FROM COLLABORATION TO CONFRONTATION
EXAMINING THE CHANGES IN THE MODERN UNITED STATES SENATE

A Thesis
submitted to the Faculty of
The School of Continuing Studies
and of
The Graduate School of Arts and Sciences
in partial fulfillment of the requirements for the
degree of
Master of Arts In Liberal Studies

By

Daniel G. Neumann, B.A.

Georgetown University
Washington, D.C.
October 30, 2013
FROM COLLABORATION TO CONFRONTATION: EXAMINING THE CHANGES IN THE MODERN UNITED STATES SENATE

Daniel G. Neumann, B.S.
MALS Mentor: Ronald M. Johnson, Ph.D.

ABSTRACT

The United States Senate was intended by the Founding Fathers to be the “upper house” of the Congress, a deliberative, calculated check on the popular passions of the House of Representatives. Throughout much of the twentieth century, and during the postwar decades in particular, the Senate often lived up to this lofty ideal. Despite significant partisan and regional disagreements, the Senate was able to pass comprehensive legislation on a wide variety of topics including civil rights, voting rights, immigration reform, and rights for Americans with disabilities. All of this was accomplished while preserving the nation’s economic vitality and status on the world stage. The Senate during those years was characterized by strong working relationships, and even many close personal friendships, that transcended philosophical and personal differences.

Yet over the past thirty years, the Senate has become much less collegial, and as a result, much less effective. As veteran Senators leave office, they are replaced by newcomers who lack the institutional knowledge and respect for the Senate of their predecessors. An increasing number of members come to the Senate by way of the House of Representatives, where partisan politics has always been a much higher priority. In addition, improvements in airline travel and the constant need to raise money have caused
Senators to spend much less time with each other, working together and building valuable relationships. And cameras in the chamber have gradually transformed the Senate from a legislative body to a speechmaking one. All of these phenomena have contributed to the decline of the institution, with many negative implications for the nation as a whole.

The purpose of this thesis is not to argue that the Senate was without problems during the 1950s, 1960s, and 1970s. To be sure, there were many instances of political cowardice and partisan posturing that rival anything taking place today. At the same time, it would be erroneous to conclude that cooperation and collegiality always resulted in good policy. There were many times, such as in the conduct of the Vietnam War, where just the opposite was true. The Senate of that bygone era contained no African Americans and very few women, but numerous alcoholics and unrepentant racists. That all of these trends have been reversed is a credit to the Senate of 2013. Nonetheless, if the Senate is to be judged on the courage of its members to recognize and address the issues of the day, there is little question that the modern day Senate pales in comparison to its predecessors. This thesis examines the ways in which the modern day Senate differs from the Senate of the mid-twentieth century, and the phenomena that have brought about these differences.
INTRODUCTION
“A CITADEL OF LAW, ORDER, AND LIBERTY”

“History informs us of no long-lived republic which had not a senate.”¹ These were the words of Publius in Federalist 63.² The authors of the Constitution, as well as those who advocated for its passage, clearly believed that a strong Senate was crucial to the survival of the new nation. George Washington is said to have told Thomas Jefferson that the framers had created the Senate to “cool” House legislation just as a saucer was used to cool hot coffee.³ The veracity of this story is unclear, but it reveals an important truth about the Founders’ vision of the role the Senate would play in crafting national policy. The Senate would serve as a check on the often temporary popular passions that characterized the House of Representatives. Delegates to the Constitutional Convention cited “wisdom” and “stability” more than any other attributes as benefits the Senate would bring.⁴ In fact, American recognition of the importance of a legislative “upper house” predates even the Constitution itself. Eleven of the original thirteen states had bicameral legislatures.⁵


² Historians are unclear whether Federalist 63 is the work of Alexander Hamilton or James Madison.


⁴ Daniel and Stephen Wirls, The Invention of the United States Senate (Baltimore: Johns Hopkins, 1989), 44.

⁵ Ibid., 44.
Many of the arguments made at the Constitutional Convention in Philadelphia in favor of a Senate were also made in the Federalist Papers in an attempt to persuade states to ratify the new government. In Federalist 63, Publius envisions the Senate as a “respectable body of citizens in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind.”\textsuperscript{6} Referencing the case of Socrates, Publius laments the “indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next.”\textsuperscript{7} The Founders made two important decisions aimed at insulating the Senate from this volatility. Senators would be elected to six year terms rather than two, and would be appointed by state legislatures rather than elected by popular vote. “A continual change even of good measures is inconsistent with every rule of prudence and every prospect of success,” Publius wrote.\textsuperscript{8} Once established, however, the early Senate was hardly devoid of the partisan bickering and strong philosophical clashes that characterized its successors. In the words of one historian, “the Senate, much like the House, quickly came to be dominated by factional or partisan behaviors.”\textsuperscript{9} Instead, the Senate “would fully reflect the complex interplay of state, regional, and partisan interests that quickly became the substance of national politics.”\textsuperscript{10} There was

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{6}] Hamilton, Jay, and Madison, \textit{The Federalist}, 404.
\item[\textsuperscript{7}] Ibid., 404.
\item[\textsuperscript{8}] Ibid., 399.
\item[\textsuperscript{9}] Wirks and Wirks, \textit{The Invention of the United States Senate}, 202.
\item[\textsuperscript{10}] Ibid., 202.
\end{itemize}
\end{footnotesize}
little difference between the Senate and the House during the several years following the ratification of the Constitution.

The Senate of the nineteenth century was characterized by deep sectional and philosophical differences, but also by instances of great statesmanship. Perhaps the darkest moment in Senate history occurred when Southern Senators looked on while Senator Charles Sumner was severely beaten by Congressman Preston Brooks on the floor of the Senate. These same Senators went on to congratulate Congressman Brooks after the beating had concluded. ¹¹ One historian has described the Senate of the nineteenth century as “a mighty dam standing athwart, and stemming, the tides of social justice.” ¹²

Despite its flaws, the Senate also showed some signs of greatness during the nineteenth century. On his famous trip to the United States, philosopher Alexis de Tocqueville found a Senate “composed of eloquent advocates, distinguished generals, wise magistrates, and statesmen of note, whose arguments would do honor to the most remarkable parliamentary debates of Europe.”¹³ This was the Senate the founders had envisioned, “a citadel of law, of order, and of liberty” as Vice President and former Senator Aaron Burr had called it in his farewell address in 1805. ¹⁴ Much of this

---


¹² Ibid., 49.

¹³ Ibid, 23.

¹⁴ Wirls, The Invention of the United States Senate, 1.
reputation came about due to the Senate’s handling of the slavery question, and the work of the “Great Triumvirate”: Daniel Webster of Massachusetts, John Calhoun of South Carolina, and Henry Clay of Kentucky. Despite strong personal and philosophical differences, these three “ornaments of American statesmanship in the era between the founding and the Civil War” helped to steer the ship of state for four decades.\(^\text{15}\) Over a century later, Senator Robert Byrd would say that “perhaps the greatest credit we can give (the Senators of that era) is to note that the Civil War began in 1861 rather than in 1851.”\(^\text{16}\) In an era of weak chief executives such as Millard Fillmore and Franklin Pierce, this was senatorial power and prestige at their zenith.

The Senate’s clout increased during the half century between the end of the Civil War and the outbreak of World War I, but its public esteem declined significantly. This was the era of big business, and as business and industry grew, so too did their influence over the legislative process and even the selection of the Senators themselves. “You do not believe that a man should buy a United States Senatorship, nor do I,” one early twentieth century Senator said. “Yet there are several in our distinguished body who hold their seats by purchase.”\(^\text{17}\) Political scientist Moisei Ostrogorski noted that the Senate of 1900 was a far cry from the one Alexis de Tocqueville had observed in 1831. And if de Tocqueville had found a Senate full of “eloquent advocates, distinguished generals, wise

\(^{15}\) Caro, *Master of the Senate*, 19.

\(^{16}\) Ibid., 23.

magistrates and statesmen of note,” Ostrogorski saw a body filled with “men of mediocre or no political intelligence, some of whom, extremely wealthy, multi-millionaires, look on the senatorial dignity as a title for ennobling their well or ill-gotten riches.”\textsuperscript{18} Many lawmakers and observers came to view the appointment of Senators by state legislatures as a major contributor to this problem. Ratified in 1913, the Seventeenth Amendment was viewed by proponents as “the most effective means of taking from organized wealth the control of the Senate, and indeed our national politics.”\textsuperscript{19} It also subjected Senators to many of the same popular passions that had long characterized the operations of the House of Representatives.

World War I brought a new role for the United States in world affairs, and a new area of policy for the Senate to exert its will on. Supportive for the most part of Woodrow Wilson’s efforts during the war, Senate Republicans turned on the President when it came to the ratification of the Treaty of Versailles. Wilson tried to work around, instead of with, the Senate, referring to those Senators inclined to oppose him as “absolute, contemptible quitters.”\textsuperscript{20} The defeat of the treaty was the price Wilson paid for his neglect of the Senate. “The power of the President may have swept across the country, and indeed across part of Capitol Hill,” writes historian Robert Caro. “It came to a halt at the door to the Senate Chamber.”\textsuperscript{21} The 1920 Presidential Election brought even more

\textsuperscript{18} Caro, \textit{Master of the Senate}, 14.

\textsuperscript{19} Gould, \textit{The Most Exclusive Club}, 55.

\textsuperscript{20} Ibid., 88.

\textsuperscript{21} Caro, \textit{Master of the Senate}, 43.
evidence of the Senate’s growing influence, when Warren Harding of Ohio became the first sitting Senator ever elected President.

The misery of the Great Depression and the outbreak of World War II provided many opportunities for the Senate to shape national politics in a positive way. More often than not, the Senate was found lacking. Congress did not even meet from March 1931 until January 1932, a period of nine months during some of the worst suffering of the Great Depression.\(^{22}\) Senators were only marginally more effective during the times they were actually in Washington. Caro writes that, “decades of the seniority rule had conferred influence in the Senate not on men who broke new ground but on men who were careful not to. So that when in 1929 crisis came, and with the last of those passive presidents still in office, leadership was so desperately needed, the Senate had as little to offer as the House.”\(^{23}\)

The wartime Senate did little to distinguish itself, and in fact showed great pettiness at times. One particularly embarrassing instance of such pettiness revolved around the ability of members of Congress to purchase unlimited amounts of gasoline in spite of wartime rationing. In the face of public outcry over this policy, Senators voted 66-2 to maintain their gasoline privileges.\(^{24}\) Nonetheless, there were distant rumblings of statesmanship and bipartisanship that the Senate had not really seen since the days of

\(^{22}\) Ibid., 53.

\(^{23}\) Ibid., 52.

Clay, Calhoun, and Webster. This fledgling new attitude was personified by Senator Arthur Vandenberg, a Republican from Michigan. Initially a strict isolationist, Vandenberg became a great supporter of the war effort in the days after Pearl Harbor. He worked with his Democratic colleagues to craft bipartisan resolutions that would also address Republican concerns, and even persuaded 1944 Republican Presidential candidate Thomas Dewey to avoid any criticism of President Roosevelt that might interfere with this burgeoning bipartisanship.25 Vandenberg’s example of “nonpartisanship and constructive suggestion” would enjoy a lasting legacy.26 Sixty years later, Senator Ted Stevens of Alaska would defend his own bipartisan credentials by referring to himself as “the most bipartisan Senator on this side of the aisle in history other than Arthur Vandenberg.”27

Heavy influence from Southern Senators was another important characteristic of the immediate postwar Senate. Much of this influence was due to the rigid seniority system that had come to characterize the body. Most of the Senate’s legislative work was done in committees which committee chairmen ruled with an iron fist. And committee chairmanships were awarded based entirely on seniority. By the late 1940s, many observers were beginning to lament the seniority system’s deleterious effect on the Senate’s ability to do the nation’s work. One Senate staffer claimed that the seniority rule

25 Ibid., 172.


made impossible “the utilization of the best material for the most important offices. Tenure and ability are not the same thing.” Southern Senators used this seniority system to ascend to committee chairmanships and exercise a disproportionate level of power and influence. In 1949, Southerners chaired the Committees on Appropriations, Foreign Relations, and Finance. These were widely considered the three most powerful committees in the Senate. Six of the ten Appropriations subcommittees were chaired by Southerners. One non-Southern Senator spoke of “an interlocking directorate of Southerners who are on every subcommittee in depth. If you get rid of one, you still have another Southerner.” In the wake of World War II, questions of racial discrimination and civil rights were coming to the forefront in a way that they hadn’t since the Civil War. Southern Senators used their power to stifle any attempts at reform.

Rumblings of change were discernible in the Senate by the late 1940s and early 1950s. The Election of 1948 brought to office two Democrats who would exert a profound influence on the body, Lyndon Johnson of Texas and Hubert Humphrey of Minnesota, as well as Republican Margaret Chase Smith of Maine, the first woman to serve in both houses of Congress. Republican Everett Dirksen of Illinois was elected in 1950; he would assume the mantle of bipartisanship from Arthur Vandenberg, who died in early 1951.

In addition to the influx of “new blood” that was beginning to take place in the postwar years, the Senate also underwent some internal changes that changed the nature of the

28 Caro, Master of the Senate, 83.
29 Ibid., 90.
body. The most notable of these reforms was the Legislative Reorganization Act of 1946, which was designed to allow Congress to operate more effectively. Recognizing the inefficiency of the committee system, the number of standing Senate committees was reduced from thirty-three to fifteen.\textsuperscript{30} The legislation also limited the number of committees Senators could serve on and increased the budget for committee staff. In time many Senators would become overly reliant on their staffs, but in 1946 these new staffers were a welcome addition to the Senate. A 1942 study had concluded that only four of the seventy-six congressional committees had “expert staffs prepared professionally even to cross-examine experts of the executive branch.”\textsuperscript{31} The Legislative Reorganization Act helped remedy this problem. These talented staffers complemented the talented men who were being elected to the Senate in increasing numbers. Together they would confront the numerous foreign and domestic challenges that were bubbling to the surface in the war’s aftermath.

\textsuperscript{30} Gould, \textit{The Most Exclusive Club}, 78.

\textsuperscript{31} Caro, \textit{Master of the Senate}, 65.
CHAPTER 1

“ALL SENATORS ARE CREATED EQUAL”

It would be erroneous and simplistic to suggest the existence of a “Golden Age” in the history of the United States Senate. The Senate of the 1940s through the 1970s, much like the Senate of today, had more than its share of prejudice, pettiness, and partisanship. The enactment of meaningful civil rights legislation was delayed until 1964, due in large part to the ability of Southern Senators to filibuster any such legislation. Journalist William White described the Senate of the late 1950s as “the South’s unending revenge upon the North for Gettysburg.”

There was only one African-American Senator (Edward Brooke of Massachusetts) during this time period, as well as no more than two female Senators at any time. Alcoholism was also much more rampant for Senators during these decades than it is today. Historian Lewis Gould writes that “alcoholism was the hidden element in the Senate’s daily life.” And Senator Fritz Hollings would later estimate that “we had five or six drunks when I came here (in 1967).”

---

1 Caro, Master of the Senate, xxiii.

2 Senator Margaret Chase Smith (R-ME) served four terms from 1949-1973. During that time period she served alongside four other women, but three of these were temporary appointments lasting for periods of only a few months. Only Maurine Brown Neuberger (D-OR) served in the Senate for any meaningful period of time.

3 Gould, The Most Exclusive Club, 188.

This was also the era of Senator Joe McCarthy, one of the darkest episodes in Senate history. A man who Lyndon Johnson described as the “sorriest Senator” in the Senate was allowed to run rampant in the Senate, engaging in brutal personal attacks, making baseless accusations, and ruining lives and careers in the process.\(^5\) McCarthy was embraced by some of his Senate colleagues, tolerated by others, and feared by most. John F. Kennedy would praise Senator Robert Taft of Ohio for his political courage in the Pulitzer Prize winning \textit{Profiles in Courage}, but even Taft encouraged McCarthy to “keep talking and if one case doesn’t work out, he should proceed with another one.”\(^6\) Senator Kennedy himself considered McCarthy a friend, inviting him to his wedding and referring to the Wisconsin Senator as “a great American patriot.”\(^7\) When Margaret Chase Smith chastised McCarthy on the Senate floor in 1950 for his “hate and character assassination sheltered by the shield of congressional immunity,” she was supported by only six of her fellow Republicans.\(^8\) “The larger lesson was not to challenge the junior senator from Wisconsin,” Lewis Gould writes. “Courage in that regard would be in short supply for the upper house for the next four years.”\(^9\) The Senate has rightly been

\(^{5}\) Caro, \textit{Master of the Senate}, 546.

\(^{6}\) Ibid., 543.


\(^{8}\) Caro, \textit{Master of the Senate}, 543.

\(^{9}\) Gould, \textit{The Most Exclusive Club}, 205.
criticized for “quaking before McCarthy” and therefore “lowering the tone of public life in the process.”

These facts should not be ignored, but they should also not distract from the ways in which the Senate of the postwar decades was superior to the Senate of today. Senators enjoyed much deeper personal relationships with each other during these years than they would during the late twentieth and early twenty-first century. In the days before jet travel, Senators stayed in Washington for much of the time the Senate was in session, including weekends. Most brought their families to Washington and built a life in the nation’s capital. In later decades, most Senators would leave their families back home and spend as little time as possible in Washington. Close proximity fostered opportunities to strike friendships outside of partisan and ideological divides. Republican George Aiken of Vermont and Democrat Mike Mansfield of Montana ate breakfast together daily. Two Senators from Pennsylvania, Republican Hugh Scott and Democrat Joseph Clark, co-hosted a weekly half-hour television and radio program together. Senator Joe Biden remembered the way the Senate embraced him as a young Senator who had lost his wife and young child in a car crash, with Senator Ted Stevens in particular reaching out

---

10 Ibid., 212.


to invite Biden to dinner with himself and Mrs. Stevens.\footnote{Sean Cockerham and Kyle Hopkins, “Service Celebrates the Life of Ted Stevens,” \textit{Anchorage Daily News}, August 18, 2010, \url{http://www.adn.com/2010/08/18/1415910/ted-was-alaska.html} (accessed June 5, 2013).} Despite the fact that Biden had only recently become a Senator, Majority Leader Robert Byrd drove to Wilmington, Delaware to attend the Biden family funeral.\footnote{J. Taylor Rushing, “Dignitaries Pack Final Farewell for Byrd,” \textit{The Hill}, July 2, 2010, \url{http://thehill.com/homenews/senate/106995-byrd-memorial-service-begins-to-the-sound-of-fiddles} (accessed June 5, 2013).} These personal relationships not only made life more tolerable for Senators, but fostered feelings of trust that would make legislative compromise more possible. Senators valued each other not only as individuals but as partners in doing the nation’s business. These bonds transcended partisanship in many interesting ways. Democratic Senator Birch Bayh of Indiana remembers being a freshman Senator and being approached by Republican Leader Everett Dirksen. Dirksen spent an hour, unsolicited, giving Bayh advice on how to get re-elected.\footnote{Ira Shapiro, \textit{The Last Great Senate: Courage and Statesmanship in Times of Crisis} (New York: Public Affairs, 2012), 327.} It would require a significant suspension of disbelief to envision a similar scenario in 2013.

The words “bipartisanship” and “moderation” are often used interchangeably in discussions of American politics. While they are related, the two are also different in many important ways. A Senator can hold views that are strongly conservative or strongly liberal, and still strive to find common ground with the opposition in order to solve the nation’s problems. There were certainly some true “moderates” during the postwar years, such as Republican Edward Brooke of Massachusetts or Democrat Sam
Ervin of Michigan. But many Senators who were proud liberals or proud conservatives also worked to find common ground with their colleagues in order to solve the nation’s problems. Most would not doubt the liberal credentials of Edward Kennedy of Massachusetts, or the conservative bona fides of Robert Dole of Kansas. Yet it would be equally unfair to doubt the willingness of either man to work towards crafting bipartisan solutions during their time in the Senate. Even those who were not inclined to political moderation were likely inclined to work towards finding some sort of common ground with their fellow Senators. Jesse Helms may have been exaggerating slightly when he lamented that the Republican Senate Conference of the early 1970s was “almost as liberal as the other side,” but Senators were certainly less concerned with ideology than they would be when Helms left office thirty years later.\(^\text{16}\)

In 1956, William White observed that in the Senate “the political center has greatly enlarged and the extreme wings have greatly shrunk.”\(^\text{17}\) Political scientists have supported this observation with data. The DW-NOMINATE score is used to measure the liberalism or conservatism of lawmakers based on roll call votes. In both the House and Senate, the median DW-Nominate scores of Republicans and Democrats came closest to convergence in 1947 and again in the early 1950s.\(^\text{18}\) This broad consensus coincided with numerous strong personal relationships among an increasingly qualified class of Senators

\(^{16}\) Ibid., 32.


\(^{18}\) Hahrie Han and David W. Brady, “A Delayed Return to Historical Norms: Congressional Party Polarization after the Second World War,” \textit{British Journal of Political Science} 37, no. 3 (July 2007): 509.
to produce some of the most far-reaching, landmark legislation in the nation’s history. Bipartisanship was not just a virtue but a necessity. “One cannot forever refuse there to make any compromise at all and remain a good, or effective, member,” wrote White. 19 Most importantly, most Senators of the 1950s, 1960s, and 1970s held a desire to find common ground with fellow Senators, and to not blindly oppose the opposition for political gain. In the words of Republican George Aiken, “If a Democrat says we need better health, I am not going to come out for poorer health just to disagree with him.” 20

The Eighty-Third Congress, taking place in 1953 and 1954, can in many ways be seen as the beginning of the modern Senate. 1953 was the year in which Lyndon Johnson (D-TX), one of the most transformative figures in postwar America, became Democratic Leader. It was the year that Dwight Eisenhower became President and conservative Republican Robert Taft died, two events that signaled the ascendency of the moderate wing of the Republican Party. And in December 1954, the Senate finally moved to censure Joe McCarthy by a strong bipartisan vote of 67 to 22. 21

As minority leader during the Eighty-Third Congress, Lyndon Johnson embraced bipartisanship, most prominently in the area of foreign relations. While perhaps more conservative than his predecessors Roosevelt and Truman, Eisenhower was a strong internationalist, a fact which brought him into conflict with Old Guard, isolationist

---

19 White, Citadel, 115.

20 Thomas H. Kuchel, “The Role of the Senate Minority,” in The Senate Institution, 82.

21 Caro, Master of the Senate, 555.
Republican Senators. Johnson believed that “the issues of war and peace are far too serious to be settled in the arena of narrow, partisan debate” and also recognized the political advantage that could come to Democrats from supporting the President against the conservative faction of his own party. Johnson and his Democratic Caucus strongly supported resolutions and nominees put forward by Eisenhower that were opposed by many in the President’s own party. Most significantly, Johnson engineered the defeat of the “Bricker Amendment” introduced by Republican Senator John Bricker of Ohio. This amendment would have amended the Constitution and limited the treaty making powers of the President. One member of Johnson’s staff would write that during these days “the picture before the public was that of a great war hero and a very popular President under attack by a disruptive Republican Party while a constructive Democratic Party was rushing to his defense.”

Johnson’s strategy paid off. Democrats regained the Senate majority in 1954, and would hold it for a quarter century. Johnson would serve as Majority Leader for the next six years. Bipartisanship was a political winner for Democratic Senators. “I have never agreed with the statement that it is the business of the opposition to oppose,” Johnson said. “I do not believe that the American people sent us here to obstruct.”

---

22 Ibid., 523.

23 Caro, Master of the Senate, 526.

With the Korean War, increasing tensions with Russia, and the rise and fall of Joe McCarthy, foreign affairs dominated American politics more during the 1950s than in almost any other time in American history. Nonetheless, several domestic issues were beginning to bubble to the surface during this decade, most significantly the question of civil rights. The devotion of Southern Senators during the 1950s and early 1960s to beating back even mild civil rights legislation cannot be underestimated. In 1956, three extremely powerful Democratic Senators, Richard Russell of Georgia, Strom Thurmond of South Carolina, and Harry F. Byrd of Virginia, crafted the “Southern Manifesto” which committed Southern legislators to oppose the Civil Rights Movement. Failure to support the document would be political suicide for any Southern Congressman or Senator. Recognizing this reality, but realizing the political and moral imperative of a civil rights bill, Lyndon Johnson worked with Senate Republican Whip Everett Dirksen, to move the Civil Rights Act of 1957 forward. The bill made only modest inroads, primarily in the area of increased voting rights for Blacks, but it also set the tone for a period of bipartisan cooperation on civil rights legislation.

If Johnson’s commitment to the Senate was absolute, so too was his dominance over the chamber’s proceedings. Johnson believed, not without reason, that “achievement as possible only through careful negotiations in quiet backrooms where public passions did


not intrude.” But by the time he ascended to the Vice Presidency, his fellow Senators on both sides of the aisle were more than ready for a change in style. To replace Johnson, Democrats chose Mike Mansfield of Montana, a man whose philosophy and personality were as different from Johnson’s as possible. Mansfield biographer Francis Valeo writes that “the majority leader insisted that ‘all Senators are equal’—period. He believed in the concept, he expressed it again and again, and he lived it.” Mansfield’s counterpart during these years would be Everett Dirksen, who had worked so closely with Johnson on civil rights legislation as Republican Whip, and who had ascended to the position of Minority Leader in 1959. Dirksen had begun his career firmly in what his biographer calls “the conservative and antibipartisan wing of the Republican Party.” But as time went on, the Republican Leader would increasingly put principle over politics and ideology, and develop a strong working relationship with Mansfield, particularly on civil rights.

Dirksen also extended a hand to President Kennedy, who he had worked with during Kennedy’s eight years as a Senator from Massachusetts. One incident in particular stands out. In 1962, Kennedy came to Mansfield and Dirksen requesting their support for a financial bailout of the United Nations. Dirksen agreed to support the President, but many

---

27 Caro, Master of the Senate, 578.

28 Francis R. Valeo, Mike Mansfield: Majority Leader; A Different Kind of Senate 1961-1976 (Armonk: M.E. Sharpe, 1999), 37.

29 Byron C. Hulsey, Everett Dirksen and His Presidents: How a Senate Giant Shaped American Politics (Lawrence: University Press of Kansas, 2000), 41.
in his party were skeptical. The Republican Leader took to the floor to defend the loan. “It doesn’t make any difference what the mail back home says to us,” Dirksen exclaimed. “I haven’t forfeited my faith in John Fitzgerald Kennedy. I’m willing, as always, to trust my president, because he is my president.”

One can hardly imagine Mitch McConnell or Harry Reid making a similar speech about Barack Obama or George W. Bush. After Kennedy was killed, Dirksen collaborated closely with President Lyndon Johnson, following the example that Johnson himself had set during the Eisenhower years. The two men were known to meet several times a week at the White House when the Senate was in session.

One historian has written that passage of the Civil Rights Act of 1957 signified the time when “the decades-old coalition of southern Democrats and conservative Republicans died.” This statement contains a level of hyperbole, but the fact remains that the makeup of the Senate was rapidly changing in the late 1950s and early 1960s. In addition to the growing consensus on civil rights and the more democratic approach of Mike Mansfield, the elections of the late 1950s and 1960s would bring to office many of the men who would leave an indelible mark on the Senate during the coming decades. These included Jacob Javits of New York in 1956, Edmund Muskie of Maine and Robert Byrd of West Virginia in 1958, and Daniel Inouye, Edward Kennedy, Birch Bayh,

30 Ibid., 164.

31 Baker and MacNeil, The American Senate, 125.

George McGovern, and Gaylord Nelson in 1962. Others would follow as the 1960s progressed. Howard Baker, Mark Hatfield, and Fritz Hollings were elected in 1966, along with Edward Brooke of Massachusetts, the first African American Senator since Reconstruction. The 1968 elections returned Barry Goldwater to the Senate and also brought to office Bob Dole, who would be an important Republican Senate leader for the next three decades. Ted Stevens came to office in late 1968, after the death of Senator Bob Bartlett. These men came from vastly different backgrounds, and often held opposing political views. But they shared what author and former Senate staffer Ira Shapiro calls “a commitment to passionate, but not unlimited, debate; tolerance of opposing views; principled compromise; and senators’ willingness to end debate, and vote up or down, even if it sometimes meant losing.”

Everett Dirksen once said that “I am a man of principle. And one of my basic principles is flexibility.”

The relationship between Mansfield and Dirksen was the axis around which the Senate of the 1960s revolved. Mansfield showed considerable respect and deference to his Republican counterpart, and received similar consideration in return. One Dirksen biographer writes that, “Dirksen was not unappreciative of Mansfield’s generosity to him, and he was prepared to requite Mansfield’s friendship to the full.” And when fellow Democrats attacked Mansfield on the Senate floor, Dirksen would often leap to the

---

33 Shapiro, *The Last Great Senate*, xv.


Majority Leader’s defense. When Democrat Thomas Dodd of Connecticut criticized Mansfield one day in 1963, Dirksen countered by accusing Dodd of drinking too much and being emotionally unstable.\(^{36}\)

In 1964, the two leaders would work to pass the most important piece of civil rights legislation since Reconstruction. The rules of the Senate, combined with the (diminishing but still formidable) influence of Southern Senators, ensured that passage of such sweeping legislation would be an uphill battle from the start. Prior to 1975, the votes of two-thirds of Senators were required to invoke cloture and put an end to debate. Interestingly enough, the Democratic ranks of the Senate included exactly sixty-seven Senators, the largest majority for either party since 1939. But the Johnson Administration could hardly count on Southern segregationists like Byrd, Thurmond, and Russell. Since the cloture rule was first implemented in 1917, eleven different attempts had been made to cut off debate on a civil rights bill. Each and every one of them had failed.\(^{37}\) Obtaining the votes for cloture would have to be a bipartisan effort.

Bipartisanship on the Civil Rights Act of 1964 began at the highest of levels, between the two Senate leaders. Mansfield made Dirksen a “co-leader” in the effort to move the bill forward, encouraging his colleague to lead the Republican effort on the legislation. And when Dirksen decided to do just that, Mansfield made Dirksen’s office, rather than


his own the principle venue for negotiating the bill, even though the Majority Leader’s office would normally have been the site of the discussions.\textsuperscript{38} Another key partnership was that of Hubert Humphrey and Republican Senator Thomas Kuchel of California, the Minority Whip. The two men published a bipartisan civil rights newsletter and coordinated management of the floor debate among Senators of both parties.\textsuperscript{39} In the end, cloture was invoked, with Dirksen delivering the votes of twenty-seven of his thirty-three Republican members. Dirksen himself spoke strongly in favor of the bill, famously proclaiming on the Senate floor that “no army is stronger than an idea whose time has come.”\textsuperscript{40} The bill passed overwhelmingly, and the Voting Rights Act of 1965 followed a year later. For the rest of the decade the Senate would turn its attention to other elements of Johnson’s Great Society agenda, a broad program aimed at improving the lives of Americans in a myriad of areas including education, public health, and urban renewal. In addition to strong support from Democrats, Johnson’s programs also garnered considerable support from Republicans. Most Great Society legislation passed the Senate with more Republican Senators supportive than opposed.

It would be wrong to conclude that bipartisanship in the Senate automatically resulted in the enactment of good policy. Many twenty-first century experts blame the proliferation of federal government programs that took place during the Johnson

\begin{flushright}
\textsuperscript{38} Valeo, \textit{Mike Mansfield: Majority Leader}, 123. \\
\textsuperscript{39} Mann, \textit{The Walls of Jericho}, 397. \\
\textsuperscript{40} Hulsey, \textit{Everett Dirksen and His Presidents}, 196.
\end{flushright}
Administration for the fiscal problems that plague the country today, a charge that carries a certain level of truth. More immediately tragic was the way the Senate initially refused to question the actions of the Johnson Administration in Vietnam. Despite faulty evidence to back up the administration’s claim of an attack, the Senate overwhelmingly supported the Tonkin Gulf Resolution by a vote of 88-2. Prominent Senators from both parties urged Johnson to escalate the war during the mid-1960s, and when Republican Clifford Case of New Jersey criticized Johnson for his escalation of the war on the Senate floor in 1967, Senators from both sides of the aisle sprung to Johnson’s defense, including Everett Dirksen. It was not until late 1968, and the election of Richard Nixon, that a groundswell of bipartisan senatorial opposition to the war would begin to take shape. But even when they were wrong on the issues, Senators were more often than not doing what they thought was right, following their consciences and judgment, rather than the dictates of partisan politics.

Everett Dirksen died in 1969, the same year that Bob Dole was first elected as a Senator from Kansas. “We had more debates in those days,” Dole would later remember. “Now it’s more back and forth in the press. There’s now more focus on the media and less on what takes place in the Senate.” Senator Dole’s words offer a succinct insight into just what was so special about the Senate of the 1950s and 1960s. Senators did not

---


43 Ibid., 278.
always produce great policy or enact effective legislation. They did not always treat each other with respect, and they certainly did not always see eye-to-eye on the issues of the day. But the vast majority of Senators shared a respect for the institution and its members, and an inherent desire to work with each other for the good of the nation. As the Senate worked to reassert itself in the wake of Watergate and the Vietnam War, this spirit of cooperation would begin to erode.
CHAPTER 2

“IT’S A CLUB HERE”

Political scientist Richard Fenno describes the Senate of the 1970s and 1980s as a body caught “somewhere between the communitarian and individualistic modes.”¹ Most Senators were still deeply devoted to the traditions and prestige of the institution they served in, but many were also beginning to concentrate more on outside pressures and less on collaborating with their colleagues. And with the nation deeply divided over issues both foreign and domestic, it was only natural that the nation’s elected officials would reflect this division. The most meaningful change during these years was the growth in conservative Senators, particularly on the Republican side of the aisle.

Jesse Helms came to the Senate in 1973 as a Republican from North Carolina and immediately became the Senate’s most vocal advocate of conservative policies. In his first two months alone, Helms proposed two separate constitutional amendments, one to end school busing and the other to allow prayer in schools.² The fact that many of these measures were doomed to failure did not bother the freshman Senator whatsoever. “Defeats don’t discourage me,” Helms said. He hoped to make other Senators “feel the heat so they would see the light.”³ In doing so, he discovered a new tactic that would have long term reverberations in the Senate. Floor votes would no longer be simply about


² Shapiro, The Last Great Senate, 33.

³ Ibid., 33.
improving legislation or advancing national policy. Senators on both sides of the aisle would soon be asking for votes with the specific purpose of embarrassing their colleagues and damaging them politically. There was no doubt in Helms’ mind that the majority of Americans supported him on issues such as “school prayer, spending the people’s money on obscenities, killing unborn children, raising taxes, giving aid to our country’s enemies, protecting the Boy Scouts, and an end to a self-perpetuating welfare system.”

Such rigid beliefs necessarily left little room for nuance or compromise.

The significance of Helms’ arrival in the Senate cannot be overstated. Not since Joe McCarthy had a man come to the Senate with such a strong willingness to personally attack his colleagues. Helms took particular joy in antagonizing Ted Kennedy, making frequent references to the Chappaquiddick incident of 1969, in which a passenger in Kennedy’s car was killed. As one Helms biographer wrote, the Senator made the personal political by “contrasting his ideological clarity with his liberal enemies’ moral ambiguity.” These personal attacks were not without legislative consequence. Senators were naturally rather disinclined to work with colleagues who had been demonizing them publicly. Edward Zorinsky, a Democrat from Nebraska, had been a previous target of Helms’ attacks over foreign policy. Later, when asked for his support on a tobacco program, Zorinsky told Helms to “go to hell.”

---


6 Ibid., 224.
Along with conservative Democrat James Allen of Alabama, Helms also found new ways to use the filibuster to exert influence over the Senate. Republicans had been in the minority for nearly two decades by the time Helms came to the Senate, yet men like Jacob Javits and Everett Dirksen were two of the most effective Senators of their time. They were able to do this by collaborating with their colleagues to improve legislation and address their priorities. They worked within the system, rather than trying to tear it down. But for Helms, the filibuster was “the only way a minority has to work its will.”

Allen, meanwhile, pioneered a series of tactics that would become known as the “post-cloture filibuster.” The Senator would repeatedly request quorum calls or insist that amendments be read in their entirety prior to votes. All of this was designed to delay the Senate from enacting legislation that would surely pass once put to a vote. By the late 1970s, liberals had followed suit, adopting many of the same delaying tactics their conservative counterparts had been practicing. The Senate had lowered the number of Senators required to cut off debate in 1975, from sixty-seven to sixty, but by the end of the decade, Senators were increasingly using the rules of the Senate to bring about desired outcomes, or to prevent or delay undesired ones.

The growing ranks of insurgent conservative Senators during the 1970s were aided by changes in Senate procedure that were designed to make the Senate more democratic and efficient, but which also provided individual Senators with more power to bend the

---

7 Shapiro, The Last Great Senate, 34.

Senate to their will than they had previously possessed. The Legislative Reorganization Act of 1970 placed some limits on the power of seniority in the Senate, and also codified the role of partisanship in committee staffing. Senate staffers, whose numbers had doubled between 1958 and 1972, would increasingly find themselves performing basic legislative work that had previously been done by the Senators themselves. Staff numbers would be further increased in 1975, with the authorization of an additional staff assistant per Senator for each committee on which he or she served, up to three. Most of these staffers were highly qualified, hard-working individuals, many of whom would go on to remarkable careers in their own right, such as future Supreme Court Justice Stephen Breyer, future Secretary of State Madeline Albright, and future President Bill Clinton. But their priorities were often fundamentally different than the Senators they worked for, looking to impress their bosses, often with strident partisanship, rather than work together to craft national policy. Speaking in 1975, at the beginning of this “staff revolution” Senator Herman Talmadge of Georgia complained that the growth in staff who “spend most of their time thinking up bills, resolutions, amendments.” The problem would only get worse as the years went on. In 1992 Senator Dan Boren of Oklahoma worried about

---

9 Ibid., 254.
10 Fred R. Harris, Deadlock or Decision: The U.S. Senate and the Rise of National Politics (New York: Oxford University Press, 1993), 129.
12 Shapiro, The Last Great Senate, xiv.
13 Harris, Deadlock or Decision, 133.
the proliferation of staff “increasing the glut of inconsequential matters that block the arteries of an already sluggish system.”\textsuperscript{14}

Yet for all of the rumblings of change, the Senate of the 1970s remained an institution that was basically collegial, functional, and effective. There were many reasons for this, most importantly the pressing issues of the day. Some of the staunch segregationists of 1964 and 1965 were out of office ten years later, while others had begun to moderate their views. In any event, the issue of race was no longer the hot button legislative issue that it had once been. The prominent issue of the early 1970s was one which garnered significant bipartisan consensus, the growing power of the Executive Branch and the expense of Congress. Most Senators, and most Americans for that matter, now believed that Lyndon Johnson had abused the power of his office in his conduct of the Vietnam War, and that Richard Nixon had done the same during the Watergate scandal. In 1973, an ideologically and geographically diverse group of Senators, including Democrats Tom Eagleton of Missouri and John Stennis of Mississippi and Republican Jacob Javits of New York, united in their opposition to unilateral executive war powers.\textsuperscript{15} Bipartisanship was also on display a year later, during the Senate’s investigation of the Watergate scandal. Headed by conservative Democrat Sam Ervin of North Carolina and independent-minded Republican Howard Baker of Tennessee, the Watergate Committee

\textsuperscript{14} Ibid., 133.

conducted a series of hearings that both uncovered the Nixon Administration’s crimes and bolstered the public’s esteem for the legislative branch.

By the mid-1970s, the Vietnam War was over and Cold War tensions were in a period of relative calm, the result of détente and a series of arms treaties between the United States and the Soviet Union. Civil rights and race relations in general remained a contentious issue, but no major legislation was on the horizon. As a result, Senators were able to devote their energies to a wide-ranging number of issues in a way that had not been possible before. And the Senators of the late 1970s were a group of statesmen unparalleled at any other time during the twenty-first century, and possibly any time in the nation’s history.

The membership of the Ninety-Fifth Congress, taking place in 1977 and 1978, provides a valuable example of just how special this era was in the Senate. Eighteen of the twenty-five longest serving Senators in history were in office during this Congress, including Purple Heart winner Dan Inouye of Hawaii, future Vice President Joe Biden of Delaware, and Robert Byrd of West Virginia, the longest serving Senator in United States history. This was also the Senate of a former Vice President (Hubert Humphrey of Minnesota), a future White House Chief of Staff (Howard Baker of Tennessee) and Secretary of State (Edmund Muskie of Maine), two former nominees for President (George McGovern of South Dakota and Barry Goldwater of Arizona), and a future one as well (Bob Dole of Kansas). Another Senator with an accomplished background was John Glenn of Ohio, who in 1962 had been the first American astronaut to orbit the Earth.
As it had in the 1960s, bipartisanship in the late 1970s began with the two leaders. Howard Baker of Tennessee became the Republican Leader in 1977, following the retirement of Hugh Scott. Baker followed in the tradition of Scott and Dirksen, adopting moderate policies and working with the Democratic majority and the White House when he felt doing so was in the national interest. Future Republican Leaders such as Mitch McConnell and Trent Lott would come to the position having spent most of their congressional careers engaged in harsh partisan warfare. Baker, on the other hand, had worked with Senator Ted Kennedy in 1967 to ensure speedy implementation of a Supreme Court ruling that legislative districts had to be equal in population. Baker’s efforts in working with the liberal Kennedy were all the more impressive considering that first of all, he was a freshman at the time, and, second of all, he was opposing the wishes of Republican Leader Everett Dirksen, who also happened to be Baker’s father-in-law.\(^{16}\) A few years later, Baker would team with another New England Democrat, Edmund Muskie of Maine, to pass the Clean Air Act of 1970 and the Clean Water Act of 1972.\(^ {17}\)

Baker’s greatest bipartisan achievement was his support of American foreign policy during the Carter Administration. So deep was Baker’s commitment to his country that he supported many of Carter’s initiatives even as he was preparing to run against him in the


1980 Presidential Election. On one issue in particular, the issue of the Panama Canal, Baker’s support of the President was invaluable. American ownership of the Canal had long been a source of great pride for many Americans, while at the same time serving to infuriate many Panamanians and their government. Sentiment in support of keeping the Canal in American hands was strong. Ronald Reagan expressed a belief that the Panama Canal Zone was “sovereign United States territory just the same as Alaska is.” Baker also faced strong opposition in his own conference from conservatives such as Jesse Helms, Strom Thurmond, and Orrin Hatch. Yet in a decision that one of his closest advisers called “a confrontation between statesmanship and politics” Baker chose to back the President and support the policy he thought was best. He worked to persuade Panamanian leader Omar Torrijos to include certain changes to the Panama Canal Treaty that would ensure its passage in the Senate, despite the uncomfortable reality of what his efforts would mean for his presidential ambitions. Carter’s aides would later praise Baker as “one of the greatest bipartisan statesmen in recent decades.” Comparisons were made to Arthur Vandenberg, but Vandenberg was merely the Chairman of an important committee, while Baker was Minority Leader. This makes Baker’s political courage even more impressive than that of Vandenberg.

---

18 Baker withdrew from the race after losing the Iowa Caucuses to George H.W. Bush and the New Hampshire Primary to Ronald Reagan.

19 Annis, Jr., Howard Baker, 113.

20 Shapiro, The Last Great Senate, 140.

21 Ibid., 141.

22 Annis, Jr., Howard Baker, 126.
Baker’s willingness to work across the aisle at the expense of his own political fortunes was matched by the willingness of his counterpart, Majority Leader Robert Byrd to defy his own party if it meant maintaining the viability and effectiveness of the Senate as an institution. Like Baker, Byrd had ascended his party’s top leadership position in 1977. And in his first year as Majority Leader, Byrd was confronted by a “filibuster by amendment” on a bill intended to deregulate the natural gas industry. The initiators of this tactic were two of the Democratic Caucus’s more liberal members, James Abourezk of South Dakota and Howard Metzenbaum of Ohio. Byrd was sympathetic to the points of view of the two Senators, but he also worried about the Senate being publicly perceived as a paralyzed and ineffective body.\textsuperscript{23} In the end, Byrd’s love and regard for the Senate won out, as it almost always did. Working with Vice President Walter Mondale, Byrd used his privileges as Majority Leader to find the amendments out of order and move the legislation forward.\textsuperscript{24} By placing the integrity of the Senate above all other concerns, Byrd would become, in the words of Senator Tom Harkin, “the keeper of the pride, the glory, and the honor of the United States Senate.”\textsuperscript{25} In May 2010, a mere month before his death, Byrd made one of his last public appearances at a hearing of the

\textsuperscript{23} Shapiro, The Last Great Senate, 106.


\textsuperscript{25} Ibid., 241.
Senate Rules Committee to argue against a proposal by his own party to change the Senate’s filibuster rules.\textsuperscript{26}

“Relationships matter,” Nancy Gibbs and Michael Duffy write in the prologue to their 2012 book \textit{The President’s Club}, “and the private relationships between public men matter in particular ways.”\textsuperscript{27} Gibbs and Duffy are referring to the relationships between Presidents and former Presidents, but their words ring true for the Senate as well. The greatness of the Senate of the late 1970s can only be partly attributed to the strong, principled leadership of Byrd and Baker. These two men may have set the tone for the Senate, but on a daily basis it was the strong personal relationships between the other ninety-eight members that made the Senate tick. Senator Warren Rudman, who served in the Senate for thirteen years as a Republican from New Hampshire, would later write that the Senate of his time “depended very heavily on personal relationships and personal credibility.”\textsuperscript{28}

Many of the strongest relationships were formed between Senators who served together on committees. As Chairman of the Environmental Pollution Subcommittee,

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{27} Nancy Gibbs and Michael Duffy, \textit{The President’s Club: Inside the World’s Most Exclusive Fraternity} (New York: Simon and Schuster, 2012), 4.
\end{itemize}
\end{footnotesize}
liberal Democrat Edmund Muskie worked closely with the Ranking Republican, James L. Buckley of New York, to enact Clean Air legislation. The brother of conservative activist William F. Buckley, Jr., Senator Buckley was a strong conservative who nonetheless believed that “certain problems can only be handled at a national level.” This belief led him to work with Muskie on emissions reduction legislation throughout the 1970s. As a member of the Senate Nutrition Committee, Senator Robert Dole of Kansas worked with George McGovern, the liberal chairman of that committee, to create programs such as Women Infants and Children (WIC), food stamps, and the school lunch program, all aimed at feeding hungry Americans. Republican Ted Stevens forged strong working relationships with Washington Democrats Scoop Jackson (on the Energy Committee) and Warren Magnuson (on the Commerce Committee) on issues such as public lands and fisheries management. Joe Biden teamed up with Orrin Hatch in the Judiciary Committee to combat violence against women.

The effort Senators would put forth to help each other was often nothing short of remarkable. Perhaps the best example of this mindset took place in 1979, in a debate over funding for the Washington D.C. Metrorail system, which had opened in March 1976. As

---


30 Ibid., 137.


Chairman of the District of Columbia Subcommittee of the Senate Appropriations Committee, Missouri Democrat Thomas Eagleton understood the need for this funding, but also worried about the political fallout and the effect of supporting such a measure on his 1980 re-election bid. The Ranking Republican on the subcommittee was Mac Mathias of Maryland, who had an obvious stake in seeing the Metrorail system funded. Eagleton publicly criticized the plan as a “gold-plated subway system” for the D.C. area, and alerted his Republican counterpart John Danforth to the pending legislation so Danforth could do the same. But Eagleton also urged his staff to work behind the scenes to ensure the bill’s passage, which occurred on January 3, 1980.\(^{34}\) Eagleton managed to enact needed legislation, while still protecting his own political prospects, and even boosted his fellow Missourian Danforth in the process.

Many strong working relationships evolved into deep-seeded friendships that carried on for decades, often between Senators with vastly different personal and political backgrounds. Democrat Joe Biden of Delaware and Republican Strom Thurmond of South Carolina were forty-two years apart in age. Thurmond had been a staunch segregationist during his time in office, and led one of the longest filibusters in history on the Civil Rights Act of 1957. Biden, on the other hand, was a man who in his own words, “got started (in politics) because of civil rights.”\(^{35}\) But as Chairman and Ranking Member of the Judiciary Committee during the 1980s, the two collaborated on many meaningful

\(^{34}\) Shapiro, *The Last Great Senate*, 343.

pieces of legislation, even as the committee became increasingly polarized. The two
developed a strong working relationship based on mutual trust, and in 1981 personally
negotiated anti-crime legislation in a one-on-one all night session.36 Thurmond even
defended Biden’s actions to Senate colleagues as Judiciary Committee Chairman during
the Robert Bork confirmation hearings, one of the most partisan proceedings in recent
memory.37 In 2003, as Thurmond lay dying, he asked Biden to give a eulogy at his
funeral, a request that Biden happily obliged.38

Republican Ted Stevens of Alaska and Democrat Dan Inouye of Hawaii worked as
close partners, most notably as Chairman and Ranking Member of the Defense
Subcommittee of the Senate Armed Service Committee. From the early 1980s until
Stevens; defeat for re-election in 2008, the two men led the subcommittee and referred to
each other as “Co-Chairmen” rather than the more partisan “Ranking Member.”39 In
addition to their work on defense matters, the two men worked closely as members of the
Commerce Committee to address the unique issues faced by the non-contiguous states
they represented, as well as on legislation to provide restitution to Japanese-Americans
that had been interned during World War II.40 Despite their vastly different personalities,
the bombastic Stevens and the soft-spoken Inouye took bipartisanship a step further,

40 Emiko Hastings, “No Longer a Silent Victim of History: Repurposing the Documents of
donating to each other’s re-election campaigns despite party rules to the contrary.\textsuperscript{41} And in 2008, when Stevens faced corruption charges that would ultimately end his career, Inouye was the first witness called by Stevens’ lawyers in the Alaska Republican’s defense.\textsuperscript{42}

Perhaps the most improbable Senate friendship of the day was that between Ted Kennedy and Conservative Republican Orrin Hatch of Utah. Much like Stevens and Inouye, the two men were vastly different in their personalities. Kennedy was known for his strong, flowing oratory while Hatch was much more quiet and unassuming. But the differences between the two went way beyond personal style. Hatch himself described it best when he wrote that “Ted was born to a famous patrician family of Boston. He attended private schools and Harvard University…I grew up in a poor, working class family in Pittsburgh. Where Ted was the affable Irishman, I was the teetotaling Mormon missionary.”\textsuperscript{43} Hatch had stated many times on the campaign trail that one of his major goals as a Senator would be to “fight Ted Kennedy.”\textsuperscript{44} And while the two would certainly have their share of fights over the course of thirty years in the Senate, they would also collaborate on landmark legislation addressing a variety of issues. The two held some of


the first congressional hearings on the AIDS epidemic during the 1980s.\textsuperscript{45} They later combined forces to create a program that financed health insurance for children by raising the federal cigarette tax. When Hatch took to the Senate floor to ask his fellow Senators whether they “would stand up for children and against Big Tobacco,” the words he spoke might just as well have been Kennedy’s.\textsuperscript{46} And Hatch would also defend Kennedy against attacks by his many critics. In 1988, both Hatch and Kennedy were campaigning for re-election when a bitter debate developed between Kennedy and Jesse Helms over an amendment on AIDS education and homosexuality. Despite his own conservative leanings, and against the advice of his own staff, Hatch took to the floor to defend the Kennedy Amendment against attacks from Helms.\textsuperscript{47} Hatch even agreed to vouch for Kennedy’s effectiveness when reports of the Senator’s heavy drinking and other personal problems surfaced in the early 1990s.\textsuperscript{48}

In agreeing to support Kennedy publicly, Hatch was following in the footsteps of another powerful southwestern conservative, Senator Barry Goldwater. In 1980, Democrat Gary Hart was running for re-election in Colorado. On a visit to that state, Goldwater stated in an interview that Hart was “the most honest and most moral man” that he had ever met in politics.\textsuperscript{49} Hart was able to win re-election despite the

\textsuperscript{45} Clymer, \textit{Edward M. Kennedy}, 415-416.
\textsuperscript{46} Ibid., 589.
\textsuperscript{47} Ibid., 438.
\textsuperscript{48} Ibid., 489.
\textsuperscript{49} Shapiro, \textit{The Last Great Senate}, 344.
overwhelming success of Republicans in the 1980 campaign. The notoriously straightforward and impolitic Goldwater had betrayed an important fact of the Senate in the late 1970s: With some notable exceptions, Senators genuinely liked and enjoyed working with each other. Party mattered, but not nearly as much as it would in subsequent decades. Senators were eager to work across the aisle to achieve their goals, and just as willing to oppose members of their own party when genuine philosophical or substantive disagreements arose.

Bipartisan coalitions, often on both sides of an issue, were common in those days. It was a frequent occurrence to see Senators joining with members of the opposite party to oppose members of their own party. Democrats Fritz Hollings and Jim Allen led the opposition to a labor bill that was supported by most Democrats, while Republican Jacob Javits took the lead in supporting the bill. Fiscally conservative Republicans Bob Dole, John Tower, and Richard Lugar supported a loan guarantee for the Chrysler Corporation, while Democrats like Abe Ribicoff and Adlai Stevenson opposed it. And a bipartisan coalition of conservationist Senators opposed an equally bipartisan coalition of pro-energy development Senators during the debate over the Alaska Lands Bill. These coalitions, so common during the 1970s, would be almost unthinkable a few decades later.

50 Ibid., 177.
51 Ibid., 283.
52 Ibid., 324.
Oftentimes, the Senators with the strongest public reputations for partisanship were actually the most bipartisan. In addition to his strong partnership with Orrin Hatch, Ted Kennedy worked effectively with many other Republicans during his time in the Senate. In his autobiography, Kennedy wrote that he “would work with anyone whose philosophies differed from mine as long as the issue at hand promoted the welfare of the people,” and he put this theory into practice throughout his long career.  

Early in his career, he worked with Ted Stevens to improve education in remote Alaskan villages. Years later, Kennedy formed a rather unlikely partnership with arch-conservative Lauch Faircloth of North Carolina to enact a bill punishing church burnings. And towards the end of his career, the Massachusetts Democrat worked closely with Republican Mike Enzi of Wyoming on the Senate Committee on Health, Labor, Education, and Pensions (HELP). The two adhered to Enzi’s “80-20 Principle” in which they focused on the 80% of issues they agreed on, rather than arguing over the 20% they disagreed on. Despite his vast unpopularity in conservative circles, Kennedy was able to forge lasting partnerships because, in the words of Bob Dole, “Kennedy keeps his word.”

Dole could speak with authority on such matters because, like Kennedy, he was a fierce partisan who also worked with his colleagues across the aisle on numerous

---

54 Ibid, 281-282.
significant occasions. Dole’s reputation for partisanship was acquired early in his public career. As a member of the House of Representatives during the 1960s, Dole was a perennial winner of a plaque given annually by the Americans for Constitutional Action to the most conservative Member of Congress.  

Later, as President Ford’s running mate in 1976, he earned a reputation as a “hatchet man” for his attacks on the Carter Administration. But Dole also believed in the Senate, and in working with Senators of all persuasions. “I thought when I was elected I was supposed to do something,” Dole stated plainly. To that end, he worked with Democrat Birch Bayh of Indiana to reform patent policy and spur American innovation. The resulting legislation has been described as “perhaps the most inspired piece of legislation to be enacted in America in the past half century.” Dole also partnered with Ted Kennedy on the Americans with Disabilities Act of 1990, as well as with Kennedy and moderate Republican Mac Mathias of Maryland to reauthorize the Voting Rights Act in 1982. All of this was in addition to his landmark work with McGovern on food stamp legislation. By 1987, Dole was the most respected member of the Senate, according to a poll of Senate aides.

---


59 Ibid., 133.


61 Shapiro, *The Last Great Senate*, 357.


63 Harris, *Deadlock or Decision*, 102.
the results of this poll were not swayed by partisanship, the next four finishers in the poll were all Democrats.64

Just why the Senate of these days was so much more effective and cooperative than the Senate of just a few decades later is a question that can be answered in many ways. The fact that Senators had fewer commitments outside the Senate, and therefore more time to socialize and get acquainted, certainly helped. “It’s a club here,” Fritz Hollings said. “You never really get to know the others unless you go on a trip or to parties with them.”65 Equally important was the ideological and geographic diversity of both caucuses during the 1970s. During that time, Republicans Jacob Javits, Edward Brooke, and Mac Mathias, could accurately be described by one observer as a “band of liberals.”66 The Democratic ranks, meanwhile, consisted of conservatives such as Russell Long of Louisiana, John Stennis of Mississippi, and John McClellan of Arkansas.67 And while Senators were certainly concerned with their own political prospects, re-election was not the all-consuming priority that it would one day become. In 1980, Gaylord Nelson was

---

64 The next four finishers were: Sam Nunn (GA), Dan Inouye (HI), Bill Bradley (NJ), and Lloyd Bentsen (TX).


66 Asbell, The Senate Nobody Knows, 222.

67 Harris, Deadlock or Decision, 175.
spotted shopping for groceries in Washington D.C. on a September weekend, despite the fact that he would be facing re-election in only two months.  

But if the structure and traditions of the Senate helped foster cooperation and collaboration, so too did the unique character and experiences of many of the Senators serving at the time. Most significantly, many of these Senators had been profoundly shaped by service in World War II. Three of the most prominent Senators of the postwar era, Dole, Inouye, and Philip Hart of Michigan, first met at Percy Jones Army Medical Center as wounded servicemen in 1947. These shared experiences not only sowed the seeds of interpersonal relationships, they instilled Senators with a great deal of personal courage that served them well as statesmen and legislators. In the words of Ira Shapiro, “Men who had fought at Normandy or Iwo Jima or the Battle of the Bulge weren’t frightened by the need to cast a hard vote now and then.”  

By the end of the 1970s, the Senate was beginning to show signs of the decline it would experience over the next three decades. Senators across the political spectrum were becoming more and more individualistic in their points of view, and more willing to use their position to advance both political agendas and their own careers. This coincided with a growing conservative sentiment in the United States. Following in Helms’ footsteps, conservative candidates for the Senate attacked incumbents for their positions

---

68 Shapiro, *The Last Great Senate*, 339.


70 Shapiro, *The Last Great Senate*, xiii.
on such “hot button” issues as abortion and the Panama Canal. Candidates were aided in their campaigns by outside groups who targeted voters through a new phenomenon known as “single-issue direct mail,” which singled out candidates for defeat based on their positions on emotional issues, often using inflammatory language and exaggerated claims. Direct mail was crucial to the 1978 candidacies of conservatives such as Roger Jepsen of Iowa and Gordon Humphrey of New Hampshire.\(^71\) 1978 was a bad year for Senate Democrats, who lost three seats that year, and was equally bad for moderate Republicans. Edward Brooke was defeated in his re-election bid by Paul Tsongas, and Clifford Case of New Jersey was unable to withstand a primary challenge from conservative challenger Jeffrey Bell.\(^72\) A third Republican moderate, Charles Percy of Illinois, was forced to move swiftly to the right to win re-election.\(^73\) The Republican Senate Conference of 1979 would be much more conservative than its recent predecessors.

The Supreme Court’s 1976 decision in the *Buckley v. Valeo* case had allowed for unlimited donations to political parties and for the proliferation of political action committees (PACs), whose numbers increased more than tenfold between 1975 and

---


\(^72\) Bell was defeated in the general election by Democrat Bill Bradley, a former NBA basketball player and future presidential candidate.

\(^73\) Shapiro, *The Last Great Senate*, 224.
1985. PACs were established to support candidates and issues of all political stripes, but in the early years they were particularly useful for conservative Republican candidates, and in 1978 the five best-funded PACs were all controlled by conservatives. Encouraged by the success of Jepsen and Humphrey, Republicans would increasingly work to cultivate these groups in hopes of gaining both new voters and more donations. As a result, Senators would soon spend more time facing outward, appealing to the strongly held beliefs of their supporters rather than debating and negotiating with their colleagues.

Due in large part to the popularity of Ronald Reagan, Republicans picked up twelve seats and regained the Senate majority for the first time in a quarter century in the 1980 election. Democrats lost several effective legislators that year in elections across the country. These included Birch Bayh in Indiana, George McGovern in South Dakota, Frank Church in Idaho, Gaylord Nelson in Wisconsin, and Warren Magnuson in Washington. Ira Shapiro describes the Republicans who replaced them as “senators who came out of nowhere, arrived without political accomplishments, and left six years later with their records intact. Their only legacy was a diminished Senate.” Shapiro exaggerates a bit, ignoring the fact that the 1980 election also brought to office Republicans such as Charles Grassley of Iowa, Arlen Specter of Pennsylvania, and

---

74 Ibid., 212.
75 Ibid., 213.
76 Ibid., 362.
Warren Rudman of New Hampshire, all of whom would serve multiple terms and prove themselves as effective legislators throughout their careers. But he is accurate in his conclusion that the Senate became a diminished body during the Reagan years. Norms of behavior that had once been taken for granted were eroding at rapid pace. One observer wrote that the Senate of the early 1980s was “verging on a system in which each Senator is his own judge of acceptable behavior in a colleague.”

77 Senator Joe Biden agreed, saying bluntly that “there’s much less civility than when I came here ten years ago (in 1973)…the first few years, there was only one person who, when he gave me his word, I had to go back to the office to write it down. Now there’s two dozen of them.”

78 Even Majority Leader Howard Baker cautioned that the Senate “cannot fight a guerilla war every time.”

79 Another Senate insider was equally pessimistic when he wrote that “everyone seems a lot ruder these days. There’s no sense of institutional pride and respect for and veneration of the Senate as an institution.”

80 Two important facts kept the Senate functioning during the six years from 1981 until 1987, when the Republicans held the majority. The first of these was the fact that the two Majority Leaders of the time, Howard Baker and Bob Dole, were men who cared about the Senate and wanted to see the body operate effectively. Upon becoming Leader in

77 Eric M. Ulsaner, “Is the Senate More Civil than the House?” in From Deliberation to Dysfunction, 39.

78 Ibid., 39.


80 Ibid., 277.
1981, one of first Baker’s first actions was to come to an agreement with Minority Leader Robert Byrd. “If you never use the rules to surprise me,” Baker told Byrd, “I’ll never use them to surprise you.”\(^{81}\) Byrd agreed, and the two maintained a strong relationship for the next four years. Baker also worked to dissuade his conference from overemphasizing controversial social issues that he knew would divide both the country and the Republican Party.\(^{82}\) His performance in office earned him the nickname “The Great Conciliator.”\(^{83}\) Baker left the Senate in 1985, and was replaced by Bob Dole who had been effectively balancing the demands of politics and government for many years. Dole strongly supported President Reagan, but also showed a willingness to break with the popular president, most strongly on the issue of cuts to the food stamp program.\(^{84}\)

The second fact keeping the Senate functioning from 1981 through 1987 was the strong moderate contingent that still had a strong voice in the Republican Party. Arlen Specter writes of coming to the Senate in 1981 and finding a moderate contingency of nearly twenty Senators, who met together every week as part of the Wednesday Lunch Club.\(^{85}\) One member of the Wednesday Club, Mark Hatfield of Oregon, proudly referred


\(^{82}\) Gould, \textit{The Most Exclusive Club}, 278.


\(^{85}\) Specter with Robbins, \textit{Life Among the Cannibals}, 45.
to himself as a liberal, something future Republican Senators would not dare to do.\textsuperscript{86} The members of the Lunch Club were responsible for some of the most important legislation of the early 1980s.\textsuperscript{87} Bob Packwood worked with Bill Bradley on tax reform, while Alan Simpson of Wyoming crafted immigration reform with Ted Kennedy.\textsuperscript{88} Despite being a freshman Senator, Warren Rudman served as Vice Chair of the committee investigating the Iran Contra affair in 1987, and fiercely defended Chairman Dan Inouye against vicious personal attacks.\textsuperscript{89} Republican bipartisanship was not always limited to members of the Wednesday Club however. Even Barry Goldwater, whose views had moderated considerably since his 1964 presidential bid, worked with Sam Nunn of Georgia to reform the Pentagon.\textsuperscript{90} And while these Senators did a lot of meaningful things, what they chose not to do was equally significant. Unlike their successors in both parties, they refused to make changes to the rules that would increase the power of the majority party in the Senate. Upon becoming Majority Leader, Baker presented several prominent Republican Senators with proposals to increase majority power. The proposals were met

\textsuperscript{86} Ibid., 43.

\textsuperscript{87} In addition to himself Specter lists Howard Baker (TN), Bob Dole (KS), Ted Stevens (AK), William Cohen (ME), Mark Hatfield (OR), Mac Mathias (MD), Lowell Weicker (CT), Nancy Kassebaum (KS), John Danforth (MO), Charles Percy (IL), Bob Stafford (VT), John Heinz (PA), John Chafee (RI), Bob Packwood (OR), Alan Simpson (WY), John Warner (VA), Warren Rudman (NH), and Slade Gorton (WA) as members of the club.

\textsuperscript{88} Shapiro, \textit{The Last Great Senate}, 364.


with strong opposition, and Baker proposed no rules changes during his time as Majority Leader.\footnote{Barbara Sinclair, “Senate Parties and Party Leadership, 1960-2010” in \textit{From Deliberation to Dysfunction}, 95.}

Democrats regained the majority in the 1986 elections, setting the stage for one of the most polarizing events in the history of the modern United States Senate. The catalyst was not a piece of legislation, but rather a judicial appointment. For most of American history, confirmation of judicial nominees had not been a controversial issue in the Senate. Between 1930 and 1968 in fact, every nominee to the Supreme Court was confirmed by the Senate, a total of twenty-three justices. This changed somewhat during the early days of the Nixon Administration, when in period of nineteen months two nominations were rejected and a third was withdrawn in the face of mounting Senate opposition.\footnote{This figure includes Abe Fortas, who was nominated by Lyndon Johnson to be Chief Justice in June 1968 and withdrawn later that year, as well as Clement Haynsworth and Harold Carswell, two Nixon nominees who were defeated in roll call votes on the Senate floor. Fortas had been serving as Associate Justice at the time of his nomination to be Chief Justice, so another man, Homer Thornberry, was nominated to replace Fortas as Associate Justice. When Fortas’ name was withdrawn from consideration for Chief Justice, the nomination of Thornberry became moot. It is also worth noting that Fortas was the first Supreme Court nominee subject to a filibuster, despite the fact that he had been confirmed to the Court as an Associate Justice by voice vote only three years earlier.} After that, however, the confirmation process regained its relatively mundane character.

Things began to permanently change in the 1980s. Worried about the implementation of a socially conservative agenda, Senate Democrats and even some moderate Republicans had begun to push back on some of President Reagan’s judicial nominations. In 1986, Arlen Specter and Mac Mathias had joined all of the Democratic members of the
Judiciary Committee to reject the nomination of U.S. Attorney Jeff Sessions to be a district court judge, in the Senate’s first rejection of a Reagan judicial nominee.\(^93\) Sessions would be so angered by his treatment during the confirmation process that he would enter politics himself, and was elected to the Senate from Alabama in 1996. Once in office, he became one of the most conservative members of the Senate, and in 2009 he became Ranking Member of the same Judiciary Committee that had once rejected his nomination. He replaced Arlen Specter, who had switched his party affiliation from Republican to Democrat.

The constitutional responsibility to “advise and consent” on presidential nominations was becoming one of the most politically volatile responsibilities of a United States Senator. While campaigning for Republican candidates during the 1986 midterm elections Reagan had warned that a Democratic majority in the Senate would mean that “we’ll find liberals like Joe Biden and a certain fellow from Massachusetts (Ted Kennedy) deciding who our judges are.”\(^94\) Also in 1986, led by Ted Kennedy and Howard Metzenbaum of Ohio, Democrats had filibustered the nomination of William Rehnquist to be Chief Justice of the Supreme Court, only the second filibuster of a

---

\(^93\) Specter with Robbins, *Life Among the Cannibals*, 46.

Supreme Court nominee in the nation’s history. Rehnquist’s nomination was eventually confirmed, but an important precedent had been set.

The tensions came to a head in 1987, with the nomination of Judge Robert Bork to the Supreme Court. Bork’s credentials were strong, but many were uncomfortable with his strident political conservatism and strict interpretation of the Constitution. Senator Kennedy, who himself had once argued that judicial philosophy should not be considered when confirming a judicial nominee, led the fight against Bork. The Senator from Massachusetts worked tirelessly to organize a coalition opposing the confirmation of a man he believed to hold a “reactionary view of the Constitution.” By emphasizing such divisive issues as abortion, civil rights, and the theory of evolution in his opposition to the nominee, Kennedy was injecting social issues into Senate proceedings in a way previously only done by conservatives like Jesse Helms. The Bork nomination was rejected on the Senate floor, with several moderate Republicans crossing the aisle to join Democrats in opposition.

In defeating the Bork nomination, Democrats had won a political victory, but had also angered many of their Republican colleagues in the process. Senator Jake Garn of Utah

---


97 Kennedy, *True Compass*, 406.

98 Republicans voting against the Bork nomination included Lowell Weicker (CT), Bob Packwood (OR), Arlen Specter (PA), John Chafee (RI), John Warner (VA), and Robert Stafford (VT). Two Democrats, Fritz Hollings (SC) and David Boren (OK), voted to confirm the nominee.
called the Bork episode “a blot on the Senate.” Garn had voted for liberal judges in the past, but he now swore that “there will never be another liberal judge as long as I’m in the Senate.” And Orrin Hatch would write in his autobiography of a fellow Senator who told him that “he was so angry about what had happened that he vowed never again to follow the rule of giving the presumption to a president’s nominee. From now on, he would base his vote to confirm or reject nominees on their political preferences.”

Historians refer to the Bork nomination as a “watershed event” that unleashed the “confirmation mess.” The new confirmation regime was one that, in the words of one group of political scientists, “deemphasizes ethics, competence, and integrity and stresses instead politics, philosophy, and ideology.” Senators would find themselves increasingly at odds over judicial nominations, with disagreements often focusing on the most emotional and divisive issues of the day. Votes on judicial nominees soon became tests of party loyalty, with Senators facing severe pressure from leadership to oppose or support a nominee. “Because the confirmation is a test of political will rather than a hearing on the merits of the nominee,” Orrin Hatch wrote, “disapproval of the nominee is tantamount to disapproval of the party.”

99 Gitenstein, Matters of Principle, 301.

100 Gould, The Most Exclusive Club, 288.

101 Sarah Binder, “Advice and Consent in the ‘Slow’ Senate” in From Deliberation to Dysfunction, 181.


legislation, a Senator could only vote “yes” or “no” on confirmation of a nominee. No middle ground was possible. The bad feelings resulting from these battles often carried over into other more mundane Senate business and made legislating more difficult.

The circumstances surrounding the defeat of the Bork nomination demonstrate several important trends that were developing in the Senate by the end of the Reagan Administration. Senators were trusting each other less, while at the same time concerning themselves more with the opinions and feelings of outside groups. Debates were becoming more caustic, and compromise was proving more elusive. In late 1985, Republican Senator David Durenburger of Minnesota spoke on the Senate floor about the expanding role of “independent politicians, voters, and issue-oriented activists” in American elections. “There has been an explosion of organized interest groups, single issue politics, and new group-related sources of campaign finance. These are important and in some respect disturbing trends,” Durenburger asserted, “with important implications for how Congress operates, for the messages we hear, and the kind of laws we enact.”104 These disturbing trends, and many others, would grow in the Senate for the next three decades.

104 Smith, The Power Game, 690.
CHAPTER 3

“MORE FORM AND LESS SUBSTANCE”

One of Howard Baker’s last efforts before leaving the Senate in 1984 had been a push to broadcast the chamber’s proceedings live on television, as the House of Representatives had been doing since 1979. Baker was joined in this effort by Minority Leader Byrd who argued that “the informing function of the Congress is as important as the legislative function.”¹ Many younger Senators, such as future Vice Presidents Dan Quayle of Indiana and Al Gore of Tennessee, also supported these efforts. “Let it (the Senate) be seen, and if that results in pressure for change, then so be it,” Gore argued.² The opposition came from older members such as William Proxmire of Wisconsin who viewed television as “a medium that will reward the demagogue” and Mark Hatfield who warned that televising the Senate would bring “more form and less substance” to the Senate” and “more press-consciousness that already threatens to paralyze the Senate.”³ The strongest opponent of television, however, was Russell Long of Louisiana. “Every Senator is going to change his pattern of conduct if the Senate is on television,” Long argued. “It is very much more important that the Senate do the nation’s business…than to project a favorable image.”⁴ But by 1986, the rising tide of support for television among


⁴ Fenno, “The Senate Through the Looking Glass,” 324-325.
Senators could no longer be held at bay. The Senate agreed that year to televise its proceedings on a trial basis, with a permanent approval of television coming a year later.

Many hoped that increased public access to Senate proceedings would raise the level of debate in the upper chamber. “The deliberative character of the Senate is dependent on the ability of the country to judge it,” Howard Baker said. ⁵ This assessment was shared by many outside observers such as political scientist Norman Ornstein who predicted that “the excess of informality that has characterized the Senate, the extreme bending over backwards to satisfy 100 prima donnas while losing control of the Senate in the process, will come to a stop.” ⁶ The effect, unfortunately, was just the opposite. ⁷ There may have been some times when public engagement helped raise the tenor of Senate debate, but more often than not Senators have fulfilled Long’s prediction that “television will encourage us to use the Senate floor in ways that are unnecessary and ways that are not helpful to the decision-making process. It will encourage us to appeal to the electorate, to our constituents and to those we hope will vote for us in some future election.” ⁸ In 1995, New York Times journalist Adam Clymer observed that “almost all debate here (in the Senate) is for sound bites fed by the hope that network television will use an extreme comment. Most members speak as if they think that not one of their colleagues is

---

⁵ Ibid., 334.

⁶ Dewar, “Televising the Senate”.

⁷ It is worth noting that, despite Ornstein’s optimism at the time, he would later become one of the harshest critics of the modern Congress. Ornstein’s two most recent books on Congress have been titled “The Broken Branch” and “It’s Even Worse Than It Looks,” respectively.

⁸ Fenno, “The Senate Through the Looking Glass,” 337.
listening seriously or could possibly be persuaded by thoughtful arguments.” Fritz Hollings would concur, writing that “the live televising of Senate proceedings has guaranteed partisanship and confrontation.”

By the late 1980s the Senate was an institution that had become, in the words of one political scientist, “shaped more by member responsiveness to external conditions than by member responsiveness to internal understandings.” Television served as a catalyst for this external change in two important ways. First of all, it provided Senators with a convenient and inexpensive way to communicate directly with their constituents. Remarks on the Senate floor had previously been directed at colleagues, but Senators would soon be more concerned with the way their messages were received by those watching on television. Russell Long had warned that television cameras would encourage Senators to appeal to the outside world, rather than to each other. By the late 1990s one expert would characterize Senate debates as “less occasions for persuasion than for argumentation: stating and restating long-held and well-publicized positions.” One example of this phenomenon is the fact that the use of the Senate’s Rule 22, allowing for filibustering a motion to proceed to a piece of legislation, increased greatly after the

---


televising of proceedings began in 1986.\footnote{Franklin G. Mixon, Jr., M. Troy Gibson, and Kamal P. Upadhyaya, “Has Legislative Television Changed Legislator Behavior?: C-SPAN2 and the Frequency of Senate Filibustering,” \textit{Public Choice} 115, no. 1-2 (April 2003): 158.} At the same time, televised proceedings freed Senators from the burden of spending extended periods of time on the floor listening to other Senators. The task of observing live Senate proceedings via television would be delegated to staff, while Senators would increasingly devote their time to other tasks. Chief among these was raising money.

By the mid-1980s, the amount of money needed to win or retain a Senate seat had grown exponentially, and would continue to do so. “In my time here in Washington, it (the need for money) has grown from awful to odious, from odious to obscene,” Senator Thomas Eagleton lamented shortly before his retirement in 1986.\footnote{Hedrick Smith, \textit{The Power Game: How Washington Works} (New York: Random House, 1988), 157.} Between 1974 and 1988, total spending by Senate candidates more than doubled after adjustments for inflation.\footnote{Alan I. Abramowitz, “Campaign Spending in U.S. Senate Elections,” \textit{Legislative Studies Quarterly} 14, no. 4 (November 1989): 487.} Higher costs meant more need for fundraising, which drastically altered the nature of a Senator’s work. Democrat Chris Dodd, who came to the Senate from Connecticut in 1981, observed that the weekly luncheon of Senate Democrats, which had once been “a place for great debates and discussions” gradually became, according to Dodd, “basically all money” over the course of thirty years.\footnote{Kaiser, \textit{So Damn Much Money}, 350.} Senators were not only discussing different matters when they gathered together, they were gathering together on
a much less frequent basis. Both Bob Dole and Robert Byrd expressed frustration at trying to schedule Senate business around the desire of many Senators to spend as little time in Washington as possible.\textsuperscript{17}

With Senators increasingly absent, much of their previous workload was assumed by the ever-growing Senate staff. There were approximately 6,900 Senate employees in 1981 and over 8,000 by 2000.\textsuperscript{18} Not only did the number of staff increase, the purpose of staff also changed. Many of the new staff positions created were not in personal or committee offices, but rather in the office of the Majority and Minority Leaders, offices that by their very nature were more devoted to partisanship than policymaking.\textsuperscript{19} Reporter Hedrick Smith would write in the mid-1980s of staffers “angling for issues that will look good in the press and with constituents back home, fighting for turf against other committees, creating agendas that will put their senator or congressman on the map. The explosion of staff activity and numbers on Capitol Hill” Smith continued, “is an important hallmark of the new Washington.”\textsuperscript{20} Many Senators made no attempt to hide just how much decision making power had been delegated to staff, frustrating many of their colleagues in the process. “Everybody is working for the staff, staff, staff, driving you nutty in fact,” Fritz Hollings lamented. “It has gotten to the point where the Senators

\textsuperscript{17} Samuel C. Patterson, “Party Leadership in the U.S. Senate,” \textit{Legislative Studies Quarterly} 14, no. 3 (August 1989): 402.

\textsuperscript{18} Gould, \textit{The Most Exclusive Club}, 258, 313.

\textsuperscript{19} Frances E. Lee, \textit{Beyond Ideology: Politics, Principles, and Partisanship in the U.S. Senate} (Chicago: University of Chicago, 2009), 16.

\textsuperscript{20} Smith, \textit{The Power Game}, 281.
never actually sit down and exchange ideas and learn from the experience of others and listen."

Democrat Dale Bumpers of Arkansas concurred. “I’ve seen Senators, whose character and intelligence I know reasonably well, vote a certain way just because staff tells them to,” Bumpers complained.”

In his 2009 autobiography, Senator Ted Kennedy estimated that “ninety-five percent of the nitty-gritty work of drafting and even negotiating is now done by staff.”

Even when they were present in the Senate, preoccupation with re-election and fundraising fundamentally changed the relationships between Senators. The last two decades of the twentieth century saw a rapid increase in the number of individual donors contributing large sums of money to candidates. Data indicated that many of these donors were “concentrating their largess on the most extreme legislators,” according to one political scientist.

Senators found they could bolster their prospects for re-election, and their campaign coffers, by viciously attacking each other, adopting what Republican Warren Rudman criticized as a “confrontational, take-no-prisoners attitude.”

Senators also showed an increasing willingness to break tradition and intervene in each other’s re-election campaigns. This presented an obvious problem in the event that those Senators

---

21 Ibid., 290.


23 Kennedy, True Compass, 486.


were re-elected. “Sometimes bitterness lingers,” Senator David Boren observed, “and that’s bad.” Just as Edward Zorinsky had once told Jesse Helms to “go to hell,” Senators found it hard to work with Senators who had recently campaigned to put them out of a job. The “reciprocity norm” described by political scientist Barbara Sinclair as specifying that “Senators should be willing to do favors for one another and, once a bargain had been struck a senator should keep his word,” was rapidly eroding.  

One 1980s lobbyist observed that “political graveyards are filled with statesmen who forgot the folks back home.” And Senators soon found out that one of the easiest ways to score points with “the folks back home” was to criticize the very institution they were serving in, playing on the negative public perception of Congress and Washington D.C. Republican Lowell Weicker had warned against this tactic as early as 1979, warning that “pretty soon we are going to chew ourselves up around here. All the institutions of this country, be it government, be it the media, we are just going to chew each other up, devour ourselves.” But the tactic would only grow in popularity. Hedrick Smith wrote elegantly on the subject in 1988. “Washington bashing is a special variation of this sport,” Smith observed. “It riles the blood and lets voters vent frustration with government…many incumbents use it to protect themselves by lashing others and by

---


28 Smith, *The Power Game*, 239.

seeming to distance themselves from ‘low-life’ professional politicians.” Smith also noted, however that since incumbents were usually successful in their re-election campaigns, the main impact of this Washington-bashing was “souring the sour public mood and feeding popular cynicism about politicians.” That this tactic made it harder to garner public support for needed legislation down the road was largely ignored.

Two particular stories demonstrate the way that the political culture of the time, and the need for constant fundraising, had diminished the office of Senator by late twentieth century. The first of these involves Senator John Stennis of Mississippi, the Democratic Chairman of the Armed Services Committee. Running for re-election in 1982, Stennis faced a strong challenge from Haley Barbour, who would one day become Governor of Mississippi and Chairman of the Republican National Committee. Stennis had never raised more than $5,000 for any campaign, but his campaign consultant informed that he would need to raise $2 million for this campaign. The consultant urged Stennis to solicit donations from defense contractors over whom Stennis’ committee conducted oversight. “I hold life and death over those companies,” Stennis said. “I don’t think it would be proper for me to take money from them.” Stennis eventually relented and agreed to raise the money, but his campaign manager was haunted by the fact that he had “just

---

31 Ibid., 708.
diminished something he (Stennis) held dear.”

It would soon be commonplace for Senators to solicit donations from industries and organizations under the jurisdiction of committees they served on. Four years later, upon assuming the chairmanship of the Finance Committee, Democrat Lloyd Bentsen of Texas announced a series of breakfast meetings for lobbyists. The cost of attending was a $10,000 campaign contribution to the Senator. Around that same time, five Senators were investigated by the Ethics Committee for their role in steering regulators away from a banker named Charles Keating. These five Senators, who received varying punishments, would soon become known as the “Keating Five.”

The second of these stories is told by Senator Fritz Hollings in his autobiography. Hollings writes of his last re-election campaign in 1996, at a time when he was Ranking Member of the Commerce Committee, having previously been Chairman from 1987 until 1995. A fundraiser was held in Washington for Hollings’ opponent, and every Republican on the Committee had attended other than Ted Stevens of Alaska. The South Carolina Democrat was by no means a staunch liberal; he had worked with Republicans Warren Rudman and Phil Gramm of Texas on deficit reduction and even supported the

33 Ibid., 151.
35 Ibid., 290.
36 John Glenn (D-OH), Alan Cranston (D-CA), Donald Riegle (D-MI), Dennis DeConcini (D-AZ), and John McCain (R-AZ) were the so-called “Keating Five.” Cranston was given a letter of reprimand by the Ethics Committee. Riegle and DeConcini were found to have acted improperly. Glenn and McCain were found to have exercised “poor judgment.”
nomination of Robert Bork. Yet many of his Republican colleagues rallied in an attempt to defeat him. Hollings writes of his disappointment at his colleagues’ attendance, especially since, “as Commerce Committee chairman for years, I took care of the Senators on my committee, be they Republican or Democrat.” But, he writes, “If they’ve had a fund-raiser against you the night before, you don’t feel like working with them on the floor of the Senate the next day.” Cooperation and good policy were the victims of the unending imperative to raise more money.

Having regained the Senate majority in the 1986 midterm elections, Democrats would hold it for eight years. During this time, the Senate suffered many black eyes from such incidents as the Keating Five Scandal and the contentious nominations of Clarence Thomas to be Supreme Court Justice (narrowly confirmed) and former Senator John Tower to be Secretary of Defense (narrowly defeated), in addition to the Bork episode. This was also a time in which both parties began to lose their moderate members. Three of the five most conservative Democrats (Russell Long, Edward Zorinsky, and John Stennis) and two of the three most liberal Republicans (Mac Mathias and Mark Andrews of North Dakota) in the Senate in 1986 did not return to the Senate after the 1988 elections. Nonetheless, there were also instances of the Senate functioning remarkably well. Notwithstanding the controversies over Bork and Thomas, four other Supreme

---


38 Harris, Deadlock or Decision, 175.
Court nominees were confirmed by overwhelming margins between 1987 and 1994. During the George H.W. Bush Administration the Senate passed the landmark Americans with Disabilities Act, a bipartisan measure championed by Ted Kennedy and Bob Dole which is often seen as the most important civil rights bill of the era. The most important foreign policy issue of the time, meanwhile, was the decision to send troops to the Middle East to combat Saddam Hussein. Lewis Gould writes that “it was generally agreed that the Senate conducted itself well in the Gulf War debate. Issues had been fully aired, and passions had not spilled over into intemperate language on either side.” Most importantly, Senators who had served in the “Great Senate,” and who would one day join the ranks of the longest serving Senators in history, found a way to adapt to changing times well still maintaining a deep reverence for the body in which they served. These men deserve much of the credit for whatever functionality the Senate has been able to maintain over the past twenty-five years.

---

39 These included President Reagan’s nomination of Anthony Kennedy (97-0), President Bush’s nomination of David Souter (90-0), and President Clinton’s nominations of Ruth Bader Ginsburg (96-3) and Stephen Breyer (87-9).

40 Kennedy, True Compass, 415.


42 Of the twenty-five longest serving Senators in U.S. history, the following were in the Senate as of 1987: Robert Byrd (D-WV), Daniel Inouye (D-HI), Strom Thurmond (R-SC), Edward Kennedy (D-MA), John Stennis (R-MS), Ted Stevens (R-AK), Pat Leahy (D-VT), Fritz Hollings (D-SC), Orrin Hatch (R-UT), Joe Biden (D-DE), Pete Domenici (R-NM), Richard Lugar (R-IN), and Claiborne Pell (D-RI). As of 2013, two of these men (Leahy and Hatch) remain in the Senate. Seven of these men have died. Senator (later Vice President) Joe Biden has given eulogies for six of them (Byrd, Inouye, Kennedy, Pell, Thurmond, and Stevens). Biden has also given eulogies for former colleagues William Roth (R-DE), Mac Mathias (R-MD), Warren Rudman (R-NH), George McGovern (D-SD), and Frank Lautenberg (D-NJ). The
The Senate also admitted women into its ranks at a rate never before seen, most notably in 1992, the “Year of the Woman” in which four women were elected to the Senate for the first time in history. Women coming to the Senate during this time period included Democrat Barbara Mikulski of Maryland, who would one day become the first female to chair the Senate Appropriations Committee; Democrat Dianne Feinstein of California who would one day become the first female Chairman of the Intelligence Committee; and Democrat Carol Moseley Braun of Illinois, the first African American female Senator in the country’s history. Others would soon follow in their footsteps including the spouses of both 1996 presidential candidates: Democrat Hillary Rodham Clinton of New York, a former first lady, future Secretary of State, and presidential candidate in her own right, and Republican Elizabeth Dole of North Carolina, a former Secretary of Transportation. The State of Maine elected two Republican women to the Senate in the mid-1990s, Olympia Snowe in 1994 and Susan Collins in 1996. By the late 2000s, Snowe and Collins would find themselves in the minority not only as women, but as perhaps the last two moderate Republicans remaining in the United States Senate.

Over the past thirty years, there have been several events that fundamentally changed the United States Senate. But none was more significant than the 1994 midterm elections, which journalist James Traub called “the most consequential non-presidential election of sheer number of these eulogies, and the number of Republicans on the list, demonstrates the bond felt by many Senators during Biden’s time in the Senate.
the twentieth century.”43 If anything, Traub understates the case. Few modern presidential elections can approach the 1994 midterms in terms of the profound changes they brought about in American governance. In this election, Republicans regained control of the House of Representatives for the first time since 1994. One of the Democratic Congressmen defeated for re-election was Speaker Tom Foley, the first incumbent House Speaker to be so defeated. Popular Democratic governors, such as Mario Cuomo in New York and Ann Richards in Texas were defeated.44 And in the Senate, Republicans won all nine open elections and defeated two incumbent Democrats.45 The defections of two Democrats, Ben Nighthorse Campbell of Colorado and Richard Shelby of Alabama, in the wake of the election brought the total number of Republicans to fifty-five.46 The Senate had not contained so many Republicans since the Hoover Administration.

The most immediate and noticeable changes resulting from the 1994 elections were in the House, where Newt Gingrich and his fellow conservatives worked swiftly to enact many sweeping pieces of legislation in their first few months in office. The changes were less profound in the Senate, especially since a simple majority in the Senate was usually not enough to enact major legislation. A certain degree of bipartisanship was needed. Furthermore, Republican Senators were by nature more inclined to attempt compromise


44 Richards was defeated by George W. Bush, in his first successful bid for public office.

45 Gillon, The Pact, 129.

and moderation than their House counterparts. This was particularly true of Bob Dole, who had returned to the post of Majority Leader, while also actively campaigning to be the Republican Presidential Nominee in 1996. Dole had worked closely with Robert Byrd, and also with Byrd’s successor, George Mitchell of Maine, who upon becoming Majority Leader had informed Dole that he would “never ever surprise him…that I had no desire or interest in embarrassing him in any way.”

There was no great love between Dole and Gingrich, who had once referred to the Senator from Kansas as a “tax collector for the welfare state.” The newly crowned Speaker was equally contemptuous of the Senate itself, joking to crowds that “we should never forget that House Democrats are our adversaries; the Senate is our enemy.”

Dole complained privately that Gingrich and his followers enjoyed the attention garnered by their inflammatory tactics, but never had any real strategy for legislative victory. And when Gingrich’s obdurate approach to budget negotiations led to a government shutdown in late 1995, it was Dole who pressured Gingrich to relent in order to risk further damage to the Republican brand. Privately, Dole would refer to himself as “the rational voice of the Republican Party.”

---


51 Ibid., 169.

The rigors of running both the Senate and a presidential campaign would eventually prove too much for Dole, and he resigned from the Senate in June 1996. His replacement was Trent Lott of Mississippi, a former Congressman who had been Newt Gingrich’s predecessor as House Republican Whip, and who was much more supportive of Gingrich’s tactics than Dole had been. In his autobiography, Lott writes of trying to convince Dole that Republican Senators should join the party’s Congressmen in signing the “Contract for America” on the steps of the U.S. Capitol. Dole declined this suggestion, much to Lott’s disappointment.\(^{53}\) But with Dole gone, and Lott ascended to the top position, the Mississippian was free to move the Republican Conference in a more conservative direction. “The Senate changed when the battered children from the House arrived, led by Trent Lott,” Republican Senator Alan Simpson would later lament.\(^{54}\)

Simpson’s assessment of Lott is a bit unfair. While certainly devoted to the conservative cause, Lott was also extremely skilled in the art of compromise and worked closely with the Clinton Administration on many pieces of legislation, most notably the landmark welfare reform act of 1996. “Of course I have a set of strong philosophical principles,” he writes in his memoir, “but what good is an unbending purist position if you don’t produce results for the people you care about and your country?”\(^{55}\) Compared to the uncompromising approach of many Republican Senators just a few years later,

\(^{53}\) Lott, *Herding Cats*, 127.

\(^{54}\) Shapiro, *The Last Great Senate*, 369.

\(^{55}\) Lott, *Herding Cats*, 131.
Lott’s philosophy is remarkably conciliatory. Nonetheless, it cannot be denied that the Senate increasingly resembled the House during Lott’s tenure as majority leader.

“More conservative and more conservative even than Dole,” Lewis Gould writes, “Lott relied on the support of the former House members who demanded a more confrontational approach to (President Bill) Clinton and his party.”56 Prior to 1988, not coincidentally the year Lott was elected to the Senate, Republicans who had served in the House were more moderate than those who had not. After 1988, however, Republican Senators who came to the Senate from the House were consistently more conservative than those with no experience in the lower chamber.57 Congressmen had previously learned to compromise, now they were learning to confront. “To tell some of these freshmen they have to come toward the middle is like telling them they have to shoot their daughters,” said moderate Republican Congressman Sherwood Boehlert of New York.58 These “Gingrich Senators” carried this attitude from the House to the Senate, many replacing Democrats and moderate Republicans, therefore moving the Senate further to the right. The mid-1990s saw many of these changes. Jim Inhofe replaced Democrat David Boren in Oklahoma. Rod Grams replaced moderate Republican David Durenberger in Minnesota. And Sam Brownback ascended to the Kansas seat created by


Bob Dole’s retirement.\textsuperscript{59} Others would follow in the coming years.\textsuperscript{60} Perhaps the most prominent of these was Rick Santorum of Pennsylvania, who would become a prominent Republican Leader in the Senate and launch a presidential candidacy in 2012. Santorum could not have been more different than his fellow Pennsylvania Republican Arlen Specter, who he served alongside for twelve years, but he typified the new wave of Republican Senators in many ways. First of all, he was eager to attack Washington for his own political gain. In his first campaign for the House in 1990, Santorum had been aided by ads that lambasted the Democratic incumbent for owning a home in Washington and spending too little time in Pittsburgh.\textsuperscript{61} Secondly, he worked tirelessly to cultivate financial support of lobbyists, partnering with Congressman Tom DeLay on the infamous “K Street Project.”\textsuperscript{62} Thirdly, and most importantly, Santorum was deeply religious and strongly devoted to social conservative causes.

For almost thirty years, Senate Republicans had enjoyed a complex relationship with the Religious Right and social conservative causes. Men like Jesse Helms had long used the Senate to argue against abortion and gay rights and for prayer in schools, among other


\textsuperscript{60} Conservative Republican Congressmen elected to the Senate during the early 1990s and late 2000s included Jim Bunning (KY), Mike Crapo (ID), John Ensign (NV), John Sununu (NH), Saxby Chambliss (GA), David Vitter (LA), Tom Coburn (OK), John Thune (SD), and Jim DeMint (SC). Most of these Republicans replaced Democrats or more moderate Republicans.

\textsuperscript{61} Kaiser, \textit{So Damn Much Money}, 269.

\textsuperscript{62} Ibid., 308.
issues. But the Republican Conference had also included such men as Bob Packwood of Oregon, whose support for abortion rights was so strong that he was supported by feminist Gloria Steinem. In the 1950s, Senator Prescott Bush of Connecticut, father to one Republican President and grandfather to another, was a strong supporter of Planned Parenthood. And in the early 1980s, Howard Baker had fought hard to prevent social issues such as abortion, busing, and school prayer from diverting attention away from his party’s fiscal agenda. But social conservatism would come to the forefront of the Senate Republican Conference in the 1990s, and remain there for the next twenty years. Many veteran Republican Senators were troubled by this development. “This is not a coalition of traditional Republicans and the Christian Right in the nature of a merger of equals. This is the takeover of the Republican Party by the Christian Right,” Senator John Danforth of Missouri wrote after retiring from the Senate in 1996. Focus on these social issues distracted attention from other issues that were arguably more important in the lives of the American people. Social issues were useful in inflaming the passions of ideologically motivated voters to help win an election, they were much less so when it

---


65 Miller, Running in Place, 74.

came to actually governing. “A political strategy that sets out extremes positions, leaving no room for compromise with the opposition, may succeed in winning elections,” Danforth wrote. “But to what end? What happens next? The work of government must be more than issuing press releases.”

Encompassing the years 1995 and 1996, the One Hundred and Fourth Congress saw record high levels of party unity and party voting. Freshmen Republicans urged their leaders to institute new levels of party discipline, even going so far as to push for party sanctions against Mark Hatfield of Oregon, Chairman of the Appropriations Committee, when Hatfield voted against a balanced budget amendment to the Constitution. In July 1995 the Senate Republican Conference adopted new rules to limit the power of committee chairs and pressure them to adhere closely to the party line. Many moderate Republicans retired in frustration in 1996, such as Alan Simpson of Wyoming, Nancy Kassebaum of Kansas, William Cohen of Maine, and, unsurprisingly, Mark Hatfield. In total, there were a record setting thirteen Senate retirements in 1996. Retiring Democrats cited frustration with publicity-seeking colleagues and “a place that doesn’t

67 Ibid., 155.

68 “Preface,” in The Contentious Senate, xi.


70 Ibid., 10-11.

work” as reasons for retiring. "The parties have increasingly taken the position that it’s my way or no way,” observed Senator John Breaux of Louisiana, a member of the Democratic leadership, “so what we end up with is no way.”

As partisan as the Senate had become, it was still no match for the more contentious House. The difference between the two was on full display during the impeachment of President Clinton in 1998 and 1999. Ironically, the scandal that was so divisive for the country provided the Senate with an opportunity to show that it could still work in a collaborative fashion when the stakes were high enough. Despite their previous differences, Majority Leader Lott and Minority Leader Tom Daschle of South Dakota worked to ensure a trial for the president that would, in Lott’s words, “end in such a way that we can continue to work together when it’s over.” Even more unlikely was the collaboration between the liberal Ted Kennedy and the conservative Phil Gramm on a resolution laying out the procedure for the impeachment trial. As expected, the vote to remove President Clinton fell far short of the sixty-seven Senators needed for removal. Several moderate Republicans joined all Senate Democrats in voting to acquit the


74 Lott, Herding Cats, 178.

75 Kennedy, True Compass, 472.
President. Senator Ted Stevens echoed the sentiments of many of these Republicans when he stated on the Senate floor that his vote for acquittal was “what I think is right for the nation.” This was still a standard important to many Senators.

While the Senate had managed to stay above the fray at times, by 2000 it was reflecting an increasingly polarized nation. Democrats had united behind Bill Clinton, angry about what they perceived as unfair attacks from conservative Republicans. “What kept us (Democrats) close to the President was the Republicans,” Congressman Charles Schumer of New York said, “their extreme nastiness pushed Democrats into Bill Clinton’s arms, even those who didn’t like him very much.” In 1998, Schumer would take his fiercely partisan attitude to the Senate, where he soon ascended the ladder of Democratic Leadership. At the same time, Republicans were purging moderate Senators from their ranks at a rapid pace. By 2000, Arlen Specter’s beloved Wednesday Club had shrunk to only five members: Specter, Olympia Snowe, Susan Collins, Jim Jeffords of Vermont, and Lincoln Chafee of Rhode Island. That same year, Governor George W. Bush of Texas was elected President over Vice President Al Gore in the closest and most polarizing election since the late nineteenth century. Senate elections produced an equally close result. On January 5, 2001, there would be fifty Republicans and fifty Democrats in

---

76 Republicans voting to acquit the President on at least one article of impeachment included John Chafee (RI), Susan Collins (ME), Slade Gorton (WA), James Jeffords (VT), Richard Shelby (AL), Arlen Specter (PA), Olympia Snowe (ME), Ted Stevens (AK), Fred Thompson (TN), and John Warner (VA).


78 Gillon, The Pact, 137.

79 Specter, Life Among the Cannibals, 57.
the Senate, a split that reflected the political divisions in the country as a whole. As the Senate entered the twenty-first century it would find both compromise and consensus increasingly elusive.
CHAPTER 4

“JUST HOW BROKEN IS THE SENATE?”

Senator Tom Daschle of South Dakota has characterized the One Hundred and Seventh Congress, encompassing the years 2001 and 2002, as “a time that was truly like no other.” Daschle’s observation exaggerates only slightly. The first Congress of the twenty-first century witnessed some of the most monumental events in recent memory, a harbinger of things to come and an indication of the issues that would plague the Senate for the next decade and a half.

The first two weeks of the One Hundred and Seventh Congress saw the Democrats in the majority, a fact that would change with the inauguration of George W. Bush on January 20th. Vice President Dick Cheney would now break the 50-50 tie in favor of the Republicans. Democrats would return to majority status, however, in May of that year when Senator Jim Jeffords of Vermont left the Republican Party and began caucusing with the Democrats. Daschle believed that Jeffords made this move due to his disillusion with the conservatives in the Bush Administration. Republican Leader Trent Lott, on the other hand, saw Jeffords’ move as motivated by the Vermonter’s own political selfishness. The truth likely lies somewhere in the middle, but the fact remains that

---

1 Tom Daschle with Michael D’Orso, Like No Other Time: The 107th Congress and the Two Years that Changed America Forever (New York: Crown Publishers, 2003), 6.

2 Ibid., 66.

3 Lott, Herding Cats, 216.
Jeffords’ defection threw Washington into turmoil and further reduced the number of moderate Republicans serving in the Senate.

A few months later came the attacks of September 11, 2001. The patriotic sentiment that swept the country in the wake of the attacks influenced the Senate as well, and for a short time a spirit of cooperation enveloped the chamber. This honeymoon would be short-lived however, as many of President Bush’s foreign policy decisions would sharply divide the Senate and the nation. In the 2002 midterm elections, many Republican challengers accused Democratic incumbents of being “soft on terrorism” in order to win election.⁴ Most notably, television ads were run against Democratic Senator Max Cleland of Georgia comparing the Senator, a Vietnam veteran and triple amputee, to Saddam Hussein and Osama bin Laden. The ads were so inflammatory that they drew the ire of some Republican Senators. John McCain called them “worse than disgraceful,” while Senator Chuck Hagel of Nebraska threatened to cross party lines and endorse Cleland if the ad wasn’t taken down.⁵ The ads were eventually taken down, but Cleland was defeated by Congressman Saxby Chambliss. Republicans picked up a net gain of two seats and returned to majority status. They would gain an additional four seats in the 2004 election, gaining victories in what were often brutally mean-spirited campaigns on both sides. One former Senate historian would write that “into the twenty-first century, Senate


elections had largely become competitive contests in mudsling and name-calling, with scant public attention to the substantive matters inherent in the jobs these candidates were seeking.\textsuperscript{6}

The Republicans would also have a new majority leader as they prepared to retake the majority at the outset of the One Hundred and Eighth Congress, Senator Bill Frist of Tennessee, a former cardiologist.\textsuperscript{7} As Chairman of the Republican Senatorial Campaign Committee, Frist had engineered the Republican takeover of the Senate in 2002. In fact, it was Frist who was on the receiving end of Hagel’s threat to campaign for Max Cleland.

The relationship between Trent Lott and Tom Daschle had been contentious at times, but the two were often able to work together for the good of the Senate. The leaders took pride in maintaining open lines of communication, and would speak highly of each other in their respective memoirs.\textsuperscript{8} The relationship between Frist and Daschle would be nowhere near as collegial, due in large part to the fiercely partisan approach of the Republican Majority Leader. Frist had once been seen as “conservative but pragmatic, energetic, but not confrontational,” but as majority leader he evolved into a “stiff, ideological politician.”\textsuperscript{9} And in 2004 Frist travelled to South Dakota to campaign against Daschle in his race against former Congressman John Thune. This represented a break

\textsuperscript{6} MacNeil and Baker, \textit{The American Senate}, 49.

\textsuperscript{7} Senator Trent Lott was forced to resign his leadership post in the wake of racially insensitive remarks made at the 100\textsuperscript{th} Birthday party of Senator Strom Thurmond.

\textsuperscript{8} MacNeil and Baker, \textit{The American Senate}, 222.

\textsuperscript{9} Ibid., 226.
with a longstanding tradition that Senate party leaders did not campaign against one another, the logic being that any resulting bad feeling might interfere with the effective operation of the Senate. But by 2004, party politics trumped concern for the Senate as an institution. Daschle was narrowly defeated, the first floor leader to lose his Senate seat in over fifty years.10

Along with the changing leadership, the Senate would begin to lose many of its most legendary members. Strom Thurmond retired in 2002, and was followed by his South Carolina colleague Fritz Hollings two years later. Joe Biden ascended to Vice Presidency in early 2009, the same year that Republican Pete Domenici of New Mexico retired and Ted Stevens left the Senate after being defeated for re-election. Senator Richard Lugar of Indiana was defeated in a Republican primary in 2012. There were also several deaths, including Ted Kennedy in 2009, Robert Byrd in 2010, and Dan Inouye in 2012. All told, these nine men had served nearly four centuries in the United States Senate. Their loss signaled the end of an era. After his retirement Senator Hollings would observe a Senate in which “Senators no longer have time to talk and listen to each other.” Instead, Hollings believed there was a “constant pressure to get on the telephone to solicit money for the party, for the constant campaign. Fund-raisers that used to be arranged so they didn’t conflict with the Senate schedule are now so frequent that the schedule is fixed to accommodate them.”11

10 Ibid., 223.

Party triumphed over the Senate in other ways as well. The weekly party lunches that Chris Dodd had once spoken so highly of had now become, in the words of Tom Daschle “pep rallies” with a quest for “red meat.” Daschle noted that these meetings produced an “emotional fervor” having “a profound effect on how the Senate operates.” The South Dakotan’s sentiments would be echoed a few years later by freshman Republican Bob Corker of Tennessee who noted that these so-called policy meetings “place so much emphasis on countering the other side.” These polarizing party meetings were matched by an increasingly polarized Senate. In 2003, the Americans for Democratic Action scores to each Senator based on their voting records. A score of 0 would be the most conservative, while a score of 100 would be the most liberal. Only eleven Senators scored between 30 and 70.

Republicans were in the majority from 2003 until 2006, with Bill Frist serving as Majority Leader for all four years. These would be some of the most contentious years in the history of the Senate. President Bush’s handling of the War in Iraq angered many Democrats, and even some Republicans. The 2004 Presidential Election, in which Bush narrowly defeated Senator John Kerry of Massachusetts, further polarized the nation and

---


15 These eleven Senators were John McCain (R-AZ), Ben Nighthorse Campbell (R-CO), Joe Lieberman (D-CT), John Breaux (D-LA), Mary Landrieu (D-LA), Susan Collins (R-ME), Olympia Snowe (R-ME), Ben Nelson (D-NE), Harry Reid (D-NV), John Edwards (D-NC), and Lincoln Chafee (R-RI).
the Senate. Kerry’s twenty years of experience in the Senate seemed more a liability than
an asset, as Republicans scoured his voting record for contradictions and inconsistencies.
Democrats would nominate another Senator for President in 2008, Barack Obama of
Illinois. But unlike Kerry, Obama had served less than two years as a Senator before
declaring his candidacy for the presidency. One journalist concluded that “Obama saw
the Senate for what it had become: not so much the great anchor of prudent self-
government that the framers intended it to be, but a platform, a vehicle, a point of
leverage, and, for him, a launch pad to greater glory.”16

Other than Iraq, the real controversy during the Frist years centered on judicial
nominations. This matter had become increasingly controversial during the Clinton
Administration. After the Republicans took control of the Senate in early 1995, Clinton’s
judicial nominees had encountered minimal resistance. This was due in large part to
Clinton’s willingness to consult with Senate Republicans, most notably Judiciary
Committee Chairman Orrin Hatch, prior to nominating judges.17 Things went downhill
quickly however, and by Clinton’s second term judicial nominees were routinely being
held up for political purposes. The trend was so alarming that even Chief Justice William
Rehnquist, a strong conservative himself, was warning that “vacancies cannot remain at
such high levels without eroding the quality of justice that traditionally has been

16 Samuel, The Upper House, 16.
17 Thomas E. Mann and Norman J. Ornstein, The Broken Branch: How Congress Is Failing
America and How to Get It Back on Track (New York: Oxford University Press, 2006), 114.
associated with the federal judiciary.”

Even Trent Lott would write in 2005 that “Democrats, by the way, are right when they complain about the way that President Clinton’s judicial nominees were handled by the Republicans. We bottled them up in the Judiciary Committee, which was the functional equivalent of a filibuster.” Lott had of course raised no such objection while the obstructive behavior was actually taking place.

When President George W. Bush came to office in early 2001, Senate Democrats were more than willing to return the favor in their treatment of Bush’s judicial nominees. Democrats were in the minority for much of the time between 2001 and 2007, and therefore lacked the ability to bottle up nominations in the Judiciary Committee. Instead they used the filibuster to delay the approval of nominees they deemed too conservative. Ignoring the actions of his own party just a few years earlier, Majority Leader Frist characterized the minority tactics as “radical” and “historically unprecedented.”

To counter these Democratic tactics, Senate Republicans devised a parliamentary tactic to bypass the filibuster and confirm judges by a simple majority vote. Under this tactic, the Senate’s Presiding Officer would have ruled that filibustering judicial nominees was out of order, with the chair’s ruling then upheld by a simple majority vote. This tactic was soon dubbed the “nuclear option” and Democrats threatened to retaliate by blocking the

---

18 Ibid., 115.
19 Lott, Herding Cats, 289.
20 Mann and Ornstein, The Broken Branch, 167.
Senate from conducting even routine business.\textsuperscript{22} Each side naturally accused the other of unprecedented partisanship.\textsuperscript{23} Disaster was averted only when fourteen Senators, seven from each party, crafted an agreement in which the seven Republicans agreed not to vote to change the Senate rules by a simple majority and the seven Democrats agreed not to filibuster judicial nominees except in “extraordinary circumstances.”\textsuperscript{24} This “Gang of 14” was made up mostly of moderate Senators from both parties, as well as two of the Senate’s longest serving members, Dan Inouye and Robert Byrd.\textsuperscript{25}

If Senators were relieved in the wake of the Gang of 14 agreement, many outside groups were not. Religious and social conservatives accused Republican members of the Gang of having “snatched defeat from the jaws of victory” and vowed to target those Senators politically.\textsuperscript{26} Politically ambitious Republican Senators found it necessary to pander to these social conservatives. This included Majority Leader Frist, who hoped to use his position to burnish his own credentials for a 2008 White House run. Frist’s


\textsuperscript{23} It is worth noting that Majority Leader Robert Byrd had used a similar tactic to defeat a “filibuster by amendment” in 1977. Even more noteworthy is that Byrd used the tactic against two members of his own party, rather than an intransigent opposition.

\textsuperscript{24} Lott, \textit{Herding Cats}, 289.

\textsuperscript{25} In addition to Inouye and Byrd, the Gang of 14 consisted of Lincoln Chafee (R-RI), Susan Collins (R-ME), Mike DeWine (R-OH), Lindsey Graham (R-SC), Mary Landrieu, (D-LA), Joe Lieberman (D-CT), John McCain (R-AZ), Ben Nelson (D-NE), Mark Pryor (D-AR), Ken Salazar (D-CO), Olympia Snowe (R-ME), and John Warner (R-VA).

\textsuperscript{26} Samuel, \textit{The Upper House}, 48.
ambitions caused him to lead Republican Senators, and the Senate as a whole, into many unfortunate undertakings during the One Hundred and Ninth Congress. In the summer of 2006, with the war in Iraq raging and the American energy prices rising, the Senate devoted much of its time to issues such as flag burning, same sex marriage, and abortion.\textsuperscript{27} A year earlier this “values agenda” had prompted Frist and some Senate Republicans to intervene in the case of Terri Schiavo, an incapacitated Florida woman whose husband wished to remove her from life support. Drawing on his experience as a surgeon the Majority Leader even went so far as to challenge the diagnosis of Ms. Schiavo’s physicians based solely on his review of video tapes.\textsuperscript{28} Historian Lewis Gould echoed the sentiments of many Americans when he wrote that “the Senate’s skewed sense of priorities, not to mention its cavalier attitude toward serious federalism matters…revealed how trivialized the upper house had allowed itself to become in the constitutional system.”\textsuperscript{29} Republicans lost six seats in the elections of 2006, returning the Democrats to the majority. Frist retired and returned to private life.

Presidential ambitions once again permeated the Senate chamber during the One Hundred and Tenth Congress, which encompassed the years 2007 and 2008. A total of seven Senators were candidates for President during the 2008 election. These included


\textsuperscript{28} MacNeil and Baker, \textit{The American Senate}, 226.

\textsuperscript{29} Gould, \textit{The Most Exclusive Club}, 319.
both major party nominees, Barack Obama (D-IL) and John McCain (R-AZ), as well as Obama’s fiercest rival for the Democratic nomination, Senator Hillary Clinton (D-NY).\(^{30}\) In addition, much of the Democrats’ efforts during these two years were aimed at probing the Bush Administration’s conduct in the Iraq War and at bringing the national debate about the war to the Senate floor, something which Republicans had been unwilling to do when they were the majority party. “You can run but you can’t hide,” Harry Reid said. “We are going to debate Iraq.”\(^{31}\) Despite this partisan conflict, the Senate did make one attempt at doing what it had done in the past, addressing a pressing national issue through comprehensive legislation.

The issue at hand was America’s “broken” immigration system. Efforts to reform the system had begun in earnest in 2005, with the introduction of legislation by Senators Ted Kennedy and John McCain, and continued throughout the remainder of the One Hundred and Ninth Congress. The push was renewed in February 2007, with McCain saying that “this is the greatest opportunity – right now, in the next several months.”\(^{32}\) But the bill’s prospects would soon fall victim to many of the issues endemic to the modern Senate. First of all, Kennedy would find himself frustrated by the logistical and political challenges of working on significant legislation with a man fighting for the Republican

---

\(^{30}\) Other Senators running for President in 2008 were Christopher Dodd (D-CT), Joe Biden (D-DE), Evan Bayh (D-IN), and Sam Brownback (R-KS).

\(^{31}\) Samuel, *The Upper House*, 104.

pursuing his presidential nomination. In McCain’s absence, Kennedy would partner with the other Senator from Arizona, Republican Jon Kyl.

Kennedy, Kyl, and the bill’s other supporters formed a pact to vote against any amendments, regardless of substance, that they viewed as a threat to the bill’s passage. Senator Barack Obama had joined a similar pact during consideration of the 2006 bill, but later reneged on his promise, voting for several amendments introduced by Democratic Senators. One reporter writes of Kennedy “chewing out Obama for his fickleness.” And in 2007 Obama cast the deciding vote in favor of an amendment introduced by Senator Byron Dorgan of North Dakota, which placed a time limit on the bill’s guest-worker program. The amendment was widely viewed as a “poison pill” which would make passage of the bill much less likely. As they had for McCain, presidential ambitions sometimes trumped senatorial responsibility for Senator Obama. But even without Obama’s fickleness, the 2007 immigration bill was most likely destined for failure. Many Republican Senators were also engaged in political gamesmanship, supporting amendments they would normally be strongly opposed to, in order to make


the bill less appealing. Conservative Senator Jim DeMint of South Carolina voted for the Dorgan amendment like Obama, but for very different reasons. “If it hurts the bill I’m for it,” DeMint stated plainly.\(^\text{37}\) Supporters of the bill were defeated in two separate cloture votes during the summer of 2007, and the Senate would not seriously consider immigration reform for another six years. In expressing his frustration at the behavior of his colleagues in “picking the bill to death,” Trent Lott spoke gravely from the Senate floor. “Do we have the courage, tenacity, and the ability to get anything done anymore?” Lott asked rhetorically. “If we cannot do this, we ought to vote to dissolve the Congress and go home and wait for the next election. Can we do anything anymore?” \(^\text{38}\) Frustrated at the Senate’s growing inability to legislate, Lott resigned his seat in late 2007, despite having been re-elected only a year earlier.\(^\text{39}\)

By the time President Barack Obama took office in early 2009, most observers were firmly answering Lott’s rhetorical question in the negative. Most of the major legislation enacted during Obama’s first two years in office passed with little Republican support in either chamber of Congress.\(^\text{40}\) Senators from both parties were often pressured not to


\(^{40}\) Obama’s sweeping health care legislation did not receive a single Republican vote in the Senate. His “stimulus” legislation in early 2009 was supported by only three Republican Senators, an equal number voted to enact the 2010 financial reform legislation commonly referred to as “Dodd-Frank.”
work across the aisle. During his work on financial reform legislation in 2010, Banking Committee Chairman Christopher Dodd answered a phone call to find the four highest ranking members of the Democratic leadership on the other end. The purpose of the call was to urge Dodd not to make any agreements on the bill with Senator Richard Shelby of Alabama, the Committee’s top Republican.41 Such emphasis on partisanship often trickled down to staff members, who risked firing or ostracizing if they worked too well across party lines.42 This made legislating all the more difficult.

Democrats were not without blame for the Senate’s dysfunction during President Obama’s first term, but the increasing unreasonableness of the Republican Party was rightly seen as the major culprit. Moderates Ted Stevens and Gordon Smith of Oregon were defeated for re-election in 2008. That same year brought the retirement of Pete Domenici of New Mexico, John Warner of Virginia, and Chuck Hagel of Nebraska. Senate Republicans entered the One Hundred and Eleventh Congress in 2009 with a caucus of only forty-one members, made up mostly of strong conservatives from the South and Midwest. Republicans were now led by Mitch McConnell of Kentucky, who had taken over as Republican Leader after Bill Frist’s retirement in 2007. McConnell’s Republican colleague Arlen Specter described him as a man who “made no pretenses about subordinating policy to politics.”43 McConnell was roundly criticized for stating in


42 Ibid., 190.

43 Specter with Robbins, Life Among the Cannibals, 180.
an interview that Senate Republicans’ biggest legislative goal was “for President Obama to be a one-term president,” but even if his statement was taken out of context, it provided an insight into the philosophy he brought to his position as Minority Leader.\textsuperscript{44} Congressional scholars have described previous Republican leaders such as Dirksen, Scott, Baker, and Dole as “pragmatic institutional figures who found ways to work within the system and focused on solving problems.”\textsuperscript{45} McConnell emphatically did not fit this description. Trent Lott had once given moderates such as Olympia Snowe wide latitude in voting with their conscience.\textsuperscript{46} Mitch McConnell, on the other hand, rigidly enforced party discipline, especially in 2009 and 2010, when the Republicans needed every one of their forty-one votes to sustain a filibuster.\textsuperscript{47} As Specter suggested, policy was often the furthest thing from McConnell’s mind. When asked during a cable news interview to discuss the Republican alternative to President Obama’s health care

\begin{flushright}


\textsuperscript{47} Republicans held forty-one seats until Arlen Specter switched parties, becoming a Democrat on April 30, 2009. The Democrats’ sixty vote supermajority remained intact until early 2010, when Republican Scott Brown won a special election to fill the seat of the late Ted Kennedy.
\end{flushright}
proposal, McConnell bluntly stated “that’s not the issue” before quickly steering the conversation towards a criticism of the President.\footnote{Tom Allen, \textit{Dangerous Convictions: What’s Really Wrong with the U.S. Congress} (New York: Oxford University Press, 2013, 125.)}

McConnell’s philosophy was mirrored in the approach of many of his Republican colleagues. Many Republicans flatly refused to work with President Obama, sometimes even going so far as to oppose solutions they might otherwise support simply because the President had endorsed them.\footnote{Mann and Ornstein, \textit{It’s Even Worse than it Looks}, 18.} Honest policy differences were inevitable between Republicans and a President who had been one of the most liberal Democrats in the Senate, but the motives of many Republicans were much more cynical and political. Senator Jim DeMint of South Carolina urged his fellow Republicans to oppose Obama’s 2009 “stimulus” bill in part because defeat of the bill would “break” the President and make implementing other parts of his agenda more difficult.\footnote{Specter with Robbins, \textit{Life Among the Cannibals}, 145.} One Republican Senate staffer recalls being told by a colleague that many Republican Senators had electoral motives for blocking legislation from moving through the Senate. “By sabotaging the reputation of an institution of government, the party that is programmatically against government would come out the relative winner,” the staffer remembered being told.\footnote{Mann and Ornstein, \textit{It’s Even Worse than it Looks}, 55.}
Former Senator Chuck Hagel concurred, observing in 2011 that “the Republican Party is captive to political movements that are very ideological, that are very narrow.”

Many veteran Republican Senators were pushed further to the right by the specter of a primary challenger from within their own party. In 2010, Senator Bob Bennett of Utah was defeated in a primary challenge by Mike Lee, despite a lifetime rating of 84 percent from the American Conservative Union, a 97 from the U.S. Chamber of Commerce, and a 90 from the Americans for Tax Reform. Senator Lisa Murkowski was similarly defeated in a Republican primary, although she managed to retain her seat in a write-in campaign. Two years later, Indiana Republican Richard Lugar, a Senator since 1978, was defeated in a primary by conservative Congressman Richard Mourdock, who criticized Lugar for his bipartisan work on nuclear disarmament legislation in the 1990s with Sam Nunn, and later with Senator Barack Obama on the same issue. Mourdock proudly stated that he was not interested in working with Democrats, and that the “the time for being collegial is past.” Mourdock was defeated in the general election by Democrat Joe Donnelly.

Another victim of the Republican primaries was Senator Arlen Specter, one of the few moderate Republicans left in the Senate after the 2008 election. Specter had narrowly

---

52 Ibid., 54.
53 Snowe, Fighting for Common Ground, 220.
survived a primary challenge from conservative Pat Toomey in 2004, and found himself similarly challenged when Toomey expressed his desire for a rematch in 2010. Toomey’s chances were bolstered when Senator Jim DeMint decided to support him over Specter.55 Only a few years earlier Senators had been reluctant to support challengers to colleagues in the opposite party. Now DeMint was expressing his intention to support a primary challenger against a fellow Republican. Specter’s response was to switch parties, becoming a Democrat and running against Congressman Joe Sestak in the Pennsylvania Democratic primary. Specter was defeated by Sestak, who was in turn defeated by Toomey in the general election.

Senators such as DeMint exemplified the attitude of many modern Republican Senators. They had no interest in compromise and also no interest in any sort of personal relationship with their colleagues across the aisle. Jesse Helms had been just as conservative as DeMint, but had also enjoyed friendships with many colleagues whom he disagreed with on virtually every issue. In his autobiography Helms writes proudly of his friendship with staunch liberals such as Paul Wellstone and Hubert Humphrey of Minnesota, and even with Hillary Clinton.56 Like many other Senators of his day, Helms was able to turn these personal friendships into working relationships, especially in the area of foreign relations where he worked closely with Senators John Kerry and Joe Biden. Jim DeMint enjoyed no such friendships, and reached no such legislative

55 Specter with Robbins, Life Among the Cannibals, 175.

56 Helms, Here’s Where I Stand, 180-181.
accomplishments. When asked in 2010 about how well he knew DeMint, Senator Chris Dodd replied “not at all. Whereas Jesse Helms and I knew each other pretty well.”\(^57\) Dodd’s succinct statement is an apt contrast between the Senate he came to in 1981 and the Senate he left in 2010.

By the end of President Obama’s first term, the Senate’s reputation and effectiveness and sunk to an historic low. Polarization seemed to be higher than ever, and statistics were readily available to support this conclusion. In 1987, fifty-seven Senators had a party affiliation that was the opposite of the presidential candidate their state had supported. Over the next twenty-five years that number decreased to thirty-five in 1995, twenty-nine in 2001, and finally to a mere twenty-one in 2013.\(^58\) In 2012, *National Journal’s* annual vote rankings found that for the third year in a row no Republican member of the Senate had a more liberal voting record than any Democrat, and vice versa. A *National Journal* reporter called this once remarkable occurrence “now nearly as unremarkable in the Senate as naming a post office.”\(^59\)

The Senate of the early 2010s was one that would have been unrecognizable to many Senators of the 1960s and 1970s. In 2010 journalist George Packer contributed a piece to *The New Yorker Magazine* in which he asked a simple question: “Just how broken is the


\(^{58}\) Snowe, *Fighting for Common Ground*, 212.

Senate?” In observing the Senate for his article, entitled “The Empty Chamber,” Packer observed that Senators on the floor spending most of their time “joking with aides, or emailing Twitter ideas to their press secretaries, or getting their first look at a speech they’re about to give to the eight unmanned cameras that provide a life feed to C-SPAN2.” Floor time was limited of course, due to the demands of fundraising. Veteran Senator Tom Harkin of Iowa estimated that at least fifty percent of a Senator’s free time was spent on fundraising. Additional time was spent on partisan plotting. “We spend most of our time in team meetings deciding what we’re going to do to each other,” Republican Lamar Alexander of Tennessee stated bluntly. Longtime congressional observer Robert Kaiser summed things up perfectly when he noted that “over the past few decades the reflex has grown in the Senate that, all things considered, it’s better to avoid than to take on big issues.” The unspoken answer to Packer’s rhetorical question was that the Senate of 2010 was very broken indeed.

The year 2013 initially brought signs of hope that not all hope was lost for the Senate. No longer preoccupied with the defeat of President Obama in 2012, many conservative Republican Senators defied their bases by working across the aisle to address major issues of the day. In the wake of a tragic mass murder in Connecticut, Pat Toomey

---

60 Packer, “The Empty Chamber”.
61 Ibid.
62 Ibid.
63 Ibid.
worked with Democrat Joe Manchin of West Virginia on gun-control legislation. And conservative favorite Marco Rubio of Florida joined a bipartisan group to author and pass comprehensive immigration reform. The most surprising Senate development in 2013, however, was the change evident in Senator John McCain. For much of his Senate career, McCain had prided himself in working with Democrats on a number of issues. He worked with Ted Kennedy on health care and immigration legislation, with John Kerry and Joe Lieberman of Connecticut on climate change legislation, and with Carl Levin of Michigan on financial reform legislation. He was also the author, along with Wisconsin Democrat Russ Feingold, of sweeping campaign reform legislation that had been opposed by many prominent Republicans including Mitch McConnell. By 2010 however, in the wake of a failed presidential bid and a primary challenge for his Arizona Senate seat, McCain had shifted considerably to the right. In 2006, he had been the forty-sixth most conservative member of the Senate, according to National Journal. Just four years later, however, after abandoning many of his previous positions, McCain ranked as the


chamber’s most conservative member, alongside fierce partisans such as Jim DeMint and John Cornyn of Texas.68

Yet in the wake of Obama’s re-election, traces of McCain’s old style began to emerge. He was one of only four Republican Senators who supported the Toomey/Manchin gun control amendment.69 McCain also began working closely on several issues with President Obama, who had defeated him in the 2008 presidential election.70 And in July 2013, when the Senate faced an impasse over executive branch nominees that threatened to paralyze the body, it was McCain who brokered the deal that avoided catastrophe, earning praise from Majority Leader Harry Reid, who just a few years earlier had said he “couldn’t stand” McCain.71 The senior Senator from Arizona also renewed his leadership on the issue of immigration reform, forming an unlikely partnership with Democratic Senator Chuck Schumer of New York, long a fierce partisan warrior himself, on the issue.72 The two Senators were able to accomplish something that the McCain had never


69 Blake, “Manchin-Toomey Gun Amendment Fails”.


been able to do with Kennedy, when in June 2013 the Senate finally passed comprehensive immigration legislation. The legislation was sponsored by the “Gang of 8,” consisting of four Democrats and four Republicans. It passed the Senate with sixty-seven ayes and only noes. Every member of the Senate Republican leadership voted against the bill.

The final months of 2013 brought crisis to the Congress, as efforts to repeal President Obama’s signature healthcare legislation led to the first “shutdown” of the federal government in eighteen years. The effort was led by freshman Senator Ted Cruz of Texas, but Republican Senators were hardly united in their support for Cruz’s tactics. Many veteran Senators criticized the Texan’s scorched-earth tactics as inflammatory and unproductive. Cruz’s most prominent Republican critic was John McCain, who had clashed with Cruz numerous times in 2013. Acrimony between the two parties was considerable, but acrimony between factions in the Republican Senate Conference was almost as high. One veteran Senator, Tom Coburn of Oklahoma, lamented a “leadership vacuum” in the Senate that had allowed Cruz and others to sabotage the chamber’s

---

73 In addition to McCain and Schumer the “Gang of 8” consisted of Marco Rubio (R-FL), Lindsay Graham (R-SC), Jeff Flake (R-AZ), Dick Durbin (D-IL), Robert Menendez (D-NJ), and Michael Bennet (D-CO).

74 This included Minority Leader Mitch McConnell (KY), Minority Whip John Cornyn (TX), Conference Chair John Thune (SD), Policy Committee Chair John Barrasso (WY), Conference Vice Chair Roy Blunt (MO), and Republican Senatorial Committee Chair Jerry Moran (KS).

proceedings. Despite positive signs earlier in the year, the Senate of October 2013 seemed to be as broken as ever before.

---

CONCLUSION

“WE’RE ALL IN THIS TOGETHER”

The Senate of 2013 bears many similarities to the Senate of the 1950s. Just as Southern Senators exercised a disproportionate amount of control over Senate Democrats in those days, arch-conservative Republicans have taken over the Republican Party and made a concerted effort to purge moderate Senators from their ranks. The experiences of Senators such as Arlen Specter and Bob Bennett are evidence of this. Just as Southern Senators filibustered any and all civil rights legislation for many years, modern-era Senators from both parties have used the filibuster to thwart the agendas of Presidents they opposed. Both sides blame the other for using the filibuster in unprecedented ways, and ignore the role of their own party in the tactic’s growth.\(^1\) And while Senators of the 1950s feared retribution if they opposed Joe McCarthy, modern-day Senators often “put the screws to Senators and treat them like pariahs if they refuse to go along.”\(^2\)

It is well documented that the Senate was able to grow and adapt in the 1950s, 1960s, and 1970s and become the “Great Senate” that Ira Shapiro writes of so reverentially. Great legislators from throughout the country and across the political spectrum put aside their differences and focused on the goals they shared in common. Gradually, however, the partnerships that these men and women formed began to strip away. Many members left office, only to be replaced by newcomers with much less inclination towards

---


\(^2\) Shapiro, *The Last Great Senate*, 368.
compromise. Others remained but were discouraged from working across the aisle by the primary process and the vast increase in the amount of money needed to run a successful Senate campaign. Today, very few Senators are willing or able to make legislating a priority over these other imperatives.

One historian writes that “the Senate is susceptible to change; its way of doing business has been overhauled frequently in the context of an institution that is two-and-one-quarter centuries old.”\(^3\) Whether the Senate of 2013 can move on from its current gridlock and contention, the way it once was able to break the civil rights filibuster and disavow McCarthyism, remains to be seen. Doing so will require Senators to work together on a personal level to a much greater extent than they have over the past few decades. Senators will need to spend more time listening to each other, and less time preoccupied with the opinions of outside forces.

During the debate over health care in 2009, Senator Olympia Snowe faced strong pressure from Senators on both sides of the aisle. Democrats viewed her as the Republican most likely to support the measure, while Republicans wanted to prevent her from defecting in order to preserve party unity. “You can’t let us down, we’re all in this together,” Republican leaders told Snowe.\(^4\) Snowe eventually voted against the Affordable Care Act, but the words of Republican leaders are worth noting. “We’re all in this together” referred not to all Americans, or even to all Senators. Loyalty to party came

---

\(^3\) MacNeil and Baker, *The American Senate*, 360.

\(^4\) Packer, “The Empty Chamber.”
before all else. It is this mindset Senators must overcome in order to function effectively in the future.
BIBLIOGRAPHY


Han, Harrie, and David W. Brady. “A Delayed Return to Historical Norms: Congressional Party Polarization after the Second World War,” *British Journal of Political Science* 37, no. 3 (July 2007): 505-531.


Packer, George. “The Empty Chamber: Just How Broken is the Senate?” *The New Yorker*, August 9, 2010

http://www.newyorker.com/reporting/2010/08/09/100809fa_fact_packer


Patterson, Samuel C. “Party Leadership in the U.S. Senate,” *Legislative Studies Quarterly* 14, no. 3 (August 1989): 393-413.


