

**“COMMENTS HONORING THE FRESHMAN CLASS OF THE 115<sup>TH</sup> CONGRESS:  
POLARIZATION AND THE DILEMMA OF GRIDLOCK”<sup>1</sup>**

BY

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STATUARY HALL

U.S. CAPITOL

THANK YOU, RON, AND THE U.S. CAPITOL HISTORICAL SOCIETY FOR ASKING ME TO THE GIVE THIS KEYNOTE ADDRESS.

MR. SPEAKER, SENATE MAJORITY LEADER, HOUSE MINORITY LEADER

OTHER CONGRESSIONAL LEADERS

MEMBERS OF CONGRESS AND GUESTS

CONGRATULATIONS TO THE FRESHMEN MEMBERS OF THE HOUSE AND SENATE OF THE 115<sup>TH</sup> CONGRESS.

I AM HONORED TO BE ASKED TO ADDRESS THIS DISTINGUISHED BODY

As all of you know, partisan polarization in Congress has been on the rise for several decades, making it difficult to govern. This partisan polarization and resulting dysfunction has become a fact of life in twenty-first-century U.S. politics. Overwhelming evidence demonstrates clearly that our two major congressional parties are ideologically as far apart as at any point in our nation’s recent history. Our voters are ideologically polarized on a host of issues. It is abundantly clear that partisan polarization is growing in the electorate and with some media sources, as clearly shown in the 2016 election and its aftermath.

If polarization is here to stay, then we must think of possible long-term solutions for governance to avoid endless gridlock.

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<sup>1</sup> See *American Gridlock* (Thurber and Yoshinaka (eds.)(Cambridge and New York: Cambridge University Press, 2015) for an in-depth discussion of the sources, characteristics and impact of polarization.

I will focus on two basic questions. First, how do we reverse polarization's negative march toward more ideological warfare or, at the very least, mitigate its effects? Second, are there reforms that can help reduce or even eliminate partisan polarization and its offshoot of legislative gridlock?

The rise of incivility seems to be a product of our time. If politicians are being uncivil toward each other, if they are merely mirroring trends in society whereby mistrust of the other side seems to dictate a loss of respect and comity, then what are we to do about that? Perhaps the answer lies not so much in reducing the occurrences of incivility (though I am certainly not opposed to that), but rather in finding ways to keep the government functioning well in spite of such behavior. More generally, assuming that polarization is here for a long period of time, what we might wish to highlight are the ways for government to respond to the needs of the citizenry even when Democrats and Republicans are at opposite ends of the ideological spectrum. Moving away from hyper-partisanship may be an outcome that is desired by most people in the aggregate, but many voters are quite comfortable with their own representative displaying partisan behavior – so long as they are in agreement with their representative's stances. To paraphrase congressional scholar Dr. Richard Fenno, voters seem to like their polarized member even as they dislike their polarized legislature.

Must partisan differences necessarily dissolve into “partisan warfare” or into breaches of decorum? Can we count on our political leaders to negotiate agreement? Can politicians disagree without being disagreeable? Surely the answer must be yes, though more work needs to be done in order to find the ways to achieve such outcomes. Norms, habits, and mores are amorphous concepts that may be difficult to measure, and even more difficult to change, but that doesn't mean we shouldn't keep trying. Can we find ways to help the political system function in an age of polarization? I will identify several reforms that some suggest may help alleviate the harm caused by partisan polarization.

### **Reform in the Way Congress Works**

Most of the problems in the way Congress works are linked to increased polarization and a lack of true bipartisanship. There may be an underlying desire for bipartisan lawmaking among new Members of Congress of both parties (and especially after members retire), but party leaders in recent years have often structured debates that promote, rather than deter, partisanship on the floor. As a result, the chambers are more partisan and deadlocked than at any time since the 1860s (just prior to the Civil War). There is little consensus about major policy problems and solutions. It is harder than ever for even a majority to get its way, especially in the U.S. Senate. However, important reforms could improve lawmaking and lead to more consistent and careful oversight, encourage deliberation, and fulfill Congress's constitutional mandate to represent the people.

Here are some suggestions:

- Improve lawmaking through legislative procedural reforms. Return to the regular order, limit restrictive rules, and improve protection of the minority in the House. Congress also needs to return to real post-enactment conference committees that are transparent to the public and fair to both parties.
- Of critical importance is requiring members of both chambers to spend more time on their jobs in Washington. The extraordinary amount of time now spent away from Washington, DC, and the work of Congress on fund raising by members in both bodies, undermines the capacity of Congress to make laws and do rigorous oversight. Former U.S. Senator Tom Daschle recently said that he thinks members of the Senate spend more time on fundraising than working in Congress. The Tuesday to Thursday Club needs to be stopped with an enforceable required schedule of work in Washington. Whether cutting the size of government or authorizing new programs, Members should be in Washington doing the work of committees, (oversight, deliberation, and lawmaking) as well as educating themselves in order to develop expertise to understand the substance of their assignment and how they can best set policy. It is time for the party leadership in both chambers to set rules of attendance that have consequences. Get to know each other better through your work. We need more work horses and fewer show horses.
- Reforms need to be made to the congressional budget and appropriations processes. Enforce the calendar and stop the growth of continuing resolutions and omnibus spending bills. Bring back earmarks (drop the moratorium on earmarks) in a transparent way by requiring open access to and discussion of all such narrowly cast appropriations. Limit all new “backdoor spending” by authorization committees and require all permanently authorized legislation to be reviewed on a regular basis.

The inability of Congress – in the absence of a vigorous, bipartisan center – to effectively address known and crucial issues, such as investment in infrastructure, tax reform, health care reform, the rising accumulation of public debt, a looming Medicare and Medicaid shortfall, immigration reform, and energy and environmental issues is a legitimate cause of public dissatisfaction. A Congress that cannot confront these critical public policy challenges will surely lack the reserves of comity and trust to face any unknown and sudden – and perhaps even more dangerous – crises.

Freshman could use the example of the Honorable Robert Michel who died in February as a role model. He was the longest serving Republican leader of the U.S. House of Representatives and recipient of the Medal of Freedom. He was a man of the House, a straight shooter, a skilled legislative craftsman. He was a consensus builder who believed that regardless of your political ideology or partisan agenda, you have to build bridges to be successful. He achieved consensus, with civility and comity. He believed that effective governing means no one gets everything.

Principled bipartisan compromise is possible. Speaker Ryan reached consensus within his party and across party lines with Democrats at the end of the 2015 session of Congress when he found bipartisan support for 18 major bills, including: the reauthorization of the Toxic Substance and Chemical Act, Every Student Achieves Act,

the “Doc Fix”, the Ex-Im Bank Reauthorization, the 21<sup>st</sup> Century Cures Act, and the Trade Promotion Authority to name a few.

## **Conclusion**

Congress is, after all, the body that needs to function so it falls in large part to Congress to begin to heal itself, for the good of the entire country. Freshmen, you are in a position to begin this process. The American voters may love you, (and their other Members of Congress), but they are clearly upset with the way Congress does not work. Move beyond the polarized permanent campaign that affects Congress. Roll up your sleeves, work together to make Congress work for the good of all Americans.