University of Illinois Institute of Government and Public Affairs Edgar Fellows Address: "Bipartisanship in an Era of Polarization: What Does It Mean and How Do We Achieve It?"

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I am honored to have the opportunity to speak to the 2015 class of the Edgar Fellows. I thank the Institute of Government and Public Affairs and its leadership for this invitation, and I congratulate Governor Jim Edgar for his leadership in constructing and sustaining this magnificent program. It is a fitting legacy to his historic public service and his personal devotion to good governance. I believe it is exactly the type of effort that is needed to overcome partisan sensibilities and establish working relationships that are vital to the functions of government.

I had the great pleasure of speaking here before on November 11, 2008, when I delivered the Paul H. Douglas Education Lecture. On that occasion, in the process of honoring Senator Douglas, I chose to speak about bipartisanship. Years later when my Senate service had concluded and I was working at the Lugar Center to establish our program on bipartisan governance, that speech was one of our foundational documents. In fact, it was the very first item that we posted on our new website. So it feels especially fitting to have the opportunity to return to continue this dialogue among leaders who are dedicated to improving the political process.

I delivered the 2008 Douglas Lecture just a week after President Obama’s first election victory. Observers understood that this event would not banish partisanship from the process. But there was optimism that our nation might experience an increase in political participation and idealism, especially among young people. It was hoped that this in turn might improve the quality of political interaction in our country. Undoubtedly many young people – including perhaps some of you -- did enter the political debate at this point in time, and the ultimate effects of that will be determined by history. But in the short run, most of us remain deeply concerned about the state of our national political discourse.
A great deal has been written recently about political discord in the United States, with some commentators judging that partisanship is at an all-time high and productive political discourse is at an all-time low.

Anecdotal evidence of this has been abundant this Summer, as we have heard statements containing wrenching examples of partisan incivility. These statements have come not from fringe actors outside the political process, but from supposedly mainstream candidates in the presidential primary. The early stages of the Presidential primary trail have offered almost nothing that is relevant to selecting a candidate who can govern effectively. The attention of the media and candidates has been fixed upon the “horse races” and their components, including fundraising, the latest polls, and the most outrageous pronouncements from the field.

Meanwhile, despite some recent exceptions, Congress has continued the trend of hyper-partisanship and gridlock that has characterized much of the last decade and a half. Some level of partisanship is a necessary byproduct of our democracy. But we see innumerable examples of both parties failing the most basic tests of governance, including the 2013 government shutdown, the inability to enact a broadly-supported deficit reduction program, reliance on the fiscal cliff sequester, and the frequent abandonment of a bill-by-bill appropriations process. Even the undercurrent of bipartisan cooperation on foreign policy that had existed for many decades has disappeared. This has contributed to the corrosion of public confidence in political institutions and public officials.

During the last year, a monthly Rasmussen Reports poll that tracks public attitudes towards Congress found that only 7 to 16 percent of respondents rated Congress’ performance as good or excellent. Last month, this measure stood at just 13 percent, with 56 percent rating Congress negatively.

Most of us in this room are experienced political observers who understand that public attitudes ebb and flow over time. But we also are aware that public confidence in political institutions is an important commodity in the life of any nation. We cannot be cavalier about sustained cynicism among the voting public that reduces political participation, deepens feelings of resentment, and increases the chances of extremist views and even violence. We want to pinpoint the causes of political dysfunction and offer solutions, and that is part of the reason you are here this week.

Let me begin by staking out an ironic view for someone who leads an organization with the avowed goal of improving the American political process. I served for three years on the Indianapolis School Board, eight years as Mayor of Indianapolis, and 36 years as a U.S. Senator. I have known and worked with thousands of elected and appointed officials at the local, state, and national level. I can attest that the vast majority of citizens who seek and gain elected public office are honest, hardworking, genuinely interested in public service, and eager to contribute to the welfare of our country. Hopefully, the experience of getting to know new friends this week from various political and geographic backgrounds will reinforce the same conclusion for you. The United States does not lack dedicated individuals who are capable of stepping forward with idealistic intentions to create the best
government possible.

Of course, there are exceptions. Scandals among public officials happen, and when they do, they usually are reported with gusto. This contributes to public impressions that politics is a corrupt business. The Rasmussen Reports poll that I cited also found that just 16 percent of respondents believed that most members of Congress do NOT sell their vote.

Yet even when politicians do betray their public responsibilities, they usually get caught. The laws and standards that govern the conduct of American public officials, though not perfect, have grown to be robust and generally effective. Paul Douglas, in fact, was a government ethics pioneer, who was responsible for great advancement in our transparency and conflict of interest laws. Today, financial disclosures for Federal officials go beyond what is required for almost any other facet of American enterprise. In fact, it has become a common refrain among those who recruit new candidates that transparency requirements for national office have become so strict that many talented individuals who could serve with distinction are passing on opportunities to join the process.

The impact of ethics laws, a robust and free press, innumerable non-profit watchdog groups, the power of voters at the ballet box, and the spirit of public service embraced by most candidates, have combined to make our political society transparent and honest when judged by any historical or international standard.

Often citizens who are frustrated with their government don’t want to believe this. It is difficult to comprehend how smart, well-meaning, and generally qualified people can preside over what is perceived to be a gridlocked, self-serving, and unresponsive government. It is easier to assume that political failings arise from widespread malfeasance, or at least incompetence, of politicians. Or perhaps, as some believe, Washington, D.C. and state capitals are corrupting to those who set foot in them. Under this theory, what we need is an endless process of deliberate turnover among our elected representatives that quickly cycles out the invariably spoiled apples and brings in new ones from the tree. But the sources of dysfunction are far more complicated than that.

The Founders of our Republic were realists who understood the power of factionalism, parochialism, and personal ambition. They understood that good intentions would not always prevail. Accordingly, they designed a system to check abuse and prevent power from accumulating in a few hands. But they knew that the efficient operation of such a Republic would require a great deal of cooperation. They knew that it would require most elected officials to have a dedication to governance, and they trusted that leaders would arise in every era to make their vision work. Although most of us revere the design of the Constitution and believe that it has delivered magnificently over the centuries, it is fair to question whether today’s political environment and leaders are doing it justice.

Have we lost the ability to unify around solutions to our nation’s problems? Has partisan opportunism become so sharp that reasoned discussion between parties and factions is impossible? Have we entered an unrelenting partisan era in which elected officials are no longer capable of the cooperative
action necessary to make our Constitution and our government work?

The Lugar Center has endeavored recently to bring a measure of objective analysis to the question of partisanship. Together with partners at the McCourt School of Public Policy at Georgetown University we have constructed what we have called the “Bipartisan Index.” This Index is intended to fill a hole in the information available to the public about the performance of Members of Congress.

There are innumerable rankings and indexes that grade members according to a partisan, parochial, or special-interest standard. Most of these studies are meant to reward their preferred members, while casting their opponents in a negative light. These rankings from groups on both the left and the right are ubiquitous in political ads before major political elections.

We sought to do something different. Rather than measure the fealty of a candidate to a particular political agenda, we wanted to measure how well members of opposite parties work with one another. To do this, we employed an analysis of bill sponsorship and co-sponsorship data. We gravitated toward bill sponsorships and co-sponsorships for two reasons. First, they allowed us to construct a highly objective measure of partisan and bipartisan behavior. Second, sponsorships and co-sponsorships are especially revealing of partisan tendencies because they exist as very carefully considered declarations of where a legislator stands on an issue.

The Bipartisan Index measures, quite simply, the frequency with which a Member co-sponsors a bill introduced by the opposite party and the frequency with which a Member’s own bills attract co-sponsors from the opposite party.

Although the data is straightforward, one cannot assemble an accurate and fair picture of member behavior simply tallying up the number of bipartisan sponsorships and co-sponsorships for each member of Congress. Behavior related to sponsoring and co-sponsoring bills differs greatly depending on whether a member is in the majority or minority. To overcome this problem and give our index greater historical value, we constructed a 20-year baseline of data to which majority and minority members could be compared. One also must make decisions about how to compare members who co-sponsor a lot of bills with those who co-sponsor only a few; whether and how to give credit for an increasing number of bipartisan co-sponsors on a bill; whether to include commemorative legislation and resolutions; and how to handle members who introduce only one or two bills. We tested solutions to each of these questions and others before settling on what we believe is an effective formula for measuring bipartisanship.

I would emphasize that we do not believe that it is wrong for members to have partisan bills in their portfolio of co-sponsorships. Every member of Congress has such bills. Nor do we believe that all bipartisan bills are wisely written and considered. However, a consistently low score on this index is a very strong indication that a legislator is viewing his or her duties through a partisan lens. Conversely, a consistently high score is a strong indication that a legislator is prioritizing problem solving and open to working with the other party when possible.
What we are measuring in this index is not so much the quality of legislation but rather the efforts of legislators to broaden the appeal of their sponsored legislation, to entertain a wider range of ideas, and to prioritize governance over posturing.

Regrettably, our data bears out the supposition that we are experiencing an extraordinarily partisan era. The last two Congresses – the 112th and 113th – scored as the most partisan among the eleven Congresses that we have analyzed so far, going back to 1993.

In the 113th Congress, which concluded at the beginning of this year, only 142 House Members and 36 Senators scored above the historical average. This means that almost two thirds of members in the last Congress worked less frequently with members of the other party than typical members from the recent past.

At the beginning of the legislative process, when effective governance would argue for broadening a new bill’s appeal, too often the opposite is happening. Bills are being written not to maximize their chances of passage, but to serve as legislative talking points for one party or the other.

If Congress, or indeed a state legislature, is to be successful, interaction between the parties must start at the beginning of the legislative process. It is far easier to make effective compromises during the writing of a bill than at the eleventh hour after a heated national debate on a contentious bill brought forward by a single party.

One of the startling aspects of our data is that the decline in bipartisan cooperation in bill writing has occurred precipitously and very recently. It is interesting to note that the 106th Congress was the most bipartisan Congress in our study. The 106th spanned 1999 and 2000, which is remembered for the impeachment and Senate trial of President Bill Clinton. This is counterintuitive, because one would assume that a Congress dominated by interparty contention over an impeachment would see bipartisan cooperation plummet. Instead, in the midst of the impeachment proceedings and trial, Democrats and Republicans were co-sponsoring each other’s bills with record frequency. The culture within Congress still supported the norm that members should seek co-sponsors from the other party. The middle ground between the Democrat and Republican trenches had not yet become a no-man’s land.

Since that time, however, our study showed a near steady decline in bipartisan co-sponsorships until it hit rock bottom in 2011 and 2012. During 2012, Congressional leaders were so pessimistic about the prospects for legislating in an election year that by May almost every important issue had been deferred to the lame duck session in November and December. Even then, on the important issue of the fiscal cliff, Congress and the President were capable only of a last-minute fix that merely deferred budget battles for a couple of months. There was a slight uptick in Index scores in 2013 and 2014, but that Congress – the 113th – was still the second most partisan of the eleven in the survey.
We can speculate on the causes for this. But it is undeniable that many mechanisms and institutions of government and media have been rebuilt in ways that incentivize partisanship. These include the deconstruction of campaign finance laws that has enabled unlimited and frequently undisclosed political spending, gerrymandering in many states that has created uncompetitive districts that belong to one party or the other, the decline in communication between the executive and legislative branches, and the fragmentation of American news media that rewards providers who cater to narrow partisan audiences rather than a broad spectrum of the electorate. None of these factors is likely to change dramatically in the near future. Even if one or more factor did change—say new campaign finance laws were enacted that passed constitutional muster and anti-gerrymandering forces made progress in several big states—we would still have to change a political culture that too frequently rewards extreme partisanship.

This partisanship in Washington and its amplification in media outlets competing for the attention of partisan-based audiences are exacerbating divisions within American society, as a whole. Attempts to vilify political opponents as disloyal and redefine policy disagreements as failures of character or even scandals have become increasingly common. This has contributed to the uncivil and destructive tone that has claimed a greater share of American political dialogue. Political incivility, in turn, undercuts the ability of parties to work together and makes the achievement of unity in times of crisis more difficult.

We are concerned about partisanship within our governing institutions because we see a direct connection to policy failures. But we should also be concerned with the ripple effects within our entire society.

A kind of indirect national debate is currently underway between those who recognize the destructive potential of political incivility and partisan warfare and those who glory in them and recast them in positive terms. This debate is being fueled by the circumstances of the Republican Presidential primary campaign in which the huge size of the field has created an incentive to distinguish oneself from the pack with outlandish statements intended to demonstrate ideological purity and gain media attention at any cost. The very real risk of this is that we further weaken important norms concerning what constitutes civil behavior in our politics and our society.

Let us be very clear— one can be direct and forceful without being crude or accusatory. One can have strong beliefs without ruling out the compromise necessary for effective governance. One can disagree with a political opponent without questioning his or her patriotism or morality. And being provocative is not, in itself, a qualification for leadership.

We have all noticed the proliferation of the word “fight” in campaign commercials, as if politics is a boxing match. Candidate Smith promises to “fight for the issues you care about.” Candidate Jones promises to “take the fight to Washington.” Obviously, there is political resonance to this. We want our representatives to be judicious and practical, but we also want them to be passionate leaders who stand for something.
The problem is that increasingly, political fighting has little to do with governance. Are members fighting a well-informed campaign for a policy outcome, or are they fighting to beat the other side or strike a blow in the Left vs. Right cultural battles that play out on talk radio and numerous cable news shows?

Several scholars who study the phenomenon of political partisanship have made illuminating distinctions between political polarization and more extreme forms of political contention practiced by contemporary politicians. Professor Sean Theriault of the University of Texas, for example, writing about the Senate distinguishes between traditional forms of politics and “partisan warfare.” The latter, he says: “taps into the strategies which go beyond defeating your opponents into humiliating them, go beyond questioning your opponents’ judgment into questioning their motives, and go beyond fighting the good legislative fight to destroying the institution and the legislative process in order to serve not only your ideological goals but, more importantly, your electoral goals.”

In my experience, elected officials who succumb to this mindset justify almost any partisan action on the basis of the other side’s supposed perfidy and extremism. When this happens, governance ceases to be a motivating factor in their day-to-day activities. Responsibility for legislative shortcomings can be pinned on the other party or even intractable members of one’s own party. One can be considered a success merely by raising campaign funds, getting re-elected, and scoring points in the daily partisan contest. None of us are above politics, nor did the Founders expect us to be. But, obviously, we should be aspiring to something greater than this.

Ideally, we should be demanding political statesmanship from our leaders and ourselves. The best leaders unite us. They avoid succumbing to the temptation to rely exclusively on party talking points and they are open to the possibility that someone from the other party may have a good idea. They recognize that there is inherent value in building consensus for policies beyond the 51 percent necessary to pass a bill. They understand that the benefits of purely partisan victories tend to be hard to sustain, while broadly supported initiatives usually have staying power. And they don’t compromise on political civility, even when they know inflammatory rhetoric might gain them a headline.

I have not lost my enthusiasm for the potential of the American political process, and neither should you. The inherent strengths and traditions of American democracy far outweigh any recent erosion of our political culture. We have lived through eras far more difficult than the present one and we possess all that is necessary to build upon the great American experiment.

The constructive energy in this room is a testament to your determination to embrace statesmanship in the coming years. I am certain that your week here will enhance your abilities as you return to your individual positions of leadership. It may also lead you to lasting relationships that enrich both your public service and your individual perspective. Faith in individuals is the starting point for efforts to bolster public confidence in our nation’s institutions. I am confident that you will work hard to deserve public trust and to make your communities better places to live.
In the modern world, with all of its uncertainties, each of us require a substantial reservoir of courage. But the American spirit possesses remarkable abilities and energies that can be brought to bear to improve our conditions. Each of you are capable of speaking the truth, providing moral leadership, and devoting your talents to improving the lives of those around you.

I congratulate you for your dedication to these principles, and we look forward to your continuing public service.