

Can Congress Do Anything?
The Washington Center's Inside Washington 2012 Academic Seminar
Remarks of Bill Dauster
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Already in the 19th century, the author Victor Hugo said, "I don't mind what Congress does, as long as they don't do it in the streets and frighten the horses."

In the 20th century, Woody Allen observed, "The government is unresponsive to the needs of the little man. Under 5'7", it is impossible to get your congressman on the phone."

And in the 21st century, we have Occupy Wall Street, where a baby wore a sign saying, "I came to earth in June. WTF!?"

As long as there has been a Congress, people have asked: Can Congress get anything done? The answer is: Yes and No.

Context is everything.

During the Obama Administration, Congress demonstrated both the best and the worst of the American system of government.

At the beginning of the Obama Presidency, Congress sought to address the preeminent challenge of this era — the Great Recession that began in 2007. In February 2009, the Senate voted 61–37 to pass the American Recovery and Reinvestment Act. All Senate Democrats voted in favor of it, but only three Republicans voted for it. And those three Republicans bargained down the size of the package, reducing its effectiveness.

On Christmas Eve of 2009, the Senate passed the most significant piece of social legislation since the Great Society — health care reform. The Senate passed it by a vote of 60–39, with all Democrats voting for it, and all Republicans voting against it.

About that law, an Occupy Wall Street sign said: "Obama is not a brown-skinned anti-war Socialist who gives away free health care. You're thinking of Jesus."

In May 2010, the Senate passed the Dodd–Frank Wall Street Reform, by a vote of 59–39, once again along party lines.

Another Occupy Wall Street sign said, "If they enforced bank regulation like they enforce park rules, we wouldn't be in this mess in the first place!"

These three major laws made the 110th Congress the most productive Congress since the 1960s.

We were able to be that productive because the 2008 election brought Democratic strength in the Senate close to 60 votes. Since 1975, the Senate's rules have required 60 votes to overcome a filibuster. As a Democratic Member of Congress once said, "In the Senate, you can't go to the bathroom without 60 votes."

I say we came "close to" 60, because due to a dispute over the election of Senator Al Franken and the health of Senator Ted Kennedy, it was for only 4 months — from September 2009 to January 2010 — that Democrats were able to muster 60 votes on the Senate floor.

Then, in the wake of the 2010 elections, this past year, Tea Party Republicans have driven the Congress to some of the most pointless fighting that we have seen in a generation.

The current Republican House of Representatives seems to have adopted Ambrose Bierce's definition of Congress — (quote) "A body of [people] who meet to repeal laws."

These House Republicans started last year by threatening to shut down the government. Then they moved on to threaten to force the U.S. to default on the Country's debt. And they ended the year by threatening to raise payroll taxes on 160 million working Americans. That's quite a record!

Faced with that kind of take-no-prisoners opposition, 2011 was a hard year.

But we still managed to get some smaller things done. Monday, the newspaper Roll Call reported that out of 32 cloture votes forced by Majority Leader Reid last year, we prevailed on 19 — or 59 percent.

Among the bills for which the Senate invoked cloture were the defense authorization bill, Trade Adjustment Assistance, patent reform, tax incentives for hiring veterans, and a China currency bill.

These are not legislation of the historic nature of health care reform or Wall Street reform. But they are also more than folks generally give Congress credit for.

And consider this. Last month, the Washington Post compared the deficit reduction achieved this past year to previous landmark efforts. The Post showed that as a share of the economy, this past year, Congress reduced the deficit by more than twice as much as the 1997 budget deal, pompously entitled the Balanced Budget Act of 1997. And we cut the deficit by a share comparable to the Deficit Reduction Act of 1984 and the Omnibus Budget Reconciliation Act of 1987, both measures hailed with much fanfare at the time.

But still, last month, and this is not news to anyone, the Gallup Organization reported that Congress ended 2011 with a record-low 11 percent approval rating.

What you might not have noticed is who has changed their approval of Congress. Let me explain. After President Obama took office and through 2009, Democrats largely approved of Congress. For 7 months in 2009, most Democrats said that that approved of Congress.

In November 2010, when Republicans took back the House, approval of Congress among Democrats plummeted to around 15 percent, where it has stayed since.

In contrast, during the entire Obama administration, Republican approval of Congress has rarely exceeded 20 percent, even after the Republicans took back the House in November 2010. Republicans don't much seem to cotton to Government generally.

So when the Tea Party Republicans took over the majority in the House of Representatives, they succeeded in lowering the view of Congress among Democrats to levels rivaling those of anti-government Republicans. And overall approval of Congress fell as a result.

Now I've long held the view that you can explain a lot more through incompetence than conspiracy. But in this case, I think that the destruction of public trust in Congress is partly by design. Let me explain.

Let's go back to the Recovery Act and health care reform. We Democrats in the Senate tried to pass those measures with broad bipartisan majorities. We worked with Republicans to try to come to consensus bills. But the Senate Republican Leadership under Leader Mitch McConnell and Senator Jon Kyl worked assiduously to peel off any Republican support we could muster.

Why? Well, that way they could say that whatever we did was not bipartisan. They could say that whatever we did was the result of a partisan process.

This is in fact quite cunning. And to help explain why, let me cite a great little political book called *Stealth Democracy*, by John Hibbing and Elizabeth Theiss-Morse, two professors at the University of Nebraska-Lincoln.

Hibbing and Theiss-Morse point out that "many people have vague policy preferences and crystal-clear process preferences." They argue that "People believe that Americans all have the same basic goals, and they are consequently turned off by political debate."

It's like another Occupy Wall Street sign, which had three boxes. The box next to "Republican" was not checked off. The box next to "Democrat" was not checked off. But the box next to "pissed off," now that was checked off.

So if you are a Republican Leader and you want to reduce the legitimacy of any product coming out of the Senate, you just work to prevent consensus, and you work to ensure the appearance of conflict. This turns people off on the product. And this helps lower the esteem of the institution.

One bi-product of this plan is the low public approval for health care reform as a whole, because it appeared to result from a contentious process. And that's so even though when asked about particular parts of health care reform, people say that they like them.

And another product of this plan — and this is not a bi-product but the intended product — is that many folks will want to throw the rascals out. The interesting question will be whether voters will distinguish between the rascals who caused the conflict and the rest of us rascals.

Now you might well ask, what's the root cause for all this?

Let me replay for you an exchange between PBS NewsHour's Judy Woodruff and Congressman Barney Frank.

Ms. Woodruff asked: "Should the American people continue to have faith in a Congress which, as you describe and so many others say, is dysfunctional?"

Mr. Frank replied: "Well, by the way, Judy, where do you think this Congress came from? You would be surprised how few Members of the House of Representatives parachuted in through the dome. Everybody there was elected by, guess who, the American people."

As Congressman Frank correctly points out, Members of Congress came here through a process in which the people chose them. And pretty much all those Members of Congress are trying to carry out the wishes of the folks they perceive elected them.

So we have the relatively dysfunctional Congress that we do largely as a result of the 2010 election. And I argue that the results of the 2010 election rest in large part on voter dissatisfaction with the process they see played out in the press.

So, what does all this mean for Congress during this election year? What will the legislative branch do in the 2012 Presidential campaign?

Well, the key to success in Washington, D.C., is to have low enough expectations. This year, those low expectations are highly likely to be amply rewarded.

Confrontation and procedural foot-dragging are likely to be in healthy supply.

As the senior President George Bush said, "I've often thought that the process of aging could be slowed down if it had to go through Congress."

And then, at the end of the year, we'll have that election. Folks will throw out many of the rascals, and I expect on both sides of the aisle. And they'll send us a brand new set of rascals.

And let me predict this: If and when the majority anywhere is a new majority, it will try to use all the power available to it to carry out the wishes of those that the new majority perceive elected them.

For that is the genius of the American democracy. As H.L. Mencken said, "Democracy is the theory that the . . . people know what they want, and deserve to get it good and hard."

How do we fix all this? We can talk about changes in Congress itself. I'd like to hear your thoughts.

But I'd also recommend changes in three other places. In education, in news media, and in institutions that foster values.

Let me explain.

One: We need better education about why policy choices matter. Too many folks think that policy differences do not matter to them. And they don't want to be bothered to learn otherwise.

As the musician and television host Mark Hoppus once said, "I can name the newscaster on The Simpsons, but I can't name my own congressman. And that's what makes America great."

And if folks don't understand why policy differences matter, then as Hibbing and Theiss-Morse suggest, they are likely to make decisions based on less-important process reasons.

Two: We need the media to focus more on policy matters and less on horse races.

Listen to this: A recent Fairleigh Dickinson University PublicMind Poll found that some news sources actually make folks less likely to know what's going on in the world.

For example, people who watch Fox News, the most popular 24-hour cable news network, are 18 points less likely to know that Egyptians overthrew their government than those who watch no news at all. Some media sources do have a positive effect on knowledge. For example, people who report reading a national newspaper like The New York Times or USA Today are 12 points more likely to know that the Egyptians overthrew their government than those who have not looked at any news source. Perhaps surprisingly, perhaps not, the folks most likely to be able to answer another question correctly were viewers of The Daily Show with Jon Stewart.

In sum, as another sign at occupy Wall Street said, "If you don't know why we are here but can name all of the Kardashians, it's time to turn off the TV and pay attention!"

Three: We need people in the institutions that foster values to teach why it's important to think about what's happening to other people. I'm talking about churches, synagogues, mosques, and families. These places need to teach more about compassion. Folks need to learn that what happens to other people matters to them.

But those are just my thoughts. You should have your own. I urge you to express them. To quote one more Occupy Wall Street sign, "You have the right to remain silent, but I wouldn't recommend it."

In fact, I'd recommend that I stop talking now, and hear what you all have to say.

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