THE BROOKINGS INSTITUTION

THE STATE OF THE U.S. SENATE: UNDERSTANDING THE FILIBUSTER AND THE EMERGENCE OF THE 60-VOTE MAJORITY

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PARTICIPANTS:

Welcome and Introductory Remarks:

DARRELL WEST
Vice President and Director
Governance Studies
The Brookings Institution

STEVEN SMITH
Director of the Weidenbaum Center on the Economy,
Government, and Public Policy
Washington University in St. Louis

Keynote Address:

HONORABLE RON WYDEN (D-OR)
United States Senate

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ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

P R O C E E D I N G S

MR. WEST: Good morning. I'm Darrell West, vice president of Governance Studies at the Brookings Institution. I'd like to welcome you to our forum on the State of the U.S. Senate, and I appreciate all of you coming out on a rainy morning in Washington, D.C.

This is a joint program between the Brookings Institution and Washington University. And I'd like to introduce Steven Smith, who's director of the Weidenbaum Center on the Economy, Government, and Public Policy.

MR. SMITH: Thanks, Darrell. It's a great pleasure to be here. You know, there's kind of a personal connection between Wash U and the Brookings Institution. Robert S. Brookings, after whom our administration building is named and the Brookings Institution is named, was a manufacturer in the late 19th and early 20th centuries. He helped put Wash U on the map by moving it from downtown up to its main campus now. And during World War I, he was the chief of industrial mobilization for Woodrow Wilson. During his experience in Washington, he became frustrated with government and, after the war, helped create two institutes: Governmental Studies, the precursor to Governance Studies and Economic Studies, and then, of course, in the '20s, the full-blown Brookings Institution was created.

When Strobe Talbot became president of Brookings, he

started discussions with the university about ways to exploit this longstanding connection between the institutions and this conference is one of several activities that are being pursued between the Brookings Institution and the university.

So, it's a great thrill to have you here. This is an extremely important subject. Thomas Jefferson told us that we needed to reevaluate our institutions in every generation and this is our turn to take a look at the U.S. Senate, one of the more difficult institutions to evaluate.

I think we're going to have a great day. We're going to have some panels. But we hope to have a lot of discussion. I'm going to turn things over to Darrell.

MR. WEST: So, Steve has explained the purpose of this forum. We wanted to assemble some of the brightest minds from across the country for discussion of the U.S. Senate. We have distinguished historians and political scientists here today, there are a number of leading journalists present, and we have people who have served both inside as well as outside of government.

Our goal is to take a close look at the filibuster and the 60-vote majority requirements that have emerged without much public discussion. So, we're going to talk about how we got here, what it means for current policymaking and institutional performance, and what, if anything, we should

do as we think about the future.

To help us think about these issues we're pleased to welcome Senator Ron Wyden to Brookings. Senator Wyden was first elected to the U.S. House of Representatives in 1980 and then won his Senate seat in 1996. He has been a strong and independent voice for Oregon throughout his legislative career. He has been a leader on a wide range of issues from healthcare and consumer protection to energy independence and political transparency and he describes himself as liking to offer commonsense solutions to problems that make a real difference in people's lives.

The senator was born in Wichita, Kansas, and attended the University of California at Santa Barbara on a basketball scholarship. I don't know how the jump shot is still --

SENATOR WYDEN: Marginal.

MR. WEST: Marginal he says. Okay. He later transferred to Stanford and earned his BA there and then got a law degree from the University of Oregon. He co-founded the Oregon chapter of Gray Panthers, an advocacy group for the elderly. In the Senate today, he serves on several committees, including Finance, Intelligence, Aging, Budget, and Energy and Natural Resources. Last week, he garnered attention with an effort to create transparency and accountability for the secret holds that senators can place on a legislative item.

So, please join me in welcoming Senator Wyden to Brookings. (Applause)

SENATOR WYDEN: Thank you very much. And I think it would be cruel and unusual punishment to give you a filibuster on a Monday morning and I am not going to do that. I made note of the fact that I guess I'm billed as one of the brightest minds in government, since this is going to be a program dedicated to that, and recently one of the publications named me one of the most tech-savvy members of Congress by way of these brightest accolades. So, I was all puffed up about myself. And this is an election year, and was preparing to spread this far and wide and my older daughter heard about this and she said, "Dad, they said you are one of the brightest tech people?" And she just started laughing. She said, "You can send me some e-mail, you read newspapers, I guess, online, but do you do much of anything else with tech?" And then she said, "If you're one of the brightest, what are the others like?"

So, thank you, thank you for this inflationary introduction, special bouquets, all my friends in the front row, especially, that I go back so many years with. This is wonderful to have a chance to talk about Senate procedure, usually something akin to, like, prolonged root canal work would be the way I'd describe it. But this is really a key time for just these kinds of discussions that Brookings and Wash U is putting on because people are

really making an assessment of senators; they're watching what goes on in the Senate. There was a lot of attention paid on Thursday night to discussion of the bipartisan effort to throw open the doors of government and, to paraphrase the movie *Clue,* the public may be deciding that United States senators are a little like Kleenex: soft, strong, and disposable.

So, this is a time to be paying attention to what happens in the Senate. And I wanted to, by way of just kicking this off, give you an assessment of what I think the big challenge is in the Senate, and it relates to procedure, it relates to the substance, and the work of the Senate.

The real question is, how is the Senate going to find a path to move beyond just trying to score points, trying to score political points, and getting to the substantive questions at a time when there are these major challenges for the country? And you get the sense that people have caught on, that they are saying what are you going to do with this hugely important position, where there are only 100, other than scheming to keep it? And it seems to me that there is a perfect opportunity for Democrats and Republicans to show that there is a real answer to that that will redound to the benefit of both sides, from a political standpoint, and to the country. And let me give you an example.

Judd Gregg and I -- he is, in my view, the Senate Republican's point person on economics -- spent about 2 years working side-by-side to

put together the first bipartisan tax reform bill in 25 years, and each of us could have walked away from those discussions probably 15 times in the course of the 2 years. And the theory, perhaps written about by Tom and Norm, is that tax reform, of course, is always totally, completely impossible to do because of the difficulty. The fact that this is essentially the second biggest spending program, tax expenditures in the country after Social Security, it essentially can't be done. And Senator Gregg and I said, well, we have a choice. This can be another one of the classic discussions in the Senate where you spend about 20 minutes talking about whether or not you can work together, usually then say no, and everybody goes into their corner and starts punching. Or you can say, as Senator Gregg and I said, it really doesn't make sense for Democrats and Republicans to spend their time beating up on each other because there's a real opponent out there and that's the special interest groups, the thousands and thousands of special interest groups, that have propped up this mess of a tax code and will work furiously to defend it. That's the reality of the tax reform discussion.

Over the last 25 years, when you look at the tax mess that's been created, you can blame Democrats and Republicans. You can blame Democrats and Republicans for constantly adding specific provisions, a tax cut here, a break over there, to any interest group that passes through Washington. And that was the response, essentially pouring more money

into a broken system.

And so Senator Gregg and I said instead of spending the day just looking for ways to score partisan points, let's try to change the course of the trip and try to go to the American people with a very different message. By the way, not only has this been tried before, it worked. My friend Congressman Moody is here and he remembers that what was done in the early '80s -- in the early '80s we had a big group, Democrats and Republicans, led by Ronald Reagan, Bill Bradley, Bob Packwood, Dan Rostenkowski, who said, you know, we can do better. We can go where we have been unable to go in the policy arena, literally for 40 years at that time, and Jim will remember those speeches. But we set aside the usual Senate drill of just trying to score points, and I would submit that that is really the question of the day as we look to Senate procedure.

There is no Senate procedure, folks, that will ever be able to roll or defeat blind partisanship. There isn't a single one that I can come up with or anybody else has been able to come up with, that can defeat stark partisanship. So, I got a chance to skim the wonderful book that Norm showed me outside. I think it is very constructive, put me down as saying there are plenty of areas where the Senate ought to look at procedural changes, and certainly the one I care the most about is getting this question of secret holds, you know, finally resolved. The idea that at a time when

Americans are so angry about government, that so much of decision-making is done in the shadows of Washington, D.C., with these secret holds, seems to me to be a no-brainer. So, you start with that and there are plenty of others.

But there is, in my view, no possible way to fix this unless you can create a new set of incentives so that people see a reason to actually come together because, at present, incentives are skewed to scoring political points. The American people look at that, there's an effort with essentially, you know, ideological television, it rewards the most inflammatory -- if you're particularly obnoxious in American politics today, you get covered the most. What are we doing here? I mean, isn't it supposed to be that if you have good ideas and you have a way to help Americans get solutions to what they care about, that would be covered? Just the opposite. If you're interested in really being obnoxious, you're on your way to a trifecta of news coverage where you'll get on cable television, inflammatory radio, and dominate the blog-o-sphere.

And I know that you all are going to look at a variety of those kinds of issues today, and I want to hear the outcome of essentially those discussions because there are plenty of areas where I think you need to change rules. I think what's needed is to change, essentially, what gets rewarded in American government.

What happened this last week is essentially one very important United States senator was rolled out of the institution for the crime of bipartisanship, and that's Senator Bob Bennett. And he's another fellow who believes that somehow after you're sent to Washington, you actually try to do something with that position rather than just batter the other side. Bob Bennett is about as conservative a United States senator as you can get. I often ask him, does he have a liberal chromosome in his body. Bob Bennett, not ideological enough? As the kids would say, hello? Of course he's a conservative, but he wasn't ideological enough at a time when very small groups in American politics can dominate these debates. But I'd submit that what Bob Bennett has sought to do -- and I think he would tell you there were a variety of votes and a variety of policies that contributed to his defeat and he feels very strongly that it's the nature of the time and certainly that's the case as well. I feel that we've got to get away from a politics that says it is pretty much a crime to work in a bipartisan way after you get to the United States Senate.

And it really goes to the expectations voters have. Do voters really expect that after they elect somebody that all they're going to do in Washington, D.C., is come and try to fight with the other side? I don't think so. I don't see very many people get up at home and say, you know, if you send me to Washington, I guarantee you I'll get nothing done. What I will do

is spend all my time fighting with the other side.

I think quite the opposite. I think that lots of senators campaign on that, but then find that when they come to Washington, D.C., the system, this hothouse, is based on the idea of scoring points.

So, let me close, and I think we're going to take some questions and I'm happy to do it, with this: You can have the debate about how we got to this particular point. Does cable news drive it? Do Senate rules drive it? You can have that debate and, suffice it to say, it will be spirited and enlightening. But to me the real question is, how do you fix it?

And my view is that you fix it by finding a new path that rewards the kind of bipartisan efforts that I think are going to really allow us to make progress on the huge challenges in front of us. Each side has just enough clout to block the other today. I don't see any path forward without a system that rewards people for working together, and the great minds here at Brookings, I know, can look at that.

Certainly what I hope we'll do on issues like tax reform is show that it is not Democrats and Republicans who are the problem here. You know, talk about a good issue to start with a system that has a new set of incentives that invites people to come together, the tax issue would be a perfect one. The health debate was all about folks standing up and saying they don't want to change the health care system we've got. I have never

gone to a political meeting where somebody stands up and says I want to keep the tax system we've got. Nobody's going to defend it. So, there's one, by way of a concrete example, as you go forward with this discussion, of how you would change the incentives -- the incentives that today reward scheming and plotting, into ones that, in effect, bring our major institutions, starting with the Senate, together to solve the great challenges of the time.

Let me throw it open to questions, softball questions especially welcome after all those red eyes of the weekend. Yes?

MS. KRIGMAN: Yes, Eliza Krigman, *National Journal*. What's the likelihood of any change in the filibuster being enacted in this session of Congress?

SENATOR WYDEN: I believe the general sense is major rules changes for debate are going to be put off until January of 2011. Obviously there is considerable discussion. There are bills that have been drafted. If it is this difficult to pass what ought to be a no-brainer, which is eliminating secret holds, you've got to say to yourself getting to more sweeping rules changes, like modifying the filibuster rules and the vote necessary to break a filibuster, won't come about until January of 2011. I think it's a general sense of senators on both sides that they want to spend the time between now and then looking at the various bills that have been introduced and that that will be a significant topic post-election.

MR. BETH: I'm Rick Beth from the Congressional Research Service, and I wanted to ask a question about the problem with holds.

It seems to me holds developed as a sort of warning system for the leadership about where there might be threats to filibuster various things, and the reason that the leadership pays attention to holds is because a hold represents a threat to filibuster and, therefore, they're going to be cautious about bringing things up where they know such a threat exists. It, therefore, seems to me that if you wanted to reduce holds -- the effectiveness or the force of holds, you'd probably have to do something about the incentives for the leadership to recognize holds.

For example, as long as the motion to proceed remains fully debatable, leadership is going to have to pay attention to someone who threatens to filibuster the motion to proceed. Suppose you said the motion to proceed remains fully debatable only if someone has publicly on record a notification of intent to object, and if none does, then it's limited to two hours? Then the majority leader doesn't have to pay attention to the hold if it isn't public.

SENATOR WYDEN: You're being logical. And heaven forbid that all this logic should break out over the United States Senate.

Two points. First, special bouquets to the Congressional Research Service. Perhaps it was your handy work, the wonderful

monograph that was written on secret holds by the Congressional Research Service is probably the only document in the history of the solar system that can make discussion of the United States Senate, and particularly procedure, entertaining. And they have been able to elucidate such wonderful practices as the Mae West Hold, which came to be known as the Come Up and See Me Sometime Hold. Was that your handiwork?

MR. BETH: That was probably my colleague, Senior Specialist Walter Oleszek.

SENATOR WYDEN: Tell him he achieved the impossible: He made us laugh about procedure in the United States Senate.

The compromise, which we're about to vote on, moves clearly in the direction that you're talking about because there is no question that the original theory behind holds was much as you have described, that the idea was to have kind of an early warning system. If you look at your monograph done by your colleague, and I've tried to read the various analyses, as the hold was developed, it was for a different day. It was largely for the day when senators couldn't get back and forth so quickly. Someone would have an illness in the family. They were interested in looking, essentially, for a couple of days at a piece of legislation and there was a sense of comedy that on those kind of instances in major, you know, questions, people would essentially use a hold rarely. And it was definitely

not in an obstructionist kind of fashion, it was more a byproduct of a day when transportation and information moved in a very different way.

What changed, of course, was in the last six, eight years, it has now become a very different kind of creature and it is used primarily for obstruction and to keep from even getting to the kind of full-blown discussion. And that's why as we looked from the 2007 change, which Senator Grassley and I accepted very, very reluctantly -- if you go back and look at our statements on it, we were not saying, hey, this is the greatest thing since night baseball. We said we don't want secrecy at all and the best we could do was a six-day provision. What you saw, as I suggested early on, was scores of, you know, little loopholes where if you have six days to object after you've tried to bring it up on the floor, you have people just invited to do, as one of my colleagues said, hold laundering and just rotate from person to person.

What we believe will at least be a significant step forward for the cause of openness is to require that within two days every hold will have a public owner. That's the point of the provision that, hopefully, the Senate will vote on.

So, the enemy is secrecy, the enemy is the lack of openness and the lack of accountability, and under the provision that we hope will go forward this week, every single hold in the United States Senate, for even a

minute, not a day, even a minute, will have a public owner, and that ought to at least begin to move the Senate out of the shadows. And as you know, instead of the rare hold that was used largely out of reasons to be collegial and have senators informed, now there have been scores of holds and over the last decade both political parties have used it.

And by the way, Senator Grassley, to his credit, and I have tried to join him, we have been for this whether we were in the majority or in the minority, because we have always felt that this is about transparency for the institution. And, of course, if you theorize about the future of the Senate, you may be in the majority one day and the minority the next, and we ought to be governing on the basis of what opens up American government at a time when the public is so frustrated about how Washington does business.

Yes, way in the back.

MR. FREEMAN: Dan Freeman from American University. I've spent some time with you on the floor as you recall.

SENATOR WYDEN: Right.

MR. FREEMAN: At the risk of giving my good friend Bob Dove and his successors cardiac arrest --

SENATOR WYDEN: I see Bob Dove right there. A good man.

MR. FREEMAN: And kudos to Bob Dove. Is there any

discussion about requiring a hold to be germane? Currently if you don't like your appointment to a particular position, hasn't been taken to the floor, you can bring the whole place to a screeching halt when the particular item you're concerned about has got nothing to do with the other 43 things that you're stopping.

SENATOR WYDEN: Germaneness issues have not come up again almost along the lines of the future of the filibuster because that is seen as having an impact on a whole host of issues beyond just the question of holds, but it is going to be front and center for 2011. And obviously if you go to the American people, they may not know about germaneness and lots of folks probably think a secret hold is a hairspray or something. They know common sense. Americans see common sense and fairness and, yes, the question of germaneness and when you are on topic A, no longer resolving topic A, and suddenly moving to topic B, C, and D, seems odd even by beltway standards. So, I believe there will be germaneness changes debated as part of the filibuster discussion that is going to be in the rules debate at the beginning of 2011.

Sir?

MR. SCHOETTLE: Thank you for coming here. I'm Pete Schoettle from Brookings. I didn't hear in your remarks an answer to your own question: How can you get the American public to support senators,

congressmen, to support bipartisanship?

SENATOR WYDEN: I believe that this is where most Americans are, both philosophically and in terms of evaluating their own senator. But the noise and the attention and the focus of so much of American political debate is elsewhere that it drowns out the kind of good government cause of getting people to work together.

So, what happens then is senators come to Washington, D.C., and they say, you know, this bipartisan business, it's fine to talk about it in the abstract, but it's really not what's going to reward you politically. Well, we're going to find that out in a host of races, I can tell you that the principle approach I'll be taking -- and I'm on the ballot in November of 2010, is that I'm trying to do politics in a different way in Washington, D.C. I have been here; I don't think this is the way we ought to do it. And if the people of Oregon want somebody who is proud to be a Democrat -- and I surely am -- but believes that to get results in Washington, D.C., I've got to reach out, that's what I'm going to literally make this race about, is a referendum on trying to find ways to bring people together and solve, you know, problems.

So, unless voters say that's what I want, that's what I'm going to insist on in this upcoming election, you continue to have more people come to Washington, D.C., and say that's what I'm going to do, I'm going to spend my time going after the other guy.

So, I think there are going to be races in the country, and mine will be one, where we see exactly what people think of trying to be bipartisan. And I've been listening, the analysis of the upcoming races this week has been really striking because media and others are going out and talking to voters in these various states, whether it's Arkansas or Pennsylvania, all the races that are most contested tomorrow night. And the media is going out and talking to voters and voters are saying, I'm really angry. I know I can vote the other guy out, but that's really all I'll be able to do because when they go back, there nothing's going to happen anyway. And I think what happens is if the response from candidates and elected officials is, no, if I go back there, I'm going to try and do something different, I think voters will respond.

I'm going to tell people that if I have the honor of representing Oregon in January of 2011, here's what I'm going to try to do, and each one of them is going to be bipartisan. I mentioned the tax reform debate which clearly has got to be bipartisan. In the health care area, regardless of your views on the legislation that passed, this bill will need more cost containment. There is no question about it. If there is not more cost containment, what's going to happen, much like the situation Massachusetts is in, the country will have expanded access to health care and won't have done enough to contain costs.

Folks, all the big tools for containing costs, actually containing health care costs, the huge demographic challenge, have to be bipartisan because they involve choice and competition, letting people fire their insurance companies. So, I'm going to campaign on tax reform, on health reform, on a number of regional priorities -- forestry, which clearly has been a paralyzed, gridlocked field between folks on the timber industry side and the environmental side. And I'm going to try to make the race I'm part of one that tests exactly the theory you're talking about, that I'm proud to be a Democrat, but I don't believe that trying to solve problems means compromising my principles.

Judd Gregg didn't feel he was compromising his principles when he worked with me on a tax reform bill. Quite the opposite. Judd Gregg said, you know, in those discussions, I got key principles that were important to me. We lowered the corporate tax rate; in our bill, the first bipartisan tax reform bill, 11 points, from 35 to 24 percent. That ought to be pretty good in conservative policy circles. It's certainly been pretty appealing to Heritage, which has said that the bill will create 2 million jobs. But I can also go to my friends in labor, as I did on Saturday night at home in Oregon, and I said, we took away the tax breaks for shipping jobs overseas in order to strengthen American manufacturing.

SENATOR WYDEN: So this is a conversation I believe if we

see it secure the kind of visibility and attention it warrants, I think we're going to see it rewarded. And certainly I'm putting my chips on trying to say this is what governing has got to be about in January of 2011. And if I'm honored by the people of Oregon to come back, this is the way I'm going to practice my service.

Yes, in the back?

MR. EDGAR: Bob Edgar with Common Cause.

SENATOR WYDEN: Between you and Jim there's practically an old house caucus here. I can see it.

MR. EDGAR: The caucus is here. I'm president of Common Cause and we've been looking at the issue of the filibuster, and I have a direct question for you. Do you think the Founding Fathers thought that we should rule by a supermajority on every vote or do you think they picked five or six specific provisions to have a supermajority: constitutional amendment, impeachment of the President, et cetera? The bottom line do you think that they put in the provision that the Vice President would break ties because they believed on most issues you should have a majority vote and use supermajority on a very rare number of cases? Is the filibuster constitutional?

SENATOR WYDEN: The question of the filibuster being constitutional, Bob, I haven't really looked at, but I think your basic premise

is one I agree with. I think if you go back and look at the writings of the Founding Fathers, the general thesis that supermajorities were to be reserved for the major questions, a handful, you know, of issues, I think is generally, you know, right. And that's why I tried to trace the history of the secret, you know, hold, something I really have looked at and doesn't really appear, you know, anywhere. It came up as a courtesy. That's how we got into this question of secret, you know, holds. It came up as a courtesy and now has become a show-stopping Senate procedure, certainly never envisioned. You don't see any evidence that, you know, John Adams and George Washington, you know, sat around and asked about -- each other about the secret hold. It came up as a courtesy, has been thoroughly abused, and thoroughly abused, by the way, by both sides as Senator Grassley and I have tried to emphasize in our decade-long odyssey of trying to change it.

And I share the general thesis of your question is that I don't think the Founding Fathers envisioned this kind of, you know, paralysis around Senate procedure and supermajorities for everything. Sometimes I get the feeling that if you were going to order a Coca-Cola somebody would, you know, launch a huge constitutional challenge around it because, you know, they could blow it up into one of these bigger kinds of questions that certainly a supermajority was never intended for.

MR. WILE: I'm Greg Wile from Columbia University.

Senator, I completely agree with your point about needing to change the incentives regarding scoring political points. And so I think this is related to another issues perhaps, which is the issue of campaign finance reform. And so I wanted to ask you whether you thought filibuster reform should be linked to campaign finance reform in sort of an attempt to try to decrease the incentives that senators have to appeal to certain constituencies that might be giving them money to successfully run reelection campaigns.

SENATOR WYDEN: There is no question that with today's anything-goes campaign finance rules, where essentially as a result of the Supreme Court, you know, decision anybody can spend any sum of money, that that contributes to the ability of small groups to inflict paralysis on the Senate and on any, you know, institution, you know, of government. Any time you have a disproportionate ability to influence events being held by a small group -- and that's the wealthiest who will, because of this Supreme Court, you know, decision be in a position if this fully blooms as is possible under the rules -- in their hands, that will certainly empower, you know, the minority. That will certainly empower small minorities.

Now, the United States Senate talk about, you know, the challenge ahead. The United States Senate is not going to be able in

January of 2011 to come up with a comprehensive reform package that will include campaign finance reform, ending the filibuster rules, dealing with Bob Edgar's important point with respect to supermajorities. It's not going to be able to roll this all into one package. But they all go into the question of how we're going to ensure that the voices of most Americans, you know, are actually heard.

My biggest, you know, concern about all this is most Americans are starting to look at all of this and say, you know, if they can't get anything done, if they can't find common ground, well, I'll just be angry. And if you're angry, then you strengthen the hand of that, you know, small group that can play particularly with the Internet to the ability to generate a conflict virtually in hours. You play to their strength.

I think that we can build up again a new sort of focus and that's why I brought up the tax reform issue, where Democrats and Republicans by joining hands can secure principles that are dear to them: fairness and growth, for example. Core principles for Democrats and Republicans by saying the real challenge is beating all these interest groups who are trying to prop up a broken, you know, system so as to be able in an understandable, you know, way show that this is a test of our ability to think about their interests: lower taxes; a simpler, you know, code; relief for middle-income folks; and, at the same time, growing the economy and

helping American business. I like our odds of getting that message, you know, across if we can get that place in the debate that really will ensure that those sides get attention. Right now, people say how in the world would you get anything big done, you know, like that when all those people in Washington just fight?

Let me take one last one and then we'll wrap up. I see the Brookings folks on their feet as well. Yeah?

MR. MITCHELL: Senator, thank you. I'm Gary Mitchell from The Mitchell Report. And I want to ask -- I want to go back to the fairly emphatic observation you made about the prospects for bipartisanship and the ability to work in the middle. And as a skeptic, I'm wondering if this doesn't sort of fall into Dr. Johnson's dictum about second marriages, the triumph of hope over experience.

In this -- the journalist Bill Bishop has written a book called *The Big Sort* in which he documents, as he describes it, how the clustering of America is tearing us apart, and has some fairly persuasive data points that reinforce the notion that what is happening is that we are -- we have become as a result of our economic well-being, we have become -- we are sorting ourselves into these enclaves. And the work that, for example, Brookings has done on the red and blue nation, it seems to me, reinforces this.

And my question is have you seen substantive perspective

and/or data that -- in addition to anecdotal that leads you to believe that in spite of all this, there really are ways in which we can combat these factors and hope that a Senate -- as I think an article by Bill Galston just pointed out, where the most conservative Democrat and the most liberal Republican now actually have space between then? Given those factors where do you draw your strength of perspective about the ability to overcome this and get things done in a bipartisan way?

SENATOR WYDEN: A great one to close on. Look, if you ask people about elected officials just trying to get to the middle and trying to get them to agree on some sort of fudge-like, you know, product that's just, you know, sort of stuck together and really is -- isn't going to taste, you know, particularly good, of course they're going to reject it. What I'm saying is that I think it's possible for elected officials to find common ground while still keeping to their principles. You can have principled victories. That's, to me, what oversimplifies this view of the red, you know, blue nation.

Senator Gregg and I were able, as we worked for two years, to say we believe we can go back to our caucuses and say what we found common ground on is sensitive to Democratic principles and Republican principles. I can go right into the Democratic Caucus and say we're giving middle class folks a huge tax cut. We tripled the standard deduction, we get rid of the alternative minimum tax. We're sticking to our principles of fighting

for the middle class, you know, person. Senator Gregg can walk on in to his caucus and say I lowered the corporate rate in this agreement more than 11 percent. Look at what the Heritage organization has said about it.

I mean, so I'm coming to tell you that I think the path forward is about finding solutions that allow elected officials to say I am advancing principles that my party and, in the Senate, my caucus feels very, you know, strongly about. And what we've got to do is say politics isn't a zero sum game here. It's not just one side wins and one side loses. But we have to gang up together on taking on those special interest groups that want to derail both sides.

So this is not for the fainthearted and I'm not minimizing how tough this is. But your question really is the one to wrap up on because, yeah, if you just assume, as much of Washington does, that compromise -- "compromise" -- is essentially giving up stuff to the point where you really can't go back and say that your principles have been achieved, not much is going to happen. I don't think you're going to get very good products. And certainly, you know, senators are going to say rather than doing that, I'm just going to go back to, you know, trying to, you know, win on our side.

And I will tell you that I think there was a missed opportunity on the health care issue. You asked about Ben Nelson and the question of Olympia Snowe. I said to colleagues on both sides of the aisle when this

began there was a principled path to bipartisanship in the winter of 2009. I felt it then, I feel it now. And if I have the good fortune of coming back to Washington in January of 2011, I'm going to continue to try to advance it. And here's what it is:

On the health care issue both sides can achieve over the next decade a principled victory on issues they care about. My party is absolutely right on the issue of universal coverage. We are never going to get this health care issue fixed until all Americans have good quality, affordable coverage. Because if you don't, the people who are uninsured are going to shift their bills to the insured, they're going to shift the most expensive bills, and you are not going to be able to get costs under control apart from the moral issue of leaving so many people behind in the richest, strongest country on earth. So Democrats right as a matter of principle on universal coverage. Republicans are right on the question of markets and choice and competition, principles they have felt dearly about, principles that would allow people to walk into the Chamber of Commerce who are Republicans and Republican candidates who said we felt strongly about government not taking over everything in health care, we were able to advance that.

So I close this by way of saying that if you accept this theory that finding common ground can be built around principled judgments that elected officials in the United States Senate feel strongly, you know, about,

that if you accept that you can have principle and find common ground that advances the interests of our people, yes, I think you can come up with ways that break us out of this kind of paralysis and ways that voters will respond positively to and will allow elected officials who advance those points of view to be received well.

Thanks for having me. (Applause)

MR. WEST: I want to thank Senator Wyden. We appreciate him flying across the country and sharing his views with us on secret holds, filibusters, and Senate supermajorities.

We're going to take a short five-minute break. There's coffee and snacks out in the hallway, so please help yourself, and then we will reconvene shortly. Thank you very much.

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CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

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