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## A Way Around the Divided House Majority

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# A Way Around the Divided House Majority

## **Abstract**

For observers of the U.S. Congress, the inability of Republicans to unite behind a candidate for speaker has been by turn fascinating, exasperating, and frightening. When and if a candidate is finally chosen, Republicans will breathe a sigh of relief, as will many commentators. The real crisis, however, will have just begun. [*excerpt*]

## **Keywords**

U.S. Congress, Speaker of the House, Republican Party, House Majority, Hastert-Rule, Federal Budget, Partisan Governance

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# A Way Around the Divided House Majority

By Charles Weise & Bruce Larson

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For observers of the U.S. Congress, the inability of Republicans to unite behind a candidate for speaker has been by turn fascinating, exasperating, and frightening. When and if a candidate is finally chosen, Republicans will breathe a sigh of relief, as will many commentators. The real crisis, however, will have just begun.

The Republican Party is hopelessly divided between conservatives who nonetheless recognize their responsibility to participate in governance and radicals intent on disrupting government at every turn to advance their agenda.

The party nevertheless seeks to legislate in a unified, partisan fashion. The House GOP preference for partisanship is manifested in the so-called Hastert Rule, an informal decree that holds that legislation will go to the floor only if it has the support of a majority of the majority party, limiting the possibilities for bipartisan coalitions. The result is that the current Congress is on track to be one of the least productive in contemporary history.

We have lurched from budget impasse to budget impasse, resolved only by short-term continuing resolutions that freeze current spending levels while laying the groundwork for the next budget crisis. The government has twice been on the verge of defaulting on its debt. Badly needed reforms in other

areas, such as immigration and climate change, seem completely out of reach. Even once-uncontroversial legislation like funding for highway construction has proven too difficult for this Congress to pass.

Partisan governance has produced results in the past, but only when the majority party was unified. In the years from 2002 to 2006, congressional Republicans pushed through two major tax cuts and Medicare prescription drug reform with little support from House Democrats.

From 2006 to 2010 a unified Democratic Party under Speaker Nancy Pelosi pushed through the American Recovery and Reinvestment Act, the Affordable Care Act, and the Dodd-Frank banking reform act with no Republican support.

But a divided majority party such as today's House Republicans can govern only if the leadership is willing to form coalitions across party lines. An example of such willingness can be found in the post-Depression era Democratic Party, which was divided between moderates and liberals on the one hand and southern conservatives on the other.

Congress was frequently stalemated on civil rights legislation and other issues during this period. Quite often, however, the Democratic and Republican parties formed broad coalitions to advance key legislation. Landmark legislation such as the 1948 Marshall Plan, the 1965 Immigration and Nationality Act, the Clean Air Act of 1970, and a host of other blockbuster bills passed with broad majorities in both parties. Such achievements have proven to be beyond the capabilities of today's Congress.

With considerable policy challenges confronting the nation, we need a Congress capable of responsible governance. Yet responsible governance seems highly unlikely as long as a deeply divided majority party is intent on trying to govern in a partisan manner as a unified bloc. The incentives for doing so are deeply ingrained and difficult to overcome.

Unbridled partisanship mobilizes voters and donors, and the fear of primary challenges is a strong disincentive for members to disappoint their party's most partisan voters. Moreover, the speaker's considerable agenda-setting powers permit a GOP speaker who can unify the party to render the policy preferences of House Democrats irrelevant.

We can therefore expect the Republicans to make every effort to find a candidate for speaker who can unify the party. The party's last hope seems to be to persuade Wisconsin Republican Paul Ryan to take the speakership helm. But it remains unclear whether even he will be able to satisfy the demands of the hard-core conservatives in the House Freedom Caucus. If he can't, more government shutdowns and gridlock are inevitable.

If Ryan rejects the pleas of his GOP colleagues to become speaker, House Republicans may fall into total disarray. But the chaos could provide an opening for a solution that would benefit the country if not the narrow interests of either party: the selection of a non-partisan speaker from outside the Congress.

Although all speakers to this point have been House members, this is not required under the Constitution. (Article I, Section 2, Clause 3 merely states: "The House of Representatives shall choose their Speaker and other Officers.") We urge practical-minded members of both parties to unite behind a candidate for speaker from outside Congress. We would recommend a former member of Congress with a reputation for bipartisanship. The speaker would work with both parties to find middle ground on the budget, the debt ceiling, and other crucial matters.

One appealing candidate for the position would be former House member Mickey Edwards, an Oklahoma Republican who served in the House between 1977 and 1993. Edwards himself has proposed reforms that would favor selection of a bipartisan speaker from outside the institution, including accepting only nominations for speaker that have at least some minority party support and requiring

votes for speaker by secret ballot, preventing retribution by party leaders for casting a vote for the “wrong” candidate.

We would go one step further and require the speaker to abandon the Hastert Rule, replacing it instead with a formal rule allowing any proposed legislation to come up for a vote if has the support of at least a quarter of the members in each congressional party.

We are not naïve about the chances of Congress adopting this solution. We have focused on the fissures in the Republican Party that have brought us to this point, but it is equally true that Democratic Party partisans may see it in their interest to watch the Republican Party founder rather than seek a solution. It may take pressure from outside of Congress to force Congress’ hand. Members’ shared interest in re-election has nudged Congress to reform itself in the past, and it is not (we hope) outside of the realm of possibilities that a reform mindset might once again take hold in the House.

*-- Charles Weise is professor of economics and Bruce Larson is associate professor of political science at Gettysburg College. Larson co-authored “Congressional Parties, Institutional Ambition, and the Financing of Majority Control.”*