

THE BROOKINGS INSTITUTION

ONE YEAR LATER: IS CONGRESS STILL THE BROKEN BRANCH?

Washington, D.C.

Tuesday, January 22, 2008

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## P R O C E E D I N G S

MR. MANN: Some of us last night watched the Democratic debate in Myrtle Beach. We noted the difference in the nature of the engagement between when the candidates were standing at podiums and when they were sitting, you know; in the first part, it was ugly, nasty, dirty; but in the second part, when they were all sitting in chairs, it was so civilized and pleasant and informative that we thought we'd --

MR. ORNSTEIN: Oh, shut up.

MS. BINDER: Speak for yourself, Tom.

MR. MANN: Oh, well, it was the thought. I'm Tom Mann, a Senior Fellow here at Brookings, and I'm delighted to welcome you to our session on, *Is Congress Still the Broken Branch?*. To my right is my Brookings colleague, Sarah Binder, who's a Senior Fellow here, as well as a Professor at George Washington University, author of many books, including *Stalemate*, published by Brookings, a book about gridlock.

On my left is Norman Ornstein, a Resident Scholar at the American Enterprise Institute, and co-author of this terrific book, *The Broken Branch: How Congress is Failing America and How to Get It Back on Track*. Our program today is to look back at the first session of the 110th Congress and to look ahead to the second session. The context, of course, is partly the book and the argument that was made in the book about the failings of the first

branch of government to engage in genuine deliberation and thoughtful legislation, to oversee and check the Executive Branch, and to police the ethical behavior of its members.

Those critiques of Congress, together, of course, with the overriding issue of the War in Iraq led to a very dramatic election result and the elevation of a new party majority in Congress, for the first time since the 1994 elections ushered in Speaker Newt Gingrich, in the 104th Congress.

Now, the context is also political. We appear to be in the midst of a global stock market meltdown. We know we are in the midst of an extraordinary presidential campaign with nominations in both parties very much up for grabs.

We are also speaking here today at a time in which we have a very unpopular lame duck president who will, in a matter of days, deliver his State of the Union speech. The focus of our discussion is really on the Congress, how they spent their time, what they accomplished, how they managed the legislative process in 2007, as well as our expectations of how those dimensions of congressional performance will look in the months ahead. Our plan is pretty straight forward. I'm going to begin with a brief overview of the report that we're issuing. And I hope, if you haven't already, you'll pick up a copy.

Sarah is then going to address what we refer to as the most

arresting statistic in the chart that is a part of this report, namely, the dramatic increase, record breaking level of cloture petitions that were filed in the Senate this last year.

Then Norm is going to ruminate on what lies ahead, from the stimulus package to the State of the Union to prospects for legislation during the course of the second session of Congress. And then, of course, we will turn to your questions and comments and do the best we can to answer them.

Now, the end of the session was not pretty, it never is. Those of us who have been watching Congress have kind of come to expect this. Much is left until the end. In some respects, the three most visible achievements of Congress in the last days, the omnibus appropriations bill that included every appropriations bill except the defense bill, which had passed earlier, the alternative minimum tax fix, and the energy bill, which raised fuel economy standards for the first time in decades, was a success, and yet, I think in each case, Democrats and their many critics came away somewhat less than thrilled with each of the bills.

In the case of appropriations, of course, they finally realized they had no real leverage as far as the overall cap on discretionary domestic spending, and after futile efforts to negotiate with the President, simply accepted his number. They also were forced to accept the reality that there would be no restrictive language on the War in Iraq built into that appropriations

bill.

Democrats at the beginning of the first session approved a pay as you go rule, and largely adhered to it during the course of the year. But when it came to paying for either permanent elimination or restructuring of AMT or, at the end game, simply a one year fix to keep it from applying to additional millions of middle class households, because of a filibuster in the Senate, the Democrats were forced to set aside that pay as you go bill and not pay for that fix with additional tax increases or mandatory spending decreases. And the energy bill, which Speaker Pelosi has rightly said is, in her view, the biggest accomplishment of the Democratic Congress in its first session, because of the fuel economy standards, the CAFE standards, nonetheless, did not include two elements that many members, including a fair number of Republicans, had hoped there would be in the bill, including reallocating tax breaks from fossil fuel production, to renewable energy, as well as requirement of renewables being used for a certain percentage of the utility, electricity production.

I think that notion of getting something done, and yet getting no satisfaction of it, in many respects, characterizes the way in which many members of Congress, but certainly those looking on Congress have come to view the first session of Congress.

I think part of the problem is the expectations were set extraordinarily high. This was natural given the drama of the election, the fact

that Democrats reclaimed the Senate, as well as the House, the belief that the public had turned firmly against the war in Iraq and wanted out. All of these things certainly led to an expectation of great achievements, and yet, underlying that, as any serious observer of Congress knew, were the realities of narrow majorities in the House and the Senate, the routinization of the filibuster in the Senate, the ideological polarization of the parties in Congress and in the country, and a very resolute Republican president in the White House determined to go his way and not the way of the Democratic majority.

Obviously, if one is viewing Congress from the point of view of the public's appreciation of it, forget it, there's no hope of a passing grade. That reflects, in part, the broad public discontent with the direction of the country, the war in Iraq, the economy, this president, but during the course of the year, that rating dropped from the 30's to as low as 18 percent in the Gallup rating, and certainly had something to do with the failure of Congress to alter the course in Iraq, as well as the view of the pitched partisan battles and policy irresolution.

Well, all of that is understandable, but we think a pretty inadequate way of judging the Congress. So what we have done, and you will see in the report a chart that puts together indicators of activity, of achievements, and of the legislative process for the first year of this, the 110th Congress, compared with its Republican predecessor in the 109th, as well as the most comparable political situation we can find in contemporary history,

namely the 104th Congress, 1995, when Republicans came in, after being out of office for 40 years instead of a mere 12, but faced a Democrat in the White House. So that's what we have done. Just a brief indication, Congress was much more active in every dimension, as was the 104th Congress, but most strikingly was the increase in congressional oversight of the executive.

This was not just scandal-oriented "gotcha" kind of oversight, it was -- it ranged across a large number of important subjects, it was largely serious in its nature, and it had consequences for policy and administration.

On the notion of what did Congress actually accomplish, the sad thing is, Congress is probably best known for what it didn't accomplish, a disengagement from Iraq, immigration reform, a farm bill, the SCHIP Program, a full reauthorization and expansion of its stem cell research funding, a permanent fix of the AMT, a timely completion of appropriations bills, the elimination of earmarks; all of that is part of the backdrop.

But if you view it in a more realistic sense, say compare 2007 to 1995, you'll find that this Congress aimed lower and achieved more of its explicit legislative objectives than did the 1995 Republican Congress, which shot the moon on a very ambitious agenda, and in its first year, ended up very frustrated by Senate filibusters, presidential vetoes, and government shutdowns that cost them a lot politically. If you look at the indicators in the chart, this was not just a more active session of Congress, it was more

productive in terms of the number and nature of serious pieces of legislation actually being signed into law.

Congress also made substantial headway on ethics and lobbying reform; and contrary to popular sentiment, I think -- we think they made substantial headway in dealing with earmarks. This is a matter of some debate. There's an article by Robert Pear in the *New York Times* today that uses some OMB figures showing a reduction in the cost from fiscal 2005 to fiscal 2008. I'm not sure why they used 2005. Citizen watch groups that have been trying to track this used the first year of the last Congress, 2006 fiscal year, and their estimates range from 25 to 50 percent reduction in the cost of earmarks.

Democratic House Appropriations Committee Chair, David Obey, had pledged a 50 percent reduction. The House delivered that; it may have fallen back a bit in the Senate, but it's -- roughly they moved in the direction they promised. They also actually made substantial headway in introducing much more transparency of the process. So now we can be informed in our outrage of Jack Murtha's earmarks in his home town, and Don Young's curious interventions with the Florida Transportation Department, in sending dollars down that way. It's sort of our belief that the excesses and outrages are most likely to be minimized over time, the more you all and others are aware of what's going on and publicity is given to it.



Now, the big story of Iraq is perhaps the Democrats' greatest disappointment. We discussed this in the report at some length. The bottom line is, their strategy was to build on wobbly Republicans who were getting very uneasy about the War in Iraq around the time of the 2006 elections by building pressure on them through aggressive oversight and continual votes on the floor in hopes that eventually enough of them would break from their party and the president and support them in sufficient numbers to get beyond Senate filibusters and presidential vetoes.

The President just out maneuvered them, initially announcing, soon after the election, a change in strategy with the surge, which ended up bolstering Republican support for him, buying some time. Of course, over time that again began to disintegrate, but then General Petraeus came to the rescue saying, the surge is working, and the troops are beginning to come home. That's all that was needed to keep most Republicans in line and basically guarantee the President that he would have a relatively free reign in charting our course in Iraq until he left office.

Yes, the election made a difference, there was a change in strategy and policy, yes, there are now explicit standards and benchmarks, lots of oversight on the conduct of the war, but the direction itself is being led by the President.

On the question of legislative process, we see the least change;

basically Democratic leaders early on saw what they took to be the implacable opposition to their agenda from President Bush and the Republicans on the Hill, and in the end decided they could have either regular order or they could have a product deliver something on their agenda, and in the end, they opted for the latter, relying on many of the same forms of unorthodox law making that their Republican predecessors had done.

Let me conclude by reading you the first two paragraphs of the conclusion. "Arguments that nothing has changed in Congress and that the broken branch remains utterly broken are wide of the mark. Decisive elections make a difference. The agenda has shifted markedly, Congress is working longer and harder, congressional oversight of the Executive Branch has increased dramatically with real consequences for policy and administration, assertions of the inherent powers of the presidency are now routinely challenged in both the House and the Senate, Congress has toughened ethics regulations, increased the transparency of, and reduced the amount spent on earmarks, and reaped a modest, but significant legislative harvest.

But the venomous part is in the atmosphere, routine suspension of regular order, and increasing use of the Senate filibuster continue unabated, with serious consequences for the capacity of government to deal effectively with pressing problems, and for the reputation of Congress among voters.

Major change in these basic dimensions of legislative behavior

must await a further transformation of the broader political environment, which only an election can set in motion. To change the dynamic on Capitol Hill, the burden will be especially heavy on the new president for a very different kind of leadership, one that creates incentives and opportunities for cross party collaboration.” And now on to the Senate and filibuster; Sarah.

MS. BINDER: Great; thanks, Tom. I'd like to concentrate and talk a little bit about the Senate. In particular -- in reference to what Tom mentioned, the spectacular rise in cloture motions over the past year in the Senate.

I want to ask two questions about that rise; first, why so many votes, and relatedly, why did half of them fail; and second, probably more interestingly, are there broader lessons we should be taking away from the Senate's experience in 2007 with its reliance on the 60 vote rule.

First, on cloture motions, before we get to the numbers, if you'll indulge me in 45 seconds of procedural explanation, what is a cloture motion and why do we care so much about them? The bigger question is here, well, how does the Chamber, when it's ready to vote, what does it do?

In the House, they have what's known as the previous question motion. Someone moves the motion, if the majority -- a simple majority votes in favor, debate is over, you cast a vote, fine. In the Senate, they don't have a previous question motion. If the majority is ready to act, that's great; but if the

minority is not ready to act, or it doesn't want to vote, then the majority has a bit of a problem. So what's a leader to do? Well, he could negotiate unanimous consent agreement. He would need all 100 Senators to agree, we're ready to vote. And as you might imagine, that's not so easy when the issue is, you know, withdrawing troops from Iraq, should we pay for our energy bill and so forth.

Or, and this is where the cloture motions come in, a leader could file for cloture; so that's easy enough, right, 16 Senators have to agree we're ready to file a cloture motion, but that's the 60 vote rule, you need 60 Senators to agree, and if you only have 51 in your majority, that ain't so easy to do either.

If you were to get cloture, the debate would stop, you'd cast a vote, okay. So what happened last year? Well, there were 78 cloture motions filed, which is, as you've seen our graph there, more than one a week. That is the all time record high since cloture was invented in 1917. In fact, it's 50 percent -- almost 50 percent higher than the last record in 2002 of roughly 50 or so cloture motions.

The question is, what happened in the Senate when the Senate actually voted on cloture votes that come up under the motions? Well, half of the time, and this is the part that doesn't always get reported, half the time the cloture votes actually -- cloture was invoked, they got over 60 votes. On those votes, actually 30 Republicans on average voted for cloture, right, that's roughly

half the time.

Why is that important? Not all of these cloture votes divide the parties, right. Sometimes cloture is a scheduling device. Sometimes -- other times they're used when most of the Chamber is ready to vote, perhaps not a maverick like Jim DeMint from South Carolina, or Tom Coburn from Oklahoma, they're not ready to vote, but if the rest of the Chamber is, the majority leader might file a cloture motion.

Okay. That's only half the Senate's experience. Half the time they pass with large numbers. It's the other half that didn't pass that are probably more interesting. On those cloture votes, about 75 percent of the Democrats on average voted for cloture, which historically is a pretty high level of cohesion for the Democratic party.

But on average, 80 percent of the Republicans voted against the cloture motion, which also pretty -- historically pretty high for minority party voting. Which brings us to the question, well, why so many cloture motions and then why do half fail? At least three reasons, we can come up with more, but three to think about at least; first, in this period of polarized parties with slim majorities, as Tom mentioned, we shouldn't be surprised that parties have to resort to cloture motions since they're deeply divided over policy solutions.

And so a rising number of cloture motions, that really is a natural consequence of what we've always talked about at these polarized parties over

the last two decades, that's the first reason.

The second, I think, in part, this explosion in the number of cloture votes and motions is due, in part, to the Democrats' agenda over the last year, as well as their strategy for pursuing that agenda.

If we look at the content of these cloture motions, about 20 percent of them targeted measures related to Iraq; about 30 percent of them targeted measures related to the Democrats' '06 agenda that they ran on in 2006; so together, half those cloture motions were targeted at Democratic priorities.

And remember, what was the Democrats' strategy in the Senate at least on Iraq? It was to force the Republicans to vote again and again and again on the measures large mandating troop withdrawals from Iraq. And if that's the strategy, we probably shouldn't be surprised to see so many cloture motions, and hence, cloture votes. There was a great quote today from a House member from Massachusetts, one of the anti-war Democrats, Jim McGovern, talking about whether we should have a different strategy on pursuing anti-Iraq measures.

He said those of us who want this war to end are interested in concrete votes, he said, versus engaging a vote just for the sake of therapy; it's not the quantity, it's the quality I'm interested in.

So the fact we had so many cloture motions last year, I think we

need to keep in sight that much of that is a reflection of Democratic strategy, and, in part, the Republican reaction to be forced to vote on something, or asked to vote on something that they were deeply opposed to.

Third, my hunch is that the rise in cloture motions also stems from the Democrats' reluctance actually to take major measures to a formal conference committee. If you take a look at the major measures that passed the Senate last year, about half of them did not go to conference, right. There was no formal House and Senate meeting over the different bills passed by the House and Senate. And when there was no -- when there was conference, there were actually no cloture votes on those measures -- compromises when they're brought to the House and Senate floor for up or down votes. When there was no conference, though, in the other half, half of those measures encountered cloture votes; in fact, they encountered real filibusters, because Republicans didn't like the provisions that were brought, negotiated to the floor without Republican consent.

Iraq's spending bill at the very end of 2007, the energy bill, the AMT fix, about half of these non-conference packages were filibustered on the floor. And what happens, well, not surprisingly then, the majority leader files cloture, and those are the ones that Tom referred to. Actually, they lost, right, they stripped out pay as you go provisions on the AMT, they stripped out some of the energy provisions on renewable fuels and so forth.

So why so many cloture votes, cloture motions? I think it's first a natural consequence of having polarized parties, and it's a consequence of how Democrats pursued their party priorities, priorities that actually attracted quite a lot of Republican opposition, and Democrats would say Republican obstruction. On to the second question, are there broader lessons to draw here about the state of the Senate and its ability to mend itself? Just two observations here to think about; first, there was a -- I thought it was funny. There was a funny comment on the House floor last month when a House member was complaining about the Senate, and he said basically this, he said, well, what do you expect, "it takes 60 votes just to order pizza in the Senate", which is kind of funny, and possibly true, too.

The need for 60 votes, it permeates everything Senators do, all right. We might see a ratcheting up of the 60 vote pressure last year, but that's not new in the Senate. Harry Reid is not the first leader, majority leader, to bemoan minority obstruction. Bill Frist wrung his hands over judicial filibusters in recent years. Trent Lott, Tom Daschle, Bob Dole, George Mitchell, Bob Byrd, I can get you back to the early 1980's with majority leaders complaining on the floor about minority obstruction and the need and the difficulty of reaching 60 votes, and the ease with which minority basically blocked majority will in the Senate.

Reid, like all recent majority leaders, Democrats and



Republicans, what is he doing? He's innovating, he's innovating at the margins here to deal with his ungovernable chamber. We see it in the rise of cloture motions, we also see it in the rise of unanimous consent agreements where the leaders negotiate, okay, we're going to require 60 votes in order for these amendments to pass, right, even when there are no cloture motions filed. So the 60 vote Senate is pervasive even beyond the simple counting of cloture motions.

What's Reid doing? He's trying to govern, I think, an ungovernable chamber, right, one in which the minority party has very little incentive on most issues to cooperate. Again, it's not a new story about the Senate. This is the reality of governing a legislative body that defies majority rule.

That was the first observation. The second observation, Trent Lott, the Senate Republican whipped last year had an interesting remark worth thinking about when asked, well, what would it take to resolve conflict in the Senate, Senator Lott said, well, "everybody has to settle in on the minimum that you can get done."

Well, clearly, the Democrats didn't want to aim for the lowest common denominator. And this is one of these elections that Tom referred to, right, Democrats interpreted the election, rightly or wrongly, as a mandate for bold change to show that they could govern and to provide a counterpart to

President Bush. The reality is, though, the Senate is not a chamber that's easily moved by party agendas, right. Even the most cohesive of new majorities can't force action in the Senate if the minority doesn't want to cooperate.

And unfortunately for the Democrats, it's the majority, right, in my view, it's the majority that gets blamed for an action, not the minority that's doing the obstruction, by and large, it's the majority that gets the blame.

So the question for 2008 here, as Tom alluded to, is whether the parties are really willing to share the credit for getting things done. And the biggest test will be in the next 30 days or so, about whether, in fact, the two parties will compromise on a stimulus bill given they have different ideas of what should go into such a bill.

And, of course, this is the bill everybody has agreed doesn't have to be paid for, so there may not be much compromising, but I guess what they want, and funny enough, you can do that in 30 days when you don't have to pay for it. Okay. Just a closing comment on one other element of the Senate, on their experience with advice and consent, and there's a little more in the report here. My sense is, at least on judicial nominations, we see a lowering of the heat over judicial nominations, particular to the Appellate bench, as well as the District bench. We don't see the judicial filibusters now that we have Democrats in the majority, now that we have divided government. That issue

of a nuclear option, that is off the table, at least during a period of divided control.

On District judges, Democrats will claim credit, rightly so, for actually moving quite a number of District court, trial court judges onto the bench, in fact, almost double what Republicans put on the bench in 2005. And granted, there are different numbers of nominees in these two years, but the Senate confirmed a higher percentage of the District court nominees, right, that's the Democratic Senate compared to the Republican Senate.

On Appellate Court judgeships, the ones that we think are a bit more controversial, again, it's a kind of mixed bag. I think the Senate should get credit for confirming Leslie Southwick -- controversial appointment, the 5th Circuit, and Democrats did move that nominee to a judgeship successfully. How do we make sense of those Senates -- the record in 2007? In some ways it's unfair to judge a Senate after a single year rather than waiting for the end of a Congress, but we shouldn't be hopeful that in 2008, the record will improve. They've confirmed about a third of Appellate Court nominees. If there's one tried and true statistic that always works, it's that the Senate, in divided government, in the approach of a presidential election, they move very slowly, and there's really very little incentive for Democrats to put any sort of controversial Appellate Court judge on the bench. So we might see a little bit of motion, but I'm skeptical to see too much coming in the next year, and I'll stop

right there.

MR. MANN: Sarah, thank you. Norm.

MR. ORNSTEIN: Thanks. Just one little note on what Sarah said, when the pizza issue did come up, Joe Lieberman filibustered the bacon, ham, pepperoni, and sausage provisions, so -- John McCain joined him, so bipartisan.

I would add just one little note on the filibuster side, as well. Sarah said when you have a cloture motion, it passes, you move on, and you vote, but it should be noted that you don't just move on and vote. Once cloture is achieved, and you sometimes have to do these three separate times on a bill, you have a significant period allowed for debate, so it takes a lot of time. And one of the things that happened in this last year I think is that Republicans came to realize that they could do the equivalent of pouring molasses in the road in front of the majority runners and just slow the process down, clogging it up, making it difficult to get much of anything done, and getting more leverage that way, as well.

That's one of the reasons, not the only one, but one of the reasons why the Senate had such great difficulty getting its appropriations bills done on time, which took substantially away from Democratic leverage when we got to a confrontation over the budget. But it worked in a whole host of areas.

So much of this was triggered by Democrats desire to have votes or a level of decisiveness. But I think we saw a lot of routine measures brought forward, where everybody knew there were 60 votes, because it would just take more time, and the dilemma for Majority Leader Reid, even as he cracked the whip more than usual, and as you see from the charts, we had an extraordinary number of hours and days in session. It wasn't enough to work this through and actually have the ability in any timely fashion to bring almost anything forward, including bringing it forward with a timing that the majority normally is able to bring about and dominate. And the question of whether this becomes the norm is just as significant, not just whether you get these somewhat decisive measures, where you may have divisions along party lines or sometimes not purely along party lines, but where there's a struggle to get to 60 votes because there are real divisions in the society or between the parties, but whether the filibuster and the cloture motion as a routine way of just delaying and stretching things out will become the norm.

One of the frustrations I think for Democrats in the Senate was that they could never get the press to focus on these issues to make it a question. And as long as it's below the surface, it doesn't stay that way. In fact, Trent Lott early on, you know, when he was in his tenure as minority whip and very candid, as he has always been, sometimes to his detriment, said, is this obstructionism, of course, it's obstructionism, we're just more successful at

it than Daschle was when he was in that position, and part of the reason is that nobody paid attention to it.

Now, having said that, we've gotten through 2007, and at the end of the year, with some of the accomplishments that Tom talked about, there was still an acrid taste in the mouths of most people who went through this process, and obviously of the public. And that leads us into a year which historically is much harder to move things along, to get things done, harder because everybody pauses, believing that, knowing that there will be a change in the presidential process, there may be a change of significance in Congress.

Whether it's a shift in the majority itself or simply a substantial change in the margins, it's there to be had, and why either push hard to make something happen when you may have more leverage the next time around, why allow something to go through when you might have more leverage the next time around; when you combine that with a presidential process that dominates time and attention through the early months of the second year in a presidential election year, and not just any presidential election year, an open presidential contest with no incumbent member of the team running, the distraction that occurs in that presidential process, the time away through much of it for critical members of Congress who are running for president, and the involvement by a larger number as super delegates and party officials as the contentions move forward, and of course, then an intense fall campaign, it's

hard to have enough hours and days in session to do a lot, and the leverage of the minority in this case, where you can find ways to delay or block things, becomes that much greater when you have less ability to operate.

Having said that, let me just make a couple of larger observations and then talk a little bit about the agenda ahead, and underscoring some of what Tom said. Much of what happens in Congress is really driven by the attitude and approach and tactics of the president, whoever it may be. If a president has a desire to work with Congress and to make something happen and to have give and take, you have a very different set of outcomes generally than if a president decides that that's not his desire to move ahead.

A level of trust can be established between president and Congress, both have to play a role there, but it is often driven by the president and the Executive Branch. There was a significant chance, I believe, in the aftermath of the 2006 elections to build a substantial level of trust and coalitions to move a significant number of areas forward.

George W. Bush signaled that in his conciliatory comments after the election, in which he said he had been stunned at the thumping that his party took, but that he was not going to pay attention to the harsh rhetoric used by leaders of the Democratic party, including incoming Speaker Pelosi, who effectively called him a liar, and that things happen in campaigns, and that he thought we could find common ground on issues ranging from health and

education to energy, the environment, and immigration.

That was not a great surprise if you look back, especially in an era of very difficult tribal level partisanship, ideological polarization, and parity between the parties, where divided government can actually provide opportunities for movement, perhaps surprising people, but not really a great surprise, because you can find a president in Congress with a joint responsibility for governing and a desire to move things forward, whether it's Bill Clinton in 1996 wanting to win re-election, or in this case, George W. Bush in his final two years in the presidency wanting to develop a substantial domestic record for his legacy, but in part I think because of the weakness that he suffered generally, an approval rating dropping down into the 20's or 30's, in part because of the unusual nature of this presidential selection process.

The first real test of this came when the Senate took up his landmark major domestic initiative on immigration, and he got 12 of his 49 Republican senators to back it. To have bipartisan cooperation, a president needs to work with, in this case Democrats, but he's got to be able to bring along a significant number of his own party members whose natural inclination is going to be to vote against.

In 1996, Democrats, having lost the House for the first time in 40 years to the Republicans, didn't want anything to go through, because they wanted to show that the Republicans were just as much of a do nothing corrupt



Congress as they had been.

But the president had enough leverage that, whether it was welfare reform or a series of controversial fiscal measures, he got enough Democrats to go along that the Republicans who wanted to be a do something Congress to win re-election were able to work with the president and make it happen.

This time, the fact that the president couldn't get a quarter of his own party members on his most significant domestic initiative I think sealed the deal for the rest of the year and moved him back into a tactical position of deciding to draw lines, try and build his base and its enthusiasm back up, threaten vetoes and veto bills, and that made a difference. Now, that's not the only thing, and obviously, the dynamics between the two parties, the relationships among the leaders matter, as well. And those relationships were close to poisonous in the House, and certainly tense, at a minimum, in the Senate. So as we look ahead, are things likely to be any better?

Well, the first comment is that in the Senate, where Trent Lott, who was a basically congenial member of what I call the problem solving caucus, just as a legislator, really wanted to look at problems and figure out a way that you could make things happen, is gone, and his replacement in the Republican leadership, Jon Kyl, is tougher and harder and is not likely to start with an instinct that, well, maybe we can sit down with Ted Kennedy or with a

couple of other Democrats and figure out how we can get something to happen, and the relationship between Harry Reid and Mitch McConnell is not likely to get much better.

Now, on the House side, you do have some good personal relationships between say Steny Hoyer and Roy Blunt, who have known each other and been friends for a long time. And John Boehner is a gregarious and outgoing person who has had no trouble in the past, including when he was the most effective Republican on the Education Committee, helping to broker a deal on No Child Left Behind in 2001. But there is no sense out there that Republicans who had great success in bollixing of Democrats, forcing them in many cases to pull bills and provisions from the floor, making them defensive across the board, have any stronger interest in changing.

But that might change, and the key to whether we start off on a positive footing in this coming year clearly is the stimulus package. And what would cause change is the growing public, anger and desperation I think, a belief that this could spiral out of control, and this is not just looking at problems that are long term and really need to be dealt with, but at an immediate crisis.

We're not talking about termites that could eventually destroy the foundation of the house, we're talking about flames licking out there on the lawn heading towards the house right now.

So there is a strong incentive I think on the part of the

president and his administration, the Democrats in Congress, and enough Republicans in Congress to come to an agreement and come to an agreement relatively quickly. Whether that sense can overcome the legacy of distrust and anger, the overall approach that we've seen almost everybody take here is going to be a very interesting thing to watch over the course of the next month or so. It's already started out in a different way than we've seen before. I think both Speaker Pelosi and President Bush and President Bush's team, Hank Paulson and others, are coming at this in a somewhat more conciliatory way even as they try and protect their own positions and interests, and it will also be affected to a degree by presidential candidates with candidacies going on longer than we had seen before and both parties trying to gain leverage within their own ideological bases and maybe taking positions even on a stimulus package that will pull the dialogue a little bit further part rather than towards some resolution because this will require some substantial give and take in terms of whether we have rebates, what kinds of rebates, who the rebates go to, do they go to people who don't pay income taxes, all kinds of issues that hit the hot buttons of both parties. That will be a key to what kind of progress we see in the year ahead.

But we also have, as both Tom and Sarah have suggested and as the documents tell you, a very large agenda of remaining items that didn't make

it through the constipated Senate last time or didn't get to a conference or were vetoed or had veto threats or were passed but on a short string that now require a reconsideration including FISA and other very, very hot button issues, and we have a continuing set of issues surrounding the level of trust and negotiation and compromise between the President and Congress that could also poison the well in a larger sense.

We have had the administration, the White House, threaten, for example, at the urging of Jim DeMint, to, by executive order, wipe out all the earmarks that exist and reprogram that money for other purposes. If the President does that, he will raise the outrage level among his own Republicans as much as he will among the Democrats, but it will make it very hard for them to sit across the table on other issues.

At the same time, as Sarah talked about the advice and consent issue, don't forget that we had the Senate unprecedentedly stay in pro forma session so that this President would have no opportunity to use his recess appointment authority to put numbers of people who have either not been nominated or have been nominated and clearly can't make it through into office through the remainder of his term without going through advice and consent. You don't do that unless you have a very high level of distrust between the Senate and the White House -- an inability to come to an agreement where you'll say, okay, I'll have these appointments that we'll

push off to the side. I won't do anything on them, the President says.

Maybe you can act on these and we can horsetrade a little bit. There has been no horsetrading going on.

If those things don't get resolved, and if you see the President using signing statements and executive orders to try and circumvent Congress in a variety of ways, we could see a meltdown that might create an even higher level of outrage in the country against President and Congress and could happen early enough that it could actually have some impact on those presidential nominations in both parties.

MR. MANN: Thank you, Norm. Well, there you have it. That's our take, initially, on the last year and the year ahead.

We have microphones ready to bring to you. We'd like your questions. John, I see one right over here.

QUESTIONER: Norm, now that you mentioned FISA.

MR. MANN: Identify yourself, John.

QUESTIONER: John Fortier from AEI.

You mentioned FISA as a divisive issue. Could you talk a little bit about how you think that might play out both in terms of the substance that might come out of this but also in terms of the potential good or bad that it will do for the legislative process?

MR. ORNSTEIN: Well, we have, of course, an administration and I

think most of the Republicans in Congress who have basically said we've set a bottom line here. We want everything that we've had before, no compromises, no changes, and the President will either veto or the Republicans will try and block anything the Democrats would do otherwise.

What we might see is a continuing process where you just push this month by month. Pass something to let it go for a month and then come to another confrontation, but I don't see any reasonable possibility that the hardened stances of either side will change.

Or, you could see a higher level of brinkmanship, which is for a period of time no measure goes through, the existing authority expires, and then we get an even heightened level of rhetoric that basically says the Democrats have put the country in danger because now it's field time for Zawahiri and Al-Qaida and everywhere because they know that we're no longer, that the alarm system has been turned off.

It's in nobody's interest really to have that happen, but getting back to what I was saying earlier, just because it's in nobody's interest to have that happen, given the nature of our political dynamics and leadership right now, that doesn't mean it won't happen.

MR. MANN: The odds are that we will, in the end, get an extension of something close to what's been in effect for the last six plus months lasting until early in the new administration with Democrats banking on negotiating

something with a Democratic President. But before they get there, we could well have a bill passing and a presidential veto but failure to override. That's my guess.

Yes, right here.

QUESTIONER: Susan Friedman, American Osteopathic Association.

Can you address health care reform, both from the State of the Union perspective and what is likely to happen with the rest of this Congress?

MR. MANN: I'm not real bullish on much happening on healthcare. There are two possibilities, one having to do with the SCHIP program. The House will try to override again or at least it appears they will vote on this, and the odds are they will fail. They might then seek once again to enter into negotiations with Republicans to see if it isn't possible to reach agreement on, but coverage and budget, that would allow a long-term extension. If not, they'll give up. They have extended the program into the early part of next year and wait until then.

There's also a possibility of some IT bill, a very modest initiative that really has broad bipartisan support indicated by the collaboration between Newt Gingrich and Hillary Clinton on this matter. There also is a Medicare fix that has to be dealt with, and those negotiations are going on. You could imagine, in the end, something happening there.

Now, the final thing is it's possible Democrats will realize that they can

make no progress on any of their major agenda items during this year, but they will use the legislative process to try to frame issues in concert with their presidential nominee. So you could imagine some legislative vehicles moving forward for debates and votes in the House that have no chance of enactment but would serve the Democrats broader political interest.

MR. ORNSTEIN: Let me add a couple of things. The first is a caveat. If the economy gets much worse, then the SCHIP becomes a different issue, and I think the odds of some quite generous expansion of SCHIP go up very considerably. It might be something the President still opposes, but I think you're going to find many, many more Republicans not wanting to go into an election year where people's homes are being taken away from them, where unemployment might jump up another percent or two, where there is serious economic trouble and we're basically voting to deny children health insurance. It becomes a tougher political issue.

The other thing to keep in mind here is that if the economy gets worse, just as we're talking about a stimulus package where everybody is going to say, well, of course, you don't want to offset this. That's not the point of stimulus. We want to have deficit spending. You could see the floodgates come off much more generally.

Democrats have, as Tom said, with surprising discipline and fealty, tried to hold pay as you go budgeting. It didn't succeed with the AMT,



although they tried, but they succeeded in a lot of other areas, but it's been very difficult. If they have an excuse to move away from it, we've got to expand this program now and, after all, it will just be another stimulus, we could see a much larger fiscal hole develop for the next President and Congress to have to deal with, but I expect we are going to see more of that.

On the State of the Union, I do believe that President Bush feels that one significant part of his legacy is blocking Democrats from expanding the government role in the health world. I would surprised, frankly, if we didn't have a somewhat pugnacious, from the perspective of Democrats in Congress, statement made by the President kind of drawing some lines but, talking about how to solve our health care problems, we need to bring the markets back in and we don't need more government involvement.

Well, you're not going to get major proposals coming forward from Democrats this year. That's likely to be one of those State of the Union moments where half the people on the floor stand up and the other half sit on their hands in stony silence.

MR. MANN: All right. Yes, Jim.

QUESTIONER: Jim Hifner, George Mason University.

President Bush has been using signing statements in a very aggressive way. What do you think are the best ways of Congress working against that and asserting its own institutional prerogatives?

MR. MANN: Sarah, do you want to?

MS. BINDER: Well, the challenge here, as Jim said, is that the President for the last seven years has taken the signing statements when he enacts bills into law and has taken to saying: Well, I'm going to implement them. I'm going to execute them, subject essentially, he's saying, to my interpretation of the Constitution.

That, as you might imagine, has rubbed Democrats and some Republicans in the wrong way.

So the question is what's the alternative here for Democrats? To some degree, the alternative is oversight which they have been doing pretty aggressively, which is to say you may not want to implement this particular provision on Iraq, but we're going to hold you accountable when we investigate contracting abilities and so forth.

There is not tremendous amount of leverage here for the Democrats, right, in part because these laws have been enacted already. It would take, I think, an egregious effort by the President not to implement something. That might provoke Democrats to act. But, again, what could Democrats do? They can't pass a new law. He's not going to sign anything that runs counter to what he's already said he's not going to implement.

I think the issue here is it adds to, as Norm said, this distrust between the two parties that we shouldn't be too hopeful to be ratcheted down

anytime soon and certainly not in the context of a wide open, the most wide open presidential race on both sides in decades. So my hunch is the issue remains there and is not likely really to become more tractable.

MR. MANN: Democrats could and, to some extent, have started to hold hearings on the broad use of signing statements and to raise questions about the constitutional legitimacy of the position being taken by the President. That is a nice, lofty notion that might have some bearing on the next President coming into office. It won't constrain this President at all.

Secondly, they could try to take some matters to court and challenge the administration there. Once again, the odds of that producing any immediate satisfaction are quite slim.

The final, which Sarah referred to, is to use the oversight process to explore the ways in which the President's demurrals in signing statements are having an actual impact on the administration of policy. Call attention to those and then begin to issue the kind of informal threats that Congress is capable of doing.

In this case, instead of passing a new law, it's refusing allocate funds in the budgetary process for things that are very important to those agencies or departments or even to the President. I have a feeling it's in this latter arena that you will see more consequential reaction by the Congress.

QUESTIONER: Lee Drutman, University of California at Berkeley.

I'm wondering. Norm talked about the role of the President in the functioning of Congress. Now it seems pretty likely that we're going to get a President who comes from the Senate for the first time in a long time. So I'm wondering what you all think of the possibilities for Congress be a little less broken with the help from a new President who has some experience in Congress?

MR. MANN: We are likely to have a President who has a bit more appreciation for Article I of the Constitution and presumably some greater sensitivity to the nature of the legislative process. But it will be a very interesting exercise, first of all, to see how much that works, given the continuing problems and deeper issues out here, how much of this is going to be affected by the adroitness of a new President in exploiting that brief window in the first few months after the election, which is about all we're going to have.

All of these candidates talking about how they're going to make change and they're going to implement change is not a strong reflection of the reality that any of them will face in 2009. If it's a Democratic President with, say, 55 Democrats in the Senate and, let's be generous, 240 Democrats in the House, that will be fewer Democrats than Bill Clinton in 1993 when he came in and we saw how difficult it was to make anything happen when you have these continuing divisions.

So it's going to be a matter of starting not January 20th but before November to begin planning and trying to work something through. Then it's going to be a question of whether you can build levels of confidence with people on the other side which aren't necessarily driven simply by the fact that you've been in the Congress.

Keep in mind as well that for somebody like John McCain, if he became President, he's very good at finding people on the other side of the aisle. He may have a little more difficulty finding some of the members on his own side of the aisle, and he is likely to be even tougher on things like earmarks as he's shown during his time in the Senate than George Bush has been, although I doubt whether he would use executive orders in the same fashion.

For a Hillary Clinton or a Barack Obama, if we think of those as very strong possibilities, Mrs. Clinton has actually had an impressive record of finding allies across issues from the most unlikely sources. The notion that she is the most divisive: When there was a book party for her autobiography here in town and a large gathering of people, long lines waiting to get the book signed, I was stunned to see Jim Inhofe there, one of the least likely. Back then, he was the most conservative Oklahoma Senator. Now he's only second on that front, but he's pretty much up there otherwise -- because they found a couple of issues to work on, and I think she's very adroit at that.

Senator Obama has been able to do it including, of course, building a relationship with Tom Coburn who has now replaced Inhofe on one of the nice innovations in the last year which is getting all of the government contracts online.

But this is not going to be easy. While we'll see a better relationship, I think, from the get-go, just coming from the Senate is not going to make a huge difference here, I believe.

Do you want to say anything?

MR. ORNSTEIN: Let me just add a word, if I may. The fact that McCain, Clinton or Obama coming from the Senate might be occupying the White House, I think bodes well in a relative sense compared with this Administration on executive-legislative relations. That is I think each of them would accept the legitimacy of Congress and act accordingly.

That doesn't mean they would not try to be strong commanders in chief. Each of them in their own way has a very capacious conception of presidential leadership, but I think it's one more rooted in the institutional structure of American government. So I think that would bode well.

But on the second dimension of coalition-building and policymaking, everything has to do with the nature of the agenda being sought by the President and whether or not the 2008 elections have altered the coalitional bases of the parties in ways that might make some cross-party collaboration

possible and therefore allow some diminution in the use of closed rules in the House and filibusters in the Senate. That's the real question.

As I look at McCain, I realize that if he were to be elected President, he would face a Democrat House and Senate for sure, and he has pledged a number of things that would have no chance, in my view, of enactment in the Congress like making the President's tax cuts permanent. Therefore, it would almost require this most extraordinary effort on McCain's part to, from the office, try to reshape the set of coalitions out there in really trying to work more directly with Democrats, all the while understanding he may lose 30 of his own Republicans in the Senate and a good percentage in the House.

It's hard to imagine how that would work. There are some issues like climate change, like immigration, where McCain is very much inclined to work with Democrats. But take other matters, especially the war in Iraq, it's hard to imagine peace and harmony and broader coalition-building ensuing.

Again, with Clinton or Obama, it seems clear to me that it would be in their interest from the beginning to try to make overtures to the Republicans in the House and the Senate because they simply cannot succeed with the very ambitious agendas they have, that in almost all cases involve cost as well as benefits, without having some substantial Republican support. So I think you would see early initiatives. Now, whether those are reciprocated and lead to a different kind of dynamic is very uncertain.

QUESTIONER: Thank you. Peggy Orchowski. I'm the Congressional Correspondent for Hispanic Outlook Magazine.

Two questions, if I may, I was interested, Sarah, in your correlation between the bills that went to cloture and usually failed and the fact that they did not go through the legislative process, particularly conferences.

But I was wondering about the immigration bill which I followed really closely, if it was unique that that bill was actually formed in the White House with an almost secret coalition. At least, as a reporter, I wasn't able to find out who was really involved. It was with Bush and Kennedy basically. So I'm wondering how unusual that is. I'd just like to know from your perspective.

The second question is I'm wondering how unusual the power of Joe Lieberman in the fact that not only does he make the majority of one as an independent and maybe a constant threat to the Democrats that he could turn Republican. Does he have an inordinate power that we haven't really heard much about, particularly in ordering pizzas without pork?

MS. BINDER: Pork of all sorts.

Two great questions, first on immigration, I think your point about something different going on immigration reform is right on target. It's not so much the legislative process that's driving it. I think it's the nature of the issue that's driving it. Immigration is one of the few issues where it's not



strictly a liberal versus conservative or Democrats versus Republicans. It's seeming more and more like that when the issue gets turned into border security, but there are enough dimensions on immigration reform that don't line up neatly with the parties to expect the parties on opposite sides, that it changes the way the process works.

Your example is not surprising then. Look, this is an issue where he thought he could construct something and why not pull it and take charge of it, something he wanted to do, so he could bring in a Kennedy. He saw the fact that his strong supporters actually were McCain and Democrats. I'm not surprised that there is some pulling away from the normal process on the immigration reform.

Second, on the unusual powers of Joe Lieberman and does he have more influence than others, that's a kind of tricky one. On the one hand, Lieberman needs the Democrats because they are the key to his retaining his chairmanship. So, bucking the Democrats and going to the other side, first, there's not a great record historically of majority members defecting to the minority party because it doesn't really serve your own personal power. So, on the one hand, Lieberman does need the Democrats to be supportive of him, to keep him in the caucus.

But as the year goes on here and as talk of the McCain-Lieberman ticket continues, I don't know. I think Democrats might be more and more

inclined to squeeze him out. They do need his vote, but they also really need 60 votes, and those 60 votes are actually moderate Republicans: the Snowes, the Collinses and so forth, the Specters and others, the Gordon Smiths, sometimes the Colemans. So the really coveted votes, I think, are the ones that you get you to 60 and not necessarily the ones that keep you at 51.

MR. ORNSTEIN: I would just add one thing. Joe Lieberman has this great power in the sense that Democrats who were unhappy with him couldn't eject him from the party at the beginning without great cost.

If he left the party now, there is no agreement that the majority would shift. Remember that when the majority shifted when Jim Jeffords changed parties, it was because there had been a tie in the Senate and the two parties came to an agreement that the majority would change. Otherwise, you have to get actual votes on the floor to shift the majority and they wouldn't be able to get those votes to make it happen.

But it's not as if Joe Lieberman is standing out there by himself as the only Democrat who might join with Republicans on procedural matters or on substantive matters. For people who always ask, well, what if they got to 60 votes, wouldn't Democrats think it would be nirvana if they got to 60 votes, keep in mind -- Joe Lieberman aside -- that if there were 60 Democrats, it would include people like Mark Pryor and Ben Nelson and Jon Tester and

Jim Webb and Blanche Lincoln, all of whom are fundamentally centrists. It may or may not include Mary Landrieu under those circumstances. It would if they got to 60.

So they're still going to need Republicans. If they got close to 60, nearly all the Republicans who might be a part of that coalition are likely to be the ones who lose along the way. If you add that to the reality that the departures from the House this time are going to be disproportionately Republicans from the problem-solving caucus, moderates who are in the minority of the minority and already leaving in, I can't say droves because there aren't that many of them to begin, but in disproportionate numbers.

Finding majorities is going to be hard for any President coming in, and it's not going to have much to do with whether Joe Lieberman is a Democrat or a Republican or in the Senate.

MR. MANN: The other point I'd add is we all ought to remember that Joe Lieberman's voting record, apart from national security matters, is very much in the mainstream of his party if not to the liberal end of the party on a whole range of matters. He would be exceedingly uncomfortable in the Republican Party and, frankly, not well received by conservative Republicans.

Yes.

QUESTIONER: Jean Shambeck of Inside Energy.

I was wondering about the leftover issues with energy, the RPS, Renewable Portfolio Standard, and tax provisions. What are the prospects for those in 2008?

Then also global warming, we'll probably have a vote in the Senate, but what are the prospects for the House and further in that process?

MR. MANN: My sense is that Speaker Pelosi has indicated she intends to return to those issues this year, and I don't have any doubt that she will, but nor do I have any great confidence that any of those is likely to emerge from the Congress or, if they do, be signed by the President and therefore become law.

In fact, if you look at the schedule and see when the initial vote on the Warner-McCain global warming package is scheduled, I think they're talking about summer, about June. The odds of this, even if it cleared the Senate, sort of moving ahead, then being resolved this Congress, it seems to me are pretty slim. I'm guessing they'll be a lot of activity but not any new law enacted.

MR. ORNSTEIN: On the other issue, I'd offer just one caveat here. Once again, if the economy really takes a more significant turn for the worse and gasoline prices move well above three dollars, there may be a populous backlash here.

What, of course, caused the demise of the renewable initiative was

the unwillingness of the President and most of his Republicans to accept any tax coming from the oil companies. This was presumably a tax. It was the removal of a tax break that was an almost inadvertent one, but it was still a tax on oil companies. The willingness to accept a tax on oil companies may go up considerably including, for some Republicans, if we get this growing disparity between the ability of people to pay as we get economic turmoil and the cost and, of course, a lot of stories about record profits in that sector.

So I could see at least a small chance of something like that happening. It's still a small chance because getting enough Republicans to overcome a veto, which would certainly be there under any circumstances, is still very, very unlikely.

MR. MANN: But Norm's answer does remind us of the importance of a large impact. What really can shake things up is a different presidential approach and strategy and a new set of problems that emerge that lead the public to have even greater anxiety about the future and for politicians in Washington, therefore, with an election coming up, to feel obliged to respond in some way. It's these latter two that are more likely to produce surprises that we don't now anticipate over the months before the election.

MS. BINDER: I would just throw in on the global warming issue. The immigration issue was not a strictly Democrat or Republican issue, but

global warming is an even more bizarre policy problem compared to what Congress is used to. In fact, I think it undermines the usual logic of congressional action which is short-term benefit and diffuse costs or future costs, we put the costs off to the future.

But global warming is the opposite. They want to impose short-term costs, whether it's a carbon tax or lower emissions, for long-term benefit. If you're a member of Congress seeking reelection in two years or less, that's not a logic you like. That doesn't really serve your electoral interests. It takes strong leadership, I think, to get members to see the long-term benefits and to act on them, and I think that raises yet again the difficulty of doing something on global warming.

MR. MANN: Norm, let me just ask a final question here about whether you anticipate any change in Democratic strategy on appropriations bills. They were frustrated. They had promised, thinking back to actually the 1993-94 period when they really managed to deal with all the appropriations bills in a very timely fashion. It was their last Congress in the majority, and they imagined returning to that. The House managed pretty well, but the failure to be able to negotiate with the President bollixed that up.

Do you think they'll change their strategy this time around?

MR. ORNSTEIN: I think they're going to try to change their strategy, and I think there's going to be a real effort to expedite passage of the bills

this year as much as they possibly can. If you can get individual appropriations bills through and on a different time frame, then force the President to veto and then you focus on specific spending elements in that bill -- and they'll have a lot of things that will be politically popular -- you have much more leverage than if this gets lumped into a kind of continuing resolution where it really does become a different kind of issue and also where you end up with a prospect of a shutdown which they were desperate to avoid. That actually gives the President more leverage too.

The problem is you can have that strategy but with other short-term things intervening, from the election to the stimulus package, it can go right by the boards. In the Senate, the slowdown of the process becomes even more effective with the attenuated year. So, whether they can actually make that strategy work, even if it's their intention, I'm a little skeptical.

Then you get this other question that I raised before. What if the President decides to really stick it to Congress even more by saying I don't care whether you cut the earmarks in half, I'm wiping them all out in one fell swoop, unilaterally. I'm not vetoing these bills and telling you only send me back bills that take out the earmarks. I'm signing the agreement we had, and then I'm wiping them out.

Then I think you're going to get a different approach and, even if they don't want a confrontation, they can't possibly avoid it.

MR. MANN: It wasn't quite my final question because I want to ask Sarah: On Iraq, Democrats were a little slow in coming to the realization that they had no political leverage with the President, certainly sufficient to use the appropriations process to alter course. With news coming in as it is, moving Iraq off the front pages, one senses the President's position as firmed up even more.

What do you think the Democrats could do to keep the issue alive for their own constituents and their own interests, policy interests, and what do you think they will do?

MS. BINDER: Well, as you suggested about the strategy of repeated votes on Iraq on pretty stringent withdrawal, troop withdrawal deadlines and so forth, cutting funds and so forth, it didn't work. Remember the strategy was to keep pushing the more moderate Republicans, if not more conservative Republicans, to having to cast those types of votes to eventually put them in a position they could no longer sustain.

As we suggest in the report, because of the ways in which the surge worked out in removing Iraq and the casualties somewhat from the front page, the electoral benefit never redounded the Democrats' advantage. They were trying to paint the Republicans and make their electoral reputation stake on doing something to change the course in Iraq, but again events spoiled that strategy.



What could they do? I think the onus is on the Democrats, and there's not a lot of time to do this, and events in Iraq don't help them. They really need to reframe how the Iraq question is formed and to paint it more in terms of legislative terms here, paint it more on focusing on troops and trying to better their lives, whether it's the Webb approach, Senator Webb's approach of working on their home leave issues, and reframe it that to vote against spending is not to undermine the troops. They need to reframe that question in a way that makes life for the troops better. I think, given the short amount of time, that's really one of the options they have.

Again, another alternative is simply to ratchet up even further oversight in the types of questions that are being asked, to raise the question of: Fine, militarily, the surge has worked, but what do we know politically and economically and socially, what's happening in Iraq?

As much as possible, for Democrats to kind of change the ways in which Iraq is reported on, I think that's really their only hope in such a short time period.

MR. MANN: All right. Well, thank you, Sarah and Norm, and thank you all for coming. We are adjourned.

(Applause)

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