Joan Shorenstein Center on the Press, Politics and Public Policy

Discussion Paper Series

#D-60, January 2011

Restoring Comity to Congress

By Charles Gibson
Shorenstein Center Reidy Fellow, Fall 2010
Former anchor, ABC's *World News with Charles Gibson*

Joan Shorenstein Center
PRESS • POLITICS
VE RI TAS
• PUBLIC POLICY •
Harvard University
John F. Kennedy School of Government

It should not be surprising that long-time members of Congress talk nostalgically about "the old days" when friendships between Democrats and Republicans were commonplace, not the exception but the rule. They tell the story of Dan Rostenkowski, then a new Democrat in the House, driving home to Chicago every weekend with Republicans Bob Michel and Harold Collier. They would leave Thursday night, drive through the night, one at the wheel, another keeping the driver awake, and the third sleeping in the back of the station wagon. They would return Sunday night with the same arrangement. That was in the 1960s when members were reimbursed for only a few trips home each session of Congress. Those three members of opposing parties forged friendships that transcended any ideological battles as all three, particularly Rostenkowski and Michel, rose to leadership positions in the House. (1) Then there were the early 1970s when George McGovern would take the floor of the Senate and rail against the Vietnam war claiming the Senate "reeked of blood," and Bob Dole, a wounded veteran of World War II, would answer him in Senate speeches every bit as strident. The two would later be spotted walking arm-in-arm, laughing, the best of friends. (2) In the 1980s, two old Irish ideologues, Ronald Reagan and Tip O'Neill, one fiercely conservative, the other an unreconstructed liberal, fought a "battle over the nation's soul." As Reagan's tax-cutting proposals were debated in the House, O'Neill, speaking of the president, said, "He has no concern, no regard, no care for the little man of America. And I understand that. Because of his lifestyle, he never meets those people." The president responded, calling O'Neill's statement "sheer demagoguery." The president called Tip the next day to smooth the waters and Tip said, "Old buddy, that's politics. After 6 o'clock we can be friends, but before 6, it's politics."(3) Writing in *U.S. News & World Report* in 2004, just after Reagan's death, Gloria Borger quotes Rostenkowski telling

stories about how the president would invite Democrats to the White House "after six."

> "Hell," Rosty recalls, "Reagan used to have six or seven of us over to the White House just to tell jokes." One time, "Reagan wore that plaid sports jacket, and he offered me Campari. I told him if he didn't have any gin, I would go out and buy some." Then it was down to business. "I told him, You and I can write some history," recalls the chairman of the tax-writing committee. It was the beginning of tax reform. "It's so sad now," says Rosty. "These people (in Washington) are so angry they don't even talk to each other." Not even after 6 o'clock. (4)

But such stories are of the old days. The practice of spirited politics by day and friendship by night is long gone. The sense of common purpose that might, at times, outweigh partisan difference seems a distant memory. In separate conversations during a single night recently in Washington, Joe Califano, who was a pivotal part of both the Johnson and Carter administrations, and Bill Frist, who was the Republican Majority Leader in the Senate, used exactly the same words to describe the current political atmosphere. "Washington," they both said, "is a broken city."(5)

They point to the political polarization that pervades the Capitol. They and other long-time participants in the Washington scene acknowledge polarization is nothing new in American government. It existed to varying degrees throughout the country's history. However, there are now a number of factors, both social and structural, that deepen traditional political divisions in Washington and serve to undermine not only political cooperation and compromise, but also basic comity and even civility. As a result of deep political hostilities, members of the House and Senate have come to consider themselves politicians first and legislators second.

George Wallace made the argument during the 1968 presidential election that there was not a "dime's worth of difference between the two parties." At the time, vote analyses of both House and Senate, while not proving his point, at least found a far greater degree of overlap between Democratic and Republican voting patterns than exist today.

Party-line voting in the House and Senate at the mid-point of the current decade (the 108th Congress) was twice as great as it was in 1973 (the 93rd Congress). (6) That difference bears out whether voting patterns are measured by interest group ratings, ideology scores, roll call summaries, DW Nominate scores (a favorite of political scientists that may be inexplicable to the average voter) or party unity scores. Indeed, in measuring political differences by these various scoring methodologies, even the most liberal Republican in the House of Representatives in the 108th Congress (Jim Leach, R-IA) had a more conservative voting record than did the most conservative of Democrats (Ken Lucas, D-KY). (7)

Political scientists McCarty, Poole and Rosenthal in their book *Polarized America* conclude that the two parties are more polarized than at any time since Reconstruction. "Over the past 30 years, the parties have deserted the center of the floor in favor of the wings." (8) Hacker and Pierson in their book *Winner Take All Politics* point out that it would be logical to assume the parties are polarized because voters are polarized. But many who have studied the subject point out that is not the case, that activists in the two parties have moved further apart, "But the ideological polarization of the electorate as a whole — the degree of disagreement on left-right issues overall — is modest and has changed little over time. Polarization primarily reflects not the growing polarization of voters, but the declining responsiveness of American politicians to the electoral middle." (9)

Or in the words of Jim Leach, former Republican congressman from Iowa, "…the most under-represented group in the American population…in the House of Representatives today is the majority of the American people. The great center." (10) Retiring Senator Evan Bayh agrees, "…moderation and independence are punished rather than rewarded at a time when I think most of the voters are looking for those two qualities." (11)

There is agreement among political scientists on the timing of polarization, the effects of it and the ways to measure it. The political science literature is littered with explanations of how polarization has developed in recent years, and what effect it has had on the ability of the Congress to legislate. There is no agreement, however, on the causes of it. Many explanations are put forth regarding *why* polarization has increased so markedly. No single cause can be isolated as primarily responsible.

There is the gerrymandering argument. The political party in the majority in state legislatures in most instances controls the redistricting of congressional districts following each decennial census. There are estimates that following the redistricting of the 2000 census approximately 380 House seats were generally "safe" for one party or the other leaving only about 55 seats that are considered competitive. It has been proven that members representing safe congressional districts must be more concerned with winning their party's primary than the general election. Thus those members from safe-seat districts become more philosophically liberal if they represent Democratic districts and conservative if they represent Republican districts. There is no incentive to move to the philosophical center since their challenge is most likely to come from their party's largely uncompromising base. Sean Theriault quotes Sam Nunn, former Democratic Senator from Georgia and a centrist, as saying, "Both political parties

have engaged in basically rigging congressional districts to the point where they are absolutely safe districts for one party or the other, and I think that's detrimental to the kind of dialogue we need for bipartisanship." (12) Critics of this argument, however, point out that it does not account for the fact that the Senate has become almost as polarized over the past 35 years as has the House and, of course, Senators are elected statewide.

Constituency changes have occurred as politically like-minded people have migrated into states and communities where others are in concert with their political point of view. There are fewer "swing states" in presidential elections than in past years, and fewer voters split their tickets between parties. In the 1976 Carter-Ford election just under 27 percent of voters lived in counties where one of the candidates received 60 percent or more of the vote. In the 2004 Bush-Kerry election that number was over 20 percent higher — 48.3 percent. (13) Some political scientists attribute the phenomenon to the rise of social issues such as abortion, gay marriage, gun control and the like but the fact remains there is a growing "regionalism" in American voting patterns.

Reduced voter turnout has also played a role. Off-year primary participation has steadily decreased since 1960 and, today, less than 20 percent of eligible voters show up, (14) which means that a candidate can gain a nomination with the support of less than 10 percent of the total electorate. Extreme partisans are the ones who are most likely to vote in a primary (15), so it is their votes in one-sided states and districts that effectively determine who will be elected to the House and Senate. Not surprisingly, candidates increasingly cater to voters on the wing of the party.

Radio and television have played a part with the development of channels espousing a distinct point of view that enables an audience to hear only news that enforces their already developed political prejudices and thus become stronger partisans.

Institutional changes in the Congress have diminished the importance of committees and individual members and centered power in an ever-more-partisan leadership. King and Zeckauser of Harvard demonstrate, "In the House and Senate, rank-and-file members who are more extreme are more likely to be elected to the leadership." (16) The demands on leadership to raise money for their party and to define for voters a national set of party priorities have tended to exacerbate partisanship.

The principal effect of all these causes has been to increase polarization and to give the country political parties increasingly locked into ideological rigidity and less willing to compromise with the other side. Political success – winning elections and gaining power in Washington – seems now of greater importance to each of the parties than the practicalities of governing. Politics today encourages confrontation over compromise.

Many issues that need resolution, resolution that would require compromise, get sacrificed in the name of party unity. The impression is that by holding steadfast to party principles success will come in the next election.

As a result, the partisanship that divides Washington has kept Congress in recent years from progress on a whole host of issues such as the deficit, balancing the budget, controlling health care costs, reforming immigration laws, securing the country's borders, revising Social Security and Medicare to ensure those programs' long-term solvency, campaign finance reform, reducing the country's

dependence on foreign oil, and global warming. Indeed, lower level presidential appointments to the federal bench can be held up for purely partisan political purposes.

Some veterans on Capitol Hill point to the Republican takeover of the House of Representatives in 1994, and the Speakership of Newt Gingrich, as the beginning of the climate of hostility that pervades Capitol Hill to this day. But that climate began before Gingrich. He used it and intensified it for his own political purposes. Republicans do not dispute that was the era, the 1980s and early 1990s when today's bitter feelings on Capitol Hill began, but they argue Democrats were just as much at fault as Gingrich. Indeed, they say the Democrats played right into Gingrich's hand.

Mike Johnson worked as a top aide to Minority Leader Bob Michel for years.

> You can blame Newt for a lot, but there was a good bit of that going on already particularly with Jim Wright. Jim Wright was a tyrant. He was awful. Jim Wright tightened up on the committee process, skewed the ratios, tightened the screws on the House floor on being able to offer amendments. He pretty much ran the table on the modern type of polarization in the way the House was managed. Wright was an imperial Speaker. He contributed as much to the stridency and the alienation as Newt did. Newt was smart enough to take advantage of it and smart enough to go to our guys and say, "Are you going to continue to be treated like this?" (17)

Indeed, Gingrich chafed mightily at what he and other like-minded Republicans perceived to be the willingness of his party to accept its minority status. Since the mid-1950s, Democrats had controlled the House for over 30 years, the Senate for most of those years as well.

George Kundanis has worked in the offices of Democratic House leaders for years, and now serves as Nancy Pelosi's top aide.

> We would interact with the Republican leadership on controversial bills and they would sort of explain to us…that the conflict level would be reduced dramatically if we (would) provide for a certain amendment, so we would provide for that amendment because there was no reason for us to invite conflict if we thought we were going to win ultimately anyway. (18)

There was a spirit of comity, a spirit of cooperation with the Democrats by a Republican Party that had been beaten over and over at the polls in congressional elections, and a Democratic Party conceding just enough to the opposition that Republican members could go home and claim achievements in amending and influencing bills. There was also a spirit of cooperation among leadership that dated back to the Eisenhower era. Former Senate Majority Leader Tom Daschle points out that Ike "brought down the (Republican and Democratic) leadership once a week, Tuesday mornings, and they'd talk about what they were going to do that week." (19) There was an unwritten rule that leadership of one party did not campaign against leadership of the other. (20) Sam Rayburn and the Republican Minority Leader Joe Martin of Massachusetts were so close that when Rayburn was asked if he'd campaign against Martin, he said, "Hell, if I lived up there, I'd vote for him." (21) When Republican Minority Leader Bob Michel's Illinois district was changed after the 1990 census, the then-retired Tip O'Neill was asked if he wanted Michel beaten. "If it's close, and Bob loses, I'll pay for the recount." (22) The kind of example Dan Rostenkowski cited of Ronald Reagan inviting Democratic leaders in for drinks had been practiced for years by presidents and congressional leaders as well.

Senator and former Republican presidential candidate John McCain:

> In the evenings, literally every evening, they would convene in a room in the Russell Senate Office Building, Lyndon Johnson, Hubert Humphrey, Everett Dirksen, several other [Democrats and Republicans] names…and it was called the Board of Education, and they would have drinks. And sometimes

> they would drink to…excess. But they would use that time not just to socialize but to really get work done. (23)

Charlie Johnson observed the House of Representatives for over 30 years from the Parliamentarian's office, eventually becoming the Parliamentarian of the House:

> In '64, John McCormick met with Charlie Halleck and then Gerry Ford every week. Carl Albert and John Rhodes and then Tip and John Rhodes and then Tip and Bob Michel and so it was fine until Newt came along and Gephardt was Minority Leader and there was profound mistrust between the two of them. (24)

Bob Michel was the Republican leader in the House for years:

> Republican and Democratic leaders have quit meeting regularly as I did with Speaker Tom Foley and Speaker Tip O'Neill in the 1980s, and some have simply quit talking at all. (25)

Indeed, Gingrich, when he arrived in the House, had found the clubby atmosphere and what he felt were the Democratic high-handed tactics politically repugnant. Gingrich advanced the idea that Republicans could actually be in the majority. But to get there would require drastic action.

Again, George Kundanis:

> The lure that Newt provided was that "you could be in the majority," and so he said the way to do it was to destroy the institution and engage in combat. (26)

Steny Hoyer is the second-ranking Democrat currently in the House of Representatives.

> His theory was that they (the Republicans) had cooperated with the Democrats in trying to make Congress work. And as long as they did, and as long as the public perceived the Congress as "working"…that there would be

> no reason to change the leadership. So he undertook…confrontation and the creation of the schism and the chasm between Republicans and Democrats…and he tried to make a good and evil comparison. Gingrich believed as a political strategy having a positive constructive relationship was antithetical to the success of his party. (27)

George Kundanis:

> He was always of the mind — "let's go after them and let's find out stuff about their backgrounds," private investigators, you know, dig up dirt, try to knock off as many of them, create a vision of a culture of corruption. (28)

Gingrich and a number of like-minded Republicans who came into the House in the 1980s pursued the strategy with remarkable success. To a large degree there was already a "culture of corruption." In 1980, for example, the Abscam scandal dominated national news coverage as six members of the House and one Senator were caught in a video-taped sting operation taking bribes. Gingrich built on that image and argued that the House as a whole, after more than 35 years of uninterrupted Democratic control, had become corrupt. Jim Wright was brought down by a scandal involving the sales of a book he had authored. Bill Gray of Pennsylvania who was part of the Democratic leadership suddenly resigned from the House before a rumored scandal became public. Tony Coelho of California resigned as well after accusations that he had received favorable terms on a loan from Democratic party loyalists. Then in 1991 came a report from the GAO that a majority of members of the House had written checks that overdrew their accounts at the House bank. Never mind that the House bank was a cooperative, that no one was losing money, that the accounts were always made whole when the members' next check came in, Gingrich saw the report as an opportunity to further paint the House as corrupt. "Rubbergate" as it became known, became another issue that pervaded national news coverage. Gingrich

insisted on the naming of names of members of Congress, including those in his own party, who had overdrawn accounts at the bank.

George Kundanis:

> Newt blew it up and insisted on the naming of everybody. That was incredibly divisive. People quit in droves but he needed that as another one of the elements of the culture of corruption. You know, roll the grenade in there even if it blows our own people up. The members felt that the other side really wanted their personal career destruction, not just "beat 'em on the issues." It's impossible to argue with the results. It obviously worked. And so he gets in to the majority and now it's 1994, 1995, and he's got a majority. Okay, where's the comity? Why would there be any comity? He sort of took an Uzi and sort of indiscriminately took out people who were innocent, people who were guilty, and now we're going to be friends? It's just not going to happen. (29)

Jim Leach, for 30 years, was a moderate Republican voice in the House:

> The politics of corruption. That's really where (the bitterness) started with Newt going after Jim Wright and Jim Wright being caught by surprise. It proved to Newt and later to Democrats who adopted the same tactics how successful you could be with personal attacks… against leaders. (30)

In the Balz and Brownstein book *Storming the Gates*, Gingrich himself acknowledged much of what led to the harsh Democratic concerns.

> Gingrich believed that saving the House required him first to destroy its credibility with the public.
> Q: You had to bring it down…to start over?
> G: Yes, I always thought that.
> G: The number-one thing we had to prove in the fall of 1990 was that, if you decided to govern from the center, we could make it so unbelievably expensive you couldn't sustain it. (31)

Regardless of who started it, who was wrong, or who was most culpable, there is no question the events of those years, and the tactics employed, first by Jim

Wright and then by Newt Gingrich, poisoned the well and began an era of bad feelings that still exists today. Some even argue that had not the divisions existed that were born of that era, impeachment proceedings against President Clinton could have been avoided. That is debatable. What is not debatable is that those proceedings, which preoccupied the Congress for almost a year, and which revolved around actions of the president that even many Republicans now acknowledge were never of significant magnitude to warrant impeachment, made the atmosphere in Washington even more poisonous.

Personal resentments and residual hostility that developed then might have been overcome in the years since if there were a spirit of comity, or civility, or of personal understanding between members. But members will tell you it does not exist today. Interaction, socialization, fraternization between members of the opposite parties is at an "all-time low." Ray LaHood, a Republican from Illinois, served in the Congress and is now Secretary of Transportation. "I think it's as bad as any time during the 14 years I was there (on Capitol Hill)." (32)

The lack of contact and the lack of familiarity between members of Congress, particularly between members of opposite parties, is the most under-reported and under-studied aspect of polarization. Those with extensive experience working on the Hill or who have served in Congress will say it is one of the most, if not *the* most, important causes of the problem. Mike Johnson contends, "The lack of socialization is probably more responsible for the polarization of Congress than any other influence. Even the ideology." (33)

Even Bayh, retiring after 12 years in the Senate, talks of a day when his father, Senator Birch Bayh, had members of both parties over to dinner, particularly Republican moderates like Chuck Percy, Charles Goodell, Mark Hatfield and

Bob Packwood along with southern conservative Democrats like John Stennis and James Eastland. No more.

> I think the greatest difference is the breakdown in personal relationships among the members which used to allow them to transcend ideological or partisan differences. There were bonds of trust and familiarity. We have institutional problems here but a lot of it comes back to a lack of personal relationships that allow people to overcome ideological and partisan predispositions. This is no longer a forum for eliciting…patriotism and civic mindedness from members. (34)

Tom Daschle, the former Democratic Majority Leader in the Senate, says much the same thing:

> It all comes down to familiarity and a relationship that has a lot more to do with chemistry than issues. If we have chemistry, we can work though the issues. But if we don't have chemistry, which only comes from a lot of interactive experience, it's just not going to happen. (35)

There are several reasons why the social contacts between members have so severely diminished. Again, Tom Daschle:

> I blame the airplane, and that's shorthand. I blame schedules today. The airplane has really exacerbated the problem because it allows members to leave on Thursdays and come back on Tuesdays and leave their families in their states and districts. (36)

John McCain:

> I go back to Arizona literally every weekend. As soon as I can get out of this place, I am out. If you look at a normal day's schedule that I have from early in the morning until late afternoon, even in the evening, it's packed with scheduled events. The lifestyle has changed dramatically. Barry Goldwater, he loved Arizona, but he would go for months at a time without returning to Arizona. So the lifestyle change does not lend itself to camaraderie. (37)

House Parliamentarian Charlie Johnson:

> Members want to be home five days a week…to raise money. Members don't live here anymore. They don't become friendly as neighbors. (38)

Evan Bayh:

> One of the reasons members don't spend time together anymore is that you have to raise huge sums of money in small increments — that's incredibly time consuming. If you're having a fundraiser for breakfast, a fundraiser for lunch, a fundraiser for dinner, if there's a break in the action here you're going to an office off the Hill to do what they call "dialing for dollars." When all things political are on your mind…it's just a barrier to cross the aisle for cooperation. (39)

And Tom Daschle:

> …they (members of Congress) have to spend more and more time in their political offices — every member now has to have a political office and a congressional office because they can't make any calls for fundraising from their Senate offices. So they hang out dialing for dollars for a day or so in that short time they're in Washington and that exacerbates the problem even more. (40)

So what can be done about the problem? Are there ways to break the cycle of increasingly bitter polarization that seems to keep Washington in gridlock and prevents addressing the country's most critical problems? I interviewed more than a dozen current and former Senators, current House members, current and former Capitol Hill staffers, and academics who study the Congress, and those were the two principal questions posed. All had ideas, some practical, some not so practical. But most discouraging was their almost universal sense that there is not yet a willingness on the part of those who could contribute to increasing the civility, comity and social interaction on Capitol Hill, to do so.

Still there were recurring themes to their suggestions. Some involved changes in the social situation of members of Congress, some involved changes in the ways the House and Senate operate.

I had anticipated that some would criticize the filibuster procedure in the Senate that enables 41 Senators to block any bill or appointment from consideration. No one did. There was frequent criticism of the way the procedure is employed by leadership to file for cloture to close off debate on anticipated filibusters and then go on to other business in the Senate. That has markedly increased the number of cloture votes and decreased the number of times Senators actually filibuster to prevent a vote. But none criticized the procedure itself.

I also anticipated that some would suggest that media outlets that express a political point of view might be influenced to tamp down the "yelling" and "trashing" of politicians and the political process. No one did. A majority pointed to the newer politically biased media as a cause of increasing polarization but all accepted the fact that the current media environment is a fact of life. Senator Orrin Hatch noted that there are a number of recently elected Senators, whom he called "peacocks," who are anxious to go on television to create an impression of "how important they are on the Senate floor."(41) Senator John McCain noted, "the more extreme your views and actions are…the more likely you are to be booked (on such channels)." (42) Representative Steny Hoyer summed it up best.

> (These are) people whose job is not to inform, but from their perspective to incite – to make people angry – to make people accuse the other side of venal kinds of activities. Their juices get running and so they go to bed angry and they wake up angry, and they create a context in which a member of Congress can yell out at a president of the United States, "You lie!" The voices you hear, left and right, are the angry voices. (43)

That viewpoint is held by all those on the left and right whom I interviewed. But all accept the new media voices as a fact of life that will not change. Their broadcasts reflect the current political divisions of those who have more decidedly conservative and liberal viewpoints.

Former Senate Majority Leader Tom Daschle:

> If Roger Ailes decided to change the Fox message to, "It's time to come together and find a policy in the middle. Obama has at least some good ideas we can work with," their audience disappears, and they'll find another place to go where somebody is going to be willing to take up the cudgel. (So) even if you find incentives for people to come together, they're going to make it harder for them to do so. It is just a fact of life. (44)

What was mentioned often — indeed it was universal — was the need to get members of Congress to move their families to Washington. A number of those who have been around the Hill for more than 20 years estimated that in the 1980s the percentage of members who had moved their families to Washington was probably 60 percent to two-thirds. There are no reliable figures to prove that, the observations are merely anecdotal. But now? Tom Daschle said members who now bring their families to Washington are a "trace element." In a recent conference for new members of Congress held at Harvard, a group of perhaps 15 new members were asked if they would be bringing their families with them to Washington. There was one hand. (45) Joe Scarborough, a former Florida congressman and now media personality, wrote recently in Politico that the number-one priority for a new member should be to bring his or her family to Washington. (46) The advice is generally ignored.

Norm Ornstein is a congressional scholar at the American Enterprise Institute.

> It used to be all the time that members were around on the weekends and they'd have dinner parties or they'd wind up with their kids at the same

> schools and they'd be standing alongside each other on the weekends at a soccer game. It changes an awful lot because even those people who are fierce partisans or ideologues are human beings, and if you are standing on the sidelines of a soccer game with a colleague from across the aisle and his or her spouse, you're just going to have a harder time vilifying him as the incarnation of the devil when you get on the floor. We just don't have that anymore. (47)

Ornstein has several suggestions to incentivize members to bring their families to Washington. He suggests, as do others, changing the congressional schedule. Instead of the now-common practice of a Tuesday to Thursday schedule, he suggests bringing the Congress in for three weeks at a time and have members work Monday through Friday, 8 a.m. to 5 p.m. Then send the members home for the rest of the month. That would give them approximately 15 work days a month, and give them the other half of the month to raise money. It would also reduce what is an exhausting travel schedule. Most importantly it would center the focus of their lives in Washington, DC. Such a schedule might not be popular with members primarily concerned with their reelections, but it certainly could be sold to the public if it were made an issue. For the attention of congressmen to their jobs — which are after all to be in Washington, legislate, and attend to the nation's business — has decreased every year recently. In 2006, in the second year of the 109th Congress, there were only 71 full days of votes with another 26 days when votes were scheduled only after 6:30 p.m. Counting generously, that means Congress met in substantive session only 97 days during that year. Another indicator of how little Congress is attending to business: In the 1960s and 70s, the House of Representatives averaged 5,372 committee and subcommittee hearings per two-year Congress. In the 1980s and 90s, there was an average of 4,793 hearings in each Congress. In the 108th Congress, in 2003 and

2004, the number was 2,135 — simply because representatives are spending so little time on the job. (48)

Currently members get no housing allowance for establishing a second home in Washington. They get only a $3,000 tax deduction to offset some of their living expenses. Ornstein makes the point that with a salary in the $160,000 range, they are essentially at par with second-year law associates in their pay, and cannot afford housing commensurate with their station. He, and others, suggest in lieu of a pay raise that would be politically unpopular, they should be given a generous housing allowance — large enough to encourage bringing their families to the Washington area. He even suggests converting the old Congressional Hotel on Capitol Hill into apartments that would accommodate families as well as single members. He suggests a common eating area in the complex with rents that would cover the costs of operating the building, but would be low enough to attract members' families. (49)

Some of those interviewed suggested reinstituting biennial retreats for members of Congress from both parties. A series of such retreats was started in 1997 under the leadership of Ray LaHood (R-IL) and David Skaggs (D-CO). Over 200 members and 100 spouses were in attendance at the first conference held in Hershey, Pennsylvania, including the Speaker Newt Gingrich and the Minority Leader Dick Gephardt. Most in attendance declared the retreat a success. Numerous references to "the spirit of Hershey" were made on the House floor after members returned to Washington. A second conference in Hershey followed in 1999 when again the focus of meetings during the three-day conference was the need for greater civility in Congress. The retreat was designed, "to seek a greater degree of civility, mutual respect, and, when possible, bipartisanship among members of the House of Representatives in

order to foster an environment in which vigorous debate and mutual respect can exist." (50) Third and fourth retreats were held at the Greenbrier Resort in West Virginia during subsequent Congresses. The retreats were discontinued because of diminishing numbers of attendees, a perceived lack of enthusiasm for the meetings by leadership, and thus the withdrawal of foundation support for the sessions.

Ray LaHood:

> Relationships that were built during those retreats have lasted long beyond Congress. …(Y)ou get to know 'em, they're your friends and neighbors. You almost never end up personally trashing them. You may disagree with them, but there's really very few opportunities (now) for people to socialize. (51)

The subject of civility, of course, is still an issue in Congress. There is no greater example of why that is the case than the South Carolina congressman who yelled out, "You lie!" during a presidential State of the Union address. Several observers suggested a restructuring of the rules of the House to mandate a change in the culture of behavior. Others doubted that could practically be done and noted that sanctions against a member already exist for extremes in language; it's just that those sanctions are not often imposed.

Former Majority Leader Tom Daschle pointed out that congressmen live in Washington such a small amount of time that they do not know the city. As majority leader, he organized "Explore Washington Nights" when Senators and House members would have a catered dinner in a Washington landmark and learn a bit about its history. Afterwards, he contends, there was "not so much of a willingness to trash Washington every time you give a speech" since when you trash Washington and its institutions, it is harder to have respect for the reason you are there. However, he notes, with the shortened schedules of members in

Washington, and the imperative of attending frequent fundraisers, it might be hard to get members to attend such sessions now. (52)

In a similar vein, many members suggested that their fellow congressmen should not be reluctant to engage in foreign travel — a practice generally known as "Codels" which is shorthand for Congressional Delegations. Such trips are approved by committee chairmen if they are seen as having legitimate legislative value. They have been roundly criticized, principally by the media, as "junkets" or "boondoggles."

Senator Orrin Hatch of Utah:

> If you take foreign trips any more, and that's one area where you really get acquainted with people — but if you take one of those trips you get blasted, even though that's critical…and a lot of members of Congress would do much better here if they would learn about…various important matters all over the world. (53)

Fearful of being "blasted," members have shied away from Codels. The number of such trips has decreased markedly in recent years. To a person, those interviewed said the number of Codels should be increased — that they increase knowledge of important foreign policy and even domestic issues as well as develop friendships among members of opposite parties.

A number of reforms of Senate and House operating procedures were suggested as ways to stir greater cooperation and understanding in the two bodies. One simple suggestion is said to come from Connecticut retiring Democratic Senator Chris Dodd. He favors eliminating the center aisle in the Senate. At present Democrats and Republicans literally sit "across the aisle" from one another. Dodd is said to have suggested mixing the members up, to put John McCain next to Diane Feinstein or Jim DeMint next to Max Baucus. (54) Indiana's Evan Bayh

likes the idea. “Seat us by alphabetical order or by seniority. Sure. Why not?” (55) Some observers of the House suggest a similar mixing of members during committee meetings where Democrats and Republicans now sit on opposite sides of the room.

Members also think there should be a diminution of the number of party caucuses particularly for Senators. Each week there is a Democratic caucus and a Republican caucus; they meet separately and apart. That has proven corrosive.

Tom Daschle:

> Lyndon Johnson had one (Democratic) caucus a year, and he thought that was too many. We’ve now gone from one caucus a year to two caucuses a week. And these caucuses have become pep rallies…and it becomes a “we,” “they,” “kill-‘em attitude.” “You know what they just did to us? Well, screw ‘em. We’re going to do this to them.” And the rhetoric and the hyperbole and the emotions get charged up and…the leadership throws out red meat and before you know it, you’ve got everybody jazzed up and they hate each other. …I would say there ought to be one joint caucus a week. (56)

Evan Bayh suggests alternating weeks: party caucuses one week, a joint caucus the following week. The Senate party caucuses are out of the public eye and the joint caucuses, he says, should also be held in private — just the hundred Senators so as to encourage frankness and candor. Bayh says that in his 12 years in the Senate, the 100 Senators only met in private three times, once to plan procedures for the impeachment trial of Bill Clinton, once after 9/11, and the third time at the outset of the financial crisis.

> ...at least once a month we should have a joint meeting of the Senate to gather and pose an issue — each side should have one or two people to discuss it. It’s a lot harder to be a demagogue and to be strident when you’re actually looking at one another and listening to one another. There’s just not the opportunity (now) to do that. (57)

Jim Leach, who served 30 years in the House, says the same is true in that body. "In the Republican cloakroom truly bizarre things are said about the Democrats." He suggests that all 535 members of the Congress should caucus occasionally in the new Capitol Visitor's Center that has space large enough to accommodate such a meeting. (58)

Probably no procedure in either the House or Senate so grates and angers the minority, whether that be Democrats or Republicans, as the increased use of "closed rules" in which the minority is denied the right to amend a bill. In the 1980s, Democratic leadership began increasing the number of bills brought to the floor of both the House and Senate. Republicans promised to change that when they assumed control of the House in 1995. They did not. Nancy Pelosi, leader of the Democrats, promised reform as well when she became Speaker. She did not.

The percentage of open rules dropped from 44 percent in the 103rd Congress, when Democrats were in control, to 26 percent in the 108th Congress controlled by Republicans. Democrats, currently in control of the House, have been just as restrictive in allowing Republicans to offer amendments to major bills. (59) Republicans regained control of the House in 2010. They have again promised reform, greater openness to amendments and a return to "regular order." Will they do it? It remains to be seen but recent history is not encouraging.

John McCain has a practical suggestion:

> …we're left out. (Democrats) say they have to do that or the Republican Party would have unlimited amendments. Well, there has to be some circumscribing of behavior. The majority leader could say, "Look, I'll give you 15 amendments and debate on it, but you've got to say 15 is enough." There's got to be some common ground there where you give people the amendments and the votes that they really want on important aspects of any

> bill that is before the Senate. But they (the minority) have to show some restraint. That would then make for more comity over the long run. (60)

Indeed, McCain goes further and suggests that the majority and minority leaders in the Senate and House should sit down at the beginning of each Congress and jointly agree on an agenda for the two years. Other Senators should be consulted as well. It is not done now.

> I think it's good politics to get along, but there's got to be some urgency at the beginning of the session that they could sit down — first the leaders and then all 100 Senators and say, "here's the issues that we have to address." What that might lead to is a more opening of the process. (61)

Charlie Johnson:

> …if the American people ever got a sense that process matters as much as it does and wanted to make it apparent to their candidates that they need to vote on each other's proper alternatives, that would go a long way, and it actually did go a long way (in creating comity) for years. (62)

Charlie Johnson, for years the Parliamentarian of the House of Representatives, also points to one other tactic employed in the House, this time by the minority, that is highly destructive to any sense of comity that may exist. In a practice that dates back to 1909 in the House, the minority, before a final vote on a bill, has the right to offer a motion to recommit. That is, in essence, an attempt to kill a bill by sending it back to committee. The alternative is for the minority to offer a motion to recommit "with instructions." That is a tactic to get the bill back to committee so that it can be amended there. In recent years, the minority has begun playing crass politics with motions to recommit. One stark example from just this year: On a jobs bill designed to encourage science and research, Republicans offered a motion to recommit with instructions that an amendment be added stating that any federal employee, who had viewed or downloaded pornography, be fired.

To vote against the motion could be interpreted as a vote favoring pornography. It had been a relatively non-controversial bill headed for easy passage until the motion to recommit with that instruction was made. Democratic leaders pulled the bill rather than have their members vote on the motion. (63) That is not an isolated example. It is a tactic highly corrosive to comity and cooperation. Johnson, and others, say the tactic has got to stop.

There are other suggestions that involve elections. In California right now, a new system is being tried in which primaries are to be open to all parties and instead of one Republican and one Democrat being nominated, the top two vote getters will engage in a runoff on Election Day. With so many congressional districts being either heavily Republican or Democratic, it is thought possible that two Democrats or two Republicans could wind up contesting the election in November and that the more moderate of two could be elected. Whether that will prove the case or not, it is too early to tell.

It has also been suggested that there could be an end to single-member congressional districts and that two, three or four districts should be combined with the enlarged district sending multiple members to Washington in proportion to their party's vote in the enlarged district. Or, as an alternative, it might be possible to open party primaries — not to members of the other party, but to independents who would likely be inclined to favor more moderate nominees.

Still others suggest that redistricting should be taken out of the hands of state legislatures and given to non-partisan, non-political commissions. That is the case in Iowa and a few other states, but just a few. Such independent redistricting

commissions might well produce more competitive congressional districts that might elect more moderate members.

One other suggestion that was raised, perhaps facetiously, and is one that may seem a bit far-fetched, but it could be of merit. While I was interviewing Sir William McCay, who for many years was the Parliamentarian of Britain's House of Commons, I asked him if there were a pub in Westminster, the building that houses the British Parliament. "Several," he said with a twinkle. And did he think a member's pub on the House and Senate sides of the U.S. Capitol might defuse some of the bitterness of the bodies? "Certainly. Why do you even ask?" (64)

Overall, it is evident that the number of suggestions of how to reduce enmities and restore a measure of comity in the Congress is few. Some involve the social norms of the Congress. Some involve elections. Others pertain to procedures in the House and Senate. The question is whether there is a willingness to put any of them into effect, and whether there is a way the public might be able to pressure their representatives to seek greater cooperation. Steny Hoyer contends that contrary to public perceptions, Representatives and Senators hate negative ads, but use them to excess because they work. They'll keep using them until they don't work. So it is, he thinks, with the deep divisions on Capitol Hill. Most members realize those divisions inhibit legislating and attacking the country's problems. But, Hoyer says, they believe it works politically for their party and that if they are seen cooperating with the members of the other party, if they are seen working "across the aisle," they will be made to pay for it personally in their next primary election. (65)

Ron Brownstein, in his book *The Second Civil War*, makes the point that "personal trust and goodwill are the grease in the engine of government, most notable when they are absent." (66) They are absent at present to be sure.

It is not just comity that is gone in Washington. Civility seems in short supply as well. Civility implies respectfulness and a willingness to listen and consider the opinions of others. It presupposes the good intentions of political opponents even if they are, and will remain, opponents.

None of the suggestions raised by those who were interviewed, even if any were to become common practice or were to be instituted legislatively, would break the current deep divisions in Washington. That will have to come from public pressure, from the public saying "enough" and expressing that with their votes. Some suggest it will take a real crisis to make that happen.

Jim Leach, in a speech at Princeton University, said "The choice for leaders is whether to opt for unifying statesmanship or opportunistic partisanship." He quoted William Butler Yeats in his poem *The Second Coming*: "(t)he centre cannot hold when the best lack all convictions, while the worst are full of passionate intensity." (67) Lyndon Johnson told Doris Kearns Goodwin, "It is the politician's task to pass legislation, not to sit around saying principled things."(68)

Principled things? Today they say primarily hostile things. The central question is what will it take to encourage members to interact, to get to know one another, to understand one another, perhaps even to cooperate with one another and get about the business of governing and addressing the country's problems. That, after all, is the job members of Congress were elected to do.

Endnotes

1. This is a story I first heard when covering the House of Representatives in 1981. Both Bob Michel and Dan Rostenkowski told me the story. In interviewing for this paper, three of those interviewed related the story as well. It is well known as an example of comity between members of opposite parties.
2. Thomas Mann & Norm Ornstein, *The Broken Branch*, Oxford University Press, paperback edition, 2008, p. 49.
3. This is a story Tip O'Neill loved to tell and which I heard from him on at least three occasions. For the exact wording of his quote, rather than recall it from memory, I relied on Gloria Borger, "A Tale of Two Titans," *U.S. News & World Report,* June 21, 2004
4. Borger, Ibid., *U.S. News & World Report*
5. These were two discussions I had with Joe Califano and Bill Frist at a dinner following a Board Meeting of the Kaiser Family Foundation, September 16, 2010.
6. Sean Theriault, *Party Polarization in Congress*, Cambridge University Press, paperback edition, 2008, p. 33
7. Theriault, Ibid., p. 17
8. Nolan McCarty, Keith Poole and Howard Rosenthal, *Polarized America: the Dance of Ideology and Unequal Riches*, MIT Press.
9. Jacob Hacker & Paul Pierson, *Winner-Take-All Politics*, Simon & Schuster, 2010, p. 159
10. Jim Leach, Chairman, National Endowment for the Humanities. An interview in his office, September 28, 2010.
11. Senator Evan Bayh, D-IN. An interview in his office, September 29, 2010.
12. Sam Nunn quoted in Theriaut, Op. Cit., p. 48.
13. Theriaut, Ibid., p. 3
14. David King, *Congress, Polarization and Fidelity to the Median Voter*, June 2, 2007, p.1.
15. This formula is a variation of an idea presented by Jim Leach, Chairman of the National Endowment of the Humanities in a speech, "Civility in a Fractured Society," February 20, 2010.
16. David King and Richard Zeckhauser, *Party Leaders as Extremists and Negotiation Anchors in the U.S. Congress*, February, 2009, p.14.
17. Michael Johnson, Senior Aide to Rep. Bob Michel until 1994. A phone interview November 15, 2010.

18. George Kundanis, Deputy Chief of Staff to Speaker Nancy Pelosi has worked on Capitol Hill for Democratic leaders for over 30 years. For seven years he was Executive Director of the Democratic Steering and Policy Committee. An interview in his office, September 30, 2010.
19. Tom Daschle, Former Majority Leader of the U.S. Senate. A phone interview November 17, 2010.
20. Ron Brownstein, *The Second Civil War*, Penguin Press, 2008.
21. James Kenneally, *A Compassionate Conservative*, Lexington Books, 2003, p.149.
22. A remark Tip O'Neill made to me in 1992 during an interview regarding Bob Michel's campaign for reelection.
23. John McCain, Senator from Arizona and former Republican presidential candidate. A phone interview December 6, 2010.
24. Charles Johnson, former Parliamentarian of the U.S. House of Representatives. An interview in his office, September 29, 2010.
25. Bob Michel, "From Campaign to Governance," An editorial in *The Hill*, reprinted on www.gopforum.com, November 11, 2010.
26. George Kundanis, Op. Cit.
27. Steny Hoyer, Majority Leader of the U.S. House of Representatives, A phone interview November 30, 2010.
28. George Kundanis, Op. Cit.
29. George Kundanis, Ibid.
30. Jim Leach, Op. Cit.
31. Dan Balz & Ron Brownstein, *Storming the Gates: Protest Politics and the Republican Revival*, Little Brown & Co., 1996, p.140
32. Ray LaHood, former Illinois Republican congressman and now Secretary of Transportation. A phone interview December 2, 2010.
33. Michael Johnson, Op. Cit.
34. Evan Bayh, Op. Cit.
35. Tom Daschle, Op. Cit.
36. Tom Daschle, Ibid.
37. John McCain, Op. Cit.
38. Charles Johnson, Op. Cit.
39. Evan Bayh, Op. Cit.
40. Tom Daschle, Op. Cit.
41. Senator Orrin Hatch, R-Utah, An interview in his office. September 29, 2010.
42. John McCain, Op. Cit.
43. Steny Hoyer, Op. Cit.
44. Tom Daschle, Op. Cit.

45. A question I posed to approximately 15 newly elected members of Congress at a Harvard conference for new members. December 3, 2010.
46. Joe Scarborough, "A Survival Guide for the Class of 2010." *Politico*, November 16, 2010.
47. Norm Ornstein, Resident Scholar at the American Enterprise Institute for Public Policy Research. A phone interview December 8, 2010.
48. Mann & Ornstein, *The Broken Branch*, Op. Cit., p.170
49. Norm Ornstein, Op. Cit.
50. A quote from the documents of the second Hershey conference written by Kathleen Hall Jamieson as quoted in Hearings of the Subcommittee on Rules and Organization of the House, April 29, 1999.
51. Ray LaHood, Op. Cit.
52. Tom Daschle, Op. Cit.
53. Orrin Hatch, Op. Cit.
54. Senator Chris Dodd was unavailable for an interview for this paper despite numerous attempts to reach him. Chris Matthews of MSNBC related the Dodd idea to me in a discussion in September, 2010. I checked it with Senators Evan Bayh and Orrin Hatch.
55. Evan Bayh, Op. Cit.
56. Tom Daschle, Op. Cit.
57. Evan Bayh, Op. Cit.
58. Jim Leach, Op. Cit.
59. Mann & Ornstein, Op. Cit., p.172
60. John McCain, Op. Cit.
61. John McCain, Ibid.
62. Charles Johnson, Op. Cit.
63. Norm Ornstein, "The Motion to Recommit, Hijacked by Politics," *Roll Call*, May 19, 2010.
64. Sir William McCay is the retired Chief Parliamentarian of the British House of Commons. Interviewed in person on Capitol Hill, September 29, 2010.
65. Steny Hoyer, Op. Cit.
66. Ron Brownstein, *The Second Civil War*, Op. Cit.
67. Jim Leach, *Civility in a Fractured Society*, a speech at Princeton University, February 20, 2010.
68. Doris Kearns Goodwin, *Lyndon Johnson and the American Dream*, St. Martin's Griffin, paperback edition, 1991.