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PRESENT:

“CHECKS AND BALANCES: PERSPECTIVES ON
AMERICAN DEMOCRACY AT THE BEGINNING
OF THE 21ST CENTURY”

PANEL THREE:
WHY CONGRESS MATTERS: PERSPECTIVES ON
STABILITY AND CHANGE IN THE HOUSE

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3:00 PM – 4:30 PM
WEDNESDAY, AUGUST 31, 2005

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JAMES THURBER: This panel is going to be talking about sources of stability and change in the House, but also linking it into the impact of that on the relationship with the president. Obviously, in a transition – a brief introduction here, let me talk about some obvious things. We've had a great deal of stability in the House of Representatives, even though we've talked about some of change earlier. And that stability comes from the constitutional arrangement, obviously separation of powers, bicameralism, federalism affects it, First Amendment rights that leads to groups and pluralism. But the change – let talk a little bit more about the change that has affected the House. Some of it has been discussed, not all of it, and it certainly will influence the way it interacts with the president.

First of all, elections are the primary source of change. The number of safe seats, the expense of campaigns; related to this the breakup of the solid Democratic South; related to that is the change from divided party government recently to unified party government and its influence on the House and its relationship. Close presidential elections make a difference. The extreme partisanship that was mentioned and lack of comity and civility certainly has influenced the way the House and the Senate work. The narrow majorities – basically tied in the Senate – the narrow majorities in Congress, mentioned several times, is important. And the missing middle, which has not been mentioned, is an important aspect of how the House works. The governing principle of the majority of the majority has certainly influenced the House and its relationship with this president.

What are some of the recent trends beyond these that have affected the Congress, the House in particular? I'm going to summarize some of what has been stated, but also add two other things. We certainly have seen a disintegration of the committee process. Fewer committees, fewer meetings, fewer oversight hearings, circumvention of the committees in the process by the leadership, term limits on chairs have all affected the committee process in the House. There's been an increasing use of House rules to deny the minority full debate, I think. When you have 75 percent of the rules that are restrictive out of the Rules Committee since 1995 and 25 percent open compared to the opposite 25 percent restrictive, 75 percent open before the Republicans took the House, it makes a difference.

There's an increasing use of the filibuster in the Senate amendments and holds. There's been a lack of true debate and some people observe in the deliberation of the Senate, and it's becoming more like the House. There's certainly been a breakdown of the budget process. The budget's been passed on time only eight times since 1976. There's large deficits, large omnibus budget bills, major bills with thousands of earmarks that we set a record in December in the spending bill of 24,000 earmarks in these large packages. We also find a reliance on back-door authorizing, reliance on riders to get things done, not through the regular process on authorization.

There's a refusal to appropriate fully-funded authorizations. That's been going on for many years. An example of that is, of course, the Defense Appropriations Bill. If it was fully funded, the authorizations – the defense expenditures would go up one third. There's a tendency toward government by continuing resolution; really, dozens of major programs that have been on CRs and an incapability of getting the majority to pass reauthorization of these.

There's been a majority party's abuse of the conference committee in the House, extremely partisan conferences, conferences that are closed, conferences that do not have a single Democrat from the House. The Medicare prescription drug bill is an example of this.

And the concentration of power with House leaders has been documented well earlier. Basically, the leadership in the House removed the eight-year limit on maximum service of the Speaker, which improves its power. The Republican Steering Committee, which the Speaker controls with the majority leader, selects the chairs, and we've seen the affects of that on the chair of the Appropriation Committee and subcommittee chairs. And the Republican leadership aides are considered now "a unified staff operation under the direct authority of the Speaker," which was not mentioned earlier, and that's given them a great deal of power. The Speaker is allowed to designate leadership issues that require regular cooperation between the relevant committees and the GOP leaders, and this has certainly helped to bring that power.

Well, what's the consequence of all of this for the House relationship – congressional relationship with the executive branch? This panel will address that, but also address what's been happening in the House and the Senate. We have three panelists that after Richard Fenno I would say they were in the top five. Now, I will not rank order them up here – (laughter) – at this point, because we may have a problem if I try to do that.

We'll start with Nelson Polsby, who as you know is a professor of political science at the University of California, Berkeley; has many books and articles on Congress and American politics generally. He's been at Berkeley since 1967. I think his best work is his most recent work and that is *How Congress Evolves*. I encourage all of you to go out and buy multiple copies for yourself and require it in your classes if you're professors here. It's great. He brings a new insight into congressional scholarship through his quantitative analysis of the impact of air conditioning in the South and the realignment of the South, and he documents that in his book.

The second speaker will be Barbara Sinclair. She's the Marvin Hoffenburg professor of American politics at UCLA. She's an award-winning author and works of Congress including the two most recent books, *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress* and *Legislators, Leaders and Lawmaking: The U.S. House of Representatives in the Post-Reform Era*.

And finally, we have our Norm Ornstein, a Washington, D.C., scholar – resident scholar at American Enterprise Institute. He has many books on the topic of Congress. He’s a triple threat. He is a scholar, he’s an activist, he’s been involved in committee reform on the Hill, and most recently he’s a senior counselor to the Continuity of Government Commission. He’s been involved in campaign finance reform. He’s an activist, but thirdly, he also is involved, as mentioned before, as a journalist – as a columnist – a political science columnist with a regular column in *Roll Call*, but he also is a CBS News political analyst.

I’m pleased that all three of you are here, and I’d like to start with Nelson Polsby and your remarks on the topic.

NELSON POLSBY: Okay. Thank you. Well, I’d like to thank Jim Thurber and Scott Lilly for this opportunity to participate today in an examination of developments in Congress over the last decade or so. They’ve loaded up the program with people who, unlike me, have intimate knowledge of the facts. My contribution from a distance of 3,000 miles obviously has to be different, short on specifics, long on what politely might be called overview. (Laughter.)

The argument I’d like to put before you for your consideration mostly concerns the House of Representatives and how it has evolved into the institution sharply divided along partisan lines that we see today. In most respects, this argument more or less tracks and takes off from a story I spin in my book *How Congress Evolves*, which – and by the way, if you can get ahold of an unautographed copy, you’ll get one of the rare ones. (Laughter.) Published last year to, I regret to say, no general acclaim at all, although both Jim and Scott have had the kindness to tell me personally – in a very soft voice – that they liked it.

MR. THURBER: Wait a minute. I’m on the cover saying that I like it.

MR. POLSBY: Well, we – yes, we pumped it right up there. (Laughter.)

I begin with the proposition that the tight, top-down management that the Republicans have sought with considerable success to impose on the policymaking machinery of the House since they achieved the majority in 1995 is, in fact, not a break with prior Republican practices.

Serious efforts to bring committee assignments, for example, into conformity with mainstream Republican sentiment in the House have been a prominent feature of Republican practice in the conference for at least a half century, which – in the last half century, which is the period of time I’ve been paying attention to party management issues in the House.

The main reasons I think the Republican management practices today have been read as a revolution rather than as continuity with past behavior are: one, Democrats, who have been subjected to quite different constraints essentially ran the House from Franklin

Roosevelt's first term onward, thus taking the spotlight off what the Republicans were doing. And, two, these constraints, mostly associated with the presence of a large and effective Dixiecrat minority in the Democratic caucus, encouraged Democratic House leaders to pursue a far more decentralized pattern of leadership than the more ideologically homogenous Republicans needed to do.

In 1989, Newt Gingrich joined the Republican leadership of the House by an extremely narrow margin. I think it was two votes in the conference. This occurred because the accommodationist strategy of the Republicans in the minority toward the Democratic majority in committees was discredited by events, which in the first instance had their impact on the Democratic Party.

Briefly, as we all know, Dixiecrats more or less disappeared as major influence in the Democratic caucus during the period from 1974 onward. This happened because the electoral picture changed out in the states. Throughout the South, Dixiecrats were replaced by Republicans. Some of these Republican voters were Democratic converts migrating toward a more congenial ideological situation, but that was made possible because Republicans were coming down from the north attracted after the early 1950s by the availability of residential air conditioning, so there it is. (Laughter.)

MR. THURBER: Sorry I took the line from him.

MR. POLSBY: That's perfectly all right. I published it first. (Laughter.)

This change in the partisan makeup of Southern state delegations had great consequences in Congress. The newly empowered mainstream Democrats began to apply ideological tests to their committee chairmen and discourage them from maintaining alliances with senior Republicans on their committees. This hung out to dry the senior Republicans who acted in reliance upon committee-level cooperation in exchange for which they participated importantly in legislating. Thus, Democrats went through a significant transformation in which they experimented with the sort of internally well-policed management practices that Republican had applied to themselves all along.

The Republican response resulted in today's policymaking system, characterized by partisan mistrust and hostility. Even so, the House is narrowly divided between the parties. The best guess of electoral analysts whom I respect seems to be that this narrow division with Republicans out ahead will persist because Republican voters are more efficiently apportioned than Democratic voters, even though they are slightly less numerous than Democrats. But nobody knows for how long these conditions will prevail or whether Democrats on recovering the House would continue their experiment with Republican-style management or revert to something less stringent, more on the pattern of Tom Foley, Carl Albert, or Tip O'Neill; less on the pattern of Jim Wright.

I choose to compare these four speakers because some of them – the earlier ones – had to worry about Dixiecrats and the caucus and some did not, but it didn't seem to

dictate their management style. Foley had less than half the number of Dixiecrats to deal with than did Albert, but both pursued relatively soft management practices, so it's not the presence or absence of Dixiecrats alone that dictates a leader's style.

What about personal ideology or issue positions? It's hard to argue that. The commitments on issues of Democratic speakers from Rayburn onward were for all intents and purposes identical, but their styles varied. That seems to me true of Republicans, too, from Joe Martin onward. It is simply not true, for example, that on the issues Bob Michel was more moderate ideologically than Newt Gingrich. And the same in comparison holds for Joe Martin and Charlie Halleck. But it is true that if ideology isn't a major influence, the flow of historical events does constrain leadership choices and how actors interpret these events, whether accurately or not, matters too. So Newt gets credit for the Contract with America that public opinion polls tell us nobody heard of or cared about. I don't think they know that in Washington, but read the public opinion polls sometime. They're pretty interesting.

The pursuit and defeat of Jim Wright undoubtedly elected new Republican leader, because while 40 years of Democrat dominance in the House might have been barely tolerable to Republicans under some conditions, certainly not once the Democratic caucus began to enforce mainstream Democratic policy on their committee chairmen.

Well, political scientists used to say that comity and civility in the House were facilitated by the realization on the part of party leaders that they never could be quite sure where a majority coalition on the next issue of importance would come from. By reducing that uncertainty, strong party discipline also reduces the need for inter-party comity. It encourages the president's party to take what they can get and the opposition party to oppose, rather than seek piecemeal bargains. This makes sense if issues are strongly bipolar in their underlying shape. We sometimes call them zero sum in character.

When issues aren't shaped that way, however, and trial and error deliberation, incrementalism, splitting the difference, and other halfway measures bring better results, then strong party discipline can be costly. We still have a lot to learn about how to organize national policymaking under complicated constitutional constraints of federalism and the separation of powers. More than one political scientist in my age group has remarked that what we have got is a pretty close approximation to the responsible party system that our elders in the APSA asked for in their famous 1950 report. Some of us young fogies in those days didn't like it then, and I dare say a fair number of us who have become old Turks don't like it any better now.

MR. THURBER: Thank you, Nelson.

(Applause.)

Let's go with Barbara now.

BARBARA SINCLAIR: The title of this panel is “Why Congress Matters: Perspectives on Stability and Change in the House,” so I’m going to start by trying to answer the question why Congress matters, and then like everyone else I’m going to just talk about the House. I guess we are assuming that we have a unicameral legislature for the purposes of this particular conference.

Well, I think the simple answer is Congress matters because it’s potentially the most democratic, the most representative branch of government, and that’s especially true of the House. It’s quite literally closer to the people. Every member represents fewer people, they’re more frequently elected, and because you’ve got a lot of members collectively they can be more representative certainly than any one person; i.e., the President, can ever be.

But the emphasis here is on potentially because it does depend on how the Congress, here specifically the House, functions. We have to, of course, remember House works by majority rule. There’s no extended debate, no filibusters. It’s very difficult for a minority to get legislation to the floor over the opposition of the majority, so when the majority party is reasonably cohesive it can run the House, and that means in the current context – and I am simplifying a bit – the House is now tightly run by the Republican Party with relatively little opportunity for the minority to participate in a meaningful sort of way.

Quite frequently now, if we’re talking about major legislation, committees qua committees don’t actually craft bills. The chairmen or the Republican members collectively often with the minority – the majority party leadership being involved do, so that the markup sessions tend to be – the official ones tend to be for show. The floor is extremely tightly controlled. The rules are highly restrictive. They allow very few amendments often, and especially, of course, Democratic amendments that might actually pass. Don Wolfensberger has been keeping up his series there. And in recent Congresses, over 20 percent of rules have been actually completely closed rules, and in 108 it was 28 percent and very few open rules. And then we also know that Democrats have sometimes been excluded from conference committee deliberations altogether.

Now, majority party dominance is not completely new and it is not just a Republican phenomenon. By the mid-80s, the Democrats who’d given their leaders some new powers in, of course, reforming the House in the ‘70s, were expecting their leaders to use those new powers to further the members’ legislative and electoral goals. And so, for example, you started seeing in the ‘80s Democratic leaders using their control over the Rules Committee and using rules strategically, and strategically usually meant restrictive rules.

The roots of the change in House operation – what made it possible was the increasing ideological homogeneity of the parties. As Nelson mentioned, Democrats became more homogeneous with the loss of conservative Southern Democrats. The Republican Party changed as well and became a great deal more uniformly and ideologically conservative. There is a big difference between the kind of pragmatic,

Main Street variety of conservatism of a, say, Bob Dole and the contemporary conservatism.

I would argue, though I won't do this in any detail at all, that the Republican Party has become more homogenous than the Democratic Party. It really has always been more ideologically homogenous and you've had both of them change, but the Republican Party is more so. So my argument is that the basis for current Republican House control for the leadership – the tight leadership control is really high ideological homogeneity on the part of the Republican Party. Remember, party leaders are elected by the members. They cannot impose a system on members who are unalterably opposed. They are not in the position of slave masters or of even Army generals. Nevertheless, having said that, the effects of homogeneity are amplified by the internal arrangements that have developed. And again, just to say it very briefly, advancement within the House depends on a member's reputation with his or her peers – party peers and his or her party leaders, and that certainly creates a very strong set of incentives to be team players.

Now, given that the Republican Party is highly ideologically homogeneous, it shouldn't be surprising that House Republican Party leaders use their powers to advance the president's agenda because basically that's what their members want them to do, and they want them to do it because by and large it's the members' agenda as well. Certainly they don't agree on everything, but there is a great deal of agreement and members do believe that their faith – Republican members obviously, though – well, believe that their faith is tied to the president's success. Actually, Democratic members believe that theirs is too, but inversely.

If you look at the relationship between the House Democratic leaders and President Clinton in Clinton's first Congress, they also tried very hard to use their powers to advance the Clinton agenda for similar sorts of reasons. You just had a Democratic Party that wasn't quite ideologically homogenous enough to succeed on the biggest issue, and that was healthcare.

Well, how do we evaluate House functioning? And I think that this is one of those things where there are upsides and there are downsides. I mean, you've got to remember that an upside is that the House is seldom gridlocked, that the House can produce legislation. There are downsides as well. Certainly, the system tends to facilitate a kind of stealth lawmaking sometimes with the leaders having a considerable amount of power to stick stuff into omnibus bills where no one knows about it until much later or to take things out that majorities have approved.

There's a cost in representation in that the minority does have rather little influence and little voice, and that does mean that deliberation suffers as well, though deliberation – true deliberation when you have parties that are quite far apart can be very difficult.

And finally, what was talked about a lot this morning is the lack of oversight. When members of the congressional majority party and the president see themselves as

members of the same team, and this team is in a high-stakes battle against an opposition team, well, the lack of serious oversight really shouldn't come as a great big surprise. Ferreting out corruption or incompetence in the administration of your team's leader is unlikely to strike majority party members as a winning strategy, so it's not so easy – it's easy to say, you know, members of Congress should, in fact, do what they're constitutionally mandated to do.

If it, in fact – put it this way: I try to tell my students that what you want to do with institutional design or any set of rules is to set up a set of rules where it's just not too horribly hard for people to do the right thing. If it's really a set of rules where it costs people a lot to do the right thing, chances are they're not going to do it. I would point out, though, this – it is a mixed picture. Democrats and progressives who are horrified by what the House is doing in policy terms I think should beware of persuading themselves that a properly organized House is one that's so decentralized, that gives minorities so much power that it can't legislate.

For those who are a lot younger than those of us up here, you should be aware that the pre-reform House was not one you would have liked. It was one in which powerful, often unrepresentative committee chairs could block majority supported legislation, and the early post-reform years weren't all that great either. In other words, this was the period when power had been taken away from committee chairmen, but the leaders still weren't quite willing to exert it, and it tended to be characterized by a kind of anarchy. It was very hard to get anything much accomplished.

I think that perhaps the lesson is there's no one congressional organization, no one way of distributing influence that's best in terms of old various sorts of values and functions we would like Congress to carry out. Now, you ask me to design an organization that's great at expeditious lawmaking and I can do that, but it's going to have some negative consequences in terms of sacrificing deliberation and representation. Ask me to design one that's great at inclusiveness and deliberation, representation, I can do that, too, but there will be some negative consequences in terms of this kind of institution having trouble making decisions. So there's no real way of avoiding the tradeoffs. There are no neat answers.

On the one hand, I think we can say we just need to remember that going too far in any direction probably is a mistake simply because it sacrifices too much of something that we value, but also I think we have to remember that this has got to be a work in progress and that trying to come up with easy answers is not going to get the job done.

MR. THURBER: All right. Thank you.

(Applause.)

Norm Ornstein.

NORMAN ORNSTEIN: Thanks, Jim, and thanks to Scott. Being 15th out of 15 speakers in a day has advantages and disadvantages. One gets something close to the last word. On the other hand, making a new point or making fresh something that has been said before is tough.

I was tempted to take the advice that was given to me actually in February of 1977 when I was on – I had the delicious experience of spending four days on the floor of the Senate while they debated reform of the committee system sitting next to Russell Long. And he gave me advice in the form of many stories, almost all about his Uncle Earl – (laughter) – known to many of you perhaps as Paul Newman in the movie version, and I'll give you the short version. He actually – I think this took about 15 minutes for him to tell. It was a little bit like the aristocrats where you could string it out as long as you wanted.

Uncle Earl was fond of the good life and one night of vigorous and exuberant carousing, he emerged to his house – and I'm telling this deliberately in honor of those people in Louisiana going through what they're going through – near the French Quarter in New Orleans – at about 4:00 in the morning. The lights were out. He tried to tiptoe in and not disturb anybody, and in his state fell over a sofa, bumped into a coffee table, knocked over a lamp, it was smashed into a thousand pieces, a big commotion, the lights went on. Everybody in the family came downstairs and stood over him as he lay on the ground, and he got up, brushed himself off and said, "I'll dispense with my prepared remarks and take questions from the floor." (Laughter.) But I won't do that. Never have. (Laughter.)

Scott mentioned the 120 years of experience of the previous panel and unfortunately I think the four of us exceed that. (Laughter.) I came to Washington and to work on Capitol Hill in the fall of 1969. Nelson had preceded me by some time, and Jim and Barbara followed a few years later.

Just very quickly, when I arrived – and, of course, we had a relatively new president in Richard Nixon. We were in the 15th year of what became 40 consecutive years of Democratic rule in the House, 26 straight years in the Senate, and I settled into a townhouse just on Church Street up the way near DuPont Circle with a couple of my colleagues and one of them had a dog.

One of the first nights I was around, a very balmy evening, I volunteered to take the dog out for a walk, got about a half a block up towards DuPont Circle. The dog started yelping uncontrollably. I looked around, didn't see anything, and about 30 seconds later saw what had caused the reaction. There was a tear gas canister spewing gas everywhere rolling toward us, followed soon thereafter by many other tear gas canisters, a crowd of people running as fast as they could towards us, followed in turn by police in full riot gear. A demonstration at the South Vietnamese Embassy on the other side of DuPont Circle had gone awry.

We stumbled our way – the dog and I – back to our house coughing and tearing. Put wet towels under the doors, but at this point, the whole area was choking with tear gas, waited it out, and one of my roommates said, “Welcome to Washington.” And I thought as I went from that through a year of remarkable tension in Congress, much of it centered around Vietnam, that included George McGovern, another memorable moment as I was on the floor of the Senate standing up to condemn the Congress’s role in Vietnam and saying, “The walls of this chamber reek with blood.” Soon thereafter, having Bob Dole, then a freshman senator, auditioning actually for chairmanship of the Republican National Committee, get up and rip the bark off of McGovern. I thought, boy, it can’t get much worse than this. Well, I yearn for those days. (Laughter.)

And of course, part of what I also saw before my year was out was George McGovern and Bob Dole walking virtually arm in arm down the corridors of the Senate having found common ground in the issue of hunger and also being people who didn’t want to keep those animosities continuing for a long period of time.

What I saw, apropos of Nelson’s very insightful book and comments, was an institution that was divided less along partisan lines – though Democrats were in the majority, they didn’t run the place. It was run by the conservative coalition. The issues, including Vietnam, that were so divisive did not divide along party lines. Supporters of the American involvement in Vietnam and of President Nixon included almost all of the Democratic hierarchy. Most of them were conservative Southerners who chaired most of the committees in both houses, and the opponents included people like Mark Hatfield and Charlie Goodell and a range of other liberal – we could even call them liberal Republican senators from the Northeast and the upper Northwest, a couple from the Midwest, who joined with liberal Democrats.

This was an institution where most of the members tended to be somewhere near the middle, and it was an institution that had at least some strong sense of pride in itself; plenty of tension, but for somebody who has had a very long love affair with Congress – which is characteristic of almost all of us in this room; the staffers, who you’ve seen on the panel and those who are here in the audience, the scholars and the students, others, long-time Washington practitioners – it was a time when you could feel pretty good about the place as it grappled with almost intractable issues and very difficult times.

It’s different now in some ways. Of course, many of the fundamentals are not radically different, but it is different. And I would suggest that part of what makes it different is that we are in an extraordinarily unusual time in American history with a combination of partisan parity and the ideological polarization that we see evidently, not just anecdotally, and you see it when you look at over a long period of time the ideological distribution, which we can do now through these very neat scores of voting records done by Poole and Rosenthal that shows both houses moving from the middle out towards the extremes.

The partisan parity makes an enormous difference here. Through 40 years in the House, there was simply not an election where anybody believed going in that there was

a realistic chance of the majority changing hands. Soon after I arrived, the House Republicans reached, as Billy Pitts said, their high-water mark since they lost the majority in 1954. In 1970 they got up to 192 seats. They reached that level again, as he mentioned, one more time during their period in the minority, but never got above that ceiling.

With everybody on the Hill understanding that either they were still going to be in the majority no matter what or they were still going to be in the minority no matter what, there were ample incentives for people to work together if their interest in coming to Washington, which is true of most members – was true of most members; I'm not sure it's true anymore – was not to accomplish fame and power, but to do something, to get something done, to have some accomplishments. You could work across party lines because your majority wasn't threatened, and you didn't have the kind of leverage that you could use to springboard into the majority and suddenly take over. And you could develop the kinds of relationships that developed between, say, Wilbur Mills and his long-time ranking member on the Appropriations Committee, which was an almost complete partnership, John Burns of Wisconsin. They were just like that in terms of their approach on issues, and the way in which they worked the committee.

Now, it wasn't an equal partnership. It was a bit like an Islamic marriage. There was a clear leader and a secondary figure, but it was a marriage, nonetheless. (Laughter.) Now, there isn't a minute that goes by when every member is thinking, you know, if I just get a little bit of extra advantage or if I lose a little bit of leverage – if my party does, it might make a difference only at the margins, but at the margins we could either lose the majority, pick up the majority, or move within striking distance. That provides an enormously powerful set of incentives, or disincentives I should say, to working together across party lines. If you work together across party lines and take away an edge on an issue where you can bludgeon the majority, then you might have achieved a pyrrhic victory along the way.

And for somebody who kicks around the halls of Congress on a pretty regular basis, it is palpable to see the difference that that makes on the floor, in committees, and in the way that things operate. This is unusual and I think it is, for some of the reasons that Nelson and others have suggested, going to last for a period of time. We have now institutionalized a lack of competition in the House of Representatives in a fashion that is going to make it very difficult to see the kinds of swings that we saw during an era when the majority didn't change, but you'd see 40 or 50 or 60 seats go one way or the other from one election to the next.

If you think about the kinds of conditions that produce the tidal wave in 1994, a decade ago, but that resulted in a change of 52 seats moving towards the Republicans in the House of Representatives, and replicated those conditions in 2006, maybe you'd get to 20 seats. That's what's happened in terms of taking away competition in Congress, so if we keep the margins relatively close for a long period of time, we're not going to see the same kind of atmosphere that will bring back some reasons to work together in a broader sense.

And at the same time, I can't see conditions that will bring back large numbers of people in the middle given the way in which competition is structured and recruitment to political office is structured, and debate in the society – all shouting, all Crossfire, all the time – that frames things in terms of two positions at a radical departure from one another that will give us back the kind of center that we had.

If you have leaders who have good reason to want to work together and incentives to do so, it is much harder to make it work when you've got to pull people from this far apart to move towards the middle where most policy is still going to have to be made. Now, there'll be exceptions to that rule and the Senate is still not quite as far along the way as the House has been, but it's sure moving in that direction. And maybe another set of catastrophes – acts of God or terrorists – that will bring people together for a short period of time can provide material to begin to rebuild some center in American politics.

It will have to start with presidential leadership, and we have to emphasize here that it was a conscious style of governing by President Bush that also has contributed to the level of tension that we had over the last four and a half years; one in which he looked at the conditions in Washington and decided very directly to govern in a different way than he had in Texas, and that's true after 9/11 in particular when there was some expectations of creating some sort of bipartisanship, of recreating the No Child Left Behind Act, which never occurred again or has not occurred again in his presidency. But even with that, it's going to be difficult to sustain something that even resembles the levels of tension that we had when I first arrived.

Just very quickly, let me go through a couple of other things. And I want to say, Billy Pitts started, I think, partly with an eye towards me when he said he wanted to get his points in before the nattering nabobs of negativism emerged.

MR. : I felt the same.

MR. ORNSTEIN: And to put my cards on the table, Tom Mann, my long-time colleague, and I are just finishing a book called *The Broken Congress*, which will tell you something about where we are. But I also want to say that in the process of doing this book, I've gone back and read what we wrote in part of the great reform movement in the late 1980s and into the early 1990s through our Renewing Congress project, and we were very harsh on the Democratic leaders at that time for the degree to which they were abusing their authority and disregarding the minority. We were joined by many then members of the minority who now have taken whatever abuses the Democrats did, which were on a scale of one to ten, sometimes reached to six or seven, and pushed it to 12 or 13. But those abuses don't – were not, as Billy said very eloquently, originated by Republicans.

But what we have seen are some things that have really accelerated in the last ten years. One, as has been mentioned but I think needs to be emphasized, is the decline of institutional identity. For somebody who has been here for 36 years, to see congressional

leaders who do not have infused in them a sense first that they are members of Congress, that they are part of this great institution, and that it is an independent institution, that that is fourth, fifth, sixth, seventh, eighth or not even on their list of self-identifiers is really quite striking and stunning to see, but it is true for many of the leaders and it's true also of the rank-and-file members.

The sense is, and this is particularly in the majority – the sense is that they are field lieutenants in the president's army or part of a party long before they see themselves as part of an institution, and you see this play out. It's not just if you care about Congress you kind of like to see them think more highly of their institution. It plays out in ways that shape the product and the process. The Tuesday-to-Thursday Club, which is now a late Tuesday afternoon to fairly early Thursday afternoon club when they can make it work that way, is a part of it. There is no sense among the members and no willingness of the leaders to say, "Gee, we've got full-time jobs here working on policy." And if you're not here, first of all, it does make it easier to bash the other side. You don't get to know people. It makes it harder to have some sense of your colleagues or of your own institution, but it's reflective of the attitude to begin with.

Over the period of time that I've been here, and Jim and I in particular have worked on a lot of these issues together and in parallel, always there was an interest in reforming the institution. For better or for worse, in minor ways and larger ways, there was always a focus on where is the committee system going wrong, how can we change things, what about procedures on the floor, what about our staffing requirements, all the rest of it. There is no interest in reform or structure among these leaders.

When we talk about creating a health committee or realigning the jurisdiction or cutting the size of the committees – nothing there that would show an interest, and that also is true in both parties. The deterioration of the committees, the decline of the floor, and the loss of the career professionals and the staff – there is no interest in the leaders of the parties or the committees now in many cases in keeping around those people who provide the institutional memory and the glue that – and the expertise that's kept the place together.

There are many fewer Scott Lillys, Billy Pittses, and Jim Dyers now. For the journalists or for the scholars who kick around the Hill, it is a great loss, but for the institution it's also an enormous loss. People are constantly reinventing things and there is no strong sense of legislative history, of going back – which I used to see all the time when an idea came up of somebody saying, "Well, here's what happened when we worked that through before."

Now, some of that was in my day we did it better or all of these new ideas don't work, but a lot of it was a sense of there's no need to reinvent that wheel or we can make this work better in light of past experience. And we see it in part in the way the filibuster issue played out. There was a debate that did take us back in some ways to a civics class, but what I saw in the Senate among very large numbers of senators, including some who have had in the past a great sense of institutional patriotism – Dick Lugar among them –

was thinking about what role the filibuster has played in the institutional integrity of the Senate took a back seat in the end when the pressure came before it was finally lanced, to take – change the rule, which would have had vast implications over the long run for the rules of the Senate and the nature of the majority and deliberative process. It was, this has to take a back seat to loyalty to the president and party. It was quite astonishing to see.

Now, along with that is a sharp decline in the deliberative process at almost every level. The nature of the schedule, the way in which committees and floor procedures have played out, a lack of interest in working through legislation so that you get good legislation, even if it takes a little bit longer and requires accommodating more people. And I'll talk about a couple examples of that in a minute or two. Along with that and what I find particularly painful is a decline of respect for the regular order. That's what veterans of Congress, I think, see and find particularly painful. The earmarks that Scott mentioned is one element of this. They did exist before. They existed from the 1970s, but there were strong efforts in Congress across both parties to try and limit them from metastasizing all over the place. Now there is an eagerness to expand them and use them as chips for bargaining, but they have serious consequences for policy and they take you away from thinking through priorities of what ought to be done to basically just using them as poker chips on the table.

The misuse of the rules – and it's not willfully breaking the rules. There isn't a rule that says votes on the floor of the House shall be limited to 15 minutes, but ever since electronic voting came into play in 1973 and the rule that said votes would take at least 15 minutes, leaders of both parties have struggled to keep those votes to 15 minutes and then draw a line. And they would allow an extra minute or two along the way for stragglers to come in. Now, to leave votes open routinely for an hour, for three hours, and to have a chairman of the Rules Committee say that he sees no problem with keeping a vote open for days if that's what it takes is a breach of the regular order that I find deeply troubling. And a widespread belief, as I see it, on the part of the leaders in the majority that any end justifies the means, and to apply that on a regular basis.

Now, what I also see is a rise of partisanship that in many cases goes beyond simply these tensions that I've talked about. And let me just say in a couple of words that dealing with this issue of continuity of government, which has no partisan direction or ideological direction to it at all, it's a matter of caring about your own institution. After the devastating events of 9/11, the realization that Congress could have been obliterated and we could have been for months without a legislative body – I waited for the leaders, the Speaker of the House, the majority leader of the Senate and their counterparts to take on their fiduciary responsibility. The rank-and-file members weren't going to deal with this. It was up to the leaders. And the response that I got basically was from the Senate, nothing; and from the House, well, as soon as I get some pressure from the members to do something, we'll deal with this.

But when they did deal with it under some pressure from the outside and from a few people inside, in the House it got turned into another example of deep partisan

bickering and division by the majority that didn't much care, didn't have to, but did it because they could and because they knew that they could use their leverage and their sumo wrestler weight to prevail, so why not do so? Now, you do so with something like that at a cost. You build animosities and you take away any reason for people to work together on issues where at some point you may want to have bipartisan agreement.

The result of all of this, I believe, is lousy policy, and that is a bottom line here. It's not just institutional deterioration. I see it on Homeland Security. I see it now in sad, even tragic fashion when there were – there was discussion five years ago in going back over the problems with the levees around New Orleans and a push to try and take up efforts to build those levees up. And what Congress ended up doing following the administration budget, but without a concern or care, was to cut the budget for such items.

We knew after 9/11 that one of the major problems was interoperability of communications. Out of the Pentagon we had people from the Homeland – from Montgomery County and Prince George's County and Arlington and Fairfax Counties emergency services rush in to help out. They couldn't communicate with one another. And one of the key priorities in Homeland Security was building an interoperability of those communications. Now they're down in Louisiana and Mississippi and Alabama. Guess what? Four years later they can't communicate with one another because their radios don't work that way. Four years later, nothing. No oversight, no prod from Congress, no push to deal with one of the key issues that we knew was there, and it's been there through every disaster that has fallen.

Look at the body armor issue. I had a senior administration official with very extensive experience in this area, when I asked him, why was it that now two and a half years later we still have large numbers of soldiers without adequate body armor and vehicles that aren't armored to protect themselves against many of those catastrophes out there, the excuse that there are only a few companies that make this specialized equipment – I wonder if as we mobilize for World War II anybody would have accepted that excuse. And when I asked that question, the senior administration official off the record said, "Well, there are a lot of reasons for this, some of them in the Pentagon. But look at that pathetic Congress which has known this. How much oversight have they done? How much prodding have they done of the Defense Department or the administration or the private sector to mobilize to get this done? They don't want to do it."

You could find example after example in other areas where the failure to do decent oversight or slapping together legislation – I think the bankruptcy bill is going to come back to haunt us as one example of that. You've got provisions thrown in there that were written ten years ago that don't take into account the dramatic changes in the financial services world just to get a bill done. A House of Representatives that said to the Senate when it began to deliberate on that bill, pass any single amendment or kill the whole bill. That shows you the lack of institutional identity and the lack of concern for a deliberative process.

So this has consequences not just for those of us who care about the institution and its inner workings, but for the lives that we all lead out there, and we all ought to be more concerned about it.

Thank you.

(Applause.)

MR. THURBER: Thank you, Norm.

I'd like to move to the audience right now for questions and comments. Please identify who you are when you ask your question or make your comment. If there's no one that's going immediately – there is. Okay. I couldn't see. Scott, go for it.

Q: I just wanted to make a comment on the oversight question and specifically that oversight implies a partisan agenda against an administration. It is my experience that one of the kindest things that the Congress can do to a party of its own ilk is to do oversight, because you normally don't create a lot of headlines with oversight, but you solve a lot of problems before they make headlines on their own. And that's what's known – and I know there is one member of Congress, Republican, chairman of a subcommittee, David Hobson of Ohio, chairs the Energy and Water Subcommittee, he has done terrific oversight. I can't – and he has solved a lot of problems. He has taken on his own administration. He's a very loyal Republican, but he recognizes that it's his job to force the executive branch to talk to itself, which it very often doesn't do, and therefore, he is I think serving his party as well as his Congress and his country by doing that sort of thing. But he's virtually the only person that I know of that does that, and I think it's a mistake to say, well, you can't expect these guys to do oversight because they'd be embarrassing the president. I don't think it works that way.

MS. SINCLAIR: But don't you think that's how they look at it?

Q: I think part of this problem is that we have a generation, which Norm sort of talked about, of people who do not have a commitment to governance, and I'm afraid that it's not simply Republicans that are that way. I think there's some of it on both sides. But on the Republican side there is sort of a mentality that even though we're voting for more and more spending – and they've voted for a lot of spending since they've been here – we're really libertarians and we'd rather these programs go away, rather than reform them. And they get caught up in some of it, and then some of it's just – they just don't even really know what the job of oversight is all about.

MR. ORNSTEIN: Let me make a couple of comments on this. First of all, I know Dave Hobson well, and I think you're absolutely right. One of the reasons is that Dave was a leader in the Ohio legislature, and the Ohio legislature –

MR. : Can't hear you.

MR. ORNSTEIN: Oh. I know Dave Hobson well and he's a terrific member. He was a leader in the Ohio legislature before he came to Congress. The Ohio legislature was one where they did have some sense of strong institutionalism and for a long time also had some bipartisanship. One of the things that's happening is that the state legislatures are really begin to model Congress, and we're seeing the same kinds of partisan developments, lack of institutional identity, and decline in those norms. And so it's not clear to me we're going to get more members of that sort coming forward.

One thing I do, however, think may very well happen: the dynamic in the second presidential term is different from a first presidential term. It's not clear that the Republican leaders, strong as they are, and I take Billy Pitts's point very well: this is an extraordinarily competent team in terms of accomplishing their goals, but they've been able to do it because they've had virtually perfect unity and when they haven't had that unity, they've had Democratic disunity. Eleven Democratic votes on the prescription drug bill that meant that even if it took them three hours, they could get the votes to make this happen. If they didn't have those 11 votes, they never would have been able to do it. Fifteen votes on CAFTA so that they could make it happen.

Now they may be forced to change their tactics. And at the same time I think the administration taking for granted the kind of loyalty they've gotten from Congress has not maintained very good communications with their own members. And I'm starting to hear from Republicans a lot more private grumbling about the cavalier attitude of the White House. And after you've been in power for 10 or 11 years, maybe some of these members will develop – if it goes on for a longer period of time – some stronger sense of their own institution, so it may change.

It ought to change for precisely the reason that Scott mentioned. It is oversight that improves policy, that prevents mistakes from turning into catastrophes. The failure of oversight after the first few days on Abu Ghraib probably has led to a much greater set of problems that we know are out there. People think that the heat is off, that nobody's watching, they can do things that they don't want to do. It probably led to or at least exacerbated many of the difficulties that we've had in Iraq after the beginning without going through these things.

It has led to worse problems with the National Guard now than we would have had otherwise because of the failure of oversight. The failure of oversight in Homeland Security has probably contributed to the fact that FEMA now – the Federal Emergency Management Agency – no longer sees itself as having the portfolio for domestic disaster relief in the same fashion that it did several years ago and is floundering in a way that hasn't. That wouldn't have happened if you'd had adequate oversight, and it would have worked to the advantage, ultimately, of the administration and the party in power.

MR. THURBER: Norm and Barbara and Nelson, you've all documented what's changed and what's wrong, the broken Congress, what's wrong with the House in particular and the Senate secondarily. But the bottom line is, what impact has this had

on the relationships with the president? We've focused on oversight, but there are a whole lot of policies that he's been pushing and they haven't gone very far. Private accounts, for example, those are dead on arrival. The bankruptcy bill he said he didn't like. The expansion of child – No Child Left Behind as secondary education may be dead on arrival. The energy bill isn't exactly what he wanted. He made a lot of compromises. The transportation bill was way over budget and he's not willing to push clear skies on the Hill. He's trying to get it done through the regulatory process.

So does it make a difference that they've centralized power in the House in terms of working with the president when it seems they disagree with the president on a lot of ?

MR. POLSBY: Can I ask from a very – from 3,000 miles away, it looks like the president isn't very good at listening to Congress. (Laughter.) Now, does it make any difference? Well, yes. Mainly, because as I read the constitution in my ivory tower I notice that Congress and the president are interdependent in the making of laws. And so if it is true that a president gets into the habit of not listening, then that interdependency is compromised and you get a laundry list such as you produced.

Now, some people complained about Bill Clinton doing something which was called triangulation, but of course that was an interesting – to me, it was a very interesting problem. Triangulation, I translate it as follows: he was listening to the opposition and trading off alliances with his own people rather less skillfully than he should have, but fundamentally the idea behind triangulation is a sound one; which is to say, you've got to listen, and sometimes you've got to listen to the opposition.

Now, I don't assert any of this as fact. I'm just simply saying, that's what it looks like from far away.

MR. THURBER: Right. Barb?

MS. SINCLAIR: Well –

MR. THURBER: You seem disturbed by my question.

MS. SINCLAIR: Put it this way. I think if you look at what, in fact, Bush and the Republicans have managed to pass and enact into law, with very narrow margins, with in fact no margin during part of the 107th in the Senate, with a fairly feisty minority in the Senate willing to use filibusters and with in many cases at maximum very, very lukewarm public opinion in favor. I mean, I think in a sense you have to say they've done from their perspective enormously well. They had taken what were limited resources and gotten a lot out of it.

MR. THURBER: "They" meaning the House and the Senate. My question is –

MS. SINCLAIR: No, and the president.

MR. THURBER: The president.

MS. SINCLAIR: But you see, I don't – you see, I think we have to – when you have members who are seeing themselves as essentially, we're on the team with the president, you're just not getting them looking at it Congress versus the president. I mean, you may have – and so if we want to look at it that way and particularly if we want, in fact, to in some ways foster every assertion of congressional authority, I think you have to talk about what would provide incentives for members to do that. Scott is arguing that perhaps a certain amount of education might even do it; showing members that there is advantage, but look – I mean, there was – I don't think you would ever, in fact, persuade a Jerry Lewis that really taking on his president on Iraq, despite the fact of course that things have turned out very badly, that that was a good career move. And I don't think you would have had to have had as powerful a leadership. In other words, say Lewis had been chair of the committee, say they were no term limits: would he have done that, do you think?

MR. THURBER: But the question is the nature of the policy driving different coalitions, and it seems that the president has been disengaged on a whole lot of policies that have gone through, and they've been pushed through by the House leadership to a great extent more than the Senate leadership. And, in fact, very –

MS. SINCLAIR: Well, yeah, because it's so much easier to do it.

MR. THURBER: In fact, Jerry Lewis has stood up to the president and the leadership has on proposed major cuts on the VA.

MS. SINCLAIR: Oh, okay.

MR. THURBER: They backed off – the president backed off immediately on that, as well as other issues.

Norm?

MR. ORNSTEIN: You've actually raised an issue that I wanted to mention and didn't, and it's about the Senate. The Senate has – it's astonished me the degree to which the House has dictated policy –

MR. THURBER: Right.

MR. ORNSTEIN: – and process and the Senate has almost never – the Senate Republicans haven't stood up and said, "Wait a minute. What about us?"

When you have a situation as we have on the Medicare prescription drug bill where Chairman Thomas says in the Conference Committee, "We are not going to allow in the majority leader, Tom Daschle, and Jay Rockefeller elected by the Senate to serve on the Conference Committee, to sit in on the deliberations," and you did not have a

Senate collectively stand up and say that is simply not acceptable, when you have a Senate that has – that’s basically held hostage by the House on the Bankruptcy Bill, and the House in some instances has taken off out of town and basically said, take it or leave it or stuff it, and they’ve gone along with it, it shows you where all of this has gone.

Now, having said that let me first emphasize what Barbara said. We can’t lose perspective here. The president, given the political circumstances of the last five years, and his party have had pretty impressive success – forget the substance of the bills, whether you like them or don’t like them – getting things through. And his accomplishments at the beginning of his presidency under the most adverse circumstances imaginable, getting the sweeping tax cuts enacted into law earlier than Ronald Reagan had gotten his tax cuts in 1981 under much better circumstances, and getting No Child Left Behind are major accomplishments. In the last 75 years they rank up there among the top, so he’s gotten a lot done.

That – his own members are grumbling about lack of respect or communication with the president. Boy, I remember House Republicans in the minority bitching about Ronald Reagan. (Laughter.) Billy mentioned at length the Gramm-Latta Bill. The fact is that Reagan and his people spent far more time negotiating with then Democrat Phil Gramm than they did with Dell Latta; that when it came to the tax cuts, which were called Conable-Hants. Barbara Conable, the most impressive House member of the last 50 years, had no role in that bill. They negotiated with the Democrat, then Democrat Ken Hants, so this is typical. Democrats, even though Bill Clinton had them over all the time and charmed them all the time, always complained about the lack of respect or communication with the White House. That happens now as has happened before.

It’s getting worse. The Republicans in Congress will have great discipline when they see their fate and the president’s interlinked; and when they don’t, as on private accounts, they’re going to take a different position. And I think more significant is the degree of distrust, unhappiness, and suspicion and animosity that Democrats feel towards Bush – a very likeable man – which is at least the equal of what Republicans felt towards Bill Clinton at the height of the impeachment controversy, and that has consequences when you get difficult times for the country in dealing with the world, where the politics become so personal and so partisan, where you could move into a war of the roses that the national interest takes a back seat. That’s what I worry about as much as anything.

MR. THURBER: Let’s take another question from the audience, please.

Yes, right here.

Q: There is a dimension of this presidential challenge to congressional oversight that hasn’t been mentioned and it seems to me it’s very important for the future writings and deliberations, and that is that this president and his people are not only challenging Congress and the committees and their oversight authorities. What we all probably understand with regard to oversight is that Congress really can’t do a lot of oversight. Its

committees are challenged by limited time, limited staff, limited money, and they go to GAO, the Government Accountability Office, for years.

And one of the targets of the Reagan Administration and now again of the Bush administration is GAO in order to undermine its ability to help Congress and oversight. And Congress has just been quiescent and supine in letting that power go – that resource in GAO go. And this is reflected in the challenge to GAO trying to get that information with regard to the Energy Task Force led by Bush. They suckered GAO into a lawsuit. They lost that lawsuit under grounds that are awful for future oversight in that it questioned not only the statute that gave them authority to investigate agencies at the behest of Congress, it went beyond and questioned the ability of them to do anything to that under any statute that Congress passed.

The controller general went to the leadership of the House and the Senate and said, “Shall I appeal that decision?” And he was told, “You’d better not appeal that decision, because we’ll cut your budget again like we did in ’95,” and he didn’t appeal that decision.

What you have out there now is a decision that’s being used by all the agencies. When GAO comes knocking, they’re very slow in responding to requests from GAO from Congress. Sometime – and GAO is very fearful of bringing another lawsuit in this, and so that this is something that is not going to change and Congress is going to be able to retrieve if one house goes Democratic, I believe. That will be retrievable, but it’s not enough. GAO is not an asset here and there isn’t a way to retrieve that decision. I think there’s going to be a lot of problems in the future.

MR. THURBER: Barbara, do you want to comment on this? No? Okay.

Thank you very much for coming. Over here on the far left.

Q: I just have a question –

MR. THURBER: Let’s wait until you get the microphone, please. I’m sorry.

Q: Thanks. Just working off of Norm’s point earlier about just how long this loyalty is going to last. I’m curious to ask all of you, in looking back historically, what were some of the factors that gave us an indication that this intensive loyalty – the sort of politics as usual was starting to fade? I mean, obviously we’ve got a Congress coming back – a Republican Congress coming back, the president with the lowest numbers of his presidency that he’s got a lot on their plate that’s not quite very pleasant. I’m just curious if you think that this very loyal Republican majority is going to keep as loyal going into the next few months and what we should look for.

MR. THURBER: Well –

MR. POLSBY: I think we're going to still see a substantial amount of loyalty and part of it is because with everything polarized – the politics now, I believe, are more tribal than anything else. And sometimes I walk the corridors of Congress and I think more of the former Yugoslavia than I do of the Congress I saw in 1969. And if you can play on those sorts of loyalties – it's "you can't let them prevail" – you can gain a little bit more.

But the fact is that the natural laws of American politics that make post-22nd Amendment second-term presidents always have trouble with their own parties. That include the obvious ones, that their fates are no longer attached; they're detached. And that his time perspectives are out of synch with theirs in two ways: he's focusing on history and they're looking at the midterms, and he's focusing on what can be done in the next four years, and most of his party leaders are looking at who will succeed him, and they're looking not at the legislative arena now, but at the – they're own internal rivalries on that score. Those are all playing out, and in some ways the latter dynamic with the first time in our lifetimes when we don't have a vice president who is running for succession and an obvious frontrunner are exacerbated. So there are going to be great difficulties ahead.

And what I see now, even though they're not likely to lose the House or lose large numbers, as we know from the House analysis in the Cook Report – the best out there – that they're still frightened. They're very nervous about what could happen. I have to believe that the objective conditions – presidential approval down, gasoline prices that may bump up closer to \$4 a gallon before we're done, and costs to deal with this natural disaster that have no place in a budget, and they're under budget constraints.

Keep in mind that we're going to be talking about tens of billions of dollars now in a budget without revenues and without any discretion to add to them that are going to leave them extremely nervous. If they don't deal with it in an expedited way, many of them have had personal experience with a backlash that comes from a natural disaster that's much greater than almost anything else because it hits people right in the here and now. So I think that the president's going to have to deal with a larger amount of nervousness than they anticipated.

MR. THURBER: Norm, just a second. I have to ask – and I'll let you go. Norm, some of my moles on the Hill, former students that are Republican staff members, think that Tom DeLay is like Tito in Yugoslavia, that if he leaves it all breaks apart because of the tribal conflict that's going on in the House. What's your reaction to that, Norm, and then we'll get to the –

MR. ORNSTEIN: I don't think it breaks all apart. Keep in mind that this impressive leadership is not just Tom DeLay. It is a misnomer to believe that it is. Denny Hastert is a far more aggressive figure in a lot of this than the stereotypes would suggest. He was the guy who really dealt – pushed the issue in the three-hour vote on the Medicare Prescription Drug Bill. That was not Tom DeLay. And keep in mind that Roy Blunt is an extraordinarily effective whip without the hard edges, I believe, of Delay, and

actually somebody who has a little bit more institutional concern, although he plays the hardest of hardball – a very different kind of character. They’ve got a pretty deep bench when it comes to people who can move up into leadership positions, including some who’ve been there before, like John Boehner, and others who are just very talented, like Deborah Pryce. And so they’re not going to fall apart if and when Tom DeLay goes, but it’ll be a burden for awhile.

MS. SINCLAIR: Yeah, but I think –

MR. THURBER: Barbara?

MS. SINCLAIR: – that we can’t talk about this all in a very, very narrow kind of political way in that – look, one of the reasons that by and large Republicans have been so cohesive and that they support Bush is that they agree with him. In many cases they agree with him in policy terms. I’ll bet you if you could take a poll that – where there would be no problem of – well, having to worry about it becoming public, that the great majority of House Republicans believe in private accounts for Social Security. That’s one of those cases where public opinion and the – is so sort of in their face that they can’t ignore it.

The other part of this is that they’ve got to be concerned about their voters, and particularly their activists. And we all know the story about, say, the – what happened after the ’98 elections with – when it – most people said, hey the people spoke, and the impeachment will be off the table and it wasn’t. Well, we also know why it wasn’t. And so – and the activists love George Bush, so then people are not going to be making friends back home – Republicans – by being really in your face.

Now, that doesn’t mean that Norm’s points aren’t valid, and there are going to be more problems and especially with Bush in some cases wanting to push things that might be great for his legacy, at least as he sees it, but that – (laughs) – people who need to be – get reelected in two years or less we’re going to have doubts about. But nevertheless, it isn’t simply folks up there that are extraordinarily skillful or strong leaders. Tom DeLay would look totally impotent if he were leading a very different –

MR. ORNSTEIN: If he were leading the Democrats.

MS. SINCLAIR: Of course. (Laughter.)

MR. THURBER: Let me – some final remarks – Nelson?

MR. POLSBY: Let me get into this just briefly because there’s something that Norm said that I’m going to take away from this and use hence forth in my teaching. We enumerate what the checks and balances are in the American political system, and one of them that I haven’t thought of before, but he’s – by God, he’s right. The 22nd Amendment is a check and balance in the political system.

MS. SINCLAIR: That's true.

MR. POLSBY: And Norm gave a little sketch of the dynamics of why that is the case. We've seen it, heaven knows, but it's nice to put a little asterisk there. It evidently – it's the only one that's working at the moment, but it's working and then that's quite interesting.

MR. ORNSTEIN: Just one other comment in response to Barbara, and she's absolutely right, but they do agree with him on many things, but the fault lines on many of these issues that have been suppressed are now emerging in a big way. When we were sitting in the previous – two panels ago, Billy Pitts and I were chatting for a moment about the immigration issue, which is a huge issue and which has deep – brings out deep divisions in the country, but also in the Republican Party and which the president's position is with great dynamic – in great dynamic tension with members of his own party. The spending front and the deficit front divides Republicans and we've had sharp increases in spending and there's a lot of unhappiness.

The war is now starting to cause very sharp divisions. Some of those divisions were there before, but you've got people who rallied behind their president and it's obviously different in a post-9/11 environment, but now you're increasingly going to start to see those divisions emerge. There are a lot of issues where they've suppressed differences before where it's going to become harder to suppress them.

MR. THURBER: Nelson, Barbara, and Norm, thank you very much for a great panel.

(Applause.)

And Scott and I would like to thank all of you for sticking through the entire day. It's been terrific. I for one am going to use this material in my class in about 30 minutes at American University, and there's several of my students out here and they, I'm sure, would like to see me in the classroom, so I'm going to have to leave here shortly, but I want to thank the panelists, all of the panelists this day, but especially the center for sponsoring this with our center and Scott Lilly, and Scott would like to say a few words.

No, he doesn't want to say a few words. Okay. He wants to thank you also. Thanks very much, everybody.

(Applause.)

(END)