Leaders and Partisanship in Today's Senate

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Senate Democratic leader Harry Reid (D-NV) and Republican leader Mitch McConnell (R-KY) appeared together on 60 Minutes, the CBS News magazine program, in late 2012. The theme of the segment was the "broken Senate," and Reid and McConnell seemed to have been designated as the primary evidence. Steve Kroft, who interviewed the two senators together, reported that "it was very chilly. They did not look at each other once during the course of the interview. They kept saying 'my good friend, Harry' or 'my good friend, Mitch,' but it didn't seem very genuine."[1] No one who has watched the two leaders on the Senate floor in recent years would be surprised. Their floor comments about the other party have been filled with acrimony and often bitterness.

60 Minutes, CBS, November 4, 2012. CBSNews.com.

These grim men reflect their long experience in a grim institution. The animosity between Reid and McConnell is sometimes attributed to their exceptional personal partisan bias or limited professionalism. Personal factors always figure prominently in explaining the behavior of individuals, but I choose to focus on the political context in which Reid and McConnell have operated. Political science has something to say about the effects of that context and a close look on Reid and McConnell actually exposes the effects of that context to public view. In fact, the evidence suggests that Reid and McConnell have personal tendencies that would not lead us to predict that they would be strongly partisan leaders that they have become. Instead, the political competition between the parties, the ideological polarization of the parties, and the institutional context of the Senate—its rules and practices—have shaped their colleagues' expectations and the strategic challenges they face as party leaders.

The Political Personalities

Reid, after 12 years as the Senate Democrats' leader, and McConnell, after 10 as the Republicans' leader, now seem like hyper-partisan leaders who fit their parties well. That would be a surprise to observers of their early Senate careers. Each of them has a political history that is at least somewhat inconsistent with the roles they now play.

Reid was an ambitious, team player when he became leader in 2005, but he was not a senator expected to personify Senate liberalism. To the contrary, the senator from Searchlight is a surprise. First elected to the Senate in 1988, he was known as pro-business, social conservative who was somewhat out of step with most of his Senate Democratic colleagues during his first decade in office. His predecessor as Democratic leader, Tom Daschle of South Dakota, was a charismatic, good-looking, and articulate floor leader who also was known at first as a quite moderate Democrat. After Reid supported Daschle for floor leader in 1994, Daschle appointed Reid to be co-chair of the party's policy committee. Reid served as policy committee co-chair from 1995 through 1998 and then as whip from 1999 through 2004. He was promoted to floor leader in 2005 after Daschle lost his bid for reelection in South Dakota by 4,508 votes. Reid became majority leader after his party gained a majority in the 2006 elections, which they held through 2014.

While his ambition and determination have been evident throughout his Senate career, Reid did not talk or look much like a national leader. Reid was always somewhat reserved and sometimes dour, tended to speak softly and even seems to mumble, and smiled infrequently, at least in public settings. He seemed to be quite parochial. As whip, Reid acquired a reputation for an effective style, a reputation that carried over into his early years as floor leader, but before becoming floor leader he was not much of a spokesman for the party. He became appreciated for being a good listener, for carefully observing, recording, and accounting for his colleagues' interests and requests, and for being ideologically flexible.

At the time he was elected leader, Reid was a Senate insider but not a widely recognized liberal leader. Liberals had doubts about him. He adapted very successfully. While he is still not considered to be a deep thinker, Reid became known for his skill in identifying issues, compromises, and trades that win the support of his colleagues and keeping his party quite unified. His colleagues reported that he sees his own limitations and brings into leadership roles colleagues whose talents complement his own, shows considerable deference to committee leaders, avoids the use of task forces to shape party policies and strategies, and prefers to let others take the lead in writing legislation.

The same can be said of Mitch McConnell as a conservative leader—a state-oriented senator with a strong ambition to be party leader. He became his party's whip in 2003 and, after the retirement of Tennessee's Bill Frist in 2006, he became minority leader in 2007. After his party gained a Senate majority in 2014, he became majority leader.

Perhaps not as much of a surprise as Reid, McConnell nevertheless was known as a "Washington insider," "behind-the-scenes operator," and parliamentary expert. He gained such a reputation for years of service on the Agriculture, Appropriations, and Rules and Administration committees, later as chairman of the Rules and Administration, and four years as whip. Always conservative and more-or-less in line with his party, McConnell was known for championing opposition to restrictions on campaign fundraising, a subject under the jurisdiction of Rules and Administration, for which he always received positive reviews among movement conservatives.

Nevertheless, McConnell was known as a dealmaker and as a guardian of Kentucky interests on his committees rather than as a leading conservative. He took pride in being a coauthor of bipartisan legislation on election reform and of controversial legislation that allowed the Food and Drug Administration to regulate tobacco products in exchange for federal buyouts of tobacco farmers. He also has been a Senate insider. Throughout his Senate career, McConnell has referred to Kentucky's Henry Clay, the Great Compromiser, as his model senator.[2] In fact, some conservatives were dubious about McConnell's proclivity to deal making and compromise when he was elevated from whip to leader at the end of 2006.

In many respects, then, Reid and McConnell were cut from the same cloth but found themselves in different parties. Both were Senate insiders, neither had much charisma, and neither had presidential ambitions or prospects. During the first years of the Obama presidency, in the eyes of many outsiders, McConnell was the face of minority obstructionism while Reid was the architect of majority procedural abuse. When party control of the Senate switched after the 2014 elections, it took only a few months for their roles to reverse. They are not the same people. They are team players whose their paths moved in parallel, but neither of them was a leading ideologue as he took office as floor leader for his Senate party.

Their trajectory as partisan leaders did not take long to be conspicuous. In just a few years, their clashes on the Senate floor became routine and nearly legendary. In 2011, *The Onion*, the satirical newspaper, lampooned the pair with the headline, "Sources: Harry Reid Sleeping With Mitch McConnell's Wife In 1986 At Core of Senate Gridlock." The piece quoted an unnamed Republican staff member as saying, "I mean, what do you expect? Frankly, Mitch should have known better than to let Sherrill out of his sight in the first place. Harry was a real wolf back then."[3]

In fact, news accounts about the two leaders indicate that their once good relationship soured over time. They certainly started their service as floor leaders with a good working relationship. In 2011, they referred to each other as friends even during a period in which it looked to outsiders like their "relationship is one of unremitting hostility."[4] Their professionalism and pragmatism, many of their colleagues noted, kept the Senate operating and kept them from campaigning against each other's reelection efforts. In contrast, just after McConnell and Reid fashioned a compromise to avert a government shutdown, Reid observed that "the Republican leader's cooperation was essential to reach an accord," but then Reid added that "I've worked with McConnell for

many years. That last bit has not been…[long pause] good." By the time they did a *60 Minutes* interview in 2012, as Steve Kroft noted, the relationship was cool at best.[5] In 2013, Reid "went nuclear" by forcing a change in the Senate's cloture threshold for presidential nominations, but which time the two regularly blamed each other for the partisanship and gridlock in the Senate, a blame-game that went beyond the usual rhetorical flourishes we always can expect from congressional leaders.[6] As the fall elections of 2014 approached, in an article entitled, "Keeping Score in the Senate Blame Game," the *Los Vegas Sun* described their relationship as "a full-scale war."[7]

The Political Context

As their relationship deteriorated, it was natural for outside observers to blame Reid and McConnell personally for the political atmosphere in the Senate. Perhaps their personal limitations—their personalities, their skills, their intense partisanship—were the root cause of the sharply polarized parties and stalemate that came to characterize the Senate of the last two decades. The extreme version of this account is that all the Congress needs is better leaders. In the view of most scholars of congressional politics, this is an incorrect interpretation of events over the past few decades. Instead, there are important features of party politics that have changed that drive the strategies of Senate floor leaders and important features of the Senate that exacerbate partisanship even further.

Let's give the Reid-McConnell relationship some perspective. Congressional parties want to win legislative battles and gain or maintain majority status. The pursuit of these policy and electoral goals involves collective action and coordination problems that are addressed with organization and leadership. In fact, elections for leadership posts are largely about how those goals will be pursued. Complaints about leaders usually concern how a party should define and balance strategies to secure legislative goals and a Senate majority.

Three features of today's politics—and national politics over the past three decades—influence how leaders devise party strategy and deserve special attention. *Inter-party competition* for party control of the Senate drives much party activity and, at times, motivates innovation in party organization and its leadership functions, which evolve to improve the capacity of a party to achieve collective goals. *The distribution of policy preferences*, especially factional politics within the majority party, complicate how legislative and electoral goals are defined and greatly influence how parties organize and operate. Our argument is that the Senate's rules limit the degree of majority party success and incentives for centralized leadership, intense inter-party competition motivates organizational innovation that has a cumulative effect on a party's capacity, and the distribution of policy preferences shapes the aggressiveness of leaders in shaping the party's agenda and influencing senators. The *institutional context* (the Senate's rules and practices) sets rules of the game that rarely change, but, when they do, sometimes change in ways with important consequences.

Inter-party competition for control of the Senate is motivated by the partisan and individual advantages that come with majority party status (Gamm and Smith 2012).

When control is in doubt, each party has a particularly strong incentive to improve its reputation and undermine the competition's reputation with voters. A congressional party can do this in a variety of ways: conspicuously supporting popular legislation and opposing unpopular legislation, forcing the other party to cast votes for unpopular legislation, intensifying messaging and other public relations efforts, and expanding fundraising and campaign operations. As electoral goals gain urgency, taking credit and attributing blame become higher priority activities.

Since 1980, party control of the Senate has almost always been in doubt, as is suggested by Figure 1. Between 1959, when the Senate reached 100 seats for the first time, and 1980, the Democrats held the majority with an average 61 seats. They fell to 55 only once. They lost their majority in the 1980 elections that brought Ronald Reagan to the White House and since then, largely because of seat losses in the South, remained a much smaller majority party when they were lucky enough to have a majority at all. In fact, since 1980, party control has changed seven, or nine, times, depending how we count the three changes associated with the 107th Congress (2001-2003), and the majority party conference has averaged just under 54 members with a range of 50 to 59. This is an exceptionally long period of intense inter-party competition for control of the Senate.

The effect of the distribution of policy preferences is captured in the "conditional party government" thesis (Aldrich and Rohde 2010). The thesis is that polarized parties—internally cohesive parties, distant parties--centralize power in the hands of party leaders. Great policy distance between the parties motivates a more concerted effort to win legislative battles, while like-minded partisans license party leaders to aggressively pursue common policy goals. In contrast, intra-party factionalism on important issues can severely limit the majority party's strategic options, produce opposition to strengthening central party offices, and produce power-sharing rather than power-concentrating organizational arrangements. Factionalism and party polarization wax and wane with time and so the ability to sustain aggressive party leadership will vary over time.

Figure 1. Percent Democrats and Republicans, 1959-2016.
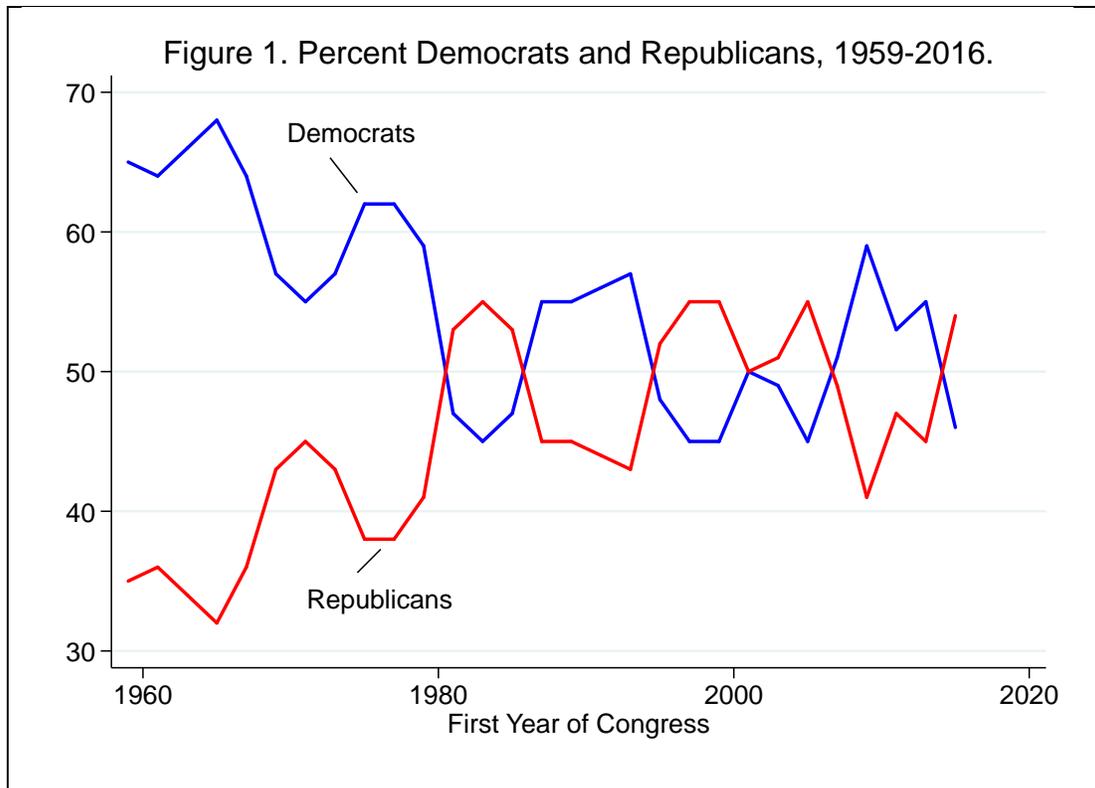
      Senate parties, like House parties, are now more polarized than they were in the 1960s and 1970s. The record of roll-call voting is the most convenient way to show this, but we must keep in mind that what comes to a vote and how legislators cast their votes is subject to party strategies and influence. In Figure 2, I report how the distribution of liberal-conservative scale scores have changed for Democrats and Republicans for the period since the the early 1970s. The considerable overlap of the parties disappeared, the parties moved outward, and both parties are more cohesive. Republicans have moved considerably farther to the conservative side than Democrats have to the liberal side, a pattern that can be found in several measures of the overall voting record. [8]

      Polarized parties do not emerge in a vacuum, of course. The partisan alignment inside Congress primarily reflects the polarization of the organized interests, party activists, and voter coalitions that put legislators in office. Those interests, activists, and many voters do not sit idle when a campaign ends on election. In fact, those political forces immediately mobilize to influence legislative activity more directly, dangling their future support and opposition. Both the campaign and legislative processes reflect the highly charged atmosphere that sharply polarized political coalitions generate.

Figure 2. Liberal-Conservative Distribution of Senate Democrats and Republicans, 92nd and 113th Congresses.

Note: DW-NOMINATE scores, by Congress, kernel density distributions, voteview.com.

        While the partisan polarization that is plain in Figure 2 is primarily a product of policy views that legislators bring to the Senate and are bowed by outside political forces, there also is little doubt that inter-party competition and the underlying polarization stimulate Senate party strategies that encourage party-line voting. In fact, these two features of today's Senate politics—intense inter-party competition for control of the Senate and deepened polarization between the parties—have compounding effects. The desire to score political points against the opposing party can breed more party-line voting in both the attack and the response. When widening differences between the parties reduces the opportunities for compromise, Senate parties can be expected to shift their emphasis to message politics and intensify their efforts to win elections. More concerted party activity directed by the leaders is one result—and their central role in setting collective strategy for their parties makes them appear more influential and, at times, even the source of the inter-party conflict.

        There is a third factor, the institutional context of Senate policy making, that conditions the partisanship that we observe. The ability of a Senate minority to filibuster and often block majority-backed legislation creates a special set of challenges for a Senate majority leader and opportunities for a minority leader. In contrast to a House majority party, which changes House rules with some regularity, a Senate majority party, as a general rule, cannot seek to strengthen the formal powers of its leader without being blocked by the minority. Even a cohesive majority party may have little legislative success and still face criticism for its ineffectiveness from a public that does not appreciate the procedural niceties of the Senate. At a minimum, Senate procedure limits the ability of the majority party to centralize power in the hands of its

own leader and gives the minority party opportunities to play political games that disguise the minority's responsibility for gridlock.

My central proposition is that *evenly matched, polarized parties, operating under the Senate's rules, cannot be expected to act on major legislation in the absence of a national consensus but can be expected to give winning more seats a high priority.*

In this context, it is easy to see why Reid and then McConnell, as majority leaders, might seem to be the most powerful and responsible members of the Senate and, at the same time, look like victims of circumstances. In fact, as they emphasized policy less and elections more, their behavior became more political, partisan, and rigid and less professional, compromising, and cordial. Repeated over months and years, this can take a toll on personal relationship among senators, even between the two floor leaders. Moreover, particularly for McConnell, whose party moved so rapidly to the right, there is good reason to doubt that they could have retained their top leadership posts if they had not gone to battle with each other on behalf of their parties.

The Political Consequences

Leaders have become central to everyday policy making in the Senate in the last three decades. Since the early 20th century, modern leaders have managed their party organizations, devised floor strategy, built floor coalitions to win votes, served as intermediaries with the president, and acted as the leading spokespersons for their parties. After the New Deal Congresses of the 1930s and until the 1980s, Senate floor leaders took a backseat to committee chairs as the designers of major legislation and builders of majority coalitions (Davidson and Oleszek 1977). Known as the "era of committee chairman" and as the "textbook Congress," most policy initiative and responsibility for finding votes rested with committee chairs who managed nearly all important legislation. Party leaders served those chairs by arranging floor consideration for their bills and assisting chairs when requested, but leaders took the lead on only a few issues, usually those most important to a party's reputation, and had tiny whip organizations that often went unused. There always were important exceptions.

It is different today. More than at any time since floor leadership posts were recognized in the 1910s, floor activity, which the top leaders direct, has greater partisan implications, nearly all of the legislative agenda figures in party strategies, which they construct, and most significant legislation is seen as an opportunity to enhance the party reputation, which they are expected to tend. Committee chairs take a backseat to the floor leaders.

In fact, by the time Reid and then McConnell became majority leaders, leaders were drawn into planning and executing annual plans for Senate action on nearly all major legislation. As party-oriented competition became more regular and intense and created more frequent parliamentary challenges on the floor leaders, their predecessors--Howard Baker (R-TN), George Mitchell (D-ME), Tom Daschle D-SD), Bob Dole (R-KS),

Trent Lott (R-MS), and Bill Frist (R-TN)—became more involved in making negotiating unanimous consent agreements to gain action on bills and amendments, arranging deals about the substance of legislation, offering critical motions, and orchestrating negotiations with the president and House of Representatives. The details of legislation are still written by committee staff and the legislative counsel's office, but fewer outcomes on major bills are determined without significant involvement in shaping the policy and politics associated with the bills by the majority leader and often the minority leader.

The floor leaders do their jobs in an intense environment. The stakes are high so their party colleagues develop strong views about party strategy and frequently find themselves at odds with each other about how to best balance the party's electoral and policy objectives. Leaders must manage these conflicts, which makes them even more central to the process. They are not always successful—their colleagues can insist on amendments, filibustering, and other moves on their own. In fact, from time to time, it appears that a leader has been drawn into more partisan tactics to stay in the lead as colleagues chose to challenge the other party on policy substance or procedure.

My objective is to highlight important features of Senate leader and party behavior in an era of intense inter-party competition and polarization. I focus on leaders' roles as policy leaders, floor strategists, interacting with the president, and representing their parties to the media and public.
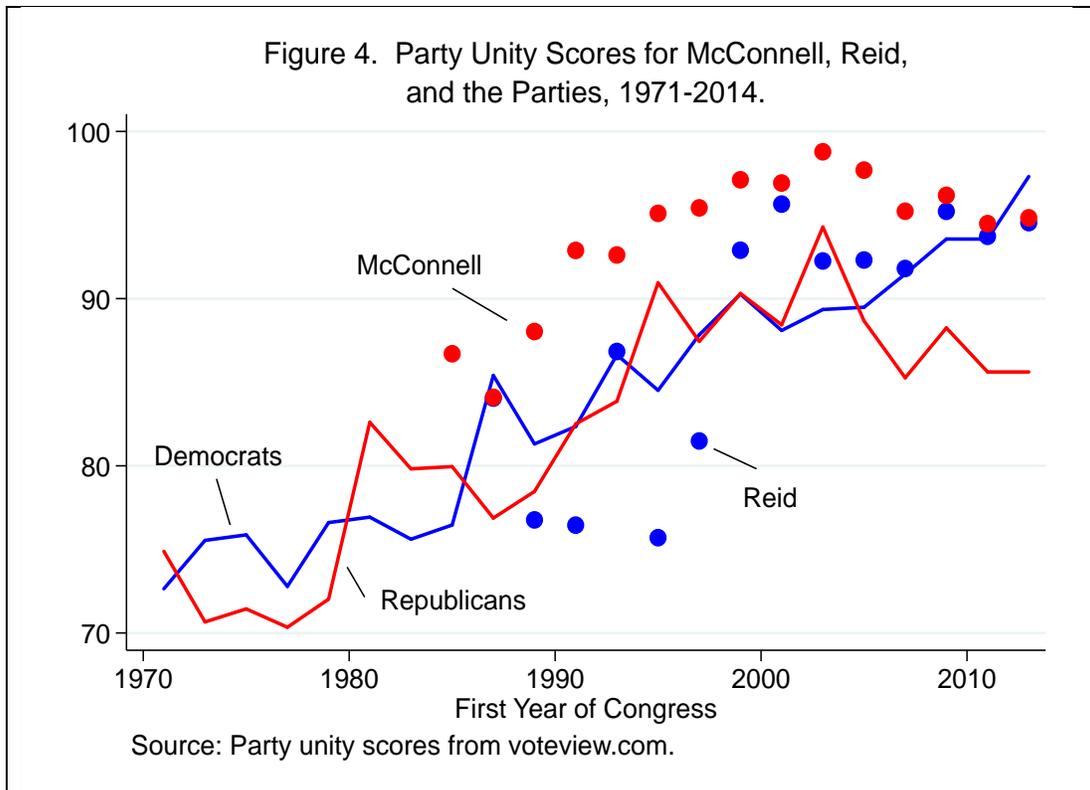
Service as Policy Leaders

In this era, leaders could not function if their own policy positions did not match the central tendencies of their parties. For McConnell, that was never a problem, although the rightward shift of his party has made him appear more conservative than he Kentucky predecessors, John Sherman Cooper and Marlow Cook. This was more of an issue for Reid, who started his Senate career on the right side of the Democratic party.

Figure 3 shows that the average party scores have become more distant, but, confirming what we saw in Figure 2, the Republicans moved farther to the right than the Democrats moved to the left. McConnell stayed just to the more conservative side of the average Republican as the party moved to the right. Reid, in contrast, moved from the conservative side to the liberal side of his party average, with the break taking place in the 106th Congress (1999-2000), his first Congress as party whip, and stayed to the liberal side as floor leader.

Figure 3. Liberal-Conservative Scores for McConnell, Reid, and the Parties, 1971-2014.

Source: DW-NOMINATE scores, by Congress, from voteview.com.
Key: Means--solid lines; Standard deviation from mean--dashed lines.
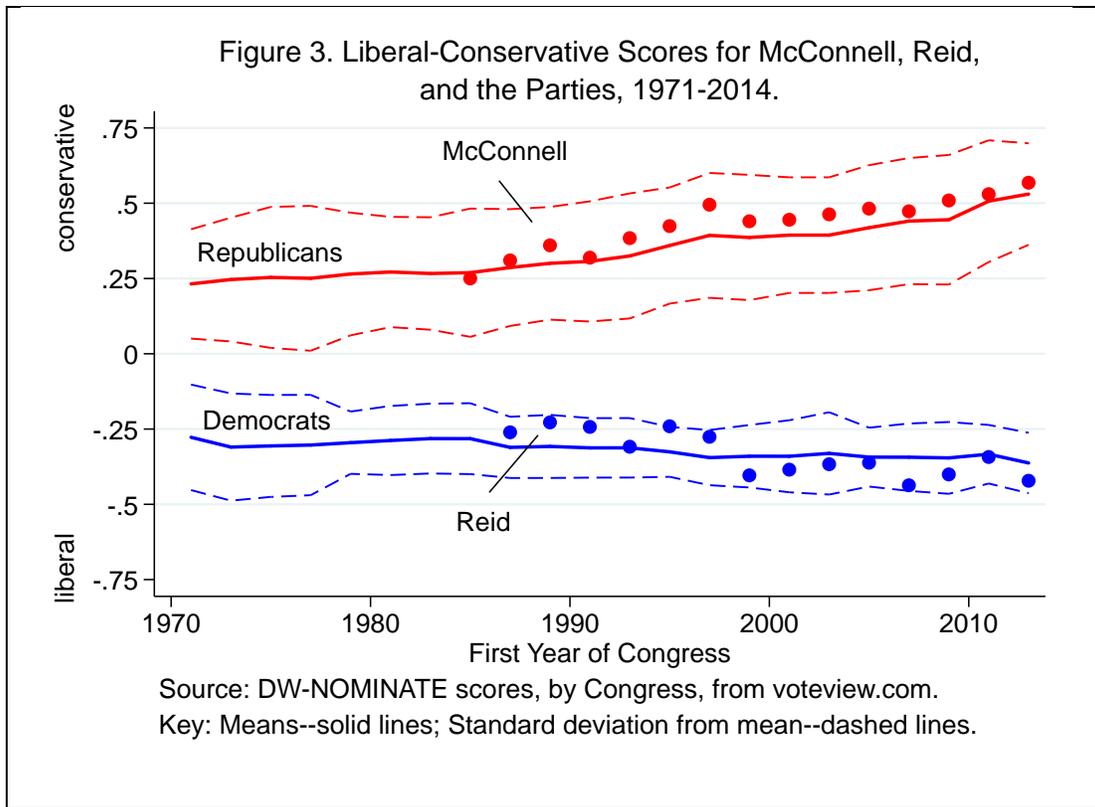
The same voting record underlies the party unity scores reported in Figure 4. A party unity score is the percent of all votes on which a majority of Democrats opposed a majority of Republicans that the senator voted with his party. Both parties became more cohesive over the period since the early 1970s, although Republicans show some recent decline due to dissension on the most conservative side of their party. I will say more about that. McConnell always has been very supportive of his party, while Reid moved from being considerably less supportive of his party than the typical Democrat to being somewhat more supportive than average after becoming whip.

As leaders, both McConnell and Reid have been typical members of their conferences. We certainly cannot explain their antagonism as being out of line with the differences between their parties. They may be leading or encouraging those differences, but it is probably most accurate to say that, however the agenda of floor amendments, bills, and procedural motions was constructed, the two leaders were nearly typical members of their parties in how they voted.

Figure 4. Party Unity Scores for McConnell, Reid, and the Parties, 1971-2014.

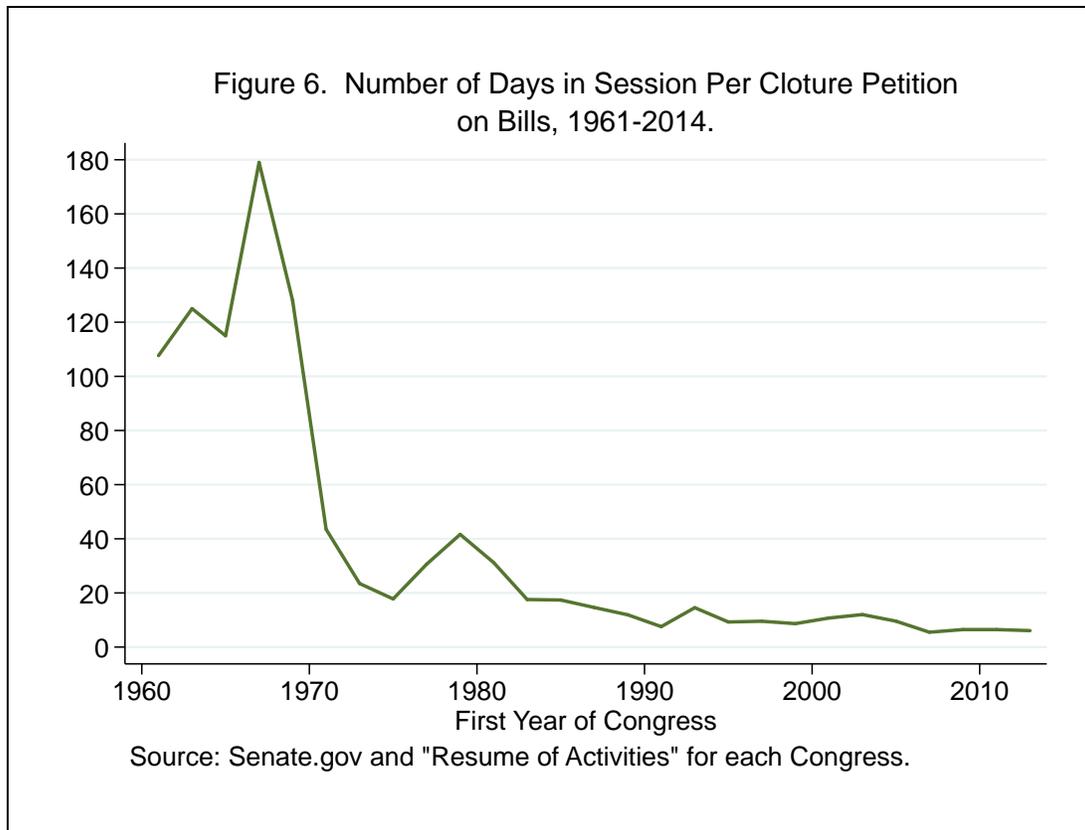Source: Party unity scores from voteview.com.

Service as Floor Generals

In this era, the party leaders play the leading roles in the emergence of a syndrome of obstruction and limitations on debate and amendments that has changed the character of the Senate. The most conspicuous, and certainly very important, development in the Senate is the deliberate, expansive obstructionism conducted by Senate minority parties and the responses of the majority party. This is a central theme of *The Senate Syndrome*, in which I provide an extended discussion of the subject. I labeled this phenomenon a syndrome because it is a group of mutually reinforcing developments in Senate decision-making processes. Most senators and outside observers see this as an abnormal condition, a complex malady, that involves the full exploitation of Senate rules and the deterioration of relations between senators of the two parties.

The rise of obstructionism as a minority strategy is well documented, but counting filibusters or, more broadly, obstructionism is not easy. It often takes the form of a hold or an objection to a unanimous consent request. It may or may not generate a cloture petition to close debate on a motion or measure. Nevertheless, the number of cloture petitions filed, usually by the majority leader, gives a general idea of the volume of obstructive tactics that the majority leader confronts in a Congress. A count of the number of cloture petitions filed for bills and for nominations and treaties is provided in Figure 5.

Figure 5. Number of Cloture Petitions Filed, 1961-2014.

bills and resolutions   nominations and treaties

First Year of Congress

Source: Senate.gov
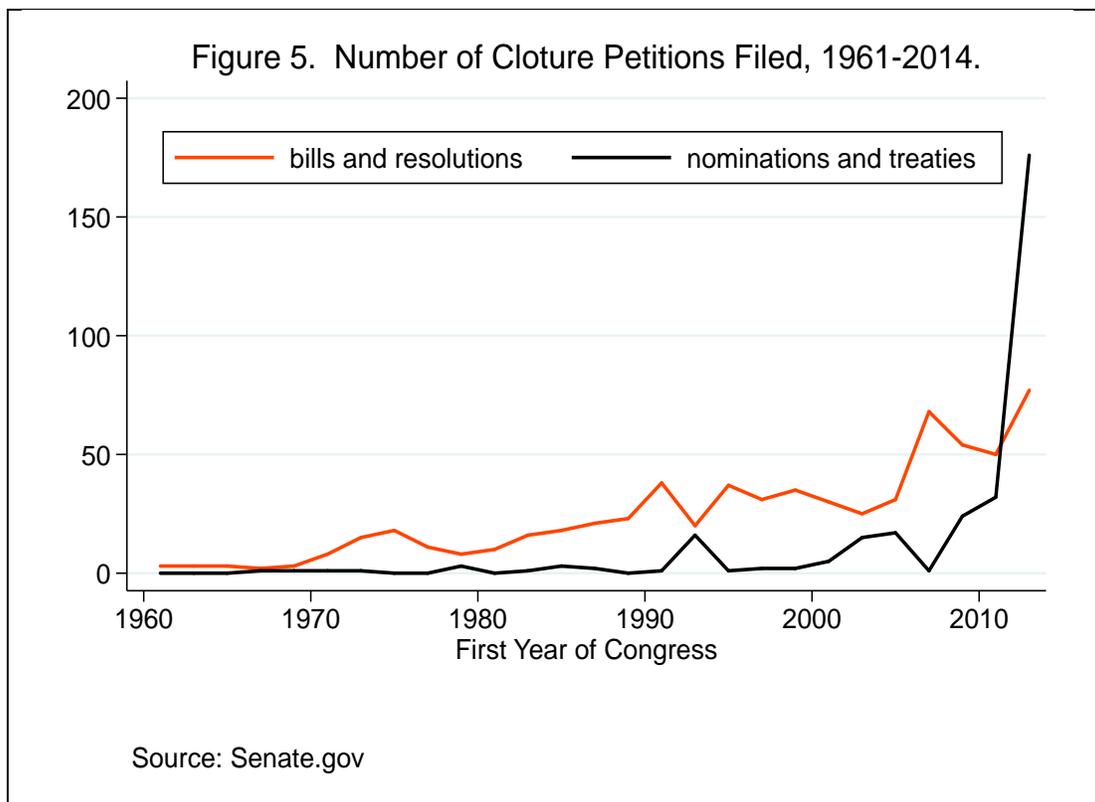
The Senate moved from a few filibusters per Congress prior to the 1970s to several filibusters per Congress in the 1970s and 1980s, senators complained about the trivialization of the filibuster as obstructive tactics expanded to a larger range of issues. Over the course of the 1980s and 1990s, more obstruction occurred, but, more often than not, the obstruction was initiated by minority party members other than the minority leader. In fact, there were times when the minority leader did not approve of the obstructive moves and other times when the minority leader seemed to join the filibuster only after it was initiated by colleagues who were not willing for the leader to take the lead. As I show in Figure 6, obstructive tactics became more common in the 1990s and early 2000s. Between 1995 and 2006, a period in which the Democrats were in the minority most of the time, a cloture petition related to legislation (as opposed to nominations) about once every 10 days of session. During this period, the majority leader, who had been the chief floor leader for his party for decades, became more intensely and pro-actively involved in managing the floor.

Figure 6. Number of Days in Session Per Cloture Petition on Bills, 1961-2014.

Source: Senate.gov and "Resume of Activities" for each Congress.

The frequency of minority obstructive efforts and formal majority responses reached even higher levels in recent Congresses. The number of days in sessions between cloture motions averaged five or six in the 2007-2014 period when the Republicans were in the minority (Figure 6). During this period, the rhetoric of obstruction from the minority fully blossomed with use of the phrase, "the 60-vote Senate," which reflected the view, articulated frequently by McConnell, that reaching the cloture threshold was the normal standard for passing important legislation in the Senate. In 2007, for example, McConnell insisted that a Democratic senator's amendment to a defense authorization bill be allowed only if Democrats agreed that 60 votes would be required to pass it:

> What we have frequently done is simply negotiated an agreement to have the 60 votes we know we are going to have any- way, and the reason for that is—well, there are several reasons. No. 1, if a cloture vote were invoked, it would further delay consideration of the bill because potentially 30 more hours could be used post cloture on an amendment. So what we have done, in a rational response to the nature of the Senate in this era, is to negotiate 60-vote votes... We are perfectly happy to enter into an agreement, as I suggested yesterday, for a vote on the Webb amendment and the alternative that we would have, the Graham amendment, by consent, two 60-vote requirements. That is not unusual in the Senate; it is just common practice in the Senate, certainly for as long as I have been here. (*Congressional Record*, July 10, 2007, S8918)

McConnell was exaggerating how customary 60-vote thresholds had become in unanimous consent agreements by that time, as Reid was quick to observe: "It appears to me we are arriving at a point where, even on the Defense authorization bill, amendments leading up to a final vote on the Defense authorization bill, which is so important, are going to be filibustered. It is really wrong. It is too bad. We don't have to have this 60-vote margin on everything we do. That is some recent rule that has just come up in the minds of the minority" (*Congressional Record*, July 10, 2007, S8918). Genuine debate was not the McConnell's objective, of course, as the Republicans were quite willing to accept very limited debate along with the 60-vote threshold. In fact, McConnell was suggesting that the 60-vote threshold be easy to apply, which would allow the minority to block the amendment without any responsibility for delaying other Senate business.

Deepening frustration with McConnell, who openly sought to slowdown or block action on the Democrats' legislative agenda and President Obama's nominations, built over Obama's first term in office. In late 2013, Reid moved in a direction that he had refused to take for several years. If Reid had become a policy liberal, he remained a procedural conservative as leader, preferring to struggle under the inherited rules and practices of the Senate than to take drastic action to change them. This still was his view in early 2013, but broken promises of restraint on the Republican side and rising frustration of the Democratic side pushed him over the edge in the fall of 2013. He acquired enough support from his fellow Democrats to support his point of order that a simple majority may invoke cloture to overcome a filibuster on a presidential nomination to executive and judicial branch posts, with the important exception of nominations to the Supreme Court. This reform by parliamentary ruling violated at least the spirit of Rule XXII, which requires a two-thirds majority to force a vote on a resolution to change the rules, but was seen by Reid and nearly all Democrats as necessary to overcome continuing obstruction.
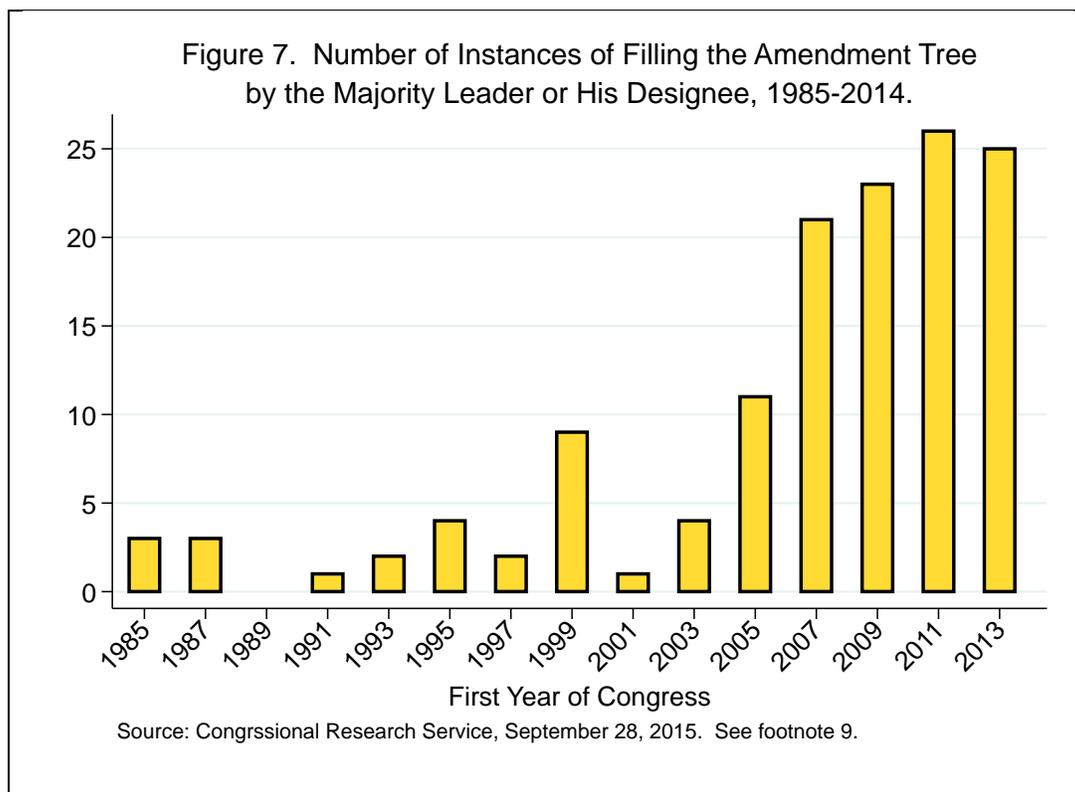
Reid's move rocked the Senate. For the first time, simple majority cloture became the effective rule for the Senate for an important class of business. Republicans complained loudly and forced Democrats to invoke cloture on nearly all nominations for the remainder of the 113th Congress (2013-2014), as Figure 5 shows. Nevertheless, after they gained a Senate majority in 2015, Republicans did not overturn the "Reid rule" and, after struggling with Democratic filibusters on key legislation in 2015, even created a task force to consider extending simple majority cloture to legislative business. At this writing, they have not moved on procedural reform, but there is considerable pressure on them from conservative groups and some House Republicans to do so.

Long before Reid's move in 2013, the majority leader had taken steps to respond to obstructive strategy of the minority. For years, the primary response of the majority leader to minority obstruction was to work harder to acquire unanimous consent to limit debate and acquire votes on amendments and bills. Over the years, the majority leader, sometimes a Republican and sometimes a Democrat, occasionally responded by "filling the amendment tree." The term refers to offering a set of first- and second-degree amendments so that no other amendments may be offered until the Senate disposes of one or more of those amendments. The majority leader's right to be recognized to make

a motion before other senators are recognized creates an opportunity for the leader to fill the tree, thereby preventing other amendments from being offered.

Like the filibuster, filling the tree was rare until recent decades. It is done by the majority leader, or sometimes by a bill manager, to freeze action on amendments. At a minimum, filling the tree temporarily prevents the consideration of amendments, which often includes minority senators' amendments that the majority party wants to to avoid. In some circumstances, it gives majority leader time to seek unanimous consent to limit the amendments that are considered and to limit debate so that final action of the bill can be acquired. If cloture has been invoked on a bill, filling the tree prevents the consideration of amendments while time for debate and amendments is exhausted, thereby blocking minority amendments.

Counting the number of instances of filling the amendment tree is prone to error because it is not a formally recognized action. Analysts at the Congressional Research Service do their best to respond to Senate requests for a count and have done a good job of searching for instances in which the majority leader, or his designee, offers a serious of amendments in quick succession to fill the tree. Their count was reported in a memo last September that was reported to have been distributed by Reid's office.[9] I have summarized their count in Figure 7.

Figure 7. Number of Instances of Filling the Amendment Tree by the Majority Leader or His Designee, 1985-2014.

First Year of Congress

Source: Congrssional Research Service, September 28, 2015. See footnote 9.

In response to the Democratic minority of the late 1990s and early 2000s, Republican leaders Lott and Frist filled the tree with some frequency, setting records for the time for the use of the tactic. Frist, most notably, turned to the tactic more often

after the Gang of 14, a group of seven Democrats and seven Republicans, blocked his threatened move to force simple majority cloture on judicial nominees in 2005. When the Republican minority ratcheted up obstructive action in the early Obama years, Reid doubled the use of the tactic. Many senators and other observers see this as fighting fire with fire—the majority blocking minority proposals to gain some leverage when the minority exploits the rules to block majority bills. At times, it looks like the majority party simply wants to avoid votes on controversial issues. It is all true. It also is true that the tactic contributes to gridlock, which is broken only with long delays, if at all.

When the syndrome of minority obstruction and majority response surfaces repeatedly, as it has in the last decade, it creates a backlog of legislation awaiting floor consideration. The majority party often is blamed for its inability to govern; it certainly is prevented from gaining much credit with the public for passing legislation to address the nation's problems. The minority party is sometimes noted for its obstructionism, but, more often than not, the media has become so accustomed to the 60-vote requirement that it notes the majority's failure more than the minority's obstructionism.

The result is that we get two parties that both behave like minority parties that have the primary objective of winning elections. Deeply frustrated majority and minority parties that become fatalistic about accomplishing their legislative goals and turn to scoring political points against the other side as a primary short-term objective. This makes Senate politics look more purely partisan, as it is, and encourages senators to feed the public's cynicism with even more severe criticism of the other party and Washington.

Reid and McConnell are easy to blame for some of this. The full story is that they have tried to establish a truce and failed each time under pressure from Senate Republicans to oppose the Obama agenda. As majority leader, Reid negotiated two truces with McConnell that involved commitments to pull back from so much obstructionism by the minority and tree-filling by the majority (Smith 2014, 242-54). Both efforts failed and Reid retreated to protect Democratic political interests as best he could. At the beginning of the current Congress, the 115th (2015-2016), Majority Leader McConnell promised a return to "regular order" and, for a time, the Senate had fewer cloture votes and fewer instance of filling the amendment tree than in other recent Congresses. By the time the second session started in 2016, the Senate fell back on old patterns. By March 2016, 77 cloture motions on legislation had been filed—more than in the previous Congress—and, through September 2015, the amendment tree was filled 11 times, on pace to be at least as frequent as the previous few Congresses.[10] In many, if not most cases, the demand from rank-and-file partisans for the partisan moves was conspicuous.

Service as Intermediaries with the President

In this era, the out-party leader is highly constrained in working with the president to overlook legislative obstacles on major legislation. The House and the president are ever-present elements of political calculations in the Senate. Elected floor leaders serve as the primary liaison for their parties with leaders of

the other chamber and with the president. In the case of the president, the most visible political actor in America and the chief lightning rod for partisan politics, relations with the president become a particularly sensitive matter for the out-party congressional leaders. In a hyper-partisan era, this relationship becomes even more delicate. A leader with close ties to an opposite-party president might be held in suspicion and

Relations between a Senate leader and a president of the same party always are important and generally are cordial and supportive of each other. Relations between a Senate leader and a president of the other party are far more varied. This has been true for Reid and McConnell whose relationships with a president of the opposite party ranged from toxic to nonexistent.

Reid became floor leader while President George W. Bush was starting his fifth year in office. It did not take long for the *New York Times* to report that the relationship between Reid and Bush was in the "deep freeze." The *Times* reporters averred that "not since 1919, when Henry Cabot Lodge called Woodrow Wilson 'the most sinister figure that ever crossed the country's path,' has a Senate majority leader appeared to harbor such deep and utter disdain, even loathing, for a president, as Mr. Reid does for Mr. Bush."[11] This was a relationship that was about as unfriendly as can be found in the history of Senate leaders' relationships with presidents.

McConnell's relationship with President Obama have been only slightly better. Many Republicans blame Obama for failing to put much effort into reaching out to them. In 2010, Senator Lamar Alexander (R-TN) observed that "the lack of the most elemental relationship between the president and the Minority Leader plays out day after day after day."[12] Private meetings were relatively uncommon, but, given the obstructionist legislative strategies the Senate Republicans pursued, it is not clear what purpose would have been served by more meetings called by the president. McConnell, after all, was frequently and openly masterminding Senate Republican strategy against most major administration proposals. By the time the Republicans won a Senate majority in 2014, six years into the Obama presidency, McConnell appears to have met alone at the White House with the president only once.[13]

Still, details matter. During the Obama years, the spear point of Republican strategy was often driven by House Republicans and their right wing. While senators like Jim DeMint (R-SC) and Ted Cruz (R-TX) sometimes set the agenda for conservatives, the "Tea Party" Republicans of the House pushed their conference to use the leverage of the House to (attempt) to force Senate Democrats and the president to accept conservative policies in exchange for passing spending bills or debt limit increases. McConnell found a formula that worked for him: He did not openly challenge fellow partisans in the House, held back from committing to a course of action in the early stages of these episodes, and, at the 11th hour, stepped in to construct a compromise solution, sometimes with the help of discussions with Vice President Joe Biden, that would pass the Senate and the House under emergency conditions. This was the pattern for a 2010 agreement to extend the Bush-era tax cuts, a 2011 pact to raise the debt ceiling, a New Year's Eve bargain in 2012 that averted the so-called fiscal cliff, the 2013 appropriations crisis over killing Obamacare, and the 2015 appropriations crisis

over funding for Planned Parenthood. McConnell's strategy allowed him to avoid direct conflict with Tea Party forces while, at least on the Senate side of the Capitol, reducing the harm to the party's reputation. His strategy was not the product of good relations with the president.

While the Reid-Bush relationship was less civil than the McConnell-Obama relationship, the outcome was about the same. Personal limitations and eventually inter-personal animosities surely had something to do with these unproductive relationships. Nevertheless, it seems very likely that these relationships were heavily influenced by the political fundamentals that I have emphasized. Party competition for control of the institutions of government and the polarized policy stances of presidents and the Senate parties sharply limited the opportunities for cooperation and encouraged both parties to a relationship to engage in blame attribution as a basic strategy.

Majority Leader McConnell's response to the death of Supreme Court Justice Antonin Scalia in February 2016 seems to prove the point about how a leader relates to a president and addresses policy and electoral goals in a super-charged, partisan environment. About an hour after the justice's death was confirmed, McConnell announced that the Republican Senate would not consider any Obama nominee for the post. Two factors may have been at play. First, just a few months earlier House Speaker John Boehner was pushed by Tea Party Republicans to resign from his office and many of them considered McConnell a liability, too. Taking a lead on the Scalia replacement issue assured Republicans that McConnell would not be compromising with Obama on a nominee. Second, it seems likely that most Senate Republicans would eventually vote against an Obama nominee, which might not be popular by the time it happened, so killing the confirmation process early would end the matter early. There would be no advice and no consent.
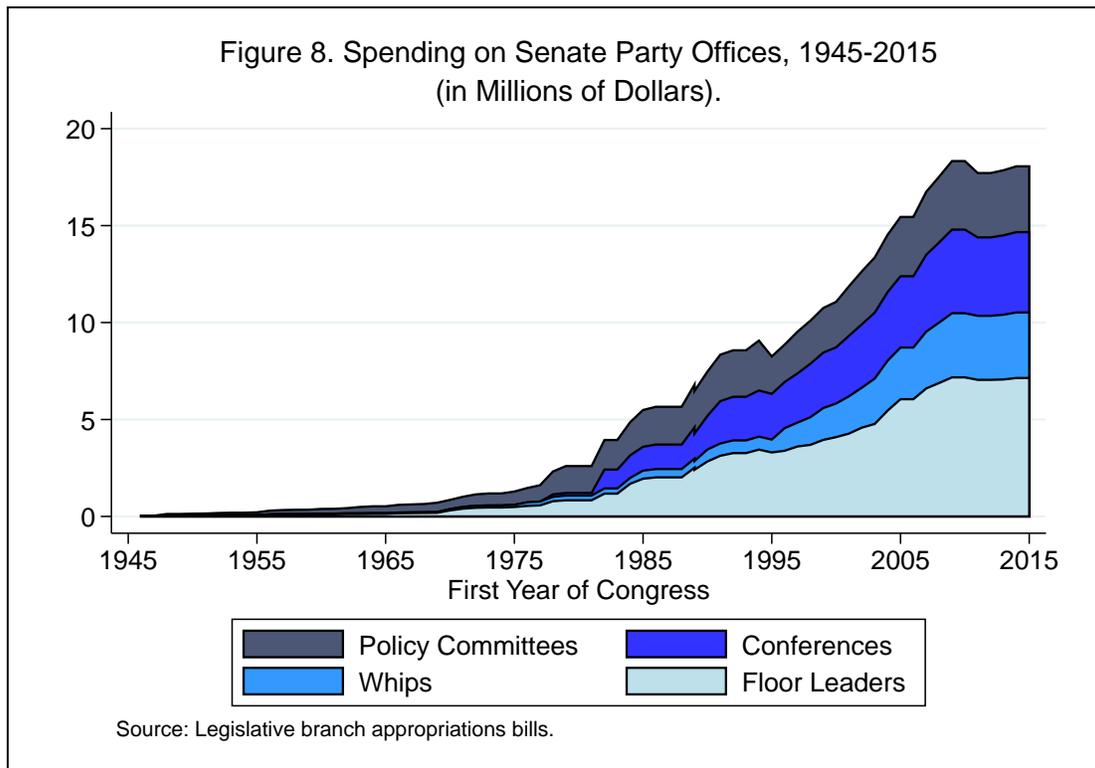
Service as Party Spokesman

In this era, the Democratic leader's public relations effort is called the "war room," and his efforts were replicated by the Republicans. The label captures the flavor of today's Senate messaging politics. Created in December 2004 as a "rapid response" team of senators and staff, the effort was another step in a longer term process of expanding party public relations staffs and their technology. This time, however, it reflected a transition of some importance—Reid's rise to minority leader and his effort to melding the legislative and messaging operations to strengthen the minority party's ability to compete with the Republican majority and president. When Reid wanted to reward Chuck Schumer (D-NY) for chairing the campaign committee for the 2006 cycle, which brought a new Democratic majority, he put Schumer in charge of the war room.[14]

Republicans soon followed. The Republican effort was led initiated in 2006 by Jim DeMint (R-SC), who believed that his background in marketing made him a good leader for the effort. The DeMint's efforts were expanded when McConnell took over for Frist at the end of 2006.[15]

The war room efforts were deliberately designed as bringing the techniques of modern election campaigns into the legislative process. In fact, the term "war room" was borrowed from the label given to the Clinton Little Rock headquarters during the 1992 presidential campaign. The designed effect of the Reid and McConnell initiatives was to serve the legislative and electoral goals of each party by increasing the pace and improving the coordination of party messaging. The less intended effect was to sharpen partisan attacks and deepen the partisan divide.

In fact, the war room initiatives since 2004 are a part of a longer term process of enhancing the ability of the parties and individual senators to reach the public through the media, floor speeches, and other means. As I show in Figure 8, appropriations for party offices in the Senate grew at a phenomenal rate between the early 1980s and 2009, when continuing appropriations and spending limited further growth. Both parties now maintain large staffs that have the primary function of competing with each other in the legislative and electoral arenas. They do this largely at public expense.

Figure 8. Spending on Senate Party Offices, 1945-2015 (in Millions of Dollars).

Source: Legislative branch appropriations bills.

Concluding Observations

I conclude by making some summary observations about Reid and McConnell, the blame for the Senate's predicament, and some lessons to be drawn for the political science of legislative parties.

Reid and McConnell are more than bit players in the process of intensifying partisanship, amplifying inter-party competition, and polarizing parties. Nevertheless, we should view their contributions come primarily in the form of innovations and strategies that serve the interests of their parties. Those interests, which are stronger and more homogenous in the last two or three decades, drive leaders' strategies far more than those strategies generate stronger and more homogeneous parties.

Considerable ink has been spilled by partisans and outside observers about which party is most responsible for these developments. McConnell and Reid certainly blame each other. Semi-famously, Mann and Ornstein have expounded on this subject in their book, *It's Even Worse Than It Looks* (2012), and a new edition, *It's Even Worse Than It Was* (2016), in which they argue that Republicans, including congressional Republicans, radicalized their policy positions and legislative strategies. That is what I see in the Senate, too. Over the last quarter century, Republicans have moved farther to the right than Democrats to the left. Moreover, while Democrats were not bashful about filibustering Bush-era legislation and some nominations, Republicans have taken procedural warfare to a new level of intensity with their consistent effort to obstruct Senate action on the Obama program. Remarkably, Senate Republicans have sometimes taken a more conciliatory stance toward the president and Democrats than House Republicans, but their obstructionism when in the minority under McConnell's leadership ran deeper and wider than any we have seen before.

The forces behind the behavior of Reid and McConnell extend well beyond the Senate, but the competition between the parties and their diverging ideological outlooks drives the day-t0-day developments that I have described here. In response to inter-party competition, the parties have expanded their organizational capacity in ways that are unlikely to be reversed. Neither party has incentive to unilaterally disarm, even if it should be lucky enough to experience firm majority control of the Senate over many Congresses. The result is the staff and technological machinery of the party tend to increase monotonically over time.

In contrast, political scientists have observed that reliance on strong party leaders tends to wax and wane with the polarization of the parties. The Senate may be somewhat different than the House in this respect. Substantially increasing the power of the majority party's leader would require a change in Senate rules that the minority will not permit and can block. The Senate may experience a more modest amplitude to the pattern of centralization and decentralization that the House experiences.

Today's Senate is at a juncture at which intense inter-party competition occurs simultaneously with polarized parties to produce exceptionally partisan politics that is an obstacle to legislating and a stimulant to a permanent campaign. Reid and McConnell have contributed to this process in many ways, but, more than anything else, they are along for the ride.

[1] http://www.cbsnews.com/news/an-exasperating-interview-with-senate-leaders/

[2] http://www.c-span.org/video/?307973-1/us-senator-mitch-mcconnell-henry-clay&start=44.

[3] "Sources: Harry Reid Sleeping With Mitch McConnell's Wife In 1986 At Core of Senate Gridlock," The Onion, January 5, 2011, (http://www.theonion.com/article/sources-harry-reid-sleeping-with-mitch-mcconnells--18720).

[4] http://www.bloomberg.com/news/articles/2011-01-19/reid-friendship-with-mcconnell-helps-bridge-gaps-that-ideology-might-widen

[5] http://www.cbsnews.com/news/an-exasperating-interview-with-senate-leaders/

[6] http://www.politicususa.com/2014/12/23/mitch-mcconnell-blames-democrats-years-senate-obstruction.html, http://www.nola.com/politics/index.ssf/2014/06/senate_continues_blame_game_on.html, http://thehill.com/blogs/floor-action/senate/243571-reid-blames-mcconnell-for-manufactured-nsa-crisis.

[7] http://lasvegassun.com/news/2014/jun/08/keeping-score-senate-blame-game/

[8] The figure is based on DW-NOMINATE scores calculated separately for each Congress (that is, without a linear trend built in for individual legislators as in normal DW-NOMINATE scores). Similar patterns for the parties are found using normal DW-NOMINATE or common space scores. See voteview.com.

[9] http://www.scribd.com/doc/283741489/CRSMemTreeFilledByLeaderbyYearThrough9-28-15 (accessed April 3, 2006).

[10] By March 2016, cloture had been filed on presidential nominations only twice. The Democratic minority, of course, supported action of President Obama's nominees; the Republican majority did not have to filibuster to delay action on nominations.

[11] David M. Herszenhorn, Lee Myers, and Sheryl Gay Stolberg, "Reid's Chilly Relationship with Bush Enters a Deep Freeze," New York Times, December 19, 2007, p. 20.

[12] Emily Pierce, "McConnell's Relationship with Obama to be Tested," Roll Call, November 15, 2010. Also see Jason Horowitz, "G.O.P. Leader's New Role Could Take Strainted White House Ties to Next Level," New York Times, November 6, 2014, p. 2.

[13] Horowitz, ibid.

[14] On the war room efforts, see Helen Dewar, "Democrats Planning Watchdog Role," Washington Post, December 14, 2004, p. A10; Robin Toner, "Demands of Partisanship Bring Change to the Senate," New York Times, May 20, 2005, p. 16.

[15] Alexander Bolton, "DeMint Starts Hitting Back," The Hill, March 22, 2006, p. 1; Alexander Bolton, "Senate GOP Begins Repair of Messaging," The Hill, January 17, 2007, p. 1; Erin Billings, "Parties Step Up Floor Messages," Roll Call, April 24, 2007, p. 1.