

Between the Bushes: The Evolution of Legislative Affairs

Ken Collier

Stephen F. Austin State University
Box 13045 SFA Station
Nacogdoches, TX 75965
kcollier@sfasu.edu

Prepared for presentation at the
Southwest Social Science Association Meetings
March 2007 – Albuquerque, New Mexico
and for submission to
White House Studies

Abstract

The two Bush presidencies demonstrate significantly different approaches to legislative leadership even though their terms were only eight years apart and both used the same man, Nicholas Calio, to head their congressional relations office for part of their presidency. George H.W. Bush enjoyed a friendly, but confrontational relationship with Congress, having many close, personal friends in Congress but issuing and sustaining many vetoes. George W. Bush would have a more distant, but less confrontational approach, avoiding vetoes for much of his administration.

While some of the differences reflect the different backgrounds of the father and son, many of the differences broader changes in the way Washington works. Sam Kernell describes the decline of “institutionalized pluralism” and the changes to presidential strategies for leadership of Congress brought by the rise of “individualized pluralism.” In the current administration, we can see evidence that the reinvention of Washington institutions and changes in the media have produced a turbulent and divisive community not conducive to bargaining.

Between the Bushes

We would expect that coming only eight years after his father left office George W. Bush would conduct his relations with Congress much as his father had, especially after hiring Nicholas Calio, a veteran of his father's legislative affairs staff, to head his own.¹ Given his bipartisan and friendly approach to legislative leadership in Texas, following in his father's footsteps seemed even more likely. Despite our expectations, the two men would take significantly different approaches to Congress. The explanation would go beyond the differences in the two men and instead point to the changes in the way Washington operates.

Using interviews with members of Congress as well as veterans of the White House Legislative Affairs Staff from both administrations,² this study examines the differences between the congressional relations of the two Bush administrations. Most obviously, the two men took different paths to the presidency. The first President Bush entered office with a long Washington resume and longer list of Washington friends. The son would move directly to the White House from Texas after a relatively short political career. He had many allies and admirers in Congress, but few men and women who would have had anything like the person friendships that his father had enjoyed.

A more theoretically significant difference between the two presidencies is the evolution of Washington politics. And, while the two presidents may have contributed to these changes, much of the change in Washington goes beyond the man in the Oval Office. Specifically, we can make a case that Samuel Kernell's ideas of individualized pluralism vs. institutionalized pluralism face a test in these years.³ And, while power in Washington continues to shift, Kernell's view of representation in Washington proves remarkably robust.

White House relations with Congress offer a unique perspective because it illuminates changes in both the executive and legislative branches. Gary Andres and Patrick J. Griffin, who worked in the congressional relations office of the Bush 41 and Clinton administrations respectively, observed that, “Presidential-congressional relations are best understood as a two-way street with pressure, influence, success, and failure flowing freely in both directions.”⁴ The White House Office of Legislative Affairs serves two masters and must represent the president to Congress and represent the Congress to the president. David Hobbs, who headed White House relations with Congress for two years during George W. Bush’s administration also noted the dual nature of the office: “It’s my job in the White House to carry the president’s legislative agenda to the Hill and try to get it done, and at the same time to take their concerns back to the White House and make sure those concerns and feelings and strategies are included in the White House decision-making process.”⁵

Outsider presidents like George W. Bush are especially reliant on their liaison staffs to keep the White House advised on the legislative process and rapidly shifting moods of Congress. While congressional politics may seem relatively simple to veterans of general politics, it is an especially complicated and dynamic brand of politics that requires a practiced ear and constant attention. The legislative affairs staff works constantly to stay atop of Congress’s needs, spending well over half of their time on Capitol Hill. At the same time, the political intelligence they bring back matters little if the senior advisors in the White House are not receptive. An effective legislative strategy requires both an understanding of Congress along with enough clout within the White House to get members of the Executive branch to accept legislative needs.

For this reason, the White House Office of Legislative Affairs plays a crucial role in any administration. Beyond the importance of congressional relations, the White House relations

with Congress also provides the best setting to examine shifting politics in Washington, providing insights into the political pressures on both institutions.

FATHER AND SON

George H. W. Bush was the first president since Gerald Ford to have close friends in Congress and have an intimate understanding of how Washington works. Bush had campaigned using what one columnist described as “only moderate Congress-bashing”⁶ and had several close friends on Capitol Hill, including senior Democrats Sonny Montgomery and Dan Rostenkowski in what one reporter called a “golden Rolodex of Hill contacts”⁷ Early in his presidency he invited members of Congress into the inner sanctums of the White House residence that he had not been invited to during his service as Vice President. During the informal tours the President would grab a Polaroid camera to take snapshots of members and their wives sitting on the Victorian bed in the Lincoln bedroom.⁸ As one member of the White House staff joked, it was not hard to get Bush 41 to schmooze on Capitol Hill, but it was hard to make him stop.⁹

His son was, in the words of one source close to both administrations, “highly distrustful of everything in Washington.” While members of his liaison staff insist that he made a much stronger effort to reach out to Congress than he was given credit for, they admit he resisted advice from his staff to develop more informal contacts with members of Congress. One member of the congressional liaison staff recounted Bush 43’s view saying, “This president would say that he doesn’t need to be best friends with Congress, he needs to be friendly with Congress.”

Bush 43 could be persuasive in small groups, especially when he spoke about issues he was passionate about. However, in one-on-one meetings with members of Congress he often failed to press hard for votes. Members of the liaison saw the President “give members a pass” on key votes, too easily accepting their reluctance to support the his bill. Republican leaders had trouble

winning a member's vote after such a meeting with the President because the reluctant congressperson could point out that the President had not demanded their support. Further, word would quickly spread to other members that the President wasn't insisting on support. One senator noted: "With Clinton, you had the idea that every time he called you, the future of the republic was at stake. When President Bush calls you, he's informing you of his view and asking for your consideration."¹¹

Of course, one of the most significant differences between the two presidents was the partisan balance in Congress during their term. Bush 41 faced a Democratic majority that was sizable and emboldened by their ability to win election even during the Reagan years. Bush 43 was greeted by a Republican majority that could control the legislative agenda and prevent floor debate on issues that might produce embarrassment or losses for the President. Instead, they provided the foundation for a string of legislative victories on popular proposals like tax cuts.

Too much is made of the personalities of the two men by critics that describe the father as too prudent and the son as overly brash. There may certainly be aspects of their leadership where that is true, but these roles are somewhat reversed on legislative strategy where the father proved much more aggressive in position taking and vetoing.

At times, Bush 43 shied away from fully engaging in the legislative process and was sometimes criticized for failing to stake out positions on major legislation or disappearing from the process as the give and take began. Critics suggest that the administration was not willing to risk losing and backed away from issues where victory seemed unlikely. CQ Weekly captured the Bush 43 approach to Congress in the first six years of his presidency by noting his limited stand on issues before Congress.

He staked out positions on only a small portion of the congressional agenda, allowing few opportunities for defeat. He often pragmatically redefined his positions to accommodate the direction in which lawmakers were leaning. And no less important, Bush continued to be served by his fellow Republicans, who controlled both the House and the Senate and frequently scheduled action and cast votes as the president's loyal lieutenants.¹²

This even extended to Social Security reform that, despite being the topic of a lot of presidential discussion, would never be tested on the floor of the House. In contrast, Bush 41 ventured into numerous messy legislative battles including cable deregulation and, most significantly, the budget compromise that increased taxes and contributed to his loss in the 1992 election. The lessons of the 1992 loss were not lost on George W. Bush who had a more cautious approach to positions on legislation.

While Bush 41 had many friends in Congress, he was not shy about vetoes. Faced with a Democratic Congress, Bush 41 recognized the strategic disadvantage and did not hesitate to press the powers he had. Bush 41 vetoed 46 bills over four years. One Democrat complained, "Every time we go to the bathroom around here somebody says: 'Check on the White House. They are going to veto.'" ¹³ Ronald Reagan had developed a reputation on the Hill for threatening vetoes but failing to follow through and members of Congress paid less attention to his very visible threats and considered them more for public consumption.¹⁴ Bush 41's streak of sustained vetoes established his willingness to take a firm stand and became an object of pride in the administration. Someone in the White House even had "30-0" buttons printed in honor of the streak.¹⁵ Bush 41's willingness to veto bills and his ability to sustain those vetoes made

legislators responsive to his veto threats and further discouraged Congress from passing objectionable legislation.¹⁶ One administration official noted the fallout from the President's aggressive use of vetoes and veto threats: "We don't have a lot of allies on the Hill. We are the victims of our own success in veto overrides. We are the grid in gridlock."¹⁷

The Bush 41 veto strategy reflects his approach to Congress in that it was limited and effective. Also, while Bush was willing to stand up to Congress, he continued to consider the needs of individual members. Often, veto battles become very personal "us vs. them" fights with presidents seeking every possible vote as validation, even if the vote might prove costly to members with their constituents. Bush appreciated the plight of members and called on them only when needed. In general, he avoided asking members to override vetoes on bills popular with constituents. When he did, he only sought the minimum number of votes he needed to sustain his veto. The White House realized that they could prevail if either house failed to override the veto and would only press members in one chamber on most vetoes, leaving members in the other chamber to vote as they saw fit.

While his father had seldom hesitated to issue a veto, Bush 43 seldom vetoed a bill. The Republican majority may have lessened the need for vetoes, but some Republicans faulted Bush for failure to veto campaign finance legislation and fiscal conservative repeatedly criticized the President for failing to veto appropriations bills that exceeded spending limits set by the White House.¹⁸ Bush 43 and his advisors argued that their veto threats helped make many of the bills passed more acceptable to the President, but Bush clearly avoid conflict more often than his father with only one veto in his first six years.

Bush 41's grasp of issues and the process was very strong, but his passion for them sometimes appeared weak. One reporter summed up the image many had of Bush 41:

“Reinforcing Bush’s ideological mildness is his passion for prudence.”¹⁹ The Bush administration preferred a quiet, behind-the-scenes approach to moving members of Congress by applying pressure indirectly through networks of politically important constituents, financial backers, and key constituent groups.

Bush 41’s image of prudence was reinforced because he avoided visible showdowns and public appeals for support that went over the heads of members he regarded as friends.²⁰ In addition, the White House realized that if the “great communicator” Ronald Reagan had not been able to win legislative battles with public appeals George H.W. Bush was certain to have less success. Bush 41 could have taken to the airwaves more often and created the image of effort, but he generally preferred working behind the scenes.

George W. Bush did not share his father’s reluctance to speak in strong terms. As one veteran of both Bush White Houses note, “In their political instincts they’re very different. The younger Bush has had a keener sense of politics and a keener sense of how to communicate. He studied the previous presidents. In particular, he studies his father’s presidency. Where his father talked in shades of grays, this President speaks in blacks and whites.” Like other methods of the Bush 43 White House, the preeminence of campaigning over governing was not always endorsed by those who worked for his father. As one member of Bush 41 staff remarked about W, “It is troubling when any White House turns back to campaign tactics instead of the tenets of governance.”²²

Some of Bush 43’s brashness was calculated. After the 2004 election, Bush proclaimed a mandate and promised to move ahead on Social Security reform and other major issues. The White House understood that the claim of a mandate was dubious, but fell back on asserting one after the election failed to produce one. Since there was nothing to be gained by acknowledging

his limits, Bush ignored them. As one member of the White House staff said, “He had to declare that he had earned political capital, otherwise it would be for naught.”

While Bush 43 sounded strident, early in his administration he showed some willingness to compromise. No Child Left Behind included significant concessions to Democrats that did not go without protest from conservative Republicans. The White House had initially opposed an independent investigation into the 9/11 attacks but reversed itself in September of 2002 in the face of embarrassing testimony in Congressional hearings about intelligence failures.²³ Similarly, Bush had opposed a Department of Homeland Security before enthusiastically embracing it. Bush was also willing to support compromise. For example, he initially opposed the federalization of airport security workers, winning a tough victory in the House before accepting federalization in the final version.

In general, Bush 43’s legislative strategy was much less strident than the public rhetoric that would earn him a reputation very different from his father. In truth, the men were much more alike than their images and much of what we attributed to personality reflect different strategic situations.

WHAT CHANGED? THE DEMISE OF INDIVIDUALIZED PLURALISM

While the differences between the men are interesting, there are broader forces at work. Between the two Bush presidencies the terrain between the White House and Capitol Hill shifted significantly as parties seemed to reassert themselves and the media took new forms. In Going Public Sam Kernell described how the decline of Washington-based political institutions facilitated the rise of the presidential strategy known as “going public.” Kernell described the previous system as “institutionalized pluralism.” In that system, “Partitioned geographically, citizens participate through their elected representatives; partitioned functionally, they participate

through interest groups.”²⁴ According to Kernell, under institutionalized pluralism traditional bargaining with Congress was simplified by the dominance of a few stable political institutions such as interest groups and parties. Those groups lost their hold on Congress in the phase labeled “individualized pluralism” as members became more independent and less willing to put aside short-term personal interests in favor of loyalty to parties and interest groups in long-term bargaining arrangements. With fewer loyalties to call upon, the White House could no longer rely on the traditional channels of influence within Washington and had to resort to the strategy of going public.

Senator Daniel Patrick Moynihan suggested that Congress is driven by “the iron law of emulation” and that, “whenever any branch of government acquires a new technique which enhances its power in relating to the other branches, that technique will soon be adopted by those other branches as well.”²⁵ In this case the “iron law of emulation” suggests that those political institutions that had been in decline would find ways to match the methods of rivals and attempt to return to preeminence in Washington. It appears that at least some of Washington’s political institutions learned their lesson and continued to evolve to keep pace in the dynamic environment of Washington politics.

A RETURN OF THE IMPERIAL PRESIDENCY?

The most hotly debated institutional change has been the rise of the “new imperial presidency.”²⁶ Although the debate would grow loudest during the administration of George W. Bush, the expansion of presidential power was already being noted during his father’s presidency as Bush 41 challenged congressional earmarks, withheld information, issued signing statements, and conducted covert operations in the face of congressional complaints. Richard Cheney, while Secretary of Defense under Bush 41, told lawyers in the Federalist Society that “The President

genuinely respects the role of Congress, but he has decided to stand up forthrightly to preserve the powers of his own office.”²⁷

One example of the presidency’s evolution is presidential signing statements, which began to draw attention during Bush 43’s second term. These statements are documents recorded in the federal register that lay out the President’s legal interpretation of a bill for the executive agencies to follow as the law is implemented. While the legal impact of these signing statements is not clear, they are clear attempts by the President to take a larger role and challenge legislative intent. The Bush Administration correctly pointed out that earlier presidents had used signing statements. However, this avoids that fact that earlier signing statements had produced resentment and clashes with Congress. In fact, future Bush Supreme Court nominee Samuel Alito writing as Deputy Assistant Attorney General in the Reagan Administration warned of such a backlash in 1986.

It seems likely that our new type of signing statement will not be warmly welcomed by Congress. The novelty of the procedure and the potential increase of presidential power are two factors that may account for this anticipated reaction. In addition, and perhaps most important, Congress is likely to resent the fact that the President will get in the last word on questions of interpretation.²⁸

While congressional complaints about signing statements was not unique to Bush 43, some of the rising debate stemmed from the large number of these signing statements and their impact. Bush 43 had issued challenges to 750 provisions by 2006, including components of important legislation like the Patriot Act.

Some of the tension between the branches during Bush 43's administration resulted more from poor communication than institutional conflict, as illustrated by the Dubai port dispute. Congressional Republicans heard first through the media about the administration's approval of a deal to hand over control of U.S. ports to a Middle Eastern company. Caught off-guard, Republicans watched as cable news networks, talk radio, and the blogs cast the issue dramatically in the worst light and public opinion on the deal was largely set before members of Congress could define the issue in terms more favorable to the Administration. During the media storm, Bush summoned the press pool to the front of Air Force I and declared that he would veto any legislation that stopped the deal. Without members of the legislative affairs staff on the trip the President failed get advice about the congressional backlash that could be expected from such a threat, especially a pointless threat since there was no legislation to be vetoed. The impact, in the terms of one staffer, was "horrible."

While relations between George W. Bush and Congress were sometimes strained because of the demands of the war on terror, the tensions could be traced back to the earliest days of the administration and instances like the Cheney's assertion of executive privilege on energy policy. Also, although the new imperial presidency has been widely discussed by academics, sources in Washington saw little impact on legislative affairs. One veteran of the White House considered the expansion of presidential power was just another issue for partisans to war over and that institutional rivalry seems overshadowed by partisan rivalry

If you looked at how the Republicans have responded to the expansion of presidential power they've defended their party first and their institution second. Whereas in the Johnson and Nixon years members defended their institution first and their party second. I don't think that the extension of presidential power has

caused that. It's been more something that people have used as a partisan tool.

THE NEW MEDIA AND THE FRENZIED BASE

Since Bush 41 took office, media outlets have been reinvented and have, in turn, helped redefine politics. With the cable news networks spinning rapidly and the blogs beginning to flex their muscles on-line, Bush 43 functioned in an environment very different than the one that faced his father. At times, the new media presented new opportunities for the White House. As one member of Bush 43's congressional relations staff noted, "You can instantaneously gin up grassroots or grassstops and get a bunch of calls fired in on people, have a bunch of messages sent to members, or have an issue framed by what people say on television."

While the new media can be an asset to the administration at times, it has proven as hard to manage as the old. Several White House veterans noted that members were increasingly being forced to commit to one side or an issue. The 24-hour news cycle hampered negotiations as public passions made negotiations inside the Beltway difficult. As one member of the liaison staff warned, "The Dubai Port deal is a very good example because people—after they thought about it— felt differently but they couldn't let the decibel level down because Lou Dobbs was beating up on it and cable news was beating us up on it."

The beginnings of this media transformation was noted in 1993 by ex-Senator Warren Rudman who saw a Congress reluctant to make decisions when confronted by a nation of "experts."

The talk show hosts get going on a subject and by ten o'clock that night every American who is listening to those shows knows more than the most senior staffer of the appropriate committee in

Congress. Read my mail for the last year and you will find out.

They just know. And if you try to tell them to the contrary, they do not want to listen.²⁹

By the time Bush 43 had won a second term the airwaves were jammed with commentators and the Internet was flooded with bloggers who frantically scoured the news for signs that Bush wasn't paying adequate homage to his conservative base and any indiscretions was certain to be blown out of proportion. During the Bush 41 presidency, most of the challenges from the right came from elected officials, primarily party officials like Newt Gingrich who might occasionally take to the Sunday morning talk shows and assail the President. However, these officials had much stronger incentives to respond to presidential bargaining than the new media. While party leaders Gingrich remains interested in winning the interest of voters, he had to function within the party organization, Washington community, and negotiate with the President. The diffused news media today has less incentive to do so and can prove to be more distraction than help, even for presidents that they agree with.

The new media is generally not part of the bargaining community. Many of these media pundits and bloggers are attempting to distinguish themselves from other sources as they attempt to carve out a market. In addition, they have less direct interaction with the White House and members of Congress and are less concerned with building a long-term relationship with decision makers. More traditional journalists work within the Washington community and are co-opted into that system as they attempt to maintain sources inside government. These new media outlets are concerned almost exclusively with building their relationship with the audience, paralleling the relationship between members of Congress and constituents characteristic of individualized pluralism

Bush 43 was able to build a bipartisan coalition for his education reforms, but future bipartisanship would be stifled by conservative complaints about their president working with liberals like Ted Kennedy. The pundits of the new media were able to challenge the President 's ability to define the soul of the party as Fox news, conservative blogs, and other sources loosened Bush 43's grip on the conservative agenda.

Although Republican majorities gave Bush 43 many advantages his father never enjoyed, the majority created expectations as conservative constituencies demanded major changes despite the Republican's thin majority in Congress. Bush often had to spend political capital to keep his political base happy and, over time, the conservative base grew more and more restless and demanding. One example was the conservative rebellion over Bush's immigration reform, which was not seen as conservative enough. Not content that the President's plan addressed many of their most significant concerns, some conservatives expected to have their way on all major elements of immigration. While some fault Bush for failing to lead Republicans on issues like immigration, the rebellion over immigration reform points to the inflexibility and lack of followership of interest groups stoked on by ideological media sources. Such inflexibility was not unique to Republicans as anti-war Democrats punished Joe Lieberman in the Democratic primary sending a clear message that working too closely with the White House could be costly.

The demands of the political base may not be stronger than in the past, but they do seem more immediate and efficient in the world of the new media. Bush's conservative base seems to make congressional Republicans jumpy. After Ted Kennedy gave a speech supporting Bush's immigration reform legislation Republican Congressman Ric Keller of Florida complained to Karl Rove that the White House working with the liberal icon hurt members' ability to appeal to conservative Republican voters.³⁰

The demands of these groups as fed by the new media took a toll on White House influence in Congress. In attempting to pander to his conservative base while avoiding alienation of moderate voters he would need to win reelection in 2004 led Bush to avoid many of the legislative struggles that would follow No Child Left Behind. As Carl Cannon described it, Bush “stayed at arm’s length from the messy legislative battles on Capitol Hill, leaving the details of governing to a partisan, conservative GOP congressional leadership that passed legislation with narrow majorities while effectively disenfranchising the minority party.”³¹

THE RISE OF PARTISANSHIP AND THE DECLINE OF COMITY

Although the change in Washington had been building for years, partisanship would become strong while civility would decline after George H.W. Bush. A president known for his handwritten thank you notes and his time in the House gym with friends from both parties may have helped conceal or delay the changes in the tone in Washington. In fact, Bush 41 made his own contribution inadvertently when he picked Dick Cheney as his secretary of Defense, creating a void in the House Republican leadership that Newt Gingrich would fill after a closely fought contest with Edward Madigan who offered a more conciliatory style of leadership. The selection of Gingrich reflected a shift of approach and Republicans would prove more assertive even with Bush 41. Still, when Bush left office in 1993 congressional leadership had not yet reasserted itself. Ken Duberstein, who served in congressional relations and as Chief of Staff for Reagan, noted,

The Hill has little leadership and even less followship, and there are very few incentives, let alone penalties, for the leadership to use. There are in reality 535 separate fiefdoms. The game is a fifteen-second soundbite. The game is not being part of the leadership’s machine.³²

As a presidential candidate George W. Bush would promise to change the tone in Washington. As President, he would seldom engage in the harsh rhetoric, although he did slip in a variety of jabs that might have been considered imprudent by his father, frequently calling the Democratic Party the “Democrat Party.” While Bush 43 did little to contribute to the lack of a civil debate, he failed to lead members of his party away from the partisanship of the permanent campaign that strained Washington’s social graces. Vice President Cheney made his own contribution when he told Democratic Senator Pat Leahy to “Fuck Yourself.”³³ Civility also suffered at the hands of Democrats who launched vigorous attacks on the administration calling senior officials like Cheney and Rumsfeld “liars,” “thieves” and even “war criminals.”

Congressional Quarterly Weekly declared that 2003 was the most partisan year in Congress since World War II.³⁴ Overall, party line voting in Congress continued to rise, reflecting the growing ability of both parties to keep members in line. While Republicans enjoyed higher levels of loyalty, Democrats had closed the gap and in 2006 the two parties enjoyed nearly identical party unity scores with party unity averaging 86 percent in House and Senate Democrats as well as Senate Republicans while House Republicans averaged 88%.³⁵ The Republican party has not only succeeded in rebuilding the institution of the Republican party within Congress, they have attempted to link the revitalization of their party with interest groups through efforts like the “K Street Project” which pressed lobbying firms to hire Republican lobbyists and help make the lobbying community an extension of the Republican legislative and fundraising efforts.

In 2006, one commentator noted, “These days, some would say that the most important phase in the congressional process is when a bill is brought up in a Republican leadership meeting.”³⁶ While Bush 41’s White House had operated on the idea that “you never know where you’ll find your next vote,” by the time of Bush 43’s presidency, there were fewer moderates to negotiate

with. Gary Andres, who worked for the first Bush administration, reported that they had a list of 25 to 40 Democrats they could seek votes from but by the time of the second Bush administration there were only 10 to 15 such Democrats.³⁷

Strict partisanship was not Bush 43's initial intention. Shortly after the election the idea of inviting some Democratic members of Congress for some bass fishing with the President-elect was floated. However, that idea was quietly abandoned after congressional Republicans felt inadequately attended to. In June of 2001 Bush was publicly criticized for including congressional Democrats from Florida in an event at the Everglades National Park when congressional Republicans were not invited. Republicans complained that Bush was not doing enough to help the party in Florida and that Democrats critical of the administration's policies should not be invited to such events. These Republicans might have been correct that they were more loyal and therefore more worthy of the President's attention, but such arguments have always been true and effectively preclude reaching out to the other party. George W. Bush never would have the opportunity to sit down with the leaders of the other party the way Eisenhower shared cocktails with the Democratic leaders of his time. Instead, presidential partisans were largely rewarded in their efforts to keep the President away from the congressional votes he needed and Bush 43 was left to hold his party together rather than building a broader coalition. However, in allowing Republicans to make these demands the White House signaled that partisanship would prevail and that Bush could be manipulated from the Hill. Meanwhile, Democrats quickly got the message that they were less than welcome at the White House and that their best course of action would be a public assault from the left.

Voters made their own contributions to the climate in Washington. The harsh partisan rhetoric of campaigns thrived because voters responded and too often rewarded candidates who

embraced harsh rhetoric. In choosing outsider presidents like Clinton and Bush 43, voters opted for presidents without friends in Congress. The partisanship in place by 2004 seemed to stun even Bill Clinton who wondered “Am I the only person in the entire United States of America who likes both George Bush and John Kerry, who believes they're both good people, who believes they both love our country and they just see the world differently?”³⁸ While Bush won the election of 2004 partisanship further polarized Congress leaving Bush with few moderate Democrats willing to support him on issues like Social Security reform and immigration. As one veteran of the administration noted, “I don’t think they’re still in the business of working across party lines. They’re trying, but it’s so polarized, it’s so political and so partisan these days that it’s nearly impossible to do anything together.” One member of Bush 41 legislative liaison staff believed that the years of neglect would leave Bush 43 with little ability to work with the new Democratic majority.

In the Bush 43 legislative affairs office they really didn’t work very closely with the Democrats at all and that’s about to become a huge issue now as they attempt to go forward with a Democratic majority. They’ve spent six years ignoring the Democrats in many ways and now they’re going to have to figure ways to work with them. It’s going to be tough.

The blame was not entirely in the White House. Democrats engaged in their own form of partisan obstruction and Republicans in the House pursued a partisan approach to governing. As one veteran White House lobbyist pointed out:

The House Republican leadership seemed to take the position that if they could muscle things through with these narrow majorities you could claim victory, while in many ways by

muscling it through the House they almost guaranteed that you couldn't get the measure through the Senate because it was so partisan that could never get the 60 votes you needed overcome filibusters. They kind of sealed their fate by the strategy they pursued in the House.

Civility was undermined by changes more subtle than harsh words. In the 1990s Speaker Gingrich urged members not to develop roots in Washington DC weakening some of the informal social networks that facilitated communication across party lines. The change in tone could be seen in attendance at a "civility retreat" that had drawn 200 House members in 1999 before collapsing in 2005 for lack of interest.³⁹ Unified government would make its own contribution to the polarization. As Gary Andres, a veteran of George H.W. Bush's congressional relations staff commented, "Unified party government encourages more polarization. It's polarization on steroids."⁴⁰

The bitter partisanship made reaching out to Democrats risky for Bush 43. After Bush's immigration proposal won the support of Democratic Senator Ted Kennedy, one Republican complained that working with a Democrat like Kennedy was not a good way to appeal to Republican voters before an election.⁴¹ The inability to disentangle campaign politics from legislative bargaining reflects a tremendous barrier to the kind of negotiation and compromise required for presidential bargaining with legislators to work in a closely divided Congress.

CONCLUSION: EVALUATING THE BUSH PRESIDENCIES

Comparisons of father and son presidencies are inevitable but not necessarily informative. The two Bush presidencies demonstrate many of the challenges to comparisons across administrations. Measuring presidential success or influence in Congress has been a major

methodological debate for decades and comparing legislative legacies will always be difficult. Whereas the first president Bush faced a Democratic Congress restless and rebellious after eight years of Ronald Reagan, his son was welcomed by a Republican Congress ready to push ahead after eight years of Bill Clinton. George H.W. Bush was left to work with the remnants of the conservative agenda after Reagan had won most of the easy victories leaving Bush to veto Democratic attempts to undo the Reagan agenda.

The comparison of the two Bush administrations illustrates that Washington community continues to evolve. One veteran of both White Houses complained, “It’s not as much fun as it used to be. There’s more noise around the process. There’s less personality and less personal touch around the process. Don’t forget, people used to go out to eat and drink together all the time and that was changing during Bush 41. That rarely happens any more—that intermixing of members and administration and getting to know and trust each other.”

Changes in the media have presented new challenges to bargaining in Washington. Kernell had noted “To function smoothly, a bargaining society must insulate itself against short-term swings in popular sentiment.”⁴² The 24-hour news networks and the Internet have created even more opportunity for public sentiments to shift suddenly. The turbulence created by the new media is heightened by their detachment from the Washington community. Indifferent to the needs of the bargaining community of Washington, the bloggers and pundits have little incentive to do anything other than disrupt negotiations between the White House and Congress.

One question for political scientists is whether the current setting an example of institutionalized pluralism or individualized pluralism. Under institutionalized pluralism members of Congress were invested in Washington-based institutions like parties. Later, members abandoned their attachments to parties to act more as free agents under individualized

pluralism. Party line voting certainly grew from 1989 to 2006.⁴³ And, with the decline of Southern Democrats, congressional parties become more consistent across the nation making the parties more cohesive in Washington. At the same time, redistricting and the pressures of the new media have made the partisan bases of members less receptive to compromise. Congress now has a larger number of members more attuned to the ways of the campaign trail than legislative bargaining. Today, constituencies are more narrowly constructed and plugged into an ideological and turbulent media message unlikely to facilitate the stable, moderate positions amenable to bargaining. Thus, while DC's parties may have strengthened internally, they have rebuilt themselves in a way that makes it harder for members to work with the other party.

The world has thrown a lot at Kernell's description of Washington's bargaining community. Despite the Reagan Revolution, the Republican Revolution, the Internet Revolution, and the War on Terror, Kernell's description of representation in Washington remains viable. It appears that while institutions have been revived they have also been reinvented so that the stable bargaining communities typical of the system of institutionalized pluralism remains in the past.

ENDNOTES

¹ Nicholas E. Calio began his service in the White House as the head of liaison with the House during Bush 41. Calio left the White House in 1991 but returned in February 1992 to take over as head of the congressional relations staff. He returned to the White House again in 2001 to head the office for George W. Bush.

² These interviews were conducted on a not for attribution basis by phone and in person in Washington, DC. All quotations without specific citations are taken from these interviews.

³ Samuel Kernell, **Going Public: New Strategies in Presidential Leadership**, Fourth Edition, 2007.

⁴ Gary Andres and Patrick J. Griffin, "Successful Influence: Managing Legislative Affairs in the Twenty-first Century," in **Rivals for Power**, Second edition, James A. Thurber, editor, Lanham, Maryland: Rowman & Littlefield Publishers, Inc., 2002, 144.

⁵ Richard Stevenson, "President's 'Good' Guy Hurls Hardballs on Hill," **The New York Times**, May 15, 2003, A31.

⁶ Robin Toner, "Congress Still Purring as Bush Applies the Right Strokes," **The New York Times**, January 31, 1989, A20.

⁷ Elizabeth Neuffer, "Bush seen adding to gridlock on the Hill; Hands-off style, vetoes are cited," **The Boston Globe**, August 6, 1992, 1.

⁸ Maureen Dowd, Kindness Is Foundation as Bush Builds Bridges," **The New York Times**, February 6, 1989, A13.

⁹ Robin Toner, "Congress Still Purring as Bush Applies the Right Strokes," **The New York Times**, January 31, 1989, A20.

¹¹ Elisabeth Bumiller, "White House Letter; When Lobbying, No. 43 Uses a Lighter Touch," **The New York Times**, December 24, 2001, B2.

¹² Barshay, Jill. "Presidential Support: Popularity Not Required." **CQ Weekly Online** (December 29, 2006): 44-47. <http://library.cqpress.com/cqweekly/weeklyreport109-000002421982> (accessed January 20, 2007).

¹³ Janet Hooks, "Bush gets reputation of Mr. Veto from Hill," **The Washington Times**, September 28, 1980, A4.

¹⁴ Drawn from the comments of several members of Congress interviewed, See also, Janet Hooks, "Avalanche of Veto Threats Divides Bush, Congress," **Congressional Quarterly Weekly**, September 22, 1980, 2991.

¹⁵ Only 31 of Bush's vetoes were subject to override. The other fifteen vetoes were "pocket vetoes" and not subject to congressional override because Congress was no longer in session.

¹⁶ Ken Collier, **Between the Branches**, Pittsburgh: University of Pittsburgh Press, 1997, 241-243.

¹⁷ Elizabeth Neuffer, "Bush seen adding to gridlock on the Hill; Hands-off style, vetoes are cited," **The Boston Globe**, August 6, 1992, 1.

¹⁸ Alexis Simendinger, "The Veto-Free Zone," **National Journal**, December 17, 2005, 3888.

¹⁹ Burt Solomon, "In Bush's White House Planning Seems to Be for the Short Term," **National Journal**, October 21, 1989, 2595.

²⁰ Burt Solomon, "Clinton Tries a Reagan-Style Pitch but with Just a Bush-sized bench," **National Journal**, February 2, 1993, 533.

²² Carl Cannon, "Trapped in the Mirror," **National Journal**, October 29, 2005, 3348.

Endnotes

- ²³ David Firestone, "White House, In Shift, Backs Inquiry on 9/11," **The New York Times**, September 21, 2002, A1.
- ²⁴ Kernell, 12.
- ²⁵ Hedrick Smith, *The Power Game: How Washington Works*. New York: Ballantine Books, 1988, 147
- ²⁶ Andrew Rudalevige, **The New Imperial Presidency: Renewing Presidential Power after Watergate**, Ann Arbor: The University of Michigan Press, 2005.
- ²⁷ Chuck Alston, Bush Crusades on Many Fronts to Retake President's Turf," **CQ Weekly**, February 3, 1990, 291.
- ²⁸ Memo from Samuel A. Alito, Jr. to The Litigation Strategy Workgroup, February 5, 1986, Folder: "SG/Litigation Strategy Working Group" Files of Stephen Galebach, 1985-1987, Accession 060-89-269, Box 6, Record Group 60, Department of Justice, National Archive and Records Administration (<http://www.archives.gov/news/samuel-alito/accession-060-89-269/Acc060-89-269-box6-SG-LSWG-AlitotoLSWG-Feb1986.pdf>)
- ²⁹ James L. Sundquist, Editor, **Beyond Gridlock?** Washington, DC: The Brookings Institution, 1993, 52
- ³⁰ Patrick O'Connor, "Back Bush Rove tells House GOP," **The Hill**, May 18, 2006, 8.
- ³¹ Carl Cannon, "Bush's Year of Living Dangerously," **National Journal**, January 7, 2006, 26.
- ³² James L. Sundquist, Editor, **Beyond Gridlock?** Washington, DC: The Brookings Institution, 1993, 18.
- ³³ Helen Dewar and Dana Milbank, "Cheney Dismisses Critic With Obscenity," **The Washington Post**, June 25, 2004, A4
- ³⁴ Kady II, Martin. "Party Unity: Learning to Stick Together." **CQ Weekly Online** (January 7, 2006): 92-95. <http://library.cqpress.com/cqweekly/weeklyreport109-000002027054> (accessed January 20, 2007).
- ³⁵ Allen, Jonathan. "Cohesion the Key to Minority's Clout." **CQ Weekly Online** (December 29, 2006): 32-36. <http://library.cqpress.com/cqweekly/weeklyreport109-000002421980> (accessed January 20, 2007).
- ³⁶ David Baumann, "A Primer On How Laws Are Made," NationalJournal.com, July 13, 2006, (<http://nationaljournal.com/members/buzz/2006/capitolcorridors/071306.htm>), (accessed July 17, 2006.)
- ³⁷ Carl Cannon, "State of Our Disunion," **National Journal**, January 21, 2006, 22.
- ³⁸ John F. Harris, Unity Shines in the Rain at Clinton Library Dedication, **Washington Post**, November 19, 2004; A1.
- ³⁹ Carl Cannon, "State of Our Disunion," 21.
- ⁴⁰ Carl Cannon, "State of Our Disunion," 20.
- ⁴¹ Patrick O'Connor, "Back Bush, Rove tells House GOP," **The Hill**, May 15, 2006, 1.
- ⁴² Samuel Kernell, **Going Public**, 13.
- ⁴³ Allen, Jonathan. "Cohesion the Key to Minority's Clout." **CQ Weekly Online** (December 29, 2006): 32-36. <http://library.cqpress.com/cqweekly/weeklyreport109-000002421980> (accessed January 20, 2007).