

Relations with Congress

Even before the 36-day fandango following the election, George W. Bush and his team focused both on the presidential transition and the initial days of the presidency. Bush and chief political adviser Karl Rove had read history, examining how previous presidents had handled their initial phases in transition and in office; early on, Rove cautioned reporters and analysts to watch not the first 100 days but the first 180 days for an early measure of the president's capacity and success.

Bush and Rove recognized that one of the major challenges of any new administration is its relationship with Congress—and that the relationship can make or break a new president's reputation and ability to get things done. Given the election controversy and the close margins in both chambers, Bush's challenge was extraordinary. Overall, Bush gets high marks for picking exactly two legislative priorities—tax cuts and education reform—and staying focused on moving them through Congress. But for reasons partly beyond his control—but only partly—the legisla-

tive successes he achieved did not fully rebound to his credit. The defection of Senator Jeffords and the loss of Republican control of the Senate four months into the new administration deprived Bush of

momentum and leverage, leaving him temporarily grasping for new ways to advance his goals.

Bush's early success surprised his critics, not only because it happened, but by the ways he achieved it. Bush maintained perfect discipline in the ranks of his own party in the House on his top priority, the tax cut, giving him the leverage he needed to get the bulk of his plan through the Senate. At the same time, he was less successful in courting Democratic support than he had been in Texas. With early enactment of a sweeping multi-year tax cut, passage by both houses of versions of the president's education plan, and an ability to counter potentially embarrassing Democratic initiatives like patients' rights, campaign finance reform, and minimum wage, Bush's initial record with Congress was reasonably solid. Even this moderate success looks good compared to many of

his recent predecessors who stumbled badly in this area.

Of course, extrapolating from the first 100 or first 180 days to the future success or failure of the Bush presidency became a shaky exercise after September 11. The political world turned upside down, in ways that dramatically strengthened Bush's hand with Congress—and that have already seemed to change his relationship with Congress's Democratic leaders. Not only did the crisis create bipartisan backing of the president, but it also gives Bush a focus that is often lacking for presidents after their honeymoon. However, his father's experience with the Gulf War and its aftermath underscore for Bush and scholars alike that high levels of support can be fleeting.

Agenda Setting

In setting a manageable legislative agenda and sticking to it, Bush was more successful than most recent presidents other than Ronald Reagan. Throughout Bush's campaign, transition period, and first six months in office, he had two clear priorities: tax cuts and education. While he also took up energy policy, campaign finance, a patients' bill of rights, and faith-based initiatives, Bush did not dilute his message by focusing his time and energy on these other issues.

Bush had shown discipline in sticking to a manageable agenda before. In his first gubernatorial term, Bush maintained a laserbeam focus on four agenda items. When asked by a reporter to list a fifth item, he famously replied: "Sure. Pass the first four things."¹ President Bush's two-priority strategy avoided a problem that plagued the Carter administration: too many proposals competing with one another for public attention, congressional support, and space on the agenda, with most up for consideration before the same committees. Bush's administration could work both initiatives because the players were different in each policy area and because their momentum would not be diluted by other issues.

In addition, Bush exhibited good political judgment in choosing two complementary issues. The tax cut was a partisan issue that excited his base. It required a fight, and while it generated some negative publicity, the conflict raised the profile of the president, and the subsequent victory enhanced his reputation as a winner. The education reform

by
**Norman Ornstein and
John Fortier,**
American Enterprise Institute

package, on the other hand, was bipartisan, cutting across ideological lines, with a good chance of passage with 80% support in both houses. It reinforced Bush's image as a compassionate conservative and appealed to moderate voters. If all had gone according to plan, Bush could have had the double boost coming from passage of a large tax cut, very similar to his original proposal, over intense Democratic opposition, followed by a Rose Garden signing ceremony of an education reform bill, with the president flanked by Tom DeLay and Ted Kennedy!

Bush was more or less on target to achieve these twin goals, but the historic Jeffords defection changed everything. A midstream change of party control of the Senate had not been completely unexpected, although most observers had morbidly anticipated that the change would result from the death of one of the older senators, not from

There were several issues on the congressional agenda, aside from the major two priorities. Bush addressed energy policy and faith-based initiatives, but ultimately did not expend the political capital that he did on education and taxes. Energy policy vaulted upward on the priority list after the electricity crisis in California. But many of the Bush measures were seen as anti-environment, which spawned a backlash, and the energy crisis cooled as quickly as it had heated up. Bush also brought faith-based initiatives onto the national stage. His idea of involving religious charities in providing government services had bipartisan support, but questions of implementation and constitutionality hampered the passage of legislation. It was reported that the administration was considering making faith-based initiatives the next big legislative item after the tax cuts and education, but because of the difficulty of maintaining a coalition, and the resignation of its director, John DiIulio, the White House began to look at smaller, discrete initiatives that could be done administratively, rather than as a large legislative package.

Finally, there were two issues—campaign finance reform and patients' rights—that Bush would have preferred not to be on the legislative agenda in his first six months in office. Both were pushed by his campaign rival, John McCain, and both had more support from Democrats than Republicans. Bush did not control the legislative agenda on these items, but he managed skillfully to avoid ending up on the losing side of the issues. On campaign finance, Bush announced early on that he would sign a bill, but would not actively participate in the congressional deliberations. This had two consequences. First, Republicans opposing campaign finance would have to kill the bill in the House or Senate, or they would have to pass a bill they could live with. Second, the no-veto promise meant that Bush was largely absent from the debate. Negative publicity focused on the opponents of campaign finance reform in Congress, not on him. His rival McCain stole the spotlight, but Bush avoided directly opposing him. On patients' rights, Bush had hoped to delay action until after the first six months, and ultimately to pass

a more business-friendly version of the measure. His hand was forced when the Senate switched to Democratic control. Again, McCain was his nemesis, as he allied with Democrats. In this case, Bush issued a veto ultimatum. He would oppose a bill without sufficient limits on employer liability. For a time in the summer, it looked as if Bush would be forced to take the unpopular step of vetoing a patients' bill of rights passed by both houses. But, at the last moment, he persuaded the key House Republican patients' advocate, Charlie Norwood, to agree to a compromise, and he was able to stake out the position that he supported a version of patients' rights.

Despite the Jeffords switch and the subsequent shift in control of the agenda of the issues taken up by Congress, Bush's legislative agenda was more focused than those of most recent presidents. Carter had too many priorities, most of which involved action by the Finance, and Ways and Means committees. The disjointed agenda was confusing for the American people, and nearly impossible to pass through Congress. Most presidential observers



Setting priorities. President Bush speaks prior to signing the new federal education bill at Hamilton High School, in Hamilton, Ohio, Tuesday, January 8, 2002. The bipartisan education reform package reinforced Bush's image as a compassionate conservative and appealed to moderate voters. AP Photo.

a single middle-aged senator renouncing his lifelong affiliation with the Republican Party. Both the manner of Jeffords' switch and its timing on the eve of passage of the tax cut were particularly unhelpful to the Bush agenda. Instead of chronicling Bush's first major legislative victory on the tax cut, media accounts underscored the tension between the conservative and moderate wings of the party.

The longer-term consequences of the Jeffords switch also affected the Bush agenda. The membership of the Senate did not change, but majority status means control over the timing and substance of the policy agenda, and Democrats quickly took advantage of that power, scheduling votes on issues—like patients' rights—that the White House wanted to delay. However, once Democrats gained control over a branch of government in Washington, they took on a new responsibility for governing, giving Bush some opportunity to cajole them into bipartisan agreements, or face the prospect of being blamed successfully for gridlock.

today view Reagan's transition into office as a model. His agenda was controversial, but clear. His large tax cut passed after a strenuous fight. He propelled his agenda forward after his recovery from the assassination attempt on March 3, 1981. The clarity of Reagan's aims and his victory over opposition increased his stature as president and prepared the way for future initiatives. George H. W. Bush suffered from a lack of an initial agenda. He proposed smallish initiatives on child care, ethics reform, and Latin America, and he was viewed by the Hill as reacting to events rather than driving an agenda. In fact, his son is reportedly very sensitive to that experience and made a conscious effort in Texas and in Washington not to repeat his father's mistakes. Clinton's start, like Carter's, suffered from too many priorities. He passed the family leave bill early on, and managed to pass his budget by a narrow margin, but his economic stimulus bill was defeated, and he became mired in issues such as gays in the military and several controversial nominations. His introduction of an education plan and his pledges for sweeping reform of welfare and healthcare also crowded the early agenda.

Overall, Bush's focus on tax cuts and education helped his presidency. Some have argued that Bush should not have been aggressive on his conservative priorities, but should have reflected the divided electorate's wishes and steered a more moderate course. But the likely outcome of such a strategy would have been to weaken Bush in the eyes of his adversaries while simultaneously alienating his base. Bush's agenda had two prongs, the tax cut for the right, and education for the center, so there was already some balancing of the agenda. It is debatable whether Bush's agenda strayed too far to the right, but a legislative agenda that completely ignored his conservative base would have put the president in the backseat, with either Democrats or conservative critics driving the car.

Relations with Republicans and Democrats in Congress

Upon assuming the office, Bush faced an unusual congressional landscape. On the one hand, for the first time in over 40 years, a Republican president served with his own party in control of both houses of Congress. On the other hand, the margins were razor thin in both houses, and Bush had no coattails. In fact, his party had lost seats in both houses, including four seats in the Senate; the evenly divided Senate that ensued was governed by an unprecedented party-sharing agreement that gave Democrats parity with Republicans on committees.

Common wisdom held that Bush might be reasonably successful in reaching out to Democrats, but would likely have problems holding together Republicans. Neither assumption proved entirely accurate. Bush had been remarkably able in practicing bipartisan politics in Texas. His relationship with the late Democratic Lieutenant Governor, Bob Bullock, is well known, but Bush also had warm working relationships with a large number of Texas

Democrats in the legislature, and they were essential to his success. At the start of Bush's first term as governor, Democrats controlled both houses of the state legislature. Republicans eventually won the state Senate, but that body requires a two-thirds vote for action. So Bush could not have accomplished anything without Democratic support. However, his success with Texas Democrats did not necessarily imply comparable success in Washington; it is no secret that Texas Democrats are much more conservative than their congressional counterparts.

The strong collective desire of congressional Republicans, after eight unhappy years of dealing with Bill Clinton, to make their president a success motivated all the GOP leaders to work hard for Bush and his priorities.

Before Bush took office, he made serious overtures towards Congress. He had promised during the campaign that he would not engage in the partisan bickering that had characterized Washington in the years before his arrival. This message served Bush well politically, as he could tap into sentiment for change and stand above politics. But the promise was not merely rhetorical; Bush did make an effort to reach out and meet with Congress in a more substantial way than his predecessors. He met with Republican and Democratic members for business, and socially (remember the screening of *Thirteen Days* with the

Kennedys?), even giving many of them nicknames. The White House went so far as to count the number of members he had met with,² noting at various times that Bush "has met with more members of Congress than any President in modern history."³ While Democrats expressed some receptivity to these overtures, many were unhappy, believing that the president was unyielding on his tax cut, consulted with mostly Republicans, and paid lip service to bipartisanship without dealing with Democrats on substantive matters. Early on, Bush set the precedent that he would get the House to pass his version of a bill, usually by a narrow partisan margin, and he would strike a deal with the Senate. This left House Democrats out of the loop. Even "blue dog" Texas Democrat Charlie Stenholm, who had backed the Reagan tax cuts, voted against Bush on key early tax-cut votes.⁴

As for his relationship with congressional leaders, Bush did not start with particularly close relationships with the two from Texas, House Majority Leader Dick Armey and Majority Whip Tom DeLay, who had, respectively, reserved and somewhat tense relations with the president. But the strong collective desire of congressional Republicans, after eight unhappy years of dealing with Bill Clinton, to make their president a success motivated all the GOP leaders to work hard for Bush and his priorities. Bush made only token efforts to develop close personal ties to Democratic leaders Dick Gephardt and Tom Daschle, and the tension levels between the Democrats and Bush were quite high early on. The September 11 attacks changed those dynamics—witness the warm hugs

the president exchanged with both Democratic leaders following his address to Congress and the nation on September 20.

One novel strategy that Bush employed deserves note. He visited states where he had received strong electoral support, but whose senators were wavering in their support. He appealed directly to local media, hoping to exert pressure on the home-state senators and prevail upon them to support his tax package. None of these individual techniques was new, but the sum of the techniques was. Presidential candidates often seek out local media, whom they view as more positive in their coverage. Presidents often leave Washington to spread a message and demonstrate popular strength. But no new president traveled to so many states so early, and no new president used this explicit strategy of appealing over the heads of particular senators in order to affect their votes in Washington.⁵ It is not clear, however, that this technique has worked. Some members were annoyed by the visits, and while Bush did pick up Democrats on each of the key votes on his tax cut package, the trips to the states were probably not the decisive factor.

September 11 and Beyond

The return of Congress after the August recess usually marks the end of the transition period for presidents. The honeymoon is over, the public no longer views the new occupant of the White House as president-in-training, and it is often hard for even a successful president to figure out what to do and how to

get another wave of initiatives through Congress. For George W. Bush, the end of his transition is more starkly noted—September 11.

If the attacks had not occurred, the fall agenda would have been troublesome for Bush. It was likely that he could have forged an agreement on education reform, but even this became more difficult after the Jeffords switch and the passage of time. Most of the rest of the agenda, however, would have been unappealing to him. Campaign finance reform promised to resurface in the House. A patients' bill of rights fight loomed. And the main argument would likely have been over the budget and whether Bush's tax cuts were dipping into the social security trust fund.

September 11 changed everything. Bush stated that the war on terrorism would be the focus of his administration. The nation united, and bipartisanship became the watchword in the Congress. Most partisan initiatives were dropped and differences muted as the Congress focused on providing relief to victims, affected industries, the military, and the reform of security and transportation procedures. Bush's approval ratings reached above 90%.

The near-universal support for the president will undoubtedly fade. One should not forget that Bush's father once commanded such heights—and then was soundly defeated for re-election. In addition, the nature of the war on terrorism is that it is more open-ended than conventional warfare, which may undermine Bush's standing. Nonetheless, the magnitude of the events on September 11 will likely mark the beginning of a vastly different presidency and relationship with Congress.

Notes

1. Sam Howe Verhovek, "Texas Governor Succeeds, Without the Flash," *New York Times* 7 June 1995, sec. A.

2. Anne Kornblut, "Bush Outreach Runs on Persistence, Charm," *Boston Globe*, 3 February 2001, sec. A.

3. Helen Kennedy, "GOP Defector Blasts Party on Power-Grab Spin," *New York Daily News*, 26 May 2001, sec. 6.

4. Christopher Lee, "Why Bush Didn't Collar Blue Dogs from the Get-go? Conservative Democrats, Texans Seen as Key to his Bipartisan Efforts," *Dallas Morning News*, 27 May 2001, sec. A.

5. On March 28, reported *The New York Times*, Bush "had traveled to 25 states and spent nearly 30 days away from the White House."