

The Great Divide

Lawmakers who once prided themselves on working across the aisle find the statehouse turning deeply partisan.

BY GARRY BOULARD

Former Nevada Senator Bill Raggio isn't sure exactly when things changed.

But sometime in the last decade, he began to think almost everything in the Nevada Legislature was being decided on a partisan basis—and not just as it pertained to headline-making issues such as gay rights, immigration and abortion, but with the very process of the Senate itself.

Even decisions on organization and procedure and the makeup of committees have taken on a partisan tone, says Raggio, who was first elected to the Nevada Senate in 1972.

“There is no doubt about it: Things are much more partisan here today than they used to be,” he says. “And the divisiveness is not only between parties, but even within parties.”

Across the country, Tennessee Representative Jimmy Naifeh has been frustrated by the same trend.

“When I was speaker and we were dealing with a major issue, I would bring in both Democratic and Republican leaders, and we would sit at my conference table and work our way through things,” Naifeh says.

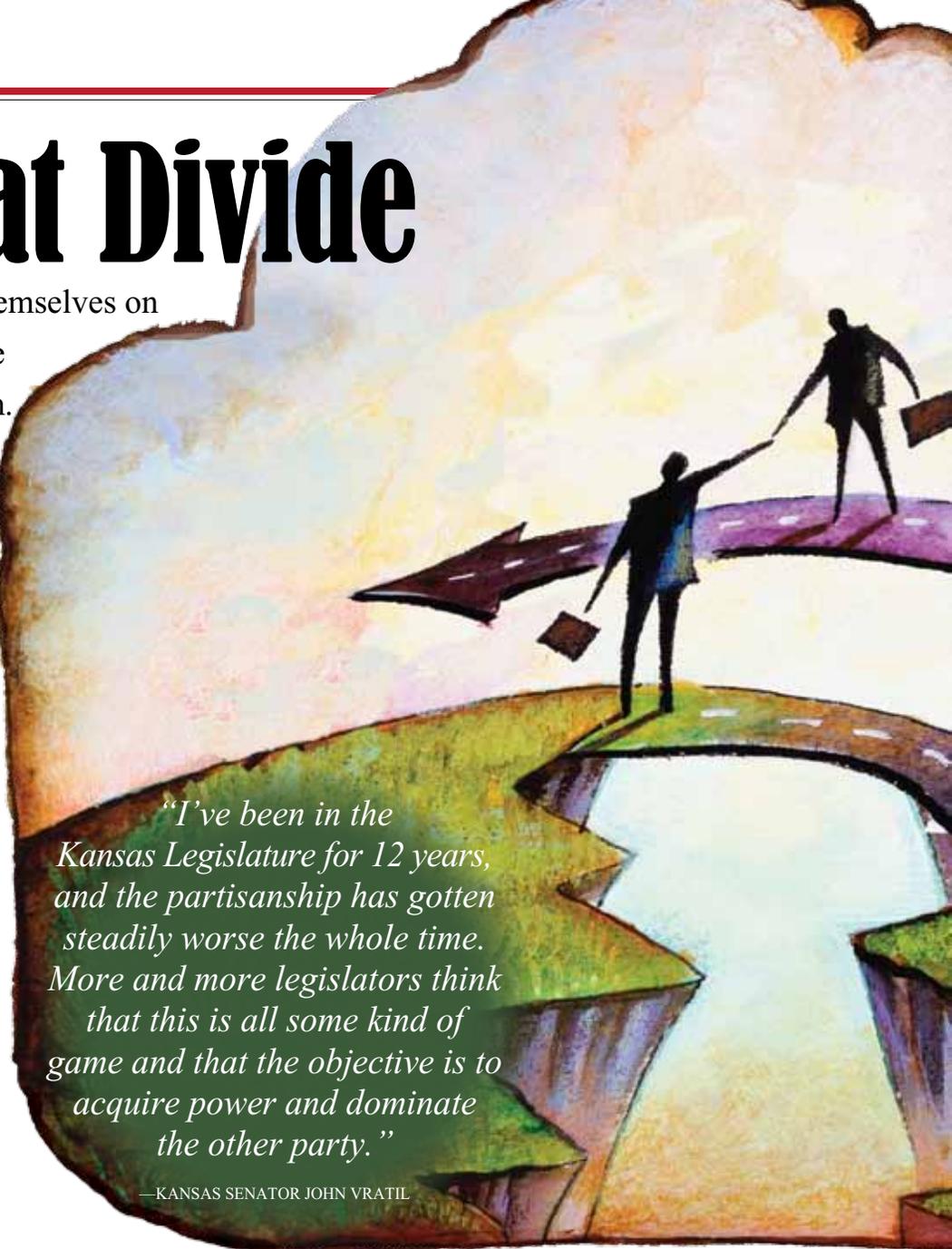
“We did that over and over again on any number of issues. And by and large that worked out well.”

Now, “talking things out is regarded by some as a bad thing,” he says. “You have to be a Democrat or Republican, no matter what.”

“I don't like it one bit.”

Are state legislatures—long regarded as more civil assemblies than the national Congress because of close working relationships between members of both parties—going the way of Washington? Is that D.C. phenome-

Garry Boulard is a freelance writer in Albuquerque and a frequent contributor to State Legislatures.



“I've been in the Kansas Legislature for 12 years, and the partisanship has gotten steadily worse the whole time. More and more legislators think that this is all some kind of game and that the objective is to acquire power and dominate the other party.”

—KANSAS SENATOR JOHN VRATIL



FORMER SENATOR
WILLIAM RAGGIO
NEVADA



REPRESENTATIVE
JIMMY NAIFEH
TENNESSEE

non known as gridlock now a regular feature of life in many statehouses?

A number of legislators say yes. They point to the growing role of big money in state campaigns, greater integration of state and national party leaders, term limits, and an electoral system tilted toward ideological extremes.

“I've been in the Kansas Legislature for 12

years, and the partisanship has gotten steadily worse the whole time,” says Kansas Senator John Vratil. “More and more legislators think that this is all some kind of game and that the objective is to acquire power and dominate the other party.”

In fact, the shift to a more partisan tone under the statehouse dome has been under-

PARTISANSHIP: THE BAD OLD DAYS

Maybe the most memorable partisan moment in congressional history came on May 22, 1856, when Representative Preston Brooks of South Carolina entered the Senate chamber and proceeded to beat Massachusetts Senator Charles Sumner with a cane.

The attack followed Sumner's "Crime Against Kansas" speech in which he vilified two other senators in a debate over whether Kansas should enter the union as a free state or slave state. Brooks took umbrage at Sumner's characterization of his fellow South Carolinian, Senator Andrew Butler.

Although such physical attacks were rare, historians often point to two dramatic congressional debates over slavery when making the point that partisanship and angry divisions are nothing new to Washington.

The Missouri Compromise of 1820 and the Compromise of 1850, both dealing with slavery, were forged only after weeks of parliamentary maneuvering, angry speeches and back-room deal-making. Participants in both battles felt the partisan and sectional rancor had become so great that both Congress and the country itself were on the verge of coming apart.

Congressional resentments simmered for the rest of the decade and were most conspicuously on display when the young Republican John Sherman was denied the speakership for endorsing a book called "The Crisis of the South," which argued that slavery was no longer economically viable.

For two months, vote after vote saw Sherman falling just short of a majority. The prolonged battle meant paralysis; members could be not paid until Congress was officially organized, resulting in large hotel and bar tabs, prompting the sergeant-at-arms to ladle out cash—said to eventually total more than \$50,000—to tide them over.

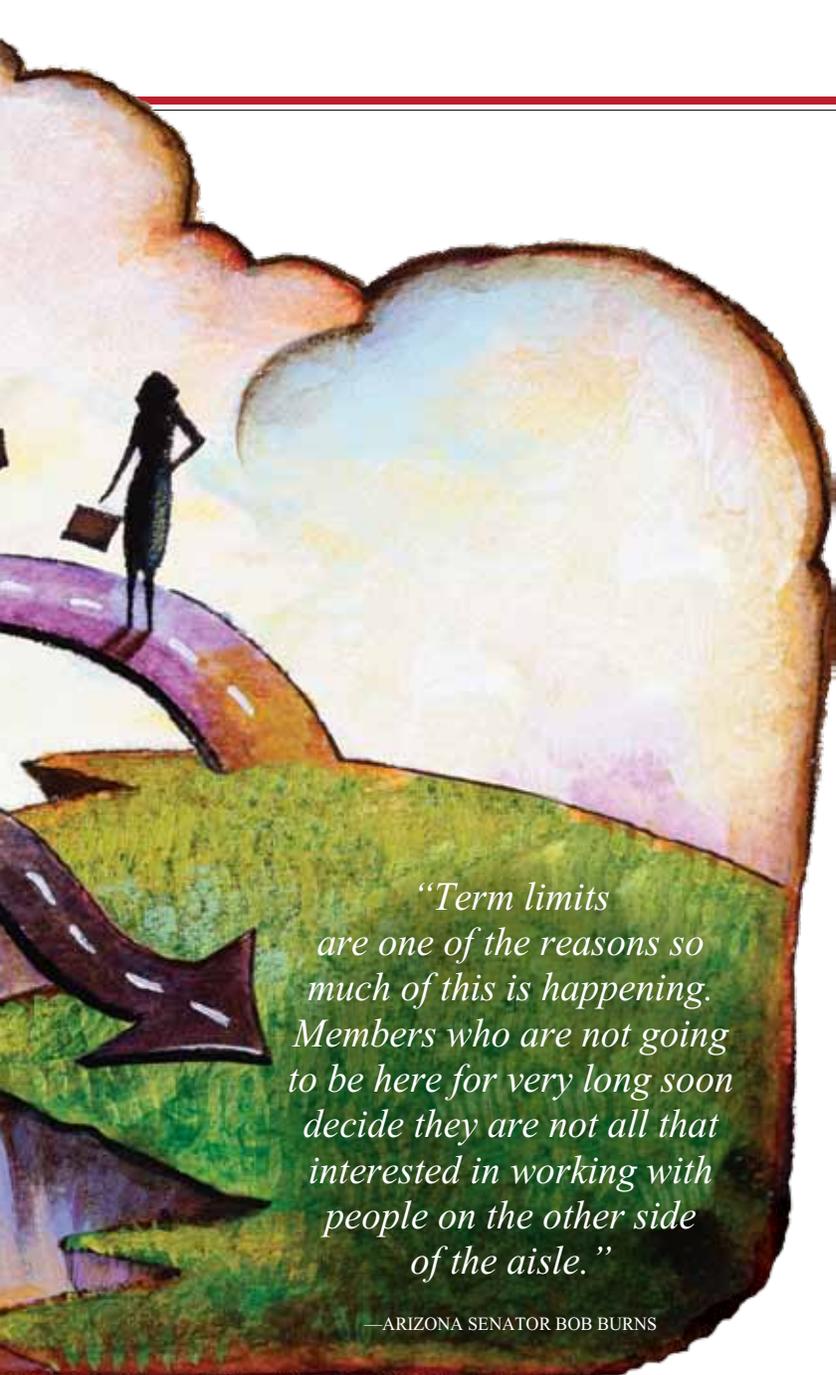
The members finally selected a new speaker in February 1860 after Sherman withdrew. The likelihood of continued congressional rancor was greatly reduced when all the Southern members of both the House and Senate resigned their seats one year later when the states they represented seceded.

But congressional paralysis was hardly over. For a period of nearly three decades beginning in the late 1870s, a series of elections left either the Senate or House, or both, narrowly divided, creating a sort of permanent gridlock, says political scientist Bruce Oppenheimer.

"What was different in that era was that a large number of seats were highly competitive, so there were swings back and forth with partisan shifts in the electorate," Oppenheimer says. "Today we have a smaller number of seats that are highly competitive, along with a large base of seats that are electorally safe."

Author Michael Dubin contends the modern era of excessive partisanship began to appear in both Washington and the statehouses with the emergence of issues such as civil rights and Vietnam in the 1960s and abortion and gay rights after that.

"These issues greatly sharpened the partisan divide," says Dubin. "But the difference now is that even on economic matters we are also seeing similarly angry confrontations and debates."



"Term limits are one of the reasons so much of this is happening. Members who are not going to be here for very long soon decide they are not all that interested in working with people on the other side of the aisle."

—ARIZONA SENATOR BOB BURNS



SENATOR
JOHN VRATIL
KANSAS

way since the turn of the century, says Michael Dubin, author of "Party Affiliations in the State Legislatures."

"It's really a matter of the statehouses finally catching up to Washington," he says. "For more

than a decade now, the legislator who revels in bipartisanship and moderation has been on the outs. The person who is more confrontational has become a driving force and gets all the attention."

What's more, he says, the age of instant and constant information has empowered the people at the extremes of the political spectrum. "Politicians both in Washington and at our state capitols are playing to the folks who are most interested in what they have to say, who also tend to be the most ideological."

GROWING CLOUT OF MONEY

The change to a more partisan tone has been a long time coming and the rising cost of running for office is part of the reason, according to Dan Glickman, a senior fellow at the Bipartisan Policy Center in Washington, D.C.

“It’s getting very expensive,” he says. “Many state legislative races today cost what congressional races used to cost about 25 years ago. When you have a lot of money coming into politics, particularly outside money, it discourages people in a legislative setting from working together.”

The reason?

Big money—national party money—often comes to those who get the most attention and are the most confrontational, because they have the most potential as possible candidates for Congress, says Nicole Mellow, a professor of political science at Williams College.

“There are more linkages now at the state level with what is happening in Washington,”

says Mellow, who is the author of “The State of Disunion: Regional Sources of Modern American Partisanship.”

“There is greater integration between national party leaders and state party leaders,” she says. “Once that cycle is in motion, it only intensifies conflict.

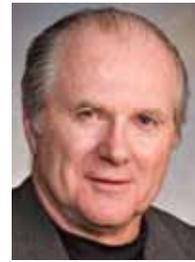
“And that integration very much includes the way money flows and communication works.”

TERM LIMITS, NATIONAL ISSUES

Former Arizona Senator Bob Burns thinks structural changes in state legislatures also have contributed to the problem.

“Term limits are one of the reasons so much of this is happening,” he says. “Before, people were concerned about being re-elected, which meant it was important for them to get things done and, by so doing, develop relationships with other members, regardless of their party and philosophy,” he says.

“The imposition of term limits changed



FORMER SENATOR
BOB BURNS
ARIZONA

all that,” says Burns. “Members who are not going to be here for very long soon decide they are not all that interested in working with people on the other side of the aisle.”

Burns also thinks the decline in nonpartisan social activities, often hosted by a lobbyist or interest group, has made things worse. Such events are less frequent because of media scrutiny and ethics rules.

“We don’t get to know each other the way we used to,” Burns says. “And I think that’s to our loss.”

Naifeh says the political aspirations of some members also have not helped. “Whenever one of the members starts to run for Con-

gress or governor or some higher office, that's when the trouble really starts," he says. "Their whole attitude changes about their votes and what they are doing. They tend to become much more partisan than before."

Raggio also points to what he describes as a nationalization of state issues as a source of conflict.

"Practically everything we do here has some sort of national significance today," he says. "Very few issues are entirely local. Certainly the economy is not just local. And that's one of the main reasons members at the state level have begun to adopt the talking points of their national parties."

MIXED MESSAGES

It may be of scant comfort, but for those who think the current level of partisanship is something new, think again.

"We've been here repeatedly throughout our history," says Dubin. "When you think about issues like Vietnam and civil rights, I would argue that in some way we are less confrontational than we used to be. The only difference now is that the fighting seems to go on non-stop." Against this wave of partisanship are several studies released this year by Allegheny College that found voters dislike the excessive partisanship of their elected leaders. In one survey, 85 percent said they wanted their representatives to "Be friends with individuals of the other party."

"People are turned off by all the negative campaigning and attacks," says Daniel Shea, director of the Center for Political Participation at Allegheny College.

But Shea acknowledges that constituents send conflicting messages.

"Most people say they want their representatives to be more moderate, but it is the fired-up and angry supporters who are the ones sending e-mails and calling on the phone, encouraging their elected officials to be just as hard core as possible."

He points to the effectiveness of groups such as MoveOn.org and the Tea Party in primary campaigns. "In both parties, if you don't toe the line, you might well be thrown out of office. And that is true at the state legislative level as well."

Nonetheless, a certain amount of partisanship may be a good thing.

"Theoretically, our system functions best when competing ideas are forced to be hashed out and when people argue ideas forcefully and with conviction," says Mellow. "People get frustrated with how long it takes to get legislation through in Washington or in the statehouses, how difficult it may seem to make changes. But the good side to that is the opportunity for deliberation."

Raggio takes a long view.

"I remember the days when the John Birch Society controlled the Republican Party. But they finally wore out their welcome," he says. "The Democrats have also gone through periods of time when different factions were controlling them."

"These are just phases that our country has had to get through," he says. "The only problem is that we don't know how long this particular phase is going to last." ■■■

SL ONLINE

Check out an interview with Dan Glickman, a former member of Congress, on the perils of partisanship in the legislative process at www.ncsl.org/magazine.