

# LEGISLATING IN POLARIZED TIMES

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# Key questions

- Why does Congress today struggle to legislate?
- What can we expect in Trump's second Congress?

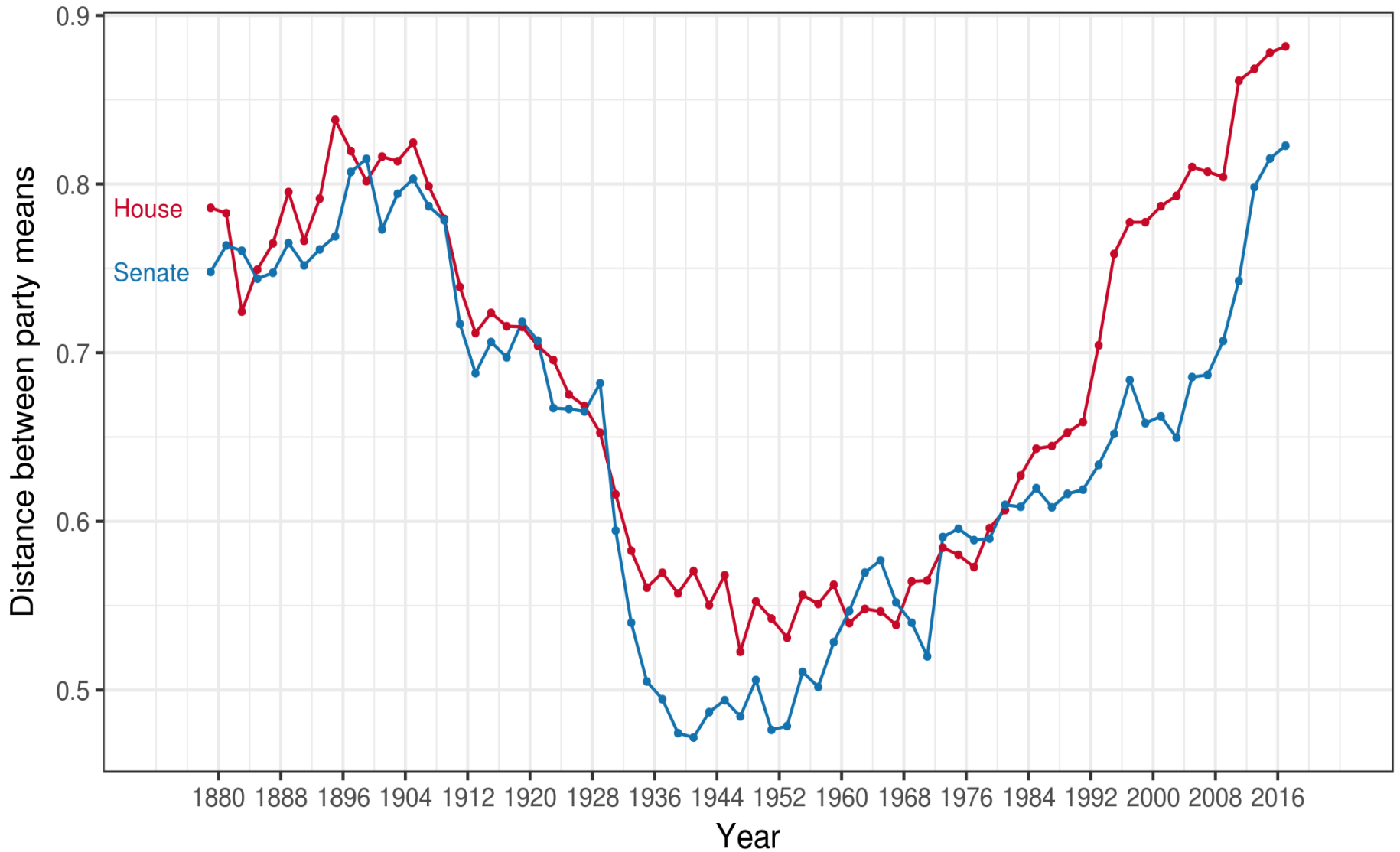
# Congressional Pathologies

- Electoral
- Partisan
- Institutional

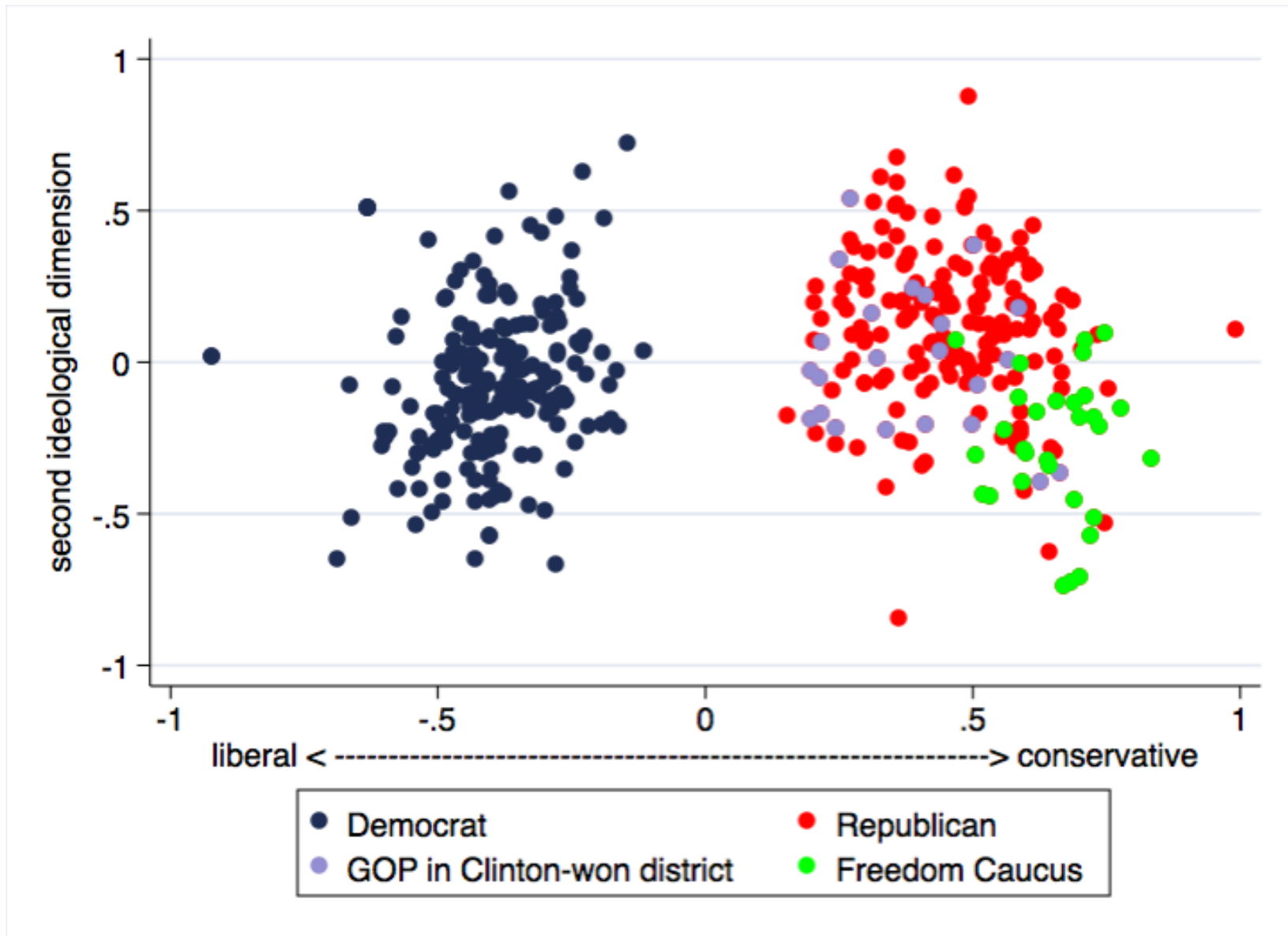
# Members of Congress as “single-minded seekers of re-election”

- Re-election is always the **proximate** goal
- Shapes lawmakers' and leaders' behavior
- Implications
  - Take credit, avoid blame and unpopular measures
  - Voters reward positions not policy outcomes
  - Power of party leaders constrained

# Party polarization 1879–2016



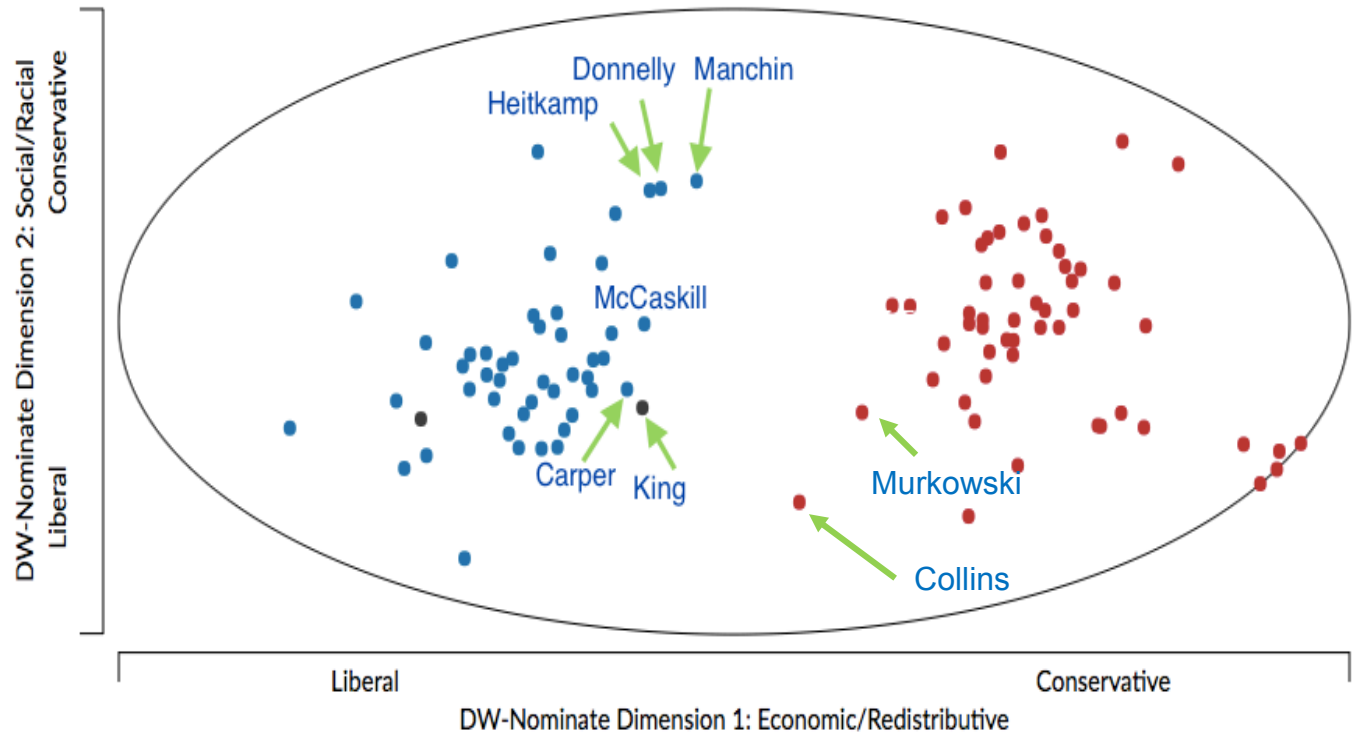
# Ideological map of the 115<sup>th</sup> House (2017)



115th Congress (2017-2019) > Senators



DW-Nominate Plot

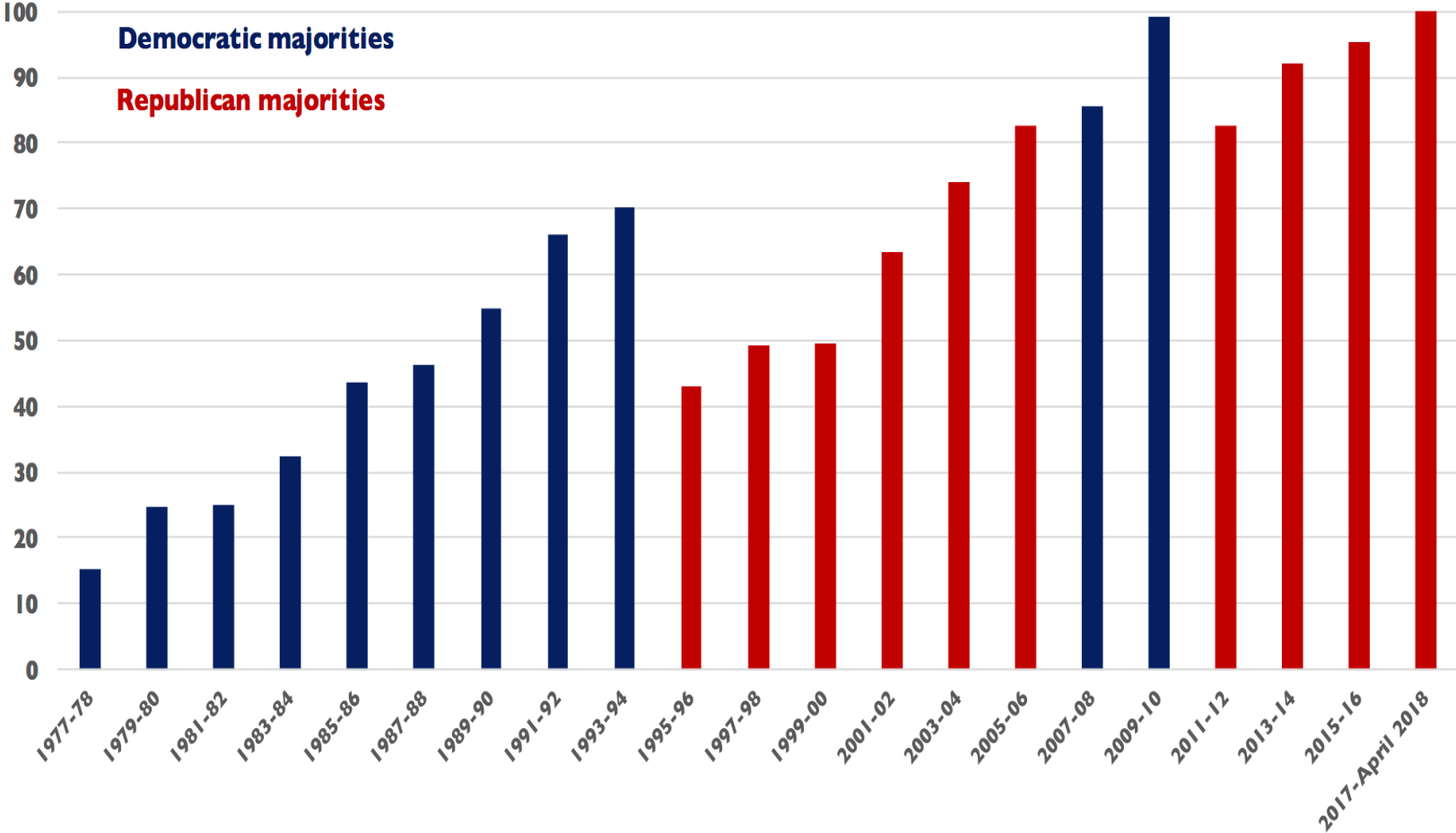


# Institutional pathologies

- Very **few** minority rights in the House
- Very **many** minority rights in the Senate



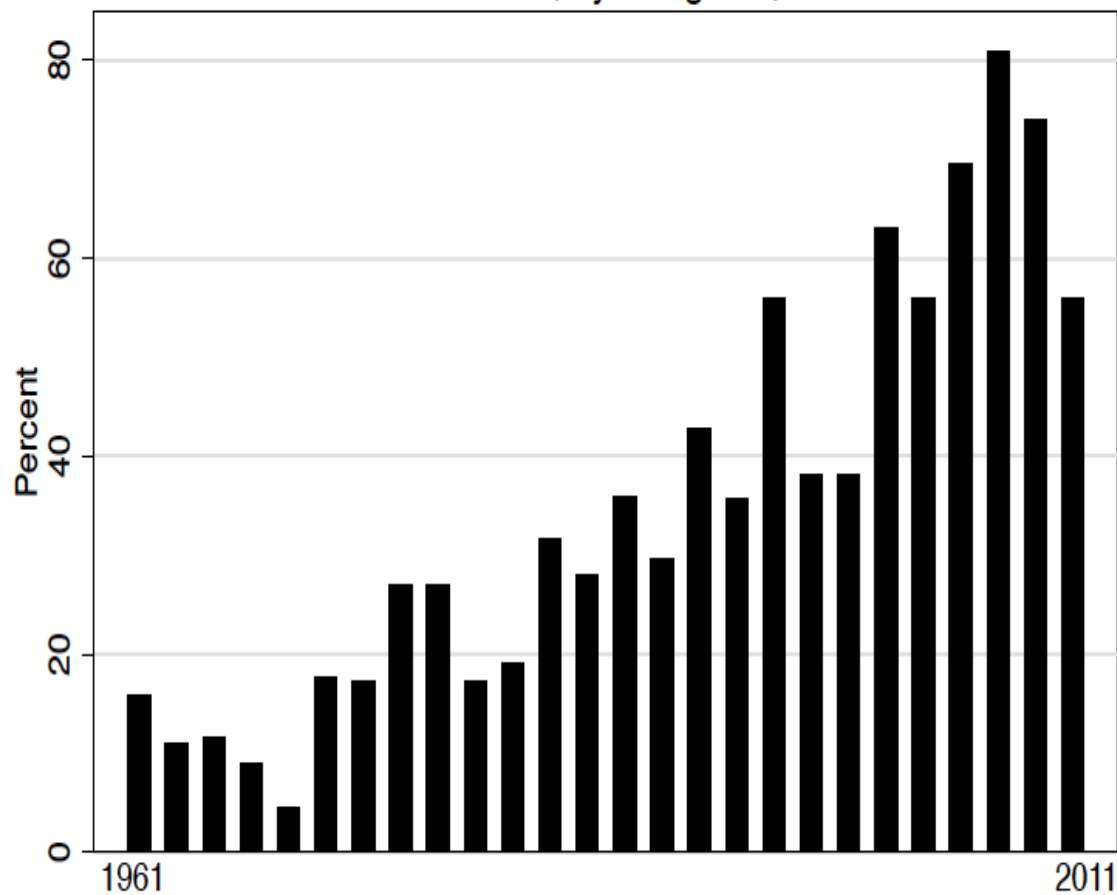
# Four decades of rising limitations on floor participation in the U.S. House (Percentage of "restrictive" rules, 1977-2018)



Sources: Survey of Activities of the House Committee on Rules, various editions 95th-114th Congresses; [www.rules.house.gov](http://www.rules.house.gov))

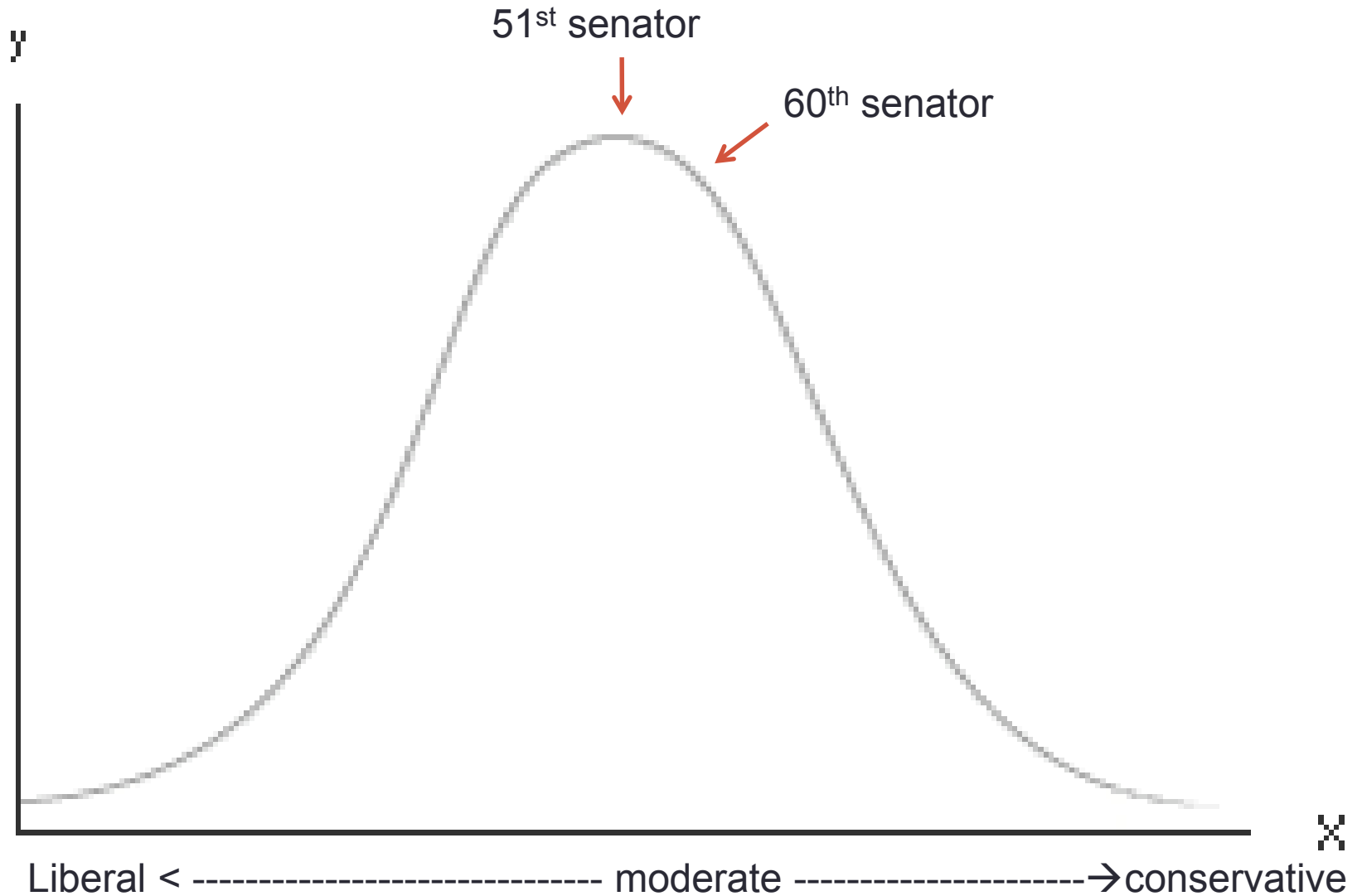
# Rise in the “60–vote” Senate

Figure 3. Percent of Key-Vote Measures Subject to a Cloture Petition, by Congress, 1961-2012.

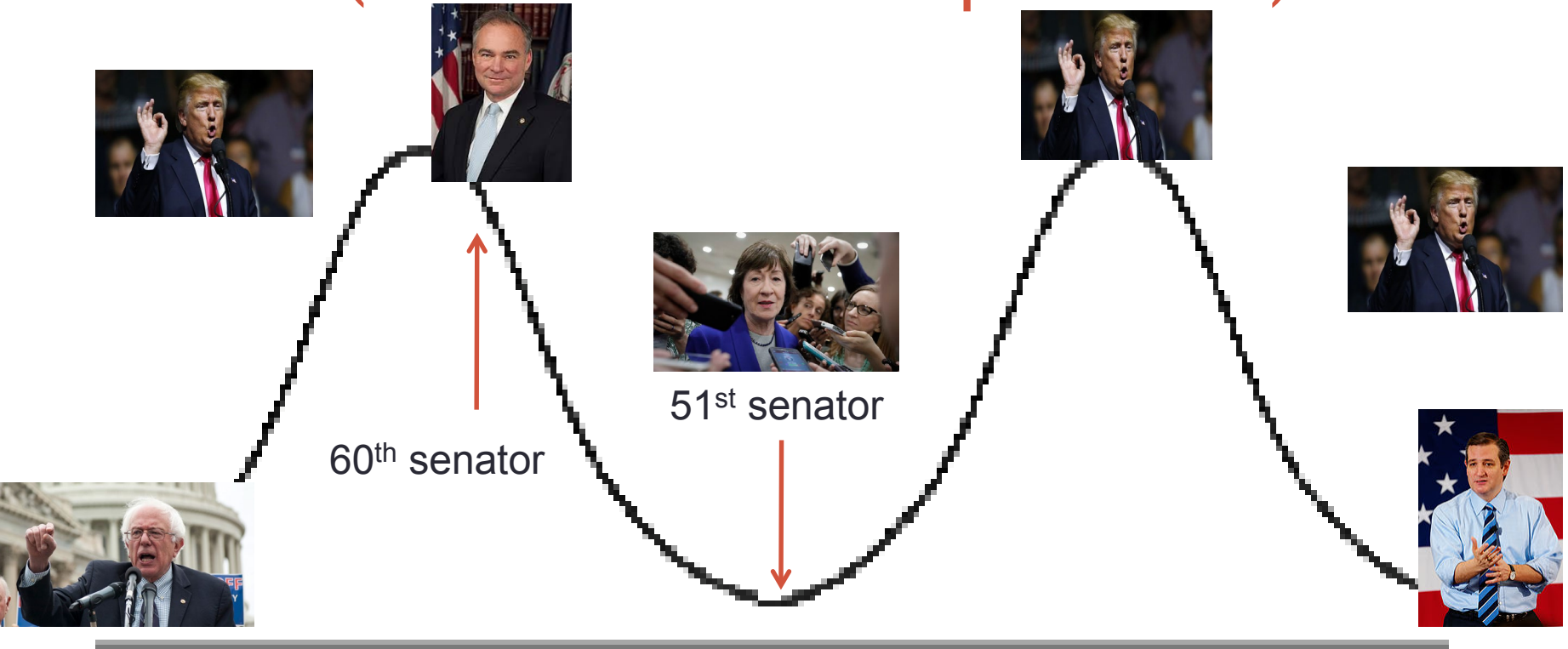


Source: Congressional Quarterly key vote and [www.senate.gov](http://www.senate.gov)

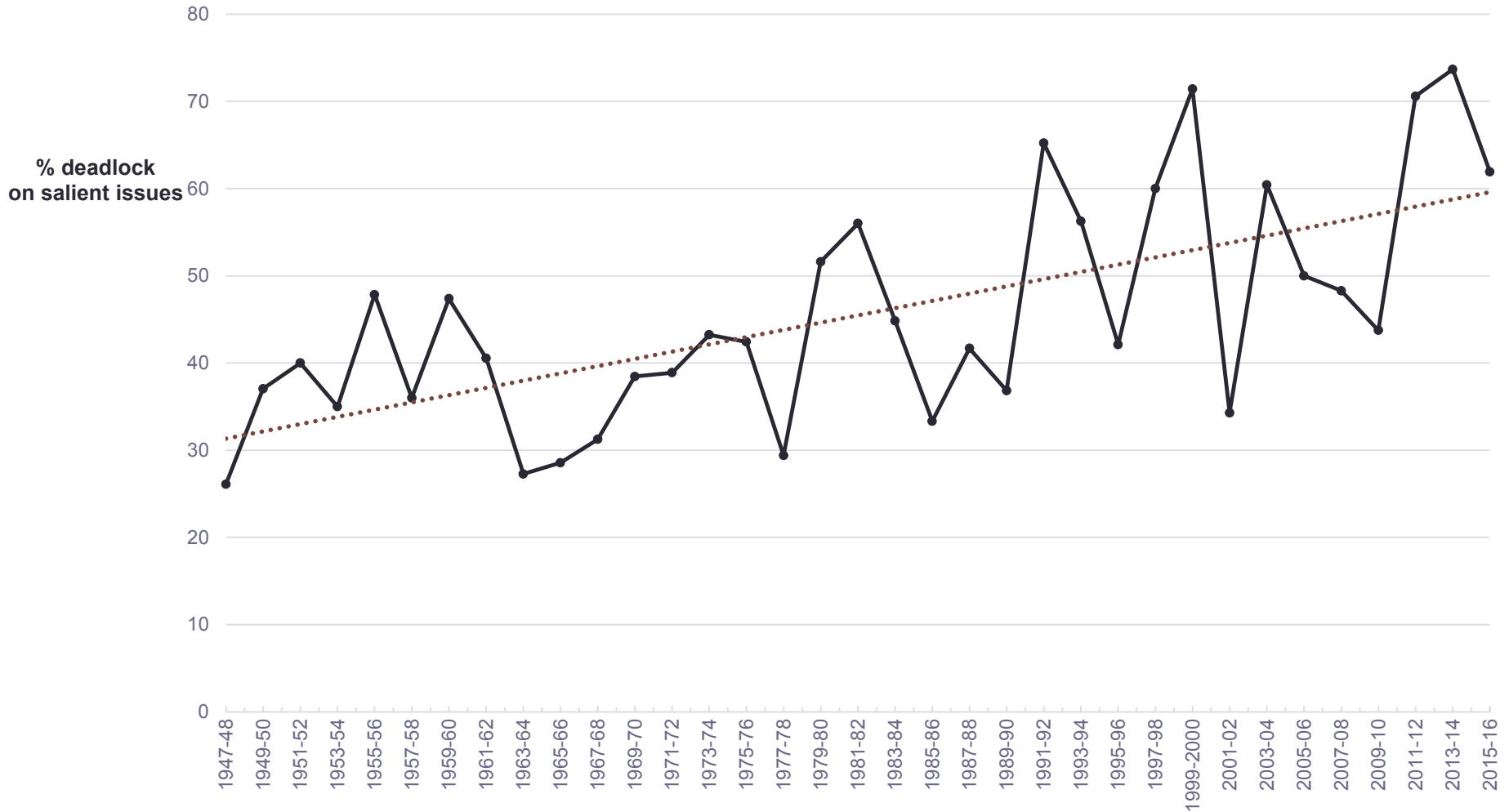
# Senators' policy views in less polarized era



# Senators' policy views in a polarized era (with conservative president)



# Frequency of legislative stalemate (1947–2016)



# Governing challenges

- Parties remain polarized and competitive
- Unpopular president (distracted and distractible) faces split party Congress with slim (and possibly divided) GOP and Dem majorities
- "Getting to yes" is still possible if **both** parties think the costs of saying **no** are too steep
- Race for the White House **sometimes** encourages both parties to go to the bargaining table ... but ....



U.S. SENATE

ABANDON ALL HOPE  
OF GOVERNING  
YE WHO ENTER HERE

E PLURIBUS  
OBSTRUCT

M. WUERKA

POLITICO Universal U.S.