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THE IMPACT OF CONGRESSIONAL REFORMS ON THE INSTITUTION AND  
THE ELECTORATE

by

Emily Suzanne Cummings

A Thesis

Submitted in Partial Fulfillment of the

Requirements for the Degree of

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## **Abstract**

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Institutional and electoral reforms have changed the way in which Congress works and the electorate votes. Institutional changes include the polarization of parties and the use of restrictive rules to pass legislation. Electoral reforms include primary reform and the institution of the invisible primary. Schattschneider (1975) suggested that the scope of conflict be expanded to include the public more fully. Using the Affordable Care Act as a case study, institutional reform has complicated the legislative process and clouded the public's view. Electoral reforms have not allowed the public increased control over legislation or election outcomes. From restrictive rules and interwoven connections to the invisible primary, elites retain control in the post-reform era. Parties are strong and clearly distinct, yet special interests dominate party behavior.

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## **Chapter 1: Introduction**

This thesis is looking at changes in Congress and the electorate to determine who controls political parties. Institutional changes include the polarization of parties and the use of restrictive rules to pass legislation. Electoral reforms include primary reform and the institution of the invisible primary. Using the Affordable Care Act as a case study, institutional reform has complicated the legislative process and clouded the public's view. Electoral reforms have not allowed the public increased control over legislation or election outcomes. From restrictive rules and interwoven connections to the invisible primary, elites retain control in the post-reform era. Parties are strong and clearly distinct, yet special interests dominate party behavior.

Schattschneider (1975) suggested that the scope of conflict be expanded to more fully include the public. Schattschneider's critique of the system was that parties kept conflict private, meaning parties were controlled by special interests. The way to publicize conflict and overcome special interests is to have responsible parties. Responsible parties would allow the public to exert its influence. Schattschneider (1975) envisioned a party system in which parties were responsible to the electorate, instead of special interests. This party system has not come to fruition in the United States. Institutional reforms have changed how Congress is run, which impacts the voters and the American public. Electoral reforms have changed how the public attempts to wield power. There has been much literature on how Congress works as well as where and when changes have occurred. The public, the voters do not have enough control over the outcomes in Congress even though the public oftentimes appears to have more control than they actually possess. Congress is controlled by the parties, and parties are

dominated by special interests. For parties to include the electorate by publicizing conflict should allow the voters increased control in the outcome of elections. The question is: have these reforms worked? If reforms have worked then conflict is more public. If reforms have had no effect, or even backfired, then conflict is still in the realm of private, special interests. Over time, reforms have changed the ways in which voters interact with parties. This thesis will examine this question by looking at changes in Congress and changes in election. The Affordable Care Act (ACA) will serve as my case study.

The party system is structured in a manner which causes parties to attempt to win a plurality in order to win an election. In this system, the electorate becomes confused or uncertain of where to assign blame because no party has total control—there is always a majority and a minority instead of one party being voted to have total control of the government. The American Political Science Association, along with Schattschneider, outlined in 1950 the Responsible Parties Thesis (RPT). In the RPT, the electorate would vote for a party, not a candidate. Whichever party won would receive total control of all branches of government (Ranney, 1951). Instead, the electorate now votes for candidates, leaving government with divided control. With two parties constantly in government, the burden of responsibility is unclear. Interest groups have a much clearer incentive to follow politics and are able to hold government officials accountable. Therefore, parties use the special interests of intense policy demanders to form the foundation of the party structure. It is through the intense policy demands of special interests that the parties attempt to win a plurality of the vote of the electorate by convincing the electorate that special interests are in their own interests. However, this

means that the electorate is not truly influential in the decision-making process within the party. Although reforms have occurred, the parties are still controlled by the special interests of intense policy demanders and the electorate is left without a clear place to lay blame. Party insiders and intense policy demanders have consistently weaved the way to power despite the various reforms that have occurred over time.

Schattschneider (1975) is often quoted saying—“Government is unthinkable save parties.” This quote is referenced by some of the most notable names in American politics. Scholarly research on parties almost invariably cites this quote. Some ask how parties are organized, some ask what parties do, and some ask where party power is in Congress. Parties have been a central part of government in the U.S. for many decades. This has led to many different theories of who parties are and the functions they serve. Most of the previous literature is focused on the organization in Congress. There have been reforms through the years to try to make conflict about public interests instead of special interests. Over the years there have been multiple reforms seeking to publicize the conflict in the American system. Schattschneider advocated for publicizing the conflict through parties, by which he meant that the greatest number of people should be involved.

### **History of Reforms**

Interest groups controlling parties is what Schattschneider (1975) was trying to get away from by publicizing the scope of the conflict. People who do not participate in politics are not always indifferent or ignorant—they do not participate because there is not an avenue for their opinions or needs. Schattschneider (1975) argues that these non-participants would be politically active if the conflict changed. He says, “The party

alignment was so sharply sectional that the bulk of American voters lived in one-party areas where they had little incentive to vote because they had no choice” (p. 108). Some areas are still very distinctly sectional, with little (or no) option, leaving voters no incentive to participate. If the conflict became more public, voters would have an incentive to participate. As long as interest groups are controlling the parties, the scope of conflict will be narrowly tailored to special interest groups. Schattschneider wants party politics to serve as an alternative to special interest politics.

In the history of Congressional organization, one of the most powerful sources of influence was committee power. The committees ran Congress and chairs ran committees. This gave smaller groups and individuals more power. Seniority and party loyalty have been major deciding factors in how committee chairs were appointed at various points in Congressional history. It was rare that a freshman member would be able to greatly influence the setup or progress within a committee. Newer members did not have experience and had not had time to sufficiently prove their loyalty to their party through methods such as voting record and support of legislation. During this time of strong committees, Congress was seen as a static, unchanging institution. This became the foundation upon which some scholars based their critiques. The basic composition of Congress and its duties has not changed over time—it still consists of a bicameral legislature, even though there are now more Congressmen than at its inception. However, the ways in which members work within the two chambers has changed over time.

Committees were originally thought to hold the most significant power. One characterization of committee power is that it was primarily negative (Shepsle &

Weingast, 1987). This sounds ominous but really just means the committee dissuades anyone from opposing them, instead of encouraging openness or debate. A committee using power negatively sometimes means a bill is less likely to be stalled on the floor if legislators work out deals beforehand and are not encouraged to change the policy after it reaches the floor. Committees and their chairs used several methods for enforcing their power: “(1) punishment; (2) ex-ante defensive behavior; (3) ex-post defensive behavior” (Shepsle & Weingast, 1987, p. 88). These powers are used to reinforce the special interests within parties and Congress.

Another characterization of Congress is based around party power. Power in Congress flowed from the committee-based to party-based in the late 1900s. Krehbiel (1993) asserted that parties served the purpose of passing legislation different from what a no-party Congress would pass, but parties were not exceptionally necessary. He defines significant party behavior as “behavior that is consistent with known party policy objectives, but that is contrary to personal preferences” (Krehbiel, 1993, p. 240). What this basically means is that parties would be more significant if legislators vote in a partisan manner that did not conflict with personal beliefs. Oftentimes a legislator would vote against party affiliation if their personal beliefs were not in line with the party. When a legislator falls in line with the party in spite of personal beliefs, the party holds a strong influence over legislators in Congress.

Looking at Congress over time, Cox and McCubbins (1993) find that parties, not committees have had the most power in Congress. Their findings stand in contrast to scholars like Krehbiel (1993) and Shepsle and Weingast (1987). Krehbiel in particular stated that it was not the party which had power, but the individuals. Power was seen at

an individual or committee level, and based on actual people, even in the committee. The view of parties with power, Cox and McCubbins' view, is about the group as a whole and the overarching structure of foundational sameness. When parties are homogenous their power is greater than when they are heterogeneous. A party is homogenous when most members share interests and opinions. Parties can wield power through individuals or committees based on the number of party legislators and the strength of the party.

Aldrich (1995) goes further in his seminal work entitled *Why Parties?* to discuss the benefits and extent of party power. Parties exist to resolve the problems within the system and help government work more efficiently for office-seekers and office-holders. The first problem parties help overcome is collective action. Parties are able to efficiently mobilize the electorate around a common goal: electing the party's candidate. Strong parties provide a common place for voters to rally in support of common ideals and values in the form of a candidate. Strong parties determine around which candidate the electorate will rally. The second problem they help overcome is ambition. Without parties, as many candidates could run as chose to, but parties only support one candidate in each general election. This is an intraparty problem. Ambition can lead to splitting the party, which would be bad for its overall image. The third problem parties help overcome is cycling coalitions. Without the organized party structure, candidates and office-holders may not know with whom to align or attempt to cooperate. Parties establish settled groups of people who can cooperate in election after election, providing stability in the system. This is an interparty problem. Groups inevitably have to work with each other, and it is far easier to have a long-established group of groups to work with than constantly attempting to make compromises each election.

According to Cohen, Karol, Noel, and Zaller (2008), “Party formation...is *primarily* an activity by which intense policy demanders pursue policy goals and *secondarily* an activity by which professional politicians achieve careerist and electoral goals” (emphasis added) (p. 79). Aldrich (1995) ranks these in opposite order, putting individuals’ careerist goals first, followed by the demands of special interest groups. These are two competing views of party organization which contribute to the conflicting views of internal control of parties within the system. Parties are first formed by groups in order to get certain policies implemented. It is only a secondary consideration that forming a party allows individuals to serve lengthy terms in office. This is fundamental to understanding the American party system. Cohen et al. trace the founding of parties back to the country’s Founders. They themselves were intense policy demanders who acted like parties, regardless of the fact they urged against party (or faction) formation. Parties have always been comprised of intense policy demanders.

Bawn et al. (2008) and Cohen et al. (2012) tell a story that stands slightly in contrast to Aldrich (1995), yet they use the same foundation: Schattschneider. Bawn et al. start their article by quoting Schattschneider (1975) in saying, “Democracy is unthinkable save in terms of parties” (p. 571). According to Bawn et al. (and Cohen et al.), interest groups and activists are the central players of parties and control the effects of party decision making. Coalitions of interest groups and activists form for the purpose of joining efforts to ensure that each group gets what it wants, whereas for Aldrich parties were a coalition for the promotion of a candidate. For Aldrich, parties were for the purpose of office-seekers and office-holders; For Bawn et al. and Cohen et al, parties are for the purpose of special interest groups and intense policy demanders. The combining

of interest groups is a way to prevent cycling coalitions. According to Bawn et al. (2008), “The long coalition strives to nominate a candidate whom each group trusts to represent its interests in a manner acceptable to the coalition as a whole” (p. 575). Cooperation among groups is the most efficient way for each interest group to benefit. Coalitions do not have much power on the front end to bind candidates to their wishes, but candidates also know they risk losing electoral support and financial backing if they ignore the coalition once in office. There is always a trade-off of groups trusting each other to combine interests and coalitions trusting candidates to promote combined interests.

Fiorina, Abrams, and Pope (2010) line up well with Bawn et al. (2012) in their view that Schattschneider’s (1975) goals have been attempted, but it is an illusion that conflict has become more public than private. Although this is true, both sets of authors see that special interests (or extremists) are still very much in control of the running of government. Fiorina’s assessment shows that the electorate hold opinions that are close to each other. The influence of special interests pushes candidates into more extreme positions, which forces voters to elect more extreme candidates than the voters themselves probably would align with. This is the essential struggle of American politics—even after the scope of conflict has been publicized special interests are still dominant in the political arena. Elites and activists are polarized, but the general public is not.

Pluralism is the view that politics and decision making are located mostly in the framework of government, but that many non-governmental groups use their resources to exert influence. This is the way in which special interest groups and intense policy

demanders insert themselves into the election process and then exert their influence over the outcome. The central question for classical pluralism is how power and influence are distributed in a political process. Schickler (2001) identifies the question of pluralism within American politics. Multiple groups attempt to assert their influence over the electorate. This becomes disjointed due to the complications and tensions that arise between various groups when they each attempt to influence an election in their favor (Schickler, 2001). Schickler says pluralism becomes disjointed because of the dynamics between interactions and tensions that exist among competing coalitions. The exertion of influence by various groups creates tension within the legislature and causes coalitions to compete with one another instead of seeking cooperation.

Instead of opening up avenues for the public, parties have remained dominated by special interest groups. These groups find a way to work through the system and make their voice heard over the rest of the electorate. Cohen et al. (2008) refer to special interest groups as “intense policy demanders” who have particular interests which they pursue above anything else. Intense policy demanders are: (1) animated by a demand/set of demands; (2) politically active on behalf of these demands; and (3) numerous enough to be influential (Cohen et al., 2008, p. 80). Groups join together because it is more efficient than each group operating on its own. By bringing together groups into one party, groups can compromise and find one candidate who represents most (or all) of the interests within the party. By nominating and promoting only one candidate, each group is more likely to achieve its goals.

Party shifts have been essentially about policy demanders changing or new issues becoming salient. For example, when Martin Van Buren wanted to form a new national

party around Andrew Jackson, he did so by appealing to the policy interests of those in the electorate. Van Buren used the reputation of Jackson to rally broad based support in the election, Van Buren knew that Jackson could win the election by appealing to the broad interests of policy demanders. Also, the anti-slavery movement was a major factor in the formation of the new Republican Party. Supporters came from various existing parties for the overwhelming policy interest of ending slavery. Van Buren rallied support of particular interests to boost Jackson's run at the Presidency. These were two major changes in the party system, both of which occurred due to intense policy demanders pursuing their interests through parties.

When intense policy demanders come together under one party, they are forced to make compromises. While policy is the foremost concern of these groups, their policy demands will go nowhere without winning elections. This leads groups of policy demanders to make compromises within the party. The two compromises are: (1) among conflicting policies and priorities of groups inside the party; and (2) between preferences of the party groups and the voters. However, sometimes it is impossible for a party to find a candidate that suits all groups (e.g., The Republicans in 2008 and 2012). A party is strong when it unifies around one strong candidate which represents the interests of policy demanders within the party. When a party is winning they are more likely to nominate a candidate who is more ideologically radical; when a party is losing they are more likely to nominate a candidate who appeals more to the interests of the public. A party is strongest when it's ideologically-driven candidate, supported by a particular interest group (or a compromised candidate with interests from each special interest

group) also lines up with the interests of the voters. Then special interest groups are assured electoral support while also being uninhibited in their policy demands.

One oft-discussed situation of party insiders who failed to catch the appeal of the public is Hubert Humphrey's nomination in 1968. Humphrey won the nomination by appealing to party insiders, and the insiders controlled the delegates. Humphrey never ran in a primary, meaning the voters were never exposed to him as a candidate. The party during this time was not actually weak—it was strong enough to overcome what the voters wanted and nominate a candidate the voters had not chosen. Ultimately this was not a success as Humphrey lost the race for Presidency, but the loss was not due to a weak party. The case of Humphrey's nomination also spurred electoral change. This electoral change came in the form of voters electing delegates and the candidate having to win support in many states during primary elections to win nomination. While this may seem like a success in the electorate controlling the outcome, the power of the party has only shifted to another frame.

The new frame of party control occurs in attempts to lead the electorate during the primary season. There has now been the implementation of direct primaries for the nomination of the candidates. The direct primary is where the electorate is supposed to be able to cast their votes, and the candidate with the most votes wins the nomination. However, the implementation of the direct primary has led to the invisible primary. The invisible primary now holds the power that national conventions once held—this is where party insiders exert their influence over the electorate for the benefit of the candidate they wish to nominate. Before the institution of direct primaries, national conventions were a public display of intense policy demanders fighting over the best candidate. Now, party

insiders coordinate to throw early support behind the candidate who best fits the needs of policy demanders within the party. Without party insider support, a candidate cannot win the nomination and insiders will not support a candidate simply because he or she is ahead in primary polls. According to Cohen et al. (2008), the invisible primary sets the agenda for voters. Voters take cues from the party insiders and what most affects the results is “endorsements by party officials as reported by the media, cash-on-hand at the start of balloting, and Gallup standing at the end of the invisible primary” (Cohen et al., 2008, p. 279). Endorsements impact voters more than any other action, which means that party insiders (not candidates or voters) decide nominations.

This shift in frame is what leads to the illusion that the electorate has control of the outcome of election. When Humphrey won the nomination, it caused the electorate to attempt to regain control of the power to control the outcome of nomination and election. It was after Humphrey’s nomination that the electorate gained the power to directly nominate the candidates for general election. This has led to the invisible primary. The invisible primary is the way in which the special interest groups now control the nomination process. Special interest groups, either alone or together, promote a candidate to the public in an effort for the candidate to win the nomination. The nomination, though coming directly from the electorate, is implicitly driven by the special interest groups.

Instead of shifting the scope of conflict to the public as Schattschneider (1975) wanted, the changes in Congress have shifted the power among groups within the institution. Institutional reforms sometimes spill over into the realm of voters. The era of Gingrich Senators (late 1980s-present) has been filled with institutional changes which

have effected, but were not instigated by, the electorate. When Newt Gingrich was elected to the House, he almost immediately began to move the Republican Party in a more conservative direction. Office-holders who served in the House with Gingrich were more likely to be more conservative than their party-mates and they are more likely to keep their seat in the Senate once they have achieved it. Gingrich Senators are champions of partisan warrior mentality which exists in the Senate today. On the Gingrich Senators, Theriault (2013) says, “Not only were their needs different, but the entire institution of the Senate was, indeed, different because of them” (p. 170). Since Gingrich Senators came from the House, they developed different styles of legislation and working together within the system. This translated to the Senate in a unique way, which helped lead the parties into polarization.

The Gingrich Senators are exemplary of strong parties who impact the way a party runs (Aldrich’s endogenous institution). Party players are shaped by those running for office and party insiders who support candidates. The party and the way it operates is changed by the people within the party. Gingrich Senators also are a strong party unit which attempt to hold control over party members in Congress. Along the lines of Cox and McCubbins (1993), when the Gingrich Senators have control, the party is homogenous, and the party is more successful in elections and in Congress. When the Gingrich Senators became only a fraction of the Republican Party in the more recent elections, the party was heterogeneous, leading the party to do poorly in elections. Now Gingrich Senators have been joined in their partisan warfare by the Tea Party. These two groups have forced the Republican Party to the right, and further away from the Democratic Party. This makes compromise harder, but “for the Republican Party, a ‘Do

Nothing' Senate achieves the joint objectives of stalling liberal policy changes and of showcasing the Democratic majority's incompetence" (Therault, 2013, p. 173). The partisan warfare of today's Congress was driven by the Gingrich Senators and the Democrats' response to their tactics. The Senators had very specific policy interests which prompted a coalition of like-minded Republicans to internally change the workings of the Senate. The intense policy demands are funneled through the legislators who work together to promote their particular interests within the Senate.

If Congress is now heavily partisan, what effect does this have on the electorate? In "Culture War?" Fiorina et al. (2010) make an early distinction between the political class and the public. The political class consists of candidates, office-holders, political activists, interest group leaders, and political infotainers. In opposition stands the public, who are generally less engaged than the political class. Overall, the political class has much more at stake in the political arena which pushes their actions in a more extreme direction. However, the public is also viewed generally as extreme. Fiorina and his co-authors want to discover why the electorate is seen as polarized and what the impacts of this are. While their claim is not that the public is polarized, the polarization within Congress fuels the outcome of legislation and the ways in which parties operate.

The informed political class is highly polarized, which leads to polarized candidates being placed before the public. Fiorina et al. (2010) assert that "close elections may reflect equal numbers of voters who hate one candidate and love the other, voters who like or dislike both, voters who don't care much at all about either candidate, or various combinations of these conditions" (p. 15). When those in politics are highly divided, it does not give the electorate much option. Candidates and office-holders are

representative of the political class who are highly involved in the political process.

While party identification does indicate growing differences in the electorate, the authors attribute this to voters correctly identifying themselves now, whereas they incorrectly identified in the past (this is sorting). Moderate voters also help in electing highly partisan candidates since there are few (or no) other choices.

According to these authors, “elites nominate the candidates and set the agenda, and voters respond” (Fiorina et al., 2010, p. 166). Elites are the informed political class—this is where the culture war exists, not in the public. To incorporate Schattschneider’s (1975) view that government should publicize conflict, the authors here say that the conflict has not reached the public. It is only the elites involved in the conflict—the public is still on the outskirts. The political class and extremists, the interest groups, are still in control of who runs for office and what happens in government. Fiorina suggests one way to rectify this is to incorporate greater numbers of citizens to encourage more mainstream debates, instead of highly polarized special interest debates. However, there are complications in mobilizing more of the electorate to participate in government. Fiorina et al. offer no hard solutions, just a number of possibilities, such as increases in technology is potentially one way to incorporate more voters into the system. As the public becomes increasingly disappointed with those in power an additional party is potentially a solution as well.

Coming full circle back to Schattschneider (1975), many of the reforms in recent years have been attempts at tipping the balance of power by engaging new people in the scope of the conflict. Parties attract members through the conflict of focus at the time. Schattschneider says, “All forms of political organization have a bias in favor of the

exploitation of some kinds of conflict and the suppression of others because organization is the motivation of bias” (p. 69). This means that each party focuses on the conflicts it handles well, the conflicts for which it has the most support. Lack of voter participation is not due to indifference or ignorance. It is a lack of avenue for the opinions or needs of those not participating. Party organization is also a means for channeling the electorate into politics. Reforms in Congress have been attempts at organization and electoral reforms have been attempts at publicizing conflict. These two working together should have caused the electorate to have control over the outcomes of politics, but the outcomes are still largely controlled by the internal workings of parties.

Voting in Congress has become almost exclusively partisan on any salient issue of conflict. This extreme partisanship does allow the electorate to assign blame to which party they believe is responsible for the passage of particular legislation. Even those who are not immersed in the everyday goings-on of politics or Congress often see the results of major votes, which tend to be highly partisan. Fiorina et al. (2010) discuss the polarization of Congress that has led to the partisanship of voting records. This partisanship is a change of which Schattschneider (1975) would approve, but it has not had the impact Schattschneider would have expected. With polarization and the ease of identifying responsibility in voting on legislation, the electorate, according to Schattschneider, should have gained control over the outcomes of Congress. With obvious splits between the parties, special interests and intense policy demanders can coordinate around one when the other is displeasing. However, there has been a constant struggle between the parties to gain full control of government.

## **Implications**

So, what happened? Where did Schattschneider's (1975) prediction fall short and what caused the discrepancy between his theory and reality? The polarization of parties has not caused the electorate to band together in response to party politics. The electorate is not consistent in electing one party wholly into government then wholly voting them out. The electorate has also been unable to fully grasp control of parties, leaving intense policy demanders to battle for dominance within the parties. This leaves the electorate with conflicting opinions about who actually is to blame. Parties conflict both within Congress and in the general political sphere, including everything from local elections to opinions on current events. This constant conflict is not compatible with the theory of responsible parties. The public cannot always easily lay the blame on one party, which makes it easier for parties to continue conflicting with one another. With the electorate still unsure of who to blame, the parties retain the power to make decisions in their own interests. These interests are compromises between the special interests which comprise a party, adding complexity to determining responsibility. It is not responsible parties as Schattschneider envisioned, but strong parties through which the electorate cannot see.

Chronological assessments of reforms and changes over time have been primarily restricted to institutional reforms or electoral reforms. These reforms exist within the same system and influence both Congress and the electorate regardless of the type of reform. Both Congress and the public are essentially tied to one another and cannot operate as mutually exclusive. Analyzing these separately does not allow for adequate analyses of the way the reforms have affected the system. Institutional reforms impact

the electorate and electoral reforms impact the institution. It is necessary to analyze these reforms in accordance with one another, not simply by themselves.

Intense policy demanders, interest groups, party insiders—these are essentially all the same group and stands in opposition to the public. They are groups with private, particular interests that are attempting to wield party power in a manner that suits their purposes. When reforms occur or the scope of conflict is publicized, intense policy demanders usurp any power that can be taken up by the general electorate and use it to manipulate the process so their own interests are met. For example, after the McGovern-Fraser reforms, the balance of power shifted. Party insiders had previously worked through formal institutions, but post-reform insiders now use informal means for candidate promotion in accordance with their special interests (Cohen et al., 2012). Office-holders in Congress since the Newt Gingrich era have become less individual and more partisan, which has led to polarized parties that act in the interests of those who propel the party interests (Therriault, 2011). As individuals become more partisan, the interests of the intense policy demanders in the party become more homogenous. The shifting away from individuality toward partisanship drive the policy demands of the special interests which comprise the party structure. This cycle of special interest domination followed by reform followed by special interest domination is preventing the electorate from having power over outcomes of Congress.

It is not important to pinpoint exactly where this cycle begins—it is only important that the cycle exists. Intense policy demanders control the parties which are polarized in Congress. The electorate is left following the will of polarized parties because that is the only choice they have. The electorate is presented with two options,

driven by special interests that have previously compromised to form a coalition. The electorate splits into two sides since they are not given any other option or middle ground to occupy. It is unclear what will break the cycle—reforms have consistently fallen back into the hands of intense policy demanders. However, a voter-oriented system would allow the electorate to control the sway of parties, both as an institution and in the legislative process.

Parties are good for forming lasting coalitions around which voters can gather, but parties controlled by special interests are not helpful to the electorate. With the implementation of the direct primary, the electorate should have gained control of inside party functions. Nominating the candidate of their choosing would be a way for the electorate to control the outcome in government. However, the party insiders simply reworked their methods and now bond together around a particular candidate to present as a favorite to the public during primary season. Intense policy demanders depend on their control of candidate choice for promoting their interests in Congress. The general electorate does not have all the same interests as particular groups and will not make all the same compromises with other groups. Intense policy demanders ensure the candidate of their choosing wins the party nomination, even though voters are supposed to have control in primaries.

The ebb and flow of power within Congress has not fundamentally changed. Even when parties are not heavily dominant, they are still the guiding force behind what goes on in the legislature. Whether there is a strong party leader or strong cohesion, the conflict is still inherently internalized within the party. Party strength does determine the amount to which the conflicts are evident outside the institution, but the internal structure

has not changed all that much. Parties have consistently retained power over the outcomes of Congress. It is party insiders who influence caucus members who push the nominees, making the nominees representative of the special interests who get them elected. Office holders determine policy positions by the coalition of special interests upon which they depend for election. Sometimes the coalition is strong and sometimes it is weak, but it is always a coalition of special interests, not public interests. Without public interests taking the foreground in the legislature, the electorate would not have power over the outcomes.

It could be argued that special interest groups are representative of the most salient public interests, but this is not the case. Intense policy demanders do not consider the public interest when making their demands. Policy interests and party insiders are focused on an individualistic goal, even if there are different interests driving the goal. Having multiple goals or reasons for particular policies should not be confused with the public interest. Each person has competing interests upon which to base policy decisions. Candidates are chosen by holding interests similar to the special interest groups within the party. By having multiple interests, a candidate can appeal to the variety of intense policy demanders that are present within either party. Since candidates are representative of the special interests, one party's candidate necessarily stands in contrast to the other party's. Special interests come together and compromise to form a party, which means interests which stand in contrast to each other, are more likely to align with the opposite party.

Therault (2013) defines Gingrich as an intense policy demander as well as an ambitious office-seeker and office-holder. By following Gingrich's lead, other

Republicans made more intense policy demands. When an intense policy demander also happens to be a candidate, such as Gingrich, the parties are likely to polarize even further. The demands made on one side are nearly always matched by the other side. By incorporating competing special interests, the parties set themselves up for conflict in the legislature. Policies implemented under the Gingrich Senators were typically met by Democratic policies when they were in power. Party power rises and falls over the course of time. Intense policy demanders attempt to go as far as they can in their policy demands when they have power in Congress. As Fiorina et al. (2010) found, most voters did not identify as polarized as the electorate, but polarized parties are what voters were given. If parties were representative of the electorate's interests, parties would not be as polarized. Polarization occurs due to the intense policy demanders. Reforms occur to diffuse polarization and it comes right back. It is necessary to break the cycle of policy demanders and party insiders usurping the power in parties from the electorate.

## **Conclusion**

Congress has experienced reforms over time. These reforms have been caused by a variety of things and have had a variety of impacts. Elections have also experienced changes over time which have impacted the electorate. The binding force behind all the reforms and outcomes, though, is the intense policy demanders who want to create certain effects in the legislature. While these also ebb and flow over time, they are always present in the election system. Much of the literature has assessed either Congressional reforms or electoral reforms. However, these two things must be considered together to analyze the full impact on the institution of Congress.

Chapters 2 and 3 use the Affordable Care Act as a case study through both institutional and electoral reforms. The ACA is a conservative test because the issue has a high profile so the public was aware of it, it occurred recently, and was an important piece of legislation. The electorate was aware that health care reform was a major topic for parties and candidates. Chapter 2 looks at changes in elections and examines how reforms have been insufficient to take power away from special interests. Reform of the primary system has led to the invisible primary, in which special interests promote a candidate of their liking to the electorate. Chapter 3 looks at changes within Congress and how special interests and intense policy demanders use the party structure within Congress to achieve their goals. Schattschneider (1975) thought that having strong, responsible parties would publicize conflict, but the electorate is still edged out by special interests.

## Chapter 2: Changes Outside

This chapter is looking at changes in elections. Primary election reform in particular has been a source of special interests domination, despite attempts at handing power to the electorate. By expanding the scope of conflict, the public should be able to hold parties responsible by ensuring that what the electorate wants is what the parties do. Reforms have been made outside of the institution of Congress in order to transfer power to the electorate. The power the electorate was attempting to gain is the power to determine campaign and legislation outcomes. This is an essential component of Schattschneider's theory of expanding the scope of conflict. Primary reform was the best attempt at allowing the electorate to hold parties accountable to their interests. The direct primary deciding who would receive the nomination was an attempt to hold the party accountable to the electorate. Instead, special interests have created the invisible primary by pushing their own interests before and during the primary to sway the electorate into voting for the special interest groups' candidate. The invisible primary is the process through which special interest groups promote a candidate to the public to ensure the candidate best for those special interests win the nomination. This is done subtly so the electorate does not realize special interests are influencing their decision. The electorate does not realize elites are leading the electorate through the invisible primary, allowing special interests to dominate through the primary seasons.

The Affordable Care Act (ACA) was a prominent piece of legislation about which the public was constantly flooded with information. Special interests, including pharmaceutical companies, hospitals, and insurance agencies, lobbied to and campaigned for Congressmen, then used their influence to create legislation which would benefit their

own interests. The ACA should have been determined by the electorate—the electorate was aware of the bill and the bill began as publically oriented proposal yet special interests dominated the process. Since the electorate could not overcome special interest groups during this process, it shows that the electorate is largely powerless to determine what parties do.

### **Electoral Reform**

The notorious case of Hubert Humphrey’s nomination in 1968 spurred some critics to question the electoral system. Humphrey won the nomination by appealing to insiders. Insiders controlled the delegates enough to achieve their nomination even though voters never got the chance to vote for Humphrey in a primary. Humphrey did not campaign to the electorate yet won the nomination by winning the support of party insiders who chose the candidate. This caused a fundamental shift in the way candidates were nominated. Direct primaries were the way for the electorate to control the candidate nomination. The electorate was displeased when Humphrey won the nomination without having had to appeal to them, but won by relying instead on party insiders. The primary election was established to allow the public to choose a candidate for themselves, instead of a candidate being chosen based on appealing to party insiders. Instead of the party deciding to whom the nomination goes, candidates now must go before the public to campaign for the nomination.

In 2008, the primary process and the campaign tour was a great way for the Democratic candidates to establish before the public the goals each candidate has for if they are elected. Health care reform was among the top priorities of both candidates. Although Hilary Clinton had more insider support in the beginning, Obama slowly

gained insider support as the primary went on. During the primary season and throughout his campaign, Obama made overhaul of the health care system one of his main priorities. In early 2009, shortly after he took office, President Obama began the push to pass health care reform legislation (Cannan, 2013). While his commitment to change made him popular with the electorate, and Clinton had a sizable initial lead in insider support, the endorsement of Democrats who were well-known and had been key players for former President Bill Clinton and former candidate John Edwards helped President Obama win the support of delegates, the crucial element to winning the Democratic nomination.

Cohen et al. (2008) traces the history of intense policy demanders to the Founders through modern parties, demonstrating the need for appeal to insiders over the public. Even though the Founders were against parties, they acted like parties. The Founders focused on policy, not the public. The Founders were not concerned about having long careers, but about specific policies. Particularly after papers became the popular way of presenting politics to the public, non-office seekers started trying to influence politics. Thus, parties were not driven by ambitious office-seekers/holders, but by policy demanders. As stated earlier, Cohen et al. (2008) say that the primary reason for party formation is to achieve intense policy demands. Parties formed around the Founders as a way to implement policies. Interests are held together within the party system which allows for intense policy demanders to achieve policy goals, first and foremost. The ambition of politicians is offered an avenue through the party, but this is only a secondary consideration. The electoral interests of politicians is determined in part by interest groups.

Health care reform has made a few appearances in the past few Presidential cycles. Former President Clinton made an attempt at health care reform, which failed. Several times in recent Congresses health care legislation has been discussed, but has never had much impact and nothing of significance has been introduced or passed. Although President Obama championed health care reform (the ACA is colloquially named Obamacare), its progress was pushed by lobbyists and party leaders, not the public. The ACA passed on March 21, 2010. Within a week, Gallup released a poll of Americans' opinions. Approval overall was right about half (49%), but was deeply split between parties. Democrats approved by an overwhelming majority (79%) while an almost equally overwhelming majority of Republicans disapproved (76%). In the same poll, Gallup compared the overall reactions to emotional reactions showing "50% enthusiastic or pleased versus 42% angry or disappointed" (Saad, 2010). Overall ratings show approximately half of the nation as approving and emotionally positive toward the ACA in the immediate environment surrounding its passage and signing into law. When asked about particular aspects of the bill, the electorate is even less enthused. Only 39% approve of the individual mandate (Seman, 2014) and 18 % of those who disapprove do so specifically because of the individual mandate (DiJulio, Firth, & Brodie, 2015). Other than the individual mandate, most of the public remains ignorant of what is included or how it would affect them (DiJulio et al., 2015). This was hailed as a victory for President Obama and the Democratic Party, even though public opinion was not positive and many Americans are unhappy with part, or all, of the ACA.

According to Cohen et al. (2008) parties are controlled by intense policy demanders. These people (or groups) are given three basic characteristics: (1) animated

by a demand/set of demands; (2) politically active on behalf of these demands; and (3) numerous enough to be influential (Cohen et al., 2008). Interest groups like these attempt to influence every aspect of party politics they can. This means that parties are simply a means to an end for policy demanders. The electoral blind spot allows parties/groups/officeholders to make moves which voters would not necessarily approve, but the electorate does not notice. Since the electorate has such a blind spot, elected officials become accountable to special interest groups instead of the constituents. Interest groups within the party work together to promote a candidate who will represent the interests of each particular group.

Lobbyists for pharmaceutical companies were hugely influential during the negotiation and implementation of the ACA. When the ACA passed, polls showed higher levels of support than later. Around the time of the ACA's implementation Gallup found that, "Americans believe[d] the new legislation will make things worse rather than better for the U.S. as a whole, as well as for them personally, are consistent with previous Gallup polls" (Roberts, 2011). If the public had been involved in the negotiation of the ACA, there should have been much greater approval of the bill than there was. The public was in favor of health care reform generally, but was unaware of most of the details involved in the ACA. Interest groups and Congressmen worked out the details amongst themselves, which explains why the electorate likes health care reform overall, but does not like the particulars.

Each party has to find a nominee who satisfies most or all the groups in the coalition. There are two compromises made when selecting a candidate: (1) among conflicting policies and priorities of groups inside the party; and (2) between preferences

of the party groups and the preferences of voters (Cohen et al, 2008). A party is strong when it unifies around one strong candidate instead of allowing a candidate to overcome party insiders. The invisible primary is the means for party insiders to promote their candidate to the public. Although the electorate does vote on the nominated candidates, party insiders use the invisible primary to promote their candidate and ensure that candidate wins the primary election. By utilizing the invisible primary, intense policy demanders can work within the party to comprise and choose the best candidate for their policy demands. After settling internally, the candidate is promoted by party insiders during the primary election. This leads the electorate into voting for the candidate chosen by the party insiders.

Party insiders choosing a candidate indicates the polarized position of insiders and special interests. The electorate then chooses the candidate who has been promoted by these elites. Although it has been widely accepted that polarization is occurring in Congress, there remains debate over polarization in the electorate. Some literature finds that the electorate simply adopts the positions of elites (Zaller, 1992). Some studies have found that elite discourse polarizes issues opinions in the electorate (Carmines & Stimson, 1989). Schattschneider (1975) said that the incorporation of new issues or changing positions draws in new crowds. The analysis of party platforms has shown that party leaders have polarized, particularly since 1980, and that platforms which used to focus on the median voter now focus on median partisans (Jordan, Webb, & Wood, 2014). Promotion of a candidate derives from party leaders and elites who want voters in the primary to support their candidate. Whether or not the electorate is actually polarized, it receives information from elites and party platforms, which impact the

decision of voters when selecting candidates in the primary. When party insiders and interests groups present a candidate during the primary, that candidate is a representation of the elites' polarized opinions. Instead of public conflict, party insiders want to keep from drawing in new crowds, but simply appease the crowds with the candidate of their own choosing.

Just as intense policy demanders force their hand during the primary season, they also use their sway with major legislation. Most polls show a nearly even number, or a majority, of Americans disapproving of the ACA. Except that, when separated by party, most Democrats approve of the ACA and most Republicans disapprove of the ACA. Some public opinion experts were particularly concerned over the idea that the White House and the Democratic Party was so eager in their enthusiasm toward a 49% approval rate. Anderson (2010) voices this concern saying it “further demonstrates [the White House’s] disconnect from the American people.” One of Anderson’s main critiques of the Gallup poll’s results is due to the methods—Gallup surveyed random adults, not likely voters. This makes a difference when compared to a poll conducted of likely voters.

In a poll of voters, there is a much different story than Gallup’s poll of American adults in general. According to this poll conducted around the same time by CNN (Barbieri, 2010), 59% of Americans disapprove of the ACA, which is a 10-point different from the overall approval reported in the Gallup poll (Anderson, 2010). The disapproval is whittled down to two primary reasons: 1) the belief that it will raise the deficit (70%); and 2) the belief that the overall cost of health would be raised (62%). These ratings of disapproval and the reasons behind it are more drastic than the Gallup poll divulged. The

CNN poll showed a much more negative view of the ACA and the potential impacts it would have on the nation. These voters who are expressing such negative opinions are the people that parties should be listening to. If parties were listening to the voters, there should not be such high rates of disapproval. Given that the Gallup poll showed only 49% approval and the CNN poll showed 59% disapproval, the White House has less reason to be pleased with the results than they were.

Surveying voters instead of all Americans is important because voters are most likely to be engaged and politically aware. It is a grim picture when the approval rate is lower than the majority, but with a higher rate of disapproval in a poll of voters the picture looks worse. Those who are most likely to be able to hold parties responsible have been unable to do so with the ACA. Special interests have overridden the opinions of the electorate in general, and voters in particular have been displeased with the outcome. Instead of the parties being held accountable to the opinions of those who elect them into office, the low approval rate demonstrates that parties are listening more to special interests than voters or the electorate.

### **The Invisible Primary**

Invisible primaries have replaced party convention bargaining. Party insiders have to coordinate before and during the invisible primary. A candidate might not be any group's ideal choice, but might be acceptable to most or all of the groups within the party. Parties want a candidate they can trust to uphold the special interests for their groups. Cohen et al. (2008) find three actions occurring within the invisible primary: (1) A candidate alone cannot win the nomination, but has to have insider support; (2) Candidates who usually receive a lot of one-time supporters usually do not win the favor

of party insider; and (3) Factional candidates usually do not win party insider support. Since the McGovern-Fraser reforms, party insiders and special interests are the crucial aspects to a candidate winning a nomination. However, party insiders will not get behind a candidate simply because the candidate is out in front in a primary. The public often votes for whomever the party insiders favor and throw their support behind. Winning insider support is the single most important factor for a candidate winning the party nomination.

The two candidates who received the nominations in 2008 both proposed health care reforms. Then Senators John McCain and Barack Obama both responded to the electorate's general sentiment that health care needed an overhaul. According to one survey, "voters [were] calling for change: eight of 10 adults said in a May [of 2008] survey that the health care system is in need of a major overhaul or fundamental reform" (Collins, Davis, Nicholson, & Rustgi, 2008). Health care was a very hot topic amidst the 2008 campaign and election, and candidates appeared to be responding to the electorate, but interest group influence dominated the health care debate. The candidates' responses were tailored to what the electorate desired, but at the end of the day, the interest groups influenced the legislation process in favor of special interests without much regard to campaign promises. Although both candidates were attempting to win a majority of votes in the election, the campaign promises had to be mindful of what party insiders wanted for health care reform, not of what the electorate wanted.

Party insiders select candidates that will appeal broadly to their groups. Early support for a candidate comes from party leaders and insiders. The invisible primary sets the agenda for voters. When a candidate is given support from party leaders, the

electorate is drawn to that candidate. Endorsements are a good indication of the early national conversation. When a candidate is endorsed by party insiders, it shows that there has been discussion regarding who the insiders want to receive the nomination. This also prompts the electorate to consider candidates who have received endorsements as more viable choices. Those giving the endorsement intend to support the candidate of their choice—not necessarily the candidate who would be best for the majority of the electorate. Cohen et al. (2008) offer four measures of conversation between elites and the electorate: (1) endorsements; (2) media coverage; (3) fundraising; and (4) public opinion polls. These measures provide various ways for party insiders to promote their candidate and see how the electorate is responding to the candidate. Once a candidate has been endorsed, this impacts the media coverage and fundraising opportunities, which then impact the public opinion; “endorsements by party officials as reported in the media, cash-on-hand at the start of balloting, and Gallup standing at the end of the invisible primary affect overall results in the primaries and caucuses” (Cohen et al., 2008, p. 279). The invisible primary allows party insiders to promote their candidate to the electorate then influence the candidate’s chances at winning the nomination. Candidates strive for the insider endorsements by promoting certain policy positions, which shapes the candidates platform during the primary season. The initial endorsement in the invisible primary has the greatest impact on voters.

As voters follow the direction given by party insiders during the invisible primary, the electorate begins to look like the elites. When a particular candidate is accepted by the electorate, that candidate becomes the representation of the electorate, regardless of whether or not the electorate holds positions as extreme as the candidate.

Parties have also become more homogenous (conservative Republicans and liberal Democrats with little to nothing in between) which has led the electorate to follow the polarization trend (Garand, 2010). The electorate is not as polarized as Congress, but they are portrayed as polarized. The influence of party insiders in the invisible primary promotes a candidate with particular positions, which forces voters to elect candidates with whom the electorate would not necessarily align (Fiorina et al., 2010). Polarization is a reflection of the intense policy demands promoting a candidate in the invisible primary, making that candidate seem like the best and most viable option to the electorate.

### **Primary Elections**

The post-McGovern-Fraser reform primary process was established to give the electorate control over which candidate won the nomination. Instead of the party deciding who won the nomination, primary elections were reformed so that the voters could choose between multiple candidates. The McGovern-Fraser reforms were supposed to make the process more democratic. Candidates engage in trade-offs during the primary process between: (1) capturing media attention; (2) delegate acquisition; and (3) eliminating rivals (Norrand, 1996). Candidates have to decide which element of the primary process to focus on at various points over the primary season. Between trying to secure both the electorate and party insiders, candidates split their focus between the media and other primary goals such as public speaking and fundraising.

The primary was an attempt to publicize the conflict by allowing the public to control the nomination, rather than party insiders holding secret meetings to decide the nomination among themselves. The primary election for presidential nominees should

allow the electorate to determine the best candidate who would then receive the official nomination and support of each party. Momentum is gained in the primary season when early victories point a candidate toward winning the nomination and voters throw their support behind the candidate. Norrander (1996) says primaries provide incomplete information and are based on interactions between engaged voters, activists, and elites. These interactions are what prompt early support for one candidate over another. Starting in the invisible primary, party insiders promote their preferred candidate to other elites and activists. The electorate picks up on this support, particularly through the media, and momentum is thrown behind one candidate (Norrander, 1996). While candidates still have to woo the public, most of the work occurs through the assurance of party insider support. Particularly delegate acquisition and the elimination of rivals is achieved when the electorate follows the support of the party insiders.

Most of the literature assumes primaries have a singular definition or method of implementation. Since states are responsible for setting primary rules and regulations, there is great variety within the country. Open primaries allow any registered voter to vote in a primary election. Modified primaries allow a registered voter to choose in which primary to vote. Closed primaries allow only registered party members to vote in the primary election. States use different combinations of types of primaries, with no consensus or regulation from the federal level. Closed primaries tend to be the most extreme, forcing candidates away from the median voter and toward the most extreme side of the party whereas the modified primary “may weaken party control over the nomination process, it...results in more moderate and more representative primary electorates” (Kaufmann, Gimpel, & Hoffman, 2003, p. 457). Open primaries allow for

the possibility of victory for more moderate candidates. Parties in different states have to accommodate the primary systems. The various types of primaries clearly allows for varying influence of party insiders on the electorate.

How do Congressional candidates handle the different types of primaries? In an open primary, a candidate might be inclined to appeal to moderates or the general electorate, but very few (14) states hold open primaries. But in a closed or modified primary, a candidate is more inclined to appeal to party extremists. It is not strategic for them to volley between the general electorate during the general election and the party extremes during the primary (Brady, Han, & Pope, 2007). Candidates face a decision at the beginning of the primary season, knowing that states will hold various types of primaries, whether to appeal to moderates and the general electorate or extremes. Candidates face this strategic dilemma in the primary season, and most choose to cater their campaign to the more extreme primary voters (Brady et al., 2007). Primary voters as a whole tend to be more extreme than the general electorate. Primary voters also follow the party insider preferences established in the invisible primary. Taken together, this shows that the electorate has minimal control over the outcome of the nomination process. Not only are party insiders attempting to determine the election from the onset, the candidates appeal to the more extreme section of loyal party voters.

Perhaps the most succinct description of the problem is this: “Party leaders seem to find clever ways of regaining control in spite of the reforms that were aimed at reducing their influence” (Kaufmann et al., 2003). Electoral reforms were attempts at changing control from special interests to the public interests. Instead of this happening, the party leaders and intense policy demanders have found ways to implicitly control the

outcome of the election. The McGovern-Fraser reforms simply changed the balance of power. Party insiders used to work through formal institutions, but post-reform insiders now use informal means for supporting a candidate.

### **Campaigns & Legislation**

How much was the ACA used during the last campaign? How was the Republican Party impacted by a fully Democratic controlled Congress and Presidency? While the ACA passed during a Democratic controlled government, the 112<sup>th</sup> Congress saw a change to a Republican majority in the House. Was this perhaps due to early signs of displeasure with the passage of the ACA? The Republican Party gained large amounts of support in campaigns from health care interest groups who were unhappy with the passage, or certain parts of the content, of the ACA.

This section relies heavily on Gallup polls. Gallup polls are widely used to establish the overall opinion of citizens on a variety of issues, particularly during political campaigns. Over the past several years, Gallup, as well as others, has done much research on the ACA as a whole, as well as more minute aspects of health care and the approval the legislation and implementation. By surveying the electorate, pollsters try to find an accurate representation of public opinion.

In 2013, Jose Delreal did a brief breakdown of polling to show more precisely who approved (or disapproved) of the ACA, plus how and why the approval rating fluctuates. According to Delreal, one of the most apparent splits is down party lines. Seventy-five percent of Democrats approve of the ACA while approximately 30% of Republicans approve. This wide split is highly reminiscent of what has come to be expected in most national issues—Republicans on one side, Democrats on the other, with

almost nothing in between. The electorate, despite the fluctuations of opinion, remain split along party lines, showing the influence of party leaders to dictate the electorate's opinions. At the time of this survey in 2013, approval was approximately at 40%, meaning the majority of the nation did not approve of the ACA. This came just after healthcare.gov first opened for registration. While the utter dishevelment of the registration process was sure to cause some discontent, the approval rating did not change drastically. The approval months before and just after the first attempt at registration was between ten percentage points, with a constant majority disapproving the legislation.

This poll of the electorate shows the electorate following closely with the opinions of Congressmen from each party—about two-thirds of Democrats approve and Republicans disapprove. The low approval rating also suggests that the electorate might be more willing to choose candidates who were opposed to the ACA, which explains part of the shift to a Republican controlled House during the 112<sup>th</sup> Congress. The Republican Party consciously reached out to voters based on the low approval of the ACA in order to get a greater number of Republicans elected in order to further the special interests in opposition to the ACA. Who is leading whom is a difficult question, but the interest groups unhappy with the ACA had great incentive to back the Republican Party and get more Republicans in office. Republicans, and the special interests that support them, convinced the electorate to vote in more Republicans, thus ousting enough Democrats to achieve a Republican controlled House. Those special interests which sought changes to, or the complete repeal of, the ACA needed to get Republicans into office. Republicans in Congress were so outnumbered by the Democrats during the passage of the ACA that the

next election cycle saw a spur of Republicans winning elections based on the dismay at the ACA.

One poll underscores the variety of opinion on the ACA, with some Americans saying it is President Obama's greatest achievement and others saying it is his greatest failure. Democrats (and Democratic leaners) are highly likely to say Obamacare is his greatest achievement, while Republicans and Democrats are highly likely to say it is his greatest failure (Newport, 2013). Although it is mostly Democrats who say this is his biggest achievement, Democrats are about as likely as Republicans to say it is his greatest failure. However, nearly as many respondents (23%) say nothing is his greatest achievement as healthcare being his greatest achievement (22%). It is an even larger percentage of respondents who say this is his greatest failure (36%). Based on this poll, more Americans believe this is a failure than a success. How did the bill pass by such a majority in Congress when most Americans believe it is a failure? The legacy of President Obama's success, or failure, with healthcare cannot be fully determined yet. Just as other controversial issues were settled years after a President's term, the ACA is relatively novel and its outcome cannot be fully decided.

The passage of a bill with such a large number of voters disapprove of demonstrates the lack of ability the electorate has in determining the outcome of legislation. The public wanted health care reform, but special interests determined the details of the bill. Reminiscent of the argument made by Cohen et al. (2008), the parties in Congress sought first to implement particular legislation. The primary goal of many Democrats in Congress was to pass health care reform with as little compromise to the Republican Party as possible. This caused the Republican Party to mobilize based on the

goal of defeating the ACA. Republicans successfully convinced enough voters that the details of the bill are a problem. The public initially wanted health care reform, but now are unhappy with the outcome of the ACA. Interest groups led the electorate to the Republican Party as a way to reform the health care legislation passed by a Democratic Congress. Ultimately, the Republicans in Congress have not yet succeeded in repealing the ACA, even as its popular support declined.

Democrats and Republicans who cite the ACA as President Obama's biggest failure cite different reasons for its failure. In the same poll as when asked what President Obama's greatest achievement and failure are, "Republicans cite Obama's lack of communication and lack of leadership as a failure, while Democrats mention his inability to get along with Congress and Republicans, his lack of communication, and lack of leadership" (Newport, 2013). Newport suggests that with the ACA publically deemed Obamacare, the ultimate definition of his success or failure will depend on his ability to overcome what Americans deem failure and turn healthcare into an avenue of success. Again, the primary goal of Democratic Party was to pass this legislation, approved by most Congressmen within the Party. Even though the Democrats lost the majority in the House in the subsequent election, the party goal of passing health care reform was the foremost concern.

Even though more Americans have insurance now than before the ACA, most Americans remain negative about the ACA overall. Following the trend of the past, party affiliation is highly divisive for approval ratings, with "a vast majority of Democrats, 79%, approve of the law, and 69% think it will make the healthcare situation better. In contrast, 87% of Republicans disapprove of the law, and 77% think it will make the

healthcare situation worse” (Jones, 2014). Although more Americans receive benefits from the ACA, the public follows the opinions of party leaders. The overall approval rating remains close to the disapproval rate, with 54% disapproving and 43% approving. With the increase of benefits as years go by since the ACA’s original implementation, approval rating has not changed much. The ACA’s low approval rating stems from the lack of consideration during the drafting process. With lobbyists and interest groups constantly making compromises with Congressmen, the electorate’s voice was edged out of the negotiations. Democrats appear to be happier with the outcome of the legislation since it was passed during a Democratic controlled Congress, whereas Republicans have consistently disapproved of the ACA overall. Regardless of the number of Americans insured, overall approval remains fairly low. The Republicans and the special interest groups have convinced a majority of the electorate that the details of the ACA are a problem, which has led to the low approval rate despite the number of insured Americans.

## **Conclusion**

The surveys taken by Gallup and others consistently show that Americans are unhappy with the ACA, Republicans more so than Democrats. This is a reflection of the partisanship experienced during the drafting and passage of the ACA. More than that, it is a reflection of interests groups controlling legislation through the parties. Democrats controlled both houses of Congress and the Presidency. Instead of compromising between parties, Democrats compromised with lobbyists and interest groups. This sort of compromise has led to many Americans frustrated with what is probably the most influential piece of legislation to become law in recent years. The high visibility during

campaigns and priority of health care legislation should have been a prime opportunity for the electorate to exert their opinions and Congress to pass a piece of legislation of which the electorate would approve. Instead, the electorate was flooded with coverage of health care reform while insiders and special interests controlled the details of the ACA.

### **Chapter 3: Changes Within**

Chapter 3 looks at the changes that have taken place within the institution of Congress. Polarization in Congress and the changes in how parties work together (or not) inside of Congress. The reforms in Congress have been attempts to incorporate the electorate, just as Schattschneider wanted. Part of Schattschneider's (1975) theory has come to pass—there have been multiple attempts at widening the scope of conflict to allow for greater participation of the electorate. These reforms include the shift away from committee power toward party power, polarization of parties in Congress, and Congressmen expressing multiple interests. Where they have failed is in the inability of the electorate to stop elite takeover. This chapter looks at reforms made in Congress which could have allowed the electorate to control parties, but have failed to do so. These changes should have allowed for the electorate to determine what happens in government. Unfortunately, intense policy demanders and interest groups continue to control the goings-on despite attempts to take away their power. During elections and the legislation process, the electorate is denied power through the overwhelming influence of special interests. One example of this is visible in the health care debate—an issue with which the public was extremely familiar and directly impacted. The electorate should have been able to determine the outcome of health care reform, but was constantly edged out by lobbyists and special interest groups swaying legislators.

Schattschneider (1975) believed stronger parties would publicize the scope of conflict. Parties in America are now extremely polarized on almost every major issue. The parties hold opposing opinions which are well-known among the electorate. This polarization between parties is what Schattschneider thought would allow the electorate

to hold parties accountable. Instead, interest groups continue to drive party behavior. Even with responsible parties and issues the electorate is familiar with, special interests find their way to party leaders and members to determine how the party operates.

### **Reforms in Congress**

There have been three major areas of change in Congress: (1) rules procedures and practices governing how matters reach the floor; (2) changes in the committee system; (3) changes in leadership instruments (Schickler, 2001). Cohen et al. (2008) focused on the changes and reforms that have affected the public, the electorate. The electorate has experienced the greatest change in the implementation of direct primaries. On the other hand, Schickler (2001) goes in-depth into the internal reforms and their impacts on Congress as an institution. Of course, the reforms in Congress also have an impact on the electorate—what happens within Congress impacts the electorate's views and votes.

The first claim Schickler (2001) makes is that multiple collective interests typically shape each important change in Congressional institutions. Many of the reforms studied showed actors working together among coalitions to implement institutional reforms which would benefit the whole coalition. One example of this is the 1970 Reorganization Act which was brought about by the cooperation between liberal Democrats and young Republicans. The Reorganization Act was an attempt to overcome powerful committees in Congress and make internal workings more transparent to the public. The passing of the Reorganization Act may seem an unlikely bond, due to the bipartisanship which would not happen now, but each sub-section of the party had specific interests that, at the time, overrode the party interests. These interests arose from

the desire of specific groups to implement particular policies and make the electorate more aware. Although legislators have and express a variety of interests, they now fall closely within party lines. As committee chairs lost power, party leaders gained power which has led to the multiple interests becoming more polarized between strong parties.

The advance of strong parties has led to legislators channeling their multiple interests through the party. These multiple interests became quite apparent in the introduction of amendments to the ACA. In the Senate, 506 amendments were proposed to the Senate's original version of the ACA. While not all of these were significant amendments, each one represents some facet of interest held by various Congressmen. The introduction and passage of amendments convolutes the process and makes following legislation harder. Although Cannan (2013) argues that this number is misleading since many were insignificant, the amendments still represent the multiple interests in Congress. Amendments were made in order to stall, change, and tinker with the ACA in accordance with the interests held by individual Congressmen. Also, many of the lobbyists were former Congressmen or former staff members who took their talents dealing with Congress to the other side. This revolving door of friends and former colleagues rallying support begs the question of whose interests are truly being represented with the ACA (Attkisson, 2009). From advocating to lobbying, those familiar with the system tend to stay within it. In the tightly woven infrastructure of office-holders and lobbyists, there is no place for the people's voice.

In the case of the ACA it was a new member in the minority that shifted the mindset and plan of action for both parties in Congress, particularly in the Senate. With the death of Ted Kennedy and the special election in Massachusetts bringing a

Republican into his seat, the Democratic Party and Senator Reid in particular felt an acute need to get the ACA to pass more swiftly than before. Iowa Republican Senator Chuck Grassley used his position in the Finance Committee to wield a modicum of the conservative view on the ACA (Schouten, 2009). His position made him a target for lobbyists who wanted to reach out to the Republicans who were actively seeking bipartisan legislation. While denying any unfounded influence, lobbyists donated heavily to Grassley, who ultimately voted against the ACA. These concerns are among those which caused Majority Leader Reid to push the ACA through as quickly as possible, particularly after the Democrats lost the seat needed for an assured supermajority in the Senate.

Another claim made by Schickler (2001) is that Congressional institutions typically develop through an accumulation of innovations that are inspired by competing motives, which engenders a tense layering of new arrangements on top of preexisting structures. What this means is that it is easier to add to existing arrangements than to dismantle old structures. This allows interested groups to achieve their goals without completely overturning the existing institutional structures. Schickler (2001) says, “Institutions develop through superimposing new arrangements on top of preexisting structures designed to serve different purposes” (pp. 190-193). Even (or perhaps especially) with aspects as complex as the budget, adding new parts to what already exists is easier to accomplish than cutting out entirely what already exists. The addition of new things on top of the old also makes it more difficult for the electorate to distinguish the old from the new. It is easier within the institution, but creates a dense layer of complexity which is not conducive to transparency.

One of the most prominent aspects of persuasion within Congress is the high number of lobbyists who get involved in major pieces of legislation. The complexity of a bill is only increased when a great number of Congressmen are influenced by a large variety of lobbyists. Lobbyists were spending exorbitant amounts of money trying to get specific things added into the bill. Pharmaceutical lobbyists spent millions trying to protect their industry's business. Toward the end lobbyists began focusing on small changes to the content instead of complete opposition. "Big pieces of legislation typically require what one top lobbyist called 'refinements or improvements or corrections,'" which can be done at any point, right up to the last second (Yeager, 2013). Some legislators and lobbyists sought major changes and outright rejection of the bill, but the reality came in smaller changes to drafts maintaining a consistent theme of an overhaul of the health care structure.

During the negotiations, the American Hospital Association (AHA) "spent more than \$7 million dollars on its Washington lobbying campaign, ranked near the top spending in the industry" (AHA, 2015). The association represents many hospitals during legislation processes and through health care reform. The AHA also had "a team of 28 lobbyists and the AHA also makes significant contributions to members of Congress and congressional candidates" (AHA, 2015). This is exactly the kind of influence which ousts the electorate's voices. The AHA is one of the many special interests which lobbied and donated during the drafting and negotiations of the ACA. These special interests were heard much louder than any opinion of the public's.

The last claim Schickler (2001) makes is that the adoption of a series of changes intended to promote one type of interest typically will provoke contradictory changes that

promote competing interests. When one group achieves enough power to promote solely their specific interest, such as with the role of the Speaker, there is often a backlash from those who oppose that specific interest. This principle helps explain the constant rise and decline of power of the Speaker throughout the years. An early example is Reed centralizing the Speaker's power in the 1890s, only to have the power diminish when Henderson took office. Then, with Cannon's election in 1903, the Speakership gained much of its power back. This constant flux of power in one position reflects the specific interests of various groups competing and getting what they want, one at a time, causing an ebb and flow in this position. The position is dominated by individuals who are bound to the special interest groups who form the foundation of the party structure. Not just with the Speaker, but with a small group of legislators who promote their special interests above all others is the ebb and flow of power is driven by the special interest groups who demand particular policies.

The addition of amendments and changes made make the content of the bill somewhat difficult for the electorate to follow. The Senate made changes on the House original and the House made changes to the Senate variation of the ACA, which increases the difficulty of following and understanding the final bill. Lobbyists attempting to attach last-minute changes to amendments were adamant in their efforts. The health care industry is a major lobbyist sector and one of the heaviest donors in the nation. The ACA was a prime lobbying opportunity for this group of special interests. Advocacy and lobbying were prominent for years during and after the passage of the ACA. Some of those who had originally worked within Congress to pass the bill eventually lobbied for health care companies in various capacities. Those who worked with Congressmen to

draft the legislation are highly coveted for their knowledge and connection. One such staffer “is Yvette Fontenot, who wrote key elements of the Affordable Care Act while a Senate staffer and then worked on the law at the White House and the Department of Health and Human Services” (Yeager, 2013). Fontenot now advises a range of health care lobbying groups. This is a deep-founded connection which exhibits no consideration of the electorate—only the health care industry.

All of these institutional changes only change the way in which Congress works—they did not impact the electorate directly. At the end of the day, each Congressman does have the goal of getting elected which essentially depends upon the electorate. Interest groups want particular policies and office-seekers want to win elections so they work together to achieve these goals. Despite changes to the structure, both special interest groups and office-seekers find a way to work around the electorate and accomplish their goals. However, candidates’ interests are greater than simply election or reelection. The bulk of their multiple interests is policy-oriented, which the electorate is almost never directly involved in. The problem is policy goals of office-holders are intricately tied to the special interest groups represented by their party, and “the evidence from each period [of institutional change] provides strong support for the claim that multiple collective interests shape institutional change” (Theriat, 2003, p. 249). Multiple collective interests force compromise, but compromise among those in politics, not those outside the institution.

### **Institutional Change**

In his article “The Case of the Vanishing Moderates,” Theriat (2003) discusses several institutional changes which have led to polarization. He looks at Congress over

time, not simply from one Congress to the next. One Congress to the next shows little change, but chronological assessments demonstrate much greater change. By looking through changes over time, Theriault's (2003) story helps show that despite reforms in the institutions, the electorate has not been able to grab hold of power. One such change he discusses has been the increased usage of restrictive House rules. Using restrictive rules in the House has made it more difficult for the minority party and moderates of both parties to influence legislation. The majority party implements rules which do not allow for amendments or debate on a bill in the House or when it reaches the Senate. However, Theriault (2003) makes it clear that restrictive House rules only explain some of the story. Restrictive rules are one way in which party powerhouses prevent anybody outside the majority or anybody who strays from House leaders from being able to influence legislation.

These kinds of restrictive rules are often used in Congress, particularly with major legislation. The ACA experienced restrictive rules in the form of limited debate time, used by the Democratic majority to limit the impact Republican members could have on changing, stalling, or stopping the bill. Health care reform was one of President Obama's primary goals upon election and he sought to start the process of change almost immediately. President Obama offered vague guidelines and espoused broad goals for changing the health care system as a whole. Health care reform legislation was referred to three committees in the House in early 2009, beginning the multifaceted process of creating a single piece of health care legislation which would pass both chambers, as well as achieving President Obama's goals.

Another change that has occurred is that there are now more ideological issues than in the 1960s and 1970s. Which issues are salient to the public (and the issues being discussed within parties and the legislature) are more ideological than at almost any point in the past. Government spending has been one of the largest areas of concern in recent Congresses. This issue is one that is deeply divided down party lines, with Democrats and Republicans almost always at odds with each other with little overlap between parties. The ACA became a highly ideological battle in Congress. Democrats held both chambers and the Presidency, making passage possible, but Republicans still expressed their displeasure with the bill. The parties were clearly divided on this issue, but the electorate was edged out of the negotiation process by special interests and elites.

One of the most significant advantages in the Senate is having a filibuster-proof majority. When the 111th Congress began, the Democrats held a super majority in the Senate, while maintaining a simple majority in the House. This was an ideal time to introduce and pass legislation that would potentially not pass in a more evenly divided partisan circumstance. The Democratic Party saw this as perhaps the only opportunity to implement the ACA with the smallest amount of compromise with the Republican Party who simply wanted to stop anything the Democratic Party proposed. There was enough Democrats in the Senate to prevent a filibuster on the floor, and the Democrats could focus on achieving a majority vote in the House. However, when a Republican won the Senate seat in the wake of Ted Kennedy's death, the threat of a highly partisan, ideological war was close on the horizon.

With the loss of the supermajority in the Senate, the Democratic Party had to figure out how to pass the ACA. The Democrats in the House did not want to pass the

Senate bill exactly as it was, so the Senate had to find a way to get the bill passed. To pass the ACA, the Senate implemented reconciliation. Reconciliation is a special procedure that is not often used. Using reconciliation placed limits on the ACA: in the House, the bill was limited to the number of amendments that could be made; in the Senate, the bill had to be germane to the budget (Cannan, 2013). These restrictive rules of reconciliation used by the Democratic Party solidified the fact that the ACA would not be bipartisan—using reconciliation takes away the power of the minority to negotiate with the majority. Having drafted the legislation with White House insiders and Democratic leaders, the House bill passed, with slight revisions, in the Senate. It was then sent back to the House, which passed the Senate’s version. The reconciliation process was used to bypass the Republican minority and bring together the Democratic majority in order to pass the ACA. Democratic party leaders brought together their coalition to unify in the battle over health care reform.

Institutional changes have led to party leaders becoming explicitly ideological. Party leaders are upfront in their ideology instead of attempting to conceal or moderate their ideology. Discussion and prominence of ideological issues has aided in the explicit ideology of party leaders. New members of the legislature are elected with certain ideological tendencies. Returning members of the legislature shift their ideologies toward party leaders. Returning members shift their ideologies largely due to the pressure to conform to party lines within Congress and to keep steady the party platform and image as a cohesive unit. With an issue like the ACA, party leaders developed and espoused clear opinions either in favor or opposed to the passage of this health care legislation. With new members being elected further right or left, and returning members

shifting their positions, the divide between Republicans and Democrats on the ACA showed the deeply partisanship of the bill.

### **The Gingrich Effect**

Gingrich Senators are defined by Theriault (2013) as those who served in the House with Newt Gingrich then transferred to the Senate. These Congressmen comprise a relatively extreme group of conservative Republicans. They are so named for their history in the House, serving for a variety of time spans with Representative Newt Gingrich. Gingrich was the key Representative responsible for shifting the Republican Party further to the right during his tenure in the House. He motivated others in his party to shift to the right, further away from the Democratic Party. The separation is how the electorate should be able to hold parties accountable. The shift of the parties away from each other is indicative of responsible, strong parties. Gingrich's reign in the House instigated the move of the parties away from each other, resulting in a highly partisan Congress as former House members moved to the Senate.

Theriault (2003) pinpoints the change in Congress from individual to partisan with the Gingrich Senators, saying, "The Gingrich Senators, almost single-handedly at first, propelled party polarization and escalated partisan warfare in the Senate" (p. 16). It was with the highly partisan Gingrich Senators that others began to retaliate, solidifying the partisanship of Senators as a whole. Gingrich Senators are more conservative than others in the Republican Party, which has solicited a more liberal stance from some in the Democratic Party. As Gingrich and his cohorts attempted to push legislation to the right, the left experienced a similar, though less extreme push. The Democratic Senators were

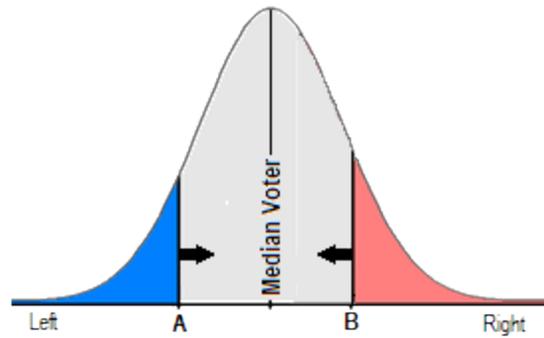
led by Gephardt as they tried to rally against the Gingrich Senators. Gingrich and Gephardt led the path of the parties diverging within Congress.

Gingrich got his beginning in the House, in the time when the Republican Party was seen as a permanent minority. Republicans had been the minority for such a long time that Democratic majority was expected to continue indefinitely. Republicans in the House worked with the Democrats to create bipartisan legislation—if the Republicans could not hold a majority, at least they were still able to influence policy. Gingrich was not immediately a powerful player in the attempt to move to the right. When Wright was elected Speaker, Gingrich went so far in his criticism he was practically standing alone. Then Gingrich became the Minority Whip (against the minority leader's endorsement) and his formerly controversial tactics became a more common practice. Wright stepped down, and in 1994, Gingrich became the Speaker. This is where Gingrich gained a more conservative following.

When Gingrich Senators came to prominence in Congress, the Republican right became more extreme than the Democratic left and Gingrich Senators were further from other Republicans than Gephardt Senators were from other Democrats. Theriault (2013) traces the partisan move almost entirely back to Gingrich and his influence over fellow Republicans in the House, who eventually transferred to the Senate. Other institutional changes impacted Congress as well, but the Gingrich effect is the single most influential factor in the polarization of parties within Congress. The pack mentality was higher among Gingrich Senators which led Republicans to have a much more partisan, and conservative, voting record. Democrats did not exhibit such partisan behavior or liberal voting records comparable to the conservative records of the Republicans. According to

Theriault (2013), the Gingrich effect (Republican Senators voting with extreme partisanship and conservatism), does not fade over a Senator's career, and is strongly affected by when individual Senators were first elected to the House. Entrance to the House matters more than transfer to the Senate. The Gingrich effect impacted members who transferred from House to Senate so significantly that it caused a partisan shift across all of Congress. The partisan shift caused responsible parties, but did not increase public influence. The strong parties, according to Schattschneider (1975), should have taken power away from interest groups and given it to the public.

Since the first Gingrich Senator went from the House to the Senate, more of the Republican Party and Republican leadership has held Gingrich Senators. The Gingrich Era made individuals more likely to try for a seat in the Senate and more likely to keep their seat once in the Senate. Representatives moved in greater numbers to the Senate and some of these Representatives-turned-Senators became part of the Republican leadership. The Gingrich Senator effect cannot be explained simply by House members running for Senate positions in this era. Theriault says the Gingrich Era turned Downs' theory on its head (Theriault, 2003). Downs' theory of the Median Voter suggests that each party converges on the median voter in order to win the support of a majority of voters. Parties shift their stances based on the median of voters' stances. The graphic (Figure 1) below represents Downs' theory of party convergence on the median voter.



*Figure 1. Downs' Median Voter Theorem*

[Mackenzie. The University of Delaware. Public Choice and Government Failure.

[http://www.udel.edu/johnmack/frec406/govt\\_failure.html](http://www.udel.edu/johnmack/frec406/govt_failure.html)]

Instead of converging upon the median voter, Republicans running for Senate won seats at higher rates by being more extreme in their opinions. Gingrich Senators: (1) raise more campaign funds than other Republicans; (2) are more electorally secure; (3) are more likely to change the Senate than be changed by the Senate (Theriault, 2003).

Although the electorate did not share the immensely conservative opinions, Republicans won, and kept, seats by being extremely partisan. Gingrich Senators won elections because they were supported by interest groups and activists—not the electorate.

Gingrich Senators are also the reason behind confrontational partisanship and stalemate. Gingrich Senators, far more than other Republicans, lead the way against nominations and policy presented by Democrats. They used filibustering as a means to stop the Democrat majority from passing legislation. Whereas House members prior to the Gingrich era would work with the Democrats to create bipartisan legislation, Senate members during and after the Gingrich era worked against Democrats to stop unwanted legislation. Gingrich Senators are also less likely to cosponsor Democratic bills and more likely to stop the process of normal things. The lines are clearly drawn between

Democrats and Republicans with Republicans being the most obvious partisan warriors. The obvious split between partisans was only increased during the 2010 election which saw the election of many Tea Party candidates. Tea Party members were even more distant from other Republicans than Gingrich Senators, which served to increase the distinction between Democrats and Republicans. Through the election of Gingrich Senators and Tea Party members, “the entire institution of the Senate was, indeed, different because of them” (Theriault, 2003, p. 170). Both groups of Senators actively sought to promote extremely conservative policies while blocking anything brought forth by the Democrats. The House was influenced as well, but tends to be more polarized in general. The Senate in particular experienced major changes in operations due to the increased polarization of the parties within the institution. The Gingrich effect of moving parties away from each other led to the polarization which was needed for the electorate to gain power from the special interests which dominated in the era of strong committees. When there is obvious differences, parties should be accountable to the public, but even after the Gingrich effect moved parties away from each other, the public was not able to hold parties accountable.

During the House’s and the Senate’s instigation and consideration of health care reform, the bitter rivalry between parties, which was an asset to Republicans while they were the majority, became a great asset to the Democratic majority. With only a minority in both chambers of Congress, the Republicans could not do much to halt the passage of the ACA. It did not, however, stop them from vocalizing their opinions against the bill or the impact they believed it would have on Americans. In the House, minority views were quickly dismissed in the general assembly. In the Senate, Majority Leader Harry

Reid worked behind closed doors with party leaders and White House insiders to create a plan that was best for the party and the President. However, the Senate does not allow for such easy domination by the majority as the House. In the Senate, it required a supermajority to limit the hours of debate and number of amendments. These restrictions on the minority coupled with the changes in Congress during recent years, created a turbulent atmosphere in which the ACA had to operate.

### **After Passage**

The healthcare bill was a hugely partisan endeavor of the most recent Congresses. The Affordable Care Act was signed into law by President Obama in 2010. The bill was sponsored by a Democrat and co-sponsored by 40 Democrats and 3 Republicans. The fact that there is an overwhelming number of Democrats co-sponsoring the bill gives some indication of the difficulty of Republicans' ability to achieve any sort of bipartisan compromise. For the first two years of the President's term, Congress was majority Democratic. The ACA is colloquially named Obamacare, and is generally viewed as the brainchild of President Obama. It was originally passed in the House in October of 2009, about a month after its introduction. It passed the Senate with changes in December of 2009. The bill bounced between the House and the Senate in several different forms before one all-inclusive bill could be decided upon. From introduction in the House to signage by the President, the process took a year and a half, passing just a few months before Republicans would gain majority in the House.

Although the bill passed in 2010, its implementation was delayed until 2011. The reason for this was not some concern brought forth by constituents as the individual mandate was not delayed, but businesses saying they needed more time to comply with

the mandate to provide coverage for employees (Yeager, 2013). This did not, however, open up debate about the actual content of the ACA, but merely shifted the time constraint to allow business longer to meet the legislation's standards. Some companies did ask for a repeal, but most seeking it understood that repeal or upheaval would not occur in the existing political environment. Perhaps it was necessary courtesy to allow businesses an extra year before enforcing the ACA, but the question remains whether or not businesses were buying time and lawmakers agreed, despite electorate needs.

In 2013, advocates predicted that implementation would take multiple years. Scott DeFife predicted three to seven years for some businesses to be able to fully integrate the new standards into their employees' health care packages saying, "People understand that some of these very detailed elements in the law may not jibe" (Yeager, 2013). Again, it is understandable to need time to adjust to legislation that has such a large impact on businesses and employees, but taking seven years to fully implement the legislation could create struggles for individuals and delegitimizes any incentive to implement the measures immediately. By extending the timeline of implementation, the government is extending favor to businesses and lobbyists over the constituents they are bound to serve.

## **Conclusion**

In conclusion, reforms have been attempted both within the institution and with the electorate to allow the public control over government. The attempts at expanding the scope of conflict, as Schattschneider (1975) wanted, have not led to the electorate being able to hold parties accountable. Schattschneider thought that responsible parties would mean public debate and accountability. While the American system now has two

distinct parties, special interests continue to dominate what parties do. Instead, the reforms have continued to allow special interests and intense policy demanders to determine the action of parties. Health care reform was started for the public, but the ACA was drafted in accordance to the wishes of special interests—not the electorate. This legislation demonstrates that the electorate is kept blind to what the parties are doing in Congress. Special interests continue to dominate party governance, while the electorate plays along through the primary season without actually being in control of parties.

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