Polarization in congress: the us government today

On October 6, 2018, Judge Brett M. Kavanaugh was confirmed to the Supreme Court by one of the slimmest margins in American history. Senators voted 50 – 48, almost exclusively along party lines, to confirm Kavanaugh to the Supreme Court after an extraordinarily partisan and bitter confirmation process. Republican Senator John Cornyn called the nomination process " a cruel and reckless and indecent episode". Democratic Senator Charles Schumer said, " the road that led us here has been bitter, angry and partisan – steeped in hypocrisy and hyperbole and resentment and outrage." [1]

That fact that Kavanaugh's nomination and confirmation were only made possible when Senate Majority Leader Mitch McConnel refused to even hold hearings on President Obama's nominee, Merrick Garland, and eliminated the filibuster to ensure the confirmation of President Trump's first nominee Neil Gorsuch only added to the partisan furor. [2]

This is the same chamber that in 1981 confirmed Justice Sandra Day O'Connor by a vote of 99 – 0; Chief Justice John Roberts by a vote of 78 – 22 in 2005; Justice Sonia Sotomayor by a vote of 68 – 31 in 2009, and Justice Elena Kagen by a vote of 63 – 37 in 2010. [3]

The polarization in the Senate has only been surpassed in the House, where any piece of major legislation, if it's even brought to a vote, passes along strictly partisan lines. The Affordable Care Act, based on ideas put forth by the conservative Heritage Foundation and modeled after a similar Massachusetts plan signed into law by Republican Governor Mitt Romney in 2006, was passed the House in 2010 without a single Republican vote. Since

the bill passed, House Republicans have held numerous, fruitless votes to repeal the bill.

An article in the Washington Post by Political Scientists Christopher Hare, Keith T. Poole, and Howard Rosenthal in 2013 found that " polarization in Congress had reached a new record high; and absent heightened electoral pressures or some form of partisan realignment, the trajectory of congressional polarization is unlikely to reverse course anytime soon". It has not reversed course. This paper will examine the history of Congressional polarization, the reasons for current Congressional polarization, both within the institution and the electorate, and what, if anything can be done to reverse it.

Congressional polarization is not new. Using DW-NOMINATE scores, which measure legislators' liberal-conservative positions using their roll call voting records, Rosenthal examined Congressional polarization from 1879 through 2013. While polarization was very high following the Civil War there was a long period of depolarization through World War II and much of the mid-20th century. But beginning in the 1970s, the parties started to become more ideologically distant. Rosenthal found this to be true in both the House and Senate, although he found that polarization has progressed at a faster rate in the House. According to Rosenthal, Congress is now more polarized than at any time since the end of Reconstruction. He also found a dramatic shift to the right by the Republican Party and the disappearance of ideological moderates in both parties. [4]

The current polarization we see in Congress had its roots in the 1960s. As Kenneth Shepsle points out in " The Changing Textbook Congress", several factors came together to bring about a re-alignment of the parties. The " Electoral Shock" of the 1958 and 1964 elections brought large a number of northern liberal Democrats to Congress; and these new members, frustrated by Southern Democrat Committee Chairs holding up Civil Rights legislation brought about rule changes that weakened Committee Chairs, increased the power of sub-committees and strengthened centralized party institutions, giving party leaders more control over their members. [5]

Conservative Southern Democrats moved to the Republican Party, setting up the beginning of strong geographical and social differences in the parties. For example, the combined House delegation of the six New England states went from 15 Democrats and 10 Republicans in 1973-74 to 20 Democrats and two Republicans in 2011-12. In the South, the combined House delegation went from 91 Democrats and 42 Republicans in 1973-74 to 107 Republicans and 47 Democrats in 2011-12. [6]

Southern whites, particularly conservatives, have grown increasingly Republican, and conservative southern Democrats have disappeared from Congress, leaving behind a more uniformly liberal Democratic caucus. And Republicans, virtually nonexistent in the South in the 1950s, now hold a majority of southern congressional seats. Southern Republicans tend to be even more conservative than their non-southern counterparts and have also constituted most of the very-conservative GOP leadership in recent years. [7]

This re-alignment began in the mid-1950s and accelerated in the 1960s, when Democrats were able to pass landmark legislation such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the " Great Society" social welfare programs championed by President Lyndon Johnson. It was the beginning of a 40-year run of Democratic majorities in Congress. Democrats held the majority in the House for 40 years – from the 84 [th] Congress in 1955 through the 103 [rd] Congress in 1995. [(8)] During that same time-period, Democrats held the majority in the Senate for all but three election cycles (the 97 [th] , 98 [th] , and 99 [th] Congress). [(9)]

The Republican " correction" to this Democratic dominance would be the begging of the extreme polarization we now see in Congress. In 1978, Newt Gingrich, the man who would lead the Republican comeback, was elected to Congress with the belief that " Republicans aren't nasty enough." [(10)] As Political Scientists Thomas Mann and Norman Ornstein state in " Let's Just Say It – The Republicans Are The Problem", " from the day he entered Congress in 1979, Gingrich had a strategy to create a Republican majority in the House: convincing voters that the institution was so corrupt that anyone would be better than the incumbents, especially those in the Democratic majority. It took him 16 years, but by bringing ethics charges against Democratic leaders; provoking them into overreactions that enraged Republicans and united them to vote against Democratic initiatives; exploiting scandals to create even more public disgust with politicians; and then recruiting GOP candidates around the country to run against Washington, Democrats and Congress, Gingrich accomplished his goal".

Gingrich laid the groundwork for politics as a " zero-sum game" in Congress, where the focus was on winning, not just elections, but every Congressional action. Congress as an institution, and the political parties themselves, became laser-focused on winning, leading to the adoption of formal and informal rules that limited debate, the chance for compromise, and the chance for the passage of any meaningful, important legislation.

The political environment in Congress has become a place where legislative leaders are extremely skilled at agenda-control and issue-suppression. This protects them from having to cast tough votes that could be used against them in a re-election campaign. And as David Mayhew states in " The Electoral Connection and Congress" United States congressmen are interested in getting reelected – indeed, in their role here as abstractions, interested in nothing else" is a member's primary motivation. [11]

The Speaker of the House and Senate Majority Leader will not even bring a piece of important legislation to the floor unless it is assured of passage. In the House, the informal Hastert Rule, which requires a piece of legislation to have the support of the majority of the majority party, enables a minority in the majority party to hold up important legislation. House Speakers, dependent on the members of their party for their job, ignore the rule at their own peril. For example, former Speaker John Boehner was unwilling to allow a vote on a comprehensive immigration bill that passed out of the Senate with overwhelming bipartisan support in 2013 because of opposition by the far-right House Freedom caucus in his own party. [12]

" Regular Order", where a piece of legislation starts in Committee and proceeds to floor debate, votes, and Conference Committee before final votes in each Chamber may still be followed for non-controversial legislation, but is all but dead for any important or controversial legislation, according to a 2018 study by The Washington Post and ProPublica, which looked at roll call votes and the use of " Closed Rules" to limit legislative debate. The problem is seen in both Chambers of Congress. [13]

The study found that Junior Senators have fewer opportunities to work on legislation because Senate Leaders limit the number of votes on amendments. In fact, the number of these votes has shrunk to an all-time low under McConnell to less than 20 percent of all roll calls, down from 67 percent 12 years ago.

The study also found that over the past two years, House Speaker Paul Ryan has issued more " Closed Rules", than any other Speaker in history, severely curtailing the chance for rank-and-file amendments on any important legislation. The study found that Ryan actually closes off discussion four times as often as former Speaker Newt Gingrich did 20 years ago.

It also found that the number of Committee meetings held to consider legislation has dropped dramatically. According to the study, " in 2005 and 2006, House committees met 449 times to consider actual legislation, and Senate committees met 252 times. By 2015 and 2016, those numbers plummeted to 254 and 69 times, respectively. [12]

Even the Filibuster, a rule integral to the Senate's claim of being " the world's greatest deliberative body", has fallen victim to polarization. Frustrated by Republican delays in considering President Obama's Judicial nominees, in 2013, Senate Majority Leader Harry Reid ended the 60-vote Filibuster hurdle for all presidential nominees except for the Supreme Court. In 2017 Majority Leader Mitch McConnel retaliated. Faced with Democratic opposition to President Trump's first Supreme Court nominee Neil Gorsuch, McConnell changed the rules again, ending the Filibuster for Supreme Court nominations.

Polarization in Congress even exists within the parties themselves, especially within the Republican Party. Almost as soon as he became House Speaker in 2011, John Boehner faced an internal revolt from ultra-conservatives within his party opposed any deals with President Obama. His tumultuous relationship with members of his own party came to a head in 2015, when Representative Mark Meadows, Chairman of the House Freedom Caucus, filed a motion to eject him as Speaker, only the second time that has been done in the history of the House. Meadows took a procedure originally intended as a way to oust a corrupt Speaker and used it for political gain. Two months later, rather than put the House through a vote, Boehner quit. (13)

As would be expected, Congressional polarization mirrors polarization in the electorate. In 2014, according to the largest study of U. S. political attitudes ever undertaken by the Pew Research Center, " Political Polarization in the American Public," the overall share of Americans who express consistently conservative or consistently liberal opinions doubled over the past 20 years

jumped from 10 to 21 percent. In addition, ideological outlooks of the two parties have become more extreme, with 92 percent of Republicans falling to the right of the median Democrat, and 94 percent of Democrats are to the left of the median Republican. Moreover, according to the study, " on measure after measure – whether primary voting, writing letters to officials, volunteering for or donating to a campaign –the most politically polarized are more actively involved in politics, amplifying the voices that are the least willing to see the parties meet each other halfway." And it is these voices that politicians from both parties must address when running for office, particularly in the primaries. [14]

And while voters of opposing parties may have always disliked one another, these feelings have deepened dramatically, where many voters of opposing parties hold each other in contempt. As the Pew study points out, even in 1994, in the middle of the Gingrich's " nasty Republican" antics, " a majority of Republicans had unfavorable impressions of the Democratic Party, but just 17 percent had very unfavorable opinions. Similarly, while most Democrats viewed the GOP unfavorably, just 16% had very unfavorable views. Since then, highly negative views have more than doubled: 43 percent of Republicans and 38 percent of Democrats now view the opposite party in strongly negative terms."

Americans have divided into two partisan tribes, and negative stereotyping of members of the opposite party have increased 50 percent between 1960 and 2010, according to research cited by Lilliana Mason in her book " Uncivil Agreement". Mason, an assistant Professor of Government and Politics at the University of Maryland, College Park, cites a 2016 Pew study that found that

for the first time in more than 20 years, majorities of Democrats and Republicans hold *very* unfavorable views of their political opponents. She also quotes a 2014 Pew poll that said, " most partisans say that when it comes to how Democrats and Republicans should address the most important issues facing the country, their party should get more out of the deal." [15]

But disagreements between members of opposing parties are not only over specific political questions. Mason cites a Gallop poll following the 2016 Presidential election to show that Democrats and Republicans even view objective questions, such as economic conditions differently, based simply on who is in power. As she points out, " in the week before the 2016 election 16 percent of Republicans and 61 percent of Democrats believed the U. S. economy was getting better. In the week after the election, 49 percent of Republicans and 46 percent of Democrats believed the economy was improving." (Mason 3)

But Mason's book addresses a much deeper question than the natural " expected" disagreement you would find among people with different political viewpoints. Mason, who holds a PhD in Political Phycology, explores how political disagreements have transformed into deep personal and sociological divides. Mason points out that human beings are " hard-wired to cling to social groups." It was basic to survival and it is how we understand our place in the world. As she says, " we derive an emotional connection and a sense of well-being from being group members." (Mason 9)

She begins her book by discussing a 1954 experiment by Social Phycologist Muzafer Sherif. Muzafer recruited 22 fifth-grade boys from Oklahoma City and sent them to two adjacent summer camps – 11 boys in one camp, 11 in the other. None of the boys had met before. They were all white, Protestant, and middle-class; and were nearly identical to each other physically, socially, and emotionally. In the first week, the boys in each camp got to know each other and formed a sense of being part of a group. In the second week, they were told of the other camp; and without ever seeing or meeting each other, the boys in each camp began to refer to the other camp as " outsiders" and " intruders". During that second week, the boys were brought together and the researchers organized a baseball tournament between the camps. By the second day of the tournament, the teams were calling each other names and refusing to spend time with members of the other team. By the end of the second week, fist fights broke out between members of the different teams and both teams began to collect rocks to throw at each other. In just two weeks, " 22 highly-similar boys who had met just two weeks before formed two nearly warring tribes with only the gentle nudge of isolation and competition to encourage them." (Mason 2)

The study showed that even if two groups are basically identical, without any conceivable differences or reasons for animosity, group attachments can become so strong that each group, without reason, can develop a deep animosity and even hatred toward the other group.

Again, this group behavior is " hard-wired". Mason points to studies showing physiological reactions to people from " other" groups. She cites a study where subjects were shown videos of hands being pricked by pins. Subjects

would unconsciously twitch their own hand when watching the video, except when the hand in the video belonged to a different racial group.

She points to another study that showed that people's brains respond similarly when they are sad and when they are observing a sad person who is a member of their " ingroup"; but when they are observing a sad person from an " outgroup", their brains responded by activating areas of positive emotion.

And she points to another study that showed you can actually find evidence of group identity in saliva. The study found that when people's group identity is threatened, the secrete higher levels of cortisol in their saliva, indicating stress. (Mason 12)

Mason discusses the concept of " social sorting". A person does not have just one social identity. A Democrat or Republican can be a member of several social groups based on race, religion, sex, education level, even school or sports team. She points to a study by the Social Psychologist Marilynn Brewer which examined how a person's social groups affected how strongly they identified with a particular group. The study found a large difference in the attitudes of people who were " highly-aligned" with a group, and those who were " un-aligned". Those who were " highly-aligned" – people whose identities are more closely aligned with members of their group – were less tolerant, more biased and angrier with people in their outgroups. Mason gives the following example: " People who are Irish and Catholic (highly-aligned national and religious identities), are more likely to be intolerant of

non-Irish people than people who are Irish and Jewish (relatively unaligned national and religious identities)." (Mason 61)

Social sorting can be mitigated by what Mason refers to as " cross cutting", which refers to a more " unaligned" person – a person who has more than one social identity. A person with cross-cutting religious or social groups (e. g., Irish-Jewish) is likely to be more tolerant of those from an outside group, than someone with multiple identities " playing for the same team" (e. g., Irish-Catholic). For example, in today's political climate, a Republican who is white, rural, southern, and conservative would be much less tolerant toward Democrats. A Democrat who is African-American, urban, northern and liberal would be much less tolerant toward Republicans.

But, as Mason points out, there is much less " cross cutting" in American today. People in America today are growing increasingly isolated from one another. Mason cites the book, " Bowling Alone" by Political Scientist Robert Putnam, which shows that the American public is growing increasingly disconnected from one another. In his book, Putnam shows that Americans belong to fewer organizations, know our neighbors less, meet with friends less frequently, and even socialize with families less often. [16]

Americans have divided themselves into ideological silos. According to the Pew Research Study " Political Polarization in the American Public," " people with down-the-line ideological positions – especially conservatives – are more likely than others to say that most of their close friends share their political views. Liberals and conservatives disagree over where they want to live, the

kind of people they want to live around and even whom they would welcome into their families." (14)

As mentioned earlier, polarization in Congress is, of course, linked to polarization of the electorate. If, as Mayhew says, members of Congress are primarily interested in re-election, they will tap into the polarization in the electorate and use it to their electoral advantage. Mason points out that in 1994, Newt Gingrich sent a memo to members of the Republican Party entitled " Language: A Key Mechanism of Control," which was a guideline for words to use when describing their opponents. The list of words included " betray", " decay", " destroy", " greed", " lie", " radical", and " traitor". (Mason 132) The list has grown considerably and the electorate is inundated with them every day on cable news and the Twitter feed of President Trump. It is a never-ending cycle of increasingly hyperbolic rhetoric and response from Congress to the electorate and the electorate to Congress.

So what is the solution? Can institutional changes in Congress reduce Congressional polarization? Is the answer to decrease polarization in the electorate, thereby brining about a reduction in polarization in Congress? If so, how would that be accomplished?

Some suggest that changing how the House Speaker and Senate Majority Leader are chosen would be one way to reduce partisanship in Congress. The Speaker of the House and the Senate Majority Leader are chosen by members of their party. Requiring that both leaders have bi-partisan support to be elected would mean that they would be responsible to the institution and not their party.

Another suggestion would be to restore " regular order" so legislation can move through committees with hearings, amendments, and opportunities for floor amendments would give more members a stake in the legislation and lead to more cooperation among members. As part of this, Congress could establish a 72-hour rule to ensure time for members to read legislation." [17]

But these rules were set up and are enforced by legislative leaders to not only ensure their re-election, but the re-election of their party members. The rules are used to ensure the support of their voters. As long as the electorate remains polarized, and these rules and procedures are used to ensure their support, it seems unrealistic to expect Congress to change these rules.

Is there a way to reduce polarization in the electorate? Lilliana Mason explores several possibilities to reduce polarization in the electorate. She suggests that politicians could turn down the rhetoric. However, she points out that this is unlikely to happen, especially in the near term, and especially in the Republican Party, where President Trump " repeatedly encourages bias and intolerance." In fact, he owes his election to his ability to use identity anger and pit groups against each other.

She talks about " Superordinate Goals", where a common goal can bring together people of different groups. She mentions the brief détente between the parties after September 11 [th] , but even this was short lived and led to arguments between the parties about how best to respond to the attacks. (Mason 133)

Mason examines poor, white voters who have felt " left behind", pointing to social psychology theory indicating that these voters have suffered damage to their self-esteem. People in these groups tend to become very polarized and intolerant of those from the " out group". She offers that an economic upturn could help reduce these feelings, but that is a tall order. In fact, even with an economic upturn, Mason points out that continuing demographic changes in America will only make it more difficult to reduce polarization in these groups.

She also points to the growing polarization within the Republican Party, beginning with the rise of the Tea Party up to the election of Donald Trump. Just as the Democratic Party saw a major realignment when Southern Democrats fled the party in the 1960s, the Republican Party could see a realignment pitting the old institutional Republican Party against the more conservative Trump wing of the party.

It is difficult to see an end to the partisanship. As Mason points out, there are " multiple points of agreement across party lines", even on polarizing topics like abortion and gun control, but polarization is so deep that people " will change their positions rather than agree with the other side." (Mason 140) The extreme polarization we see in the electorate, fed by the extreme polarization we see on cable news and partisan websites, makes it difficult to foresee some kind of spontaneous end to voter polarization.

I think to road to resolving the problem lies with the Republican Party. I would agree with Mann and Ornstein, " the Republicans are the problem." Donald Trump is the logical end to years of Republican electoral tactics. And

while they may disagree with his extreme and polarizing behavior, they will continue to support him and his policies as long as they have electoral success. The solution to polarization may actually be Donald Trump. His rhetoric and policies may prove to be so extreme that he not only mobilizes Democratic voters, but turns off formerly supportive Republicans. If this happens, and Republicans suffer large defeats in the next several election cycles, we may see a return to " normalcy" in the Republican Party.

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