The U.S. President and the Senate: Cooperation and Conflict

Burdett Loomis
University of Kansas

Congress: *Essential Partner* and *Potential Adversary* for the President

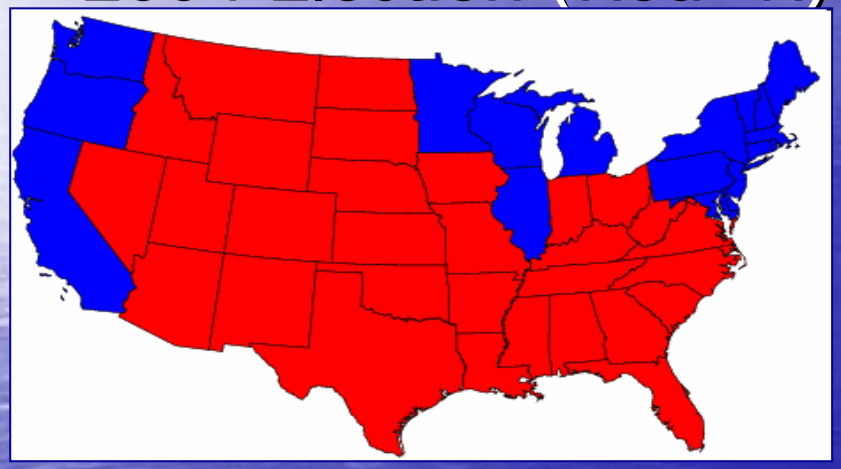
Winning the American Presidency

- Winning Nomination, Winning Election both require **victories across 50 states** and District of Columbia
- **Individual States** are central
- Electoral College – 538 total electors, divided by states, “winner-take-all” in each state. Goal = 270 electoral votes

Obama Wins – but can he govern?

2004/2008 Presidential Elections

2004 Election (Red=R)

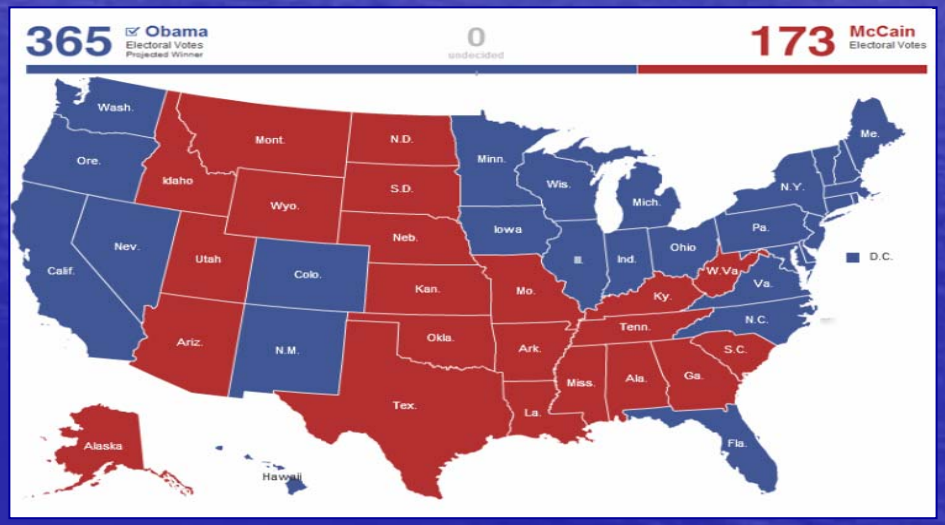


282-256 Electoral Votes

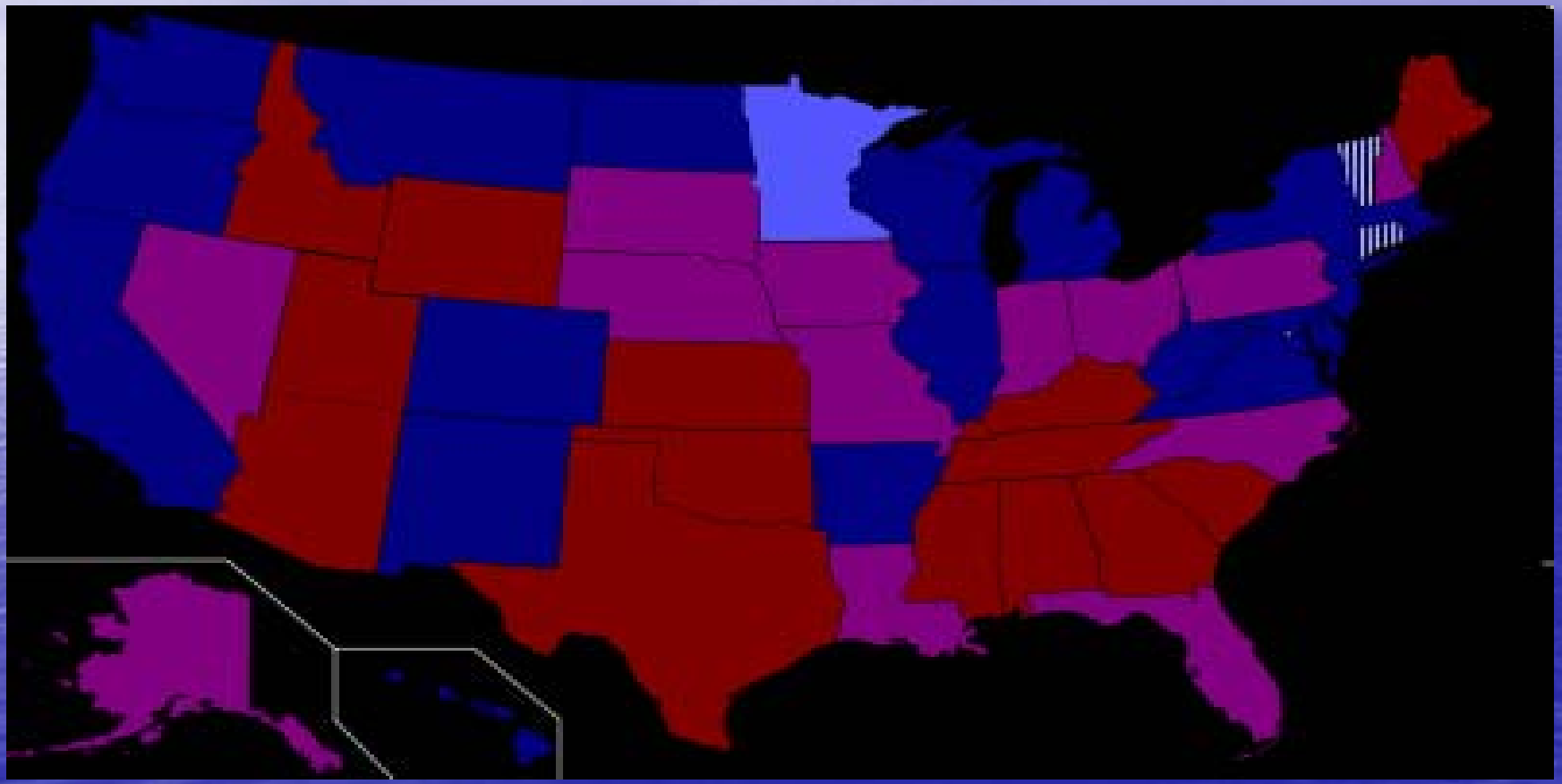
(Bush>Kerry)

2008 Election

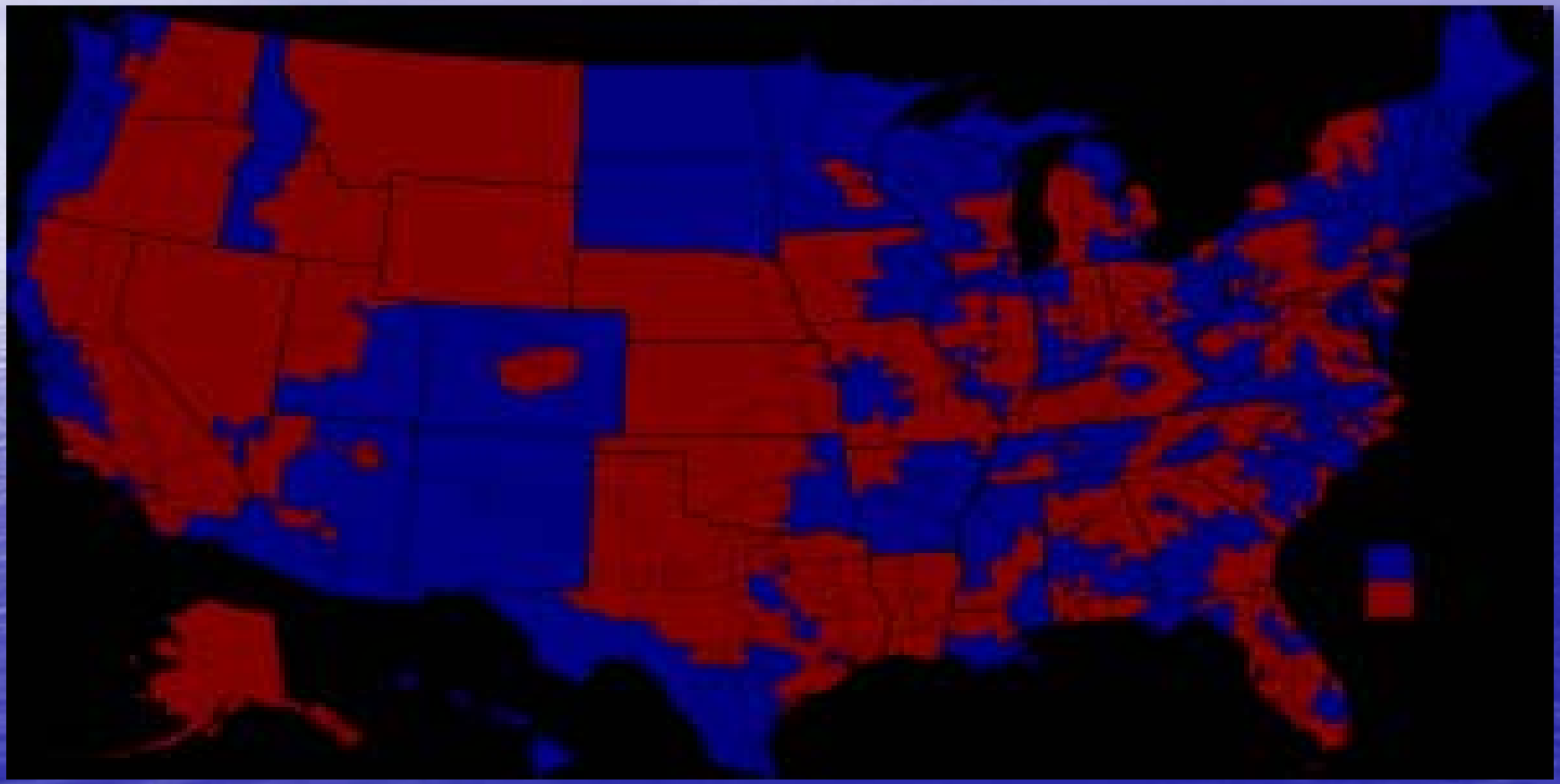
Obama 365 > McCain 173



Ds and Rs in U.S. Senate (Blue=2 Ds; Red=2 Rs; Purple=1 D/1R)



Republicans (Red) and Democrats (Blue) in the U.S. House



Obama 101a

- Historic Electoral Victory
- Continuing popular support for Obama since election
- Greatest Economic Crisis since the Depression
- Passage of huge economic stimulus package
- Large Policy Agenda – health care, energy, environment

Obama 101b

- 60 Democrats in Senate (of 100)
- 255 Democrats in House (of 435)

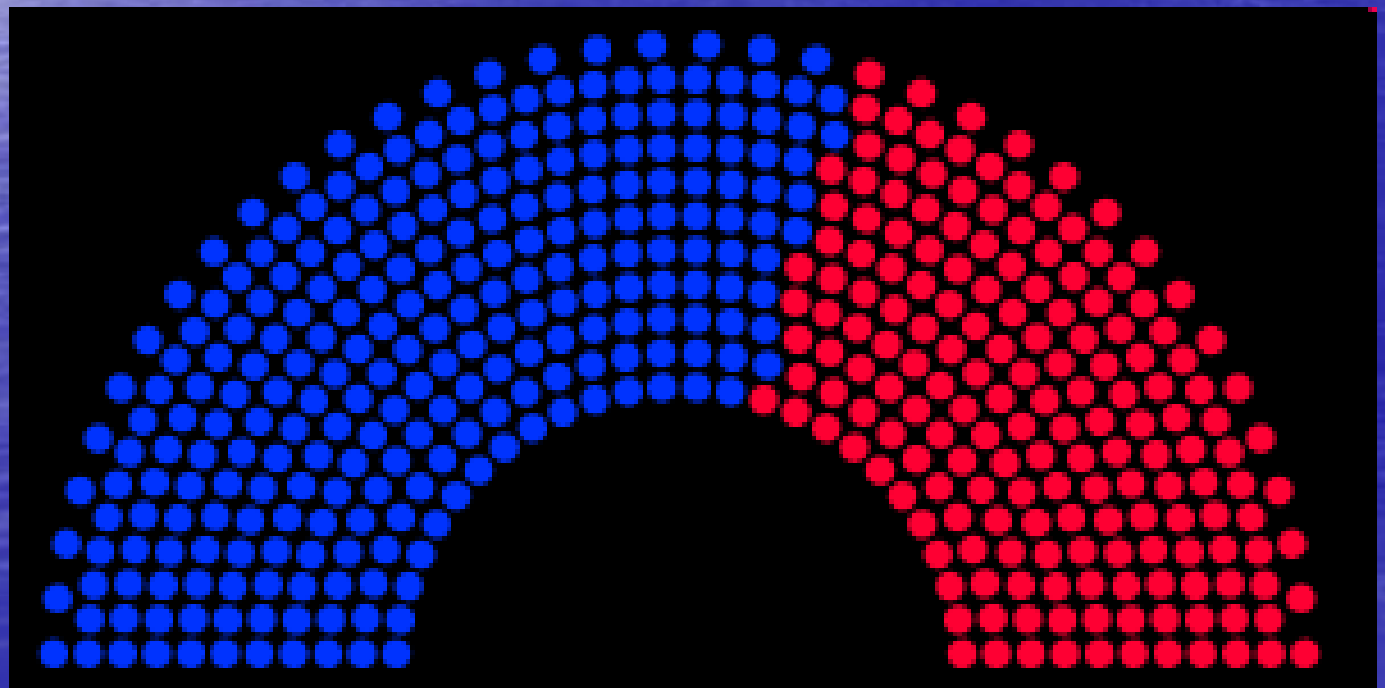
Quick Conclusion:

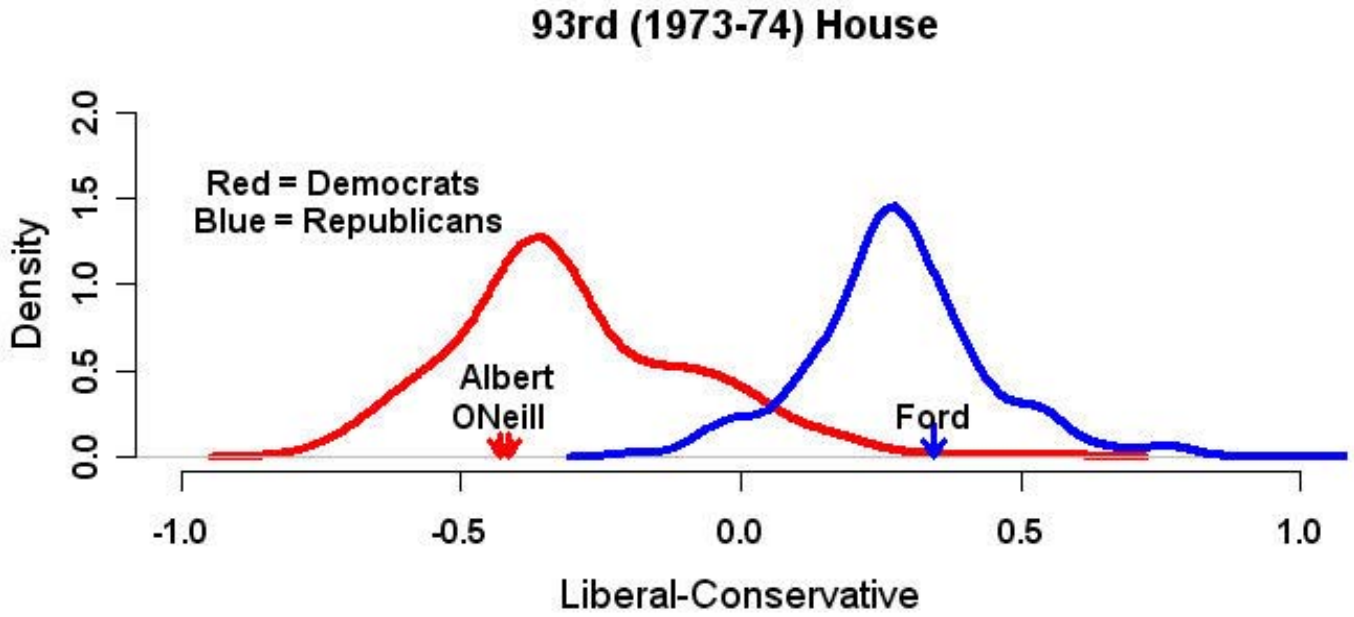
Obama gets pretty much what he wants, at least for a while (a year? two).

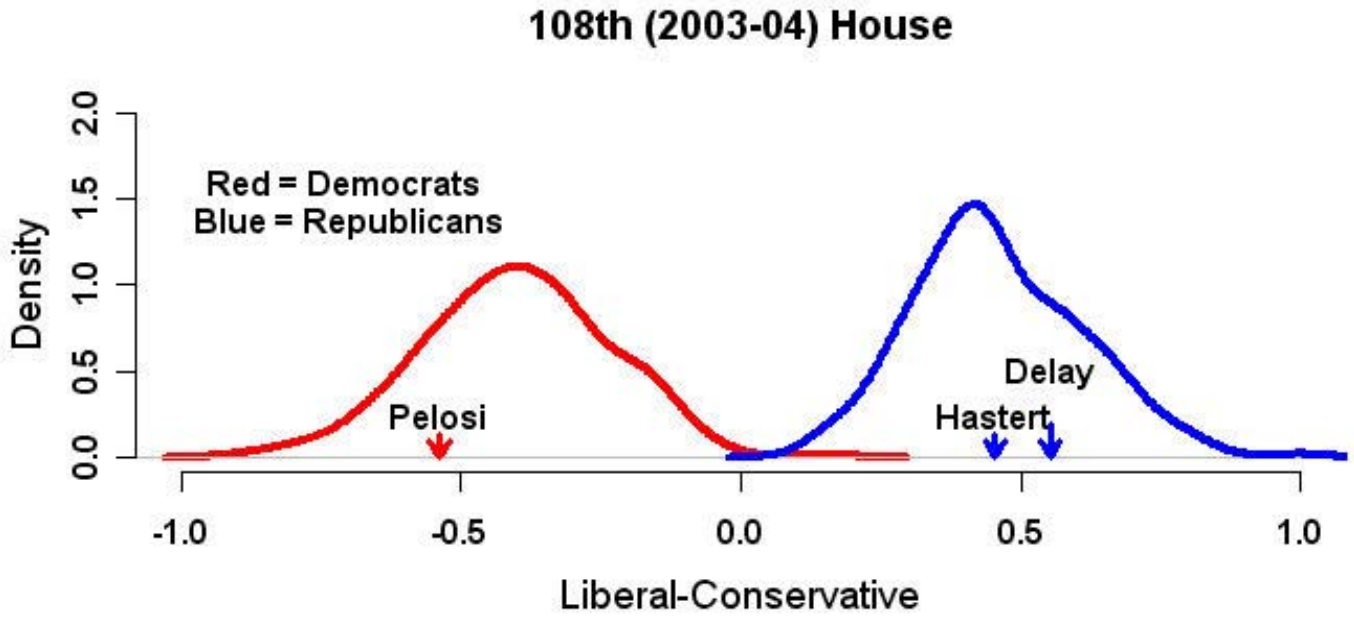
Bipartisan cooperation between Republicans and Democrats difficult to achieve

The Modern Congress

Since 1980s – *coherent, ideological parties in both House (below) and Senate*




93rd (1973-74) House
Red = Democrats
Blue = Republicans
Density
0.0
0.5
1.0
1.5
2.0
Albert
ONeill
Ford
-1.0
-0.5
0.0
0.5
1.0
Liberal-Conservative


108th (2003-04) House
Red = Democrats
Blue = Republicans
Density
0.0
0.5
1.0
1.5
2.0
Pelosi
Delay
Hastert
-1.0
-0.5
0.0
0.5
1.0
Liberal-Conservative

U.S. Institutional Power is FRAGMENTED BY DESIGN

- Separation of Powers: President/Congress/Supreme Court
- "Bicameral" Legislature – two independent and powerful chambers (House/Senate); the Senate as a continuing obstacle [60 votes needed to move most legislation]
- Judicial Review (Supreme Court)
- Federalism

Centralization in 20th Century

- Growth of Presidential Powers in 20th Century (even more with George W. Bush!)
- Large Bureaucracy
- $3.6 Trillion budget (2010)

Obama (2009) – Johnson 1965

- 89th Congress (1965-6) – passes Great Society Programs, one after another -- a burst of productivity

- 111th Congress (2009) – similar prospects for voting, but economic crisis shapes the policy agenda

Contemporary Law-Making

- The Party **Majority** (Democratic) rules the House of Representatives
- For most major issues it takes **60 votes** to win in the Senate ("filibuster")
- Party Leaders (Democrats) control the agenda and work with the President

The American Senate

- Grossly Unrepresentative (each state gets 2 Senators – large population or small)
- “Filibuster” rules require 60 votes on many issues to proceed (currently 58 Democrats)
- Senate operates by “unanimous consent” – thus a single senator can hold things up
- Key figures: 10-12 moderate Democrats, 3-4 Moderate Republicans

President as Chief Legislator

- Rahm Emanuel and Phil Schiliro – Legislative veterans working inside the White House on Obama's behalf

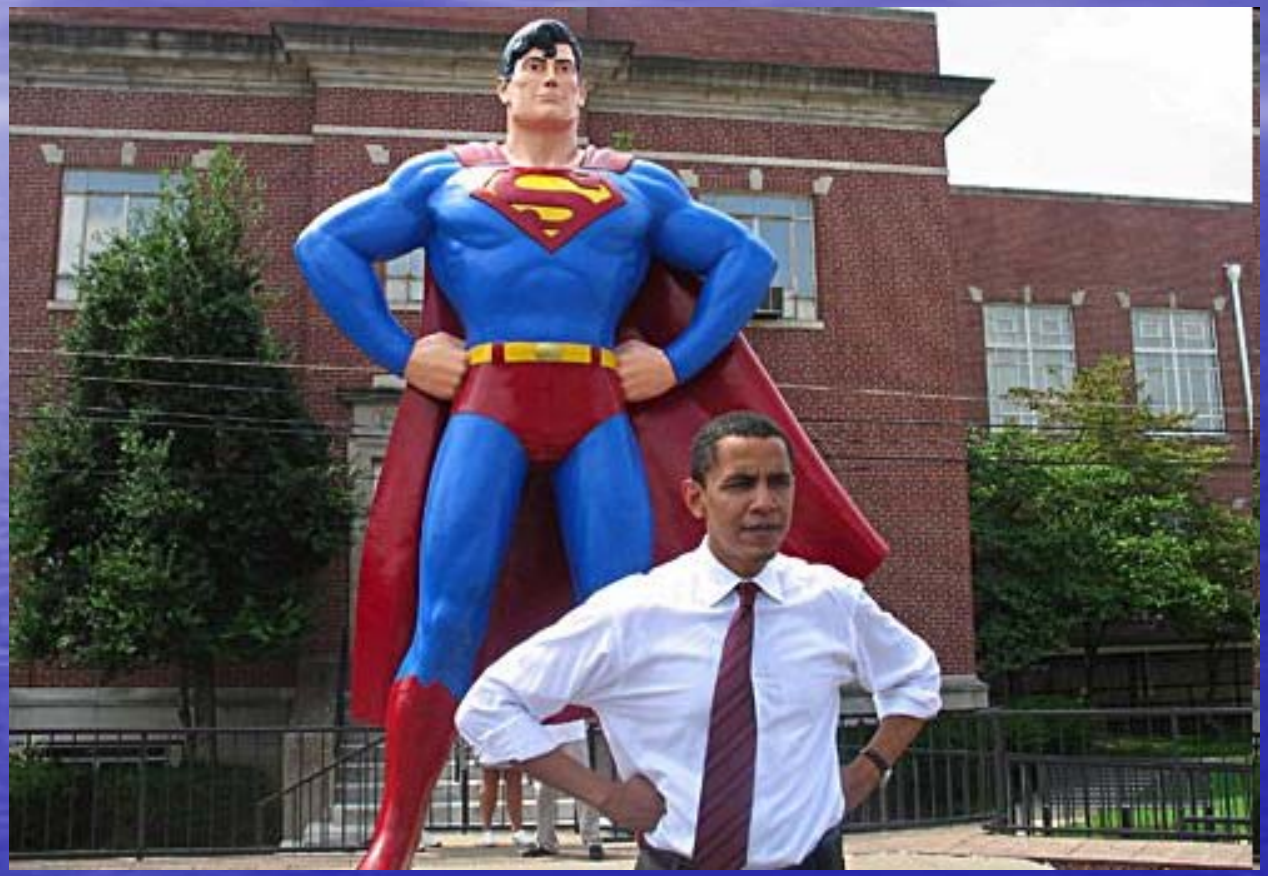
(Emanuel) (Schiliro)

Legislating: January-July, 2009

Stimulus Package

- Health Care Expansion (children)
- Equal Pay Act (for women)

Obama: both his own agenda and all the crises (economy, banking, housing, foreign/ military policy, etc.) that he faces



Transformation through the Sum of Transactions

- LBJ model, dozens of major pieces of legislation, 1964-1966 (civil rights, Medicare, etc.)
- Role of Federal Government was categorically different in 1970 than in 1960
- Central here – the ability to work with the Congress (Separate institutions sharing power) –Different from GW Bush

Institutions and Change

- American Constitution = “outline” – not a detailed road map.
- All change occurs within institutional contexts (e.g., Dept. of Homeland Security after 9/11)
- Institutions as **constraining** – but also can making change **long-lasting**, rather than transitory (e.g., passing legislation versus issuing executive orders)

Institutional Past as Prologue

- “path-dependent” – possibilities for change reflect past choices and contexts (e.g., health care in W. Democracies)
- Obama’s opportunities for transformation – defined by circumstances and institutions
- Need to take institutions seriously – thus, Obama consults with GOP legislators, with military, with State Department careerists

Obama and the World

- Room to act on his own – new initiatives – “campaign”-style trips abroad
- Wars/crises defining his jobs
- “Honeymoon” with leaders and people around the world – more internationalism
- “Soft”/smart power – less reliance on military? (but Pakistan, Somali pirates)
- Connection of economic crisis to foreign and military policies