

The Thomas Willis Lambeth Lecture

*Coping With
Dysfunction: How Can
the American Political
System Emerge from
its Morass?*

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*Coping With
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I'm going to start by saying I have now been in Washington immersed in our politics in Congress and at both ends of Pennsylvania Avenue for 45 years, and, I have never seen it this dysfunctional. I could go on and on about the periods of dysfunction that I have seen which were plenty bad. Difficulty, dissension, partisanship trauma are baked into the system. I've been through the trauma of the Vietnam War, impeachments of two presidents, and many things. This is qualitatively different, and different in a way that I believe presents a challenge to the fundamentals of the constitutional system that we have that's built upon debate and deliberation that leads to a finding of common ground, a movement towards compromise. And those fundamentals are actually laid out very nicely in an elegant book by two political theorists, Dennis Thompson and Amy Gutmann, called *The Spirit of Compromise*. But compromise is no longer a fundament to what we have.

Now, let me talk about why I think this is the most dysfunctional, and what the roots are of the problems that we have. It starts of course with what is a demonstrable polarization in Washington and in Congress which has many causes. Especially, really the root of it, is the changes, dramatic changes, in the regional realignments that began before I came to Washington but that have been underway for so long. They go back fifty years or more. The South that was the base and driving force of the

Democratic Party for so long transformed into what now is the base of the Republican Party. We also have seen changes in New England and the northeast which had been bastions of the moderate Republicans, and the same with the west coast.

Just to step back for a second, when I began to teach about Congress, I would try and describe this to my students by saying, let me pick an analogy here. Imagine we took all the members of Congress back in the 1970s or '80s, drove them on busses a mile and a half due east of the Capitol to what used to be our football stadium, RFK Stadium, the stadium of the team whose name shall not be mentioned. And we said to the members, "Now, just go on the football field and place yourselves where your world view, your general orientation would make you feel most comfortable." And we all went up into the press box. We would've looked down on a visual representation of the Bell curve, a normal distribution. The vast majority of members would have congregated somewhere near the midfield stripe, and there would have been a very substantial admixture across party lines trailing off to a smaller number of people as you moved away from the midfield area.

Now let's just fast forward to the 113th Congress. We repaint the lines on the field at RFK, take the members over with the same instructions, go up into the press box, and we would look down on a barren midfield area. On one side of the field you'd have a pretty substantial collection of people around the 25 to 30 yard line, and some numbers up around the 40 or 45 where the center of gravity had been before. And then you trail off to a smaller number looking down towards the goal post. On the other side it would be pretty much empty with one or two people until you got to around the 10 yard line, with a much larger collection behind the goal post and not a few floating in the Anacostia River nearby. We move from one party having two substantial bases that were quite different in regional and ideological terms: a Democratic Party that had forty percent or so at that point of Southern Democrats -- mostly rural and conservative (and of course as you know, we called them "boll weevils" for that insect that infects cotton in this region), joined by northern urban

liberals – and what they had in common was they could make that majority. And on the other side you had about 25 or 30 percent of moderates and Republicans from the Northeast, New England, a few in the Midwest and a lot of them in Oregon, Washington, and California whom we called “gypsy moths,” for that bug that infects hardwood trees mostly in the northeast.

But those regional changes are gone now, and it’s very different. Polarization, as I suggested, is also asymmetric. But I have to say that polarization is not itself antithetical to problem solving or to those constitutional fundamentals that I suggested. Let me just give you a couple of examples. This year, especially, I’ve been reflecting a little bit on the announced retirement of Henry Waxman after 40 years in the House. Henry, if we had performed that exercise 40 years ago, wouldn’t have been around the midfield area: he would have been down around the 10 yard line, very proud to be a liberal. But the fact is, when you look back at the record of accomplishment of changes in policy that have helped to shape the nation, like them or not, over those forty years – in Medicare, Medicaid, in tobacco, the Clean Air Act and other environmental legislation – Henry’s fingerprints are all over most of them. With the exception of the Affordable Care Act, in which he also played a role, virtually every one of them ended up with 100 or more Republican co-sponsors or votes for them in the House. Because despite what might be seen as a strong ideology, Henry figured out how you could reach agreement with others, use a little bit of leverage, get a quarter of a loaf here or a half a loaf there. And he will tell you that his proudest accomplishments, and some of the most significant, came during the Reagan years, with a Republican in the White House. What Henry was able to do back then was get a little bit on Medicare here or a little bit of expansion of Medicaid there, and by the end of those years, that added up into something quite substantial.

Now it’s not just Henry. Look at that long and odd partnership in some respects between Ted Kennedy and Orrin Hatch. You put them on the football field and you have two people who would probably position themselves each around the opposite

10 yard lines. But with a personal friendship and the desire to make things happen over a long period of time, we got the Children's Health Insurance Program, S-CHIP, and we got a lot of changes in judicial reform and many other areas. Again, polarized but not antithetical to problem solving.

What we have now, however, is polarization that has morphed into tribalism. Now, I define tribalism in this context as: if you're for it, I'm against it, even if I was for it yesterday. And that's taken over an awful lot of the political process and the policy process. I will give you just one example and I'll try to make it a quick one. Back in 2009 we had a commendable effort at problem-solving bipartisanship when conservative Republican Senator Judd Gregg of New Hampshire joined with moderate Democrat Kent Conrad of North Dakota, and they introduced a resolution to create a commission to deal with the long-term debt problem in the country that was going to have the imprimatur of being passed and enacted by both houses of Congress and signed by the President. On this commission a simple majority would have the ability to recommend sweeping changes that would get guaranteed up or down votes in both houses. And there almost literally wasn't a day in 2009 and in 2010 when Senate Republican Leader Mitch McConnell didn't take to the floor, or go on a radio or television show, or give a speech and say, "We can solve this problem, we can deal with this problem. If only we had the Gregg-Conrad Commission, if only President Obama would endorse and support the Gregg-Conrad Commission." And then in early 2010 President Obama endorsed the Gregg-Conrad Commission, and a few weeks later it came up for a vote in the Senate. Fifty-three senators supported it, but it was filibustered and fell seven votes short of what was necessary for passage. Seven of the original Republican co-sponsors of the Gregg-Conrad Commission, along with the aforementioned Mitch McConnell, supported the filibuster and killed the bill. Now, if I could find another explanation for why they did this – other than "If he's for it, I'm against it, even though I literally was for it yesterday" – I would be happy to accept it. And it wasn't that the resolution changed. It wasn't like, "Well, I was for it

before I was against it, but it was different.” It wasn’t different, and there is no other explanation. There are many other examples of comparable tribalism.

What all of this has meant is the demise of the kind of cross-party coalitions that we used to see happen more frequently, or even coalitions with strange bedfellows within the same party, that would work to solve problems. And it’s led to parties that behave more like parliamentary parties in a system that is not a parliamentary system, but just as important, in a culture that does not support parliamentary-style parties.

Most of you know that in a parliamentary system, voters elect the government, the government acts in unison to enact policies, and the opposition reflexively, vociferously and even violently opposes but doesn’t stop those things from happening. But voters accept the legitimacy of the policies even if they don’t like them, knowing that in three to five years they have a chance to either reinforce them or reject them. Our system doesn’t operate that way, and of course you have great difficulty creating conditions for a parliamentary system to work when you have separate elections for the House, Senate and the presidency staggered in different years, but you can have opportunities, moments when you do have the votes to make it happen.

For a good portion of the 111th Congress, the first two years of Barack Obama’s presidency, we did have those conditions, and we got what is arguably one of the three most productive Congresses in history – joining the first two years of Franklin Roosevelt, and the first two years after the election of Lyndon Johnson and his Great Society. Start with the stimulus package, which is analyzed in a very good book by Michael Grunwald called *The New New Deal*. Grunwald suggests that putting the individual policy components of the stimulus together would be the equivalent of a smaller New Deal. And we can add the Affordable Care Act, Dodd-Frank, the Lily Ledbetter Act, the credit card reform bill, and so many other things that happened during that time. But they were done with the opposition party in unison, vociferously opposing, and in our culture that means that half the political process and ultimately

almost half the country saw those policy enactments as illegitimate. And we see that reflected in the enthusiastic support in the Republican House for 50 votes to repeal and undo the Affordable Care Act, much less all the other efforts to try and make sure that it would not be implemented effectively.

Now what caused tribalism? It began with what I believe was a kind of ruthless pragmatism under Newt Gingrich from 1978 on, through his efforts – some of them very understandable – that took 16 years to turn around what was, when he first came to the Congress, the 24 consecutive year hegemony of Democrats in control of the House of Representatives. How was he going to break out of that? His strategy was to nationalize elections, to delegitimize Congress, to get people so disgusted that they would say, “Anything would be better than this.” Now that may have been the only way to break through, but what it did was to create the seeds for many of the cultural difficulties that we have now. And his strategy – which I can tell you, from talking to him back at that time, was already full blown with tactics when he came to Congress in the 1978 election – was to prod the majority Democrats to go ballistic and over-react as he used the ethics process to take on and criminalize policy differences, and as he used special orders to create outrage.

Some of that overreaction came frankly from the fact that if a party has power over a very long period of time unchallenged, it becomes arrogant, a little bit corrupt, condescending towards the minority. This played into his hands: it radicalized the members of his own party who had previously been willing to work with Democrats. And with some help from a misguided and poorly timed pay raise in a time of economic difficulties, it did create a public disgusted with politics, politicians, and Congress that peaked with another pivotal event, which was Bill Clinton’s presidency. In 1993-94 Gingrich orchestrated a parliamentary minority strategy of getting everybody in his party – with the active participation of Bob Dole in the Senate, because Dole was aiming at the presidential nomination in 1996 – to unite against the major policies that Clinton proposed. It took Clinton almost eight months to get

his number one priority, an economic recovery plan, through Congress without a single Republican vote in either House, and with difficulty in getting even his own Democrats to go along – and with active efforts, I should say, to delegitimize him along the way. Instead of having an early triumph that could establish his presidency, it looked like a humiliation, and he had to go to enormous lengths to get those final votes. And then his health care plan resulted in another wave of unhappiness at the President’s party, and Newt achieved his goal of taking his tribe out of 40 years of wandering in the desert of the minority to the promised land of the majority.

Now, I believe that Gingrich saw this as a tactical advantage as he recruited people to run in the 1994 election, and gave them the language, the terms to use. His belief was that this would enable them to take over, and once he got in as speaker, he and his colleagues could re-legitimize Congress. But the ones he brought along into Congress really believed it. And they believed that they were coming to the leper colony, to clean it out, but didn’t want to get too close to the lepers: they were going to leave their families at home, so that they wouldn’t get infected, and they were going to devastate a government that was evil and difficult.

His acolytes lasted a lot longer than he did, and many of them moved over to the Senate. In a very interesting book by political scientist Sean Theriault, *The Gingrich Senators*, you can see how they also began to change the climate and atmosphere inside the Senate. Let me share one anecdote that I told for a while, and then I had to make sure from one of the principals that it was basically true. Former Senator Alan Simpson is one of my great heroes: he has his own flaws, but he’s always ready to step up to the plate for public service. A few years after the Gingrich generation arrived, he came back to visit the Senate, and he was escorted onto the floor by Rick Santorum from the House. When he went onto the Senate floor, the first person he saw was Dale Bumpers, and he went over to the other side of the aisle and they embraced warmly and chatted warmly, and out of the corner of his eye Simpson saw an agitated Santorum kind of motioning him back. And after a while he went back

and said, “What?” and Santorum said, “Well, what was that all about?” and Simpson said, “Well it’s Dale Bumpers, he’s like my blood brother, we came in together. We worked on many things.” And Santorum said, “We don’t do things like that around here anymore.” Now I asked Simpson if that was accurate, and I also said jokingly to him, “What was he upset about, that you were embracing a guy or that you were embracing a Democrat?” He pretty much confirmed the story, and that’s just a very different way and style of politics that I think really began at that time.

But it’s not just what Newt did. Larger changes in the society and the culture contributed vitally to today’s tribalism, and there are three other changes I want to mention. One is the rise and now overwhelming dominance of the permanent campaign. When I came to Washington, and when my friend and writing partner Dave Rohde, now at Duke, came to Washington a couple of years later, there were distinct seasons. There was a season of campaigning that lasted about six months, when the pollsters and consultants come in, and of course campaigning is a zero sum game: there’s a winner and there’s a loser, there’s nothing in between. And you want to destroy your opponent, because you don’t want that opponent to come back later believing that there’s vulnerability there, or anybody else to think that they can do the same thing. But then it would turn to a season of governing, and the pollsters and consultants would melt away and they would go off and do other things. They would work for commercial clients, PR or whatever. Unlike campaigning, governing in the American system is an additive process. You’re looking for partners, you’re dealing with people who are not your enemy but your adversary, because your adversary one day could become your ally the next.

But as we moved through the ’80s and towards the ’90s, I saw perceptible changes. I used to go off to retreats of policy-oriented groups as an observer with members of both parties, and you’d have 15 or 20 members sitting around a table for a couple of days talking about issues with a few staff and one or two people like me. But over time, the staff got pushed to the seats behind the table, and the pollsters and

consultants, who were now there year-round, moved up. And it changed everything the members wanted to talk about. The big and tough issues confronting the country, that were going to require broad consensus, were pushed aside, and the agenda shifted to talking about the wedge issues that were going to motivate the political process: the issues that one could use to drive a wedge between voters and the opposition, and those on which you had to be careful that you developed an armor of protection so that those issues couldn't be used against you.

The permanent campaign has arisen partly with the change first in the Senate in 1980, when after 26 straight years of Democratic hegemony, Republicans took the majority. Then beginning in the House with Newt creating a Republican majority in '94 after 40 years, to where now with every election there is a possibility that the majority can change hands – in one House or both, or more generally. And the consequence is that you no longer have a center of gravity moving from one 40 yard line to the other, but from one end of the field to the other, and so everything gets filtered through the permanent campaign. Working with somebody on the other side of the aisle is akin to sleeping with the enemy. That has changed our politics, and continues to.

The second factor that's important to talk about is the rise of tribal media, and the changes in the culture that have been amplified by social media. And here I want to mention a couple of things. One is the dramatic technological changes that have altered the whole notion and nature of business models in mass media. We now live in a world, and I still can't figure out the economics of it, where Fox News with an audience at any given time of two and a half million people can make more in net profits than all three network news divisions with an audience of 30 million combined. That business model – which Roger Ailes, who is a business genius, figured out – was one that focuses on getting the right two and a half million people, who want to hear a message over and over again, and those people respond to a tribal message. And it is something that you see in talk radio and in many other media now: the business models support tribalism.

Suppose Rush Limbaugh tomorrow started his radio show by saying, “I’ve been thinking about it, can’t we all just get along? I mean I didn’t vote for this president and he’s not my cup of tea, but he’s a good American and we can find a way to work with him to improve a lot of the nation.” Once his 15 million listeners decided he wasn’t joking, 14 million hands would turn the dial to go to Laura Ingraham or Mark Levin to hear what they wanted to hear. And Rush’s income would go from 50 million dollars a year down to maybe two million, nowhere near enough to support his lifestyle.

But that’s the reality of media. There’s another reality of it as well, which is that we now have the luxury of not just three sources of information, which I had when I grew up. I remember when we got our first television set in 1952. It was about three times the size of this podium, with a screen about the size of the iPhone. But it was the talk of the neighborhood, and we were mesmerized as we watched the three alternatives that we had – occasionally a fourth, with professional wrestling or religious programming – but we rarely changed, because to do so you had to get up off the couch and walk over and physically turn the dial, and who was going to do that?

But now I don’t have to get up from my chair, and I have a million sources of information, right at my fingertips. They’re all around me, and they are cacophonous, and to reach people and cut through them it requires not just a loud voice but a shock value. And I believe that has coarsened our culture, because the way you can get more eyeballs, get more ears, get more attention, is to shock more and more. And the coarsened culture contributes to the tribalism. It’s broader than the political process, but the fact is you can say anything now and get away with it. There is no sense of shame anymore; there is no penalty for lying anymore. If you lie, the lesson is that you double down on the lie and the money will flow in, and you may even get to run for president. All kinds of things happen. And now, we’re in an era where the most vile things, including the most vile racist things, may get a nanosecond of shock, but

then the Ted Nugents of the world are right back out on the campaign trail. Or the Ann Coulters of the world are right back on the television stage. That is a problem, and that is a bigger problem now because of what tribal media mean. The world in which we are not passive consumers but actively seek out what we want, and amplify it with social media, is creating different kinds of cultures, where people live in echo chambers and hear and believe things that they are absolutely convinced are factual when they are not necessarily so, and you cannot move them from those positions.

The third change that I would talk about is the changes in campaign finance, which predate *Citizens United* but have been accelerated, not just by *Citizens United* but by its progeny, from the appeals court decision called *Speech Now*, to the *McCutcheon* decision, to a whole series of other things that are going on. These include both actions by the Federal Election Commission and inactions by the IRS that have altered the role of political money, and also have moved it in a direction where a part of it is money coming in from the outside that is aimed at pulling people apart: at targeting them in primaries, and pulling us more toward a tribal message, which helps to raise more money as well.

All of this has infected Washington, but it also has clearly metastasized to many states and to the public as a whole. So what we've seen in states like Kansas, and yes, North Carolina, is an effort by activists – partly because of the leverage of political money – to hollow out the Republican Party and remove from it the problem solvers, and replace them with more radical members in the legislature to govern in a different way. And in states like Wisconsin, Pennsylvania, Florida, Texas, to throw out long-standing traditions of bipartisan coalitions, and to move toward something more partisan in nature.

We are now seeing a growing polarization of the American public. The Pew survey, with 10,000 respondents, is our gold standard for gauging the political attitudes of the public. According to the recent Pew survey, over 90 percent of Democrats are now to the left of the median Republican, and over 90 percent of

Republicans are to the right of the median Democrat. But more than that, we're also seeing with many a growing ideological coherence: people are becoming more consistent ideologically, less often liberal on some issues and conservative on others. They are also becoming more tribal. Twenty seven percent of Democrats see the Republican Party as a threat to the nation's well-being, and 36 percent of Republicans see the Democrats in that way, which is a dramatic change since the question was first asked in 1994. In the 1960s, five percent or so of each party said that they would be unhappy if their child married someone from the other party. In 2010 the same question was asked, and 49 percent of Republicans said they'd be unhappy, as did 33 percent of Democrats. More people would be unhappy seeing a child marry someone from the other party than someone from another religion, which is a change. And what we see in the public too is an echo chamber: two-thirds of Republicans say most of their friends share their views, as do half of Democrats.

Now there's still a middle. It's still a substantial middle. But the contrast between the middle which is largely uninvolved, not active in politics, and tends less to vote, and the ones that I'm describing – the one-third or so of the electorate who are moving more in the tribal direction – is troubling.

So, what do we do about this? The fact is, it's not just a problem and a threat to enacting public policies in the nation's interest. I talked about the enormous productivity in those first two years of the Obama administration, when you actually had something that in political terms resembled a parliamentary system. But then we moved to the nightmare of having parliamentary-style parties with divided government, and we've had two Congresses that are the least productive in our lifetimes, and you could go back a lot further: not just least productive in terms of number of bills enacted, but in the meaning and impact and quality of those bills. And we also now have the threat of the society dividing along sectarian lines, which is not something we would expect or can handle.

So, how can we get out of this mess? I wish I had one or more silver bullets,

or panaceas or easy fixes. As I've suggested, the problem is more cultural now than anything else. Here's one example. The filibuster rule stayed fundamentally the same from 1975 until a year ago. But for most of that time, it was a minor annoyance for people trying to govern, and a pretty good opportunity, sometimes, for some intense minority that felt strongly about an issue of great significance to slow things down or even sometimes to stop it for a period of time. But then it changed in its operation. It changed a little before Barack Obama came into office, and it got ramped up after that. It is still the same rule, but used with a different cultural approach, a ruthless pragmatism on the part of Mitch McConnell to use the filibuster, practically speaking, on all issues and on all nominations. It is now used not because a minority felt intensely about an issue, even on things that ultimately passed unanimously or near-unanimously, but as a weapon of mass obstruction, to use up time in the Senate to keep things from happening. That's cultural, and there are many other parts of this that are cultural. So changing structures is not going to solve this problem. But the fact is, you have to start somewhere, and you need to change structures to change culture.

I would note as a caution one thing that we point out in the book *It's Even Worse Than It Looks*, which we call bromides to avoid. There are people who are looking for easy fixes: a third party will help us get out of this, a balanced budget amendment to the Constitution will help us get out of this, term limits will help us get out of this. We call those bromides to avoid. They are easy answers that are all wrong-headed, and I won't get into details.

But there are things we can do, and to me it starts outside the institutions because of the culture barrier within them. I believe we need to find ways – and it's fairly urgent, before more and more people move towards a tribal inclination – to enlarge the electorate. I want to enlarge the electorate partly because I see an overweening influence of a smaller number of voters who are more intense ideologically, both in primaries and in a general election. When you have the kind of turnout that we

have, it gives inordinate leverage to the political consultants whose goal is to excite or frighten their own base and to suppress the other's base. Base-driven politics contributes to this problem. If I could wave my magic wand proverbially and do one thing that I would like to do, it would be to bring us the Australian system of mandatory attendance at the polls. In Australia you don't have to vote – you can cast a ballot for “none of the above” – but you have to show up. If you don't show up and you don't write an excuse – I was sick, I was travelling, the dog ate my vote card, whatever it might be – you're subject to a fine of around 15 to 20 dollars. Before they implemented the system, their turnout was about 50 percent, but every election since it has been over 90 percent.

Now, I'm not going to tell you that high turnout alone is the sign of health in a political system. The former Soviet Union averaged about 98 percent turnout, and Kim Jong-Un in North Korea astonishingly got 100 percent turnout. Chicago can get to 110 percent on a good day. But, what makes a difference in Australia, I believe, and what politicians of all stripes would tell you, is that if you know that your base will be there and you know that their base will be there, your focus turns to the persuadable voters, and it changes what you talk about and how you talk about things. To be sure, Australians have their own problems with culture, and around the world we see signs of dysfunction and signs of increasing polarities, partly because tribal media have emerged more generally. But there are limits that we don't see.

Realistically, we're not going to adopt the Australian approach. We're not going to mandate voting: we don't like mandates, in this case in particular. I'd turn it around if I could, and instead of having a disincentive like a fine, I'd have an incentive like a lottery. I've suggested this for the District of Columbia, since you can't do it for Federal elections because the Voting Rights Act won't allow inducements to vote even if you're not telling people how to vote. In a local election, why don't we find a car dealer willing to put up, say an Escalade? And what we'll do is take five names at random from the voting polls and after the election we'll go to them in order and the

first one that can show proof of voting gets the keys to the car. All it would take was one election where some sap decides that he or she wasn't going to vote and the car drives out of his driveway and on to the next one, to ramp up turnout significantly.

But even that's a bit far away. So what we can do is take at least a series of steps, from voting on the weekends to same day voter registration, to early voter registration, and to modernizing our technology so that you can vote not just at a polling place – not just next to your home or nearby – but anywhere in the neighborhood or where you work. If I can return a rental car and have some representative of the company come up with a hand-held device, scan the license plate and in 30 seconds get a personalized print-out, there is no good reason why you shouldn't be able to go to a vote center at a Wal-Mart or a stadium or a place right by your office and have a personalized ballot that fits you and the offices that you're eligible to vote for.

But of course in many places, including right here in North Carolina, we're moving in the opposite direction, and I'd like to see that change. I am a believer in open primaries with preference voting. I do not believe that the California system or others are panaceas. We have some early political science research: unfortunately, many in our profession see it as their goal to knock down every idea by pointing out that it doesn't work the way it's supposed to. And it's not as if in California, with one iteration of this or now two, we're suddenly getting a sea of moderates emerging to run for office where you don't have a party-based primary. But I believe that if we had open primaries with preference voting, it would have one important effect, and that is to provide a little more armor of protection around those legislators who want to be problem solvers: those who all are now worried that if they lift their heads up over the foxhole to do that, outside groups will challenge them in primaries with large sums of money. Open primaries with preference voting would make it easier to withstand that kind of challenge. And I am an enthusiastic supporter of an idea that comes from law professor Heather Gurkin, to have a national primary day, where

you could have focused attention, instead of having the current polyglot; and that too would likely increase turnout beyond the base.

Beyond those kinds of steps, I believe we have to search for ways to recreate a public square. When I and many others in this room grew up, we shared a common set of facts from the limited number of information sources we had, but those few sources were also gate-keepers that kept many important national issues – including race – pretty much off the national agenda for a very long time. It wasn't perfect, but for all the flaws of that system of getting information, now we do not even share a common set of facts. How can you move to solve problems if you have, say, an issue like climate change, where instead of saying, "Look, here's a problem, let's debate whether we have market-based solutions or top-down solutions or ways of involving public and private sectors in different ways," you have instead a good share of the political process that says, "There is no such thing, it's a hoax"? In that situation you can't even begin to discuss how to solve problems.

This is going to be a long and difficult process, but I do believe that part of the answer is somehow finding a way to empower public media especially, to create a larger place where we can have a reasoned debate. And another way of doing this, to me, is to create almost a shadow Congress consisting of former members who would span the political spectrum. Over and over again, former members of Congress tell me once they get out: "I can't believe I behaved like that." Once they get in, they breathe the tribal atmosphere. Once they get out, you could actually have some of that real debate, and maybe create a kind of model – perhaps on C-SPAN or public broadcasting – that would ultimately create a different venue and maybe even a model for debate for a Congress that isn't used to it.

Third, I believe we're going to have to focus on the institutions inside. If we're going to have to cope with parties that are moving in more of a parliamentary direction, we need to not create such a system that would not work in our culture, but create one that would make it easier to govern. I don't want to see changes in rules in

the Senate that would really move the Senate to be just like the House. With respect to the filibuster, if you can't change a culture where it's used as a weapon of mass destruction, my preference would be to make it possible to overcome it in some ways. My preference would be to move from a system where the majority has the burden to produce 60 votes to make something happen, to one where the minority consistently has to produce 40 votes to keep that debate from ending. But even the modest step that was taken, that's broken the logjam on confirmations for judges and executive appointees, was an important step.

I would love to see Congress move to a new schedule, three weeks in Washington and one week off. Working five days a week from nine to five where you actually have time for deliberation. Again, if I could bring out that proverbial magic wand, the fifteen days a month you were in session, there would be no fund-raising. You've got fifteen days to do that, instead of having the situation like we have now where every spare moment people are streaming away from the Capitol to do "call time." I'd like to add incentives for people to move their families to Washington, but as I suggested in a column I wrote this week, building those relationships and building relationships of trust is a nice start, but believe me there are plenty – especially in the Senate – of warm relationships and friendships across party lines, and they get together and they have dinner and then they go back and support the filibuster positions or they're blocking amendments from happening. It's going to take a lot more than that, but it becomes a necessary condition.

I would add just two more things. We do need redistricting reform, we do need to move more towards systems like Iowa and Arizona where independent commissions can operate. I'm very fearful that the Supreme Court is about to take away that option in another 5 to 4 vote, but that's another story. But I will also tell you that when I speak on this issue, the first question that's asked almost every time is, "Well, what about redistricting?" Reform in this case is no panacea. First, we know that we have homogeneous districts because of natural residential patterns. People are moving into

areas where they're surrounded by like-minded individuals: you have Democrats packed into urban areas and Republicans elsewhere. The fact is, if you wanted to get heterogeneous districts so you wouldn't have as many echo chambers, you would probably have to draw even weirder district lines and shapes than we have now. The ideal of having compact, nicely shaped districts might move us in a different direction, but it's still worth doing.

And finally, we desperately need campaign finance reform. Along with all the other problems that I have mentioned, we are moving towards a new Gilded Age that will make the old Gilded Age look mild by comparison. The Supreme Court, astonishingly, awfully, has brushed aside any notion that corruption is a problem. We – not we, Chief Justice Roberts – have re-defined corruption, down to a point where it can only be the kind of direct quid-pro-quo captured on video tape of Abscam or the fictional *American Hustle*, and this money system is a deeply corrupting feature of our political process. The first thing I would do there is provide a generous retirement fund for Justice Anthony Kennedy, because the fact is that until we change the membership on the Supreme Court, we can only make changes – important ones, such as the kind of campaign finance disclosure reform that David Price has introduced with his colleague Chris van Hollen – that would empower small donors. Those would be very, very helpful, but they are very small dikes around a system that is already spilling over into something much worse. We have our work cut out for us, and it's not going to happen quickly and it's not going to happen easily.

I would end with just a couple of other slightly hopeful notes. The first is, that as we've seen these national changes metastasize to states like Kansas and North Carolina, we've seen a vision of governing that is a more radical vision: one that doesn't start by saying, "Well, we need some government, maybe smaller and leaner but it's got to work well," but one where in many ways the fundamental attitude is, "Let's blow the whole thing up, because if any part of government works, people are going to like it and that's bad because they'll want more of it." But we've seen

that as that vision gets applied, there's a reaction against it. Kansas may be the best example, where it was a laboratory of this form of radical governance, one of the reddest states in the nation where there's an enormous backlash. I think we're seeing some of it in North Carolina, and that may bring about a re-thinking of this process. I actually believe that the Republican Party's move towards radicalization has come as the South has become its dominant force, because the South is a different region; and as we move away from the South being the driving dominant force of the Republican Party – with inexorable changes in states like Virginia, North Carolina, Georgia, Florida, and even Texas –it may alter the context here, change the nature of members, and change the appeals at least that senators and governors are having to make in those states to move us in a different direction.

We're kidding ourselves if we believe that we are going to break the fever, puncture the balloon, bring about some significant changes within the next couple of years. But if we don't get to work on it, then we will move even further in a direction where Americans see other Americans as the enemy, not as Americans first and adversaries second. And that's not a legacy that we want to leave to future generations, much less to have to deal with ourselves. So, with that I will stop, and I am very happy to take questions.

Biography



Norman Ornstein is a Resident Scholar at The American Enterprise Institute (AEI) and a long-time observer and scholar of Congress and politics. He writes the weekly “Washington Inside Out” column for *National Journal* and *The Atlantic*. For thirty years, he was an election eve analyst for CBS News;

in 2012, he was a principal on-air election eve analyst for BBC News. He served as co-director of the AEI-Brookings Election Reform Project and participates in AEI’s Election Watch series; he also led a working group of scholars and practitioners that helped shape the McCain-Feingold campaign financing reform law. Dr. Ornstein earned the Ph.D. in political science from the University of Michigan, and has authored many books including the recent New York Times bestseller *It’s Even Worse Than It Looks: How the American Constitutional System Collided With the New Politics of Extremism* (with Thomas Mann, Basic Books, 2012). He was elected a fellow of the American Academy of Arts and Sciences in 2004, and was awarded the 2006 Goodnow Lifetime Achievement Award by the American Political Science Association for service to the political science profession.

Thomas Willis Lambeth



The Lambeth Lecture honors Thomas Willis Lambeth, who led the Z. Smith Reynolds Foundation as its executive director for more than two decades until his retirement in 2000. Born in Clayton, North Carolina, Lambeth graduated from the University of North Carolina in 1957 with a bachelor's degree in history, and served as Administrative Assistant to Governor Terry Sanford and to U.S. Representative Richardson Preyer before being named to lead the Foundation in 1978. Described by one journalist as “the

state's do-gooder-in-chief,” Lambeth throughout his career has exemplified the qualities of personal integrity, a passionate devotion to education, democracy, and civic engagement, and wholehearted pursuit of the ideals of the public good and of progressive and innovative ways of achieving it.

During his tenure, the Reynolds Foundation awarded grants totaling more than \$260 million to address many of North Carolina's most pressing public policy issues, particularly social justice and equity, governance and civic engagement, community-building and economic development, education, and protection of the state's natural environment. Tom Lambeth also has made a strong personal impact on many key public policy issues in North Carolina and nationally, including leadership of the Public School Forum of North Carolina, Leadership North Carolina, the North Carolina Rural Center, and a task force of the national Institute of Medicine on the problems of people who lack medical insurance. He also has been a national leader in improving the management and effectiveness of family philanthropic foundations themselves.

*The Thomas
Willis Lambeth
Distinguished
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The Lambeth Lecture was established in 2006 at the University of North Carolina at Chapel Hill by the generous gift of an anonymous donor. Presented annually, its purpose is to bring to the UNC campus distinguished speakers who are practitioners or scholars of public policy, particularly those whose work touches on the fields of education, ethics, democratic institutions, and civic engagement. The lecture is administered by the Lambeth Lectureship Committee composed of faculty members, students, and distinguished individuals engaged in public policy, in collaboration with the Department of Public Policy.

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