The Causes of Bi-partisan Votes in the U.S. Congress

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Abstract
This paper argues that bi-partisan votes, defined as compromises incorporating some policy preferences of both Republicans and Democrats, are caused by the lack of effective party government in the United States. It shows how the political movements and events of the 1960s and 70s have shaped modern polarization, creating distorted incentives for congressional actors to increase procedural and rhetorical conflict in Washington. Focusing analysis on major legislation proposed in the years of the Bill Clinton and George W. Bush Presidencies, with a look towards the Obama era, the frustration of party governance development and continuing patterns of partisanship are explained.

Partisanship on the Agenda
The Obama Presidency is extraordinary in several ways but one striking feature is the amount of political debate which is conducted not about issues, but process and partisanship. Allegations of ideological extremism and legislative manipulation travel loudly in both directions, obscuring substantial policy discussion. During the 2009-2010 health care reform efforts more time was spent debating whether Democrats or Republicans were taking positions far from the mainstream or engaging in dirty parliamentary tactics than, for example, the distinction between government and co-operative run insurance schemes. Uniting these twin complaints is the proposed solution: bi-partisanship. Pundits and politicians from both parties repeat demands and promises for bi-partisan approaches, summits and conduct yet an increase in bi-partisan votes remains elusive. Meanwhile, Americans watching complex Congressional manoeuvres executed by politicians espousing fiery rhetoric are either switching off or getting angry.

They are doing so in the context of American decline, with the country’s economic and political power and influence in the world waning. The US will need to implement significant changes if
it wishes to remain the globe’s sole superpower\(^1\). There is scant evidence that the nation’s political class can or will rise to such a higher calling. Arresting decline, therefore, will require mastery of the old partisan and political tools. Thus, an understanding of the causes of bi-partisan votes has greater contemporary relevance than ever.

*Areas of Study*

The study focuses on the years spanning the Bill Clinton and George W. Bush\(^2\) Presidencies, 1993-2009. These years were chose as the most recent time period with sufficient available literature in order to provide maximum contemporary relevance. However they do in addition provide an excellent sample, containing every possible combination of Democrats and Republicans in divided and united party government and the political importance attached to continued evolvement of party governance norms.

Within these years, the initial approach was to examine key bi-partisan legislation that had been signed into law and examine the Congressional votes ensuring its passage. It became quickly apparent that true understanding of the causes of bi-partisan votes would require study of those that were unsuccessful. Studying only completed legislation would create a confirmation bias where commonalities might be perceived as causes of bi-partisan votes despite occurring in all legislative efforts.

To determine the causes of bi-partisan votes would require finding what prevents bi-partisan votes and therefore, studying unsuccessful bi-partisan attempts. However, it is difficult to determine when a bi-partisan vote has been attempted. It would seem natural that sponsors would welcome bi-partisan support on all bills, but as fewer than 10\% of legislation sponsored in the House becomes law (Anderson, Box-Steffensmeir & Sinclair-Chapman 2003) that would provide far too large a sample. Only legislation or issues where evidence of a concerted effort to

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\(^1\) The key work on this topic is Zakaria 2008 *The Post American World*. For more, see Friedman 2008 *Hot, Flat, and Crowded: Why We Need a Green Revolution - and How It Can Renew America*

\(^2\) henceforth ‘President Bush’ or ‘Bush’ refers to George W. Bush, while his father will be designated as George H.W. Bush
attract votes or support from the other side of the aisle but fails to do so are of direct concern. Such efforts are typical of legislation deemed important to party or President.

Therefore, it seemed pertinent to focus on ‘major’ legislation, which had the additional advantage of significant available literature. Again, a definition is not straightforward, what seems important today may not later, and vice-versa. Despite this, it provides the most useful area of research of potential causes with Kellerman arguing that only important and close votes bring other factors into play (Bond & Fleisher 1990), as routine votes have no opportunity cost (Hall 1996) and will most likely adhere to the simplest decision model of cue-taking (Kingdom 1977). In addition, as major legislation usually concerns issues of high salience, it allows the consideration of the preparatory work of previous Congress and other historical factors that precede the vote (Mayhew 1991). The study begins by categorising some common modes of partisanship.

**Categorising Partisanship**

Partisanship is widely defined as both the ways in which political parties operate and specifically behaviour geared towards their advantage electorally and or in policy implementation. On the other hand, bi-partisan is generally acknowledged as an extremely ambiguous or “much abused term” (Scheuer 2001 p.13), used to describe a variety of different phenomena. Despite this, there is scant literature debating its definition. Jones (2009) comes closest in contrasting existing patterns of partisanship with the campaign slogan ‘post-partisan’ politics³. His chief insight is in identifying partisanship, not as a synonym for polarization, but as “the way lawmaking works in a representative government” (ibid, p.1). Different patterns of successful lawmaking have therefore been misidentified as bi-partisanship.

The first is non-partisanship, where the interests of party of faction do not enter the decision making process. Invoking non-partisanship can take the form of a principled suspension of politics, as many believe occurred in wake of 9/11 (Singh 2009, Frum 2005) or to “impart an aroma of neutrality to what is merely a dim indifference or hostility to principled commitment”

³ While Jones takes a dim view of such a concept, it can be seen as illustrating a movement beyond the fixed rhetorical patterns of the ‘culture wars’.
(Scheuer 2001 p.13). Meaning that non-partisanship is typically applicable on issues where electoral or party politics should play no part, for example resolutions of commiseration and commendation. However, in the era of plebiscitary politics many registered Independents hostile to the normative values of parties hold that substantive policy debates should occur under the same auspices. Non-partisanship therefore is relevant to this study as an alternatively proposed norm of governance and also in its absence; the politicisation of seemingly non-partisan votes has been an important part of polarization, as will be shown.

This is closely linked to President Bush’s definition of bi-partisanship as “respect, trust, and a good faith effort to shrink the political differences rather than maximise them for political advantage: in a word, ‘civility’” (Frum 2005 p.55). While instances of allegedly and actual incivility, particularly in Presidential conduct and invitations, will be shown to have high importance in the process of crafting bi-partisan votes, levels of civility remain part of patterns of partisanship and not a category or definition itself.

For instance, there is a high degree of civility present in consensus politics, where broad agreement exists between majorities of both parties. Examples include economic agreements of the 50s and 60s illustrated in the quote widely attributed to President Nixon “We are all Keynesians now” (Micklethwait & Wooldridge 2004) and arguably modern foreign policy conceptions of an American global leadership role (Lindsay 1994). Using consensus as the basis of a definition of bi-partisanship is common among scholars; many measures of bi-partisan votes define them as having 60 or even 80% of both parties in favour. Jones (2009) explicitly states “two or three members of the minority co-sponsoring or voting in favor [sic] of a bill is not bi-partisanship” (ibid, p.3).

Yet, the concepts remain distinct. A policy consensus has its roots in an academic or cultural accord, using the previous examples, economists of the time asserted government spending as the only feasible option for achieving economic growth and U.S. exceptionalism is deeply rooted cultural concept from the founding fathers to Reagan’s ‘City on a hill’. In contrast, bi-partisanship is essentially a political decision, occurring when mutual advantage is possible.
When both sides think they gain, either as policy entrepreneurs towards a larger public policy goal or electorally to future political gains, a temporary alliance is formed. Thus, partisan benefits are sought by both sides in bi-partisanship rather than in consensus when naturally sound policy is the goal, occasionally in actual contrast to public opinion.

Alliances are the key to the final category of partisanship identified by Jones (2009), cross-partisanship. This is where different groups within parties will vote in unison based on their mutual policy preferences. Its most prevalent manifestation was the ‘Conservative coalition’ of Western Republicans and Southern Democrats, or Boll Weevils, which worked to frustrate the liberal agenda, particularly civil rights legislation (Polsby 2004, Gould 1993). In the modern context, if the parties are broken into ideological sub-groups cross-party preference alliances can be seen. For example, a vote to reduce discretionary government spending would typically bring together the deficit conscious Bluedogs on the Democratic side and supply-siders in the Republican Party. However, cross-partisan requires little negotiation – co-ordination of legislative strategy perhaps but no trading of preferences characteristic of bi-partisanship. In many ways cross-partisanship looks more like a European coalition government, two or more distinct groups regularly acting together on an agreed programme while retaining separate identities.

A definition of Bi-partisanship can be summarised as occurring when mutual party or personal incentives align. Having defined bi-partisanship, it is important to note that that this study focuses on bi-partisan votes and not on bi-partisan policy. As mentioned when discussing consensus, policy making is an elite activity and only Congressional actors, including the President, are of direct concern. Compromises on policy are pertinent only within the political strategies that such decisions are taken. Because of the interest in individual votes, cases of bills with the limited bi-partisan support of a handful of members become relevant examples.
Congressional Voting Behaviour Literature

As alluded to above, there are only a small number of works that directly address the question of this study. This section looks at the bodies of work that have helped to provide insight into understanding the causes of bi-partisan votes.

It seemed natural to begin such a study with the literature of congressional voting behaviour. Such work seeks to explain the roll call votes of Congressmen, by analysing those that have taken place and in many cases using statistical or game-theoretical models to predict future legislative action. The traditional body of work was expertly summarised and synthesised by Kingdom (1977) and later Arnold (1990), with notable modern practitioners including Epstein (1998, 1999). There is much merit and insight in these works but as a whole the literature doesn’t provide a basis for answering this question, which requires looking at different levels of political action.

For example, a game theory model may seek to produce a policy equidistance persuade the median Congressman and the proposer’s preferences or determine the optimal strategy for progressing a bill out of committee. However, “before we can understand how collective decisions emerge from games played with (imputed) preferences, we must first understand why members become players” (Hall 1996 p.250). Furthermore, votes not taken or suppressed by the leadership cannot be accounted for and as mentioned above, debate can take place about whether a policy is truly near the centre of opinion - not possible within a model.

Such partisan factors are vital in understanding bi-partisan votes to the point that congressional voting behaviour literature could not be merely applied to that group of bills. A more promising start for research was found in literature incorporating external factors that influence a member’s decision making. To begin, Polsby’s (2004) How Congress Evolves: Social Bases of Institutional Change charting how changes in American society manifested themselves in Congress. Also notable are Mayhew’s seminal work, Congress: The Electoral Connection (2004, 2nd ed.), which focuses on actor’s pre-eminent desire for re-election and Bond & Fleisher’s The President in the Legislative Arena (1990) exploring the role of the executive branch in lawmaking.
Culture Wars Debates

Key to understanding modern partisanship and the interaction between the parties is the thesis that America is in a ‘culture war’, with citizens living deeply different lives with little understanding with each other. The phrase ‘culture war’ was introduced by Hunter but popularised by Pat Buchanan in his stormy 1992 Republican convention speech in which the primary runner-up warned of the dangers of a Clinton victory to the nation’s soul (Guth 2000). By the 2004 election, an exit poll citing ‘moral values’ as the key issue were taken evidence that Christian Right had decided the election. In reality, it was by far the broadest category in the poll, with combined domestic issues scoring far higher, and economics favoured the incumbent President Bush (Fiorina, Abrams & Pope 2006).

The debate about the extent of the culture wars went on. Sceptics contend that theorists are merely confusing closely divided with deeply divided, when “by themselves close election outcomes cannot tell us whether half the electorate hates the other half or whether everyone is flipping coins” (ibid, p.15). Proponents argue that only cultural experiences can align divergent issue positions (Hunter & Wolfe 2006).

Here, consensus begins to emerge. Where advocates see leaders as competing on the battlefield of language (ibid), deniers see a public divided only by labels, not policies; most notably on abortion where pro-life and pro-choice inflame conflict while most voters agree on legal but restricted access, against for example partial-birth abortion⁴ (Fiorina, Abrams & Pope 2006). Therefore, disagreement boils down the combatants in this war. Is it merely a supply side phenomenon? To return to the 2004 election a potential Kerry-McCain ticket had a 14% poll lead (ibid). Merely a conflict among the political class? The policy distance between party conference delegates and party identifiers is twice as great (ibid). Or do ordinary voters, observing these moves to left and right ultimately make their choice and embrace their camp? (Scheuer 2001, Hunter & Wolfe 2006)

⁴ A case in point. Opponents of the ban used the term ‘late-term’ abortion.
Gelman (2008) adds another unique perspective to the discussion by focusing on the income variant. Noting that while Republicans win by large margins among rich voters, Democrats win widely in the richest states he contends that this is a product of a culture war in which only the rich take part:

Throughout the country, lower-income Americans are shopping at discount stores, eating McDonalds, and taking the bus. It’s disposable income that allows you to chose between SUVs and hybrids, NASCAR and the opera, and so forth. (Gelman 2008 p.93)

So, the appearance of ‘culture warriors’ in political life wasn’t a product of public demand. Their presence is better explained by the party changes of the 1960s and 1970s.

It was hoped among many that the Obama era would draw the line under culture wars rhetoric, the President being the first major candidate to not have a Vietnam record to be scrutinised and his election night rally symbolically taking place in Chicago’s Grant Park, scene of the Democratic Convention riots of 1968. However, senses of division have only increased, ascribed to the desperation by the Republican Party owing to their weak political position (Ornstein 2010), the irrational fears of G.O.P. supporters and other anti-government activists (Tomaksy 2009) and, most notably by President Carter, to racist attitudes towards President Obama. All are factors but it is however a mis-conception to focus excessively contemporary circumstances, as shown by the works outlining a more fundamental distancing of the parties.

*Party Change Analyses*

Gelman astutely observes the profile of Democratic supporting states in the modern era, but once the core of the party’s support was in the ‘solid south’, now dominated by Republicans. This change in political geography is as a result of position rotation that the parties underwent in the 1960s and 1970s, as explained across several historical and political works.

In a rigid two-party system politics is normally contested on one axis, representing one cleavage among voters (Miller & Schofield 2003). Unlike their European counterparts, American parties
are built upon *sectional* cleavages in society, not those of class or religion \(^5\) (Fabbrini 2007), but unlike these latter divisions how the population define themselves can change (ibid). This provides an incentive for the parties to re-align with those changes. Consider a graph with two axises, one representing smaller and larger government another social liberalism and conservatism. This leaves four distinct policy areas and two parties competing on one axis:

Therefore, rather than fighting toe to toe for the moderates in the exact center [sic] of the space, candidates have tried to appeal to disaffected voters in the dimension that has recently not distinguished the two parties (Miller & Schofield 2003 p.254)

In this, parties are ‘shown the way’ by third party candidates who receive support and whose ideas are incorporated into the programme, causing a party rotation. The two party system is sustained by the fact that “each major party is so loosely defined that one or the other absorbs electoral protest that might otherwise find outlets in new parties” (Epstein 1986 p.6). In this example, ‘Dixicrat’ George Wallace’s 1968 Presidential run on a segregationist ticket\(^6\) offering a populist social conservative alternative proved decisive. “The traditional Democratic base in the South vanished under Wallace’s assault; the Republicans inherited his support after 1968” (Gould 1993 p.165). The example also illustrates that often, rather than a policy shift in the Downsian model of political party competition, such appeals to disaffected voter are purely rhetorical in nature such as Ronald Reagan’s ‘state’s rights’ speech in Mississippi designed to win over “Wallace inclined voters” (Krugman 2007).

Reagan also used rhetoric in order to link morality, capitalism and democracy so that he could unite the Republican Party bases of traditionalists, libertarians and neoconservatives (Brennan 1995). Such ideologues had not always formed the core of Republican support but after the rotation illustrated above, began the ‘pushing’ of activists and alignment. Essentially in this view, as outlined by Miller and Schofield (2003), people chose to become party activists based

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\(^5\) This is because there was no American state church to define religious opposition to and no aristocracy to ‘retreat’ from, with frustrated workers able to ‘go west’ rather than organise (Brennan 1995, Fabbrini 2007).

\(^6\) Slogan: “segregation today, segregation tomorrow, segregation forever!” (Gould 1993).
on existing activists’ views and characteristics. In turn the party’s public perception is created by its grassroots supporters, attracting more like-minded individuals in a ‘waterfall’ process (ibid).

The groups Reagan was eventually able to unite had been inspired by the initially disastrous Presidential run of Barry Goldwater in 1964. The Arizona Senator’s views were seen as extreme by the public who re-elected President Johnson in a landslide but allowed the national articulation of these developing ideas accompanied by the rallying cry that “extremism in defence of liberty is no vice” (Micklethwait & Wooldridge 2004). Conservatives had honed their ideas in opposition to consensus by creating alternative academic structures to advance the theories of Strauss and Hayek; the Chicago School of economics, publications such as the National Review and think-tanks including the American Enterprise Institute and the Heritage Foundation (Friedman 2005). With the sixties bringing ‘stagflation’ (the mix of inflation and a stagnant economy) and continued urban violence any notions of a linear, scientific liberal advance had ended and the conservative ideas took hold (Micklethwait & Wooldridge 2004).

The society that accompanied the 1950s boom gave traditionalists something to defend (Brennan 1995) and perceived Democratic ‘softness’ against the anti-Semitic Soviets provided the largely second generation immigrant neo-conservative movement an ideological thrust (Friedman 2005). Working against the ratification of the Equal Rights Amendment (Lege, Wald, Kreueger & Mueller 2002) and for California’s Proposition 13 to slash property taxes (Micklethwait & Wooldridge 2004) helped organise the foot soldiers and through local direct mails and fundraising conservatives have turned from a fringe group to primary kingmakers in the eight years between Richard Nixon’s nominations (Brennan 1995).

Changes in the composition of Democratic Party activists had an even more dramatic impact on electoral outcomes as:

Hard working play-by-the-rules Democratic groups whose fathers and sons had fought the wars watched as the young, highly educated anti-war protesters from the 1968 convention fracas became institutionalized delegates in 1972. Even worse, these former fringe elements changed
the rules and secured the nomination for George McGovern. The Democratic Party no longer consisted of people like us (Lege, Wald, Kreueger & Mueller 2002 p.256).

With this feeling, the attitude of Southern Democrats was summarised by Frank in his book ‘What’s the Matter With Kansas?’ as ‘screw the hippies and irresponsible hedonists’ (Gelman 2008). Remarkably similarly to Goldwater, McGovern was seen as outside the mainstream and heavily defeated but his platform was taken up by future nominees. Again, this was due to McGovern activists gaining control in the party, not least two Texas volunteers - Bill Clinton and Hillary Rodham (Clinton 2004).

By the time Clinton has risen through the ranks and to the White House he was an increasingly rare breed, a Southern Democrat. The processes of party ‘sorting’ have resulted in intraparty homogeneity and interparty polarization (Smith & Gamm 2005) as “the ideological cleavage that once existed within each of the major parties now exists primarily between them” (Hunter & Wolfe 2006 p.50, emphasis in original). The non-partisan National Journal ideological scoring system now regularly fails to indentify a single ‘crossover’ member, no Republican more liberal than the most Conservative Democrat or vice-versa (Pfiffner 2002). Therefore the pattern of modern partisanship is not party polarization but party ‘sorting’, creating two more unified ideological units (Fiorina, Abrams & Pope 2006). This happens through the replacement of partisan non-conformists via both elections and conversion – either hardening their views or switching parties to survive (Fleisher & Bond 2004). Such choices are a result of the Congressional Incentives created by modern partisanship.

Congressional Polarization Literature

The changes of the 60s and 70s resulted in the ‘declining parties’ thesis of the late twentieth century, evidenced by an increase in split-ticket voting and divided government accompanying a reduction in party identification and membership (Aldrich 1995). In contemporary US politics, this academic consensus has been replaced by a general view that the United States is in a “partisan era” (Aldrich & Rhode 2005) or even “an era of partisan warfare” (Schickler & Pearson 2005). The resultant works typically seek to exemplify the phenomena and offer
causative explanations, with many several suggesting reforms. Such ‘critical Congressional literature’ tend to begin by highlighting the severe loss of civility in Washington discourse.

This year provided a potent example when Representative Joe Wilson (R-SC) heckled President Obama’s State of the Union address, screaming ‘You Lie!’ at the assertion that health care reform would not offer benefits to illegal immigrants. This is the culmination of a process of increasingly aggressive rhetoric being employed within Congress that has traced alternatively to then Senators Joe Biden(D-DE) and Edward Kennedy(D-MA) questioning of Robert Bork in his Supreme Court confirmation hearings (Leege, Wald, Krueger & Mueller 2002) or Newt Gingrich(R-GA)’s infamous ‘empty chamber’ speech attacking Speaker Wright’s ethical conduct to an audience of C-SPAN watchers (Schickler & Pearson 2005). However begun, by the 1990s a loss of civility had spread to combating previously routine, non-partisan votes. The replacement of the House Chaplin became the subject of a bitter partisan floor fight (Elipern 2006), one consequence of which was to leave the post of House historian unoccupied for years (Hacker & Pierson 2005). A motion commending Air Force pilots for completing their mission in Kosovo was defeated because of a seemingly excessively ameliorative reference to President Clinton as commander in chief (Elipern 2006).

While isolated incidents could be attributed to mere grandstanding, the increased frequency is explained by the contention that a change in the composition of Congress has meant members are significantly further apart ideologically from each other. The predominant explanation offered is that of gerrymandering. This is the process of redrawing House districts in order to concentrate supporters of either party together, the result being more secure seats. Modern practice of the process began after two Supreme Court decisions, Baker vs Carr in 1962 which court ruled that redistricting was not merely a political question and was subject therefore to judicial involvement and Reynolds vs Sims, 1964, stipulated that all Congressional districts must be of a roughly equal size, thus ending the under representation of urban areas (Gelman 2008,

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7 Gingrich exploited the fact that at the time, C-SPAN remained focused on the Speaker by frequently inviting Democrats to refute allegations despite none being present (ibid)]
8 named after Massachusetts Governor Elbridge Gerry who in 1812 created a ‘salamander’ shaped district to concentrate supporters of his Democratic-Republican Party (Dudley & Gitelson 2004, Mann & Ornstein 2006)
Dudley & Gitelson 2004). Contemporary re-districting can employed extremely accurate technology to identify individual properties (Oppenheimer 2005) and is usually undertaken by partisan members of the state legislature. However, gerrymandering can be a bi-partisan process designed to strengthen both party’s grip on their existing seats and reducing potentially competitive races. This is most clearly seen in New Jersey where redistricting is overseen by a board with equal Democrat and Republican representation with an academic tiebreaker but still engages in gerrymandering, (Klinker 2004) providing a perfect example of how bi-partisan votes are characterised by mutual partisan advantage.

However, Persily (2002) argues that this should not be seen pejoratively as a large number of close districts could produce exactly the large majorities that the Founding Father’s sought to contain. He joins in the debate among the literature proclaiming gerrymandering innocent of causing polarization, with the extremely similar effects displayed in the Senate noted (Owens 2002), the increased number of ex-House members graduating to Senate is offered as a counter-point (Dodd 2005). Alternatively, more secure districts can be seen as an accurate reflection of a population voluntary undergoing a ‘big sort’ and choosing to live increasingly among their peers, in a living example of the culture wars. When parties dominate areas, each party’s future success is predicated partly on the extent to which it can secure national resources for its regional constituents; because this is typically zero-sum, bi-partisanship is unlikely (Mellow & Trubouite 2005 p.665)

**Responsible Party Government**

Before he was President, Professor Woodrow Wilson called for a more partisan Congress in 1885’s *Congressional Government*. Amidst a growing Presidential role, the call was repeated through to the influential 1950 report of the American Political Science Association advocating stronger parties (Hacker & Pierson 2005). In contrast, the vast majority of the literature review above is now calling for less partisanship. This suggests a view that scholars should have been more careful what they wished for. However, it would be wrong to equate the historical desire for ‘responsible’ party government with the resulting ‘irresponsible’ party government:
The theory of “responsible party government”, whereby one party controls both the legislative and the executive branches and enacts an agenda, may be a sound normative theory. As a descriptive device, however, it is somewhat lacking (Andres & Griffin 2002 p.159).

Modern American parties are actively seeking control of government but are unable to use it exert it into a consistent pattern of lawmaking and legislative votes. Thus, true electoral accountability remains elusive and effective governing and democratic participation, to be carried out at all, take on different forms and bi-partisan votes developed as an unavoidable method for managing the government of the United States in a dis-similar manner to other Western democracies. As an aide to Representative Waxman (D-CA) expressed it; “I would like to say Democrats did bi-partisan things because we were good guys. We did it out of necessity”, referring to the threat of conservative democrats (Elipern 2006 p.76). While the search for political consensus and shared advantage is natural in any society, including the United States, the simultaneous but separate gains of bi-partisanship are largely an American construct.

Part of this process can be traced to the nation’s origins with institutional design and founding political culture hostile to the workings of ‘factions’, as it was phrased in the Federalist papers (Mann & Ornstien 2006) . However, the development and evolution of governing norms show a lack of constitutional determinism as the role of parties and Presidents grew well beyond original intentions through cultural disseminated changes. For example, the modern day is not the first period of American history to be referred to as ‘the partisan era’, as the clientelistic appointments era that preceded the Progressive reforms was also known by this name (Skowronek 1997).

Contemporary outrages at the imposition of legislative agendas, the symptoms highlighted in the introduction, then are more than just partisan shouting and a reflection of cultural resistance to systematic transformation. Bi-partisan votes are a vital feature of the current order, meaning that the forces which are preventing dominant American party lawmaking are largely the same as those causing bi-partisan votes, which is essentially offered as an alternative governing structure.
Causes of Bi-Partisan Votes

While the lack of party government is the overarching cause of bi-partisan votes in the American system there are several other factors, both related and distinct that interplay on any given bi-partisan vote. In this section, causes of bi-partisan votes that have been identified by authors across this study are assessed for their validity and importance.

Unorthodox Lawmaking

Sinclair (2005, 2008) coined the term unorthodox lawmaking to designate the increasingly frequent practice of Congressional leaders to employ all parliamentary arms necessary to achieve legislation’s passage. While the constitution does not even require that the House Speaker be a member of that body, only chosen by it, the role has come to designate policy and political leadership of the chamber. The roles of Speakers Cannon and Reed in centralising power and authority in the office were instrumental in this development, evidenced by the latter’s ‘Czar’ nickname (Davidson 2002). By exerting legislative rule making powers in an inherently partisan manner, historically through the House Rules Committee (Polsby 2004), the role Speaker has ensured process will remain as controversial as the issues themselves.

This is particularly true when the process deviates from the textbook normal process, as became ubiquitous among under both Democratic and Republican control in the years of study. For example, while over time, House roll call votes had come to be typically open for 15 minutes Speaker Hastert kept the vote on the 2003 Medicare Drug Prescription Bill open throughout the night, long enough for an initial loss to turned reversed by members being cajoled to switch their votes (Nelson 2004 et al). As the vote included Democrats in favour, in the strictest sense unorthodox lawmaking was a cause of a bi-partisan vote. However, the resentment that such tactics create undoubtedly ‘poison the well’ for future outreach efforts. To return to the example, the presence of Health and Human Services Secretary Tommy Thompson on the House floor was another breach of precedent that further incensed Democrats, with Senator Sherrod Brown (D-OH) fuming that such late night votes were ‘a subversion of democracy’ (Dodd & Oppenheimer 2005).
However, such a view in the caucus did not prevent Democrats exercising similar tactics when returned to the majority, President Obama’s healthcare reform being passed in two separate bills to avoid the potential filibuster by Senate Republicans bolstered by the special election victory of Scott Brown between votes. The filibuster itself evolved from humble beginnings, a rule to close debate ‘previous motion’ having been abolished by Vice President Van Buren purely due its falling out of use (Gold & Gupta 2004). Now a tool of unorthodox lawmaking in opposition, the new prerogative of unlimited debate was first exercised in opposition to President Jackson with its invocation by isolationist Senators seeking to forestall any military authorisation that could potentially lead to involvement in World War I leading to public and Presidential pressure and the adoption of rule 22, the super majority (now 60) for cloture votes (ibid). America would have been unable to assume a global power role without such a reform and it seemed that the demands of a new era would lead to its abolition. It was the failure of Democrats to allow the confirmation of judicial nominees which led to the discussion of the ‘nuclear option’ of removing the cloture vote, but it was saved by a bi-partisan ‘group of 14’ Senators who recognised the mutual advantage of its existence and gave a verbal agreement to not filibuster judicial nominees (Binder & Maltzman 2005).

The Media

The continuance of unorthodox lawmaking further fuels Congress’ generic unpopularity, despite consisting predominantly of popular Congressmen. With these focus on process issues, Schuer (2001) argues that the media frame legislative battles tactically which leads to a voter focus on encouraging ‘co-operation and compromise’, and thus bi-partisanship, over policy substance and competition between positions. Ironically, nowhere is more partisan in than the airwaves in an America where “bestselling books reinforce what folks thought when they bought them. Talk Radio and opinion journals preach to the converted” (Miller 2005). More worrying is the explosion of partisan bias on cable TV news for as Senator Moynihan(D-NY) was quoted, “everybody is entitled to their own opinion, but not their own facts”.

Historically, a belief in an institutional liberal bias in the media has been widespread (Collins 2004). While journalists did traditionally skew Democratic, it was more a result of their higher
education levels and states of residence (Gelman 2008) than conspiracy. Nevertheless, perception is important and this was the environment in which Fox News was launched in 1996. After struggling to get on the air, it found its highest ratings were for firebrand evening host Bill O’Rielly. Network President Roger Ailes, a former media consultant to Presidents Nixon and Reagan, oversaw the branding as a ‘fair and balanced’ conservative voice (Collins 2004). After growing with its coverage on 9/11, which saw the introduction of the headlines ‘ticker’ and on-screen American flag logo, during the Iraq War of 2003 Fox surpassed CNN in the ratings. At the same time MSNBC, a victim of the ‘dot-com’ bubble, began to offer equally furious liberal programming by introducing ‘Countdown with Kieth Olbermann’ (ibid).

With Fox’s success, fears of a right-wing media bias resurfaced having emerged at the role of talk radio and hosts like Rush Limbaugh. The failure of Clinton cabinet nominees due to ‘nanny problems’ (Stephanopoulos 1999) and the electoral impact of the ‘angry white men’ in 1994 were ascribed to conservative shows (Schier 2000). However, Clinton’s troubles with the media more clearly display a different bias – towards political theatre (Hacker & Pierson 2005). Their focus on the drama of a Whitewater investigation over legislation while creating of controversies over the press travel office re-organisation and Clinton’s pre-flight haircut infuriated the President who eventually lashed out in an interview for Rolling Stone magazine (Kumar 1995, Branch 2009).

Such an incident was invariably reported as a ‘gaffe’ by Clinton, showing the media’s prioritising of the ‘horse race’ of which political players are winning and losing. This has encouraged candidates to embrace presentational techniques as journalists have inherited the power of the ‘smoke-filled-rooms’ in deciding who ‘won’ primaries and debates (Epstein 1986), the media thus “replac[ing] the political parties as the screening committee for candidates and officeholders” (Sabato 1991 p.1).

Taken together, the horse race and theatre provide the presentation of a series of simple narratives. Without bias, this may be hurting liberals as “simplicity...is epistemically conservative, whereas complexity is quintessentially progressive” (Scheuer 2001 p.10). The
chart of proposed ‘health care bureaucracy’ used by Representative Dick Armey (R-TX)\(^9\) to mock President Clinton’s proposals on the House floor illustrates Schuer’s point perfectly, as did news coverage of the competing Congressional plans (Skocpol 1997). In this way, the media mitigates the chances of bi-partisan votes by accentuating and incentivising conflict rather than compromise.

Despite this observation, it is important to note that the ‘reach’ of partisan personalities like Michael Savage or Michael Moore is actually quite limited; more Americans aren’t listening to either than are listening to both (Fiorina, Abrams & Pope 2006). The demand led moves of Fox and MSNBC show that while the media exacerbates and sustains partisanship and polarization, they did not cause it. The same is true of the internet, where partisans who continue to see bias in the ‘mainstream’ media now have their choice of blogs from which to gain their political news.

**The Permanent Campaign**

One of the key online political activities is the raising and reporting of campaign funds. For many Congressional members, the chance for the ‘netroots’ activists to contribute to campaigns never ends. This is symbolic of an ongoing electoral process outlined by King (1997), where a two year cycle and the threat of a well funded primary challenger causes a continual defensive nature in American politics. While extraordinarily high incumbency rates may make such fear seem mis-placed, In the 107th Congress, 31 members had received less than 60% of the primary vote (Persily 2002). Even the Senate, designed by the framers to be more collegial has one third of its members, more than enough scupper any legislation, thinking about an election in this year or the next.\(^{10}\) This creates a group of Congressmen known as the ‘Tuesday to Thursday’ club who only stay in the capital to attend to legislation in these times, otherwise concentrating on their districts and securing donations in order to scare off any potential challengers (Mayhew 2004).

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\(^9\) On the question at hand, Representative Armey was quoted as saying “Bipartisanship is another name for date rape”

\(^{10}\) At the time of writing, Senator Bob Bennett (R-UT) had recently been de selected by a state convention and Senator McCain (R-AZ) continued to trail in the polls for his upcoming primary.
Not being present in Washington D.C. is certainly a contributing factor to the loss of civility and personal camaraderie between members (Elipern 2006) Of more significance is the fact that all remaining votes when present essentially become campaign issues. If an issue arises during near to Election Day, it is natural that the impact on the vote is considered. For example, when considering the 2008 Temporary Assets Relief Program (TARP) bill to combat the financial crisis, Vice President Cheney encouraged reluctant Republican lawmakers by warning that ‘if we don’t pass this, we’re in Hoover territory’ (Fullam & Gitelson 2009). With a permanent campaign, any vote for which an individual member can be held responsible instantly becomes the focus of their ongoing campaign. This forces congressmen to continuously think electorally which typically means defensively as:

It is far easier to alienate one’s longtime friends with a few very wrong votes than it is to transform one’s most steadfast opponents into reliable friends with an equal number of pleasing votes (Arnold, 1990, p.83)

Therefore, the permanent campaign is a cause of bi-partisan votes as taking unpopular positions is avoided in priority to party loyalty. These conflicting demands are seen most clearly when responsibility is most visible, in the deciding vote. When Congressional votes are extremely close, members at the ‘cut-point’ (Epstein 1999) wheter that be a House majority, veto override or filibuster breaking vote, face the largest electoral impact. This is most clearly shown in the infamous case of Freshman Representative Majorie Margolies-Mezvinsky (D-PA) who cast the deciding vote on President Clinton’s 1993 budget whilst Republicans shouted ‘bye-bye’. She was duly unseated in the next election and became a byword for pressured members (Stephanopoulos 1999).

Thus:

close votes in the House follow the laws of political physics. You have all those guys hanging back who said they’d “be there if you need me”. But they’re desperate not to be needed, and everybody is watching everybody else (ibid p.178).
This is clearly shown in the case of Rep. David Wu (D-OR) who wanted to support the 2003 Medicare expansion bill but didn’t want to defy leadership, standing ‘cathartic’ on floor for vote, not wanting to cast the last vote needed to secure the majority voting ‘aye’ after two conservative republicans switched to secure the bill’s passage. (Singh 2009)

**Interest Groups & ‘Parties of One’**

Deciding votes are important because they create situations of clear responsibility, that force bipartisan votes to match the electoral mood. Another form of bi-partisan votes are essentially the opposite, the position vote. These are votes taken on legislation that is purely symbolic, either because it is unenforceable or doomed to failure elsewhere, for example passing bills out of the House, safe in the knowledge that the Senate will kill them. (Dodd & Oppenheimer 2005) The reason for such seemingly counterintuitive actions is to serve not the electorate at large, but of a Hall’s (1996) vocal minorities where “With respect to specific policy domains, a relatively uninterested majority trades away its constitutional right to decide, while its members, in return, anticipate legislative advantages in domains of their own choosing” (ibid p.250)

This practice is extremely common, Mayhew (2004) quotes an aide to Senator Buckley (R-NY) who had been surprised “to discover that so many things happen in the Senate ‘for symbolic reasons’ rather than ‘practical reasons’, such as the practice of Senators offering amendments they know have absolutely no chance of passing” (p.119), and underlines the weakness of parties in the United States. Parties essentially provide two things to candidates in elections: funds and endorsement, the recommendation that their members and supporters vote for you. In many countries, the vast majority of the candidate’s money and supporters will have come through the party. However, in America there are a multitude of interest groups, policy constituencies and corporations offering the same service. They contribute by bundling donations through Political Action Committees (PACs) and they endorse candidates, usually though ‘voting guides’ based on the roll call vote record on that interest group’s issue. Rather than key to survival the party is a ‘SuperPAC’, just another interest group whose needs have to be attended to, albeit a large one.
Furthermore, it’s an interest group that can by definition provide no help in the primary election (King 1997). In the permanent campaign, incumbents are in “constant competition for money and attention with the newly predominant staff-led advocacy organisations” (Skocpol 1997 p.88). This forms part of a pluralist politics, where the social movements of the 1960s, both liberal and conservative, have manifested themselves as interest groups and lobbyists of K Street (Sinclair 2005). Pluralist politics also refers to the multiple branches and levels of government, which means the party loses its traditional role as ‘gatekeeper’ to power (Fabrinni 2007). Congressmen are therefore left as ‘parties of one’, with their policies decided determined by their records in the House.

So, position votes serve as a basis for cultivating interest group support. The most notorious position vote was that on Florida woman Terri Schavio’s life support which political memos revealed Republicans pursued in order to energise the Christian right. More commonly is individual position votes by members to try and manipulate their ‘scores’ on interest group voting guides, for example to avoid becoming one of the anti-environmentalist ‘dirty dozen’ (Arnold 1990).

**Individual Alliances**

Many key constituencies are, or are seen to be, represented in Congress by particular members. This is one of the ways that individuals, rather than merely political forces, can be a cause of bi-partisan votes. Bi-partisan efforts are more likely to succeed when members of the temporary coalition contains members with political credibility on both sides of the political spectrum. Two centrists co-operating are less likely to ‘bring along’ other members than two confirmed partisans (Woon 2008, Epstein 1998).

This is also true when they are members of bi-partisan commissions and ad hoc groups. This is a method employed in order to try and remove or mollify the electoral impact by deliberately spreading and obscuring political credit and blame. Their history suggests that the key to their success is ensuring the right amount of secrecy, to avoid the media glare, and involving the correct players. For example, the highly productive Texas summit chaired by President Bush to
discuss the No Child Left Behind legislation would not have been so without the presence of Representative George Miller (D-CA), who had not initially been invited (Broder 2001, Elipern 2006). Equally vital were the personal commitment to bi-partisanship by Representative Boehner (R-OH) and Senator Kennedy (D-MA).

The fact that Kennedy is looked to so often for forging bi-partisan bills underscores the importance of personality and credibility, he was never questioned in the way that Boehner, McCain or Senators Liberman and Specter were for going ‘soft’ on the other side 11(Broder 2001, Krehbiel 2000).

In legislation with true Congressional origins, such as the Bi-Partisan Campaign Reform Act, part of credibility is not ideological position but consistency. Many members consistently voted for a form of election finance reform as a position vote, knowing it would be stopped by the Senate (Herrnson 2005)This preparatory work by previous Congress had not only set the terms of debate but allowed negotiators to avoid accusations of opportunism, particularly McCain who had highlighted in the issue in his 2000 Presidential run.

**Presidential Skill**

Another individual whose approach to bi-partisanship is vital to causing bi-partisan votes is the President, by whom such groups are often convened. Within them, the President must manage what compromises and deals he can offer. Thurber’s volume (2002), particularly Dietz, looks at the process of Presidential negotiation with Congressional actors. Perceptions of Presidential negotiations are still built upon Nuestadt12, who asserts that in making deals with established actors Presidents practice ‘transactional leadership’, trading essentially on their authority and prestige. Or to take a less charitable view:

A confused mish-mash of bargaining, compromise, deals and dirt, money and threats, high and low politics, pressure and power, intermediation and pleading, slight-of-hand and gentle nudges (Genovese 2006 p.135)

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11 to which they reacted, in the model previously stated, by hardening or switching
12 For more, see Neustadt (1990) *Presidential Power and the Modern Presidents*
Either way, the Presidential role is more complicated than merely splitting the policy differences; it is about managing the administration's political resources. Taking too many risks depleting your authority, while doing too little risks alienating your party. President Bush, in the first period of his presidency before 9/11, whilst suffering a set-back on faith based initiatives (Genovese 2006) but had generally had a successful legislative strategy, mixing strong advocacy and political pressure on issues that appealed to his party, such as tax cuts, and bi-partisan co-operation on bills that held some natural appeal to Democrats, notably the No Child Left Behind education reform (Parker 2009, Broder 2001)

Upon Clinton’s election, Democrats had initial success ‘releasing’ bills from divided government, such as ‘motor voter’ electoral registration reform (Rae 2000). However, building fresh legislative coalitions proved a difficult task for a divided caucus; as Senator Schumer (D-NY) noted, the most effective leader bringing together Democrats was Newt Gingrich in his attacks (Guth 2000). Clinton was criticised for giving too much away and becoming the ‘negotiator in chief’ 13

In particular, negotiations over NAFTA were deemed to have sapped the President’s authority (Branch 2009, Skocpol 1997). The cross-partisan vote in favour of NAFTA left was uniquely centrist, leaving opponents on the left and the right (Clinton 2004, Klien 2002) embittered and resorting to giving fiery speeches on the House floor (Welch 1993). Nevertheless, the problem was the larger amount of compromising that Clinton had to do, on his budget and crime bills he felt let down by Congressional leaders, including Senator Byrd (D-WV) and his primary opponent Senator Bob Kerrey (D-NE) for failing to deliver votes and demanding a high price respectively (Wayne 2002, Branch 2009). Skowronek (1997) would suggest this merely a symptom of a Presidency of pre-emption, where the incumbent faces a political climate to which he is opposed.

13 similar to the labelling of George H.W. Bush as the ‘Let’s Deal’ President (Jacobson 1993)
The ‘Two Presidencies’

Presidential negotiating skill is also of course important in negotiations with foreign governments. The belief that successful national diplomacy requires a unified position and therefore politics should ‘stop at the water’s edge’ Mc Cormick and Wittkopf (1990) has been accounted as a cause of bi-partisan votes. It was summarised by Wildvasky’s influential theory of the ‘Two Presidencies’, foreign and domestic, in which the commander in chief would receive considerably more Congressional acquiescence on enacting his international policies (Lindsay 1994).

Balance between the executive and legislative branches on foreign policy has been another case of evolving political norms, beginning from Theodore Roosevelt the expansion of America’s economic wealth to a major role in foreign affairs. Managing the country in two world wars then as creator and leader of supranational organizations necessitated greater executive discretion, continuing until the War Powers Act of 1973. Partly, this was a reaction to the decrease in trust that accompanied the Vietnam War and in particular, the Gulf of Tonkin resolution (ibid). However, the larger picture was one of declining consensus about American threat perception. The unquestioned anti-communism was replaced by the more subtle disagreements in where, when and how the Cold War should be fought. In the post cold war context of the Clinton years, there was very little agreement on what directly affected Americans, with the administration’s solidarist focus on humanitarian intervention suffering after causalities in Somalia and the concept of nation building criticised by George W. Bush in his 2000 campaign. By the time Bush had embraced the concept, within the prism of neo-conservatism, American threat perception once again divided the parties as sectarian fighting in Iraq crippled the President’s approval rating.

In between, there had been a brief prelude of aligned threat perceptions and thus flowing bi-partisanship following the attacks of 9/11. This was largely phycological but was utilised by

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14 For more, see Zakaria 1998 From Wealth To Power Princeton University Press
15 For more on solidarism, see Wheeler 2000 Saving Strangers : Humanitarian Intervention in International Society. For more on Bush’s foreign policy in 2000, see Ricks 2006 Fiasco: The American Military Adventure in Iraq
16 For more on the impact of 9/11 on the American psyche and culture see Faludi 2007 The Terror Dream: What 9/11 Revealed About America
Bush to argue that the executive needed to re-assert itself to deal with a new era. While the legislative effort epitomised by the USA PATRIOT Act was largely successful, the President’s hope of a lasting consensus was not (Frum 2005). Frum argues that Democratic Senate Majority Leader Tom Daschle was largely responsible by re-introducing domestic politics, but it was Bush who had weaved war on terror discourse into domestic issues including further tax cuts and overlooking a growing budget deficit (Hacker & Pierson 2005).

Furthermore, the distinction is increasingly false. The Patriot Act itself was largely domestic rules and other major bi-partisan efforts in this study blur the boundaries, most notably approval of NAFTA (Klien 2002, Clinton 2004). Votes with foreign policy implications are equally subject to the positional incentives, for example House resolutions designating the Turkish-Armenian conflict ‘genocide’, and constituency based, including bi-partisan Floridian opposition to any easing of sanctions against Cuba, motivations outlined previously (Hamre 2001).

The ‘Two Presidencies’ thesis can be viewed as largely defunct but this is not to say that foreign policy cannot be a cause of bi-partisan votes, there are several examples of the Foreign Affairs committee working as a group to provide alternative foreign policy priorities or views to the administration, for example Senator Obama and Lugar’s co-operation to raise the profile of securing nuclear weapons. More recently, Speaker Pelosi was willing to offer a partisan Congressional alternative, for example meeting with Syrian leadership when Bush administration officials would not (Sinclair 2008).

**The Bully Pulpit**

In addition to foreign policy achievements, Presidencies are judged by history based upon their lasting impact upon the political system and opinion. Executives wish to be transformative in Nuestadt’s model or reconstructive within Skowrenek’s (1997) cycle of leadership, engaging in Hargrove’s ‘cultural leadership’. Jacobs (2007) identifies these trends manifesting themselves in the rise of campaigning as governing. Known by Theodore Roosevelt’s description of the

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17 See Obama 2006 *The Audacity of Hope*.
18 See Hargrove 1998 *The President As Leader: Appealing to the Better Angels of our Nature*
Presidency as a ‘bully pulpit’, the method of appealing to the public to enact legislation has expanded exponentially by Presidential precedent; From Andrew Jackson’s popular appeals to Lincoln’s debates, Woodrow Wilson’s delivery of the state of the union address in person, Franklin Roosevelt’s radio ‘fireside chats’ and Ronald Reagan’s television appeals.

The process is ongoing, President Bush’s ‘mobile bully pulpit’ targeting Presidential visits to pressure Democratic Senators in states that had backed him (Jacobs 2007, Ross 2007, Frum 2005) has been continued by President Obama’s frequenting of the House districts of members wavering on healthcare reform. Campaigning as governing, coupled with an post ‘sunshine laws’ open Congress, mean members have to be ‘for’ or ‘against’ earlier a proposal earlier, no one wants to vote for something and then against something (Maltese 2009) after Senator Kerry was effectively branded a ‘flip-flopper’ in the 2004 election for that reason.

Use of the bully pulpit has proven to be an extraordinarily effective cause of bi-partisan votes. Only Presidential leadership, encouraged by the media, can change the fundamental political calculations outlined above. Securing the ‘Bush tax cuts’ and ‘Obama stimulus’ are two pertinent examples of this ‘bank shot’ off public opinion into Congress.

Yet, these examples also share the virtue of being the incoming administration’s first priority in office. Does using the bully pulpit rely upon underlying high approval ratings? In addition to the need for focus shown above, there is less evidence that approval ratings have a direct impact (Sakei 2004) than popular vote mandates (Quirk & Cunion 2000). So President Clinton, in a three way contest, only had 43% of the popular vote leaving him running ‘behind’ most Congressmen. Thus, despite extraordinary rhetorical performance, particularly to a joint session of Congress despite teleprompter failure, he could not secure health care legislation through the ‘promotional presidency’ (Branch 2009, Skocpol 1997). For this he suffered a political cost for ultimately:

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19 bully being a contemporary adjective for fine or excellent
20 Representative Joseph Cao (R-LA) and Senator Olympia Snowe (R-MA), having voted for and against the Obama healthcare plan, face an interesting conversation with voters this fall.
the price of the advantages conferred on the President is constant attention to public and group opinion, constant success in leading them, and constant engagement in taking credit or avoiding blame (Cooper 2005 p.390)

**Issue Ownership & Salience**

Jacobs (2007) concludes that while “the promotional Presidency offers enormous capabilities to educate and focus the public, but it can also seduce the most astute President into neglecting the enduring institutional constraints on any chief executive” (p.286). The political constraints could be added to this analysis for while Presidents can make the political weather in the long term, as Wroe (2009) asserts, they cannot overcome the composition of the party system. Attempts by Presidents Clinton and Bush to reform the party system failed, but they were a key cause of bi-partisan votes.

Party systems are defined by the issue ‘ownership’, summarised in Matthew’s theory of Democrats as the ‘mommy party’ (domestic issues, welfare and care) and Republicans as the ‘daddy party’ (security, independence and militarism) (Fiorinia, Abrams & Pope 2006). Clinton’s ‘triangulation’ strategy (Shafer 2000, Stephanopoulos 1999, Greenstien 1995) and Bush’s ‘right back at you mentality (Renshon 2006) or ju-jitsu politics. Triangulation, as masterminded by pollster and consultant Dick Morris aimed to ‘neutralise’ Republican mobilisation issues by acting upon them, most notably signing the welfare reform bill despite the protests of some liberal democrats after winning sufficient concessions to portray negotiations as a victory. This proved largely successful in securing Clinton’s re-election and House gains in the 1996 cycle, but left the President in an Eisenhower type position lacking political authority in a second term (Coleman 2000) This meant Clinton left office generally well regarded but unable to move the party system beyond big government-small government competition as he wished.

At the start of George Bush’s second term the President declared that he had “political capital and I intend to spend it”. However, he was unable to cover the cost of enacting comprehensive Social Security reform as the successful promotional tactics of the tax cut tours failed. Ultimately, with a security and character mandate and a lack of party governance norms, Bush
was unable to convince voters that there was a problem to be solved with Social Security (Ross 2007). The President had been successful in forcing Democrats into bi-partisan votes by acting on their issues, education and healthcare, in an attempt to deepen the Republican majority into a more permanent era of domination - if Bush was to lead the ‘daddy party’, then it would at least be a ‘new man’. However, attempts to get Republicans out of their ‘white box’ with faith based initiatives in the black community (Frum 2005) and immigration reform to appeal to a growing Hispanic vote (Dorsey & Diaz-Barriga 2004) failed dramatically. Even the successful (and as has been shown, controversial) enactment of Medicare expansion failed to deliver seniors in significantly greater numbers to the GOP (Rudalevige 2006). Ultimately, the Democrats still ‘owned’ these issues, leaving most electoral contests to one of issue salience and not ideological competition.

Despite both being highly divisive personally, in this manner both Bush and Clinton proved to be arguably bi-partisan Presidents, addressing the policy issues of both parties.

**Divided Government**

The Clinton triangulation strategy could also be seen as an inevitable response to the fact that he was operating in a circumstance of divided government and bi-partisanship was again the necessary order of the day. Mayhew (1991) argues that contrary to popular opinion that divided government causing gridlock, it can cause bi-partisan votes if the need for a bill, any bill, begins to rise as public frustration arises. This is most clearly seen in the efforts to tackle the structural deficit in the George H.W. Bush administration, employing several of the techniques outlined above including an ad hoc bi-partisan group. (Jacobson 1993).

Divided government can produce a ‘waiting game’ for a change in majority or President, which can also be bi-partisan for example after Clinton’s impeachment Republicans waited for a President to liberate the growing surplus while Democrats looked forward to the potential achievements of the Gore administration (Hass 1998) The situation was summarised by Representative Jim McDermott (D-WA) who commented that “everything was crafted on their

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21 for a humorous take on this challenge and failure, see Franken 2005 *The Truth: With Jokes*
side to win the election. And everything we tried to do was [to] derail them from winning the election...It was the most unproductive public policy year I’ve ever spent in my life” (Pfiffner 2002 p.41). “Once pure partisanship is set, it is difficult to reverse, especially in a system with two-year election cycles. The minority watches the clock, as do those in the majority occupying seats ordinarily held by the minority” (Jones 2009 p.9).

However, this is not the inevitable consequence of a divided government. The conflict between President Clinton and Speaker Gingrich was fierce. After such decisive election results, the President was forced to pleading his ‘relevance’ meekly in a press conference. However, with the all important legislative power of the veto (Sakei 2004), he was able to call Gingrich’s bluff and block what were considered sacrosanct appropriations bills. Willing to shut down the government, Clinton prevailed in the standoff with a Speaker whose party were left looking hopelessly extreme. The period that followed the 1995 conflict until Gingrich’s resignation in following the losses of 1998 were legislatively productive, with incentives for Republicans to moderate their ideological appearance and Clinton to pass bills and more importantly two clear leaders that command their party (Dietz 2002). They were able to therefore deal effectively and divided government served as a cause of bi-partisan votes.

The contrast between Gingrich’s Republicans and Clinton’s Democrats came close to a clear party choice typical of responsible party government. It was interrupted by the Revelation, Investigation, Prosecution (RIP) strategy (Leege, Wald, Krueger & Mueller 2002) employed by the GOP in pursuing the Lewinsky scandal. The return of united government under Bush and Obama has renewed the contemporary relevance of party governance norms.

**Areas of Further Study**

Some of the issues encountered during the research for this work may contain potential for deepening understanding of the causes of bi-partisan votes. First among them would be bicameral differences, particularly in conference committees. Is inter-branch rivalry, undoubtedly in existence, a significant factor in bi-partisan votes? What effects does it have on conference committees? The composition and secrecy of them has been mentioned their
significance in creating the compromises necessary for bi-partisan votes invites further research as to their operation and political impact.

Events that always carry with them a political impact, which also seem more common in the Senate, are party defections. The consequences for the individual involved have been examined in the literature, but what of potential future Congressional co-operation? Many such decisions take place when it is felt that the party has strayed too far from the political feeling of the state.

Given also that so much of the bi-partisan vote process involve members who have a partisan disadvantage at home, state political culture deserves much greater consideration. What local factors are at play in the transition of individual states from one party’s column to another? How prevalent are actors in the state capitals in influencing Congressmen’s voting decisions? What about those holding federal office but contemplating a run for a state position and vice-versa?

On party governance, more examination of the effect of scandal in voting behaviour may prove insightful. The contention that scandal can temporarily disrupt established partisan patterns is usually illustrated by Jimmy Carter’s defeat of President Ford in the 1976 election as the Watergate effect suspending Republican domination of the White House (Shafer 2000). In a rigid two-party system with few outlets for protest votes is scandal, therefore, obscuring emerging party governance preferences? For example, could the Jack Abramoff scandals of 2006 be seen as providing momentary exception only to post-1994 Republican Congressional control, obscured in 2008 by President Obama’s considerable coat-tails? Within Congress, if a member is embroiled in controversy or ethics problem does the perception of involvement from political opponents damage bi-partisanship?

**Reforming Norms**

Any reforms designed to reduce the problem of polarization will invariably struggle precisely because of the partisan forces it is trying to combat. With this caveat in place, it is not hopeless to suggest institutional changes that may provide mutual benefit and thus bi-partisan support while most importantly, truly empowering the average voter. The first line of defending the
status quo will naturally be that those seeking change do so to undermine the constitution. Therefore, any proposals must be firmly grounded in that document’s principles.

The Constitution does not require that the Speaker of the House is a member of it (Mann & Ornstein 2006). A neutral Speaker from a position outside politics such as academia or with sufficient experience to be respected as above partisanship could therefore be chosen by the House. Such an individual would head a bi-partisan body that ran the Speaker’s office to determine consistent and simple rules for considering legislation. This may seem unrealistic, but it based upon the examples of Congressional Budget Office, which ‘scores’ the cost of legislation, or the Committee on Presidential Debates, which sets the rules of the election encounters, bodies that the parties created and ultimately control to arbitrate for them. Neither such body is devoid of controversy, the CBO was accused of manipulation by Republicans in scoring the first Bush tax cuts (Hacker & Pierson 2005) and under-scoring Medicare savings in both the Clinton and Obama health-care debates (Skocpol 1997), but both are respected. If it could establish regular process for debate and end unorthodox lawmaking, Congress may finally see an increase in its civility, output and approval ratings.

It would also leave the position of majority leader as the highest partisan office in the House. Being directly opposite the minority leader, voters would be able to more directly contrast party leadership ‘teams’ to endorse with their support. In particular, a ‘Prime Ministers question time’ style regular debate between them would obviously aid party governance but also both parties who would essentially receive free publicity. This effect would be especially effective if such sessions were held in prime-time to capture the large evening cable news audience, thus reducing the agenda setting ability of hosts like Olbermann and O’Riely. Admittedly, this would exacerbate the permanent campaign. However, with any campaign restrictions seemingly requiring a constitutional amendment to overcome the Roberts Court, the electoral connection is here to stay and must be accommodated. For example, scheduling Congressional activity in day/night sessions in alternate weeks would allow significant time to attend to the district while encouraging members to stay in Washington and perhaps get to know each other once more?
Short of successfully executing the constitutional option (Gold & Gupta 2004), the prospects for Senate reform seem much dimmer. If rule changes remain out of reach, increased scrutiny may not be. If the leadership have the political will to force a cloture vote on every piece of legislation and a floor vote on every hold, it would force Senators’ positions out into the open for public consideration. The pressures of plebiscitary democracy would then hopefully create a reform movement that would force revision of the chamber’s practices.

**Conclusion**

The forces that have prevented party governance norm development in the United States, of pluralist and plebiscitary politics, created the bi-partisan vote as an alternative means of legislative achievement. In the modern era, a more centralised Congress and activist Presidency have sought to create bi-partisan votes to achieve party agendas. Their variant levels of success have shown another, micro, level of causes for bi-partisan votes; Presidential and Congressional leaders in rhetorical and legislative skill and ingenuity to assert issue salience against cultural constraints.

The issues on the legislative and political agenda for 2010 highlight America’s position at a crossroads of visions for the future role of parties, government and the nation itself. Whether one path will be decisively chosen remains to be seen, but the causes of bi-partisan votes explored here will only continue to grow in their importance.
Bibliography

Books


CLINTON, W.J. 2004 My Life London: Hutchinson


EILPERN, J. 2006 Fight Club Politics Oxford: Rowman and Littlefield

EPSTEIN, L. 1986 Political Parties in the American Mold Madison: University of Wisconsin Press


MANN, T.E. and N.J. ORNSTEIN 2006 *The Broken Branch: How Congress is Failing America and How to Get it Back on Track* Oxford: Oxford University Press


SKOCPOL, T. 1997 *Boomerang: Health Care Reform and the Turn Against Government* New York: W.W. Norton


STEPHANOPoulos, G. 1999 *All Too Human: A Political Education* London: Hutchinson

Book Chapters


QUIRK, P.J. and W. CUNION 2000 Clinton’s Domestic Policy: The Lessons of a ‘New Democrat’
SHAFER, B.E. 2000 The Partisan Legacy: Are There Any New Democrats? (And By the Way, Was There a Republican Revolution?)


ALDRICH, J.H. and D.W. RHODE 2005 Congressional Committees in a Partisan Era

BINDER, S.A. and F. MALTZMAN 2005 Congress and the Politics of Judicial Appointments

COOPER, J. 2005 From Congressional to Presidential Pre-eminence: Power and Politics in the Late Nineteenth- Century America and Today

DODD and OPPENHEIMER 2005 A Decade of Republican Control: The House of Representatives 1995-2005

DODD, L.C. 2005 Re-Envisioning Congress: Theoretical Perspectives on Congressional Change – 2004

EVANS, L.C. and D. LIPINSKI 2005 Obstruction and Leadership in the U.S. Senate

GORDON, J.B. 2005 The (Dis)Integration of the House Appropriations Committee: Revisiting The Power of the Purse in a Partisan Era

HERRNSON, P.S. 2005 The Bipartisan Campaign Reform Act and Congressional Elections

OPPENHEIMER 2005 Deep Red and Blue Congressional Districts: The Causes and Consequences of Declining Party Competitiveness


SCHICKLER, E. and K. PEARSON 2005 The House Leadership in an Era of Partisan Warfare

SINCLAIR, B. 2005 The New World of U.S. Senators


JACOBS, L.R. 2007 The Promotional Presidency and the New Institutional Toryism: Public Mobilization, Legislative Dominance, and Squandered Opportunities

JONES, C.O. 2007 The US Congress and Chief Executive George W. Bush

ROSS, F. 2007 Policy Histories and Partisan Leadership in Presidential Studies: The Case of Social Security


NELSON, M. 2004 George W. Bush and Congress: The Electoral Connection


RUDALEVIGE, A. 2006 George W. Bush and Congress in the Second Term: New Problems – Same Results?

GENOVESE, M.A. 2006 Domestic Policy in the Second Bush Term: The Un-hidden Hand Leadership of a Conviction President

RENSHON, S.A. 2006 A Transformational Leader at Midterm


ASHFORD, N. 1998 The Republicans’ Policy Agenda and the Conservative Movement

FOLEY, M. 1998 Split-Party Control: Clinton on the Defensive?


GREENSTIEN, F.I. 1995 Political Style and Political Leadership: The Case of Bill Clinton

KUMAR, M.J. 1995 President Clinton Meets the Media: Communications Shaped by Predictable Patterns

In SCHIER, S.E. ed 2000 The Postmodern Presidency: Bill Clinton’s Legacy in U.S. Politics Pittsburgh: Pittsburgh University Press

COLEMAN, J.J. 2000 Clinton and the Party System in Historical Perspective

GUTH, J.L. 2000 Clinton, Impeachment, and the Culture Wars

PITNEY JR., J.J. 2000 Clinton and the Republican Party

RAE, N.C. 2000 Clinton and the Democrats: The President as Party Leader


ANDRES, G. and P.J. GRIFFIN 2002 Successful Influence: Managing Legislative Affairs in the Twenty-First Century

COHEN, R.E. 2002 The Impact of Campaigns on Presidential-Congressional Relations

DAVIDSON, R.H. 2002 The Presidency and Congressional Leadership

DIETZ, N. 2002 Presidential Influence on Congress: New Solutions to Old Problems

PFIFFNER, J.P. 2002 The President and Congress at the Turn of the Century: Structural Sources of Conflict

WAYNE, S.J. 2002 Presidential Leadership: A Functional and Institutional History


MALTESE, J.A. 2009 Communications Strategies in the Bush White House

PARKER, J. 2009 No Child Left Behind: The Politics and Policy of Education Reform

SINGH, R. 2009 George W. Bush & the U.S. Congress

Journal Articles

ANDERSON, W.D. and J.M. BOX-STEFFENSMEIR and V. SINCLIAR-CHAPMAN 2003 The Keys to Legislative Success in the U.S. House of Representatives Legislative Studies Quarterly 28(3) pp 357-386


JONES, C.O. 2009 Polarized Post-Partisan Politics (Or Just Politics?) *Issues in Governance Studies* **28**


OWENS, J.E. 2002 Late Twentieth Century Congressional Leaders as Shapers of and Hostages to Political Context: Gingrich, Hastert, and Lott *Politics & Policy* **30** (2) pp. 236-280

SINCLAIR, B. 2008 Orchestrators of Unorthodox Lawmaking: Pelosi and McConnell in the 110th Congress The Forum 6 (3)


Book Reviews


Newspaper Articles

BAKER, P. 2010 Is President Obama Fulfilling Clinton’s Promise? The New York Times April 2nd


COGAN, M. 2010 Graham Out, Climate Bill Delayed Politico April 24th

FAZIO, V.H. 2007 It's Really About '08, Nancy The Washington Post January 7th

HARWOOD, J. 2008 Partisan Seeks a Prefix: Bi- or Post- The New York Times December 6th

HASS, D. 1998 Congress Hibernating till Fall Houston Chronicle March 19th


ORNSTEIN, N.J. 2010 Obama: A Pragmatic Moderate Faces the 'Socialist' Smear *The Washington Post* April 14th

TOMASKY, M. 2009 The Right think Obama is an Ideological Typhoid Mary *The Guardian* October 19th

WELCH, W.M. 1993 House Debate was Over Before it was Over: Despite Buildup, Suspense Lacking *USA Today*, November 18th