

# Extension of Remarks



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## The Republican Revolution and the US Senate

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The Republican takeover on Capitol Hill appears to have had less effect on the Senate than the House. This is hardly surprising since the Republicans had not held a House majority for forty years, whereas the Republicans had controlled the Senate for most of the Reagan administration (1981-1986), and had been an aggressive minority under the leadership of Senator Robert Dole (R-KS) thereafter. Yet although post-1994 change in the Senate has been circumscribed by Senate rules and norms designed to constrain partisan majorities, the "Republican Revolution" has had a definite impact. The Senate was already moving in a more partisan and ideological direction prior to 1994, but the change in partisan control accelerated the trend. Both parties have increasingly pursued partisan policy agendas and "message politics", and levels of party voting in the chamber have been consistently high. But while the contemporary House is geared to passage of the majority party's policy agenda while leaving the minority largely powerless, Senate rules requiring "supermajorities" for passage mean that increased party unity has led only to a higher level of deadlock in that chamber.

### The Republican Class of 1994

Unlike their House counterparts the eleven Republican Senate freshmen elected in 1994 were not the immediate focus of media attention, and their short-term impact on their

chamber was less obvious. However the long-term influence of the 1994 Republican Senate intake has been significant. Seven of them are still in the Senate and a member of the 1994 class, Bill Frist (TN), was elected Senate Majority Leader in 2003. Another member of the class, Rick Santorum (PA), is Chairman of the Senate Republican Conference, the number three leadership position. Santorum and five other 1994 Senate GOP freshmen arrived straight from the US House of Representatives, where they had been schooled in Newt Gingrich's aggressive brand of partisanship. With the exception of Olympia Snowe (ME) the 1994 Republican Senate freshmen were solid adherents of the policy agenda set out in Gingrich's "Contract with America": cut taxes, reduce the size of government, end the federal budget deficit, and arrest the onward march of social and cultural liberalism.

The 1994 freshmen's influence was felt immediately as ten of the eleven supported their former House colleague Trent Lott (MS) in his successful bid to topple Republican Whip Alan Simpson (WY). The class of 1994 also initiated rules changes in the Senate GOP conference that established term limits (six years) for Senate committee chairs and all party offices except Majority Leader, and subjected all committee chairs to a confirmation vote by the conference.<sup>1</sup>

<sup>1</sup> These reforms followed an unsuccessful effort to censure Appropriations Committee Chair Mark Hatfield (OR) for his

The Senate rule requiring 60 votes to impose cloture in floor debate, meant that the Contract had largely ground to a halt on the Senate floor by late 1995. More restrictive debate rules on budget legislation did allow the Republican Deficit Reduction Package (including Welfare reform) to pass the Senate in the fall of 1995, but President Bill Clinton promptly vetoed the bill and all continuing resolutions thus effectively shutting down the federal government at the end of the year. Majority Leader Dole engineered the Republican climb-down that enabled the government to reopen, but shortly afterward departed the Senate after securing the Republican presidential nomination. His successor, Trent Lott, had stronger conservative credentials but Lott also perceived that the Republicans needed to pass some legislation to maintain control of Congress in the 1996 elections. To this end he cooperated with the Democratic Senate minority and the Clinton administration in passing a series of popular measures – welfare reform, the Kennedy-Kassebaum health insurance bill, a minimum wage increase, an immigration reform bill, a clean drinking water bill, and the federal “Defense of Marriage” Act (DOMA).

Thus while the 1994 Republican Senate freshmen had some immediate impact on internal Republican Party rules and the atmosphere of the chamber, the Senate in the 104<sup>th</sup> Congress ultimately reverted to its constitutional role as a restraint on the “excesses” of the more majoritarian House of Representatives.

### **The Revolution Continues: Republicans in the Senate 1997-2004**

While the direct legislative achievements of the Republican Senate class of 1994 were thin in the 104<sup>th</sup> Congress, the influence of the 1994 revolutionaries on the

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vote against the balanced budget constitutional amendment. Freshmen Senator Rick Santorum instigated the censure effort and was later instrumental in devising the package of rules changes approved by the conference.

Senate Republican party has continued to grow. Two thirds (37) of the 55 Republican Senators in the 109<sup>th</sup> Congress were first elected in 1994 or later. With three or four exceptions they are all staunch conservatives. Of these 37, 16 (43%) were from the southern states, while only 5 (14%) were from the Northeast – the last redoubt of moderate Republicans. The fact that the last two Republican leaders, Trent Lott and Bill Frist, are both southerners as well as the last three Republican Whips: Lott, Don Nickles (OK), and Mitch McConnell (KY), is an indication of the extent to which the Senate GOP has become more southern and conservative.

The increasingly partisan tenor of the Senate led to gridlock more often than not in Clinton’s second term. Even with solid support from the Republican House, the Senate Republicans realized that they could not pass major elements of their policy agenda over Democratic filibusters and the Clinton veto. The Senate did play major role in negotiating the bipartisan 1997 budget deal that both closed the ongoing post-1994 fiscal conflict and contributed to the temporary elimination of the deficit, but the Senate Republican leadership also blocked major parts of the Clinton policy agenda such as the 1999 Nuclear Test Ban Treaty. In early 1999 the Senate additionally found itself duty-bound to conduct a trial after Clinton was impeached by the House over the Monica Lewinsky affair. Majority Leader Lott realized early that he lacked the 67 votes necessary to convict Clinton but felt he owed the House Republicans and conservatives in his own ranks a proper trial. Due to accommodations with Democratic Leader Tom Daschle (SD), the Senate conducted the proceedings appropriately without descending into chaos or excessive partisan hostility.

The 2000 election results yielded a net loss of five Senate seats for the Republicans, and given the 50/50 partisan split, they were now dependent on the new Vice-President Dick Cheney’s casting vote for their majority. Within six months that margin disappeared when moderate James Jeffords (VT) departed

the Republican caucus for Independent status. Despite the loss of partisan control, with a Republican in the White House the Senate Republicans were able to achieve several of their objectives. Solid Republican support was critical to the Senate passage of the Bush administration's \$1.35 trillion tax cut in 2001 and support for the President's initiatives to combat terrorism at home and abroad following the attacks of September 11, 2001. These included the Patriot Act and the Senate resolution authorizing the possible use of force against Saddam Hussein's Iraq in the fall of 2002.

Thanks in part to Bush's continuing post-9/11 popularity; the Republicans were able to make the net gain of two Senate seats they required to regain control of the chamber in the November 2002 elections. By the time the 108<sup>th</sup> Congress convened in January 2003, Trent Lott had been forced by White House pressure to vacate the leadership after impolitic remarks he made at a retirement party for retiring Republican Senator Strom Thurmond (SC). Senator Bill Frist (TN) capitalized on his recent success as head of the Senate Republicans' Campaign Committee to win the leadership ahead his more experienced rivals.

The 108<sup>th</sup> Congress would nevertheless prove to be highly frustrating for the Republican majority. Still lacking the 60 votes necessary to impose cloture and facing a highly cohesive Democratic opposition, Senate Republicans failed to pass their Energy and Tort Reform initiatives, and were incensed when the Democratic minority used filibusters to deny floor confirmation votes to a number of President Bush's nominees to the federal appeals courts. The Republicans were able to finally pass a ban on so-called "Partial Birth Abortions", and to provide the Bush administration with a further \$ 3.26 billion tax cut in 2003. On the Iraq war and homeland security policy, the Republican Senate was generally supportive of the Bush administration, although Senators John McCain (AZ); Chuck Hagel (NB), and Foreign

Relations Committee Chair, Richard Lugar (IN) were occasionally critical of administration actions.

Entering the 2004 election campaign after a decade of Republican control (except for the 18-month Democratic hiatus) a more southern, conservative and ideological Senate Republican party had some limited success in achieving its policy objectives. Members of the class of 1994 ascended rapidly to positions of leadership and the impact of the 1994 freshmen and their successors in subsequent election years is apparent in the continuing rightward drift of the Senate Republicans, and the increasing prevalence of "message politics": using legislative tactics, the Senate floor, and press relations to "spin" the media and the public with an eye to the next election cycle. Despite these developments the power given to individual Senators by the chamber's rules has meant that moderate or maverick Republican Senators - John McCain, Olympia Snowe, Susan Collins (ME), Lincoln Chafee (RI), Chuck Hagel, and George Voinovich (OH) - have had much more clout over the past decade than their House counterparts.

### **The Democrats: Steadfast Minority**

The Senate's rules permitting extended debate and non-germane amendments on most legislation provide the Minority party an influence over legislation denied to their copartisans in the House. On most non-budget related legislation the cooperation of the Minority Leader is necessary even to allow legislation to be debated on the Senate floor. In the face of the Republican conservative onslaught the Senate Democrats (in the minority for all but 18 months since 1994) were not shy in using this power. Senator Tom Daschle, who led the Democrats for the entire 1994-2004 period, proved to be an adept legislative strategist and with a very cohesive party behind him, achieved some significant successes. In several instances since 1994, however, obstructive tactics on the part of the Senate Minority have further soured relationships between the parties, and

hindered the necessary bipartisan compromises to move legislation

Overall the Senate Democratic caucus has not witnessed the same extent of “new blood” as the Republicans since 1994. Of the 44 Democrats in the new Senate, 21 (48%) have been elected since 1994. The post-1994 group is consistently liberal on most issues, reinforcing the ideological polarization that has characterized the Senate over the past decade. One post-1994 Democratic Senator, Richard Durbin (IL), was elected as the Minority Whip in late 2004. Interestingly the Senate Democratic Party now has only four southerners (11%) far fewer than the 14 (25%) prior to the 1994 elections.

Senator Daschle and the Democrats found their footing during the 1995-1996 budget battle. President Clinton’s steadfastness in that conflict emboldened the Democratic Senators to hold all Senate business hostage to their demands for the Kennedy-Kassebaum health insurance bill and an increase in the minimum wage. Ultimately the Democrats conceded Welfare and Immigration reform for the legislation they wanted, but Daschle’s shrewd tactics allowed the Democrats to shape all of these measures to some extent. In addition to his tactical acumen, Daschle also was a reassuring television performer, well-suited to the “message” politics that has now become integral to the Senate. In the face of the increasingly conservative Republican majority, the Democrats also maintained an extraordinary degree of party unity. In the final votes on the 1998 Clinton impeachment trial Daschle was able to hold all 45 Senate Democrats in line and the Democratic Senators proved adept at undermining the case against the President on the floor and before the television cameras.

Gains in the 2000 election brought the Democrats back to a 50-50 tie in the Senate and within a few months Daschle was able to persuade Senator Jeffords to depart from the Republicans, and thus become Majority Leader for the first time. As is often the case in the Senate, the period in the ostensible majority

proved to be somewhat frustrating. Republican President George W. Bush secured passage of a large tax cut and his anti-terror measures at home and abroad despite Democratic misgivings. Perhaps Daschle’s most signal achievement was the final passage of the Bipartisan Campaign Reform Act of 2002 (BCRA) which his party had supported for many years. Senate Democrats also won major concessions from Bush on his “No-Child-Left-Behind” Education Act,

The 2002 elections proved to be a great disappointment for the Democrats as the Republicans exploited the President’s post 9/11 popularity and narrowly regained their majority. Deprived of the opportunity to set the agenda, Daschle and the Democrats were once again reduced to obstructive tactics. While they could not stop another Bush tax cut, they had major influence over the establishment of the new National Intelligence infrastructure, and used the filibuster to block what they considered the most “extreme” Bush nominees to the federal courts. 2004 proved to be a further electoral disaster, however, as the Democrats suffered a net loss of four Senate seats including Minority Leader Daschle. Despite this setback the Democrats still have 44 Senators in the 109<sup>th</sup> Congress, and Senate’s super-majoritarian rules should still provide opportunities for the Minority under their new Leader, Senator Harry Reid (NV), to exercise leverage.

### **Conclusion**

The Senate was already becoming a less genteel place before 1994. Ideology, partisanship and the practice of message politics were on the rise, and traditional courtesies and norms of Senate life were increasingly ignored or threatened. The process has continued apace since the Republican takeover. The two senatorial parties are as ideologically homogeneous as at any point in US history, and the numbers of moderate Republicans and Democrats has declined significantly due to forces (primary electorates, the influence of PACs and media)

that have strengthened partisanship nationally over the past two decades. As a result of this the use of the Senate delaying procedures - filibusters, holds, nongermane amendments, quorum calls - have become routine. By the beginning of the 109<sup>th</sup> Congress the bitterness had reached a point where Republican Majority Leader Frist was threatening to end the right to filibuster on judicial nominations by invoking the so-called "nuclear option", a floor vote on a point of order granted by Vice-President Cheney, the Senate's presiding officer, which would require only 51 voters to pass. Democrats promised a complete breakdown of the Senate in retaliation.

On a more positive note: the Republicans followed through on their commitment to term limits for Senate committee chairs, and even such established Republican barons as Ted Stevens (AK) at Appropriations and Orrin Hatch (UT) at Judiciary, have surrendered their positions without protest to make way for fresh blood.<sup>2</sup> The Senate's handling of the Clinton impeachment trial also demonstrated that the chamber could perform its constitutional duty in a satisfactory manner and help assuage a national political trauma. The great legislative compromises of the summer of 1996, the 1997 budget deal, the final passage of the BCRA, and the bipartisan Homeland Security and National Intelligence reforms in the wake of 9/11 also demonstrate that the Senate can still act effectively in response to a national policy consensus.

Ultimately the best counter to partisanship in the Senate is that the chamber simply does not work well under partisan conditions. Senate party leaders are condemned to have a good working relationship or else nothing happens, and occasions still arise frequently where both

parties have an interest in making sure that legislation gets passed. Otherwise the Senate is likely to infuriate and frustrate partisan majorities for some time to come.

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<sup>2</sup> As a price for securing the vacant chairmanship of the Senate Judiciary committee to which he was entitled by seniority at the outset of the 109<sup>th</sup> Congress, veteran moderate Republican Arlen Specter (PA) was forced to promise Senate conservatives that he would not block Bush's future judicial nominees.