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Constraints on Leadership in Washington

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INTRODUCTION

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It is commonplace today to assert that American politics and governance are dysfunctional. In many respects, the received wisdom is correct. We survived the most severe financial crisis and economic downturn since the 1930s without falling into another Great Depression, but the country still faces enormous economic challenges. These include reducing near double-digit unemployment, stabilizing a collapsed housing market, restoring a healthy and sustainable rate of economic growth whose dividends are shared widely among Americans, making investments in education, scientific research, clean energy, and infrastructure that give us a chance to prosper in the new economy, strengthening the global financial system, and dealing responsibly with huge budget deficits and debt accumulation that threaten our solvency in the intermediate and long run.

These times call for clear thinking, constructive engagement among policymakers, and decisive public action. Yet such a response by our political system seems, at best, a distant dream. A permanent campaign between the parties puts a premium on strategic partisan interests and relegates serious problem solving to a distinctly secondary priority. Banal ideological nostrums, focus-group-tested talking points, and patently false and often offensive assertions pollute congressional debate and the wider public dialogue. Pledges (for example, the Americans for Tax Reform "no new taxes" statement signed by almost every Republican serving in Congress) and non-negotiable demands by activists and legislators render compromise exceedingly difficult if not impossible. Critical tasks of a responsible and competent government—filling high-level executive and judicial positions, passing routine appropriations and reauthorizations, raising the debt ceiling as necessary—are held hostage to the whims of individual senators or calculations of partisan advantage.

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Perhaps we should take heart that the pathologies of contemporary American politics—ideological polarization, extreme partisanship, the permanent campaign, the problem of campaign funding, the rise of new media, the devaluation of compromise, the demise of regular order in Congress—have not rendered policymaking on critical issues completely ineffectual. Large budget deficits in the 1980s turned into surpluses at the end of the 1990s in large part because of comprehensive budget agreements between presidents and Congress in 1990 and 1993. In 2008 and 2009, Presidents George W. Bush and Barack Obama and the Federal Reserve took critical steps in coordination with the G20 to stabilize the financial system and stimulate the economy, which together contained the global financial crises and averted an even more devastating collapse of the economy. As part of that effort, President Obama won passage of a large and necessary stimulus plan, even if the amounts involved were not large enough to restore robust economic growth. He also pushed a landmark health reform through Congress in 2010 as well as a reform of the financial regulatory system. A lame duck session at the end of the 111th Congress produced bipartisan agreements on ratifying an arms treaty with Russia, ending the "Don't Ask, Don't Tell" policy on gays and lesbians in the military, and additional measures to stimulate the economy.

Yet those considerable achievements provided little respite from protracted political wars and policy challenges. The budget surpluses at the turn of the century soon returned to deficit with the adoption of policies that cut taxes and increased spending; those deficits then ballooned during the recession. The public quickly turned on the economic crisis management of 2008 and 2009, perhaps unsurprisingly given the halting and painful recovery and the perception that those most responsible for the financial crisis benefited most from steps taken to contain it. Republicans almost unanimously denied any benefit from Keynesian initiatives to shorten and ameliorate the ill effects of the recession and unabashedly insisted that "job-killing government spending" was the primary source of our economic difficulties.

The election of a Republican majority in the House in 2010 led to aggressive efforts to disable the implementation of the new health insurance and financial reform legislation and to enact immediate, substantial cuts in domestic discretionary spending. After an agreement was reached halfway into the FY 2011 budget year, Congress was mostly MIA, biding its time while a handful of negotiators convened by Vice President Joe Biden struggled to reach a deficit reduction agreement sufficient to garner the votes in the House and Senate needed to raise the debt ceiling and avoid a potentially catastrophic default.

We write this paper not simply to repeat or update widespread criticism of

American politics and governance. Our intention instead is to supplement ongoing work at Brookings explaining the causes of the dysfunction and assessing the promise of various electoral reforms and institutional innovations in ameliorating it.[1] Specifically, we consider here whether the nature and quality of political leadership is important in identifying the sources of our governance problems and in developing strategies to work around them.

Public commentary on the failures of American politics is replete with critiques of the personal qualities and behavior of leaders in all three branches of government. Presidents understandably garner the lion's share of this attention. President Obama is faulted, to take but a few examples, for not focusing like a laser on the economy at the outset of his administration, deferring too much to the Congress on the substance of major legislative initiatives, failing to craft a convincing narrative to help the public understand the true nature of the problems we confront and his proposed path to recovery, and not taking a more forceful and visible role in producing the post-partisan government on which he campaigned.

Congressional leaders routinely disappoint those looking to the first branch to deal forthrightly with the country's most daunting challenges.

Congressional leaders routinely disappoint those looking to the first branch to deal forthrightly with the country's most daunting challenges. As Speaker, Nancy Pelosi was criticized for running the House in a highly partisan and centralized fashion, one that froze out the minority and skewed policy to the left. Her successor, John Boehner, has loosened the reins a bit but often is portrayed as hapless in the face of an ideologically extreme party caucus. Senate Majority Leader Harry Reid has been pilloried for indiscrete public statements and an inability to make the Senate work. His Republican counterpart, Mitch McConnell, has had no compunction in framing a strategy of uncompromising opposition to President Obama's legislative initiatives and in publicly stating that his highest priority in the Senate is to ensure that Obama is a one-term president. Critics also bemoan the absence of strong and effective committee leaders and the legendary whales that populated past Congresses.

Chief Justice of the United States John Roberts, while presiding in the political institution most trusted by the American public, is not immune from a similar sense of disappointment by those longing for constructive and effective governance. Critics allege that Roberts, contrary to the sentiments and intentions he expressed during his confirmation hearing, has reinforced and exacerbated the ideological divide on the Court and pursued an aggressively conservative judicial activism.

James MacGregor Burns, in his classic book on leadership, distinguishes two types.[2] Transactional leadership, based on exchanges between leaders and followers, is characteristic of leader-follower relationships in groups, legislatures,

[1] David W. Brady and Pietro S. Nivola, eds., *Red and Blue Nation? Volume* 1 (Washington, D.C.: Brookings Institution Press and Hoover Institution, 2006); David W. Brady and Pietro S. Nivola, eds., *Red and Blue Nation? Volume* II (Washington, D.C.: Brookings Institution Press and Hoover Institution, 2008).
[2] James M. Burns, *Leadership* (New York: Harper & Row, 1978).

and parties. Its primary mode of operation is bargaining to produce a discrete outcome. Transformational leadership, on the other hand, involves a fusing of purpose among previously disconnected or conflicting individuals that produces a mutual and continuing pursuit of a higher purpose. Burns cites Gandhi as the best modern example of a transformational leader, in this case one "who aroused and elevated the hopes and demands of millions of Indians and whose life and personality were enhanced in the process."[3]

The quest for better, more effective leadership in American politics today sometimes focuses on more skillful transactional leadership. Often, however, it imagines the possibilities of visionary, courageous, inspiring leadership at all levels of government that can transform the bitter partisan and ideological divides and render our public life more productive and satisfying. These two models will inform our analysis of congressional leadership in the recent past and our assessment of its future.

Leadership in a System of Separated and Shared Powers

We begin our exploration of the possibilities for leadership in contemporary American politics by recognizing the unique constitutional context in which American national political leaders operate. Constitutional arrangements indelibly shape politicians' electoral incentives, parties' political strategies, and the nature of legislative institutions themselves. As we illustrate below, these forces create the constraints that both shape and limit the possibilities for strong and effective leaders. Exploring how and why these forces make it difficult to solve public problems in our political system is essential for understanding the conditions under which strong leadership is possible.

Electoral forces

David Mayhew put it best nearly forty years ago: Members of Congress are "single-minded seekers of re-election."[4] No matter what policy, political, or other goals legislators may have, re-election is the proximate goal. It is the one thing that legislators (and presidents) have to do first in order to pursue any other higher-order goals. That re-election motive shapes almost everything Members of Congress do from the small (such as how to allocate their time) to the grand (how they define and come to see pressing public problems). Most importantly, the re-election motive means that legislators see major policy choices through the eyes of their constituents—whether on questions of bailing out the banks, regulating greenhouse emissions, or allocating funds for rebuilding highways.

Recognizing the ubiquity of Mayhew's "electoral connection" is essential. No

[3] Burns, *Leadership*, p. 20.

[4] David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974), p. 5.

matter how ardent or strategic they are, legislative leaders must convince rank-and-file members that what is in the party's collective interests—or in the nation's general welfare—is also in a member's individual electoral interest. It is extraordinarily hard to convince legislators that voting against the perceived interests of one's district or state is a wise move. Just think about the fate of Rep. Marjorie Margolies-Mezvinski, corralled and cajoled to offer the decisive vote in favor of President Clinton's controversial budget package in 1993. Republicans could not contain their glee on the floor that day, forecasting correctly that her vote would lead to her defeat in the midterm elections the following year. It does not take more than a handful of such examples for members to refuse to cast tough votes. Leaders cannot just command loyalty from their rank and file.

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Leaders of course are not entirely hamstrung by legislators' re-election motives. Congress does often succeed in pushing landmark legislative efforts into law. As scholars have argued, leaders typically make policy and procedural choices that may allow broad coalitions to prevail on controversial votes.[5] First, leaders seek to attenuate the path between policy choices and policy effects, making it harder for voters to hold legislators directly accountable for unpopular decisions. Empowering a base closing commission to decide which military installations should be shut down—and requiring legislators to turn down the whole list of closures in order to save their own district's base—is a classic example of the ways in which leaders design policies with an eye to overcoming their members' electoral constraints.

Second, leaders—particularly in the House—avail themselves of procedural sleights of hand to make it harder for attentive publics to hold their members accountable for tough votes. For years, both Republican and Democratic leaders in the House used a deft procedural move to automatically pass an increase in the debt ceiling upon passage of a congressional budget. Republican leaders have now put such procedural moves out of reach, preferring to use the impending breach of the debt limit to force concessions on immediate and long-term deficit and debt reduction. Senate leaders lack such methods of manipulating the floor agenda, vastly complicating the task of leaders seeking to build broad coalitions for major change.

Third, at least until recently, leaders often tried to harness those very same electoral motivations to secure votes on tough packages. When the practice of earmarking was alive and well, leaders would strategically grant their members' parochial requests in exchange for their votes on broader measures. Think about the politics that ultimately brought the North American Free Trade Agreement to fruition in a period of Democratic control, despite divisions across the congressional Democratic leadership. Legislators from districts most likely to be affected by opening the boarders to our north and south held out their votes

[5] R. Douglas Arnold, *The Logic of Congressional Action* (New Haven: Yale University Press, 1989); Diana Evans, *Greasing the Wheels: Using Pork Barrel Projects to Build Majority Coalitions in Congress* (New York: Cambridge University Press, 2004).

until they were afforded special treatment in the bill—typically in the shape of federal largesse narrowly targeted to their home states and districts. Greasing the skids with electorally valuable pork has often enabled strategic leaders to garner critical support and winning coalitions—successes that would have been impossible without recognizing the strong pull of constituency interests in shaping legislators' priorities and votes.

All that said, we would wager that such procedural and policy tools no longer pack as much punch in today's Congress. Legislators from both ends of the ideological spectrum come to Capitol Hill with seemingly stronger and stickier electoral commitments to their district base. These commitments are probably most visible on the right, as legislators elected with Tea Party support came to Washington skeptical of both large scale government intervention in the economy and "politics as usual" on Capitol Hill. These electoral commitments—mostly among House Republican freshmen—are compounded and reinforced by similarly conservative, longer-serving members of the House Republican Conference. These electoral and ideological commitments have helped to move the Republican conference to the right, complicating the task of the Speaker in negotiating over budgets and deficits with a Democratic White House and Senate. No doubt the political aspersion now cast on the practice of earmarking will also constrain leaders' leverage in building majority coalitions for tough votes and measures. Limiting leaders' procedural repertoires puts transactional leadership out of reach for even the most talented political leaders.

Partisan polarization

As the two political parties have become more homogeneous within, electoral barriers to leadership have reinforced partisan obstacles that at times constrain or empower party leadership. By most measures, polarization between the two congressional parties has been steadily climbing for at least two decades and shows little sign of abating.[6] Although elite polarization outpaces partisan differences in the electorate, some (although not all) evidence also points to a growing polarization in the country at large. Such polarization reflects two distinct trends: pronounced policy disagreement (often on ideological grounds) and intense partisan disagreement. The political parties in Washington disagree so intently not just because of differing views about policy issues and the proper role of government, but also because electoral competition between the parties creates a strong strategic incentive to disagree with the other party—just because it is the other party. When we think about the effects of polarization on the potential for legislative leadership, we have in mind both deeply rooted

[6] See Keith Poole, "Party Polarization: 1879 – 2010," http://voteview.com/polarizedamerica.asp#POLITICALPOLARIZATION [July 7, 2011].

ideological disagreements as well as an overdose of partisan team play.[7]

Partisan polarization constrains the possibility for strong leaders in innumerable ways. First, partisan differences often lead to differing views of policy problems even before solutions are broached. If the two parties do not see eye to eye on what constitutes a major public problem, it is near impossible to build consensus in designing solutions. The existence of millions of uninsured Americans clearly was seen as a major public problem by Democrats and the Obama White House in 2009, precipitating the torturous legislative effort to pass expansive health care reform during Obama's first two years in office. But not only did Republicans disagree over the nature of the Democrats' policy solutions, they also disagreed on the problem—preferring measures aimed at reducing health care costs without steps for approaching universal coverage.

Partisan polarization vastly complicates the challenges faced by leaders in crafting policy compromise.

Second, and most problematic, partisan polarization vastly complicates the challenges faced by leaders in crafting policy compromise. If polarization were only a matter of policy differences along a single dimension, transactional leadership would be relatively easy. Divide the dollar, split the difference, and so on. Even when the policy problems entail multiple dimensions of conflict, strategic packaging of policy solutions makes compromise possible. Careful procedural handiwork allows leaders to recognize the intensity of the players' policy views and to craft solutions likely to have greater appeal to the contending parties than the status quo. Although such polarization may limit leaders' degrees of freedom, it does not entirely constrain them.

But polarization also entails strategic partisan team play, which makes transactional moves far more difficult. Once the parties are committed to building and maintaining their respective party's reputations, splitting the difference in policy terms is often no longer acceptable. Oftentimes, parties simply want an issue rather than a bill. Issues keep matters alive for campaigns—thus contributing to the shape of the party's brand name and maintaining the gulf between the parties. Bills, in contrast, force legislators to come to the table and portend compromises that may blur the differences between the parties and what they stand for. In this context, leaders who seek to craft policy solutions are likely on shaky ground. Better to heed the sentiment of one's fellow partisans than to forge ahead without them.

Third, polarization raises barriers to legislating on issues that evoke ideological disagreements, but its effects also spill over into seemingly non-ideological issues. The parties take opposite positions on non-patently ideological issues such as ethics in government or campaign finance reform.

[7] On the nature of partisan polarization, see among others Barbara Sinclair, *Party Wars: Polarization and the Politics of National Policy Making* (University of Oklahoma Press, 2006), Frances E. Lee, *Beyond Ideology: Politics, Principles and Partisanship in the U.S. Senate* (Chicago: University of Chicago Press, 2009), and Morris P. Fiorina, "Parties as Problem Solvers," in Eric Patashnik and Alan Gerber, Eds., *Promoting the General Welfare* (Washington, D.C.: Brookings Institution Press, 2006). On polarization in the electorate, see Alan I. Abramowitz, *The Disappearing Center: Engaged Citizens, Polarization and American Democracy* (New Haven: Yale University Press, 2010).

Even policy problems that hit red and blue- shaded districts equally are likely to be hamstrung by the machinations of polarized parties. The foreclosure crisis that ensued in the wake of the financial crisis in 2007 and 2008 affected homeowners in both Democratic and Republican-controlled congressional districts and states. And Congress failed to enact any serious set of mortgage relief policies, as the two parties took the opportunity to tangle instead over the proper role of government in housing markets.

Certainly major policy agreement is possible, even in periods of intense partisan polarization. But we would hazard the following observations about legislating in periods of intense polarization. First, party leaders are now more often at the forefront of legislative deal making than are committee and policy leaders in Congress. Because majority party leaders do not want to lose battles on the chamber floor, it is rare that high-profile bills —say budget deals, health care reform, and so on—come to the floor in either chamber without steady involvement of party leaders after the committee stage.[8] Closed-door, centralized decision-making by leaders may be unavoidable. But it also imposes costs on the legislative process. Such negotiations discourage rank-and-file legislative specialization and development of expertise, often breed discontent from rank-and-file members, and fuel public perceptions that closed door, back room deals rule the day.

Second, the gridlock that often accompanies partisan polarization seems to have elevated the importance of deadlines in forcing congressional action. Deadlines always matter, but legislative action seems almost unthinkable in recent years without them. As the recent struggle over the FY2011 budget and the ongoing debate over raising the debt ceiling show, deadlines create incentives to negotiate if missing the deadline would yield an extreme and (one would think) untenable status quo (such as shutting down the government or defaulting on the government's obligations). But negotiations under such conditions more often look like hostage-taking. The party in the White House usually has a stronger incentive to reach a deal, as blame for shutting down the government or defaulting tends to be directed at the president. If so, the opposition party has a greater incentive to keep holding out for a better deal, understanding the White House's predicament. To be sure, playing that hand can backfire, as congressional Republicans painfully learned in their 1995 budget confrontations with President Bill Clinton. Polarization seems to be making legislative brinkmanship a recurring practice—diminishing, we suspect, Congress's legislative capacity and the country's ability to govern itself responsibly.

[8] On the involvement of leaders after committee passage, see Barbara Sinclair, *Unorthodox Lawmaking*, 4th edition (Washington, D.C.: CQ Press, 2011).

Institutional constraints

Leaders must also navigate the institutional constraints imposed by the House and Senate's formal rules and informal practices. It is an understatement to assert that the rules of the game ensnare the ambitions of even the most strategic, talented, and visionary leaders. In the House, given the majority party's tight agenda control, the challenge is to craft legislative solutions that can appeal to the far-right or far-left of the caucus, depending on which party is in control. Speaker Denny Hastert famously said that a measure must be acceptable to a "majority of the majority"—meaning that he would refuse to ask his rank-and-file Republicans to pass any measure that did not appeal to the median member of the party's conference.

In light of the rightward movement of the Republican Party and the swelling of an assertive freshman class in the House, Hastert's formulation is dated. Speaker Boehner, for one, appears unwilling to bring measures to the floor that cannot muster a supermajority of support within his party's conference. Moving the goalpost far to the right has neutered an already weak House minority party and has enhanced House Republicans' leverage in negotiations with the president. Unless the Democrats can convince voters that the Republican priorities are extreme and out of step, the House can veto any agreement negotiated with the president. In short, leaders are constrained severely by the need to attract broad support within and across their own party and thus come to making tough choices with an eye on the views of their conference.

The excesses of majority party rule in the House are matched in reverse by excessive minority party rights in the Senate. Inherited rules and practices of the Senate—coupled with rising partisan polarization—have made a mess of the Senate. Individual senators can wreck havoc by refusing to consent to whatever the leader wants to do.[9] They can also anonymously block nominations and legislative measures from going to the floor, forcing the leader to attempt to set the agenda by more complicated and time-consuming methods. A minority party can stop the majority in its track by refusing to consent or by voting against debate-limiting cloture motions. Few minorities have been willing to cede an inch on these procedural rules, and historically have even used the filibuster to block measures that would rein in the filibuster.[10]

The pursuit of large supermajorities has become the only way for leaders to secure passage of major policy initiatives. In a period without polarization, that would not be as much of a challenge. But after decades of rising partisanship, leaders from both political parties have bemoaned the reflexive partisanship that leads minority parties to exploit their procedural rights—often at every conceivable turn. In recent years, minority parties have held out for

[9] Luckily, social media prevent such antics from going unnoticed: http://unanimousconsent.blogspot.com/ [June 30, 2011].

[10] On the difficulty of reforming the Senate, see among others Sarah A. Binder, Anthony Madonna, and Steven Smith, "Going Nuclear, Senate Style," *Perspectives on Politics*, 5(4): December 2006, pp. 729-40.

opportunities to offer amendments—often unrelated to the legislative issues at hand. Minority parties have pushed their procedural rights under Rule 22 to block not only bills and amendments but to prevent the Senate from meeting in bicameral conference with the House. The result has been stalemate on many pressing issues as well as on routine matters of confirming nominees and passing annual spending bills. In recent years, only about half of the president's nominees for the federal courts have been confirmed, and a high proportion of major measures typically encounter a filibuster problem. Critics are right to bemoan the slow pace at which Obama has selected nominees for key economic positions—including two open spots on the Federal Reserve Board of Governors and the director of the Consumer Financial Protection Bureau. But witness the Republicans' willingness to block confirmation of a Nobel Prize winner in Economics for the Fed and to hold the CFPB director nomination hostage to changes in the underlying structure of the bureau. The byzantine character of Senate rules and practices—interacting with ambitious politicians in a period of polarization—create pitfalls and sand traps for even the most ambitious leaders.

Even the most visionary leaders cannot easily transform the policy and political commitments that legislators bring with them to Washington.

Conditions for "Strong" Leadership

Why should we care about these barriers to leadership? Collectively, electoral, partisan and institutional forces complicate the development and exercise of effective leadership—of either a transactional or transformational sort. Leaders must keep the electoral interests of their rank and file closely in mind. Leaders have a strategic reason to disagree with the other party even in the face of common ground. And congressional rules and practices create opportunities for ambitious majorities in the House but foreclose them in the Senate.

Perhaps most frustrating to observers of Congress is that the personal qualities and governing styles of leaders are rarely sufficient to overcome these variable but indelible constraints. Despite the diversity of leaders and leadership styles—compare a conciliatory Sam Rayburn to the crash-and-burn antics of a Newt Gingrich—political scientists have typically argued that leadership power and style do not stem solely from the personal characteristics, traits, or qualities of the leaders themselves. If we are frustrated with the leadership of the Senate, we cannot just say that a more forceful or imaginative or aggressive majority leader would bring legislative success in reach. Decades of scholarship on Congress teaches us that even leadership style is contextual: Leaders—their styles, traits, and approaches—are shaped by the arenas in which they act, by the rules and tools available for their use, and by prevailing electoral currents.[11] Even the most visionary leaders cannot easily transform the policy and political commitments that legislators bring with them to Washington. The LBJ

[11] A classic statement of this argument is offered by "Joseph Cooper and David W. Brady in "Institutional Context and Leadership Style: The House from Cannon to Rayburn," *American Political Science Review* 75(2): June 1981, pp. 411-425

“treatment” worked so well in the Senate of the 1950s not solely because of LBJ’s keen political acumen and political strengths. It worked so well because the electoral, institutional, and partisan worlds of the Senate in that period helped to make possible and to sustain LBJ’s brand of unique and assertive leadership.

It is in the face of a divided party that one needs leadership the most: to encourage and to build consensus on contested policy issues.

Much prevailing wisdom amongst legislative scholars posits that strong party leadership is conditional on the internal cohesiveness within and the ideological distance between the two political parties. Under such conditions, we often say that rank and file legislators would be more willing to empower leaders to work on their behalf. When party members’ constituencies are more similar and when policy views are more congruent across the party caucus, the more rank and file members benefit from assertive party leadership. Moreover, such coordinated party action is less costly for rank-and-file members’ own electoral interests as the party becomes more homogeneous and more distinctive from the other party. When the majority party is split ideologically—as the Democrats were for much of the mid 20th century—rank-and-file members may have little appetite for empowering leaders. Under such conditions, legislators may wonder whether leaders’ interests are compatible with their own electoral interests and whether the party’s national brand name will benefit them back home. The inherited wisdom—though sound—leaves very little room for leaders to have an independent impact on choices and outcomes in the political arena.

Of course, the irony is that when parties are internally cohesive and at odds ideologically with the opposition party, proactive leadership adds only so much. Assuming agreement on policy grounds, one needs strong *stewards*—rather than leaders—to manage the party’s reputation and to build coalitions on behalf of those positions. It is in the face of a divided party that one needs leadership the most: to encourage and to build consensus on contested policy issues. But if electoral and institutional arenas shape the type of leadership that is possible, then the divided conditions that most require true leadership are also those most inhospitable to it. Leaders, we often say, might only be as strong as their parties want them to be.

Are presidents in a better position to transcend the constraints that weigh heavily on congressional leaders and make possible legislative successes otherwise unachievable? The impressive leadership role taken by Governor Andrew Cuomo in the recent successful legislative effort to legalize same-sex marriage in New York presents a challenge to parse the unique contributions that individual leaders (executives in particular) can make in achieving surprising and significant policy victories. Media coverage of the State Senate passage of the bill provides fascinating details of how Cuomo decided to have this issue define his first year in office—his test of leadership and progressive government.[12] That coverage also chronicles his relentless efforts to organize and

[12] See Michael Barbaro, “Behind N.Y. Gay Marriage, an Unlikely Mix of Forces,” *New York Times*, http://www.nytimes.com/2011/06/26/nyregion/the-road-to-gay-marriage-in-new-york.html [June 30, 2011]; “Cuomo’s Pride,” *The Economist*, Http://www.economist.com/node/18897691 [June 30, 2011], and Reid J.

coordinate a disciplined campaign by the coalition advocating for gay marriage, neutralize the potentially most powerful adversary, the Catholic Church, and leverage every personal and political resource he had to persuade key senators in both parties to support the bill's passage.

Nate Silver, the *New York Times* FiveThirtyEight polymath blogger, went so far as to say: "But the type of leadership that Mr. Cuomo exercised—setting a lofty goal, refusing to take no for an answer and using every tool at his disposal to achieve it—is reminiscent of the stories sometimes told about President Lyndon B. Johnson, who had perhaps the most impressive record of legislative accomplishment of any recent president."[13] Silver contrasted Cuomo's leadership style with that of President Obama, who Silver argues is more inclined to outsource much of the work to Democrats in Congress or his staff, direct his most powerful rhetorical flourishes to healing the country in times of crisis rather than to leading it in a new direction, and adopt a style more risk-averse than tolerant.

Set aside how accurate those LBJ stories are, given the circumstances of his ascension to the White House, his overwhelming Democratic majorities in Congress, and the divisions (especially on civil rights) that were present in the Republican opposition. Critics rightly reacted to Silver by calling attention to the many contextual factors that made possible Cuomo's victory.[14] New York is a deeply blue state, with Republicans (in office and among donors) more diverse than those in Washington. Its legislature, unlike the U.S. Senate, operates by majority rule and Republicans in the State Senate have chosen not to embrace a strategy of unified opposition to all executive priorities. Public opinion on same-sex marriage, nationally and in New York, has shifted rapidly in the last several years, making New York only the latest (though surely the largest) state to respond affirmatively to a growing social movement. Parallels with President Obama's leadership in Washington are perforce strained.

None of this is to gainsay Cuomo's considerable achievement. It is to suggest that in Burns' terms, his is a better example of skillful transactional leadership than of the transforming variety that offers encouragement to those who believe the right individual can remake the political world and in so doing achieve the seemingly impossible. Individual political leaders are not simply waifs amid

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Epstein, "Cuomo signs New York gay marriage bill," *Politico*, http://www.politico.com/news/stories/0611/57749.html [June 30, 2011].

[13] Nate Silver, "Cuomo's Presidential Moment Forms Contrast with Obama" *Five Thirty Eight: Nate Silver's Political Calculus*, *New York Times*, http://fivethirtyeight.blogs.nytimes.com/2011/06/25/cuomos-presidential-moment-forms-contrast-with-obama/ [June 30, 2011].

[14] See, for example, John Sides, "Political Science and Gay Marriage in New York," http://themonkeycage.org/blog/2011/06/27/political-science-and-gay-marriage-in-new-york/ [July 1, 2011], Matthew Yglesias, "What a Difference Political Institutions Make," http://thinkprogress.org/yglesias/2011/06/26/254211/what-a-difference-political-institutions-make/ [July 1, 2011], and Ezra Klein, "The Political Implications of New York's Gay Marriage Vote," http://www.washingtonpost.com/blogs/ezra-klein/post/the-political-lessons-of-new-yorks-same-sex-marriage-vote/2011/05/19/AGuhcSnH_blog.html [July 1, 2011].

forces. They operate within a broad set of social, economic, political and institutional conditions and policy histories that present distinctive sets of opportunities as well as limits. Governor Cuomo played a decent set of cards on same-sex marriage very well.

President Obama and Congress

Has President Obama played his cards with commensurate skill? And have congressional leaders facilitated or frustrated the country's effort to deal responsibly with its more pressing problems?

Health reform is the greatest enigma of the Obama administration.

Health Reform

Health reform is the greatest enigma of the Obama administration.[15] The Patient Protection and Affordable Care Act (PPACA) is the most significant legislative achievement of the President's first term, one that ranks with the most ambitious and consequential in the last half century. It addresses arguably the two most pressing social and economic needs of our time: providing access to health insurance and adequate care for all Americans and slowing the rate of increase in health care costs before they devour federal and state government budgets and the nation's economic output.

Yet from the President's perspective, it is also a reaffirmation of the old saw that "no good deed goes unpunished." The difficult, extended, and at times unseemly passage of this historic piece of social and economic policy left most Americans ungrateful, many downright angry. Republicans were united in their opposition to its enactment and are committed to repealing or disabling it before it goes fully into effect. Along with a slow and painful economic recovery, the PPACA drained the President of much of his initial public support, contributed to a devastating setback in the midterm elections, and weakened his ability to pursue other high-priority objectives.

Does this entire episode reflect a failure of political leadership or a success? Did the President miscalculate in pushing such a major social policy initiative during a time of economic crisis, when the public's tolerance for bigger government might have been exhausted by the extraordinary steps taken to stabilize the financial system and stimulate the economy? Or was this a singular —now or never —moment in his presidency to tackle a vexing issue, one whose solution was a necessary condition for dealing with long-term deficit and debt problems? Did he underinvest in building broad public support for health reform or was it impossible to overcome the disciplined messaging of an

[15] Jonathan Cohn, "How They Did It: The inside account of health care reform's triumph," *The New Republic* (10 June 2010) pages 14-25. Lawrence R. Jacobs and Theda Skocpol, *Health Care Reform and American Politics: What Everyone Needs to Know"* (New York: Oxford University Press, 2010). Jacob Hacker, "The Road to Somewhere: Why Health Reform Happened," *Perspectives on Politics* Vol. 8, No. 03 (2010): 861-876.

opposition that was amplified by sympathetic talk radio, cable news and online commentators? Did Obama outsource too much of the policy development to Congress or were he and Congress working from the same script, one incubated by health policy specialists and key stakeholders, anchored in past Republicans proposals for private insurance exchanges, an individual mandate, and subsidies for low-income families to purchase private insurance, and vetted with the public by Democratic candidates in the years leading up Obama's push for health reform? Were his gestures at bipartisan cooperation disingenuous, naïve, or essential for delivering all sixty Democrats for the critical cloture vote in the Senate? Did Speaker Pelosi and Senate Majority Leader Reid weaken the legislation's substantive integrity and public standing as a consequence of their leadership strategies and tactics? Or did their skillful and resourceful transactional leadership produce a huge and complex but nonetheless reasonably coherent and promising law against implacable Republican opposition and daunting odds?

We pose these questions partly to highlight the alternative narratives that have or could be constructed to assess the importance and effectiveness of presidential and congressional leadership in the passage and ultimate impact of PPACA. What emerges from this exercise is an overwhelming sense of the constraints operating on leaders at both ends of Pennsylvania Avenue and the absence of paths not taken by those leaders that might have produced more optimal policy and political outcomes.

Electoral incentives, polarization, and institutional constraints precluded the enactment of health reform that was more consensual in its content, efficient in its means of achieving near universal coverage and cost control, orderly in its passage, and popular with the public. A decisive election victory in 2008 that produced large Democratic majorities in Congress and determined and skillful (not perfect) leadership in the White House and Congress produced what was likely the best outcome possible.

Economic Policymaking

President Obama and Democratic leaders in Congress had to reckon with the same set of constraints in coping with the aftermath of the financial meltdown and severe recession. While Obama and Congress moved quickly to formulate and enact an economic stimulus within seven weeks of his inauguration, it was widely criticized for its (inadequate) size, composition, and undue reliance on Democratic leaders in Congress. Of course, as Rep. Barney Frank pointed out, it is tough for an administration to get credit for preventing things from happening: "It would have been even worse without me," is hardly a winning bumper sticker.[16]

Still, in retrospect some mistakes were obvious. Publicly forecasting an explicit, relatively rosy improvement in the unemployment rate as a consequence of the stimulus unnecessarily set the Administration up for failure. Careless use of the unfortunate phrase "never let a serious crisis go to waste" reinforced charges that the stimulus was not sufficiently honed for its primary objective. The tax cuts could have been targeted more directly on job creation, through such measures as a payroll tax holiday. Pre-emptive concessions that diminished the multiplier effect of the package in hopes of garnering Republican support in the House were likely doomed from the outset, given the transparency of the opposition plan to oppose anything except tax cuts.

Presidents can set agendas, shape the design and dimensions of policy responses, and even insist on major elements in legislation. They cannot dictate what emerges from the legislative process.

Other criticisms have less merit. Democrats had 59 senators at the time the stimulus was enacted, one short of cloture. Obama and Reid had no choice but to cut deals with wavering Democrats and the few Republicans open to negotiations, who were eager to exploit their leverage as the sixtieth Senate vote. Such negotiations, of course, further reduced the size and lessened the immediate impact of the stimulus. Suggesting that the stimulus was "outsourced" to Congress is preposterous in theory and inaccurate in practice. Presidents can set agendas, shape the design and dimensions of policy responses, and even insist on major elements in legislation. They cannot dictate what emerges from the legislative process. In this case, administration and congressional staff worked closely together in the weeks before and after the inauguration to draft the stimulus legislation. Democratic leaders deferred to the President on the size and shape of the package and delivered on their promise to exclude all earmarked projects. Both sides found it difficult to identify sufficient authorized programs and shovel-ready projects to spend money as quickly and effectively as hoped. Fiscal transfers to states and direct assistance to individuals, which constituted the bulk of the stimulus, were timely and effective.

Once it became clear that unemployment would grow and persist well beyond initial forecasts, the administration found even less appetite on Capitol Hill for additional measures to increase demand and hasten job creation. Concerns about growing deficits and debt encouraged Senate Republicans to use delay tactics to block almost all new initiatives. A more aggressive and focused public campaign by the President pushing for steps to increase jobs might have made a difference, but the electoral interests of Republicans and the institutional weapons at their disposal suggest otherwise. The administration would have to wait until the lame-duck session of Congress immediately following the 2010 elections to pump more juice into the economy. And that was possible only because Republicans found the status quo—expiring Bush tax cuts—unacceptable. In this case, Republicans had an incentive to deal.

[16] As quoted in Michael Grunwald, "The Counterfactual President: Obama Averted Disasters, but Getting Credit Is the Hard Part," Time.com, April 4, 2011, http://www.time.com/time/nation/article/0,8599,2063033,00.html [July 1, 2011].

The expectations we set for congressional leaders—let alone the president—leave little room for the pitfalls and challenges posed by the arenas in which leaders must operate.

Upon winning back control of the House in the November elections, the new GOP House majority in 2011 defined the congressional agenda entirely in terms of cutting government spending. With the threat of a government shutdown looming, difficult and extended negotiations produced substantial cuts in discretionary domestic budget authority in the current fiscal year. This was too small a part of the federal budget to make a dent in the deficit but (fortunately) the cuts were not large enough in their impact on budget outlays to put a fiscal drag on the stagnant economy.

Soon thereafter the stakes were raised considerably when Republicans tied their support of a necessary summer increase in the debt ceiling to approval of a major ten-year deficit reduction package. House Republicans approved a budget resolution crafted by Rep. Paul Ryan, chairman of the Budget Committee, which was breathtakingly bold in its roadmap for cutting taxes and reducing the size and role of government (so bold that its plan to restructure Medicare for new recipients became the basis of a special election upset victory for Democrats in a traditionally Republican upstate New York congressional district). President Obama was quick to attack the Ryan plan but the president disappointed fiscal hawks by not endorsing the recommendations of his (Bowles-Simpson) deficit reduction commission or laying out a credible alternative. He eventually entered negotiations with congressional leaders but again left many fellow Democrats and outside observers critical of his reluctance to take a more aggressive and visible leadership role in educating a woefully uninformed public and drawing a clear line between the approaches to the deficit taken by Democrats and Republicans. Subsequent insistence by Republican leaders that the deficit reduction package contain no new tax revenues produced more animated presidential leadership but not greatly improved prospects for leveraging the threat of a catastrophic default into a comprehensive fiscal package to hasten economic recovery and put in place credible policies for curbing deficits and stabilizing debt.

Economic policymaking in the first two and a half years of the Obama presidency leaves much to be desired. The recovery has been painfully slow and has not yet reached the point of sustainability. The millions who have lost their jobs or never garnered their first one have paid a steep price and will continue to do so in the future. The nation's fiscal health has deteriorated, and we seem to be no closer to bridging the partisan and ideological differences that prevent its restoration. Nor does it seem likely that the Federal Reserve will renew its own set of stimulus policies, a set of large-scale asset purchases (known as QE2) that sought to bolster economic growth. Just as political constraints have shaped what the White House can achieve, so too do political pressures from the right stem the possibility of supportive measures from the nation's central bank.

But does the state of the nation's economy reflect a failure of political leadership? Can we imagine steps that might have been taken by leaders in the White House and Congress that plausibly would have produced more benign outcomes? In hindsight, we can identify failures of public and private leadership that contributed to the financial crisis and Great Recession of 2008 and 2009. It is much tougher imagining how better leadership could have made a measurable difference once the damage was done. There is evidence from historical research suggesting that more serious economic damage was averted by policy interventions taken in the U.S. and around the globe in response to the crisis. Other research finds that recoveries from economic downturns precipitated by financial crises are typically long and painful, with unemployment rates significantly higher in the decade after the crisis than before.[17] These broader economic patterns—coupled with the difficulties imposed by the challenge of legislating in polarized, partisan times—makes it difficult for us to conclude that a more persuasive or visionary leader would have made a measurable difference on the state of the recovering economy. To be sure, different policy priorities, strategies, and choices might well have produced different outcomes—but potentially only at the margins. We are struck far more by the many constraints faced by political leaders than by their individual failures or shortcomings.

Conclusion

Denying agency to political leaders is a fool's errand. We had no intention of undertaking such a task in writing this paper. History is filled with examples of individual leaders making a difference —for good or ill. Even the framers of the U.S. Constitution, while ingeniously resourceful in devising institutional means of channeling private ambitions and balancing diverse and conflicting interests, believed that the good will and wisdom —the civic virtue —of the new republic's leaders would be essential to its success.

As citizens, we weigh the leadership qualities of candidates before casting our ballots and take satisfaction when men and women of wisdom and good will assume high public office. We recognize the importance of able and responsible leaders and are not reticent in criticizing those who, in our views, fail. But as students of American democracy and governance, we recognize that leaders are embedded in complex social and political institutions that both channel and constrain their efforts. Leadership is contextual and conditional. The dysfunctions of contemporary American politics are deeply rooted in fissures in the broad body politic, nurtured by patterns of allegiance to and competition between our two major parties, and manifest in a set of political institutions that complicate more than facilitate responsible governance.

The expectations we set for congressional leaders—let alone the president—leave little room for the pitfalls and challenges posed by the arenas in which leaders must operate. Presidents, we say, can command the bully pulpit, focus the nation's attention, and "go public" to rally the public to their side. Presidents

[17] See Carmen M. Reinhart and Vincent R. Reinhart, "After the Fall." Delivered at the Federal Reserve Bank of Kansas City Economic Policy Symposium, *Macroeconomic Challenges: The Decade Ahead* at Jackson Hole, Wyoming, August 26-28, 2010.

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who are able to overcome institutional, partisan, and electoral inertias earn enduring labels: Teddy Roosevelt as the Trust Buster, Ronald Reagan as the Great Communicator, and so on. Our hunch is that even the most resilient and persuasive of leaders today would be forced to navigate, not command, their way through the partisan minefields, new media outlets and institutional sand traps that cover the congressional and public landscapes today.

We conclude with a nod to our critics who might view more favorably the potential for Burns-like transformational leadership. Perhaps Obama underplayed the potential of transformational leadership by relying too heavily on a transactional model. The nature of his election campaign and the depth of the crises he inherited gave him a broad opportunity to redefine the nature of the political debate and the requirements of the nation for resolving these inherited crises. Certainly Ronald Reagan pursued this approach with his running critique of the Carter administration and his persistent call that "government is the problem not the solution." In so doing, the argument goes, Obama could have transformed the public mood, eased the political pressures on Democrats, and caught Republicans back footed—forcing them to respond to new arguments.

Unfortunately, counterfactual arguments about leadership are tough to evaluate. They tend to argue precisely what we want to test: To what degree and in what ways might more talented leadership have made a difference? Methodological challenges aside, we venture that transformational leadership too is contextual. A 59-seat Democratic majority would have been seen as robust in an earlier period. This is no longer the case. And it is worth noting that Lyndon Johnson carried his Great Society measures through the 89th Congress only with 2-1 Democratic majorities in both Houses. Obama won in 2008 with a healthy 53 percent majority; he did not have Johnson's 61 percent majority. Under the circumstances, we suspect that Obama could not have avoided a transactional approach. He needed to craft a hybrid. Should his approach have leaned more toward the transformational model than it did? Perhaps. But would it have tempered partisan polarization, circumvented institutional barriers or altered legislators' electoral ambitions? We suspect not. Tending to those forces – understanding how they developed and how they might be altered or overcome – may well be a more productive path to a stronger democracy than searching for better leaders.

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