration's January 2007 call for a short-term "surge" in U.S. troops aimed at stabilizing the country met with immediate opposition from Democratic leaders.

For some policy areas on the agenda of the 110th Congress, decision making is inherently multidimensional and cannot be usefully captured by a single underlying dimension of evaluation. In these areas, outcomes will depend on the weights that key political actors place on the competing dimensions, the ability of congressional leaders and the White House to use the media, interest groups, and other outreach strategies to affect public priorities, and a range of other bargaining tactics. A good example of a multidimensional issue that evokes such cross-cutting cleavages is immigration reform. The distribution of preferences within Congress and between the branches depends in part on how the issue is framed and which aspects of the broader policy concern are emphasized.[21]

When immigration reform was considered during the 109th Congress, House Republicans generally emphasized homeland security and border control, issues where their party (in comparison to the Democrats) has long enjoyed significant advantages in public support. A bipartisan coalition within the Senate framed the issue differently. Senate leaders attempted to balance border security with concerns about immigrants' rights and the significant demand among U.S. employers for access to guest and foreign workers. Although the Bush administration came to favor the Senate approach, negotiators from the two chambers were unable to achieve a compromise and comprehensive immigration reform failed to pass in the 109th Congress. Ironically, by reducing the leverage of House Republicans, the shift to divided government probably increases the prospects for major changes in immigration law during 2007-08. But the

[20] Dan Balz, "For Bush's New Direction, Cooperation is the Challenge," *Washington Post*, November 9 2006, A01.

[21] For a summaries of recent congressional action on immigration reform, consult Michael Sandler, "GOP Pushes Border Security Agenda," *CQ Weekly Report,* September 25, 2006, 2560; Elizabeth B. Crowley and Michael Sandler, "Senate Plunges back into Immigration Debate," *CQ Weekly Report*, May 22, 2006, 1400.

multidimensional nature of the issue area, in conjunction with the volatility of public attitudes about illegal immigrants, makes the final outcome difficult to predict. In spring 2006, for example, a wave of protests by pro-immigrant groups in major U.S. cities appeared to generate important new momentum for the Senate approach. Other events and mobilization attempts could alter the political landscape on immigration issues in unexpected ways during the 110th Congress.

One area where there has been a significant, unambiguous, shift in the balance of power is judicial nominations. During 2003-06, Senate Democrats had the forty-one votes necessary to block cloture on nominations that they opposed, leading Majority Leader Bill Frist to threaten use of a "nuclear option," in which the Republican leadership would use parliamentary procedure to neutralize the filibuster on nominations. The parliamentary arms war only ended when a bipartisan group of centrists, the so-called "Gang of 14," struck an agreement in which they agreed to support cloture on judicial nominations unless the nominee clearly was unqualified. In the 110th Congress, Democrat Patrick Leahy, Vt., will chair the Judiciary Committee and the panel will have a Democratic majority, enabling the party to block Bush judicial nominations in committee, rather than resort to floor obstructionism. If Democratic members choose to coalesce with Republican members to bring stalled nominations directly to the floor, Bush may have the leverage to confirm his nominees. But most likely, the more controversial nominations will die in committee. The Gang of 14 and threatened nuclear options should be much less consequential in a Democratically-controlled Senate.

Conclusion

The shift to Democratic majorities in the 110th Congress brings with it a complex combination of continuity and change. Especially in the House, both parties will remain fairly homogeneous, with substantial polarization across party lines. Based on electoral data and past voting records, congressional Democrats should be somewhat less unified internally than was the case for recent Republican majorities. And as the new minority party on Capitol Hill, the Republicans will be more unified in opposition than was the case for Democrats during the 109th Congress. Speaker Nancy Pelosi and other House Democratic leaders will wield significant control over the agenda and use that leverage to advance party priorities. Compared with Republican committee leaders, though, the Democratic chairs probably will exercise more discretion on the issues within their jurisdictions because of the somewhat greater heterogeneity of preferences within the Democratic Caucus and the long tradition of activist committee leaders among House Democrats.

In the Senate, the Democrats' slim, one-seat, majority and the wide dispersal of agenda powers that defines the chamber's procedures all but ensure that coalition building will continue to resemble efforts at "herding cats."[22] While Bill Frist and Trent Lott, the two most recent GOP majority leaders, occasionally could ram through major policy changes without Democratic votes on reconciliation bills or other filibuster-proof vehicles, the razor-thin party margin and sizable moderate contingent within the Democratic Caucus mean that Reid will have to reach out to centrists from both parties to move legislation. And based on the recent historical record, the Bush administration can be expected to make enhanced use of veto bargaining now that his party no longer controls the House and Senate.

These factors – the distribution of preferences, the tactics employed by congressional leaders, and the bargaining strategies of the White House – will vary by issue area, with important consequences for the policy-making process. On issues where the key political actors have stable preferences located on the same side of the status quo (e.g. a minimum wage hike), the chances that major legislation will pass are good. For policy areas in which the Bush administration is committed to existing law, or the preferences of congressional Democrats and the President are on opposite sides of the status quo (many health care issues), gridlock is more likely. And for issues that are inherently multidimensional (immigration reform) or are highly volatile and politically charged (U.S. policy toward Iraq), the outcome will depend on issue framing, the bargaining postures adopted by congressional Democrats and the White House, and a host of events and exigencies that are probably beyond the control of Washington political leaders and certainly beyond the scope of this article.

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[22] Lott (2005).

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