



Weiner, Battaglia & Merksamer: Drive to Win Trumps Good Governance

By Robert Weiner, Jonathan Battaglia and Noah Merksamer
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In today's politics, bipartisanship seems like a distant memory. Instead of getting a sizable chunk of opposition votes in both chambers on major legislation, the party in power has to rely on cloture in the Senate and essentially only its own votes in the House.

It was not always like this.

Until recently (beginning in the 1990s), we had consensus by issue, not by party — fierce opposition and strong support, but not based primarily on party lines.

In 1935, more than two-thirds of seniors were in poverty, and Congress knew the country could not go on without protection for retired Americans. An incredible 92 percent of Congress voted for the Social Security Act, including 81 Republicans in the House. There were dissenters — Rep. Daniel Reed (R-N.Y.) said that with Social Security, Americans would “feel the lash of a dictator.” Sen. Daniel Hastings (R-Del.) declared that Social Security would “end progress of a great country.” The measure passed 77-6 in the Senate, 382-33 in the House, and the rhetoric didn't end the consensus.

The Civil Rights Act of 1964 did away with segregation in government, employment and public schools and facilities. The bill received widespread support in Congress — 70 percent voted “aye,” including 136 Republicans in the House and 21 in the Senate. Republicans and Southern Democrats crossed party lines on both sides of the issue — regardless of position, they were voting on the issue, not the party regimen.

When Congress was debating Medicare in 1965, Sen. Carl Curtis (R-Neb.) called the program “brazen socialism” — sound familiar? Yet Rep. John Byrnes (R-Wis.) told members of his party to “bury any disagreements or animosities” and “do their utmost to make the program work as well as possible.” Ultimately, 72 percent of Congress supported Medicare's creation, including 70 Republicans in the House.

Under former Speaker Tip O'Neill (D), Congress moved legislation while a Republican president was in office. O'Neill, whose portrait still hangs in the National Democratic Club in Washington, D.C., allowed the Reagan tax cuts to pass in 1981 with 48 Democrats supporting it, but only after demanding low-income Americans be included in the tax breaks. In return, he and Rep. Claude Pepper (D-Fla.) were able to keep Congress from slashing Social Security benefits amid President Ronald Reagan's cuts in domestic spending — it was an action of governing and bipartisanship.

In contrast, last year's health care reform did not receive a single Republican vote in the House or Senate. Instead of trying to work out differences, Republicans turned the

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Josten: Repeal the 1099 Reporting Mandate

Sept. 13, 4:55 p.m.

The Senate has the opportunity Tuesday to undo some of the damage inflicted on small businesses with the enactment of the Patient Protection and Affordable Care Act. The 1099 reporting mandate included in the bill — which changes the tax filing rules for business transactions with government, nonprofits and businesses of any size — creates both mountains of new paperwork and a slew of unintended consequences. [Read Full Article](#)

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debate to “death panels” and accusations of a government or socialist takeover of health care. Despite the bill’s use of private insurance, no public option, no Medicare buy-in and 160 Republican amendments in the bill such as tax breaks for 95 percent of small businesses, the minority would not give the Democrats a vote in either chamber in the conference report. Democrats weren’t flawless — they let partisanship get in the way of including medical malpractice reform, despite Obama’s public support for it. Regardless, in the past, a bill with such broad-based compromises would have received 30 to 100 Republican House votes on passage and 10 to 30 in the Senate.

Only three Republicans in the Senate voted for Wall Street reform in July, despite the financial meltdown a little more than a year earlier, and despite broad minority participation in the drafting.

This recent unwillingness to compromise began in 1994, with the rise of former Speaker Newt Gingrich (R-Ga.) and the “Contract With America.” House Appropriations Chairman David Obey (D-Wis.), who is retiring this year, said Gingrich “changed the culture because the right wing started to push the idea that you could only be a Congressman if you were one of your people.” When Gingrich did not agree with the 1995 budget, he ordered a government shutdown instead of a compromise. It was his Contract With America or no contract with America.

Former House Majority Whip Tom DeLay (R-Texas) earned the nickname “The Hammer” in part because he punished those who did not support George W. Bush administration policies. The leadership triumvirate of DeLay, Gingrich and House Majority Leader Dick Armey (R-Texas) allowed Republican Congressmen to vote against the party only on lopsided votes.

We have entered an era when each party feels it must win at all costs, even when the country might lose needed legislation. The primary agenda of the minority party — and likely both parties — is to see the other defeated. If there were Reagan Democrats in the ’80s, why can’t there be Obama Republicans now? It’s time to go back to governing by issue consensus instead of by party discipline.

Robert Weiner was a Clinton and Bush White House spokesman and senior Congressional committee staffer under Reps. John Conyers (D-Mich.) and Charlie Rangel (D-N.Y.) and former Reps. Claude Pepper (D-Fla.) and Ed Koch (D-N.Y.). Jonathan Battaglia and Noah Merksamer are policy analysts at Robert Weiner Associates.

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