The first section of this essay will examine the roots of the highly volatile politics of the Clinton and Bush years in the structural underpinnings of political change in the 1960s and 1970s. It will address first the break up of the Solid South and its effects on the distribution of power in Congress. It will then examine the consequences of these structural underpinnings in the increasingly polarized behavior in Congress over the past several decades. Voting in Congress has become more partisan; the use of delaying tactics such as the filibuster has become more common; and the level of civility has declined. Finally, it will look at some of the policy and partisan battles between President Clinton and Congress and the correspondingly bitter relations between the parties that characterized President Bush’s first term in office. The paper will conclude that, despite the reelection of President Bush and the continued Republican control of Congress, relations between the branches are likely to continue be rocky in the second term of
I. The Causes of Congressional Polarization

In trying to explain the vast changes that occurred in Congress in the latter half of the century – from a Democratic-dominated institution with significant overlap between the parties, to an ideological polarized battleground with virtually no middle ground – we can turn to Nelson Polsby, who argues that it all started with air conditioning. Though this claim might seem whimsical, his line of reasoning and evidence presents a plausible and often compelling explanation of change in Congress. It goes like this.

The development of affordable residential air conditioning in the south from the 1950s to the 1980s led to the migration of whites from the north to southern cities and suburbs. Many of these immigrants brought with them Republican voting habits. From the 1960s to the 1980s, approximately 40 to 50 percent of southern Republicans were born outside of the south. Along with general urbanization in the south and black migration to the north, the partisan complexion of the south began to change. The Republican Party was becoming a viable political party and beginning to attract more voters. Partisan realignment in the South was further encouraged by the Civil Rights Act of 1964 and the Voting Rights Act of 1965, both of which increased the number of black voters who voted overwhelmingly Democratic.

Conservative whites began to identify with the Republican Party, and to send more Republican representatives to Congress. The creation of majority-minority districts concentrated more liberal blacks in districts while more conservative whites ended up in districts that voted Republican. The result of this realignment was that the Democratic Party in Congress lost its “Dixicrat” (conservative southern Democrats) members and became more homogeneously liberal. The conservative coalition, which had been thwarting Democratic presidents since FDR, began to decline in importance; the conservative southerners were now in the Republican Party.

The increasing liberal consensus among the Democrats in Congress led the Democratic caucus in the House to become more cohesive and, through control of committee membership, assert its liberal policy views more effectively (e.g. on civil rights, old-age assistance, health care, housing, and other federal programs). According to David E. Price, Democratic representative from North Carolina,

Revitalizing the House Democratic Caucus proved necessary in order to rewrite the rules, depose recalcitrant chairmen, and otherwise effect the desired transfer of power. The leadership, moreover, was the only available counterweight to conservative bastions like the House Rules and Ways and Means Committees. Therefore, two key early reforms removed the committee-assignment function from Ways and Means Democrats and placed in a leadership-dominated Steering and Policy Committee and gave the Speaker the power to nominate the chair and the Democratic members of the Rules Committee.

The number of Democrats in the House began to increase in 1958, and particularly in the
Democratic landslides in 1964 and 1974. In order for the Democratic caucus to gain more effective policy control, more power was delegated to its leadership in the 1970s and 1980s. As the Democrats in the House became more ideologically similar, their leadership became more assertive in the use of parliamentary tactics and evoked the ire of Republicans by denying them procedural rights in ways that were perceived as unfair. Newt Gingrich led the outraged Republicans in the House to develop Republican candidates, particularly in the south, and orchestrate the development of Republican candidates, which culminated in the 1994 election landslide that put the Republicans in charge of Congress for the first time in 40 years.

Thus it was that the introduction of air conditioning in the south led to Republican domination of southern Congressional delegations which led to a more homogeneous, liberal Democratic party in Congress, which led to more polarized parties and finally to the Republican takeover of Congress. This polarization was exacerbated and perpetuated by bi-partisan gerrymandering that reinforced the polarizing trend.

Redistricting, among other factors has led to in increasing proportion of safe seats, with fewer congressional districts “in play,” that is, that might be won by either party. According to Gary Jacobson’s analysis, the number of safe seats increased significantly between 1992 and 2002: Democrats’ safe seats increased from 142 to 158, and Republicans’ safe seats increased from 139 to 356. Thus the total number of safe seats was 356 of 435, but the number of House races that were actually competitive were many fewer than that. In the 2004 elections 83 percent of House Races were won by margins of 20 percent or more, and 95 percent of districts were won by more than 10 percent. Only seven incumbents were defeated, and four of those were in recently redistricted Texas. Overall, Republicans gained five seats in Texas alone. Excluding Texas, the Democrats picked up four seats and the Republicans two.

Thus the total number of safe seats was 356 of 435, but the number of House races that were actually competitive were many fewer than that. In the 2004 elections 83 percent of House Races were won by margins of 20 percent or more, and 95 percent of districts were won by more than 10 percent. Only seven incumbents were defeated, and four of those were in recently redistricted Texas. Overall, Republicans gained five seats in Texas alone. Excluding Texas, the Democrats picked up four seats and the Republicans two.

Redistricting, from the 1970s through 2004 in the south and elsewhere, led to safer districts, which along with the advantages of incumbency, led to the election of more liberal Democrats and more conservative Republicans. If congressional districts are competitive, with elections won and lost by small margins, candidates must move to the middle of the ideological spectrum to try to capture a majority of votes. But safe seats put moderate candidates of both parties at a disadvantage. Turnout for primary elections is low, and most of those who actually vote are committed partisans; i.e., true believers who hold more extreme views than most voters in their parties. Thus in order to get nominated and then to remain in office, members must please their respective wings or be outflanked by more extreme candidates.

Congressman Jim Leach (R-Iowa) explains the problem this way:

A little less than four hundred seats are totally safe, which means that there is competition between Democrats and Republicans only in about ten or fifteen per cent of the seats. So the important question is who controls the safe seats. Currently, about a third of the over-all population is Democrat, a third is Republican, and a third is no party [independent]. If you ask yourself some mathematical questions, what is a half of a third? – one-sixth. That’s who decides the nominee in each district. But only a fourth participates in primaries. What’s a fourth of a sixth? A twenty-fourth. So it’s one twenty-fourth of the population that controls the seat in each party.
This gradual polarization of Congress over several decades was caused mostly by members being replaced by less moderate candidates in their seats, but some of the changes were individual members changing their own ideological perspectives and becoming less moderate in order to head off a challenge in the primaries. As Representative Leach put it, “It’s much more likely that an incumbent will lose a primary than he will a general election. So redistricting has made Congress a more partisan, more polarized place.”

Once in office, the advantages of incumbency help keep the more extreme members in office for longer periods of time. But even more important than advantages for individual incumbents (e.g. name recognition, media coverage, travel to the district, raising money, etc.), is the advantage gained through safe partisan majorities of congressional districts ensured through skillful drawing of district boundaries (gerrymandering). Thus the advantages of incumbents who sought reelection, always considerable, have become even more effective. From 1984 to 1990 House members seeking reelection were successful 97 percent of the time and in 2002 98 percent successful. Senators were a bit more vulnerable, but still quite successful, winning 86 percent of bids for reelection from 1982 to 2003 and 95 percent in 1996. In 2004, aside from the redistricted Texas, 99 percent of House incumbents won reelection, with only three incumbents being defeated.

Some scholars have argued that the election of more extreme partisans to Congress was caused by voters who had first become more polarized. But Morris Fiorina in his book *Culture War?* argues that although political elites in the United States (party activists, members of Congress, etc.) are ideologically polarized, the vast majority of citizens in the country are not. Recent presidential elections have been decided by very small margins and the total vote for Congress has been evenly divided, but this does not mean that voters are deeply divided, only that they are evenly divided.

After the 2000 election the media featured colored maps of the country that indicated states carried by George W. Bush as red and those carried by Al Gore as blue. The broad swaths of red and blue seemed to show a country deeply divided, but many of the states were won by very small margins. A comparison of the red states with blue states shows very little ideological difference among voters, 30 percent of whom place themselves in the middle of a seven point political spectrum, and a third of the voters considered themselves independents or not affiliated with the Democrats or Republicans. Fiorina concludes that “it is not voters who have polarized, but the candidates they are asked to choose between.”

Even on the hot button issue of abortion, public attitudes are not more polarized than they were 30 years ago, when the Supreme Court decision on Roe v. Wade was made abortion legal in the United States. The gap between Republicans and Democrats are significant, but relatively small. And although there is a gender gap on many political and policy issues, there is very little difference between men and women’s attitudes about abortion. Fiorina concludes that with respect to abortion there is “...a gender gap among high level political activists that is not apparent among ordinary Americans, and minimal partisan disagreement about the issue at the mass level contrasted with vitriolic conflict at the elite level.” Similarly, on the volatile issue of homosexuality, attitudes in the United States have been more accepting in recent years, and
the differences among partisans are different but not drastically so. Fiorina concludes that, overall, Americans “. . .look moderate, centrist, nuanced, ambivalent – choose your term – rather than extreme, polarized, unconditional, dogmatic.”

The overall argument here is that political parties and political elites more broadly are much more polarized in the early years of the 21st century than several decades ago. But that polarization was not caused by a polarized electorate. Rather, voters are generally centrist as they have been at least since the middle of the 20th century, but they must choose between candidates who are more extreme than they are. According to Fiorina, “Even if they still are centrists, voters can choose only among the candidates who appear on the ballot and vote only on the basis of the issues that are debated. Elites nominate candidates and set the agenda, and voters respond.” There is “. . . little reason to believe that elites are following voters. Rather, they are imposing their own agendas on the electorate.” To oversimplify, instead of voters choosing their candidates, candidates choose their voters (through gerrymandered redistricting).

In addition to the genuine polarization of elites (partisans and office holders), Fiorina attributes the broad perception of polarization of the electorate in the country to an explosion of advocacy among those who are most committed to their political causes combined with more media attention to the conflict generated by extremists on both sides of volatile issues. The question of polarization in the 2004 election will be addressed in the conclusion.

We have examined the partisan changes that began in the South and the resulting polarization in Congress; the following section will analyze the consequences of that partisan polarization in the behavior of individuals and political parties in Congress.

II. The Consequences of Structural Change: Partisan Polarization in Congress

The consequences of partisan realignment in the South and more committed partisans in Congress have been the collapse of the moderates in Congress which has, in turn, led to policy stalemate and the decline of civility.

The next section will present evidence that Congress is indeed much more polarized than it was in the middle years of the 20th century (though comparable to polarization in the late 19th century). This polarization will then be linked to increasing problems of policy gridlock or stalemate. The second section will note some dimensions of the decline in civility which has made Congress a less congenial place to work and has led some eminent, moderate legislators to retire rather than continue in office.

A. The Waning Center

In the middle of the 20th century the two political parties in Congress were not ideologically monolithic. That is, each party had a significant number of members who were ideologically sympathetic to the other party. The Democratic party contained a strong conservative wing of members, the Southern “Boll Weevils, who often voted with the conservative Republicans. The Republican party contained a noticeable number of moderates,
Another measure of partisan conflict that reflects the polarization in Congress is the “party vote” in which a majority of one party opposes a majority of the other party in a roll call vote. This measure of polarization has been increasing in recent years, especially in the House. From 1955 to 1965 the percentage of votes in the House that were party votes averaged 49 percent; from 1967 to 1982 the percentage was 36 percent. But after 1982 it began to climb, and

In the last 15 years of the 20th century the cross-pressured members of each party all but disappeared. Bond and Fleisher have calculated the number of liberal Republicans and conservative Democrats in Congress from the 1950s through the 1990s and have documented their decline. The number of conservative Democrats in the House has decreased from a high of 91 in 1965-66 to a low of 11 in 1995-96. In the Senate the high of 22 in the early 1960s was reduced to zero in 1995-96. Liberal Republicans similarly fell from a high of 35 in the early 1970s to a low of 1 in 1993-94 in the House and a high of 14 in 1973-74 to a low of 2 in 1995-96 in the Senate. This disappearance of the middle is a convincing demonstration of ideological polarization in Congress.

Sarah Binder has also found that the area of ideological overlap between the two parties in Congress has drastically decreased from a relatively high level of overlap in 1970 to “virtually no ideological common ground shared by the two parties.” The National Journal developed its own ideological scale of liberal and conservative voting and has calculated individual scores for members of Congress. Since 1981, most House Democrats would be on the liberal end of the spectrum and most Republicans on the right. There was always a number of members of each party whose voting record put them in the middle, overlapping ideological space. In 1999, however, only two Republicans and two Democrats shared the middle ground.

Up to the mid-1990s the Senate had a middle group of 10 to 17 centrists from both parties who often voted with the opposite party. But in 1999, for the first time since the National Journal began calculating the scores in 1981, all of the Republicans had a score to the right of the most conservative Democrat, and all of the Democrats had a score to the left of the most liberal Republican. The polarization in the Senate was exacerbated in 1996 by the retirement of 14 Senate moderates who contributed significantly to the civility of the Senate and who could reach across party lines in policy deliberations, among them Republicans Alan Simpson (WY) and Hank Brown (CO) and Democrats Sam Nunn (GA) and Bill Bradley (NJ).

What the above data mean in a practical sense is that each of the political parties in Congress is more ideologically homogenous and that there is greater ideological distance between the two parties. Thus there is less need to compromise in a moderate direction when reaching a consensus within each party. And it is correspondingly more difficult to bridge the ideological gap between the contrasting perspectives of the two parties. Finding middle ground where compromise is possible becomes much more difficult. It is more likely that votes will be set up to highlight partisan differences and used for rhetorical and electoral purposes rather than to arrive at compromise policies.

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in the 1990s, it reached 64 percent for the 103rd Congress. Party voting reached a record 73.2 percent in 1995. Senate scores on party voting roughly paralleled those in the House though at slightly lower levels, reaching a Senate record of 68.8 percent in 1995. Party unity scores, in which members of the two parties vote with their majorities on party line votes, also increased to unusually high levels.

Partisan differences in the Senate are often registered by the threat of members of the minority party to filibuster. The filibuster is a time-honored convention (formalized in Rule XXII) in which any member or members can hold the floor as long as he or she wants in order to delay the consideration of legislation. Before the 1970s the filibuster was used occasionally when Senators felt strongly about an issue and were willing to block Senate business in order to achieve their goals. In the 1950s filibusters were occasionally used to keep the majority from enacting civil rights legislation. In the early decades of the 20th century use of the filibuster would occasionally peak at ten per Congress, but in the 1980s and 1990s the use of the filibuster exploded to 25 or 30 per Congress. The increased use of the filibuster and other dilatory tactics, such as “holds” on nominations, has amounted to a “parliamentary arms race” in which each side is willing to use the extreme tactic because the other side has used it against them.

In addition to actual filibusters, the mere threat of a filibuster can slow the legislative process. As Barbara Sinclair has calculated, threats to filibuster major legislation have increased significantly in the past three decades. Presidential threats to veto bills also have increased sharply in the 1990s, from 15 to 25 percent in the 1970s to 60-69 percent in the late 1990s. Binder found that in the 103rd and 104th Congresses either an actual filibuster or the threat of one affected almost 20 percent of all items on the congressional agenda and 40 percent of the most important issues.

One consequence of the polarization documented above is that Congress is less able to legislate in order to deal with pressing policy issues. The farther apart the two parties are ideologically (polarization), the less likely they are to be able to find common ground to pass laws. And often, the parties would rather have an issue to debate than compromise and accept half a loaf.

According to her systematic comparisons of the ratio of actual laws enacted to important issues considered by the political system, two dimensions of polarization outweighed even the effect of divided government: the ideological gap between the parties and the ideological distance between the two houses of Congress. Thus if one is concerned with the problem of “gridlock” (which she defines as “the share of salient issues on the nation’s agenda left in limbo at the close of each Congress”), ideological polarization in Congress is even more important than divided government (when the president’s party does not control both houses of Congress).

From this rather abstract discussion of the consequences of polarization, we now turn to the more human consequences: the decline of civility in Congress.

B. The Decline of Civility

The traditional norms of courtesy, reciprocity, and comity that marked the 1950s and
1960s in Congress began to break down in the 1970s. Reflecting broader divisions in U.S. politics over the Vietnam War and Watergate, life in Congress became more contentious. Legislative language had traditionally been marked by overly elaborate politeness in order to manage partisan and sometimes personal conflict. But instances of harsh language and incivility became more common and more partisan in the 1970s and 1980s. In the House the Republicans felt increasingly suppressed by the majority Democrats through the rules of debate and legislative scheduling and, under the leadership of Newt Gingrich, began to use obstructionist tactics to clog up the legislative process. The predictable Democratic response was to tighten up the rules even more to deal with disruptive tactics. After Republicans took control of Congress in 1994, relations between the parties continued to deteriorate.

Even the usually more decorous Senate suffered from declining civility. In the early 1980s Senator Joseph Biden remarked, “There’s much less civility than when I came there ten years ago. There aren’t as many nice people as there were before . . . .Ten years ago you didn’t have people calling each other sons of bitches and vowing to get at each other.”

Scholars David Brady and Morris Fiorina summarize the political context:

In a context in which members themselves have stronger and more distinct policy preferences, where they scarcely know each other personally because every spare moment is spend fund-raising or cultivating constituents, where interest groups monitor every word a members speaks and levy harsh attacks upon the slightest deviation from group orthodoxy, where the media provide coverage in direct proportion to the negativity and conflict contained in one’s messages, where money is desperately needed and is best raised by scaring the bejesus out of people, is it any wonder that comity and courtesy are among the first casualties?

Near the end of the 106th Congress, even the leadership in both houses was not able to restrain the harsh feelings that had been building up. Speaker of the House Dennis Hastert, who had taken over the Speakership at the beginning of the 106th Congress, had a reputation (in contrast to his predecessor, Newt Gingrich) as a mild-mannered and workmanlike legislator who was more concerned with making deals and legislating than making symbolic points through hostile rhetoric. Yet one year into his Speakership, the level of hostility between Hastert and Minority Leader Richard Gephardt was quite high.

The two leaders seldom talked with each other, even on necessary procedural issues, and they held each other in contempt. According to Gephardt, “Frankly, the relationship is really no different than it was with Newt Gingrich. . . . Their definition of bipartisanship is, ‘My way or the highway’.” According to Hastert, Gephardt’s “sole purpose is to try to make this House fail.” Hastert went so far as to campaign in Gephardt’s district for his Republican challenger in the 2000 election campaign, a very unusual breach of the usual House leadership decorum.

The Senate was not spared the leadership animosities that plagued the House in 2000. Senate Majority Leader Trent Lott and Minority Leader Tom Daschle became particularly bitter in the second session of the 106th Congress as the Senate struggled with passing legislation during an election year. In early June 2000 Majority Leader Lott complained, “The last couple of weeks before we went out have been the most obstructionist I’ve ever seen them.”
According to Daschle, “No Majority Leader in history has attempted to constrain the Senate
debate as aggressively as Senator Lott has chosen to do,” and it amounted to “a Senate version of
dictatorship that I think is unacceptable.” Lott replied, “I have to go on the record saying I do
believe I have been maligned unfairly....to come in here and think we have to have a right to
offer non-germane amendments to every appropriations bill that comes through, and then
criticize us for not getting our work done — Oh, boy, that is really smart, really smart.”

From the perspective of the Democrats, the Republican majority was refusing to confirm
the nominees of President Clinton and was preventing them from offering amendments to
legislation so they could have their priorities voted upon. From the perspective of the
Republicans, the Democrats were trying to obstruct the flow of legislation with their
amendments so that they could blame the Republicans for being a “do nothing Congress” in the
election campaign. The unusual personal bitterness and intemperate language reflected election
year politics in which much was at stake, but it also was a product of the polarization of the
Congress over the past several decades.

The decline in civility that marked the end of the 1990s continued into the early 21st
century, as the polarized politics of the era continued to erode the relatively more decorous times
of mid-20th century. With the narrow Republican control of the Senate at stake, Majority Leader
Bill Frist of Tennessee decided to go to South Dakota to campaign against Minority Leader Tom
Daschle. Such personal campaigning by the Senate Majority Leader in the Minority Leader’s
home state was unprecedented in the 20th century and highlighted the animosity that marked the
polarization in Congress. Frist was successful when Daschle lost his bid for reelection in 2004

On the floor of the Senate, the personal animosity resulting from the polarization was
illustrated when Vice President Cheney publicly said to Democratic Senator Patrick Leahy,
“Fuck yourself.” Although such insults are common among politicians (and non-politicians),
they are most often expressed in private. This particular insult was particularly egregious
because it was not a comment about a third party but stated directly to the person insulted; it was
not private, but public; it was said on the floor of Congress; and it was said publicly by the
President of the Senate, the Vice President of the United States. In explaining his remark, the
Vice President did not address a substantive difference between the two men, but said that it
correctly expressed his feelings, “I expressed myself forcefully, felt better after I had done it.”

Democrats in 2004 also complained that Republicans systematically excluded them from
important conference committee negotiations between the two houses and that the procedural
rules were used against them in ways that exceeded the Democrats’ partisan use of procedures in
the later years of their domination of Congress. Republican Senator John McCain commented
on the partisanship of the procedural battles, “The Republicans had better hope that the
Democrats never regain the majority.” House Democrats also broke an unwritten seven year
truce on ethics charges in the House when they charged Majority Leader Tom DeLay with
improprieties with regard to the 2002 redistricting of Texas that gained the Republicans several
seats and his tactics in winning votes on a close Medicare vote in 2003.

Former Tennessee Senator and Republican National Committee chair, William Brock,
attributed the incivility, with “less dialogue, less comity, and more partisanship,” to safe districts
and the resulting polarized politics.

Consistently now in general elections, well over 90 percent of congressional races are virtually uncontested. . . . If a candidate need talk only to those who are most fervent in support of the party, he or she doesn’t have to listen to, or even speak to, people at the center, much less those of the other party. . . . We’re increasingly moving to a political system that looks, and feels, like a political barbell: one where all the weight is at the ends of the spectrum, leaving those in the center with little voice or opportunity for impact.”

III. President and Congress in an Era of Polarized Politics

The Clinton era was a contentious time for relations between the President and Congress. At one level the conflict reflected a personal rivalry between Bill Clinton and Newt Gingrich. Clinton, a self-described “New Democrat,” pulled the Democratic Party in a more moderate direction and “captured” some issues from the Republicans, e.g. support for crime control, fiscal prudence, family values (at least in rhetoric). Gingrich, on the other side, had led the Republicans from the wilderness of minority status to the promised land of majority control of Congress, and sought to dismantle much of the liberal “Great Society” legislation that Democrats had passed in the 1960s.

President Bush campaigned for the presidency in 2000 as a moderate, “compassionate conservative.” Once in office he pursued a conservative policy agenda and enjoyed widespread political support after the 9-11 terrorist attacks. But his decision to invade and occupy Iraq led to a divided country and a contentious campaign for the presidency in 2004. This section will examine the polarized politics of the Clinton and Bush presidencies.

A. President Clinton and Congress: A Mixed Record

In the 103rd Congress (1993-1995) the Democrats still held a majority in Congress and had high hopes that they would achieve a positive policy record that would mark a resurgence of Democratic hegemony after 12 years of Republican control of the presidency. But the dream was not to come true. Clinton’s first major policy push was for deficit reduction, which he won with no Republican votes, but which was bitter medicine for congressional Democrats who would rather have pushed new programs. Then, Clinton’s big initiative for universal health care coverage was defeated by the Republicans in 1994. The huge and complex plan favored by the administration was framed by the Republicans as more “big government” and too costly. In 1994 the Republicans were able to use the Clinton record to “nationalize” the midterm congressional elections and take control of Congress for the first time in 40 years.

The Gingrich-led Republican victory was so overwhelming that at the beginning of the 104th Congress they were able to push the “Contract with America” agenda through the House in the spring of 1995 and roll over the Democrats in doing so. The national agenda was so dominated by the Republican “Contract” that on April 18, 1995 President Clinton had to argue
that he was “relevant” to the policy process. “The President is relevant....The Constitution gives me relevance; the power of our ideas gives me relevance; the record we have built up over the last two years and the things we’re trying to do give me relevance.” But when much of the Contract proposals foundered in the Senate, the Republicans decided to build into the appropriations process provisions that would go far beyond the Contract in trying to reduce severely many of the government programs of which they disapproved. They wanted to abolish three cabinet departments and cut back severely programs in education, environmental protection, Medicare, Medicaid as well as eliminate smaller programs such as the National Endowments for the Arts and Humanities.

These priorities were packaged in omnibus legislation in the fall of 1995, and President Clinton vetoed the bills several times. When the Republicans did not change the provisions, much of the government was shut down for lack of appropriations. When it became clear that the public saw the Republican Congress rather than President Clinton as responsible for the shutdown, Robert Dole, who was running for President, convinced Congress to pass appropriations bills and negotiate the budget bills. Clinton was reelected in 1996, and the Republicans retained control of Congress by narrow margins.

The 105th Congress (1998-1999) began with Clinton’s plans to propose a number of “small bore” policy proposals that would be acceptable across the political spectrum, but in late January the Monica Lewinsky scandal hit. The rest of the spring was dominated by the efforts of Kenneth Starr to investigate the scandal, and the fall was dominated by the bitterly partisan battle to impeach the President. Many Democrats and moderate Republicans would have preferred to condemn the President’s behavior rather than impeach him and trying to remove him from office. The key to President Clinton’s impeachment was the ability of the House Republican leadership to invoke party discipline to prevent a vote on censoring the president. The articles of impeachment passed on party line votes, with only a few members from each party defecting on the two articles that were adopted.

The 106th Congress began with the Senate Trial of the President and its decision not to remove him from office. The rest of the session was taken up with the aftermath of the impeachment trial and partisan battles over policy priorities. The second session began in an election year (2000) and was not marked by major policy victories or an impressive legislative record. Each party was more concerned with its efforts to prevail and win a slim majority in the fall elections. Even issues with broad bipartisan support were not able to be passed in the corrosive atmosphere. Representative Jim McDermott (D-WA) characterized the 106th: “Everything was crafted on their side to win the election. And everything we tried to do was [to] derail them from winning the election....It was the most unproductive public policy year[s] I’ve spent in my life.” Senator John Breaux (D-LA) put it this way, “We’ve entered into a pattern of blaming each other for failure. People were actually in some cases afraid to compromise because they would lose the issue. On both sides.”

As bitter as the battles between Clinton and Gingrich were, the argument of this essay is that the fundamental causes of the partisan battles that dominated the four Congresses of the Clinton era have been driven by the polarization of Congress rather than by the personalities of the two men. The structural underpinnings of polarization lie in the demise of the “solid South”
and the division of Congress, especially in the House, into a more conservative Republican party and a more liberal Democratic party (recognizing that the whole political spectrum shifted in a conservative direction in the 1980s just as it shifted in a more liberal direction in the 1960s). This polarization, as documented earlier in the essay, has led to a more contentious atmosphere in Congress with more party voting and use of obstructionist tactics in both the House and the Senate. It has also led to greater use of the veto by the President.

Partisan conflict and battles between the President and Congress, however, do not mean that no important legislation gets passed. Stalemate is a relative term, and the government keeps operating (even during a shutdown) during intensely partisan periods. Thus President Clinton and Congress were able to pass a number of important policy initiatives. In 1993 President Clinton fought for congressional approval of the North American Free Trade Act. But he was able to get it passed only by knitting together a coalition of more Republicans than Democrats, and he was opposed by Majority Leader David Bonnier in the House. Democrats in Congress were not pleased that Clinton backed the Bush-initiated NAFTA legislation, but free trade was a Clinton “new Democrat” issue.

Similarly, President Clinton decided to sign the Republican welfare reform bill in the summer of 1996, despite opposition of the Democrats in Congress (and some in his own administration). While Clinton thought the bill was too harsh, it did move in the direction he favored. But it was also an election year, and Clinton did not want to give Republicans the issue of arguing that he vetoed three welfare bills after promising to “end welfare as we know it.”

In 1997 President Clinton and the Republican Congress were able to compromise in order to come to an agreement that would balance the budget within five years. This impressive agreement was achieved by the willingness of each side to set aside partisan warfare and negotiate an outcome in which each side could claim victory. The 1997 deal was followed by a FY1998 budget that was actually balanced — four years earlier than had been projected. The surplus in FY2000 was more than $200 billion, and surpluses continued in 1999, 2000, and 2001. This historic turnaround was based on the ground work laid by Presidents Bush in 1990 and Clinton in 1993 with their deficit reducing agreements and spending constraints. But it was made possible by a booming economy and historically high stock market.

In the spring and summer of 2000 President Clinton was able to work with Republicans in Congress to win approval of permanent normal trade relations with China. In the House more than twice as many Republicans as Democrats supported the measure, echoing the coalition that passed NAFTA in 1993. The above policy achievements were possible only through bipartisan cooperation and the willingness to share credit. But such cross-party victories have been unusual; the primary pattern has been one of partisan rancor and stalemate.

B. President Bush and Congress: Winning the Big Battles

President Bush’s first term can be divided into three periods: 1) pre 9-11 conservative policy agenda, 2) the unified response to 9-11 and the war in Afghanistan, and 3) the divisive campaign for war in Iraq and its aftermath.
During the presidential campaign of 2000 candidate Bush set a moderate tone by asserting that he was a “compassionate conservative” and advocating educational proposals that often appealed to Democratic voters. He promised to “change the tone” in Washington by taking a bi-partisan approach to governing, as he had in Texas. While arguing for more defense spending and a national missile defense, privatizing part of Social Security, and a large tax cut, the emphasis was not on the more conservative aspects of his policy agenda.

In his first weeks in office he followed up on his promise to change the tone in Washington by meeting with a large number of members of Congress, many of them Democrats. He even attended caucus meetings of the Democrats in the House and the Senate to show that he was willing to communicate with the opposition. In his initial policy agenda, however, he pursued a conservative agenda that appealed to his Republican base in the House of Representatives and the electorate.

In January 2001 Republicans controlled both houses of Congress and the Presidency for the first time since the beginning of the Eisenhower Administration, but their control of Congress was narrow, with a 221 to 212 margin (with two independents). President Bush’s first and largest legislative initiative was to propose a large tax cut, as he had promised in the campaign. The administration’s proposal was for a $1.6 trillion cut over ten years that included reducing the top brackets, eliminating the estate tax, reducing the marriage penalty, and increasing child credits. Democrats argued that most of the benefits would go to the relatively well off and that the overall size of the reduction in revenues would threaten the projected surpluses; they favored a smaller cut that was targeted at lower income levels. The House passed Bush’s plan, but the Senate held out for a smaller cut. After negotiations, the Senate went along with the House to vote for a $1.35 trillion cut, an important policy victory for the President.

In another of Bush’s top priorities he established by executive action a White House Office of Faith Based Initiatives to facilitate the use of federal funds for social purposes to be administered by faith based organizations. He proposed privatizing part of the Social Security system by setting aside a portion of contributions to the system for private investment in personal retirement accounts. Although much of his education agenda was endorsed by Democrats, Bush favored the creation of vouchers allowing public funds to be used by parents to send their children to private schools. A version of his education plan, without vouchers, was passed by Congress in the late fall of 2001.

In the late spring of 2001 the President had won an important victory in his large tax cut and was turning to his other priorities when his political power was dealt a blow. Senator James Jeffords, a third-term Republican from Vermont, had been a moderate, but loyal Republican. But he had felt increasingly out of place in the conservative Republican Party of the 1990s.

So in the middle of the first session of the 107th Congress party control of the Senate shifted from the Republicans to the Democrats. With the 50-50 split after the election, the Republicans could count on a tie breaking vote from the Vice President. But with the Democrats controlling 51 votes to the Republicans’ 49, control of the Senate agenda, along with chairmanships of all the committees, went to the Democrats who would not be as sympathetic to President Bush’s priorities.
Thus in the summer of 2001 the Bush Administration began to recalibrate its policy priorities to adjust to Democratic control in the Senate and looked forward to some difficult policy battles in the fall. Then came the terrorist attacks that transformed the Bush Presidency and the nation’s priorities.

The terrorist attacks on the World Trade Towers and the Pentagon created a surge of public unity that gave President Bush unprecedented public support and a compliant Congress willing to support the Administration’s war on terrorism. The first and most important political effect of the terrorist bombings of September 11 was a huge jump in public approval of President Bush. In the September 7-10 Gallup poll public approval of the President stood at 51 percent; the next poll, on September 14-15 registered 86 percent approval – a 35 percent jump virtually overnight.

Congress quickly passed a bill providing $40 billion in emergency appropriations for military action, beefing up domestic security, and rebuilding New York City. Congress also passed anti-terrorism measures proposed by Attorney General John Ashcroft with broad, bipartisan support. The legislation which was passed by Congress in mid-October and signed by the President later in the month, was entitled the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001,” or more briefly the “U.S.A. Patriot Act.” Congress also passed provisions expanding government powers on wiretapping, computer surveillance, and money laundering. Attorney General Ashcroft also issued an order allowing officials to listen in on attorney-client communications for suspects who might be terrorists.

The Administration also asked for and got sweeping authority to pursue an international war on terrorism. On September 14 Congress passed a joint resolution giving President Bush broad discretion in his direction of the military response to the terrorist attacks. The grant of power was sweeping in that it allowed the President to decide as “he determines” which “nations, organizations, or persons” United States forces may attack.

The president used his authority to attack the Taliban regime in Afghanistan, which had harbored the al Qaeda terrorists. U.S ground forces, cooperating with the Northern Alliance began attacking Taliban forces, and the tide turned in favor of the U.S. in mid November, with Kabul falling to the Northern Alliance on November 13. In early December allied forces took control of Kandahar, and a coalition of Afghan forces took official control of the country by the end of the year.

The partisan unity that marked the administration’s immediate reaction to the 9-11 attacks and the war in Afghanistan began to erode as the administration’s plans for war in Iraq came to be debated in 2002. As the war in Afghanistan went on and Osama bin Laden was being pursued, secret planning was underway for war with Iraq. In late 2001 President Bush asked Secretary of Defense Rumsfeld to begin detailed planning for an attack on Iraq, and General Tommy Franks presented his first formal plans on December 4, 2001. After several more iterations, Franks presented the refined, operation plans to President Bush on February 7,
In his State of the Union address on January 28, 2003, President Bush said that the UN had given Saddam Hussein his “final chance to disarm.” On March 19 U.S. forces attacked Saddam, and after three weeks had prevailed over Saddam’s forces in the battle for Baghdad. In the immediate aftermath of the U.S. victory, looting and general disorder prevailed and U.S. forces began to restore order and to rebuild the infrastructure of Iraq. But in the summer of 2003 insurgents began to use guerilla tactics to attack U.S. forces and disrupt the rebuilding of the country, and intensive searches by U.S. forces did not lead to the discovery of any of the weapons of mass destruction that Saddam had been thought to have had.

In his 2002 State of the Union Address, the President announced that the United States would oppose the “Axis of Evil” countries: Iraq, Iran, and North Korea. The seriousness of this announcement was not fully appreciated, even when in the spring the administration began talking about “regime change” in Iraq.

In the summer of 2002, talk about war with Iraq was becoming more widespread, and members of the officer corps, especially the Army, began to voice reservations about the wisdom of attacking Iraq. Even Brent Scowcroft and James A. Baker, both members of the President’s father’s administration, wrote op-ed pieces arguing that war with Iraq was not wise. In August Vice President Cheney began the political campaign for war with a speech that charged that Saddam Hussein was nearing the acquisition of a nuclear capacity as well as possessing chemical and biologically weapons that he was planning to use against the United States.

In the fall of 2002 President Bush decided to go to the United Nations for a resolution demanding that Saddam disclose his WMD. He then went to Congress for a resolution giving him authority to take the country to war with Saddam. The president framed the issue as the necessity of standing up to Saddam Hussein and backing the president in his attempt to get Saddam to back down. With an eye to the upcoming 2002 elections, the implication was that if Democrats in Congress did not support the president, they would be attacked in the campaign as weak on national security. The final resolution passed Congress by large margins in the House and Senate.

After the administration convinced Congress to give the president authority to attack Iraq, Colin Powell and U.S. diplomats went to work building a coalition to convince the UN Security Council to pass a new resolution on Iraq. After much negotiation the Security Council on a strongly-worded, unanimous resolution. Resolution 1441 gave Iraq one week to promise to comply with it and until February 21, 2003 at the latest for the UN inspectors to report back on Iraq’s compliance.

The UN weapons inspectors searched Iraq with seeming carte blanch and surprise visits to sites of possible weapons manufacture, but by late January had found no “smoking gun.” Chief UN inspector, Hans Blix, said that he needed more time to do a thorough job. But as the initial reporting date for the UN inspectors (January 27, 2003) approached, President Bush became increasingly impatient with the inability of the UN inspection team to locate evidence of Iraq’s weapons of mass destruction.

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In 2004 Democrats criticized the administration for what they considered the rush to war without full U.N. support and for not giving the U.N. inspectors time enough to complete their job. As attacks against U.S. forces increased in frequency and intensity, the President’s policy in Iraq became the major issue in the 2004 presidential election.

The Bush Administration’s record with Congress was characterized by success on national security matters but difficulty, particularly in the Senate, on domestic policy. Overall in domestic policy the Bush administration won some significant victories, particularly the series of tax cuts that amounted to almost $2 trillion over 10 years. It also succeeded in passing the significant no-child-left-behind education program in 2001 and the Medicare drug benefit in 2003. But in many areas of domestic policy, Democrats, particularly in the Senate, were successful in frustrating the policy goals of the Bush administration and Republicans in Congress. Congress did not pass major changes in the administration’s faith-based initiative, approve oil drilling in the Arctic National Wildlife Refuge, approve tort reform, or take up Social Security privatization.

The Bush overall success rate with Congress was quite high in terms of the CQ box score, with the president achieving 87 percent success ratings in 2001 and 2002 and 78 percent in 2003. But just as in the Clinton administration in its first two years, the scores seemed to indicate more success than the reality, at least in domestic policy. The majority party in Congress was able to schedule votes to maximize victories and avoid votes on measures that would not be successful.

Conclusion

The presidential campaign in 2004 seemed to raise the level of partisan conflict to unusually high levels. Attack ads from both sides, both official campaign ads and “independent” ads, swamped the swing states in the weeks before the November 2nd election. While the rest of the country did not get the same attention from candidates or their hired guns, partisan feelings among activists were just as high as in the swing states. The country seemed to be polarized between the reds (Republicans) and the blues (Democrats). One indicator that was taken to demonstrate polarization during the 2004 election was evidence that most voters had made up their minds relatively early. By July of 2004, 79 percent of voters had decided they would vote for either Bush or Kerry (compared with 64 percent in 2000), leaving fewer undecided voters than in most presidential elections. The outcome of the 2004 election was a replay in its relatively close margins (though with a clear and undisputed outcome), but the campaign was vastly more contentious.

The difference between the 2000 election and the 2004 election was the political perception of George W. Bush. In 2000 he was in the middle of the spectrum with Democrat Al Gore, and the electorate did not see large ideological differences between them. Bush was for tax cuts, a “humble” foreign policy, education reform, and a strong defense. Gore was more liberal on environment, more fiscally conservative, and less friendly to big business. The consequences of either one being elected did not seem drastic, and many non-committed voters...
were ambivalent.

In contrast, the choice in the 2004 election was much more stark. President Bush had governed from the right, with large tax cuts, business-friendly environmental policies, proposals to partially privatize Social Security, and his proposal for a constitutional amendment to prevent states from allowing gay marriage. But most importantly, he had pursued war with Iraq based on questionable claims of WMD and a purported link between al Qaeda and Saddam Hussein. The subsequent occupation was difficult, and there was no clear exit strategy in the fall of 2004. Thus the choice for voters in 2004 was stark. Despite Democrat John Kerry’s commitment to maintain the U.S. presence in Iraq, it was clear to voters that he would pursue a distinctly different and more “internationalist” foreign policy.

In most presidential elections a large portion of voters are in the middle of the political spectrum, and presidential candidates must move to the center in order to capture enough votes to win. Candidates often appeal to their party’s base in the primaries, because turnout in the primaries is limited to those strongly committed to the party. But candidates usually must then move back to the middle of the spectrum in order to appeal to the general electorate, which is not as polarized as the party base. Thus in most presidential elections, e.g. 1988, 1992, 1996, 2000, the candidates were perceived to be in the middle of the spectrum. But in 2004 the gap in approval of the president between Democrats and Republicans, at 74 percent, was larger than it had been since the measure had been taken. That is, Republican approval of President Bush was near 90 percent and Democratic approval was near 15 percent.\textsuperscript{lx}

How can we explain the deep cleavage between Democratic and Republican support for President Bush? Democrats and Republicans were polarized over President Bush’s policies, but independents and other moderate voters were not as polarized as the committed partisans in the electorate. This is consistent with Fiorina’s conclusion of no increasing polarization among most of the electorate over the past several decades. There were, however, important differences between the identifiers with both parties, but the differences were not extremely deep or increasing, except for party activists.

Many voters felt strongly about the choices they faced in the 2004 election. But the primary cause of their strong feelings was the choice they were presented with: a continuation of President Bush’s approach to domestic and foreign policy or a change to a Democratic alternative. It is entirely possible that they would have preferred a more moderate set of options for the 2004 election. The after-effects of 9-11 also contributed to the election of President Bush for a second term and the strong feelings of many Democrats that the war in Iraq did not make the country safer.

Given the continuing reality of predictably safe seats, the polarization in Congress is not likely to go away soon. Similarly, the relatively narrow margins between the parties in Congress (11 seats in the Senate and 30 seats in the House for the 109th Congress) are likely to remain, as is the domination of Congress by the Republican Party. According to Gary Jacobson’s analysis, Democratic voters are more tightly packed into districts that are quite safely Democratic while Republican voters are distributed more effectively for electing Republicans from safe but not overwhelmingly Republican districts: “53 percent of the Gore majority districts have more than
60 percent Gore voters, whereas only 41 percent of the Bush majority districts have more than 60 percent Bush voters.” Thus, Jacobson concludes, the next several election cycles will see “uphill struggles for the Democrats, fought with enormous intensity in a handful of districts, while the great majority of races go effectively uncontested.” Similarly, Republicans have an advantage in the Senate, though less so than the House. Democrats tend to win more votes in more populous states, and Republicans tend to do better in more rural states. In 2000 Bush won 15 of the 20 states with the least population, and Al Gore won six of the nine states with the largest populations.

All of this means that the contentious politics of the first Bush term will continue, with the President pushing for conservative domestic policies and a continued aggressive foreign policy and Democrats in Congress fighting a rearguard action, particularly in the Senate, in attempts to thwart many of his policies.

ENDNOTES


iii Polsby, How Congress Evolves, pp. 87-93.

iv Polsby, How Congress Evolves, pp. 80-94.


vi Polsby, How Congress Evolves, p. 94.


viii Polsby, How Congress Evolves, pp. 80, 150.


Polsby puts it this way, “...air conditioning (plus other things) caused the population of the southern states to change [which] changed the political parties of the South [which] changed the composition and in due course the performance of the U.S. House of Representatives leading first to its liberalization and later to its transformation into an arena of sharp partisanship, visible among both Democrats and Republicans.” *How Congress Evolves*, p. 3.


Bruce Oppenheimer argues that individual incumbency advantage has been decreasing and that very high reelection rates of House incumbents is primarily due to the partisan loading of districts. See “Deep Red and Blue Congressional Districts: The Causes and Consequences of Declining Party Competitiveness,” in *Congress Reconsidered*, 8th ed. edited by Lawrence Dodd and Bruce Oppenheimer (Washington: Congressional Quarterly, 2005), forthcoming.

Loomis and Schiller, *Contemporary Congress*, p. 66.

In Florida, if an incumbent is not opposed, his or her name does not appear on the ballot. Thus the candidate is “automatically reinstated in Washington” without any constituent have to cast a ballot in his or her favor. David S. Broder, “No Vote Necessary,” *Washington Post* (11 November 2004), p. A37.

Based on data from the National Election Studies at the University of Michigan. Fiorina, *Culture War?*, p. 23, 28, 43.

Fiorina, *Culture War?*, p. 49.

Fiorina, *Culture War?*, p. 60.

Fiorina, *Culture War?*, p. 79.

Fiorina, *Culture War?*, p. 92, 95.

Fiorina, *Culture War?*, p. 114.

Fiorina, *Culture War?*, p. 130.

Jon R. Bond and Richard Fleisher, “The Disappearing Middle and the President’s Quest for Votes in Congress,” *PRG Report* (Fall 1999), p. 6.

Bond and Fleisher, “The Disappearing Middle, p. 7. The authors calculate their ideological scores from the rankings of liberal and conservative groups, Americans for Democratic Action (liberal) and American Conservative Union (conservative).”


On the decrease of the number of moderates in Congress see also Binder, “Going Nowhere,” APSR, p. 526.


Sinclair, “Transformational Leader or Faithful Agent?”, p. 5.


Binder and Smith, *Politics or Principle?*, p. 16.


Binder, *Stalemate*, p. 93.

Binder, *Stalemate*, p. 58.


For a detailed analysis of President Bush’s public campaign for war in Iraq see James P. Pfiffner, “Did President Bush Mislead the Country in his arguments for War with Iraq?” *Presidential Studies Quarterly* Vo. 34, No. 1 (March 2004), pp. 25-46.


