

# **STAYING PRIVATE**

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The challenges of governing have rarely been greater. The distance between the parties in Congress and between identifiers with the parties among the public is the greatest in a century. The public accords Congress the lowest approval ratings in modern history, but activists allow its members little leeway to compromise. The inability of Congress and the president to resolve critical problems results in constant crises in financing the government, endless debate over immigration, health care, environmental protection, and other crucial issues, and a failure to plan effectively for the future.

## **Going Public**

Modern presidents invest heavily in leading the public in the hope of leveraging public support to win backing in Congress (Edwards 1983, 2004; Kernell 2007). They adopt this strategy for governing at least partly in an attempt to create political capital to overcome the impediments to achieving their goals. Highly polarized politics only increases the difficulty of hurdling those obstacles. Nevertheless, there is overwhelming evidence that presidents, even “great communicators,” rarely move the public in their direction. Indeed, the public often moves *against* the position the president favors (Edwards, 2004, 2007, 2009, 2012).

Presidents not only fail to create opportunities for change by going public but their efforts at persuading the public also may increase public polarization and thus decrease their chances of success in governing. When political leaders take their cases directly to the public, they have to accommodate the limited attention spans of the public and the availability of space on television. Cable television does not offer the president more opportunities to speak directly to the nation. Cable stations are no more eager than the traditional networks to give up to the White House expensive time slots for which they receive no compensation. Moreover, the audiences for cable news programs are small. The Internet does offer the president the opportunity to stream videos to viewers, but true believers, those already supporting the president, compose most of the audience.

As a result, the president and his opponents often reduce choices to stark black and white terms. When leaders frame issues in such terms, they typically frustrate rather than facilitate building coalitions. Such positions are difficult to compromise, which hardens negotiating positions as both sides posture as much to mobilize an intense minority of supporters as to convince the other side.

Governing by campaigning is anti-deliberative. Campaigning focuses on persuasion, mobilization, competition, conflict, and short-term victory. Campaigns are waged in either/or terms. Conversely, governing involves deliberation, cooperation, negotiation, and compromise over an extended period. Campaigns prosecute a cause among adversaries rather than deliberate courses of action among collaborators. Campaign communications are designed to win rather than to educate or learn. Thus, the incentives for leaders are to stay on message rather than to engage with opponents and to frame issues rather than inform their audience about anything in detail (Brady and Fiorina, 2000; Hecl, 2000; Ornstein and Mann, 2000).

In the permanent campaign, political leaders do not look for ways to insulate controversial or difficult policy decisions from their vulnerability to demagoguery and oversimplification. Campaigning requires projecting self-assurance rather than admitting

ignorance or uncertainty about complex issues and counterattacking and switching the subject rather than struggling with tough questions. It is better to have a campaign issue for the next election than deal with an issue by governing. Thus, the more campaigning infiltrates into governing, the more we should expect the values of a campaign perspective to dominate over values of deliberation.

Governing by campaigning too often revolves around destroying enemies rather than producing legislative products broadly acceptable to the electorate. The tendencies are for civility to lose out to conflict, compromise to deadlock, deliberation to sound bites, and legislative product to campaign issues. Moreover, frightening people about the evils of the opposition is often the most effective of raising the funds necessary to run a permanent campaign. Such scare tactics encourage ideologically charged and harsh attacks on opponents while discouraging the comity necessary for building coalitions.

When presidents launch aggressive public promotions for their policies and themselves, they invite opponents to challenge them. Business and professional associations use paid advertising, orchestrate events to attract press coverage, and finance think tanks to offer analyses that can serve as sources for reporters and editorial writers seeking to “balance” the administration’s case (Smith 2000). Public campaigns to propel health reform into law by Bill Clinton and Barack Obama, for instance, provoked wide-ranging and expensive counter-mobilizations by business associations, the insurance industry, and others threatened by reform (West and Loomis, 1999; Jacobs and Shapiro, 2000; Jacobs and Skocpol, 2012). The effect was to trigger motivated reasoning and thus activate existing conservative attitudes and partisan beliefs among Republicans, which helped to produce and reinforce sharp partisan differences in support for the Affordable Care Act (Jacobs and Mettler, 2011; Strickland, Taber, and Lodge 2011).

The president and opposition elites provide cues to members of the public predisposed to support them that serve to short-circuit their reasoning processes, trigger motivated reasoning, and thus shape how they process information, including largely ignoring arguments from the opposition (see Druckman, Peterson, and Slothuus, 2013).

Partisan identification is a primary anchor of political behavior (Green, Palmquist, and Schickler, 2002) and the basis for much motivated reasoning. Partisan leanings significantly influence perceptions of conditions and policies and interpretations and responses to politics. Even the most basic facts are often in contention between adherents of the parties. Individuals interpret a policy, ranging from war to the budget deficit, in light of existing opinions concerning the policy’s sponsor (Druckman and Bolsen 2011). Thus, “when partisan elites debate an issue and the news media cover it, partisan predispositions are activated in the minds of citizens and subsequently constrain their policy preferences” (Dancey and Goren 2010). In times of highly polarized politics, the incentive to be loyal to one’s own group and maximize differences with the outgroup is likely be especially strong (Smith, Terry, Crosier, and Duck 2005; Nicholson 2012).

It is not surprising that party cues influence opinion (Bullock 2011), and polarized environments intensify the impact of party endorsements on opinions, decrease the impact of

substantive information, and, ironically, stimulate greater confidence in those—less substantively grounded—opinions. Under conditions of high polarization, when presented with opposing frames, regardless of strength, partisans’ opinions move only in the direction of the frame endorsed by their party (Druckman, Peterson, and Slothuus 2013).<sup>1</sup> Moreover, when individuals engage in strong partisan motivated reasoning, they develop increased confidence in their opinions. Thus, they are less likely to consider alternative positions and more likely to take action based on their opinions, such as attempting to persuade others (Visser, Bizer, and Krosnick 2006).

The current debate over immigration reform is instructive regarding the prospects of backlash against the president. Republican antipathy for President Obama is so great that he has had to avoid proposing his own immigration bill (Lizza 2013, 48-49; Wilson and Goldfarb 2013; see also Woodward 2012, 255-256; Shear 2013), because doing so makes it more difficult for Republican members of Congress to support reform. Because Republicans in Congress come from solidly Republican states or districts, it is easier for them to support an immigration bill that also happens to be supported by Obama and the Democratic leadership than to back a bill so popularly identified with the other side. As the president said of Republicans, “their base thinks that compromise with me is somehow a betrayal” (News Conference by the President 2013).

### **A “Yielding and Accommodating Spirit”**

The Framers created a deliberative democracy that requires and encourages reflection and refinement of the public’s views through an elaborate decision-making process. Those opposed to change need only win at one point in the policymaking process—say in obtaining a presidential veto—whereas those who favor change must win every battle along the way. To win all these battles usually requires the support of a sizable majority of the country, not just a simple majority of 51 percent. As a result, the Madisonian system calls for moderation and compromise.

The principal mechanism for overcoming the purposefully inefficient form of government established by the Constitution is the extra-constitutional institution of political parties. Representatives and senators of the president’s party are almost always the nucleus of coalitions supporting the president’s programs. Thus, parties help overcome the fractures of shared powers. Unless one party controls both the presidency and Congress, and has very large majorities in both houses of Congress, little is likely to be accomplished without compromise.

When parties are broad, there is potential for compromise because there will be some ideological overlap among members of the two parties. When the parties are unified and polarized, however, they exacerbate conflict and immobilize the system. Critical issues such as immigration, taxation, and budgeting go unresolved.

We expect political parties in a parliamentary system to take clear stands and vigorously oppose each other. Such a system usually works because the executive comes from the legislature and can generally rely on a supportive majority to govern. Partisan polarization has given the U.S. parliamentary-style political parties operating in a system of shared powers, virtually guaranteeing gridlock. Moreover, minorities who want to stop change are likely to win, raising troubling questions about the nature of our democracy.

For the system to work, then, requires a favorable orientation toward compromise. Recalling the events of the Philadelphia Convention, James Madison observed that “the minds of the members were changing” throughout the convention, in part due to a “yielding and accommodating spirit” that prevailed among the delegates (Farrand 1966). This spirit is at risk when people sort themselves into enclaves where their views are constantly and stridently reaffirmed.

How, then, can the president encourage an “accommodating spirit” among opposition members of Congress?

### **Staying Private**

In the absence of favorable party configurations in Congress, and lacking the ability to use public opinion to pressure legislators, presidents should consider an alternative strategy to going public. At the core of this strategy is quiet negotiations—the opposite of going public, what we may term “staying private.”

It is no secret that negotiations are best done in private. James Madison remembered that in writing the Constitution

It was . . . best for the convention for forming the Constitution to sit with closed doors, because opinions were so various and at first so crude that it was necessary they should be long debated before any uniform system of opinion could be formed. Meantime the minds of the members were changing . . . Had the members committed themselves publicly at first, they would have afterwards supposed consistency required them to maintain their ground, whereas by secret discussion no man felt himself obliged to retain his opinions any longer than he was satisfied of their propriety and truth, and was open to the force of argument. Mr. Madison thinks no Constitution would ever have been adopted by the convention if the debates had been public (Farrand 1966).

The same principles of successful negotiation hold more than two centuries later. Examples of the White House and Congress strategically engaging in quiet negotiations to produce important legislation include the Clean Air Act Amendments of 1990, the budget agreement of 1990, and the No Child Left Behind Act of 2001. Polarization, of course, is even greater now than it was during the Bush presidencies, which should encourage the president to be all the more open to alternative strategies for governing.

The Balanced Budget Act of 1997 provides an especially telling illustration. The residue of first-term budget battles—and of the ensuing fall 1996 elections, in which Democrats tarred Republicans as Medicare killers—was a deep bitterness that seemed likely to poison the relationship between the Clinton White House and Congress indefinitely. Yet within a few months both sides reached an historic agreement on achieving a balanced budget within five years.

There was a dramatic shift from the rancorous partisan warfare that had dominated the consideration of the budget in the 104<sup>th</sup> Congress. Low-keyed, good faith negotiations began shortly after the president submitted his FY 1998 budget, and senior White House officials held a series of private meetings with members of Congress. Unlike the political posturing in late 1995 and early 1996, *neither side focused on moving the negotiations into the public arena.*

Staying private made it easier for both sides to compromise, and they each gained from doing so. For Republicans, the budget agreement capped a balanced-budget and tax-cutting drive that had consumed them since they took over Congress in 1995. They won tax and spending cuts, a balanced budget in five years, and a plan to keep Medicare solvent for another decade. Thus, although they did not win a radical overhaul of entitlement programs, they did make substantial progress toward their core goals.

For Clinton, the budget agreement represented perhaps his greatest legislative triumph. He left the bargaining table with much of what he wanted, including an increased scope for the child tax credit, a new children's health initiative, restoration of welfare benefits for disabled legal immigrants, increased spending for food stamps, and a host of other incremental increases in social spending.

These compromises did not satisfy everyone, of course. Clinton had to walk a fine line between compromising with Republicans and maintaining the support of Democratic liberals, who did not like budgetary constraints and did not want to hand the Republicans a positive accomplishment. Some Democrats were upset that they were not included in the negotiating process. Similarly, Republican leaders had to deal with die-hard conservatives, who did not want to compromise at all with the president.

The decision of President Clinton and the Republican congressional leaders to seize on the opportunity provided by the surging economy and the groundwork laid by the budgets of 1990 and 1993 and quietly negotiate and compromise, letting everyone claim victory, made the budget agreement possible. In addition, the success of these executive-legislative negotiations paved the way for additional talks of a similar nature on Social Security and Medicare that may have ultimately proved fruitful if it were not for the confounding influence of the impeachment inquiry in 1998.

Why would the White House attempt to stay private in the face of inflammatory provocations from the opposition? There are two good reasons. First, going public does not work. Second, if elites can make deals, the public is likely to reward them for doing so. Although the polarization we see in Washington has its roots in local elections and constituency politics (Jacobson 2013), the public is less polarized than its elected representatives (Abramowitz 2010; Fiorina 2011). Moreover, it wants elected officials to compromise, as we saw in the 2013 government shutdown (Gallup 2013b; Pew 2013; CBS News 2013).

“Staying private” will not change the electoral incentives to defeat opponents. Nor will it narrow the ideological differences between the parties or produce unified government. However, staying private *is* likely to contribute to reducing gridlock, incivility, and public cynicism and deserves a more prominent role in the president's strategic arsenal.

## Caveats

The White House will not unilaterally disarm in the face of virulent criticism. Presidents will sometimes conclude that they must go public just to maintain the status quo. Maintaining preexisting support or activating those predisposed to back him can be crucial to a president's success. Consolidating core backers may require reassuring them as to his fundamental principles, strengthening their resolve to persist in a political battle, or encouraging them to become more active on behalf of a candidacy or policy proposal. When offered competing views, people are likely to respond according to their predispositions, so the White House will act to reinforce the predispositions of its supporters.

Nevertheless, promotion of policies and reaction to criticism can take a wide range of forms. It is possible to assert values and policies without incendiary rhetoric, and it is not necessary to begin negotiations with the other party by excoriating its elected officials in a cross-national speaking tour.

An additional complication to staying private is the willingness of both parties to make policy and to compromise to do it. Some members of Congress have adopted the approach to policymaking of relentless confrontation (Theriault 2008, 2013). In addition, Republicans' preferred position is often to do nothing. Moreover, Republicans in the public, especially activist Tea Party Republicans, are much less likely than Democrats or Independents to support compromise on policy issues (Gallup poll 2013a; Pew Research Center poll 2013a; Rapoport, Dost, Lovell, and Stone 2013). We experienced a taste of this inflexibility during a Republican presidential primary debate in Ames Iowa on August 11, 2011, when every candidate rejected the notion of a budget deal that would include tax increases even if accompanied by spending cuts 10 times as large.

When the default position of failure to negotiate is unacceptable, as in the fiscal cliff issue at the end of 2012, the parties are likely to negotiate (see Edwards 2013). If the president offers the other party something it likes, as in George W. Bush's funding of community clinics and programs to combat AIDS in Africa, the opposition may well offer its support. Not always, however.

A president's willingness to make policy concessions to the opposition party will not alter the fact that the intense competition over control of the presidency and Congress has increased the incentives to engage in partisan warfare. The differences between the parties and the cohesion within them on floor votes are typically greater when the president takes a stand on issues. When the president adopts a position, members of his party have a stake in his success, while opposition party members have a stake in the president losing. Moreover, both parties take cues from the president that help define their policy views, especially when the lines of party cleavage are not clearly at stake or already well established (Lee 2009, 2013; see also Mann and Ornstein 2012).

Further complicating the process of compromise is the lack of trust between the parties, a product of highly confrontational polarized politics. For years, officials on both sides of the aisle have known that one way to make a dent in the long-term problem of financing Social Security is adjusting the way we measure increases in the cost of living. Within hours of the president's

supporting such an adjustment in his budget, some Republicans, including the chair of the House Republican Campaign Committee, were claiming he wanted to balance the budget on the backs of seniors—the Democrat’s worst nightmare.

### **Conclusion**

The incapacity to govern in the face of an urgent need to do so is a problem that deserves our attention. Staying private will not solve all the problems resulting from our polarized politics. In some instances, however, it can increase the chances of bridging the polarization gap and reaching essential compromises on public policy.

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## Notes

<sup>1</sup> Party endorsements, particularly under conditions of polarization, do not appear to simply serve as cues people follow. Instead, cues seem to shape how the public views arguments put forth by different sides.