

## Obama at Mid-term

by Bert Rockman and Eric Waltenburg

*Barack Obama was elected President of the United States in a time of deep crisis and high, perhaps impossible, aspiration for his presidency. While Obama's experience as a national politician was slight, his talents were often regarded as prodigious. His path to the White House was marked by a combination of circumstances including its historic character as the first person of color to obtain a major party nomination, a carefully calibrated strategy to outlast his main opponents, passionate and unprecedented financial support for his candidacy, and, finally, the collapse of the economy during the general election period that severely wounded his political opposition. With a substantial individual and party victory, Obama was expected to be able to move much of his ambitious policy agenda through the complex machinery of the US Congress. Intense partisanship, a committed strategy of opposition on the part of Republican legislative leaders, the rise of extreme party activists, and the current norms of operation in the Senate requiring extraordinary majorities nearly all of the time provided formidable obstacles to his efforts. Although, arguably, Obama has accomplished a good bit of what he hoped to achieve, his window is apt to close soon. The assessment of Obama's leadership ends with a question of institutional adaptability to current political cleavages and practices in the US and whether a system in which power is continuously checkmated but often fails to lead to compromise can rise to the considerable challenges facing the nation.*

*Barack Obama wurde unter den Vorzeichen der Krise und mit hohen, vielleicht unmöglichen Erwartungen zum Präsidenten der Vereinigten Staaten gewählt. Während Obamas Erfahrung als Bundespolitiker relativ gering war, wurden seine Talente durchweg als außergewöhnlich beschrieben. Sein Weg ins Weiße Haus war gekennzeichnet von der historischen Erfahrung einer Nominierung einer „person of color“, eine sorgfältig ausgestaltete Wahlkampfstrategie, eine ungewöhnlich großzügige finanzielle Unterstützung seiner Kandidatur sowie schließlich den Zusammenbruch der Wirtschaft während der Wahlkampfzeit – zulasten seiner politischen Gegner. Vor dem Hintergrund dieses bedeutenden individuellen und parteipolitischen Erfolgs wurde zunächst erwartet, dass Obama weite Teile seines ambitionierten Programms durch die komplexe Maschinerie des Kongresses steuern könnte. Jedoch stellten sich ihm eine Reihe schwer zu überwindender Hindernisse in den Weg, darunter eine starke parteipolitische Polarisierung, die koordinierte Gegenstrategie der Republikaner, der Aufstieg extremer Parteiaktivisten sowie die gültigen Regeln des Senats, die für die meisten Gesetzgebungsvorhaben de facto eine Supermajorität von drei Fünfteln der Stimmen verlangen. Zwar hat Obama einen wichtigen Teil seines Programms erfüllt, doch ist eine Verknappung seines Gestaltungsspielraums absehbar. Vor diesem Hintergrund wird der Frage nachgegangen, ob das System der politischen Institutionen in den USA flexibel genug ist, um den anstehenden drängenden Herausforderungen gerecht zu werden.*

## I. The Birth of a Star

*Barack Obama* burst upon the national scene of American politics suddenly in 2004. An Illinois state senator and the Democratic Party's nominee for an open U.S. Senate seat in 2004, he was asked by that party's presumptive presidential nominee in 2004, Senator *John Kerry*, to deliver the keynote speech at its nominating convention in Boston. That role is usually reserved for a rising star in the party or a notably eloquent orator.

*Obama* presented an opportunity for the Democrats to highlight their commitment to its most loyal constituency – Americans of African descent – while also putting forth an attractive and racially transcendent new political personality. Although *Kerry* lost a close election, the Democrats clearly had an emerging star in their midst. The keynote address, which is nowadays one of the few remaining highlights of the large party conventions that are still covered by the for-profit national broadcast networks, was electrifying even though it was about as non-partisan as such a speech can be. *Obama's* eloquent statement that Americans despite their different stories shared a common destiny was clearly meant to transcend the boundaries of identity politics heretofore, unfairly or not, previously linked with ethnic politicians.

The good fortune of *Barack Obama* continued as he won the election to the U.S. Senate seat from Illinois over a weak opponent. Once in the Senate, *Obama* quickly established himself with a number of key senior senators as someone who was both cordial and understanding of the ornate ways of the Senate, yet also thoughtful as well as loyal to his party leadership. Although his brief career in the Senate was not otherwise notable for legislative entrepreneurship, it was characterized by a level of thought not often expressed in the rough and tumble of American politics. For example, in opposing the confirmation of Appellate Judge *John Roberts* as Chief Justice of the United States, *Obama* noted that the personable nominee had sided consistently with the more powerful party in litigation that had reached his court. *Obama* prefaced his conclusion by noting, with the acuity of a clinical constitutional law professor, that even in appellate decisions about 95 per cent of the legal issues were clear or had legal precedent. It was the other 5 per cent in which judges had discretion and in which their judgments were based upon their experiences and their outlooks. It was there that *Obama* found *Roberts* wanting. This sort of a sophisticated conclusion, so eloquently and accurately stated, was rare for an active politician.

It was clear to those following *Obama's* career that he was one of his party's prime prospects for the presidency despite his racial background. He was clearly regarded as someone quite special. The immediate future, however, apparently belonged to another politician in *Obama's* party, a senator from the state of New York (by way of the White House, by way of Arkansas, and by way of Chicago's fashionable north shore suburbs), *Hillary Rodham Clinton*. In an initially crowded field of contenders for the Democratic Party's nomination for the presidency at least three candidates were considered plausible firsts: *Obama* as a candidate of African descent; *Clinton* as a woman; and *Bill Richardson*, the Governor of New Mexico and former cabinet member in the *Clinton* administration, as a candidate of Latino heritage.

Although *Clinton* seemed to be the odds-on favorite to be the Democrats' nominee for the presidency in 2008, the crowded field meant that lightning could strike anyone as the nomination of *Jimmy Carter* in 1976 suggested. A relatively obscure former governor of the state of Georgia, *Carter* ran then in an equally crowded field of candidates. Unlike *Carter*, however, *Obama* had already demonstrated his credentials on the national scene and brought with him a devoted following impressed by his personal demeanor and intellect as well as by the historic nature of his candidacy. Although few doubted the quality of most of the other contenders, especially *Clinton*, many on the party's left were frustrated by her tendency to pander to what she thought was a politically expedient course of action rather than to make considered judgments that carried political risk. Her vote to allow the president to use force if necessary in Iraq was characteristic of what the party's left saw as a willingness to yield to a politically correct rather than policy correct position.

Of all the Democratic candidates, other than *Dennis Kucinich* (the party's leftmost and least notable candidate) and *Bill Richardson*, *Obama* could claim the high ground in opposing the American war in Iraq if for no other reason than that he did not have to vote on it since he was not yet in Congress. *Kucinich*, a member of the House of Representatives, had voted against the war.<sup>1</sup> The other candidates expressed scepticism, some even at the time, but, fearful of the consequences of opposition to an action being framed as part of the "war on terror", nevertheless went along with the *Bush* administration. As a consequence, the issue that Democrats sought to use against the *Bush* administration was tarnished by the complicity of most of its candidates – except for *Kucinich*, *Richardson*,

1 For the same reason as *Obama*, *Richardson* did not have to vote on the war.

and *Obama* – in voting for the war. To party activists, this was a central issue. *Kucinich* had virtually no chance of securing the nomination, but *Obama* did and the road for him to capture the hearts of the anti-war sentiment and party activists was open.

## II. The Path to Nomination

The pathway to presidential nomination of one of the two major parties, but especially in the Democratic Party, is long, tortuous, perhaps also torturous, and fueled by exorbitant amounts of money. The process has been referred to as a continuous campaign that does not cease even after one is elected. Obviously, the continuous campaign elevates politics above governance. But it also requires that candidates produce passionate supporters and contributions of manpower and finance to their campaigns. *Obama* hit on all of these necessities for a successful campaign toward the nomination. Although *Obama* most frequently came to positions adhered to by the left wing aspirations of the Democratic Party's activists, his thinking about policy appeared to be non-dogmatic, reflecting in various doses respect for evidence and logic, wariness of the limits posed by political acceptability, and caution about commitments that could have unanticipated adverse consequences. He was at once an advocate for many of the left's dearest causes while also possessing a conservative's temperament to be cautious and sensitive to the entrapment induced by believing in one's fondest hopes and ignoring one's worst fears.

*Obama* seemed, in other words, to be a perfect candidate during a time when US politics was cleaved by deep and intense partisan divisions. He appealed to the party faithful and youthful idealists while also providing hope, as he – as had his two immediate predecessors, *George W. Bush* and *Bill Clinton* – explicitly repeated that he would strive to overcome the cavernous political rifts that had been intensifying for decades. This was undoubtedly too much to ask. Neither *Bush* nor *Clinton* was able to achieve that. And as matters turned out, once elected, *Obama* attracted intense opposition from the Republicans, but that likely would have been the case for any of the Democrats' candidates for the nomination. As those elected have a tendency to do, *Obama's* pragmatism disappointed some of his most passionate political supporters while failing to win over the political opposition.

*Obama's* campaign strategy was to raise voluminous amounts of money through internet communications and door-by-door mobilization on the part of young

volunteers. His campaign was predicated on a lengthy struggle that would exhaust the fundraising resources of his rivals, especially Senator *Clinton's*, before the endgame. In addition, his campaign staff had a fuller comprehension of the arcane arithmetic by which a majority of delegates could be attracted to him. This included mastering the proportional representation rules for allocating delegates in party primaries and through party caucuses. By contrast, the Republican Party, allocating its votes on a unit first-past-the-post procedure, wound up with a clearer and more certain path to its nomination for Senator *John McCain*.

Passionate commitment to his candidacy was the key to *Obama's* success in obtaining his party's nomination. As the party's numerous candidates dwindled ultimately to the two frontrunners – *Clinton* and *Obama* – the passion gap between the two would be telling. As the initial frontrunner, *Clinton* was able to tap into traditional Democratic Party sources – small numbers of very wealthy donors very much like those her husband, the former president, had succeeded in securing. This support was more tactical than committed. As long as *Clinton* looked like a sure bet, the money would flow. But the moment she looked politically vulnerable, the less secure her finances would become. In contrast, the *Obama* campaign sought out numerous small donations from its more passionate base as well as the traditional donors to liberal (left in the peculiar verbiage of US ideologies) causes based on the Democrats' favorite industries – the arts, finance, and academia. Its command of the internet and its foot soldiers ultimately overwhelmed the *Clinton* campaign's hopes for a quick and decisive victory. *Obama's* status grew with his victory in the Iowa caucuses, a state characterized by high levels of education and by its nearly all white population. By taking Iowa, *Obama* proved himself as a cross-over candidate acceptable to whites. In fact, what he really accomplished was that he could do well among committed white Democrats with high levels of education that turn out at party nominating caucuses on cold winter nights. Overall, *Obama* garnered 44 per cent of the white vote in the general election, a figure not greatly variant with how white Democratic presidential candidates have performed over the past several elections.<sup>2</sup> One of the crucial aspects of the Iowa vote, however, was that it loosened up black support for *Clinton* among both political elites and the party rank and file, and began an inexorable move toward *Obama*. No such solidity was

2 The 44 per cent of the vote that *Obama* received compares to an average of 46 per cent of the vote for Democratic presidential candidates in the five presidential elections between 1988 and 2004, cf. *U.S. Census Bureau*: <http://www.census.gov/compendia/statab/2010/tables/10s0387.xls>.

found along gender lines with sharper distinctions among women based on age – older women strongly for *Clinton* but younger women more likely to support *Obama*.

Over the course of the campaign for the Democratic Party nomination, the meticulous knowledge of the party nominating rules and the *Obama* strategy of securing a continuous flow of financial support managed to overcome *Clinton*'s appeal to older working class white and Latino voters of both genders in states that were traditional Democratic Party strongholds. *Obama*'s continuing, if narrow, lead in delegates ultimately paid off in the support of the party's non-elected "super delegates" – public officeholders whose inclusion in the process was to moderate the radical instincts of party activists. As expected, they drifted in the direction of the frontrunner. This was the dynamic that ultimately lifted *Obama* to his party's nomination at its convention in Denver.

### III. The Road to the White House

Unusually, the two parties held their conventions virtually back-to-back. It is normally the case that the incumbent party holds its convention last. The one-month gap in 2004 between the Democrats' convention in Boston and the Republican convention in New York turned out to be politically costly for the Democratic nominee, *John Kerry*. In the interim period, a number of "527" organizations (designated as such for the provision in the internal revenue code), affiliated with the *Bush* campaign, but exempt from many of the financial and political rules constraining campaigning, attacked *Kerry* relentlessly. They produced what were known as the "swift boat" advertisements named after the type of river-boat commanded by *Kerry* during the Vietnam War. The ads called into question *Kerry*'s credentials, the legitimacy of his medals, and his patriotism in view of his subsequent leadership of anti-war veterans' groups. The Democrats were unable to respond because they could no longer spend the federal money that financed the nomination process and they could not tap funds for the general election until the Republicans completed holding their convention.

The Democrats decided they would not permit that to happen in 2008. As matters turned out, however, the situation became moot. *Obama*'s finance machine was so substantial that he chose not to accept federal funding either for nomination or the general election. It is rare that Democrats have a financial advantage over Republicans in electoral contests, but in this case they did due to the relentless

and unconventional solicitation methods of the *Obama* campaign and the passion of its supporters.<sup>3</sup>

It seemed plausible at first blush that the two nominees would temper the nature of their campaigns to some degree. After all, *McCain* liked to position himself as an independent Republican who frequently collaborated with Democrats on legislative initiatives.<sup>4</sup> The campaign took a decidedly nasty turn, however, after the financial crisis hit in full force in September and what had been a very close contest began to turn into a clear advantage for the Democrats. The *McCain* campaign accused *Obama* of being a socialist – a seemingly lethal attribution in American politics, though probably not among Democrats. *McCain's* vice-presidential pick, Governor *Sarah Palin* of Alaska, hit most of the red button issues by appealing to the Republican party's nativist wing. She accused *Obama* of a close association with a 1960s radical, *Bill Ayres*, who lived in the same neighborhood of Chicago as *Obama* and subsequently worked with him on education issues. *Palin* was wildly popular with the Republican base – but much less so beyond it. She spoke in coded language to “small town America” as a place where real (mainly white) Americans lived, thus calling attention to *Obama's* metropolitan, cosmopolitan, and racial roots. The *McCain* campaign finally invented a mythical “*Joe the Plumber*” whose business *Obama's* policies would presumably put in peril. Unfortunately “*Joe the Plumber*” who *McCain* referred to repeatedly in the last few weeks of the campaign turned out neither to be a licensed plumber nor even named *Joe*.

*Obama* never left his message. He stayed calm and associated *McCain* with the very unpopular incumbent president, *George W. Bush*, despite *McCain's* best efforts to proclaim that he was really the candidate of change and, by implication, that he never supported *Bush*, for whom he campaigned in 2004. There is no doubt that *Obama's* campaign strategy in the general election was as effective as it had been on the road to the nomination. It was well planned and it put pressure on the Republicans to compete in their own strongholds. As in a football match, the *Obama* campaign kept the ball on their opponents' side of the pitch placing relentless pressure on the less well-financed *McCain* campaign to defend

3 *Obama* raised \$745 million to *McCain's* \$368 million, cf. <http://www.opensecrets.org/pres08/summary.php?cycle=2008&cid=N00030216>.

4 It was rumored that *John Kerry* approached *McCain* to be a cross-party vice-presidential nominee on his ticket. *McCain* refused that entreaty believing it would make it impossible for him to be his party's nominee four years later.

its turf. In the end, events catapulted *Obama* and his fellow Democrats to a decisive victory on election day. Not only had the Democrats gained the White House, they also greatly strengthened their majorities in both chambers of Congress.

On election night, *Obama* spoke at Grant Park in Chicago and reached back to the themes of his keynote speech about unity, humility in victory, and the need to bring all sides to the table. Generosity of words flowed from what he undoubtedly thought was the strength of his and his party's political position. In the meantime, economic and financial conditions continued to deteriorate and the demand for political leadership was desperate. *Obama* and his photogenic family had become hugely popular (though this was not to last), and so many had placed their aspirations and hopes in the new president.

Getting to the White House was one matter. Governing effectively – even with overwhelming party majorities – was another. Possibly, *Obama* underestimated, despite his own brief career in the Senate, the extent to which the upper chamber had evolved into the final resting place for legislative initiatives and executive and judicial nominations without anyone ever actually having to vote on a bill or a nominee. Similarly, *Obama* may have overestimated the extent to which he could bring about some measure of support for his initiatives that would cut across party lines and, above all, underestimated the extent to which congressional Republicans were overwhelmingly committed to full opposition to his initiatives. As a candidate, *Obama* had been virtually an irresistible electoral and political force. However, he was about to collide with the immovable object of the current American legislative process.

#### IV. The Realities of Governing

On 20 January 2009, *Barack Obama* took the oath of office, becoming the 44<sup>th</sup> President of the United States. It was a singular event, an African American being elected president, and more than a million people crowded into Washington, DC to experience the historic moment. With slogans of “Change We Can Believe in” and “Yes We Can” framing their perception, they expected much of their new president; *Obama* undoubtedly expected much of himself and not without good reason. As he swore to “protect and defend the Constitution,” he enjoyed a public approval rating of nearly 70 per cent. Fellow Democrats held a 77-seat advantage in the House and, more importantly, a filibuster-proof majority in the Senate. Meanwhile, the economy was on the precipice, a crisis situation

that afforded *Obama* substantial opportunities. Certainly he and representatives of his administration recognized this. White House Chief of Staff *Rahm Emanuel*, for example, remarked “Never let a serious crisis go to waste [... because] it’s an opportunity to do things you couldn’t do before”.<sup>5</sup> In sum, *Obama* found himself in a situation ripe for bold action. The public expected it, wanted it, and would back him on it. The condition of the nation’s economy seemed to require it. Finally, *Obama* and his administration, as well as the congressional leadership, were predisposed toward it.

As a rule, however, the American constitutional design of separation of powers and checks and balances is not amenable to the creation of policy change. It is set up so that “ambition (...) counteracts ambition” and that the personal “interests of the man are connected with the constitutional rights of the place.” It was a recipe to circumscribe the powers of government, to “oblige [the government] to control itself”.<sup>6</sup> In the present polarized climate of American politics, however, it has become a recipe for systemic dysfunction. Instruments that in the past have been counted on to lubricate the frictions built into the system have, almost perversely, become forces that enhance gridlock. Political ambitions are at the forefront, and, quite rationally, officeholders whose interests are connected to the constitutional prerogatives of their office perceive no political advantage to the compromises that the constitutional design requires.

Perhaps nowhere is this development better illustrated than in the interactions of Congress and the president in the legislative process. Legislating in the United States has always been an exercise in incrementalism. Legislative initiatives face an arduous trek. There are multiple veto points built into the process, and the legislation’s opposition need prevail at only one of these. Its supporters, on the other hand, must be successful at every step. Determined minorities have a variety of opportunities and mechanisms to thwart the will of the majority. Most of what President *Obama* hoped and was expected to accomplish would have to run this gauntlet.

Traditionally, parties have facilitated legislation’s passage through the congressional mill. They are enduring ready-made coalitions of support and help to bridge the differences separation of powers and bicameralism bring to bear on

5 Cf. The Wall Street Journal, 28.01.2009.

6 *Madison, J.*: Federalist Papers No. 51 – The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments, 1788, 262.

the legislative process.<sup>7</sup> At present, however, America finds itself in an era that might best be described as hyper-partisan – a system with deeply divided parties with neither the means nor the inclination to compromise over policy. *McCarty, Poole, and Rosenthal* find that members of Congress in either party have become more ideologically extreme, and the moderates most likely to accept overtures from the other party are disappearing.<sup>8</sup> “The parties now represent polarized blocs; voting coalitions that cut across the blocs are infrequent”.<sup>9</sup> This in turn leads to legislative gridlock as the bipartisan coalitions helpful to the passage of public policy become impossible to cobble together.<sup>10</sup> The combinations of northeastern and midwestern Republicans and Democrats so essential to the enactment of civil rights legislation in the 1950s and 1960s or southern Democrats and Republicans that supported the defense build-up of the 1980s are no longer seen. The types of legislators that made them possible are no longer in Congress. In eras of hyper-partisanship, then, parties can impede legislation as much as aid its passage.

This is not to say that the partisan majorities accompanying *Obama* into office could not be of some benefit to him politically. Because of the extensive Democratic majorities, bipartisan coalitions in either chamber were technically unnecessary. Democrats controlled the House’s leadership and its standing committees, two potential veto points in the legislative process. Moreover, the majoritarian rules and procedures of the House permitted the Democratic majority to trump any Republican legislative tactics and effectively to ignore any Republican opposition. Ultimately, *Obama* and the House leadership could move the legislation with votes to spare.

A similar condition existed in the Senate. There too, Democrats controlled the chamber leadership and the standing committees. More importantly, they held 60 seats. Unlike the House, Senate rules, procedures, and norms ensure that the minority maintains a voice. The Senate norm of unlimited debate (the filibuster), in particular, enables the minority to check majority will by preventing a vote on the legislation. Senate rules, however, permit the majority to overcome the will of a determined minority by amassing a super-majority. Rule 22 (cloture) calls

7 Cf. *Aldrich, J.*: *Why Parties? The Origin and Transformation of Party Politics in America*, Chicago, 1995.

8 *McCarty, N./Poole, K.T./Rosenthal, H.*: *Polarized America: The Dance of Ideology and Unequal Riches*, Cambridge, MA, 2006, 28.

9 *Ibid.*, 29.

10 *Ibid.*, 165.

for debate to be cut off upon the vote of 60 senators. This is why the 60-seat Democratic majority in the Senate was so consequential. If the Democrats voted as a unified bloc, the Republicans would be rendered impotent and gridlock averted. Legislation could emerge from the Senate on a straight party vote. The margin for passage, however, would be tissue thin. If the Republicans filibustered and maintained a united front, not a single Democratic vote in the Senate could be spared.

Of course, the parties do not stand alone in their capacity to influence the legislative process. Presidential leadership can affect the fate of legislation as well. Constitutionally, the president's formal legislative powers are puny. He has the authority to veto legislation, a negative form of power. He does not legislate. Nevertheless, modern presidents have come to be perceived as the nation's "Chief Legislator." In no small part this stems from the president's agenda-setting power. The Constitution obliges the president "from time to time [to] give to the Congress information on the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." The "State of the Union" address is a grand opportunity for presidents to articulate their legislative agenda, mobilize public support, and focus the attention of Congress.<sup>11</sup> Yet, it is not the sole opportunity. Speeches and press conferences permit presidents to declare legislative priorities, while certain statutes require presidents to make legislative recommendations.<sup>12</sup>

The president's agenda-setting power is based on the premise that by exercising it the president is providing Congress with something that Congress sorely lacks – centralized leadership. With 535 members representing different constituencies and with committees, subcommittees, and informal voting caucuses, it is extremely difficult for Congress to produce a coherent, consistent agenda. The president fills this void; his agenda items become the points of legislative departure.<sup>13</sup> Economic recovery, cap-and-trade, closing the military prison at Guantanamo Bay, health care reform, all during the first year of his administration, certainly placed a large number of items on *Obama's* legislative agenda.

All the same, the agenda-setting power is limited. To be effective "Chief Legislator," presidents must be active participants in the legislative process. Indeed,

11 *Davidson, R.H.*: The Presidency and Congress, in: *Nelson, N.*: The Presidency and the Political System, Washington, DC, 1984, 370.

12 *Ibid*, 371; *Fisher, L.*: The Politics of Shared Power: Congress and the Executive, Washington, DC, 1981.

13 *Davidson, R.H.*, *op. cit.*, 371.

Congress “expect[s] the president to translate executive proposals into draft bills or to give explicit guidance on legislation that does not originate in the White House. When such guidance is not forthcoming, complaints are heard”.<sup>14</sup> And on this score, *Obama’s* style of leadership is largely deferential toward his party’s leaders in Congress. To a significant degree, he has followed the model of executive-legislative relations summarized in *Roosevelt’s* famous aphorism, “the President proposes, Congress disposes.” Being deferential toward Congress is not an unreasonable strategy, and, in large measure, reflects the way the system is supposed to function. That is, the president uses his position to establish the parameters of acceptability of legislation and then leaves it to Congress to act. The president, in this regard, plays the role of a veto player. In today’s hyper-partisan legislative climate, however, especially with the gridlock the Senate creates, the likelihood of Congress producing legislation without active presidential participation is limited. Consequently, *Obama’s* deferential role in the legislative process plausibly reduced his ability to control the tempo of events influencing the passage of his legislative priorities. In particular, the *Obama* administration’s desire to bring some Republicans along on their health care bill caused a several months delay in eventually bringing a Senate version of the bill to the floor as the Chair of the Senate Finance Committee fruitlessly negotiated with three Republican members to generate an acceptable compromise.

*Obama’s* leadership style, however, is, probably not the most important, phenomenon lessening his influence over the legislative agenda. Here again, the hyper-partisanship of the present political system militates against the traditional effectiveness of the president’s agenda-setting power. Research indicates that identification with the president’s agenda actually impedes an item’s passage through Congress. Divergent electoral interests and ambitions are at work here. *Lee* points out that legislators from the president’s party have a stake in seeing the president’s agenda item passed.<sup>15</sup> It demonstrates their party’s unity and policy-making prowess. Legislators from the opposition party, meanwhile, have a stake in defeating it. A presidential loss demonstrates the opposition party’s vitality on the one hand and the incompetence of the president’s party on the other.<sup>16</sup> These divergent electoral interests, therefore, exacerbate the party polari-

14 *Ibid.*, 371–372.

15 *Lee, F.E.*: Dividers, Not Unites: Presidential Leadership and Senate Partisanship, 1981–2004, in: *Journal of Politics*, 70 (2008), 914–928.

16 *Ibid.*, 915–916.

zation associated with hyper-partisanship and make it even more difficult to build bipartisan coalitions on these issues.<sup>17</sup>

Finally, crises affect the operation of the legislative process. They unite the system in a way that the parties and presidential leadership cannot do in an era of hyper-partisanship. Indeed, the perceived threat and the intensity of the moment that is associated with a crisis help to draw the polarized political system together. On the one hand, crises enhance the position of the president in the political system. The agenda-setting power is augmented. Congress finds it especially difficult to make a timely response to the crisis, and the president's proposals are the only proposals under consideration. In addition, the public's approval of the president typically climbs at the onset of a crisis, and this too increases the president's capacity to influence Congress. Yet crises can also be constraining. By their nature, they demand action. As *Franklin Roosevelt* once put it, "I am the captain of this ship, but the seas control the captain".<sup>18</sup> Presidents must turn their attention to the crisis at the expense of other policies the president might rather address. Given that historically presidents have a relatively short amount of time in which to put their policy priorities into effect, dealing with a crisis can also short-circuit a president's agenda.

## V. Obama and the Legislative Process

To a significant degree, the play of many of these forces is evident in *Obama's* first major policy effort – the economic stimulus package. The motivation for this particular piece of legislation is fairly well rehearsed. Throughout the final months of 2008, the American economy had suffered a series of blows that threatened to bring it to its knees. Venerable financial institutions disappeared. Iconic American corporations teetered on the edge of bankruptcy. The unemployment rate was relentlessly increasing. Between 12 September and 31 December, the Dow Jones Industrial Average lost nearly a quarter of its value. And as 2008 ended, American households' net worth had dropped by US\$ 11 trillion, the largest decline on record.

*Barack Obama* entered the White House with a number of legislative priorities – health care reform, energy, environmental protection, and climate change, to name but a few. Yet, given the scope of the economic carnage, it is not surprising

<sup>17</sup> Ibid, 924.

<sup>18</sup> *Fisher, L.*, op. cit., 61.

that a response to that crisis dominated the early days of his administration. Indeed, even as president-elect, *Obama* concluded that he could not remain silent as the economic crisis deepened. Consequently, he announced that a stimulus package would be his first priority upon being sworn into office, and to that end he began to discuss elements of a stimulus package with congressional leaders in early November. In early January, still several weeks before his inauguration, he met with Speaker *Pelosi* to lay out the broad outlines of a plan. In his inaugural address, the state of the economy overwhelmed his discussion of other issues that had been enduring campaign stump themes.<sup>19</sup> At the very least, then, the financial crisis affected the order of *Obama's* legislative initiatives.

*Obama's* experience with the passage of the stimulus package also illustrates the hyper-partisan nature of current American politics. Despite the obvious severity of the crisis and repeated overtures by *Obama* to enlist Republican support, only three Republican senators – one soon to switch parties (Specter, Pennsylvania) – could be swayed. Not a single Republican in the House voted for the package. For their part, the Democrats held such sizable majorities in both chambers that they did not perceive a need to move towards the Republicans. In the House, for example, Speaker *Pelosi* and the Democratic leadership manoeuvred the bill on an emergency fast track, greatly reducing the opportunity for Republicans to influence the legislation's shape.<sup>20</sup> Ultimately, the “American Recovery and Reinvestment Act of 2009” passed largely on a straight party-line vote. In the House the stimulus package was passed with Democratic votes to spare. In the Senate, with the addition of the three Republicans, the necessary 60 votes<sup>21</sup> were obtained to waive objections to the conference report, paving the way for the legislation to pass the chamber on a voice vote. (House Roll Call vote 70, 13 February 2009; Senate Roll Call vote 63, 13 February 2009).

## VI. Health Care Reform

Although dealing with a sick economy was the immediate concern for *Obama*, the complicated health care reform effort has been the signature piece of legisla-

19 *Obama* dedicated 241 words to the economy. By contrast, he devoted 473 words to the wars in Iraq and Afghanistan, health care reform, education policy, and the development of renewable energy combined.

20 Cf. <http://www.newsweek.com/id/186961>.

21 Senator Kennedy (D-Massachusetts) was in Florida and battling brain cancer at the time of the final vote, and the recount that would ultimately seat Senator Franken (D-Minnesota) was not completed by the time of the vote.

tion so far of the *Obama* Presidency. The epic struggle in regard to the passage of this legislation reflects a great deal about the hyper-partisan environment in the midst of institutions decreasingly capable of governance. It reflects, as well, the relatively lesser meaning of electoral outcomes for governance in the United States.

As *Obama* himself noted on several occasions, health care reform involving universal or near universal access to coverage has been on the table for a long time, certainly at least since the *Truman* Presidency. Although access was widened for the elderly through Medicare in 1965, the poor through Medicaid in the same year, and the children of lower income families through the Children's Health Insurance Program (C.H.I.P.) during the *Clinton* administration, access for all segments of the population still had not been achieved. President after president who proposed a universal access health care program had failed and lost political capital in the process. Broad scale health care reform seemed to be a Sisyphean task – much pushing but an unobtainable outcome.

*Obama* believed that a single payer system would be ideal but given the system that had emerged in a for-profit health insurance scheme, the path dependencies, he concluded, would not sustain politically a dramatic alteration toward a single payer system. According to at least one source, *Obama's* advisers cautioned him against risking so much on a high stakes gamble.<sup>22</sup> In fact, as a candidate, *Obama* tended to de-emphasize health care reform in comparison to many of his party's presidential contenders, especially *Hillary Rodham Clinton* who was identified with the *Clinton* administration's failed effort.

*Obama's* revelatory moment on health care apparently came immediately after his election when he apparently married his personal needs (what could be identified with him as a major accomplishment) with collective ones (the urgency with which this issue needed to be addressed). Would he merely be the latest president in the long line of failures or would he finally be able to achieve widened access to health care and lower the high rate of cost increases? The United States, far and away, has the costliest system of health care in the affluent world and the least accessible.<sup>23</sup> The proportion of Gross Domestic Product (GDP)

22 *Alter, J.*: *The Promise: President Obama, Year One*, New York, 2010.

23 *Reid, T.R.*: *The Healing of America: A Global Quest for Better, Cheaper, and Fairer Health Care*, New York, 2009.

allocated to health care rose to about 17.2 per cent in 2009, approximately double the average expenditure of the most industrialized 30 countries.<sup>24</sup>

Once one goes beyond the single payer formula, however, in which there is a set envelope of expenditures, engineering the incentives in the health care system to curtail the rate of increasing costs while expanding access to the system and portability gets very complicated and involves many stakeholders. As a consequence, the *Obama* administration early on moved to strike bargains with the stakeholders including the insurance companies, the pharmaceutical industry, and other elements of the health supplier complex. It did so by offering incentives in return for cost controls and acceptance of greater risk. The insurance companies, for example, would benefit by reducing their adverse risk pool through the compulsory insuring of those currently without health insurance who are disproportionately young and healthy. The process of bringing the various stakeholders together reflected one of *Obama's* characteristic traits – cutting deals where deals could be cut. In that regard, he was fully a pragmatic politician. Results rather than preconceived methods were his guiding principles.

The laborious legislative process also revealed notable characteristics of the US political system. The House of Representatives passed a bill with only one Republican vote (that later disappeared when the bill had to be reconciled with the Senate version), and it was largely a bill that bore the marks of the House Democratic Party leadership. The Senate took far longer. As noted, the *Obama* administration and the Democratic leadership wanted some Republican crossover votes and spent a great deal of effort trying to coax three Republican senators on the Finance Committee to support an acceptable, indeed watered down, version of the basic bill that had gone through two House Committees – one with jurisdiction over substance, the other over its finances. That effort ultimately failed as Republican leadership resistance against expanded coverage remained implacable and the bill lost much of its popular support, especially from the elderly who were already covered by Medicare and who were led to believe that this bill threatened that coverage.

The Republican Party traditionally opposed the development of entitlement programs at least until they became inevitable or popular or both. Republicans led opposition to *Roosevelt's* social security reforms and to Johnson's Medicare program. But they lacked the numbers to do much about it, and, above all, they

24 *Abelson, R.*: The Cost of Doing Nothing, in: The New York Times - Week in Review, 28.02.2010, 1, 8.

lacked the normative system that now allows resort to the super-majority rule in the Senate as a matter of routine legislation. Republican solutions have typically been focused on tax incentives and on freeing up markets. Sometimes Republicans have resorted to near cataclysmic language such as *Ronald Reagan's* 1964 speech that catapulted him to national fame as the voice of the Republican right. Reagan claimed in hyperbolic phraseology and diction, reflecting his dramatic training, that Medicare spelled the end of freedom in the United States. From that point onward, despite the debacle the Republicans suffered in the 1964 election, Reagan became the voice of inspiration for right wing Republicans. In ensuing decades, the party lurched farther to the right even as some of its national figures – *Nixon, Ford, and George H. W. Bush* – reflected more moderate temperaments. In fact, *Nixon* put forth a health care plan much like the one that *Obama* had, but it failed to gain sufficient support from within *Nixon's* party or from Democrats for diametrically opposed reasons. Ultimately, *Nixon's* initiative expired as a result of his own political weakness.

Expansion of coverage and cost control were the two seemingly contradictory principles at work in the reform. Democrats were more committed to the first of these principles while Republicans were primarily committed to the second. A spokesman for the Republicans on the House Ways and Means Committee dealing with the bill's finances asked "Why is coverage the dominant theme?" and then asserted that "The president and Democrats had a year to make their case for full coverage and by every poll – and election – it has been rejected. Cost has been and remains the No. 1 issue."<sup>25</sup> *Obama's* plan was to bring together expanded coverage and cost controls through a set of incentives, some of them based on the quicksand of assumption and what future Congresses might do. But for the present, he and the Democrats needed to have a favorable review of savings by the Congressional Budget Office (CBO). The CBO does this based on provisions in the legislation without assessing the probability of their being invoked and on linear projections. A five year projection probably reflects the outer limits of plausibility. Ten years represents little more than imagination. The CBO estimates went as far as twenty years out.

*Obama* held a televised summit at the White House in late February 2010 with representatives from both parties, in which he sought to emphasize to a broader

25 *Pear, R./Herszenhorn, D.M.*: G.O.P. Expects Little From Obama's Health Forum, in: The New York Times, 24.02.2010, A15 (national edition).

public that the two parties actually agreed on a lot of things and that his bill incorporated many of the Republican's suggestions. But Republicans remained adamant, part of this attributable to ideological differences and a growing part attributable to the radical fervor among Republican activists. An additional part of the Republican equation was that there was little, if anything, for them to gain by supporting a Democratic proposal and helping the governing party that they otherwise wanted to see fail. The road back to power was unlikely to be paved with the in-party's successes.

*Obama's* commitment to health care reform led the Democrats to use a special procedure designed to reconcile budget bills that would require only a simple majority in the Senate after the party lost its super-majority in a special election in January of 2010. The procedure was controversial but ultimately *Obama* persuaded the party leadership in both chambers and the vast majority of Democrats in each chamber to support the process. The Republican anger, whether faux or real, grew over the Democrats' use of a procedure that they themselves had used to push through President *Bush's* tax cuts in 2001. Eventually, the legislation passed and a landmark reform had been achieved that was at the center of the Democratic Party's social agenda for many decades. It was not the bill that the party's left had hoped for but it did represent a substantial shift from the status quo.

The main lines of the story here are about *Obama's* political style, the deep party rifts in the US, and the continuing dysfunctions of the Senate for purposes of governance. Despite his calm demeanor, *Obama* never folded his tent on health care reform. He was committed to the passage of a bill believing that over time he would only lose political capital and his party would likely lose seats. The time to strike was now. Despite his deference to Capitol Hill, in the end, he proved to be the driving force behind the reform. The deep party divisions were also reinforced in the struggle over this legislation. Traditional differences between the parties have widened and deepened in intensity as each of the parties, but especially the Republicans, have become more homogeneous internally. These differences have been reinforced by the power of an anti-government right wing activist base in the Republican Party, and also by the belief among its political leaders that compromise is the path to remaining in the minority. Finally, the Senate remains a body – most unusual in a populist political culture – in which now a minority can consistently call the shots without ever paying a price since

filibusters are almost never actually invoked anymore once a test vote for cloture to cut off debate requiring 3/5 of the Senate fails.<sup>26</sup> This means that gaining the majority in politics is virtually worthless and, thus, so are elections. From this, it is clear that citizen distrust of government can only grow especially as the majority seeks to regain the upper hand through subterfuges.

## VII. Other Legislative Proposals

Other agenda items – either less urgent or less salient to *Obama* – hammer some of these points home. Climate change legislation, for example, has stalled due to the outsized power of the minority in the Senate and the attention and political capital given over to the passage of health care reform. A campaign goal of *Obama* and many congressional Democrats throughout the 2008 election season was to limit US carbon emissions. Legislation to that end was first introduced in the House of Representatives in the spring of 2009, and passed the lower chamber just before the 4 July (national holiday) recess (219-212; House Roll Call vote 477, 26 June 2009). Its passage, however, actually depended on some level of bipartisanship. Forty-four Democrats, mostly from conservative and/or coal producing districts, voted against the bill. Had it not been for the support of eight Republicans – each of them representing districts *Obama* carried in the general election – the legislation would have failed despite the appreciable House Democratic majority.<sup>27</sup>

Given the defection of so many House Democrats, the Senate Democratic leadership recognized that they would have to attract Republican support to compensate for the expected loss of senators from coal-producing states. In October of 2009, there was some slight promise that a bipartisan compromise might be worked out, as *Lindsey Graham* (R-South Carolina) joined with *John Kerry* (D-Massachusetts) to announce that they were developing a framework for climate change legislation that would achieve the necessary 60 votes. As 2009 drew to a close, however, the attention of the Senate, the *Obama* administration, and the nation turned to the passage of health care reform. Effectively, climate change

26 Cf. *Koger, G.*: *Filibustering: A Political History of Obstruction in the House and Senate*, Chicago, 2009, who notes that this procedure means that filibusters, themselves, actually rarely take place once there has been a test vote on cloture. The procedure, he argues, was instituted primarily to economize on the use of senators' time.

27 *Giroux, G.*: *The First Year: Obama in the Oval Office*, Washington, DC, 2010, 16.

(and many other agenda items) became a distraction while health care reform was in the congressional mill. Indeed, only after the passage of health care reform at the end of March 2010 were strategies to advance the climate change legislation in the Senate considered again, and it did not take long before those were scuttled.

In late April 2010, Arizona passed a sweeping (many would say draconian) immigration law. Political leaders, mostly Democrats but a few Republicans, criticized the law. Senate Majority Leader *Reid* (D-Nevada), facing a serious challenge to his re-election and with a large Hispanic constituency, announced that comprehensive immigration reform would be a top Senate priority in the remaining days of the current legislative session. This announcement, in turn, led Senator *Graham* – a key Republican voice on both climate change and immigration reform – to withdraw from discussions on those issues. The effective 60-vote requirement to move items in the Senate affords individual senators incredible influence. To an appreciable degree, any one senator holds the fate of legislation in his or her hands. Consider, for example, the bargains that were struck with individual senators during the passage of health care reform legislation. *Reid's* decision to emphasize the controversial and electorally explosive immigration reform – a topic likely to be divisive among Republicans and their opposition to which likely to prove damaging to the party's long term prospects -- eliminated *Graham's* support on climate change. With the loss of a single, albeit highly pivotal, vote in the Senate, the likelihood of a climate change bill being enacted this session dropped to virtually nil.

President *Obama* proposed financial regulatory reform in June 2009, and it followed a well-blazed course through Congress. The House passed the legislation without Republican support in December (House Roll Call vote 945, 9 December 2009). Bipartisan negotiations broke down in the Senate, and then the bill was put on the backburner during the health care reform debate. Once health care passed, the Senate returned its attention to the bill. Despite broad public support for financial reform, however, Senate Republicans largely remained opposed, attacking the bill for expanding the scope of government and promoting a “bail-out culture.” Finally, on 20 May the legislation passed the Senate (Senate Roll Call vote 162, 20 May 2010), with four Republican votes, two of which came from Republican senators who had supported the stimulus package the previous year (*Collins* and *Snow* from Maine), and two of which came from Senators representing states with strong Democratic constituencies (*Brown*, Massachusetts and *Grassley*, Iowa). Occasionally, it appears, individual electoral rationality can

trump hyper-partisanship and the minority leadership's strategy of opposing the President's proposals as a means to capture the majority.

Finally, there were other issues that *Obama* could act on more or less unilaterally. Shortly after taking office, *Obama* issued executive orders reversing a number of *Bush* administration policies. Most notably, *Obama* mandated that the detainee facility at *Guantanamo Bay* be closed within one year (a deadline that has not been met), that interrogations of terrorist suspects follow the Geneva Convention protocols, that legal opinions regarding the treatment of terrorist suspects issued by the *Bush* administration were not to be used; and he lifted the ban on US support for non-governmental organizations providing abortion services.<sup>28</sup> Not surprisingly, these decisions rankled Republicans. *Obama's* decision to commit more troops to Afghanistan, on the other hand, enjoyed widespread Republican support. Combining a muscular foreign policy and the traditional deference of Congress, especially among Republicans, to assertive presidential actions undertaken as commander-in-chief, the troop commitment was certainly the only initiative that *Obama* took during his first year in office that was virtually guaranteed Republican endorsement.

### VIII. Conclusion – the Man, the Moment, and the System

As *Barack Obama's* presidency has settled well into its second year, we have come to know the style of this particular president. Like his immediate two Democratic Party predecessors, *Bill Clinton* (1993-2001) and *Jimmy Carter* (1977-1981), he has a passion for policy and an intimate knowledge of detail. *Carter*, however, had a rationalist's perspective on matters, and had little patience for politics, which he frequently saw as sordid, or politicians, whom he regarded as narrow-minded and self-interested. *Clinton* enjoyed both politics and policy and had two notable tendencies – a personal style that focused on intense, even emotional, connections to his audiences or targets and an undisciplined style of policy discussion that would go on for hours deep into the night with all subjects and angles examined and few decisions actually made. By contrast, *Obama* is highly organized, engages and even guides discussion, seeks to persuade others one-on-one, and tends to command any setting in which he is holding forth through control of the facts. A moderate conservative columnist, writing in *The New York Times*, said of *Obama*, after leading the all day televised seminar on

28 *Giroux, G.*, op. cit., 6.

health care that “the man really knows how to lead a discussion. He stuck to specifics and tried to rein in people who were flying off into generalities. He picked out the core point in any comment. He tried to keep things going in a coherent direction.”<sup>29</sup> Yet, despite the passions he aroused in the young and in minorities, *Obama* tends not to wear his passions on his sleeve. As *Ronald Reagan* was *Jimmy Carter*’s temperamental opposite, so is *Obama*, *George W. Bush*’s temperamental opposite. Decisions are carefully vetted and their logic and consequences assessed. The style is cool and cerebral, but also decisive. He was reputed to have sternly ordered his military commanders not to pre-empt his decision-making regarding the situation in Afghanistan.<sup>30</sup> But *Obama* is certainly not fiery or apt to lose his temper – a frequent trademark of *Bill Clinton*. A Democratic member of Congress, however, noted of *Obama* that she “wouldn’t mind seeing a little more toughness here or there”.<sup>31</sup> Indeed, from time-to-time, The New York Times left-leaning columnist, *Maureen Dowd*, refers to *Obama* as “*Mr. Spock*”, the name of a character in the popular “*Star Trek*” television and cinematic franchise, who has eliminated all emotive or affective dimensions of his personality so as to concentrate exclusively on the ratiocinative aspects.

Although we have only tentative readings of the *Obama* agenda and the *Obama* presidential style in his second year in office, some things seem clear. The first is that *Obama* brings a highly analytic approach to governance and to presidential decision-making. A second is that while he may lack a fiery style, he appears to be clear about his goals if more flexible about his methods for achieving them. Third, he tends to be notably civil and manifests a desire to reach out so long as the opposition travels more toward him than the other way around. Fourth, unlike his recent Democratic predecessors *Clinton* and *Carter*, *Obama*, although pragmatic, is distinctly not a third way politician. His positions generally reflect his party’s orthodoxy toward a more activist state role, greater regulation of business, and more social insurance and environmental protection. He has not used *Clinton*’s centrism language. Often, he has indicated that the years under the *Bush* administration needed to be sharply reversed not assimilated into his own policy agenda. Some on his party’s left, however, have criticized him as being insufficiently willing to push the envelope. But that has been largely drowned

29 *Brooks, D.*: Not as Dull as Expected!, in: The New York Times, 26.02.2010, A23 (national edition).

30 *Alter, J.*, op. cit.

31 *Stolberg, S.G.*: Gentle White House Nudges Test the Power of Persuasion, in: The New York Times, 24.02.2010, A1, A14 (national edition).

out by the relentless almost wholly unified opposition of the Republicans and their core activists who obviously thought he was pushing the envelope much too far.

There was every reason to expect that when *Obama* entered office in the midst of the country's worst economic climate in at least 28 years and possibly since the Great Depression and with big party majorities in both chambers of Congress that *Obama* would go through a first year of substantial accomplishment and enjoy commensurate high levels of support. *Obama's* presidential approval percentages, though, have dropped substantially from the 65-70 per cent range when he was inaugurated to approximately 50 per cent or slightly below in May 2010. There is nothing unusual in this drop-off given the slowness of key aspects of the economy to recover. However, the low levels of public trust in virtually all institutions – governmental or otherwise – has partly depressed *Obama's* approval but has also depressed the approval of all political actors, including the parties and Congress. Indeed, the lowest level of approval consistently is accorded the Republicans in Congress.

The full scope of *Obama's* accomplishments remains to be seen since the 111<sup>th</sup> Congress does not terminate until the end of 2010. It is likely that the Democrats will lose a significant number of seats in both chambers, and, plausibly, could lose control of one or more of the chambers of Congress in the midterm election of 2010. That possibility gives urgency to *Obama's* extensive agenda while also bolstering the confidence of Republicans to resist it. By the standards of American government, except for the now mythologized early days of *Franklin Roosevelt's* New Deal regime or the early period of the *Reagan* Presidency, the *Obama* Presidency has already achieved significant progress on many aspects of its agenda. It may be that the *Obama* administration's very ambitiousness hinders perceiving the reality of its achievements. These achievements, however, were made possible in no small part by the super-majority *Obama* and the Democrats enjoyed in the Senate and the large majority they held in the House. Even then, these achievements were precarious because of the impediments to governance deriving from the interplay of partisan motives and the tendency of individual senators to take advantage of obstructionist Senate rules such that this obstructionism over a period of time, with both parties practicing it, has become the new normative scheme.

Two contradictory political forces buffeted *Obama's* moment. One was a need for action, but with little agreement as to what should be done. The other was the hyper-politicized partisan environment that made it difficult to resolve issues or

to find agreements. In reality, all of the incentives existed for more, not less, partisanship and for catering to extreme views. Operationally, this meant that Republicans put up a fearsome wall of resistance to all of *Obama's* initiatives except for the troop surge in Afghanistan. *Obama*, who sold himself as the candidate of hope was met head-on by an impenetrable wall of Republican nope.

In a parliamentary system the solid phalanx of opposition generated by the Republican leadership in Congress would have little effect other than symbolically to demonstrate opposition. The House of Representatives can readily deal with the fact of party government. Majorities rule in the House, and increasingly, the legislative majorities these days are almost always party-based majorities. It is the Senate, an unrepresentative body even if it were efficient, that results in formidable obstacles to governance.

Routinely now, the Senate requires extraordinary majorities to pass legislation. The “cooling saucer of political passions” has been transformed to a deep freezer. Ironically, the US now has a politics better suited for a Westminster style parliamentary political system of direct adversary relations between the parties. The American political parties have deep divisions and remarkable discipline for a system in which there are no formal disciplinary procedures – though there are many informal incentives for discipline. By its design, the US political system emphasizes, indeed necessitates, compromise. Compromise depends upon the parties sharing a common interest in reaching an outcome. It further depends upon the ability to produce side payments that will attract particular members of the legislature into brokering a deal. Two things are clear. One is that activist control of the parties has made it difficult to compromise as has the restoration of a 21<sup>st</sup> century version of the party press through cable television and blogs. The result is a world of reinforcement of opinion such that partisans of each of the parties live in a world of few, if any, shared beliefs.<sup>32</sup> Interestingly, the broader public detests this partisan wrangling but it also dislikes its opposite, which is negotiating side payments.<sup>33</sup> The former is seen as creating much sound and fury without result whereas the latter is seen as corrupting. Most people most of the time care little about what motivates the political enthusiasts. Thus, the second point of clarity is that institutions designed to create compromise do not fare well

32 *Levendusky, M.*: The Partisan Sort: How Liberals Became Democrats and Conservatives Became Republicans, Chicago, 2010.

33 *Hibbing, J.R./Theiss-Morse, E.*: Stealth Democracy: Americans' Beliefs about How Government Should Work, Cambridge, 2002.

when the processes by which deals are cut become transparent. As *Samuel Huntington* noted of democracy, there can be too much of a good thing.<sup>34</sup>

The incompatibility of America's populist political culture, its party politics, and its political institutions has been brought to a head by the activist agenda of the *Obama* Presidency. But some of its elements have always been there and have resulted in outsized expectations of what presidents can achieve.<sup>35</sup> At the same time, history will not look kindly on a nation that frittered away opportunities and challenges to sustain its prosperity and its role in a world whose limited resources are shared and for which all must be stewards. It may well be that the biggest change associated with *Barack Obama* is one that, quite literally, has altered the face of the US abroad. By the expectations of his most ardent supporters, of course, *Obama* is seen to have done too little and to lack sufficient fire. To his growing cast of opponents, on the other hand, *Obama* is seen to have done too much and to be hell bent on a "socialist" regime. As to whether American political institutions and practices can both ameliorate passions and adjust policies with regard to what *S. E. Finer* called the "futurity principle" remains to be seen.<sup>36</sup> The worst perspective from which to judge is always the one of the moment. Yet viewed from that perspective the future looks daunting, to say the least, even when leaders as gifted and serious as *Obama* come on the scene.

34 *Huntington, S.P.*: The United States, in: *Crozier, M./Huntington, S.P./Watanuki, J.* (eds.): The Crisis of Democracy, New York, 1975.

35 *Edwards, G.C. III.*: On Deaf Ears: The Limits of the Bully Pulpit, New Haven, 2003; *Rockman, B.A.*: The Leadership Question: The Presidency and the American System, New York, 1984.

36 *Finer, S.E.*: Princes, Parliaments, and the Public Service, in: *Parliamentary Affairs*, 33 (1980), 353-372.