

Broken City

POLITICS IN AN AGE OF PARALYSIS



The Boston Globe

Broken City: Politics in An Age of Paralysis

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Introduction

Every week, the six reporters and editors of The Boston Globe's Washington Bureau gather around a table and discuss upcoming events in the nation's capital. Over the years, such discussions have roamed from the great issues of war and peace to the everyday machinations of a Massachusetts congressman. They have also focused on presidential candidates from the state, Democrat John Kerry and Republican Mitt Romney.

This year, however, was unlike any other. As 2013 unfolded, preparations for the second inauguration of President Barack Obama coincided with the introduction of a lexicon of dysfunction: fiscal cliff, sequester, shutdown, debt ceiling. The nation's government was, at best, lurching from one precipice to another.

The bureau, of course, would cover all of this. But the deeper issue was clear: what was behind the gridlock? Were there fundamental triggers that would grip the city in a partisan vice, again and again?

With these questions in mind, the Globe launched on an ambitious assignment to tell the story behind the "Broken City," as the series would be called. Reporters would be given the time they needed, in some cases a month per story, to dig out the details and tell a series of compelling tales that explained what was really going on. About 20 stories, many of them running two pages in the print edition of the Globe, would be produced.

The result is presented on the following pages, including: how a seemingly uncontroversial bill got killed in a partisan brawl; how the Federal Election Commission became toothless; how redistricting has skewed the membership of Congress; how a Kansas district rallied behind a Republican who had been admonished by his own party; how President Obama failed to live up to his promise of uniting the "red" and "blue" states; how think tanks have been turned into pawns of the politicians; how an industry of distortion shapes debates; how lobbyists continue to have the upper hand; and how partisan media outlets have stoked extremism.

The capital city, and the system on which it runs, seems perpetually in crisis, even as short-term fixes are proposed. Fears abound that Washington will repeatedly find itself at the precipice, with politicians on either side of a vast gulf. These stories tell us why, and, hopefully, help us better understand how to repair the breach.

—Washington, Oct. 16, 2013

ROAD TO GRIDLOCK



Turning the map into a partisan weapon

The GOP's national effort to control redistricting has cemented its grip on the House but also intensified gridlock

BY TRACY JAN

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ASHEVILLE, N.C. — In the shadow of the Appalachian Mountains, protests and rallies erupt in this city's downtown square on any given night. Aging hippies and veterans gather at the foot of a granite obelisk known as the monument to tolerance and wave cardboard signs asking motorists to honk against drone warfare and in support of universal health care.

Several Asheville preachers openly advocate for gay marriage, a rarity in the South; it is enough to move one GOP state lawmaker to label the entire community a "cesspool of sin."

Asheville has long carried the distinction of being an island of Democratic blue in a sea of Republican red. For six years, the largest city in western North Carolina was represented in the US House by a moderate Democrat who embodied the party's playbook for the conservative region: a former NFL quarterback named Heath Shuler.

But Shuler decided against seeking reelection last year after the playing field shifted beneath him.

A state Legislature controlled by Republicans redrew his district — splitting liberal Asheville in two and diluting the city's voting power. Shuler stood little chance of winning another term under the redrawn map.

With his decision to retire, another moderate had been purged from the ranks of Congress. Shuler's successor is a freshman Tea Party Republican who, during a campaign rally last summer, advocated sending President Obama "home to Kenya or wherever it is."

Redrawing congressional districts bore fruit for Republicans in other regions of North Carolina, as well as across the rest of the country. It was part of a concerted nationwide strategy engineered by GOP leaders in Washington that has had a profound impact, securing Republican House victories and rolling back Democratic inroads in red states, while increasing polarization and gridlock inside the beltway.

Despite winning 51 percent of the votes in the 2012 House races, North Carolina Democrats only won four of the state's 13 House seats, compared with seven before redistricting. Nationally, Democratic contenders for the House won 1.4 million more votes in 2012, but Republicans retained control of the House by a 234 to 201 margin — a historic aberration that some experts say could have only occurred as a result of redistricting. It was only the second time since World War II that one party won more votes while the opposing party won more seats.

Redistricting, which occurs every 10 years after the national census, contributed to the election of many more conservative Republicans and also some liberal Democrats, political scientists say — resulting in fewer competitive seats, wiping out moderates from both parties, and making dealmaking on issues such as the budget, gun control, and even the farm bill all but impossible.

The trend seems likely to escalate. An army of consultants and mapmakers are paid handsomely to mine mountains of personal data in order to create districts almost certain to favor one party over the other.

Entering the 2014 midterm election, only 30 congressional races are considered to be competitive, compared with 90 in 2010, according to the nonpartisan Cook Political Report.

“Redistricting in my opinion is probably the thing that creates the most divisiveness in the country. You’ve got to run extreme to the right or extreme to the left because it’s all about a primary vote now,” Shuler said. “That doesn’t bode well for compromise, and makes it more and more difficult to get anything done.”

Redrawing the lines

It was 2009 when the strategists of the Republican party sat down in a conference room in an Alexandria office park to hatch a secret plan that would be known as REDMAP — the Redistricting Majority Project — to take over the legislatures in key states across the country.

The group belonged to the Republican State Leadership Committee, a national organization established in 2002 to help GOP candidates win state offices, including seats in state legislatures, which draw congressional district maps. The 2010 census and subsequent redistricting presented the first opportunity for the committee to test its power.

After months of research to narrow its targets, the committee rolled out REDMAP in the spring of 2010 with one clear goal. “If we were successful in capturing the legislative chambers in certain states, we’d have a bigger impact in congressional redistricting,” said

Chris Jankowski, president of the Republican State Leadership Committee. “It’s very important who has the pen in their hands when drawing legislative district lines.”

The committee held a series of meetings in Washington, followed by a flurry of phone calls and briefings around the country, with business leaders and other donors, who contributed more than \$20 million to the project, including \$1.2 million to flip the state Legislature in North Carolina.

The US Chamber of Commerce, which contributed \$3.9 million, was the committee’s top donor in the 2010 election cycle. Other major contributors spanned the insurance, telecommunications, retail, and pharmaceutical industries.

The committee also invested in Republicans running for office in Ohio, Pennsylvania, Michigan — among the states most certain to lose a congressional seat as a result of the census — and Georgia and Texas, which gained seats.

In such states, “there’s maximum opportunity for mischief,” Jankowski said, “and you certainly don’t want your opponent drawing those lines.”

The practice of drawing district lines to gain partisan advantage has existed since before 1812, when the term “gerrymandering” was coined after a salamander-shaped district drawn up in Massachusetts during the governorship of Elbridge Gerry.

Today states have boundaries nicknamed “earmuff district” and “flat cat road kill district” for their irregular shapes, but never before has one party mounted such a nationally coordinated effort to use the drawing of district lines to win the balance of power in the House of Representatives.

The Democrats also had a plan to take over state houses that would control redistricting, said Michael Sargeant, executive director of the Democratic Legislative Campaign Committee. But it met with considerably less success. Democrats were contending with a backlash in many states against President Obama’s health care law, the stimulus bill, and the bad economy, which gave Republicans an advantage.

“Unfortunately, Democrats were the victims of a very difficult national election landscape in 2010,” Sargeant said.

The 2010 local legislative results helped lay the foundation for a GOP firewall: the party would control redistricting for 210 congressional seats in 18 states, compared with just 44 seats in six states for Democrats.

National Republicans also capitalized on those local victories by providing map-drawing expertise to state lawmakers.

“We had a team of consultants and lawyers who would assist states in the process,” Jankowski said.

The point man for the strategy was Thomas Hofeller, who would not speak with the Globe on the record, citing ongoing lawsuits in multiple states in which he has been called to testify, including in North Carolina.

Hofeller, a redistricting consultant to the Republican National Committee, has been hired by state legislators across the country to gain maximum political advantage without running afoul of the law, including the Voting Rights Act designed to ensure that African-Americans are not disenfranchised.

In Asheville, Hofeller simply became known as The Mapmaker.

In a North Carolina court earlier this month, Hofeller testified that he just did what he has always done: use data from presidential election returns to move precincts or split them based on political party. “The whole plan was a political plan,” he said.

Hofeller’s been doing this work since 1965, before computer mapping existed and mapmakers used markers to draw out their district lines on acetate film laid over giant maps spread across the floor. Nowadays, Hofeller is armed with sophisticated redistricting software called Maptitude, the geographic information system used by both political parties in a majority of states.

The software, developed by the Newton-based Caliper Corp., allows mapmakers to take into account the trove of voter information available, including partisan registration, past election results, and racial demographics, and move a district line to capture more voters — or, in some cases, dilute their influence by spreading them among multiple districts — and see the results in minutes.

One of the key targets for Republicans in Washington was North Carolina. And in Asheville, Republicans in the state house saw a prime opportunity to pick off one of the few remaining moderate Democrats, who are known as Blue Dogs.

From NFL to Capitol Hill

Heath Shuler grew up in the Smoky Mountains town of Bryson City, N.C., near the Tennessee border and about 65 miles west of Asheville. Central-casting handsome, athletic and personable, he twice quarterbacked his high school football team to the North Carolina championship, became one of the nation’s most widely recruited prospects, starred at the

University of Tennessee, came in second for collegiate football's Heisman Trophy, and was a first-round draft pick of the Washington Redskins.

But Shuler's path to stardom, seemingly scripted to perfection, turned into a career of injuries and shaky statistics. Widely declared one of the biggest busts in the history of the NFL, he was out of the league after a few years.

Then a different type of recruiter showed up. His name was Rahm Emanuel, then a member of the US House and currently the mayor of Chicago. Emanuel figured Shuler was just the kind of person the Democrats needed to win in the congressional district that included Asheville. An evangelical Christian who spoke openly about his faith, Shuler opposed abortion rights. He opposed gun control. And he was swayed by Emanuel's pitch — that the good folks of western North Carolina needed a conservative Democrat to reflect their views in Washington.

Shuler won by a 54 to 46 margin, and in the following six years made a convincing case that he was among the most conservative Democrats, voting against President Obama's health reform law and even challenging Nancy Pelosi for the post of minority leader. He won reelection twice. As one of the few remaining Southern white Democrats in Congress, he built bridges with Republicans, consistently ranking as one of the House's least partisan members.

Shuler had failed with the football team in Washington but — with considerably less fanfare and financial remuneration — he had shown it was possible to reinvent himself and rise to power in the other blood sport of the nation's capital.

But Republican leadership saw him as a threat in Washington's winner-take-all culture, and wanted to deny the Democrats a toehold in the South.

When Republicans in the North Carolina General Assembly released the new district maps in 2011, Shuler's campaign staff was on edge.

Lindsey Simerly, his former field director, recalled sitting at the kitchen table in her Asheville bungalow when her phone rang. It was Shuler's finance director, calling with the grim news minutes after the map was released online. "We're done," she recalled him saying.

"I was just kind of speechless," said Simerly, who now works for the Campaign for Southern Equality in support of gay marriage. "Take our worst possible case scenario. This ended up being worse."

Shuler, already frustrated by the seemingly endless gridlock in Congress, weighed the possibility of retiring to spend more time with his wife and two young children. He claims that redistricting did not play a role in his decision, given his high approval ratings.

But despite appeals from Democratic leadership to fight for his seat, Shuler returned home to the mountains of western North Carolina.

Left-leaning residents

Once famous for its sanatoriums because of its fresh mountain air, Asheville is now a major medical center and hotbed of holistic healing that draws liberal transplants who embody the “live and let live” ethos.

The city offers domestic partner benefits to gay couples and has created a registry to recognize same-sex relationships in the absence of legalized gay marriage.

Republicans’ redistricting effort here grafted downtown Asheville onto a GOP stronghold in the Piedmont region. It also left the most populous city in western North Carolina without a congressional office. The city’s new representative’s nearest office is 16 miles away in Black Mountain.

“They literally divided the city. Because of redistricting, it didn’t matter that a huge majority statewide voted for Democrats. It feels like we’re living in Mississippi,” said Cheryl Orenge, a 60-year-old birthing coach who hosts a monthly dinner for local liberals at Firestorm Cafe, a worker-owned bookstore and vegan restaurant in downtown Asheville.

“In my mind, that’s a coup d’état,” said Steven Norris, a 70-year-old Boston transplant who teaches peace studies and environmental justice at Warren Wilson College near Asheville, during the dinner. “I feel so disempowered not having any sort of voice in Congress.”

Democratic voters in other parts of the state claimed to suffer in a different way. Instead of being dispersed among solidly red districts, they were stuffed into a small number of super majority Democratic districts. That left some more liberal residents feeling their vote had lost some potential sway.

Nearly half of the state’s black population was funneled into the three remaining solidly blue districts, a move critics call a manipulation of the Voting Rights Act as a pretext for isolating Democrats and minority voters.

“Redistricting is just divide and conquer. There is no sleight of hand, no Wizard of Oz,” said Keith Young, 33, president of the African-American caucus of the Buncombe County Democrats who lives in Asheville. “When you can’t win the football game and you have the ability to move the goal farther back, why not do it?”

Five formerly purple districts — those that swung between Republicans and Democrats, including Shuler's — turned solidly red.

Two Democrats who had represented these swing districts found their homes now located in districts represented by other Democratic incumbents.

Districts whose boundaries used to follow roads, rivers and railways now zigzag every which way to snag voters of the desired ideological stripe. In Asheville, the dividing line can fall in the middle of a road, so that houses on one side land in one district while their neighbors across the street are in another.

"It's gerrymandering on steroids," said Charles Carter, a Democratic political consultant and former North Carolina state representative from Asheville.

But Republicans in North Carolina, in full control of the General Assembly for the first time since Reconstruction, say redistricting simply righted the order of things.

"It's the Southeast. There are a bunch of conservatives down here," said Nathan West, 36, secretary of the Buncombe County Young Republicans. "It really wouldn't matter where Asheville was put."

Sam Wang, a Princeton neuroscience professor and founder of the Princeton Election Consortium, said the GOP's North Carolina strategy was evident across the country.

"What's really striking is it's happened across multiple states all at once, flipping a dozen seats that would otherwise not have been flipped," Wang said.

Other states where more people voted for Democrats but Republicans won the majority of congressional seats were: Pennsylvania, where Democrats won 5 of 18 seats; Michigan, where they won 5 of 14 seats; and Wisconsin, where they captured just 3 of 8 seats.

In Illinois, Democrats redrew boundaries to their advantage and won 11 of the 17 seats being contested last November.

And in Maryland, where they also controlled redistricting, Democrats won 7 of 8 seats.

The job of mapmakers has become easier because more voters are choosing to live in homogeneous communities where neighbors tend to hold similar political views, said David Wasserman, house editor at Cook Political Report.

The 2012 election was the first time that a majority of Americans lived in counties that gave one of the presidential candidates at least 60 percent of the vote, he said.

“For the vast majority of states we saw gerrymandering work to artificially inflate a party’s advantage and to trample the notion of proportional representation,” Wasserman said.

The new North Carolina map is being challenged in a state Superior Court, just one of 93 lawsuits related to congressional redistricting in 32 states. The North Carolina case went to trial earlier this month, and a decision is expected soon.

The plaintiffs, including the NAACP and the League of Women Voters, alleged that Republicans unconstitutionally segregated black voters into gerrymandered districts to boost the chances of GOP candidates in other districts.

The court has already dismissed claims by voters in Asheville that they were disenfranchised, saying it had no standard by which to judge those allegations, which were not based on race.

“Since it seems like the courts won’t wade into partisan gerrymandering disputes, people are pushing the boundaries even more than they have in the past,” said Allison Riggs, staff attorney for the Durham-based Southern Coalition for Social Justice, which is representing the plaintiffs.

Conservatives win

Residents in Shuler’s former district are now represented by two of the most conservative members of Congress: Mark Meadows, the Tea Party freshman and former real estate developer who handily beat Shuler’s former chief of staff by campaigning on his “moral obligation to stop Barack Obama’s assault on our values,” and Patrick McHenry, a fifth-term incumbent who had accused John McCain of being too liberal during his 2008 presidential campaign.

In his short time in Congress, Meadows has already accumulated a track record that toes the Republican party line, voting to repeal Obama’s signature health care law, to ban abortion after 20 weeks, and against reauthorization of the Violence Against Women Act.

McHenry, whose staunchly Republican district has now absorbed the liberal core of downtown Asheville, has held up as a role model the late Senator Jesse Helms, the strident North Carolina conservative who was nicknamed “Senator No” for obstructing legislation including those pertaining to the rights of minorities, women, and gays.

While Shuler had angered many left-leaning Democrats for his conservative stance on social issues, he had assembled a staff with diverse views on gay rights and gun rights and listened to everyone’s concerns, many Asheville Democrats said.

He was also able to gain the support of moderate Republicans in the more rural communities of western North Carolina.

“Before redistricting, we had a situation where a liberal could never be elected, but someone had to reach out to liberals to get into office,” said Erica Palmer, 27, during a meeting of the Buncombe County Young Democrats at a downtown cafe. “Now Republicans have such an easy margin of victory they don’t have to communicate with us at all.”

McHenry and Meadows urge their liberal constituents in Asheville not to dismiss them.

“Look, I had some constituents who were disappointed to gain me as a representative but I do my best to represent the views of the people in my district,” McHenry said. “That gets trickier when the views diverge, but I’ll do my best to keep listening.”

Meadows said he casts his votes based not on his personal feelings but on what the majority of his constituents in “God’s Country” tell him to do.

Asheville residents should be pleased by the new district maps, Meadows said. “Because of redistricting, we now have two people working for Asheville.”

Going for a ‘Hail Mary’

During what would be his final term in Congress, Shuler had a sense of what was coming, how local redistricting could increase partisan divides in Washington.

The former quarterback attempted what in his previous life would have been considered a “Hail Mary.”

He introduced a redistricting reform bill to require that states set up independent, bipartisan commissions to take over the once-a-decade task of redrawing district lines.

His bill required that a district’s geographical features be the prime consideration, not a political calculus designed to benefit one party or the other.

“It was right for the country, no matter which party was in charge,” said Shuler, now a lobbyist for Duke Energy.

It would be the 11th time Shuler and fellow Blue Dog Democrats had filed legislation to make such a change in recent years, according to the Library of Congress. But the idea gained zero traction among House colleagues.

Congressional incumbents of both parties were loath to make radical changes, he explained.

“The people in these safe seats, all they have to worry about is one election as opposed to two. Why would they want to do something that would put them in a situation that would make their primary and their general election more competitive?”

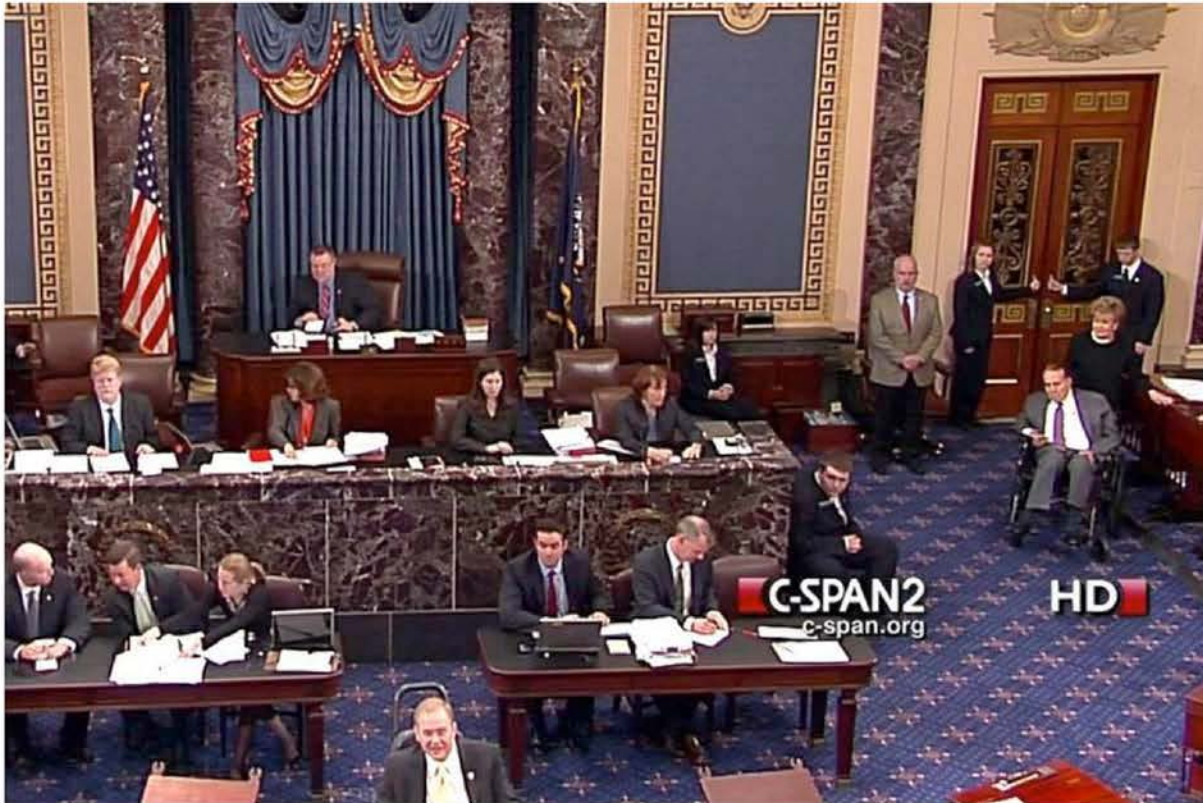
In 2008, there were 55 Blue Dog Democrats in Congress. Now, there are only 14 left. Moderate Republicans face the same dramatic pace of extinction. That leaves the left-leaning denizens of Asheville with little hope for change.

The Rev. Joe Hoffman, pastor of the First Congregational United Church of Christ, a liberal church on the edge of downtown, said he would like Democrats and Republicans to talk and listen to each other.

He pointed out that ministers from various North Carolina denominations already are making such efforts, meeting for breakfast every couple of months to discuss their diverse views and increase understanding.

“We’re trying to learn to talk again, which is what I’d like to see them do in Washington,” Hoffman said. “We’ve forgotten how to debate. We’ve forgotten how to compromise.”

A lesson for Bob Dole: old rules no longer apply



Elizabeth Dole (far right) wheeled her husband, Bob Dole, onto the Senate floor on Dec. 4, 2012, to observe the vote on the disabilities treaty.

A disability treaty with broad support seemed like a sure thing to the ex-Senate stalwart. His own party had other ideas

BY MICHAEL KRANISH

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It had been 16 years since Bob Dole stepped down as Senate Republican leader, ending a legislative career in which he earned a reputation as a master of bipartisanship. Yet there he was at the end of 2012, trying to close a deal.

Dole was 89 years old, just out of the hospital, working the phones to win senators' support. Then, in a dramatic effort, he rolled in his wheelchair onto the Senate floor, all but daring senators to vote against him and, by proxy, anyone with a disability.

It was a moment Dole had long awaited. He had brought the parties together to pass his greatest piece of legislation, the Americans with Disabilities Act of 1990, which required the retrofitting of buildings and sidewalks and provided an array of other rights.

Now he wanted the Senate to approve an international treaty that would spur other nations to pass their version of the law, making the United States a role model to help tens of millions of people around the world.

Do it for Dole, supporters urged.

But what had once seemed like a foregone conclusion - passage of the treaty — went awry amid infighting that few had foreseen. The deepest wound — some considered it betrayal — came from a Republican senator from Dole's home state of Kansas. That senator, Jerry Moran, had announced he supported the treaty and would be "standing up for the rights of those with disabilities." But instead of carrying the Dole flag into battle, Moran wound up casting a crucial vote against the measure, dismissing his initial support by saying in an interview he "had never made a conclusion as to whether I was for it or against it."

The treaty's defeat on Dec. 4, 2012, was a defining moment for the Senate, even if it received far less notice than crises such as the fiscal cliff.

A reconstruction by The Boston Globe of the events leading up the defeat provides an inside look at how the Senate, once known as the "world's greatest deliberative body," has become overwhelmed by partisanship — even on a seemingly uncontroversial measure aimed at helping some of the world's most vulnerable people.

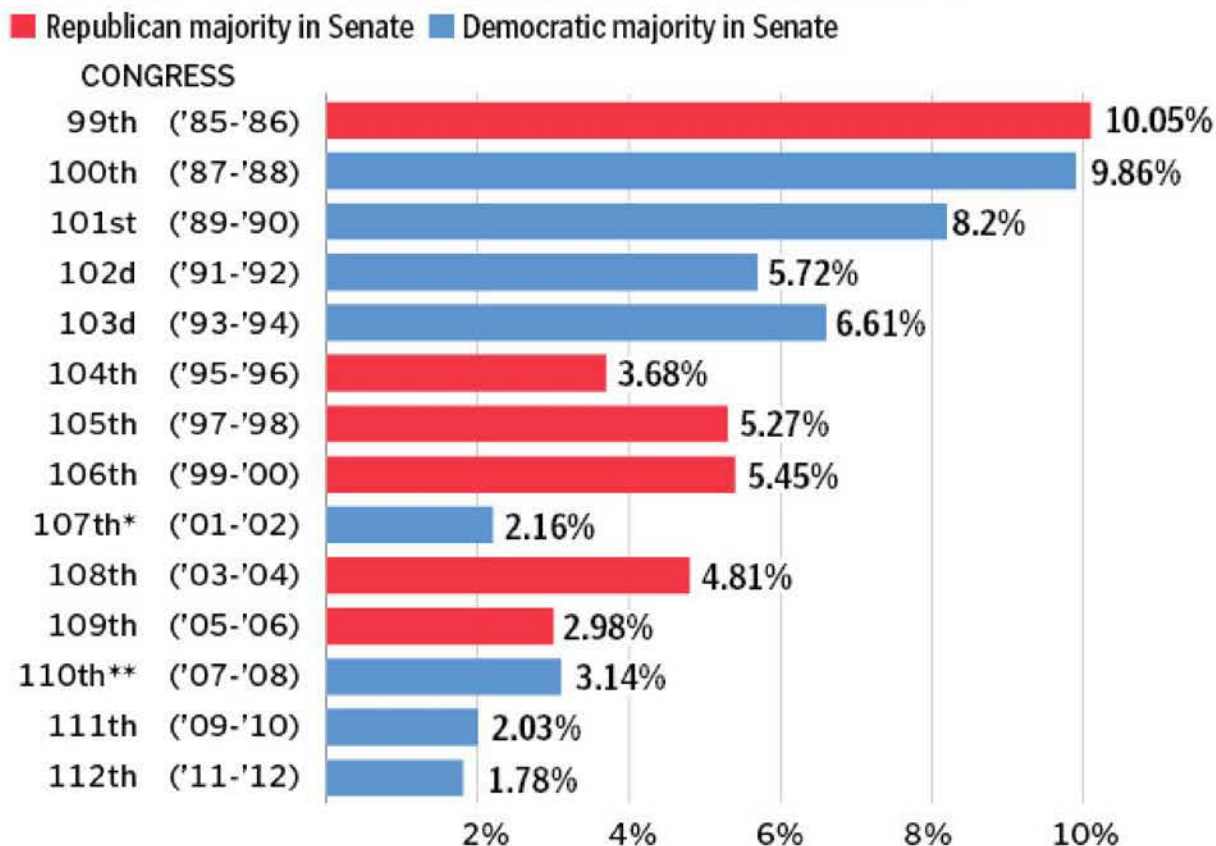
It demonstrates how outside groups and powerful constituencies exert outsized influence with arguments that are, in their best light, often tangential to the issue of the day.

As Dole sat in his Washington law office in February, still stunned by the outcome, he blamed his own party and suggested a headline: "Republican Party closes its doors to make repairs." The GOP, added Dole, one of the party's most revered figures, "needs a timeout" to tone down the antigovernment rhetoric.

To be sure, Dole says there is a larger problem of political dysfunction in which Democrats also share blame. But if there is a legislative tale that symbolizes the rise and fall of bipartisanship in Washington during the past quarter-century — and the Republican Party's own schism — it is the story of Dole's initial success and recent failure on behalf of

people with disabilities. It is also the story of Dole himself, discovering how Washington has changed and become a broken city.

PERCENT OF SENATE-INTRODUCED BILLS ENACTED



* Senate majority switched from Democratic to Republican back to Democratic

** Democrats held fewer than 50 seats, but two independent senators caucused with them

SOURCES: "Resume of Congressional Activity," Daily Digest, Congressional Record

ROBERT S. DAVIS/GLOBE STAFF

Era of bipartisanship

The story begins with an era of bipartisanship that is almost impossible to imagine today.

It was 1989, and Senator George Mitchell, the Maine Democrat, had become the majority leader. Dole was the minority leader. At their first meeting, Mitchell said he promised Dole, "I will never criticize you," and Dole agreed to the same. "To this day, we never have had a harsh word," Mitchell said in a February interview. "It is an important thing that leaders have some degree of trust." The two remain "dearest friends," Mitchell said.

They saw their job as meeting halfway. "I thought when I was elected I was supposed to do something," Dole said.

And they did. The 1989-90 session was one of the most bipartisan and productive of the past 40 years. Democrats and Republicans joined together to pass a new version of the Clean Air Act, the most sweeping environmental legislation in the nation's history. The parties worked together — after then-President George H.W. Bush famously broke his “no new taxes” pledge — to cut the deficit and help put the nation on the path to budget surpluses.

One of the most enduring acts was the passage of Dole's proposal to enhance the rights of millions of people with disabilities.

Dole had been wounded in Italy in World War II, leaving him with limited use of his right arm. While he recovered from most of his wounds, he learned that many people with disabilities had a hard time getting employment, or getting to work, and even just getting around. A person in a wheelchair faced obstacles traveling on sidewalks or ascending buildings or getting into bathrooms. Some people with disabilities were forced into separate schools. To Dole, this was a matter of civil rights. After being elected to the Senate in 1968, he gave his first floor speech on April 14, 1969, the 24th anniversary of his wounding. He spoke then, as he did on every such anniversary while he served in the Senate, on problems faced by people with disabilities.

It was 20 years after that speech when Dole worked closely with Mitchell to bring the Americans with Disabilities Act to a vote. Concerns were raised by business groups and local governments about the cost of expanding rights for people with disabilities. But Republicans and Democrats came to a remarkable agreement on disabilities that became known as “The Pact.” Tony Coelho, a former House Democratic whip who introduced the bill in his chamber of Congress, said that under the pact, “we would always do things in a bipartisan way on disability legislation.”

The bill was passed in 1989 in the Senate by an overwhelming bipartisan margin, 76 to 8, and passed the House the following year. As President George H. W. Bush signed it into law, he said the legislation “has made the United States the international leader on this human rights issue.”

Bush's son, President George W. Bush, followed up by negotiating the international treaty on disabilities in 2006. There were two crucial steps to go. The Obama administration made the United States a signatory to the treaty in 2009. But under US law, treaties don't take effect unless they are ratified by a two-thirds vote of the Senate.

Fast forward to 2012.

Supporters hoped the time was right to win ratification. Of the 193 countries in the United Nations, 155 have signed the treaty and 129 have ratified it, including countries such as Afghanistan, Cuba, and Russia. In an effort to win Republican support, treaty backers asked

Dole to take up the fight. The old warrior, while weakened from his most recent hospitalization, promptly agreed.

No one disputed the difficulties faced by many of the 1 billion people worldwide with disabilities; in many developing countries, most children with disabilities don't go to school and have little chance of gainful employment, not to mention basic accommodation, according to the State Department. Ratifying the treaty, supporters said, would spread American leadership around the globe as well as create new markets for US-made disabilities products.

For a Congress that had been divided by debates over the deficit, health care, taxes, and other matters, passage of a Republican-brokered treaty with no direct cost to US taxpayers, aimed at helping some of the world's most vulnerable people, seemed like a sure win. Republicans began lining up to join Democrats to back the measure. Senator John McCain, Republican of Arizona, said the treaty would advance "fundamental values of equality and human dignity around the world."

Most importantly, the two Republican senators from Kansas were expected to carry the torch that had been lit by Dole 22 years earlier. Kansas Senator Pat Roberts spoke privately with Dole, leaving him hopeful, but Roberts said nothing publicly.

Moran, meanwhile, offered a public and seemingly unequivocal show of support. He authorized a press release in which he was one of three Republicans in a bipartisan group of senators who "announced their support for US ratification" of the treaty.

"Each person has the inherent right to life and should have the opportunity to pursue happiness, participate in society, and be treated equally before the law," Moran said in a written statement issued May 25, 2012. The treaty "advances these fundamental values by standing up for the rights of those with disabilities, including our nation's veterans and service members, and respecting the dignity of all."

A month later Moran joined the same bipartisan group in a meeting at the Capitol at which the strategy for ratifying the treaty was discussed. Moran, who had been elected to the Senate in 2010, was considered the key to winning over other conservative Republicans.

A shift in the Capitol

The Senate of 2011-12, in which the treaty would be voted upon, seemed barely recognizable to those who had witnessed the extraordinary productivity of the one that had convened 22 years earlier. But the partnership of the Mitchell-Dole era had been replaced by

the bitter, often-unworkable relationship of majority leader Harry Reid, Democrat of Nevada, and minority leader Mitch McConnell, Republican of Kentucky.

Years earlier, McConnell had been in that 1989-90 session and often had followed Dole's moderate, bipartisan lead, voting for the ADA.

But McConnell, like his party, had become more conservative over the years, amplified by the creation of the Tea Party movement, and McConnell would famously say that "the single most important thing we want to achieve is for President Obama to be a one-term president."

Democrats, too, became more partisan. Obama pushed through health care legislation without Republican support. Reid inserted himself into the presidential campaign, saying — without supplying any evidence — that GOP nominee Mitt Romney didn't pay taxes federal taxes for a decade.

The culture of Washington had shifted dramatically. In the Mitchell-Dole years, many members of Congress lived in the nation's capital much of the year and socialized with colleagues in the other party. By the time of the 2012 session, fund-raising and home-state demands prompted many members to spend far less time in Washington.

Donald Ritchie, the Senate's official historian, said some senators don't have time to know their colleagues. "Someone will come into the room and will ask, 'Who is that?' Someone from across the aisle. They just don't have the kind of opportunities they used to have," Ritchie said. "One of the few times they get to see each other is when they are on the floor voting."

Senate voting records show a stark difference between the sessions that ended in 1990 and 2012, with the rise in filibusters leading to a sharp drop-off in successful legislation. (It takes 60 votes in the 100-member Senate to stop a filibuster, often enabling the minority party to kill legislation.) The number of motions filed to stop filibusters rose from 38 to 115, while the number of Senate-introduced bills enacted into law dropped from 8.2 percent to 1.8 percent.

Mix in the proliferation of partisan-oriented media, and the outsized power of small but well-organized groups in the Internet age, and the fractures of the current political era become evident.

Thus was the stage set for the surprising outcome during Dole's encore performance.

The first public sign of trouble came shortly after Moran announced he was joining a bipartisan group of supporters. Word spread that the Tea Party wanted to stop treaties that its members viewed as threats to American sovereignty.

Still, when Senate Foreign Relations Committee chairman John F. Kerry began a July 12, 2012, hearing on the treaty, passage seemed all but assured. Dole sent his strong endorsement. The US Chamber of Commerce, a key GOP ally, endorsed the measure, saying it would lead to “greater access and opportunities for individuals with disabilities throughout the world.”

Former President George H.W. Bush was enlisted to win over any remaining doubters, writing to the Senate that the treaty “would not require any changes to US law. It would have no impact on the federal budget,” while reminding senators that “disability rights issues have always enjoyed strong bipartisan support.”

Some of the most powerful testimony came from Bush’s former attorney general, Richard Thornburgh, who had worked on the ADA bill in 1990 and later served as undersecretary general of the United Nations. The issue was personal to Thornburgh; his son, Peter, had been seriously injured in a car accident and had mental and physical disabilities. Thornburgh testified that the treaty would “impose no new costs upon US taxpayers” and would not require any changes in the nation’s laws. The treaty simply would encourage other nations to follow the leadership of the United States in helping people with disabilities, Thornburgh testified.

Then a witness named Michael Farris stunned many in the hearing room as he sought to demolish the arguments for the treaty.

Farris was speaking in his role as the president of the Home School Legal Defense Fund, a group with 83,000 dues-paying families that he founded in 1983. The group monitors government actions that potentially impact home schooling and says its mission is “to defend and advance the constitutional right of parents to direct the education of their children and to protect family freedoms.”

Farris, added to the witness list after Republicans on the committee learned of his objections to the treaty, testified that the treaty was “dangerous” to parents who teach disabled children at home. In a later radio interview, Farris would put his argument in the starkest terms: “The definition of disability is not defined in the treaty and so, my kid wears glasses, now they’re disabled; now the UN gets control over them.”

Kerry sounded sarcastic as he belittled Farris’s claims.

“So you believe that President George Herbert Walker Bush and Attorney General Thornburgh and majority leader Robert Dole, and a bunch of other people, just don’t understand the Constitution or can’t read the law?” Kerry asked Farris.

Farris responded that all of them had “reached incorrect conclusions.”

The committee approved the treaty by a 13 to 6 vote, with three Republicans joining Democrats in support. The six Republican opponents issued a minority report that said there was no reason to enter into an international “entanglement,” concluding: “Proponents of this treaty believe its ratification would signal to the world our commitment to advancing the interests of those with disabilities. The US Senate should not ratify this or any other treaty on these grounds.”

Supporters predicted quick ratification by the full Senate. But two weeks after the hearing, Farris’s assertion was echoed by two of the Republican Party’s most influential conservatives. Senators James Inhofe of Oklahoma and Jim DeMint of South Carolina, favorites of the Tea Party, wrote an op-ed for The Washington Times that said the treaty “calls for government agents to supersede the authority of parents of disabled children and even covers abortion.”

Dole and other supporters of the treaty viewed the charges as laughably false. The treaty legislation clearly stated that it required no change in US law, and there were no new abortion rights, they said.

But Farris seemed to have shaken the Republican Party. Plans for a quick vote in the full Senate were put on hold.

Home-schooler’s platform

To get to the office of Michael Farris, a visitor drives about an hour from Washington to arrive at the town of Purcellville, population 8,043, a mix of old-world Virginia and strip mall suburbia. It is here in the Appalachian foothills that Farris more than a decade ago established Patrick Henry College, a Christian liberal arts institution with 300 students. It also serves as headquarters for his political power base, the Home School Legal Defense Fund.

Sitting in his college office, surrounded by busts of George Washington and Patrick Henry and a wall-mounted elk head, Farris proudly explained how he set out to kill the disabilities treaty — and, not coincidentally, take on some within the Republican Party.

Farris has a history of run-ins with moderate Republicans. A father of 10, he was defeated in his 1993 bid to be lieutenant governor of Virginia after one of Dole’s closest colleagues, then-Senator John Warner of Virginia, took the unusual step of declining to endorse him. Since then, Farris has used his home-schooling organization to take on moderates that he says are ruining the GOP.

“There are two parties in Washington,” Farris said. There is “the evil party,” meaning Democrats, and “the stupid party,” referring to many Republicans, he said.

Unlike some Republicans who say the party should moderate its positions in the aftermath of losses in the 2012 campaign, Farris said the opposite approach is the best prescription. What Republicans need to do, he said, is listen to grass-roots members whose primary concern is liberty and sovereignty. That is why he seized upon the disabilities treaty. He saw it as an attack on American ideals and values.

And he saw something else. It is, he said, the ideal “wedge issue” for future political campaigns. It also played into fears that the United Nations threatens American sovereignty.

UN spokesman Dan Shepard, asked about Farris’s claim that the UN could dictate American disabilities policy, said it was “absolutely not true . . . it is not like any one swoops in and takes children. The UN doesn’t have an army, it doesn’t make laws for any member state . . . every member state is sovereign.”

Nonetheless, the assertion that the UN could supersede US law and have control over home-schooled children spread across the Internet. Within weeks, Farris’s group, along with allies, had placed an estimated 250,000 calls to the offices of wavering senators. Some of the heaviest emphasis was placed on calls to the two Kansas senators, Roberts and Moran.

“We just beat them to death with calls,” Farris said of the Kansans.

Farris, meanwhile, stood by his assertion that he understood the treaty better than Republican supporters such as Thornburgh. Farris, a graduate of Gonzaga University School of Law, said he has better legal training when it comes to treaties.

“I have an LLM in international law from the University of London,” Farris said, referring to a postgraduate degree that is similar to a master’s program. Asked for details, Farris said he didn’t go to London for the degree; it came in a “distance learning” course and culminated in a proctored exam at a local community college.

“He is just flat wrong,” Farris said of Thornburgh’s sworn testimony that the treaty won’t change US law. “If he wrote that on an international law exam, at any law school, he would fail.”

Thornburgh, describing Farris’s claims as “outrageous,” said in an interview, “It is one thing to face down a rational argument, quite another to deal with fantasies and exaggeration, which was the case here.”

But the campaign against the treaty had taken hold. As supporters planned for a December vote, Farris launched a public alliance with former senator Rick Santorum of Pennsylvania, who had argued during his failed bid to become the 2012 Republican presidential nominee that the party had been undermined by moderates.

At a Capitol Hill press conference, Santorum appeared with his daughter, Bella, who was born with a potentially fatal disability. The treaty, Santorum maintained, could prevent parents from having children such as Bella. He said it would put a doctor “in position to say ‘we will do what we believe is in the best interest of your daughter, Bella, which is not to have her have a physical or mental disability that could lead to suffering and death but that person either should have an abortion or should not be given treatment. We shouldn’t be spending resources on a child like that. It is in her best interest not to live with these medical and physical disabilities.’”

Support evaporates

Even amid the onslaught of Farris, Santorum, and Tea Party leaders that was unsettling to so many Republicans on Capitol Hill, Dole still believed that key supporters, such as his home-state ally Jerry Moran, would bring enough votes to win approval.

Just months earlier, the Kansas senator had supported the treaty, vowing to be among those “standing up for the rights of those with disabilities.” Dole had thought the support was iron-clad, but he eventually received a letter in which Moran informed him that he would oppose the treaty. A number of senators learned privately about Moran’s decision days before the vote.

Moran, asked last week why he abandoned his initial support, responded: “That was an early position. It was trying to be helpful to Dole.” Moran’s new position was that, as he put it in a written statement after the vote, “foreign officials should not be put in a position to interfere with US policymaking.” He had signed on to the argument put forward by the treaty’s harshest critics.

Asked why he changed from the position he had taken in a press release, Moran noted that treaties don’t have cosponsors and said: “I’m quoted in a release.”

So was Moran saying he was never for the treaty?

“No, I’m not saying that,” Moran said in the interview, conducted as he walked through corridors of the Capitol. “I’m saying I tried to help [the treaty] come to the floor, and had never made a conclusion as to whether I was for or against it, and concluded that it was a bad idea to have the United Nations involved in this.”

Moran’s turnabout was devastating to efforts for a bipartisan vote. (Roberts, the other Kansas senator, also wound up opposing the treaty.) Senator Richard Durbin, the Illinois Democrat who had been part of the bipartisan group of supporters that included Moran, recalled the shock when he learned of Moran’s decision. “We needed a handful of

conservative Republicans to stand with us . . . at some point many Republicans were very concerned about a conservative reaction to their vote on behalf of this treaty. We started seeing a number of them switching their votes.”

Senator Tom Harkin, an Iowa Democrat who also was part of the bipartisan group, said the opposition from home-schoolers was crucial and unexpected. “It came out of left field. Who ever thought this would ever be part of the discussion?”

‘A lesson about this town’

The day of the treaty vote began just like old times. It was Dec. 4, 2012, and Dole arrived on Capitol Hill to bipartisan acclaim. Several hundred people, including Democrats and Republicans, packed a Senate room to celebrate Dole’s role in passing the Americans with Disabilities Act of 1990. Back then, Dole’s own disability was hard to see.

He clutched a pen in such a manner so that people would not try to shake his right hand; his right arm hadn’t functioned normally since he was injured in World War II. Still, he had stood ramrod straight and strong.

On this December day, however, he showed the wear of having been in and out of the hospital for extended periods during the prior three years. Just a week earlier, he had been treated for an unspecified illness at a nearby naval hospital, where he had watched the debate about the treaty on C-Span.

Now he was in a wheelchair, pushed by his wife, Elizabeth, also a former senator. It was not lost on Dole that many of the requirements of the ADA bill, including the ubiquitous “curb cuts” that made it easier to navigate sidewalks, now made it easier for him to get around. His empathy for people with disabilities had only increased. So as leaders in the disabilities community gathered with members of both parties to honor Dole’s work, the reception was intended as a prelude to the vote later in the day.

It was around noon when Dole was wheeled on to the Senate floor as the final debate was underway.

To one side was Dole’s old friend, Senator John McCain. Both had been losing presidential nominees, but their bond was deeper than that; during the five years that McCain had been a prisoner of war, Dole had worn a bracelet with McCain’s name. McCain had worked with Dole to win passage of the ADA 22 years earlier, and he had been part of the bipartisan group of senators working to win passage of the treaty.

McCain used part of his time during the debate to read a letter from Dole urging passage and was “deeply grieved” as he observed Republicans rejecting the plea of the party’s former leader.

“It was, frankly, a lesson about this town . . . a lesson about the transience of power and the meaning of friendship,” McCain recalled in a recent interview. McCain, meanwhile, didn’t know Moran “well” and didn’t have a chance to talk to the Kansas senator about his change of position. The schism within the GOP that day was as stark as McCain had seen it. The assertions by opponents “were just nonsense,” McCain said, but they had stuck.

Kerry, who was in charge of efforts to pass the treaty, sounded exasperated as he pleaded on the Senate floor for votes. Referring to Dole, Kerry said: “The father of the (1990) act is sitting here . . . in all those 20 years, has any child been separated from a parent? No. Has home schooling been hurt? No. In fact it has grown and is flourishing across the nation.”

Dole watched from his wheelchair, as his wife patted him on the shoulder. One by one, Republicans turned against Dole and the treaty. Midway through the tally, sensing the outcome, he rolled out of the chamber. There were at least a couple of senators, Dole said in the interview later, “who were for it and they saw it going down the tubes and they voted ‘No.’ “

The Senate voted 61 to 38, five short of the two-thirds needed for approval. All of the 38 votes against the legislation were cast by Republicans. Many of them walked off the floor without greeting Dole. His fight was over, at least for the moment.

In addition to the opposition from the Kansans, Senator Johnny Isakson of Georgia, who had backed the bill in committee, voted against it on the floor; he and 35 other Republicans had signed a letter opposing treaty votes during lame-duck sessions, although that practice has been common. Senator Thad Cochran of Mississippi at first voted for the measure on the floor, according to media reports at the time, but switched his vote in the final count. (Isakson and Cochran did not return calls seeking comment.) Several other senators had waited until the last moment to see how the vote was going and voted against it.

McCain, a 26-year veteran of the Senate, said it was his worst day in the chamber. “When you see the former nominee of the Republican Party on the floor in a wheelchair, in what might be his last real effort, voted down by Republican after Republican, I can’t tell you how sad that was to me,” McCain said.

Dole was devastated. “The home-schoolers thought the UN would be involved in how they dealt with their children,” he said. “I don’t know how they got there, but once the stampede starts, they notify their leaders to start ringing the phones, sending the e-mails. It’s really effective.”

Dole, famously acerbic, concluded: “There must be more home-schoolers out there than I thought.”

In the end, eight Republicans supported the bill, including four New Englanders: Scott Brown of Massachusetts, Kelly Ayotte of New Hampshire, and Susan Collins and Olympia Snowe of Maine.

“The Pact,” under which disabilities legislation would be supported on a bipartisan basis, was dead.

Easing gridlock

During one of Dole’s recent hospitalizations, President Obama stopped by for a visit, and the two former senators discussed why it is so difficult to get things done in the chamber.

The president said he wished Dole were still in the Senate.

“I’m not sure I do,” Dole said he told Obama, “not because of you, Mr. President, but because it is intractable.”

So, Dole was asked during the Globe interview, what is the solution to end the gridlock that stifles action in Washington? It is a question he has pondered for years, and which led him and Mitchell in 2007 to become two of the cofounders of the Bipartisan Policy Center, which churns out proposals that aim for a middle ground to solve an array of the nation’s problems.

“This is probably a naive view, but I always believed that if you had a view and I had a view, we are both well intentioned,” Dole said. That is different than “having somebody saying ‘never give in’ and not compromise.”

Solving Washington gridlock shouldn’t be that difficult. Think of it as a math problem, he said.

“If somebody is at a two and you are at four, there ought to be some way to get to three,” Dole said. “And you settle on three.”

Timeline: The path to disability legislation

1945: Bob Dole is wounded while serving in World War II in Italy, leaving him with limited use of his right arm.

1968: Dole, a Republican of Kansas, is elected to the US Senate.

1969: Dole makes his first floor speech on problems faced by people with disabilities. He speaks on the anniversary of his wounding, and will continue to mark the date with a similar speech each year until he leaves office in 1996.

1989: Dole and Senator George Mitchell, a Democrat of Maine, negotiate the Americans with Disabilities Act. The Senate passes the bill, 76 to 8; the House passes it the next year.

1990: President George H.W. Bush signs the Americans with Disabilities Act of 1990.

2006: President George W. Bush negotiates an international treaty based on the ADA, aimed at encouraging other nations to adopt US standards. The United Nations adopts the text in December.

2012: By this point, the UN treaty is signed by 155 countries and ratified by 129.

July 2012: Criticism of the treaty is aired during a Senate Foreign Relations Committee hearing, but the panel approves it, 13 to 6.

December 2012: With Dole in a wheelchair on the Senate floor urging passage, the Senate fails to ratify the disabilities treaty.

Deadlock by design hobbles election agency

The FEC was born of idealism after Nixon era excesses, but its GOP members have all but shut it down



Donald F. McGahn II arrived as new head of the Federal Election Commission with a clear agenda: Roll back what he considered chronic “overreach” by the agency.

BY CHRISTOPHER ROWLAND

...

The free charter flight for Mitt Romney campaign volunteers seemed like an open-and-shut case for the six members of the Federal Election Commission.

A wealthy friend of Romney spent \$150,000 to fly as many as 200 campaign volunteers from Utah to a fund-raising phone-a-thon in Boston.

The three Democrats on the FEC agreed with the agency's staff that the charter appeared to violate rules limiting such "in-kind" gifts to \$2,600 per election.

But the three Republican commissioners disagreed, saying Romney's friend merely acted "in behalf of" Romney's 2008 campaign — not the illegal "on behalf of" — and thus the flight was allowed.

With that twist of legal semantics, the case died — effectively dismissed.

The 3-3 deadlock was part of a pattern of paralysis that has over the past five years gripped the commission, the nation's principal referee for federal elections.

The FEC has often been the subject of criticism since its founding four decades ago. But the impression of weakness has escalated dramatically, as Republicans named to the panel in 2008, united in the belief that the commission had been guilty of regulatory overreach, have moved to soften enforcement, block new rules, and limit oversight.

In essence, according to critics, the FEC has been rendered toothless, and at the worst possible time, when powerful special interests are freer than they have been in decades to exert financial influence on Washington politicians.

The commission is taking up far fewer enforcement cases — down to 135 in 2012, from 612 in 2007. And those cases it does consider often go nowhere. The frequency of deadlocked votes resulting in dismissed cases — like the case of the Romney friend's chartered jet — has shot up, to 19 percent, from less than 1 percent, according to figures compiled by critics of its performance.

The commission has also been hobbled by internal discord as it responds to the profound changes wrought by the Supreme Court's Citizens United ruling in 2010, which opened elections to unlimited corporate spending. New disclosure rules designed to help voters see which monied interests are spending hundreds of millions of dollars in campaigns have been blocked. It has stood by as candidates and the new super PACs supporting them, which can accept unlimited amounts from individual contributors and corporations, have established increasingly intertwined connections.

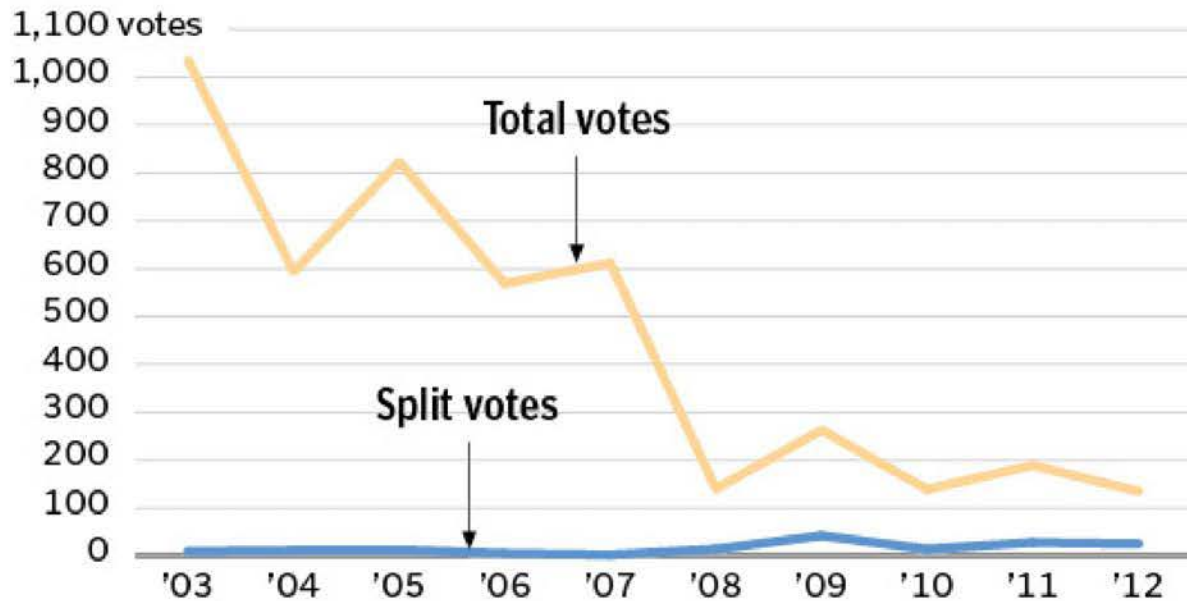
"People say we are dysfunctional right now," said commission chairwoman Ellen L. Weintraub, the agency's top official and a Democrat who has argued for stronger enforcement. "We are. Right now we are kind of stuck — we're kind of just mired."

The story of how an agency went from being a model of good-government intentions to a symbol of broken Washington stretches across the nation's capital, from the Congress that created the FEC and then stymied it, to the White House that failed to nominate new commissioners, to the Supreme Court that gutted campaign finance laws.

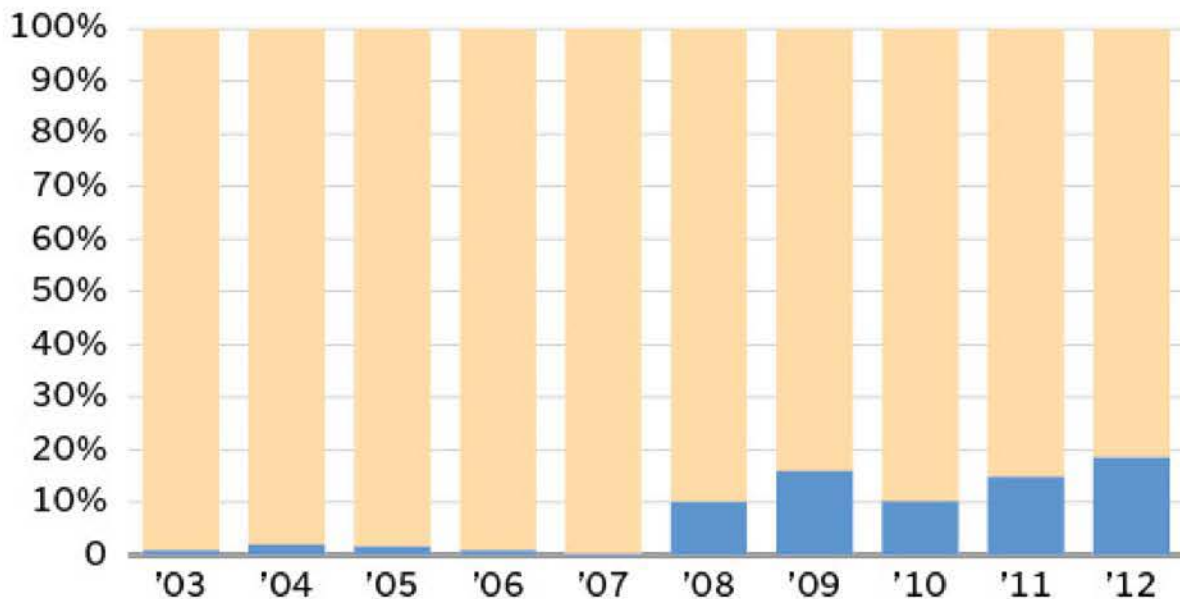
Today, the agency is among the nation's most dysfunctional federal entities, with leaders who rarely speak outside the confines of formal meetings, a staff of investigators who are routinely ignored, and a mandate that is rarely fulfilled.

ENFORCEMENT ACTIONS AT THE FEC

As the number of votes on proposed enforcement actions has declined ...



... the percentage of split votes has increased.



SOURCE: Public Citizen

PATRICK GARVIN/GLOBE STAFF

It started with high hopes

Expectations were greater when the Federal Election Commission was created in 1975, in the aftermath of the Watergate scandal. Confronted with evidence of illegal six-figure campaign contributions to President Richard M. Nixon's reelection campaign, Congress recognized the need for an independent agency to investigate and audit campaigns.

Supporters envisioned an aggressive, independent watchdog that would seek out violations of new campaign-finance rules designed to reduce the influence of money from special interests, said William Frenzel, a former Republican congressman from Minnesota who cosponsored the House amendment establishing the agency.

"Originally the intention was that it would have some teeth," he said. "We thought they would go after people who were not conducting their campaigns in conformance to the law, and we thought they would come back to the Congress to make recommendations to improve the law. In both of those cases, they didn't do very much."

But Frenzel and others say the design of the commission was flawed from the start.

While putting a new cop in charge of the campaign beat, Congress kept a firm grip on who would lead the organization. The commission has six members, three Democrats and three Republicans, but it can take no action without the approval of a four-vote majority. Names of nominees for the panel's six seats are recommended by Senate party leaders and sent to the White House to be nominated by the president, then confirmed by the Senate.

The effect has been to inject partisan differences into the commission's DNA, while increasing the probability that votes would end in deadlock.

"It's not working, and that's how it was designed," said Richard Briffault, a professor of law at Columbia University who has studied the commission.

To maintain continuity, the agency is supposed to have staggered terms for its full-time commissioners, who earn government salaries of \$155,000 a year. But battles over White House nominees during President George W. Bush's second term had created an unusual situation at the Federal Election Commission in 2008 — four simultaneous vacancies, three reserved for Republicans, one for a Democrat.

That presented the Senate's minority leader — Republican Mitch McConnell of Kentucky, a staunch opponent of curbs on campaign spending — with a rare opportunity to fill three slots at once. Of the three who were confirmed, Donald F. McGahn II had the most experience advising campaigns on election law and defending politicians and campaign

committees before the Federal Election Commission. He was immediately recognized as the intellectual core of the new Republican team.

And, as he confirmed in interviews with the *Globe*, McGahn arrived with a clear agenda: Roll back what he considered chronic “overreach” by the agency he had just been appointed to lead.

A critic within

McGahn was raised near Atlantic City, the nephew of a powerful Democratic New Jersey state senator who wrote the state’s casino laws. He and his family, he said, became Republicans during the Reagan era, disillusioned by the presidency of Jimmy Carter.

Outspoken and a ready combatant over legal issues, he wears his hair a bit longer than is fashionable in Washington and plays rock guitar in a cover band, appearing at surfside venues in Delaware and Maryland.

On matters of campaign finance, he is generally opposed to government interference and believes the Federal Election Commission for decades has unfairly trampled the free-speech rights of candidates, campaign contributors, and special interest groups.

McGahn openly disdains what he calls “reform-industry lobbyists,” whom he claims are out to chill political speech with disclosure rules and restrictions on political advertising.

“They have spent their entire life chasing this unicorn of a regulated political state, and it’s just failed miserably,” he added. “It’s not really our job to . . . use taxpayer money to push the pet agenda of reform industry lobbyists.”

McGahn came by these views as a private-sector lawyer working at a powerful Washington law firm, Patton Boggs, during the 1990s. He mentored under another Patton Boggs attorney, Ben Ginsberg, a well-known Republican who would become the campaign lawyer for both of Mitt Romney’s presidential elections.

In 1999, McGahn vaulted to the post of general counsel for the National Republican Congressional Committee, the main campaign arm of House Republicans. He occupied that position for nearly 10 years. Critics contend that exploiting campaign finance loopholes was part of his job.

During McGahn’s tenure, for instance, the committee gave \$1 million to an organization called The Leadership Forum, which critics complained was part of a scheme to get around a 2002 ban on “soft money” spending by parties. An FEC complaint died after the Leadership Forum gave the money back to the National Republican Congressional Committee. McGahn

refused to say what role he played in setting up the money transfer, saying he does not discuss client business publicly.

He gained further public notice when he represented two political committees operated by former House majority leader Tom DeLay, a Texas Republican. DeLay gave up his powerful leadership position after he was indicted by a Texas county grand jury in a campaign finance scandal in 2005.

When McGahn's name was floated in 2005 as a potential FEC member, campaign finance watchdogs objected. They sought to use his own words against him, publicly highlighting a statement he made to a British researcher about the commission's traditionally close ties to Congress.

"It's not like other agencies because you have . . . the fox guarding the henhouse," McGahn was quoted as saying. "You're going to appoint your guys to make sure you are taken care of."

McGahn keeps a fuzzy fox hat on a shelf in his office, wry testament to his last laugh.

A partisan split

FEC chairwoman Weintraub sent a greeting to McGahn and the other new Republican commissioners when they arrived at FEC headquarters in the summer of 2008, well into a busy presidential election year.

The commission — which has 375 employees and a budget of \$66 million — had been unable to make formal decisions for the previous six months: With four vacancies, it was down to just two members. Weintraub, a Harvard-educated lawyer who earned her Washington stripes as counsel for the House Ethics Committee, was ready to get to work.

"I was all excited when everyone showed up," she said. "I sent them an e-mail saying, 'Welcome. What can I do to help your transition? I'm happy to provide any information about how we do things. My door is always open.'"

Weintraub received no response, establishing what she described as a pattern of the Republicans keeping to themselves. Any substantive discussion takes place in formal meetings. She noticed that the GOP members and their staffers even went to lunch as a group, huddling in a knot in the elevator lobby.

Weintraub said she rarely has private conversations with McGahn, whose office is next door to hers.

“He in fact does not return my phone calls,” she said. “He never has.”

McGahn and his allies function as a unified block, united by party and ideology. That is a departure from the past, say longtime observers, when members more frequently crossed party divides, making it possible to get the four-vote majority necessary for the agency to act.

“We have lost over the years a sense of common mission to make the place work,” Weintraub said. “There is less willingness to compromise.”

The backlog of unfinished business has jumped because Republican commissioners raise objections to the most routine enforcement matters and audits, she said. The commissioners recently had 65 matters pending on their desks. Republicans grill audit staff and investigators over their reports, much of it during day-long executive sessions, behind closed doors. Many of those cases are routine.

McGahn bristles at Weintraub’s depiction, including about his phone manners. “She doesn’t call me,” he said. “She has my number. She never uses it.

“If she spent half as much time running the agency as she does attacking me, we might actually get something done.”

McGahn said he refuses to get drawn into compromises on policy and enforcement with Democrats on the commission. Republicans on the panel did so in the past, he said, and it was a mistake. He cites Supreme Court rulings that have limited FEC regulations.

“You can’t horse-trade when it comes to the First Amendment,” McGahn declared.

McGahn cast himself as a champion of the little guy. He sides with individual politicians and campaign contributors who he says must navigate a maze of rules erected by “unelected bureaucrats” seeking to stifle speech and legitimate campaign activity.

Some examples of his approach:

1. When Utah businessman Kem Gardner paid \$150,000 for the charter jet that flew up to 200 volunteers to Boston, Democrats on the FEC said it was “not a difficult case” — Gardner had clearly bestowed an expensive in-kind gift to the Romney campaign — and voted to launch an investigation. But in the view of McGahn and the other Republicans, there was no evidence the Romney campaign asked Gardner to charter a plane. Thus, he was not acting “on behalf of” the campaign, they said. Case dismissed.
2. After a supporter of George W. Bush agreed to pay a fine after spending \$1 million on campaign billboards without required disclaimers, McGahn saw it as an unfair penalty and tried to reverse it. (It was too late. The case had already gone to court, and the defendant wanted to settle and move on.)

3. McGahn's preference for leniency also extends at times to Democrats. Consider the case of an operative at the Washington State Democratic Central Committee who was suspected of embezzling \$65,000 and quietly returned the money. The operative signed a settlement agreement with the FEC, but the commission deadlocked, 3-3, and refused to accept the signed deal. McGahn said he saw the matter as a contract dispute, not a violation. Case closed, no finding.
4. In a special congressional election in Louisiana in 2008, a conservative group based in Washington called Freedom Watch, largely financed by billionaire casino mogul Sheldon Adelson, directly targeted the Democratic candidate with attack advertising. But it did not disclose the identities of its contributors.

The Federal Election Commission staff and Democratic members said the lack of disclosure was an apparent violation. McGahn and the other Republicans disagreed. They said contributors to Freedom Watch had not specifically requested that their money be used on those specific ads, in that specific campaign, so therefore no disclosure was required. Another enforcement case, fizzled.

A 'dirty word': disclosure

A picture window on the Federal Election Commission's facade is emblazoned with a quote attributed to the late Supreme Court Justice Louis D. Brandeis, in 1913: "Sunlight is said to be the best of disinfectants, electric light the best policeman."

The sentiment is part of a philosophy of transparency that stood for decades at the core of the Federal Election Commission's mission. The Supreme Court in its 2010 Citizens United ruling even cited the need for public disclosure as a counterweight to the unlimited corporate, union, and nonprofit spending on elections the court authorized in that decision.

"The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way," the justices concluded. "This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages."

But current reality does not match the justices' vision. The FEC's disclosure rules for many types of outside groups contain major gaps, which have permitted a surge in secret spending.

The sources of about \$310 million in campaign spending in the 2012 election legally were not disclosed, up from \$130 million in 2010, according to the Center for Responsive Politics, a nonprofit that tracks the flow of money in elections. Crossroads GPS, a nonprofit

organization associated with Republican adviser Karl Rove, was the leader in spending money from undisclosed sources in the 2012 election, with \$71 million.

Campaign reform groups have passionately urged the Federal Election Commission to lift the veil on this activity by strengthening its rules, but McGahn and the Republicans have blocked such a move.

“Surreal,” was how Weintraub described a hearing on the subject, after McGahn used a procedural objection to prevent her from grilling a US Chamber of Commerce lawyer on the chamber’s disclosure filings.

“That used to be the part that everyone agreed on,” Weintraub said. “Suddenly, disclosure became a dirty word.”

McGahn’s opposition to disclosure is gaining popularity in conservative circles, notwithstanding the urging of the Supreme Court. McGahn contends revealing the identities of people who pay for political advertising has a chilling effect on political speech.

“It’s what do you fear more. Do you fear the potential influence that money could buy on policy, which no one has ever proven or is very attenuated? Or the ability of the incumbent politicians to know who is criticizing them and retaliate?”

“I fear the government more than my fellow citizen,” he said, “so I come down on the side of protecting speech.”

McGahn also asserts that the commission lacks legal authority to expand disclosure rules. “If people want more disclosure than that which is on the books, Congress has to act first — not unelected bureaucrats.”

Advocates disagree strenuously, including a 23-year former veteran staffer of the FEC, Lawrence Noble, president of a nonprofit group, Americans for Campaign Reform. Noble spent 13 of his years at the FEC as the agency’s general counsel. He described McGahn’s position as “nonsense” and said the FEC does have legal authority to develop new disclosure rules.

As Republicans have progressively weakened the commission, President Obama has come under fire for failing to nominate new commissioners as terms lapse: McGahn’s term expired in 2009, and Obama has been slow to nominate a successor.

The president nominated a labor lawyer to fill a Democratic seat in 2009, but he was blocked by a bipartisan group of senators. Last month, Obama finally nominated a replacement for McGahn, whose departure may occur this month, while also nominating someone to fill a Democratic vacancy.

A spokesman for Obama did not respond to requests for comment. The nominations are pending before the Senate.

Even as he prepared to step down, McGahn last month was pursuing one last crusade: stripping Federal Election Commission staff lawyers of much of their authority to independently investigate cases.

McGahn believes the commissioners themselves should assert greater control over investigations, as well as decide when the agency shares information with the Department of Justice.

A key part of his proposal would prohibit agency investigators from reviewing candidate websites, YouTube, news articles, social media, and federal court records to help them determine whether a complaint has merit.

The proposal has touched off yet another ideological battle within the FEC. The commission's general counsel responded with an exhaustive memo, released last week, strongly defending the staff's authority to investigate complaints.

The wrangling continued Thursday, after Republicans on the commission won a delay of a public discussion on the matter — even though it had already been posted on a public agenda and attracted a meeting room packed with lawyers and other observers.

McGahn and the Republicans offered no explanation for the delay, said Weintraub, visibly frustrated.

“You think they tell me?”

Kansas district shuns compromise

In vast Kansas district, angry voters hail congressman for refusing to hedge even a little



BY MATT VISER

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JETMORE, Kan. — In a cramped meeting room at the county courthouse, US Representative Tim Huelskamp had just finished an update for his constituents when a woman rose. She didn't really have a question for the congressman, she said, so much as a message.

"I just want to thank you," she said, "for continually being a thorn in the side."

"Keep it up!" a man nearby yelled.

On it went. Huelskamp, a two-term Republican congressman, is known, more than anything else, as a major irritant in Congress — a stubborn, hard-headed opponent of just about everything except bigger budget cuts. He's so unwilling to compromise that even House Republicans removed him from his high-profile committee assignments.

Huelskamp embodies the new intransigence that has invaded Washington, making it almost impossible to cut deals, bringing the capital to a grinding halt. Polls show many Americans find all the gridlock, debt crises, and brinkmanship frustrating.

But in Western Kansas, it appears, this is exactly what his constituents want.

"All he has to do is keep saying no," said Jim Hingle, a 56-year-old computer serviceman from Jetmore. "Just keep saying no until people listen. . . . We want him to rankle people."

Huelskamp voted against the Violence Against Women Act. He voted against the fiscal cliff deal. He voted against raising the debt ceiling. He even refused to support relief money

for victims of Hurricane Sandy, saying the bill was “loaded up with pork.” When he didn’t think House Speaker John Boehner was being tough enough with Democrats, he nominated someone else more conservative in a failed attempt to unseat him.

The establishment in Washington views voters in places like Jetmore as part of the problem: They are sending staunchly conservative lawmakers to office with a mandate to oppose government spending and tax increases while avoiding any compromise. Their ideological purity has stymied efforts to set a coherent economic policy, sowing uncertainty in the business community and hampering the economic recovery.

But in two dozen interviews last week during the congressional recess, the people of Jetmore and the district’s other rural communities said Washington and President Obama have it all backward. Although the fractured Tea Party groups that grew in 2010 have lost some of their national stature, the anger that gave rise to the movement is still out there.

The residents of western Kansas are tired of out-of-control spending and government growth, and Huelskamp is their response. The fifth-generation farmer and former state senator easily won his first House race in 2010, 74 percent to 23 percent. In 2012, he wasn’t even opposed.

“I would say 90 percent of the people here are angry at Washington - because they’re reckless,” said Alan Snodgrass, the only doctor in Hodgeman County. “This president is trying to destroy the country I grew up in.”

No room for compromise

The First Congressional District covers more area than almost any other House district in the country. It is nearly 60,000 square miles, about the size of the entire state of Illinois. Billboards dot country roads reading, “Smile! Your mom chose life,” or “Did you pray today?” AM radio stations read off the latest soybean prices, and corn and wheat silos pop up along the two-lane highways.

It also is one of the reddest districts in one of the reddest states in the country, having elected only one Democrat - for a single two-year term — since the district was created in 1874. Kansas has not voted Democratic in a presidential election since 1964, when President Lyndon Baines Johnson was elected.

Although the residents rely heavily on federal agricultural subsidies, the efficient work of USDA meat inspectors, and extra government aid for rural hospitals, voters in conversations across the district expressed nearly universal disdain for Washington.

“Everything is negative. It’s the worst I’ve seen in my lifetime, and I’m only 89 years old,” said Wayne Hawkins, owner of a gift shop in Dodge City, once among the wildest places in the West. “Our government is in bad shape.”

At the Larned Chamber of Commerce, the cookies topped with icing were displayed neatly on a table. Tea had been poured and coffee was ready. But anger percolated beneath the small-town hospitality.

Residents seethed over Obama’s use of “scare tactics” to win an increase in the debt limit. They resent Michelle Obama for taking vacations. They are upset with Boehner for negotiating with Obama and not winning bigger budget cuts. They think their own party has strayed from its principles and needs to make a “severe correction.”

“We hear criticisms that [Huelskamp] won’t get along, but that’s not what we elected him for. We elected him to vote for principle,” said Paula Carr, a 64-year-old who sells and repairs lawn and garden equipment. “Compromise is why we’re in the condition we’re in now — too much compromise over the last 30 years.”

Huelskamp was part of a conservative wave in the 2010 elections that helped Republicans win control of the House, depositing a new breed of politicians in the Capitol who came to be known as the “Hell No Caucus.” About half of the 63 seats gained by the GOP were captured with Tea Party support. The farmer from western Kansas was joined by an attorney from Idaho, a former military officer from Florida, and the owner of a pottery company in Colorado.

A backlash eliminated some of their numbers in 2012, but the survivors like Huelskamp have been heartened by their sustained influence. The GOP’s fractures are visible in the House leadership. Boehner’s deputies have at times undermined his negotiations with the president, and House majority leader Eric Cantor has emerged as a hero among the conservatives.

Still, some have suggested that intransigence from the Hell-No wing has backfired, pushing House Republican leadership further to the center in search of Democratic votes to pass important bills.

“As long as their districts are willing to elect them — and the country is going down the tubes because we can’t come to compromise — we’re not going to get anywhere,” said Charles Bass, a former Republican congressman from New Hampshire. Bass estimated there were about 80 conservatives and 80 liberals who are largely averse to cutting deals, but the liberals get less attention because they are in the House minority, and because they are less vocal.

Huelskamp made his political mark by refusing to compromise. As a state senator, GOP leaders in 2003 kicked him off the Senate Ways and Means Committee. In his first run for Congress in 2010, he put out television ads showing him on a tractor, as a narrator described how he “went against his party leaders, and was kicked off his committee, for bucking the establishment and fighting wasteful spending.”

Some state Republicans were so worried about his opposition to government spending that they have tried to protect funding for a government agriculture and defense research facility by excluding it from his district.

Huelskamp was unrepentant in an interview, expressing disillusionment with his own party.

“I think Republicans are frankly too lazy,” he said between sips of unsweetened iced tea. “Too many of my colleagues don’t get out and go to have a town hall and explain what we’re about. Most Republicans don’t go out and talk about freedom and opportunity, except for their donors, near that I see.”

“What’s the vision?” he added. “What’s it mean for real people?”

Huelskamp had kinder words for House minority leader Nancy Pelosi - and her ability to get Democrats to take a tough vote on health care when she was speaker in 2010 - than for Boehner, a leader he says “doesn’t want to do much different” and favors “kind of status quoism.”

“We’ve got to have Republicans,” he said, “willing to stick to their principles rather than sticking to their office.”

Huelskamp said he thinks lawmakers’ unwillingness to stop automatic budget cuts during the sequester debate is a sign that the message from him and other Tea Party-backed politicians is sinking in.

And he expressed discontent with a blueprint released by the Republican National Committee last month, which said Republicans risked extinction unless they were able to moderate their image and broaden their appeal.

“It was 97 pages of ‘Let’s be more like the Democrats,’ “ Huelskamp said. His willingness to buck leadership prompted House leaders to remove him from the agriculture and budget committees.

His response? Fine.

“My people see that as a sign that I’m doing the right thing,” he said. “Washington has a 9 percent approval rating. Root canals are better rated than Congress.”

Bubbling resentment

Jetmore (pop. 867) is a neighborly community where residents give out just the last four digits of their phone number, since most everyone has the same prefix. Towering grain elevators are the most prominent feature on Main Street. At his wife’s homey diner, Judy’s Cafe, Norman Bamberger settled into a chair and ordered dinner.

Bamberger is a lifelong Republican who is growing frustrated with his party. “The old establishment Republicans won’t support the conservatives, and we’ve got a mess,” he said, between bites of fried gizzards and a sirloin steak.

Bamberger has 900 cattle, and he’s going on his second bad year in a row. Meat prices are high, good for reaping a profit, but a drought has caused increases in prices of grain he needs to buy to feed his cattle. He supports the automatic budget cuts of earlier this year, except for the one that threatens to reduce the number of federal meat inspectors — which could affect his own business.

“It’s just stupid,” he said. Then, in a jarring attempt at dark humor that most would find offensive, he added: “Where’s Lee Harvey when you need him?”

Concerned about seeming harsh with his reference to the man who assassinated President John F. Kennedy, he quickly added, “That wasn’t very nice.”

The next morning, in the back corner of the local gas station, a group of about a dozen men sat near the stocks of Budweiser and Slim Jims and talked politics. The group included the mayor, a retired farmer, and the editor of the local newspaper, the Jetmore Republican.

“There’s a lot of things you shouldn’t compromise on — period,” Charles Leet, who runs a television and appliance repair shop, said between puffs on his electronic cigarette.

Like what?

“Throw out anything,” he said, then, answering his own invitation, he and his friends listed immigration and raising taxes. And in a region where older men reminisce about carrying weapons on the school bus and storing them in their lockers during class, they added gun control — a nonstarter in the Kansas First District.

Members of the gas-station gathering also agreed Medicaid and food stamps are making some people too dependent. They feel the moral underpinnings of the country are starting to

fall apart. Mike Thornburg, the editor of the Jetmore Republican, was aghast when he realized the symbols he was seeing on his Facebook page were from people supporting gay marriage.

“We don’t have the gay problem,” he said with a chuckle. “We have goat and chicken [expletive] out here, but that’s OK. We can deal with that.”

Resentment toward Obama (whose mother grew up in rural Kansas) bubbled up again and again, including yet another jolting reference to assassination.

“Hell, we ought to impeach the little bastard,” Leet said. “Asleep at the switch. I keep donating to the Bring Back Lee Harvey Committee. It hasn’t worked yet.”

The group chuckled.

“We aren’t rabble-rousers. We don’t want to cause trouble,” Thornburg said a few minutes later. “But it’s been coming down the pike for a long time. So we sent you Huelskamp.”

Tax lobbyists help businesses reap windfalls

While Congress fights over ways to cut spending and the deficit, generous breaks for corporations pass quietly



Tax breaks won by the Washington lobbying industry, centered on the K Street corridor, show how cheap it is, relatively speaking, to buy political influence.

BY CHRISTOPHER ROWLAND

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Lobbying for special tax treatment produced a spectacular return for Whirlpool Corp., courtesy of Congress and those who pay the bills, the American taxpayers.

By investing just \$1.8 million over two years in payments for Washington lobbyists, Whirlpool secured the renewal of lucrative energy tax credits for making high-efficiency

appliances that it estimates will be worth a combined \$120 million for 2012 and 2013. Such breaks have helped the company keep its total tax expenses below zero in recent years.

The return on that lobbying investment: about 6,700 percent.

These are the sort of returns that have attracted growing swarms of corporate tax lobbyists to the Capitol over the last decade — the sorts of payoffs typically reserved for gamblers and gold miners. Even as Congress says it is digging for every penny of savings, lobbyists are anything but sequestered; they are ratcheting up their efforts to protect and even increase their clients' tax breaks.

The Senate approved tax benefits for Whirlpool and a host of other corporations early on New Year's Day, a couple of hours after the ball dropped over Times Square and champagne corks began popping. A smorgasbord of 43 business and energy tax breaks, collectively worth \$67 billion this year, was packed into the emergency tax legislation that avoided the so-called "fiscal cliff."

In the days that followed, the tax handouts for business were barely mentioned as President Obama and members of Congress hailed the broader effects of the dramatic legislation, which prevented income tax increases on the middle class and raised top marginal tax rates for the wealthy.

Yet the generous breaks awarded to narrow sectors of the American business community are just as symptomatic of Washington dysfunction as the serial budget crises that have gripped the capital since 2011. Leaders of both parties have repeatedly declared their intention to make the corporate income tax code fairer by lowering rates and ending special breaks, while intense lobbying, ideological divides, and unending political fights on Capitol Hill block most progress.

The result: sweeping bipartisan tax reform of the sort negotiated in 1986 by Republican President Ronald Reagan and Democratic House Speaker Thomas P. "Tip" O'Neill Jr. is rated a long shot once again this year. In fact, the most visible signs of cross-party cooperation on corporate taxes are among regional groups of lawmakers who team up, out of parochial interest, to maintain special treatment for businesses in their home states.

In the absence of meaningful change, corporations like Whirlpool continue to pursue the exponential returns available from tax lobbying. The number of companies disclosing lobbying activity on tax issues rose 56 percent to 1,868 in 2012, up from 1,200 in 1998, according to data collected by the nonpartisan Center for Responsive Politics.

Whirlpool had plenty of company on New Year's, including multinational corporations with offshore investment earnings, Hollywood companies that shoot films in the United

States, railroads that invest in track maintenance, sellers of energy produced by windmills and solar panels, and producers of electric motorcycles.

Their special treatment is a fraction of a broader constellation of what the federal Joint Committee on Taxation estimates will be \$154 billion in special corporate tax breaks in 2013, contained in 135 individual provisions of the tax code.

Watchdogs and tax analysts denounce these favors as a hidden form of spending that amounts to corporate welfare. In essence, these “tax expenditures” are no different than mailing subsidy checks directly to companies to pad their bottom lines.

Congress reduced the number of tax breaks in 1986 as part of the broader reform package. The breaks steadily crept back, particularly in the last decade, as lawmakers heeded requests from advocacy groups and business lobbyists to lower taxes as a way of subsidizing particular industries.

“There’s a justification and rationale for virtually every one of these. They have their intellectual advocates, and they have their political advocates, and that’s how they get in the law,” said Lawrence F. O’Brien III, an influential lobbyist and a top campaign fund-raiser for Senate Democrats who represents financial industry clients and other interests.

Whirlpool has a powerful Michigan delegation behind it, including key committee chairmen of tax-writing and energy committees in the House. In response to questions from the Globe, the company said its special tax breaks led it to save “hundreds” of American jobs from the effects of the recession.

“Energy tax credits required that Whirlpool Corporation make significant investments in tooling and manufacturing to build highly energy-efficient products,” Jeff Noel, Whirlpool’s corporate vice president of communication, said in an e-mail. “If you look at our 101-year history, we have definitely paid our fair share of US federal income taxes.”

But its federal income taxes have been minimal in recent years, thanks in large part to tax credits and deferrals, according to public filings. Its total income taxes — including foreign, federal, and state — were negative-\$436 million in 2011, negative-\$64 million in 2010, and negative-\$61 million in 2009. It carries forward federal credits as “deferred tax assets” that it can use to lower future tax bills.

The renewed tax breaks granted by Congress in January, which were retroactive to the beginning of 2012, will not be recorded until Whirlpool pays its 2013 taxes. Because of the absence of that tax credit, and because of greater earnings and changes in foreign taxes, the company estimated its total 2012 tax expenses will be \$133 million.

Whirlpool did not provide a specific number of jobs retained. The benefits were not sufficient to protect Whirlpool's employees at a refrigerator manufacturing plant in Arkansas. Last summer, the company laid off more than 800 hourly workers, closed the factory, and moved manufacturing of those refrigerators to Mexico. It was part of an overall reduction of 5,000 in its workforce announced in 2011 in North America and Europe.

Congress "made a big mistake," by authorizing hundreds of millions of dollars in tax credits for Whirlpool based on arguments that the company would retain domestic jobs, said Howard Carruth, a machine maintenance worker and union official who began work at the plant in 1969 and lost his job last year when the plant closed.

"They really hurt the economy around here," he said. "I blame the corporate greed."

The closing also transformed Carruth from loyal to embittered customer: "We bought Whirlpool for our own house, for family and friends. If one of those goes out in my house right now, it will not be replaced by Whirlpool."

Many companies would probably pay much higher taxes — including Whirlpool — if Congress eliminated special breaks and lowered the income tax rate to 25 percent from the current 35 percent.

An extra benefit of winning government subsidies through the tax code: Recipients remain immune from spending cuts like the automatic "sequester" imposed on March 1.

Called the "tax extenders," 43 credits, deferrals, and exceptions for general business and energy firms were lumped into the fiscal cliff legislation. The returns on lobbying investments companies realized when the Senate passed its fiscal cliff bill helps explain why Washington tax lobbyists remain in demand:

- Multinational companies and banks, including General Electric, Citigroup, and Ford Motor Co., with investment earnings from overseas accounts won tax breaks collectively worth \$11 billion — a return on their two-year lobbying investment of at least 8,200 percent, according to a Globe analysis of lobbying reports.
- Hollywood production companies received a \$430 million tax benefit for filming within the United States. As a result, companies like Walt Disney Co., Viacom, Sony, and Time Warner — with the help of the Motion Picture Association of America, chaired by former Connecticut senator Christopher J. Dodd — realized a return on their lobbying investment of about 860 percent.
- Railroads lobbied on a broad array of issues, a portion of which yielded \$331 million for two years' worth of track maintenance tax credits. Return on investment: at least 260 percent.
- Even at the low end of the economic scale the returns can be large. Two West Coast companies that manufacture electric motorcycles — Brammo Inc. of Oregon, and Zero

Motorcycle Inc. of California — reported combined lobbying expenditures of \$200,000 in 2011 and 2012. They won tax subsidies payable to the consumers who buy their products worth an estimated \$7 million. The electric motorcycle market stands to receive a return on that investment of up to 3,500 percent.

Like each of the industries that won special treatment in the Jan. 1 “extenders” corporate tax measure, the electric motorcycle lobby argued that tax breaks would protect or create jobs. Electric motorcycle manufacturers only employ hundreds of workers now, said Jay Friedland, Zero Motorcycles vice president, but could employ thousands in the future.

“There are definitely provisions in the extenders that people scratch their heads at, but if your goal is to build a replacement for the pure oil economy, this is the kind of industry you want to make an investment on,” he said.

Measuring the rewards for lobbying on individual tax provisions is by nature imprecise, especially for large corporations that weigh in on dozens of issues. Companies file blanket disclosure reports that do not break down their lobbying expenditures by individual issue.

Publicly traded companies like Whirlpool with narrower lobbying agendas, and who publish their annual tax credit benefits in shareholder disclosure reports, are easier to track.

In addition to seeking tax breaks, corporate lobbyists also seek to protect favorable elements that are already baked into US tax policy. Private equity firms, for instance, fight each year to defend the tax treatment of “carried interest” payments for investment managers. Those payments are treated as a capital gain by the Internal Revenue Service, and thus taxed at a much lower rate, 20 percent in 2013, than the top income-tax rate of 39.6 percent.

The best-known example of a millionaire benefiting from “carried interest” tax treatment was Mitt Romney, the 2012 Republican presidential nominee, who reduced his individual tax rate to below 15 percent by applying the provision to his extensive Bain Capital profits.

The publicity surrounding Romney’s tax returns fueled an onslaught by critics. The private equity industry’s trade group and the nation’s largest firms spent close to \$28 million on lobbying in 2011 and 2012, according to public records. So far, they have won — a benefit that the Obama administration has estimated is worth at least \$1 billion over two years. The return on investment for maintaining the status quo on the carried-interest tax rate over two years was at least 3,500 percent.

The returns show how cheap it is, relatively speaking, to buy political influence.

“It’s an end run around policy, and that makes it very efficient,” said Raquel Meyer Alexander, a professor at Washington and Lee University in Virginia who has examined the

investment returns on lobbying. “Firms that sit on the sidelines are going to lose out. Everyone else has lawyered up, lobbied up.”

Critics lament that fiscal combat between Republicans and Democrats is preventing serious reform of the business tax code.

“What we’re doing is running a Soviet-style, five-year industrial plan for those industries that are clever enough in their lobbying to ask all of us to subsidize their business profits,” said Edward D. Kleinbard, a former chief of staff at the Joint Committee on Taxation and now a law professor at the University of Southern California.

“These are perfect examples of Congress putting its thumb on the scale of the free market,” he said. “I’ll be damned if I know why I should be subsidizing Whirlpool.”

Congress has the opportunity every two years to stop doling out a good portion of these favors. A peculiarity of many special tax breaks is that Congress places “sunset” provisions on them.

Some observers say passing temporary tax breaks gives lawmakers an ongoing source of campaign funds — from companies that are constantly trying to curry favor to get their tax credits renewed. Others say it’s because making these tax rates permanent would require a 10-year accounting method — a step that would show how much each provision is truly costing taxpayers.

Whatever the reason, Congress has made many of them quasi-permanent, by simply extending them again and again.

“It’s the same cowardice that Congress has on everything. They don’t want to be truthful about what they are doing,” said Senator Tom Coburn, an Oklahoma Republican and persistent critic of government waste and special deals in the tax code.

Coburn voted against the raft of “extenders” when they were previewed and approved by the Senate Finance Committee at a hearing in August 2012. He offered amendments to strip individual tax breaks out of the package — including the high-efficiency appliance tax credit for Whirlpool and GE — but they were shot down by the majority Democrats on the committee, led by chairman Max Baucus, of Montana.

“It’s not about tax policy, it’s about benefiting the political class and the well-connected and the well-heeled in this country,” Coburn said in an interview. “We’re benefiting the politicians because they get credit for it. And we are benefiting those who can afford to have greater access than somebody else.”

Whirlpool pursues its Capitol Hill agenda from an office suite it shares on the seventh floor of a building on Pennsylvania Avenue that is loaded with similar lobbying shops and sits just a few blocks from the Capitol. Across the street, lines of tourists wait to view the original Declaration of Independence and the Constitution at the National Archives.

Whirlpool and other appliance manufacturers won tax breaks for producing high-efficiency washing machines, dishwashers, and refrigerators in 2005, as part of a sweeping package of energy incentives approved by the Republican-controlled Congress.

But that victory was just the beginning of a prolonged effort. Whirlpool and other appliance manufacturers must perpetually work to win renewal of their credits every two years or so. In recent years, the company has spent around \$1 million annually on lobbying, up from just \$110,000 in 2005.

The fiscal cliff legislation represented the third time the appliance tax credits were included in a tax extenders bill.

Defending the credits has become easier, said a person who has participated in Whirlpool's lobbying efforts. The extenders, this person explained, is an interlocking package of deals, each with a particular senator or representative demanding its inclusion.

"Some of it is the inherent stickiness of something that is already in the tax code," said the person, who was not authorized to speak about Whirlpool's efforts and requested anonymity. "If they open Pandora's box and start taking things out, it's politically very difficult."

The paradoxical posture of senators of both parties was on full display at the hearing last summer of the Senate Finance Committee to consider the most recent package of tax extenders. Some members lamented the system of doling out tax breaks, pledging to reform the corporate code, even as they defended individual items in the legislation and voted to approve it.

The senators said they wanted to provide stability and predictability for businesses that had come to rely on the temporary provisions to stay afloat and retain workers.

They did make an effort to trim the package: Some 20 provisions were left on the cutting room floor, according to data cited in committee. The panel ultimately approved the bill with a bipartisan, 19-to-5 majority.

Senator Debbie Stabenow, a Democrat from Michigan, went to bat for Whirlpool and other companies who she said are creating next-generation appliances that save water and electricity.

“We have one of those major world headquarters in Michigan — and it’s amazing what they are doing,” she said. “Right now, we are exporting product, not jobs,” she added, without mentioning Whirlpool’s Arkansas plant closure last year.

Former senator John F. Kerry, another member of the committee, said certain industry sectors need temporary tax subsidies. Oil and gas companies, Kerry explained, benefit from permanent tax breaks in the law, while the wind, solar, and other alternative energy interests are forced to come to Congress “hat in hand” every two years.

Coming “hat in hand” in this context means deploying teams of lobbyists, mostly former Capitol Hill aides. They left their government jobs with an understanding of the tax code and, working in the private sector, are able to leverage their political connections to gain access to congressional leaders and staff.

Among the busiest and most influential of these tax-lobbying teams is Capitol Tax Partners, a firm headed by Lindsay Hooper, and his partner, Jonathan Talisman. Hooper served as a tax counsel to a senior Republican on the Senate Finance Committee in the 1980s. Talisman held the post of assistant treasury secretary for tax policy during the Clinton administration. They did not respond to requests for comment.

Capitol Tax Partners lobbied on behalf of 48 companies in 2012, according to its mandatory disclosure reports. That client roster includes a bunch of companies that won tax breaks in the fiscal cliff bill: Whirlpool (energy-efficiency tax credits), State Street Bank (tax treatment of offshore investment income), and the Motion Picture Association of America (tax breaks for domestic film production), to name a few.

In Whirlpool’s case, Capitol Tax Partners and other boutique tax lobbyists helped the company win access to key lawmakers, said the person who has participated in the company’s lobbying efforts.

“There is a certain amount of door-opening and phone-call-answering quality of some of these firms that can be useful to make sure that you are getting your message to the right person at the right point in time,” the person said. “But on the substantive issues, these were done by the energy-efficiency advocacy groups and the companies themselves.”

After the Senate Finance Committee approved the tax extenders package last summer, it remained uncertain when it would materialize on the Senate floor for a final vote. Insiders kept their eyes peeled as the rancorous debate over the fiscal cliff — whether taxes would rise on the middle class wealthy — drowned out any voices discussing corporate tax reform.








Nothing was certain, until majority Democrats rolled out their bill on New Year’s Eve. With tax increases for the rich included, it would raise \$27 billion in new revenue in 2013. The Obama administration trumped that figure as helping to reduce the deficit.

But in reality, any gain from taxing the rich was easily eclipsed by waves of tax cuts in the bill — including the \$67 billion in the corporate tax breaks that had been resurrected at the last minute and voted on early on Jan. 1.

“They finally do it, and the extenders were bigger than the tax increases on the rich,” said Robert McIntyre, director of the advocacy group Citizens for Tax Justice. “Wow. What was this fight about?”

Corporate lobbying investment pays off

Some examples of high returns for corporate investments in Washington tax lobbying:

	Estimated industry gain	Approximate return on investment
<p>Multinational corporations with overseas investments</p> <p>Treatment of certain foreign investment income as “active”</p> <p>\$134.5 million in lobbying. Lobbying spending is inflated by participation of large corporations, which lobby on numerous other issues.</p>	\$11.2 billion	 8,200%
<p>Motorsports racing track facilities</p> <p>Accelerated depreciation for racetracks</p> <p>\$1.5 million in lobbying.</p>	\$78 million	 5,200%
<p>Private equity and other fund managers</p> <p>Lobbied to block change in “carried interest” tax treatment</p> <p>\$28 million by industry trade association and large firms.</p>	\$1 billion to \$4.4 billion (Over two years)	 At least 3,500%
<p>Electric motorcycle manufacturers</p> <p>Consumer tax credit for electric motorcycle purchase</p> <p>\$200,000 in lobbying by two manufacturers.</p>	\$7 million	 3,500%
<p>Domestic appliance manufacturers</p> <p>Tax credit for producing high-efficiency refrigerators, laundry machines, and dishwashers</p> <p>\$49 million in lobbying. Lobbying expenditure is inflated by participation of General Electric, which lobbies on numerous other issues.</p>	\$650 million	 1,200%
<p>Hollywood and TV film producers</p> <p>Special expensing rules for domestic film and television production</p> <p>\$44.7 million by Motion Picture Association of America and large film production companies.</p>	\$430 million	 860%
<p>Railroads</p> <p>Tax credit for track maintenance</p> <p>\$92 million in lobbying. Figure is highly inflated because railroads lobby on numerous issues.</p>	\$331 million	 260%

NOTE: Lobbying expenditures are for 2011 and 2012, combined. The amount spent on lobbying on this chart reflects total lobbying activity for companies and industries, not just on taxes (companies are not required to disclose lobbying expenditures by individual issue). That makes the estimated return on investment calculation conservatively low, especially for the largest corporations.

SOURCES: Joint Committee on Taxation, federal lobbying disclosure reports, the Center for Responsive Politics

THE AFFLICTED AND THE AFFECTED



As Obama, Senate collide, courts caught short

The partisan D.C. deadlock hits more than budgets. More than ever, judicial picks are ideological cannon fodder.

BY MATT VISER

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Just a few blocks from the US Supreme Court sits what is widely considered to be the nation's second most important judicial body.

But unlike its senior sibling, which has a full slate of judges, including two appointments made by President Obama, the US Court of Appeals for District of Columbia Circuit is fundamentally broken in ways that are rippling across Washington and the country.

It has only seven out of 11 judges, the worst vacancy rate in its history and higher than any other federal circuit court nationwide. Obama has never been able to get a nominee on the court, symbolizing the Senate's failure to approve nominations to dozens of courts nationwide. As a result, four years after Obama took power in the White House, Republican appointees still hold a 4-to-3 majority over those named to the court by Democratic presidents, and that has resulted in a series of conservative rulings that affect the lives of millions of Americans.

The impact on Obama's agenda, observers said, is clear. In the past several months alone, the court has weakened antipollution regulations, sided with tobacco companies, and restricted the president's ability to make appointments without congressional approval.

And the court's power over White House policies is about to grow exponentially. It is slated to rule on challenges to regulations written to comply with the Dodd-Frank financial regulations law, which was Congress's chief response to the Wall Street meltdown. And when regulations made by government agencies to comply with the new national health care law are challenged, it will likely be this court that hears the cases — making its ideological balance all the more relevant.

The partisan gridlock in Washington — largely fueled by the determination of Republican legislators to block Obama’s agenda by any means — manifests itself in almost everything Washington tries to do these days. It is most visible in the ongoing budget stalemate and the drama that nearly took the nation right over the so-called fiscal cliff, but the impact on the federal court system, while less obvious to the public, is no less damaging.

While the Senate’s slowness in approving judges nationwide has been noted, the practical and political impact on the courts of that holdup has received far less attention. The Senate has turned away one nominee after another — with a single Republican senator often able to block appointments without explanation — and the White House has often been powerless in response.

“It used to be the case that with judges, for the most part, Washington functioned,” said White House counsel Kathryn Ruemmler. “And that noncontroversial, good quality, fair-minded judges got confirmed in regular order.”

That is no longer the case.

In what is a growing problem infecting the nation’s federal courts — both small and large, from San Francisco to Allentown, Pa. — judges are taking far longer to gain approval from the Senate. It’s the result of a decline in decorum among senators, the willingness of the Republican minority to use tactics that were previously off-limits, and an overall rise in partisanship.

The result is that Washington gridlock is resulting in docket gridlock across the country, with courts not getting the judges they need as a result of dysfunction in the Senate.

There are currently 87 vacant seats out of 874 seats on the federal bench, continuing one of the longest periods of high vacancy rates in recent history. About a third of the vacancies are considered by the court system’s administrative agency to be “judicial emergencies” either because of how long they’ve been left open or because the affected courthouses are so busy.

The Eastern District of California is missing two of its six judges, and the remaining four on the bench are inundated with cases. The average judge nationwide handled 571 cases last year, but in this California court the judges are dealing with more than twice that number.

In Texas, a state where immigration cases dominate the docket, there are eight vacancies — two in the appellate courts and six in district courts. Most of the vacancies have been deemed judicial emergencies because of the high case loads and the time they've been vacant.

Courthouses in the home states of the two most powerful men in the Senate — Majority Leader Harry Reid, a Democrat from Nevada, and Minority Leader Mitch McConnell, a Republican from Kentucky — also have high vacancy rates.

The three branches of government are supposed to be equal. But because the executive branch — which nominates judges — has been unable to reconcile with the legislative branch — which approves nominees — the judicial branch is left in the lurch.

In essence, two branches of government, unable to come to agreements, are starving the third.

“What’s so troubling is this is not another federal agency,” said Carl Tobias, a law professor at the University of Richmond who studies judicial nominations. “This is another branch of the federal government. It’s a coequal branch, and it needs to be able to operate. That’s what’s so galling.”

A court with powerful history

The hulking, eight-story courthouse sits just down the street from the Capitol and the Supreme Court, blending into a phalanx of federal buildings. But its power is evident the instant one steps inside. Inside the entrance of the Elijah Barrett Prettyman US Courthouse, which houses the D.C. Circuit, are panels noting some of its historic decisions — whether

newspapers had a First Amendment right to publish the Pentagon Papers, and whether President Nixon had to turn over tapes from his conversations in the Oval Office.

The lobby is graced by gold-plated lettering on a marble wall of the names of each justice to serve in the courthouse since 1893. But it's what is missing that is most notable. No name has been added since 2006, the second-longest gap since 1924.

Inside a fifth-floor courtroom hang portraits of 22 past judges. On one side is Ruth Bader Ginsburg, who went on to the Supreme Court, the nominee of President Bill Clinton. On another wall is Robert Bork, whose nomination in 1987 by President Reagan to the Supreme Court was stymied by Democrats in a way that helped set the standard for much of the current partisanship in the judicial nominating process.

On a recent Friday, as the clock struck 9:30 a.m., a court official entered and called, "Stand please! Oyez, oyez, oyez," and three judges in robes filed in and took their seats.

High-powered attorneys, each granted 10 minutes, stepped to the lectern and argued their case before the judges, who didn't hesitate to interrupt. Two cases were heard this day, one questioning whether a police officer had a right to search a man for drugs; another on whether foreign heads of state can be sued in American courts, or whether they have diplomatic immunity.

The court has a particularly powerful jurisdiction. Nearly two-thirds of the court's cases involve the federal government in some capacity, compared with 19 percent for other federal courts, nationwide. It reviews decisions and orders from the Federal Communications Commission, the Postal Regulatory Commission, and the Federal Election Commission. It hears challenges to the Clean Air Act, to national drinking water regulations, and to official designations of "foreign terrorist organizations."

But the court has taken on a more partisan bent that colors the decisions that do come down: Of the seven judges currently on the court, four were appointed by Republicans and three were appointed by Democrats. Of the six senior judges — who have retired, but still hear cases — five of them were appointed by Republicans.

Obama became the first president in more than half a century to not win any appointments to the court during his four-year term, despite nominating two candidates for the bench (he hasn't named candidates for the two other vacancies, one of which became open only last month).

Cases at the appeals court are heard by a three-judge panel, with the judges randomly assigned to cases in a system designed to limit chances of an ideological imbalance.

To be sure, judges say they are impartial, driven by trying to determine the letter and legislative intent behind the law. But they are appointed by presidents who carefully review their backgrounds and it is widely expected they often will vote in a way that is ideologically in line with the person who nominated them.

And at the D.C. Circuit court, the ideological odds are stacked: Of the 13 judges, both active and senior, who can hear cases, nine of them were appointed by Republicans.

Over the past six months, there have been 191 oral arguments heard by three-judge panels at the D.C. Circuit court, according to the public schedule. In nearly 80 percent of those cases, at least two of the three judges on the panel were appointed by Republican presidents — and in nearly one-quarter of the cases all three judges were Republican appointees.

The main impact of having fewer judges — and having none approved since 2006 — is the partisan tilt of the court. The last time a Democratic president's nominee to the court was confirmed was in 1997.

Several recent decisions illustrate the impact of having a court without any Obama nominees.

In July 2011, the Environmental Protection Agency issued regulations to address air pollution that crosses state lines, using powers granted to the agency under the Clean Air Act.

The new regulations would have required states to reduce power plant emissions and prevent the pollution from crossing into neighboring states. It was as part of a so-called transport rule, which the EPA estimated would annually prevent between 13,000 and 34,000 premature deaths; 19,000 hospital and emergency room visits; and 1.8 million days of missed school or work.

But a power company that runs a coal-burning power station in Homer City, Pa., sued the EPA in the D.C. District Court and said it was overstepping its authority.

A three-judge panel was assigned per the random system, and arguments were given on both sides.

In August 2012, the court sided with the power company in a 2-to-1 ruling. The two judges ruling against the EPA were appointed by President George W. Bush. The one dissenting judge was appointed by President Clinton.

“The sense after, and it lingers today, is that the ruling was so devastating that the Clean Air Act control program in question has been stripped of all real meaning,” said John D. Walke, who is the clean air director for the Natural Resources Defense Council, which signed

onto the case with the EPA. “It was that dramatic in depriving the Clean Air Act of any vitality.”

In 2011, the FDA passed new regulations requiring cigarette companies to display nine different graphic images on their packages. One included a cadaver with chest staples, another black lungs of a longtime smoker.

Some of the country’s top tobacco companies, including RJ Reynolds, sued the FDA, saying they overstepped their authority. It went beyond providing consumers with factual information about their product, they argued, and instead turned their packaging into a billboard for the government’s antismoking campaign.

In 2012, when the case got to the D.C. Circuit Court, three judges were assigned to the panel. Two were appointed by Republican presidents, one was appointed by a Democratic president. The two GOP appointees ruled against the FDA, while the Democratic appointee ruled in favor.

The government lost the case, and has been considering an appeal.

In January, the court ruled on a case involving the National Labor Relations Board, and whether its decisions could be invalidated because some of its members were appointed by Obama when the Senate wasn’t in session.

The NLRB had ruled that Noel Canning, a Pepsi bottling company from Yakima, Wash., had violated labor laws, including executing a collective-bargaining agreement that had been reached with the union. The bottling company sued, saying the decision was invalid because three of the five members of the board were so-called recess appointments.

It was a highly-watched case, because it could have a cascading effect on hundreds of other appointments made by Obama. House Speaker John Boehner and McConnell, the Senate minority leader, had attorneys arguing on their behalf, in favor of Canning’s argument.

The D.C. Circuit’s three-judge panel ruled in Noel Canning’s favor, saying Obama’s appointments were unconstitutional. The ruling, which the government is now preparing to appeal, reversed decades of precedent and threw into doubt hundreds of other appointments that Obama has made — as well as decisions that have been implemented by those appointees.

But those who argued the case said the odds were stacked against them even before arguments began.

Because of the ideological complexion of the court, they said, the case was bound to be ruled for Noel Canning. And indeed, all three judges on the case had been appointed by a Republican president.

“Just imagine a bingo wheel,” said Victor Williams, an attorney and a professor at Catholic University of America School of Law, who filed a brief siding with the NLRB. “If you have seven balls to spit out to fill up the three-judge panel instead of 11, there is a real possibility there would have been a more reasoned judge on that panel. It really is a classic example that it does matter if we keep our benches full or not.”

“It is more than just dysfunctional,” he added of the confirmation process. “It genuinely is broken.”

There was no small bit of irony in the decision: Obama made recess appointments because the Senate refused to approve his nominees. And those appointments were ruled invalid by a court where Obama has been unable to get any of his nominees approved.

None of the judges at the D.C. Circuit court returned calls seeking comment for this article.

The root of the problem is a broken nomination system.

Whenever a federal judge retires or dies, it is up to the president to nominate someone to take his or her place. The process historically has been closely coordinated with senators from the home state of the court. The senators often submit the names for nomination, the president then nominates them, and the full Senate vets and votes on them.

But if the president picks someone that a senator opposes, there are several ways for that senator to halt the nomination process, including mounting a filibuster on the Senate floor or speaking out against the nominee to convince colleagues not to confirm the president’s choice. They can also place an anonymous “hold” on a nominee, blocking someone without saying so publicly and without giving any reason for doing so.

There is also an old practice — in place since 1917 — that requires home-state senators to be handed blue pieces of paper in order to register their opinions on a nominee from their state. In some instances, merely not returning that piece of paper halts the nomination process because the Senate Judiciary Committee won’t start hearings until the blue slips are returned.

The blue slips have been increasingly used to block nominees. Reid, for example, has been unable to get his desired nominee confirmed to the Nevada District Court because Senator Dean Heller, a Republican from Nevada, has been withholding his blue slip, citing a position she took that he views as against Second Amendment gun rights.

“The blue slip process has become very problematic,” said Caroline Fredrickson, president of the American Constitution Society, a liberal group that has been advocating for judicial vacancies to be filled. “It’s often not an issue of ideology. It’s just an issue of pure obstruction. It’s an artifact of the senate that in this day of obstruction doesn’t function as it was meant to.”

Non-controversial choices — particularly those in district courts, the first place where most federal cases are heard — have historically passed easily and quickly. What’s changed, judicial observers say, is that even district court nominees are now being held up.

During Obama’s first term, it took an average of 610 days — nearly two years — for a district judge to be confirmed. By comparison, it took an average of 420 days under Bush and 447 days under Clinton, according to a report from the Brookings Institute.

Part of the reason is because Obama had been taking longer than his predecessors to nominate candidates when a vacancy occurs, and advocates for more seats on the bench say he has not made it enough of a priority.

He takes even longer to nominate candidates in states where there are two Republican senators than in states where there are two Democratic senators, or in states with a split delegation, according to the Brookings report. White House officials attribute the delays largely to senators not submitting names of nominees in a timely fashion, and Obama has started naming his choices quicker than he did at the start of his first term.

But it’s also taking much longer for his nominees to get a vote on the Senate floor. Clinton nominees had to wait an average of 30 days for a floor vote, and under Bush it took 54 days. Obama’s nominees are taking 139 days to get a vote, after their confirmation hearings are completed.

“What used to be a sure thing isn’t anymore,” said Russell Wheeler, who tracks judicial nominations at the Brookings Institution. “It used to be a ministerial act. Now it’s turned into something else.”

The reasons are both real and petty. Sometimes senators block a nominee because they oppose that person’s judicial philosophy, or simply prefer someone else. Other times, they do it to gain leverage over the White House on an entirely unrelated matter. In one instance last year, Senator David Vitter, a Republican from Louisiana, blocked a nominee in his home state for several months in the hopes that Republican nominee Mitt Romney would win the presidential race — and nominate someone more conservative.

In Oklahoma, for example, a vacancy opened in the 10th US Circuit Court of Appeals in July 2010. The White House proposed several different candidates, all of whom were rejected by the state’s senior senator, Tom Coburn. Eventually, Coburn gave the White House counsel

a resume for Robert Bacharach, a district court judge in Oklahoma. Obama nominated Bacharach in January 2012.

But three months later, the Oklahoman newspaper reported that Coburn was withholding the blue slip required of home-state senators, in effect delaying confirmation hearings on Bacharach. After Coburn dropped his objections, Senate Republicans filibustered the nomination in July, saying it was too close to a presidential election.

“Even when we have a nominee for a circuit court that came from a Republican senator that was reported unanimously, it has taken almost a year to get that person confirmed,” said Rummeler, the White House counsel.

Last month, when Bacharach eventually made it to the Senate floor for a vote, more than a year after he had been nominated, he was confirmed, 93 to 0.

The system has become so bogged down that Supreme Court justices — regardless of whether their appointment came from a Democrat or Republican — have urged the Senate and the White House to fix it.

John Roberts, the Supreme Court’s chief justice, had his own nomination to the D.C. Court of Appeals in 2001 delayed for two years because of partisan opposition. He then left that seat in 2005 after being nominated by then-President George W. Bush to the Supreme Court and it remains vacant. He has decried what he has called “a persistent problem has developed in the process of filling judicial vacancies.”

“Each political party has found it easy to turn on a dime from decrying to defending the blocking of judicial nominations, depending on their changing political fortunes,” Roberts said in a 2010 state of the judiciary report. “This has created acute difficulties for some judicial districts. Sitting judges in those districts have been burdened with extraordinary caseloads.”

Supreme Court Justice Ruth Bader Ginsburg was even more blunt.

“I’m hoping there will be members of Congress who will say enough,” she said at a February meeting of Association of Business Trial Lawyers. “We are destroying the United States’ reputation in the world as a beacon of democracy, and we should go back to the way it was, and the way it should be.”

Shutting off the debate

On a recent Wednesday morning, snow coated the Capitol and a quiet Senate chamber slowly began to come to life. Pages stood at doors, ready to open them for senators. A

television technician made sure the cameras could capture the speeches, and glasses of water were filled at senators' desks.

The Senate chaplain rose to offer a prayer. "Inspire our senators this day to use wisely the fragile time they have. . . . Show them your mighty power in these challenging times," he said softly.

The Senate majority leader, who next took control of the floor, had a different wish.

"I do hope, for the sake of the country, the obstruction of the last two Congresses will vanish," Reid said.

For the second time in two years, the Senate was planning to vote on Caitlin J. Halligan, who is the general counsel for the Manhattan district attorney's office and has been Obama's nominee to fill the vacancy created on the court when John Roberts was elevated to the Supreme Court on Sept. 29, 2005.

After graduating from Georgetown Law School, Halligan was a clerk in the D.C. Circuit, for Judge Patricia Wald, and then for Supreme Court Justice Stephen Breyer. The American Bar Association gave her its highest rating of "well qualified."

Obama first nominated Halligan in 2010, but the Senate never voted on her. He nominated her again in 2011, but 11 months later Republicans filibustered her nomination on the Senate floor. He nominated her in 2012, and again in January.

On that Wednesday morning, it had become clear that Republicans were planning to filibuster the vote. They not only wanted to vote against her, they didn't want to allow a vote on her nomination to take place at all. To confirm her would take 50 votes, but to shut off debate first would take 60 votes.

Senate Majority Whip Dick Durbin, who has been in the Senate for 16 years, said the Republican arguments were "as empty as any argument I have heard on the floor of the Senate."

"It's embarrassing," he said. "It's troubling."

McConnell went through a litany of problems he had with her as a nominee. He criticized "her zeal for these frivolous lawsuits" and called her a "textbook example of judicial activism."

"Giving her a lifetime appointment," McConnell said, "is a bridge too far."

As Senator Chuck Schumer, Democrat of New York, rose to speak, McConnell began to leave the room.

“There ought to be more comity,” he added. “This is nothing about Ms. Halligan, but it is about keeping the D.C. Circuit vacant and not allowing our President to rightfully fill those vacancies.”

“We are going to bring nominee after nominee after nominee up to fill that D.C. Circuit,” he vowed, in a room where he was the only senator in the chamber. “Are they going to continue to filibuster every nominee and find some trivial excuse to filibuster him or her? Because that is what is going to happen.”

After about an hour of debate, a vote was called. Senators streamed in, standing together in small groups with members of their own party. They chatted, laughed, and compared ties with one another. They patted one another on the back and they laughed at each other’s jokes.

The 60-vote threshold to shut off debate failed, 51-to-41. Only one Republican — Lisa Murkowski, of Alaska — joined 50 Democrats in trying to move forward to a vote. Eight senators — four from each party — didn’t cast a vote.

After it failed, they slowly filed out from the chamber.

Democrats say that Republicans are stretching the limits of an agreement that emerged from the so-called “Gang of 14,” a bipartisan group of senators that formed in 2005 to forge compromise after a series of Democratic filibusters of Republican judicial nominees. Under that agreement, filibusters would end in “all but extraordinary circumstances.”

Republicans believe Halligan falls in that category; Democrats disagree.

But for Republicans last week, there was some solace in revenge. Ten years earlier to the day, they noted, Democrats had filibustered one of President George W. Bush’s nominees to the same court. Democrats had criticized attorney Miguel Estrada for being too inexperienced, for being too conservative, and for being on the legal team that represented Bush in *Bush v. Gore*.

Like Halligan, Estrada was deemed “well qualified” by the American Bar Association. Among those who had led the charge against Estrada were many of the same senators leading the charge for Halligan: Schumer, Reid, Durbin.

Democrats had also never acted on Peter Keisler, an attorney whom President George W. Bush nominated several times to replace Roberts once he left for the Supreme Court.

“It’s just a shame her nomination failed because of the pathetic politics of Washington,” Senator Kirsten Gillibrand, a New York Democrat, said of Halligan on her way out.

With the Senate's failure to vote, the status quo remained intact. Four seats continue to remain vacant at the D.C. Circuit Court, and President Obama once again had failed to put a nominee, and his imprint, on this critical court.

A seat left vacant

- **Sept. 29, 2005:** John Roberts is confirmed for the Supreme Court, leaving his former position as a judge on the Court of Appeals for the District of Columbia Circuit.
- **June 29, 2006:** President George W. Bush nominates Peter Keisler to take the seat.
- **Aug. 1, 2006:** The Senate Judiciary Committee holds a hearing on the nomination.
- **Sept. 29, 2006:** The Republican-controlled Senate returns the nomination to the president without action, and adjourns the next day for the midterm elections.
- **Nov. 15, 2006:** Bush again nominates Keisler.
- **Dec. 9, 2006:** The Senate again returns the nomination to Bush, without acting on the nomination.
- **Jan. 9, 2007:** Bush again nominates Keisler, under a new Senate now controlled by Democrats. The Senate Judiciary Committee never acts on the nomination.
- **Jan 20, 2009:** President Obama is sworn into office for his first term.
- **Sept. 29, 2010:** Obama nominates Caitlin Halligan to take the seat that Roberts held on the Court of Appeals for the District of Columbia Circuit.
- **Dec. 22, 2010:** The Senate returns the nomination to Obama, having taken no action.
- **Jan. 5, 2011:** Obama again nominates Halligan.
- **Feb. 2, 2011:** The Senate Judiciary Committee holds a hearing on her nomination.
- **March 10, 2011:** The Senate Judiciary Committee votes, 10 to 8, approving her nomination.
- **Dec. 6, 2011:** The Senate votes 54 to 45, to shut off debate and move to a floor vote on her nomination. Because 60 votes are needed, it failed by six votes.
- **Dec. 17, 2011:** The nomination of Halligan is returned to the president.
- **June 11, 2012:** Obama again nominates Halligan.
- **Aug. 3, 2012:** After two votes to shut off debate fail, Halligan's nomination is again returned to Obama.
- **Sept. 19, 2012:** Obama nominates her again.
- **Jan. 2, 2013:** The nomination is returned to Obama.
- **Jan. 3, 2013:** Obama nominates Halligan again.
- **Feb. 14, 2013:** The Senate Judiciary Committee approves Halligan's nomination by a 10-to-7 vote.
- **March 6, 2013:** The Senate votes, 51 to 41 to shut off debate and move to a floor vote on her nomination. Because 60 votes are needed, it failed by nine votes.

For freshmen in Congress, focus is on raising money

New members of Congress either get the message quickly, or they're gone.

BY TRACY JAN

...

Newly elected congressional Democrats had just a week to savor their victories before coming face to face with a harsh reality of Washington.

At a party-sponsored orientation session, the freshmen — many still giddy from winning close races in which they espoused grand plans to change the Capitol's toxic atmosphere — were schooled in their party's simple list of priorities for them.

Raise money. Raise more. Win.

The newcomers were told to devote at least four hours each day to the tedious task of raising money — so-called dialing for dollars — so they could build a war chest and defend their seats, according to those present. That's twice as much time as party leaders expect them to dedicate to committee hearings and floor votes, or meetings with constituents.

Some members were flabbergasted. One rolled his eyes and walked out of the room.

But just about everyone in Congress signs on. Four months into a new session, Democrat and Republican freshmen in targeted districts say they often spend up to half their days raising money, whether through dreaded "call times" at a party-run phone bank near the Capitol, or attending fund-raisers.

"It may not be exactly like the Bataan Death March, but there are some similarities," said one freshman representative who did not want to speak on the record for fear it would harm his campaign.

The all-consuming quest for dollars is part of Washington's permanent, intensely waged campaign for party dominance. It cuts deeply into the typical day of lawmakers, robbing them of time they could spend building relationships with colleagues, dealing with constituent

problems, and delving into policy issues. It is a major contributor to party gridlock, and keeps lawmakers dependent on the good graces of lobbyists and other special interests seeking favor on Capitol Hill.

The chase for campaign money is especially grueling for the 18 freshmen who have already been identified as top targets by the opposition in the 2014 election.

Almost immediately after being sworn into office — or in some cases even before — targeted politicians in both parties have been forced to defend themselves against negative attacks, bankrolled, in many cases, by the growing array of groups freed to spend without limit on elections by the Supreme Court's 2010 Citizens United ruling.

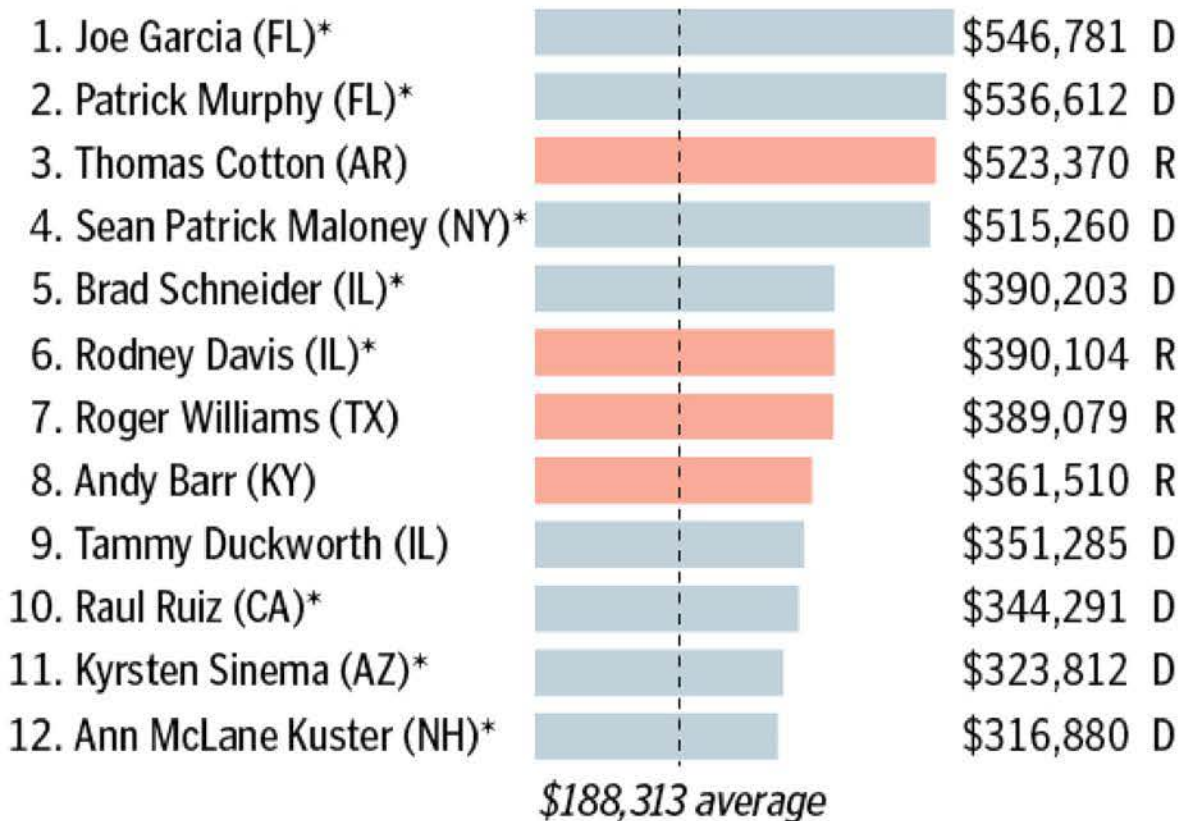
Democrats and Republicans alike are compelled to sign confidential agreements with their parties' campaign committees, pledging to meet specific fund-raising goals each quarter in exchange for a commitment of heavy financial support as the election draws near. Both parties' campaign committees monitor their members' progress weekly.

The Democrats' program to protect its most vulnerable — called "Frontline" — commonly requires a member to promise to raise \$250,000 per quarter.

Such benchmarks have had a measurable effect. The average amount raised by each freshmen in the first quarter has jumped 76 percent over the past decade to \$188,313, according to data compiled for the Globe by the Sunlight Foundation, a nonpartisan, nonprofit organization that advocates for open government.

FRESHMAN FUND-RAISING IN THE FIRST QUARTER

Top fund-raisers among 71 freshmen in the 113th Congress:



*Freshmen in vulnerable seats who are in the Democratic Congressional Campaign Committee's Frontline Program or the National Republican Congressional Committee's Patriot Program.

SOURCE: Federal Election Commission

GLOBE STAFF

Members routinely duck out of the House office buildings, where they are prohibited by law from campaigning, and walk across the street to the Democratic Congressional Campaign Committee offices in the salmon-colored party headquarters. There, on the second floor, 30 to 40 legislators and their staffers squeeze into the “bullpen,” as some members have dubbed it — a makeshift call center of about two dozen cubicles, each 2½ feet wide and equipped with two land lines.

The Democratic Congressional Campaign Committee, and its GOP counterpart, the National Republican Congressional Committee, function “basically like telemarketing firms,” said Tom Perriello, a Democrat from Virginia and former Frontline member who lost in 2010 after one term in the House. “You go down on any given evening and you’ve got 30 members with headsets on dialing and dialing and dialing, trying to close the deal.”

The room, devoid of decor or character, is abuzz with the sound of members courting money in all the accents of America. But it can be depressing, participants say, to witness

fellow elected officials methodically working through the list of names and numbers that a staffer has organized into thick binders, or index cards, or a computer database — only to have appeal after appeal rejected in the full hearing of their peers.

But despite such inevitable humiliations, they drive on.

“This is a deadly dull business, and you need to do anything you can think of to motivate yourself to continue doing this,” said the freshman lawmaker who compared it to the Bataan Death March.

Some members eschew the cubicle farm, preferring to make the calls from their cars. Or just about anywhere.

“I’ve made calls on park benches,” said Representative Rodney Davis, an Illinois Republican who had just wrapped up a fund-raising strategy session with his team before arriving at an interview with the Globe. “It’s unfortunately part of our political process that you have to take time to do that. If you don’t, it’s at your own political peril.”

Davis is part of the National Republican Congressional Committee’s “Patriot” program, organized to raise money to protect 11 especially vulnerable members, including four freshmen. He squeaked out the closest win by a Republican in 2012, prevailing by just 1,002 votes. Arriving in Washington the week after the election, he opened a Capitol Hill newspaper and saw his name already on the Democrats’ 2014 hit list.

“The Democrats began attacking me during orientation, trying to beat me two months before I even raised my right hand to get sworn in on the House floor,” Davis said. “It’s indicative of what goes on in Washington, where the campaign seemingly never ends.”

In addition to the steady barrage of press releases attacking Davis, the Democratic committee released a Web ad in February blaming him for layoffs in his district resulting from across-the-board federal budget cuts known as the sequester. In March, it unveiled a billboard in Decatur accusing Davis of putting radicalism and partisanship over middle-class interests.

So instead of putting his election behind him and turning his full attention to the business of governing, Davis had to immediately resume the campaign that he just barely won. He sleeps on the navy leather couch in his office instead of renting an apartment in Washington, because he spends as much time as possible back in his district.

During a congressional recess before the end of the quarter, he met with donors and potential donors at a hodgepodge of fund-raising events revolving around every meal of the day. He raised more than \$390,000 in the first quarter, the most among targeted Republican freshmen and more than double the amount raised by the average new member of any party.

“The problem is not members of Congress, per se,” Davis said. “It’s the political arms of both parties who see it as their jobs to identify who they want to beat. That’s what we as new members in competitive districts are up against. But I get it.”

Party leadership is sensitive — up to a point — to criticism by members that the focus is too heavily skewed to fund-raising at the expense of governing. Tim Walz, a representative from Minnesota and chairman of the Democrats’ Frontline Program, said, “Unfortunately in the era of Citizens United fund-raising is a part of life, but the needs of your district and advocating for constituents always come first.”

When members are not engaged in the requisite “call time,” they attend breakfast, luncheon, and evening fund-raisers at one of many restaurants with private function rooms dotting the Hill or in one of the handsome lobbyist-owned townhouses located blocks away from the Capitol.

At a March fund-raiser at the Democratic National Committee headquarters, party leaders debuted the committee’s list of the 26 most endangered House members in the 2014 election, half of whom are freshmen.

As lawmakers mingled with lobbyists - who paid up to \$5,000 for the privilege of some face time at a gathering of elected officials — House minority leader Nancy Pelosi called out legislators’ names, ceremoniously disbursing tens of thousands of dollars from her own campaign coffers over the course of the evening. Her personal largesse is just the beginning of support they will receive from the party and party leaders, as they seek to defend themselves and their seats from partisan fire.

Party leaders introduce freshmen to lobbyists right off the bat and actively encourage them to start working the phones, said Representative Alan Grayson, a Democrat from Florida who was a Frontline member in 2009, lost his seat in 2010, and was reelected in 2012 in a newly created district that’s considered safe.

The pressure to raise money opens the door for special interests, a timeless source of ready money, now available in greater amounts than ever.

“Of course they are all people with specific agendas, generally corporate agendas. So that’s how the ball gets rolling in terms of the interaction that leads to lobbyists influencing legislation, and members turning to lobbyists for money,” Grayson said.

Some of the newer lawmakers say privately they feel frustrated by the grinding process and the accommodations it requires. But most declined to even talk about the grab for cash, seeking to downplay the demands of fund-raising on their time and attention.

New Hampshire's Ann McLane Kuster, a freshman representative elected in November, is among the Democrats' Frontline corps who has plunged into the fund-raising fray with gusto. She tapped Washington lobbyists, unions, special-interest groups, and ordinary citizens for \$316,880 in contributions in the first three months of the year. That is more than double the average haul of House freshmen in safe districts and places her eighth among freshmen Democrats.

But Kuster would not discuss details of the fund-raising side of her new job. Through her staff, she rebuffed multiple requests for interviews on the subject of the permanent campaign. Approached in a Capitol hallway and asked to describe her views of the rush for money, she replied only, "I am fortunate to have great support."

"I'm not distracted by any kind of campaigning at this point," Kuster added, before hustling off. "I'm not thinking about the politics."

A crucial swing state, New Hampshire has been the scene of some of the most intensely partisan campaigns in recent years. Kuster's district has switched between Democrats and Republicans three times in the past four elections. In the last election, Kuster was the top recipient of DCCC money.

Even before an opponent has formally announced plans to challenge Kuster, the National Republican Congressional Committee has begun weekly attacks on her, hoping to soften her up for an eventual GOP rival. It released a Web video highlighting nearly \$11,000 Kuster owed in local property taxes. In April the NRCC, in a publicity stunt, delivered tax preparation software to Kuster's office.

The Democrats, meanwhile, have a new weapon to help protect their most vulnerable. Representative Joseph P. Kennedy III, a Massachusetts freshman and the latest member of the Kennedy political dynasty to hold elected office, last month launched a leadership political action committee — a special committee that allows him to raise money to distribute to colleagues and party campaign funds — called "4MAPAC." The PAC signals his intention to use the Kennedy name to build a political base through fund-raising.

"Some of my fellow freshmen had opponents before we were even sworn in," Kennedy said. "In theory the cycle doesn't really kick off until the end of the year, but the reality of the situation that's not lost on anybody is that some campaigns have already started."

Kennedy raised \$239,105 in the first quarter, well above the freshman average. He has appeared at a fund-raiser in Chicago for fellow freshman Brad Schneider, an Illinois Democrat and Frontline member.

Kennedy is following the path blazed by his cousin Patrick Kennedy, a former US representative from Rhode Island who served until 2011 and is a former chairman of the

DCCC. Patrick Kennedy said that, as a freshman, the Democratic leadership deployed him all over the country on behalf of vulnerable members.

“I would be added value because they could raise money around a Kennedy coming to town. That was pretty much good enough for them to put together an event,” Patrick Kennedy said. Because Democrats were in the minority then, as they are now, he said, “We weren’t in the law-making business. We were in the political business from day one.”

Representative Pete Gallego, a freshman Democrat who represents the only competitive district in Texas, said this grim political calculus is what makes being a congressman frustrating.

A longtime state representative, Gallego said he is accustomed to living life in two-year increments, moving at a fast clip to get things done, never knowing which term will be his last.

“But the challenge here is that this place is so slow. It’s like watching paint dry,” Gallego said, referring to how long it takes for legislation to be drawn up, then hardly ever passed because of the resistance to compromise by both parties. The partisanship trickles down to routine matters like office maintenance requests and the approval of House minutes, he said. “The intransigence, the hard-core nature of the partisanship, is really frustrating to me.”

For Gallego, fund-raising, it turns out, is a welcome break from the legislative gridlock.

On Friday afternoons, after final votes, members stream out of the House floor and Speaker’s Lobby, a crush of them nearly sprinting along the marble corridors past the elevators and out onto the Capitol plaza. Parked cars waiting to whisk members to the airport jam the normally deserted plaza. Their work done for the week, lawmakers are headed home. Constituents — and contributors — await.

Gallego jets off to San Antonio, where he has a standing Friday dinner with new groups of campaign contributors. “I make myself like it,” he said of the constant fund-raising. “After awhile, it’s not so bad.”

Democratic strategy promotes Tea Party

Almost anything goes in the fight for Senate control, no matter how surprising or strange

BY NOAH BIERMAN

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BUFORD, Ga. — Representative Paul C. Broun earned national notoriety by invoking Hitler and Marxism to critique President Obama. He dismissed global warming as “one of the greatest hoaxes perpetrated out of the scientific community.” Evolution, the physician has warned, is a lie “straight from the pit of hell.”

Sounds like a candidate the Democratic Party could never get behind, right?

Not so fast.

To some Democrats, Broun’s extreme and colorful comments sound like sweet music, the makings of a perfect Republican candidate for Georgia’s open Senate seat — perfect, that is, if you want the Republican to lose.

“He’s so far out on the extreme, even for the people of Georgia, that he could be a key player in helping the Democrats win,” said Jim Manley, a Democratic strategist and former aide to Senate majority leader Harry Reid. “There would be pages of comments that Democrats could use against him in a general election.”

As party leaders look ahead to the 2014 mid-term elections, some are looking for a replay of 2012, when Democrats honed a strategy that some credit for the surprising defeat of Republicans in Senate races in Indiana and Missouri.

Democrats, for example, ran ads that praised the credentials of a Republican candidate known for extreme right-wing views, hoping that would dim the chances of the more mainstream GOP contenders, those with the best chance of beating the Democratic nominee.

When the tactic worked and the fringe candidate won the primary, the Democrats then opened fire on his or her record of extreme views and combustible comments.

And this interparty “meddling,” as some labeled it, worked — at least it did in Indiana and Missouri.

There is, however, an ironic byproduct of this approach. While Democrats routinely denounce the intransigence of dogmatic Tea Party conservatives, they are in effect supporting their ascendance, both in numbers and clout, and helping to knock off the few remaining Republican moderates who might be open to compromise on major issues such as the budget, pollution regulation, gun control, and immigration.

A by-any-means approach to preserving the fragile Democratic majority in the Senate is, thus, helping increase the political polarization that afflicts the nation.

Yet the possibility of finding the next Todd Akin of Missouri or Sharron Angle of Nevada — to name two far-right conservatives whose primary victories paved the way for Democratic victories in tough elections — can be too tempting to resist.

Democrats and their allies — with tens of millions of dollars in superPAC cash and other streams of outside money — are actively researching the backgrounds and positions of insurgent candidates in Kentucky, Iowa, and North Carolina among other states with contested Senate primaries.

They are poring over video footage, records, and polling data in hopes of finding candidates they can boost in the primaries and then paint as extreme in the general election.

Georgia represents one of the most striking opportunities. The state’s Republican primary field is crowded and chaotic, with three members of the US House, a former Georgia secretary of state, and two wealthy businessmen among the field of seven vying to replace Republican Senator Saxby Chambliss, who is retiring.

In addition to Broun, Representative Phil Gingrey has also made statements that could be used against him in a general election.

“If I’m the Democrats, I’m trying to promote Paul Broun. I’m trying to promote Phil Gingrey,” said Joel McElhannon, a Georgia Republican consultant not involved in the race. “They’re the most likely candidates to really say something that would undermine the Republican Party’s chances to win next November.”

The Democratic establishment has coalesced around a first-time candidate, Michelle Nunn, the daughter of the popular moderate Democrat, Sam Nunn.

Party leaders hope Michelle Nunn can appeal to the middle and win in a state that has not sent a Democrat to the Senate since Zell Miller left office at the beginning of 2005. But those hopes hinge, in large measure, on Nunn drawing a beatable opponent.

“There’s certain people and certain candidates, even if you’re not actively involved in a race, that just come across your radar for some of the more extreme things that they’ve said,” said Rodell J. Mollineau, president of American Bridge, a Democratic superPAC that collects opposition research used by a constellation of liberal political groups, including labor unions, Emily’s List, and the League of Conservation Votes.

“There are a few of those in Georgia,” he added with a chuckle.

The political calculus in Senate elections shifted sharply in 2010 when Democrats received a surprising gift — three of them actually. Insurgent Tea Party candidates won upset primary victories in Nevada, Delaware, and Colorado, then stumbled in general elections against Democrats who had been perceived as vulnerable, including Senate majority leader Harry Reid in Nevada. The blunt language and antiestablishment fervor that made the candidates popular with the GOP base proved polarizing in general elections, sapping whatever advantage Republicans held.

Making own luck

By 2012, Democrats realized they could harness the Tea Party’s power to disrupt Republican primaries — “to make our own luck,” in the words of Adrienne Marsh, who served as campaign manager for Senator Claire McCaskill, a Missouri Democrat whose victorious campaign over Akin benefitted from the strategy.

Conservative groups such as Club for Growth, FreedomWorks, and the National Rifle Association got involved in a public way. But behind the scenes, Democrats and their allies also quietly worked to boost conservatives, even as their party railed publicly against Tea Party obstruction in Congress.

McCaskill was one of the GOP’s top Democratic targets in 2012, having won only a narrow victory in 2006 and running for reelection in a state where Mitt Romney was ahead of Obama in the polls (Romney went on to win Missouri by more than 9 percentage points).

“They were going to put Senator McCaskill’s head on a pike,” said Mollineau, of American Bridge.

But Democratic groups including American Bridge and the McCaskill campaign calculated that Akin, a conservative known for making off the cuff intemperate remarks, was the most likely among three Republican primary candidates to stumble in a general election.

“Our fate wasn’t certain either way, no matter who won that primary,” Marsh said in an e-mail. “But we always figured that our chances would be best with Akin.”

“He was a cowboy,” Mollineau said. “He just kind of shot off at the mouth.”

American Bridge had ample material that it could use against Akin, but it withheld all of that research firepower during the primary. Instead, it waged a campaign against Akin’s two primary opponents, the type of attacks meant to instill suspicion among conservatives. The group released research showing former state treasurer Sarah Steelman had voted for a tax increase when she was a state senator and a video highlighting government subsidies to John Brunner’s business.

Majority PAC, a group led by former aides to Reid, ran television ads criticizing Brunner’s jobs record. The McCaskill campaign followed up with three separate television ads — two that slammed Steelman and Brunner. The third, ostensibly aimed to hurt Akin, had the trappings of a negative ad but actually helped him with Republican voters, calling him “the most conservative congressman in Missouri” and “Missouri’s true conservative.”

“We threw the kitchen sink at it,” Marsh said. “Television ads labeling him as too conservative, social media, letters to the editor, you name it.”

Akin began to notice Democrats were on his side, but was too eager to win his primary to worry about it.

“We had kind of gotten the sense as we went along that the McCaskill campaign was looking at the various candidates, seeing who they wanted to run against,” Akin said in a phone interview. “Because I had a record, I think she thought I was a better target.”

Akin celebrated his primary victory in August in a suburban hotel ballroom, as campaign aides congratulated each for the underdog’s 6-point victory. Democrats also were celebrating. The next morning, they unleashed a flood of opposition research portraying Akin as an extremist and a political hypocrite who had attacked Medicare, Social Security, and other entitlement programs while requesting budget earmarks for his own favored programs.

The Democrats’ strategy yielded its biggest payoff 10 days later, when a local television interview made Akin a national name.

“If it’s a legitimate rape, the female body has ways to try to shut that whole thing down,” Akin declared, defending his view that abortion should not be legal even for rape victims.

Democrats pounced, and even many Republicans, including Massachusetts Senator Scott Brown, denounced Akin publicly.

“Their plan was to make Todd look like the leader of the neanderthal idiots from the right, just completely out of touch with the real world,” Akin said of Democrats, though he blamed his own comment and Republicans who shied away from him for his downfall.

A few hundred miles away in Indiana, Democratic groups employed a similar strategy, withholding opposition research against Tea Party challenger Richard Mourdock, the state treasurer, while relentlessly attacking Richard Lugar, an elder statesman of the Senate known for bold agreements with Democrats on significant issues — including nuclear nonproliferation.

When antiestablishment conservatives began attacking Lugar for lacking a home in Indiana, Democratic groups joined in. American Bridge fed research to reporters and created a website, “Virginia is for Lugars,” full of videos and stories mocking the Indiana senator’s home in McLean, Va.

“The third party groups played a huge role. They kept issues on the front burner,” said Brian Howey, publisher of an Indiana political newsletter since 1994. “The whole residency thing, when it first surfaced, I thought it might be a weeklong issue, or several news cycles. It lasted almost two months.”

American Bridge even attacked Lugar on conservative issues, knocking him for agreeing to raise the debt ceiling, a stance with which most Democrats agree, believing that to do otherwise would risk putting the nation into default.

Mourdock won the primary. Like Akin, he imploded in the general election, saying during a debate that “even when life begins in the horrible situation of rape, that is something that God intended.”

Gloating over wins

Though they could not have predicted the self-destructive gaffes, Democrats gloated over their victories. Hoping to spread knowledge about the strategy, Mollineau assessed his group’s success in recent article “Anatomy of a Tea Party Takedown,” that he wrote for the trade publication Campaigns and Elections.

“Anyone who had bothered to take a cursory look at their records knew Akin and Mourdock were time bombs waiting to explode,” he wrote.

Mainstream Republicans have begun fighting back.

“What we learned in Indiana in 2012 is that even in a deep red state, when the Democrats put up their best candidate against a flawed candidate, we have the potential to lose,” said a top Republican strategist, who requested anonymity to discuss the Indiana race.

The Karl Rove-founded American Crossroads super-PAC initiated an effort in February to take a more aggressive role in Republican primaries, to bolster mainstream candidates and

keep insurgent Republican groups at bay, while also preparing to counter Democratic meddling.

“The Democrats had tremendous success in 2010 and 2012 in picking the Republican candidates that they wanted to face in the general. It was so successful that we fully expect them to repeat or expand this strategy in 2014,” said Jonathan Collegio, the group’s spokesman.

Under the microscope

The Republican candidates in Georgia are well aware that their Senate primary, even at this early stage, is being studied by interest groups from across the political spectrum.

During a muggy August barbecue at a lakefront pavilion, hundreds of local and state Republican activists ate pulled-pork sandwiches and peach cobbler and listened to country music, while House and Senate candidates worked the crowd. The annual “Grillin’ with the Governor” is an opportunity to reach Georgia’s most influential party leaders, long before next year’s primary.

Polls show the field divided among four or five top Senate candidates, the candidates milling in the crowd observed. It won’t take many votes to keep the more moderate candidates out of the expected two-person primary runoff. Democrats, in fact, can vote in the Republican primary, amplifying the potential for mischief.

“This race is so dicey,” said Representative Jack Kingston, a Senate candidate with mainstream Republican backing, who may prove a top target for Democrats during the primary. “Because it’s just a classic, open-seat multicandidate shoot-out that anybody can come in there and influence, say 20,000 voters, which would knock somebody out of the runoff.”

Several candidates said they have been followed by “trackers” from both political parties taking video in search of embarrassing statements, now a standard practice in political campaigns.

Broun stands tall, wearing a Marines cap and grinning as he sips iced tea and chats. He knows Republican primaries are often a contest for the party’s right flank. He said he will become a senator regardless of what Democrats do and is happy that trackers from both parties are after him.

“My opponents are showing up on both sides, Democrats as well as Republicans,” he said. “That’s fine. I am what I am and I don’t back away from who I am and what I’m all about.”

Gingrey dismissed any suggestion that he is one of the Democrats’ favorite potential opponents.

In a conversation with a party activist, he tried to make the case that he is the best equipped to beat Nunn.

“Even this liberal leaning poll said that I stack up the best against her,” he said, referring to an August survey by Public Policy Polling indicating that Nunn and Gingrey would be tied with 41 percent of the vote in a general election matchup. “It’s encouraging.”

Party officials at the barbecue said they have seen cross-party primary meddling at the local level for years, to little effect. “There is not a Democrat who can beat any one of these candidates,” said Ron Johnson, 66, a state committeeman. “They won’t beat Paul Broun in this state and he’s the most extreme one.”

Another Republican at the barbecue, Fred Hemphill, a retired state employee, said he supports Broun because “he’ll stand up for what he believes,” though he knows some people would never vote for Broun in a general election. But Hemphill bristles at the notion that Democrats might try to pick a winner.

“I’d rather they stay out of it,” he said. “That’s just dirty politics.”

Washington's robust market for attacks and half-truths

A look inside Washington's industry of distortion, where unnamed corporations pay richly to bend the debate their way



Wayne Pacelle, president of the Humane Society of the United States, came under attack by a group called the Center for Consumer Freedom.

BY MICHAEL KRANISH

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Even by the contemporary standards of bare-fisted attack ads, the unlikely assault on the president of the Humane Society of the United States seems particularly brazen.

“Is Wayne Pacelle the Bernie Madoff of the Charity World?” the ad says, comparing the leader of the nation’s largest animal welfare group to the swindler serving a 150-year sentence for losses of \$65 billion in the world’s most notorious Ponzi scheme. As a narrator speaks, an image of Pacelle is shown morphing into Madoff.

Then the attack widens. The Humane Society, the narrator says, “gives less than 1 percent of its massive donations to local pet shelters but has socked away \$17 million in its own pension fund.” Dollar bills are shown floating in front of Pacelle’s smiling face as the narrator says donors should only continue to contribute to the Humane Society “if you want your money to support Wayne and his pension.”

This one-minute ad — viewed 1.7 million times on YouTube and created by a nonprofit organization called the Center for Consumer Freedom — provides a case study of what critics say is an industry of distortion in Washington. Increasingly, groups are seeking to influence public policy not by the traditional methods of lobbying or campaign contributions, but, as in this case, by hurling accusations, true or not, that are intended to destroy an influential target’s credibility.

On one level, the charges can be easily refuted, according to the ad’s target, Pacelle. The Humane Society president said his organization shelters more animals than any other group, mostly using its own facilities instead of contributing to others, and he said that the \$17 million pension fund covers hundreds of employees, not just himself.

The ad “is comparing me to America’s most notorious white collar criminal and I have a spotless record on financial matters and we also do exactly what we say,” Pacelle said, decrying what he called the ad’s “lies and fabrications and misrepresentations.”

But on a broader level, it is the story behind the ad that is most revealing — a story that provides a window into a world of questionable claims, powered by donations from unnamed corporations, and a Washington agenda with many millions of dollars at stake.

The group behind the ad, the Center for Consumer Freedom, is headed by a Washington-based corporate communications consultant named Richard Berman, the head of Berman and Company, a public relations and government affairs firm.

The center’s funding includes large donations from corporations whose identity it does not disclose. But Berman and his associates have said in depositions and interviews that backers include food and farming corporations.

Some of those companies have been at odds with the Humane Society, which backs legislation in Congress and state legislatures to improve conditions for farm animals. An ad defending the cramped size of animal pens is, needless to say, hardly as attention-getting as one comparing the Humane Society president to Madoff.

Sarah Longwell, the vice president of Berman and Company, declined to take questions from the Globe, writing via e-mail that “no one here will be participating in your story.” Berman did not respond to repeated requests for comment.

Washington, of course, is a city with many operatives who act for corporations seeking to shape public opinion about issues before Congress without leaving fingerprints and without having to directly associate their name and brand with the attacks made on their behalf.

Indeed, from the upper reaches of the Washington power structure on down, questionable or outright false statements have become a way of doing business.

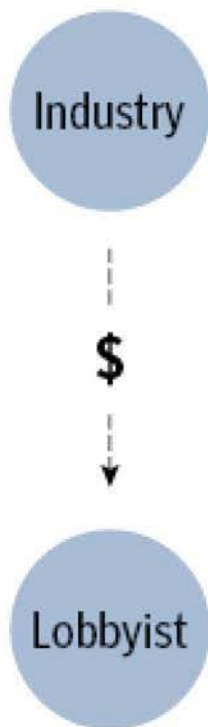
Hyperbole and distortion are common, a carryover from the rhetorical free-for-all of political campaigns; the result is that there is much public confusion about the issues, about what is fact and what is merely an interested parties claim.

Gun control opponents say the government plans to take away guns. Obamacare opponents say the government wants to take over health care. So-called “birthers” went after President Obama by suggesting he was not born in America despite indisputable evidence he was born in Hawaii. Senate Majority Leader Harry Reid last year said Republican presidential nominee Mitt Romney didn’t pay federal taxes for 10 years, even though Romney provided a letter from his accountant that he said refuted the charge.

Misinformation has become so widespread that a counter-industry of fact checkers has emerged at various media outlets; The Washington Post rates misleading statements on the number of “Pinocchios,” while the Pulitzer-winning website PolitiFact gives the biggest whoppers a grade of “Pants on Fire.”

In a political campaign, a candidate making questionable claims can be held accountable by voters at the ballot box. But accountability is harder to come by in the shadowy world where Berman and like operatives do their work. There, corporate backers are anonymous, funding groups that have vague but high-sounding names, such as the Center for Consumer Freedom. The work of such groups receives far less scrutiny from media fact-checking operations than that of political candidates.

THE OLD MODEL



Encourages policy makers to enact legislation with the industry's best interest.

THE NEW MODEL



Uses influence on his nonprofits to create a negative, emotionally charged campaign to influence public opinion, as opposed to legislators.

In this realm of opinion molding, Berman is a pioneer. He maintains one of the longest-running and most influential enterprises in the field. His attacks typically are carefully worded so that each sentence can be defended as narrowly accurate. But his critics say many are constructed in a way that distorts the overall picture, as in the case of the ad comparing Pacelle to Madoff.

Berman boasts on his website of his influence, saying that his groups' research is cited on the floors of the House and Senate, shaping countless pieces of legislation. His op-eds run in newspapers across the country, sometimes without making clear the sources of his corporate backing. He was quoted in a 2003 book about US politics as saying companies "can pay us to

represent them and retain their anonymity,” while he vows on his website that he will stick with an issue “as long as it takes to win.”

While Berman’s work has been in and out of the news over the years, his profile recently has been raised due to a confluence of events that has focused new light on his activities.

Charity Navigator, an independent group that analyzes nonprofits, recently gave five of Berman’s groups its lowest rating, known as a “donor advisory,” saying the nonprofits used most of their funds to pay Berman’s for-profit company for management services and other costs.

Charity Navigator president Ken Berger said in an interview that such transfers were “very rare” and “raise a lot of questions.” (In response, Berman’s group recently posted a note on its website saying that Charity Navigator’s finding is “misleading” and that there is nothing unusual about the way Berman’s nonprofit groups pay into Berman’s for-profit firm.)

The Humane Society, also citing transfers among Berman entities, has filed a complaint against him with the IRS, alleging that Berman’s groups have engaged in “systemic abuse of their tax-exempt status.” An IRS official said the agency could not comment on whether a complaint is being investigated. A Berman website says that the IRS investigated earlier complaints and “did not change the non-profit status of any of the groups they reviewed — nor was any organization sanctioned.”

Melanie Sloan, the head of Citizens for Responsibility and Ethics in Washington, which filed an unsuccessful complaint with the IRS against Berman’s groups in 2004, said Berman’s activities have only grown since then. Corporate backers are “using Berman to say outrageous things that they themselves would never say because of the risk of alienating some of their customers,” she said. Berman, in turn, has attacked Sloan’s group as a “left-wing attack dog.”

Berman has said he has to resort to such tactics because his adversaries — some of which also don’t disclose most donors — make unsubstantiated claims and haven’t been properly scrutinized. “It is a strategy,” he testified before a US House committee in 2002, “to reposition people who have a pristine image which is undeserved If that’s shooting the messenger, then I’m guilty of it.”

One of Berman’s top vehicles for “shooting the messenger” is his Center for Consumer Freedom, which is described on a Berman website as being “supported by restaurants, food companies and thousands of individual consumers.” The depth of support from consumers is unclear, but certainly the center is aggressive in going after groups that have been at odds with the food and restaurant business, including the Humane Society and organized labor.

Berman and other representatives of the center have, for example, regularly made media appearances to press the case of his corporate backers. Berman appeared on Fox News in April to castigate calls for increasing the minimum wage. A Berman employee, J. Justin Wilson, the author of a book published by the Center called “An Epidemic of Obesity Myths,” appeared in February on NPR’s popular “Diane Rehm Show,” presented as a counter-point to experts who warned of the danger of addiction to high-sugar foods.

Berman and his employees have written more than 100 op-eds and letters to the editor in newspapers this year, including a piece by Berman posted to an online forum of The Boston Globe, in which he was identified as the center’s director and wrote that a proposed state law called the Prevention of Farm Animal Cruelty Act “is less about helping animals and more about a fringe agenda to bankrupt farmers.”

Much of Berman’s work is done through websites, one of which, “Humane Watch,” has been publicized in Times Square billboards and a Super Bowl commercial. Many are designed to counter the findings of federal health studies.

The Center for Consumer Freedom, for example, runs a highly trafficked website called “Obesity Myths,” which says that it is “myth” that “obesity will shorten life expectancy.” The website noted — correctly — that federal officials had lowered an estimate of premature deaths from obesity. But that revised report still said that many such deaths would occur, according to federal officials.

Dr. William Dietz, who until last June was director of the CDC’s division of nutrition, physical activity and obesity, said that the Berman group’s claims are “ridiculous.” The evidence that obesity can shorten life is abundant, he said, even as the estimate of premature deaths has gone down. He expressed frustration that the government’s reports are sometimes presented in the media on equal footing with those sponsored by groups like Berman’s whose clients have a vested interest.

“Part of the problem with public debate these days is that everyone seems to have an equal voice and belief seems to have displaced science,” Dietz said. “Anytime someone wants to dismiss the science they will go after the people who publish it.”

Berman began his career working in senior executive positions for a series of corporations, including Bethlehem Steel and Pillsbury, and he served as director of labor law at the US Chamber of Commerce. Then he created Berman and Company, focusing on government activity that affects corporations. He got his start with funds from tobacco giant Philip Morris, which paid at least \$600,000 to fight smoking-related legislation, and millions of dollars from alcohol-related businesses.

By the mid-1990s, Berman was at the center of a fight against legislation designed to limit drunken driving fatalities. On one side was Mothers Against Drunk Driving, a group that few in Washington were anxious to take on. Berman jumped at the chance.

It was a time when many state legislatures were considering legislation to lower the blood alcohol limit from 0.10 to 0.08. In order to reach the 0.08 level, a 160-pound man must consume four drinks in an hour, while a 120-pound woman must down three drinks in two hours, according to the Food and Drug Administration. That level of intoxication makes it difficult for drivers to process information and control speed, the FDA has said. Proponents said lowering the legal level to 0.08 would let people drink in moderation, while saving thousands of lives.

Berman saw it differently.

“It’s feel-good, meaningless legislation that doesn’t have any impact,” Berman testified at a 1997 hearing. He suggested focusing instead on “the 0.14-and-above drivers [who] are at the heart of the drunk-driving problem.”

US Senator Frank Lautenberg, a New Jersey Democrat who attended the hearing, rose from his chair to declare that “what I heard Mr. Berman say I found almost shocking,” recalling how he had met with a family in which a young girl was killed by a driver whose blood alcohol content was 0.08.

Berman’s efforts may have delayed efforts to lower the alcohol limit, but his argument was, in the end, unsuccessful. Spurred by federal incentives, the number of states with a 0.08 limit went from 19 in 2000 to all 50 by 2004. As a result of that and other measures, including setting the drinking age at 21, alcohol-related fatalities have dropped from 13,472 in 2002 to 9,878 in 2011, according to the National Highway Traffic Safety Administration.

But Berman, in his role as president of a trade group called the American Beverage Institute, continues to battle Mothers Against Drunk Driving. The institute says on its website that its mission is to “expose and vigorously counter the campaigns of modern-day prohibitionists.”

In January, Berman associate Sarah Longwell, the managing director of the Institute, authored an op-ed in the Milwaukee Journal Sentinel in which she took on MADD, saying the group wants the federal government to require monitoring devices to be placed in cars of those convicted for drunken driving. Such devices prevent a car from starting until the driver has passed an in-car breathalyzer test. That’s unfair, she wrote, because a person whose blood alcohol limit is at the state limit is no more impaired than someone who is “driving while talking on a hands-free cellphone.”

At the same time, the American Beverage Institute runs a website called “The New Prohibition,” which alleges that a network of “anti-alcohol activists,” including the American Medical Association and Mothers Against Drunk Driving, “seek to return the United States to the 1920s,” when alcohol use was banned. The website said that if anti-alcohol activists have their way today, some people won’t be able to have “a beer at a ballgame.”

While MADD has advocated in-car breathalyzers for convicted drunk drivers, it supports the current 0.08 blood-alcohol limit, according to senior vice president J.T. Griffin.

“The ‘new Prohibition’ is an absolute lie,” Griffin said. “They are trying to paint us as an extreme organization. It is shameful coming from an organization that doesn’t reveal who their sponsors are.”

While it is impossible to say how much impact the “new Prohibition” campaign is having, MADD officials say they are monitoring the Berman effort closely, particularly as state legislatures review their decisions to lower the drinking age and consider requiring in-car breath test machines.

The Center for Consumer Freedom, as well as Berman and Company and several affiliated groups, share the address of a downtown Washington office building. The publicly available portion of the Center’s 2011 tax filing shows that it is mostly funded by a handful of generous, anonymous donors. An individual identified only as “Donor No. 1” gave \$300,000. “Donor No. 6” gave \$520,000. All told, the nonprofit Center received \$1.4 million in 2011 in contributions and grants. It spent \$2.1 million, of which \$1.3 million was paid to the for-profit Berman and Company for management, research, advertising and accounting fees, according to its IRS filing.

While tax rules allow the identity of donors to nonprofits to be anonymous, the Center says on its website that its contributors must remain secret because “they are reasonably apprehensive about privacy and safety in light of the violence and other forms of aggression some activists have adopted as a ‘game plan’ to impose their views.”

Eight blocks from the headquarters of the Center for Consumer Freedom, Wayne Pacelle sits in his office at the Humane Society and fumes over the Center’s attacks on him and his group. The ad comparing Pacelle to Madoff, released on April 5, is only the latest. For months, Berman’s group has suggested that the Humane Society is bilking donors because it gives less than 1 percent of its money to pet shelters.

Pacelle said it is a classic Berman strategy of “false framing” of an issue. The society, he said, doesn’t say it will give large amounts to independent pet shelters. Instead, Pacelle said that the Humane Society takes care of more than 100,000 animals at its own facilities, including a 1,300-animal care center near Dallas and a 1,200-acre wildlife rehabilitation center ranch near Fort Lauderdale.

Berman “doesn’t give us credit for any of the animals we care for,” Pacelle said. “The only metric he uses is if we give a grant to a pet shelter.”

Pacelle said he has alerted Berman to “misrepresentations” many times without a response.

So why is Berman’s group attacking the Humane Society and Pacelle? Pacelle believes Berman has been hired by corporate interests such as agri-business and restaurant chains that don’t like the way the Humane Society has influenced food- and agricultural-related legislation in Congress and state legislatures. For example, the Humane Society has been fighting for years, and with some success, to force big farms to get rid of pens that prevent pigs from turning around, urging that such structures be replaced with facilities that let the animals roam a bit.

The tactics are a sign of change in Washington, Pacelle said. It used to be that a company would hire a Washington representative to oppose a particular piece of legislation. What is new, he said, is that Berman is trying to destroy the “brand” of the Humane Society, not just a pending bill.

It is hard to quantify Berman’s success rate. Unlike a lobbyist who files a report declaring which legislation he is trying to influence, Berman works on behalf of unnamed backers and tries to shape public perceptions about his targets. As a result, Berman can claim success in delaying legislation or undermining an opponent. For example, in an e-mail to one of his backers — a copy of which was provided to The Globe — Berman wrote that the campaign against the Humane Society was “far more successful than I anticipated” in creating a negative image, asserting that he was “chilling the donation stream.”

Pacelle said donations have more than doubled during the time that Berman has attacked him but added there was no way to know if more money would have come in without the assault.

Berman’s group also has gone after People for the Ethical Treatment of Animals, which has angered some farm and food groups by conducting investigations into the treatment of farm animals. Berman’s Center for Consumer Freedom created a website called “PETA kills animals,” which says PETA killed 1,647 cats and dogs in 2012.

The strategy was a classic effort for Berman: the headline-grabbing fact is correct, and PETA says the number of killed animals is accurate. But PETA said the broader implication is misleading. PETA says it “euthanizes” only the most “broken” animals brought to its “shelter of last resort.” PETA senior vice president Jeff Kerr said Berman’s charges are “like complaining that a hospice has a high mortality rate. It’s entirely misleading.” Kerr said that the real aim of the attack is to undermine PETA because the group’s promotion of a vegan diet cuts into the profits of Berman’s backers.

While some groups prefer to ignore Berman's tactics, the Humane Society has filed a complaint with the IRS that alleges the Center for Consumer Freedom and other entities created by Berman have violated tax laws and may owe more than \$23 million to the IRS.

"We have been the first major organization to punch back and try to expose his attacks on many of America's most respected charities," Pacelle said. "He doesn't like that and he knows that so much of it stems from my passion not to let this guy get away with his scam and I will continue to go after Rick Berman until he is completely exposed." But such steps seem to have only increased the animosity.

It was last summer when Berman launched another hardball effort to undermine the Humane Society — an effort he may have believed would not become publicly known. He wanted one of the nation's leading charity-rating organizations — the Wise Giving Alliance of the Better Business Bureau — to drop its accreditation of the Humane Society. If that happened, donations to the Humane Society might significantly decrease, and Berman could claim another victory.

Berman's tool was an unsubtle warning. He threatened to publicize what he called a "pay-to-play" system, in which charities that are rated by the Wise Giving Alliance have the option of paying to display the group's endorsement.

"You can protect [the Humane Society's] brand at the BBB's expense," Berman wrote in a June 27, 2012 letter to the Alliance, "or you can protect the BBB's brand."

The BBB's Wise Giving Alliance strongly denied that it engages in "pay to play," stressing that groups are not required to purchase the right to display the accreditation.

Berman then traveled in August for a meeting at the headquarters of the Wise Giving Alliance, whose officers said they received permission from him to record the conversation. The Humane Society is "as duplicitous an organization as I have ever seen," Berman said at the meeting, according to a transcript provided by the Alliance.

Berman said he was speaking for his financial supporters, calling them "big companies" who were tired of being attacked by the Society. "They are very upset with the Humane Society," Berman said, according to the transcript. "We are several million dollars into going after them."

And if the Alliance wouldn't act — revoking the Humane Society's accreditation — Berman repeated his written warning that he and his backers might go after them, too. "As I try to get to the goal line, worst case scenario is, in regard to the Better Business Bureau, if you'll excuse the expression, become collateral damage," Berman said, according to the transcript.

H. Art Taylor, the chief executive of the Wise Giving Alliance, investigated Berman's allegation that the Humane Society was running a "scam." He said in an interview that he found his claim baseless and thus the Society has kept its accreditation.

Taylor provided the correspondence and transcript to the Globe because he said he wanted the public to understand Berman's methods. "People ought to know why we are pushing back," he said.

Berman gave one of his most revealing talks about his strategy in a locale far from his Washington office. Meeting with a group of Nebraska farmers in 2010, he told them it was more effective to "hit people in their heart rather than their head," according to a report on the talk by Nebraska Farm Bureau News. "Emotional understanding is very different — it stays with you. Intellectual understanding is a fact and facts trump other facts. When I understand something in my gut, you've got me in a very different way."

Berman then explained why he believes such attacks work. "People remember negative stuff," Berman said. "They don't like hearing it, but they remember it . . . We can use fear and anger — it stays with people longer than love and sympathy."

One nominee, 1,000 questions

As the GOP presses its pick to head the EPA, an agency long in the party's cross hairs faces even greater scrutiny

BY NOAH BIERMAN

...

A tortured and bitter nomination battle may have stalled Gina McCarthy's selection as the new Environmental Protection Agency administrator, but it has firmly established David Vitter as one of the Senate's most inquisitive members.

The Republican from Louisiana has secured his place in the annals of congressional gridlock by posing a flood of 653 questions — with demands for comprehensive, written answers — to McCarthy, a career regulator who served four Republican governors in Massachusetts and has bipartisan support outside the Capitol.

Vitter's colleagues have posed an additional 400 or so questions, boosting the total above 1,000 and raising the Republicans' tactic of aggressive questioning to new prominence in the state of permanent partisan warfare over Obama's Cabinet nominees.

Democrats call the questions a form of harassment. But Republicans say the nomination presents an important window to draw out a prospective official's views on important issues. To wit: Vitter's 653 questions range from a multi-pronged query about ethanol gas blends to a challenge of "the EPA's authority to regulate the flow of runoff into a storm sewer" to a question about a delayed permit for a "state-of-the-art waste-to-energy facility" in Puerto Rico.

Taken together, the questions amount to one of the most exhaustive job applications imaginable.

"Can you comment on Australia's experience with a carbon tax?" Vitter asks in one written query.

The response from McCarthy: "I am not familiar with the details of Australia's carbon tax."

Democrats are poised on Thursday to try to secure a committee vote on McCarthy's nomination that would permit her to be considered by the full Senate. Republicans foiled an initial attempt to hold a committee vote last week by boycotting a scheduled hearing and denying the Democrats a quorum.

Vitter, the ranking member on the Senate Committee on Environment and Public Works, continued to withhold support throughout the week because McCarthy had yet to answer to GOP satisfaction five additional requests for EPA data and agency e-mails. They also are attempting to extract a pledge from McCarthy to conduct cost-benefit analyses before enforcing rules.

Republicans have been investigating EPA's record-keeping practices, particularly the use of personal e-mail accounts and e-mail aliases by top officials for public business.

Vitter's office declined an interview request through a spokeswoman, who said in an e-mail that the remaining issue is "five transparency requests that the EPA has stonewalled on. Five. Not a hundred, not a thousand. Five."

McCarthy served in senior policy positions under governors Mitt Romney, Jane Swift, Paul Cellucci, and William F. Weld. She also served as commissioner of the Connecticut Department of Environmental Protection from 2005 through 2009, under another Republican governor, Jodi Rell.

McCarthy's opponents have not taken issue with her qualifications, integrity, or commitment.

Instead, they have broader critiques of the EPA, which many Republicans see as an obstinate bureaucracy with too much power to regulate, without regard to the burdens regulations place on businesses.

The nominee's two-hour hearing on April 11 featured few questions about McCarthy and her career and qualifications. Rather, it was dominated by scrutiny of EPA enforcement policies and its practice of using multiple e-mail accounts for senior agency officials.

Congress has a long tradition of posing written questions to presidential nominees and others who sit before congressional committees. But in recent years the numbers have escalated, from dozens, to hundreds, and now to this, a total of 1,120 questions for McCarthy (including questions from Democrats).

The last three EPA chiefs, dating back to 2003, received between 157 and 305 written questions, Democratic officials say. Earlier this year, Treasury Secretary Jack Lew fielded 444 written questions — 700 if multipart questions are counted separately — far more than any of his recent predecessors, according to media reports.

“One thousand questions is beyond the point of absurdity,” said Norman J. Ornstein, a political scientist and coauthor of “It’s Even Worse Than It Looks: How the American Constitutional System Collided With the New Politics of Extremism.”

Ornstein said the lengthy questionnaires may serve a greater purpose with Supreme Court nominees, who have lifetime appointments and detailed legal records. But applying the same test to Cabinet secretaries represents a new standard.

“This is ratcheting up obstruction and partisan warfare to an unprecedented level,” he said.

Answering the questions took two weeks’ time by an undisclosed number of federal employees, who received them four days after McCarthy provided public testimony in a hearing on April 11.

The EPA and the White House would not say how many employees and hours were involved, though attorneys were clearly required on the numerous questions dealing with court cases or interpretation of existing regulations.

And forget about the EPA’s mission to conserve resources. The printout for Vitter’s questions and answers alone tallies 123 pages, with a full 234 pages required to print the answers to all 1,120 questions.

Vitter’s questions are posted on the website of the Senate’s environment committee, where he serves as ranking Republican. They cover nearly every recent grievance Republicans have had with the EPA: related to fuel standards, emissions, greenhouse gases, clean water regulations, and hydraulic fracturing. Some are multipart, replete with references to regulatory codes and government acronyms. Others challenge past practices or ask for future policy commitments.

McCarthy answered all of the questions, though not always directly. For instance, rather than give her opinion on a potential tax on carbons, she simply wrote that the Obama administration is not planning to propose one.

In public statements, Vitter has pointed out that Democrats boycotted a committee hearing for an EPA administrator under Republican President George W. Bush, in 2003.

Other Republicans have stood by Vitter’s request for more information.

Senator John Barrasso, a Wyoming Republican who serves on the committee, said he opposes McCarthy’s confirmation because “the EPA is failing America and Gina McCarthy has been an important part of that failure over the last four years.”

She has served as assistant administrator for the EPA's Office of Air and Radiation since 2009.

But Barrasso directed a reporter to Vitter when asked about the precedent for submitting so many questions to nominees.

"Every senator speaks for himself or herself. Every senator can then ask as many questions as he or she feels are warranted," Barrasso said.

Senator John Thune, a South Dakota member of the Republican leadership team, said past nominations should set the parameters.

"If they're legitimate, fair questions, trying to get information about that nominee, how they're going to conduct themselves in office, that's fair game," he said. "Obviously, there are questions at some point that become redundant. But I have not looked at the thousand-question list."

Senator Barbara Boxer, the California Democrat who heads the environmental committee, said the whole thing is irritating.

"She's answered 1,000 plus questions and now they say they're only concerned about five questions," she said. "Well then, why did they send her over 1,000 questions? To me it's harassing."

Not the Congress he used to know

Minnesota Democrat Rick Nolan, back after 32 years, decries disunity and the focus on money



Representative Rick Nolan, a Minnesota Democrat, greeted student's from his district on Capitol Hill.

BY MATT VISER

...

Rick Nolan fondly recalls his first days in Congress. He played basketball with teammates Al Gore and Dan Quayle, joined scrimmages against the Russian embassy staff, and signed up for a baseball team called the “Knee-Jerk Liberals.”

Back then, in the 1970s, Nolan brought his wife and four young children from Minnesota to live with him in Washington. He and his family even spent weekends with congressional colleagues camping, hiking, and attending bipartisan barbecues. After three terms, Nolan left Congress in 1981, retiring and going back to farming.

Flash ahead three decades: Nolan, who party leaders saw as having the best shot at unseating a Tea Party-backed Republican incumbent, soon found himself back in Congress. He now holds the record of the longest gap between two terms in congressional history. The Democratic representative jokes that it is as if he took a 32-year nap. His staff calls him “Rick van Winkle.”

And just as in the tale, he no longer recognizes the world he has found himself in.

Washington has become an increasingly dysfunctional place. There may be no better way to see the shift than through the eyes of Nolan.

He sees a Congress that does not meet as often, where few members linger on Capitol Hill. Lawmakers jet in and out of the city’s airport on a dizzying weekly schedule. Representatives pass in hallways but do not know each other’s names. Raising campaign money requires more time than actual legislating — which, anyway, is mostly limited to naming bridges, approving post offices, and participating in the occasionally sharply divided votes on a bill that is doomed to fail in a partisan black hole.

“It’s quite dramatically, profoundly different,” Nolan says. “In big ways and small ways.”

Emblematic is a small change that has become one of Nolan’s pet peeves: The House dining room, where he fondly remembers sitting at all hours of the day with his congressional colleagues, now closes in the early afternoon. Lost is an opportunity to make the personal connections that today’s Congress so sorely lacks.

Nolan compares himself to an uncle who notices that his nephew has changed significantly in the years since the last visit, identifying things a parent might miss.

Old guard returns

Not only did Nolan — who is 69 years old and no longer sports the beard and long hair he did in his youth — return after a long gap, he brought four staffers back from his past.

Steve Johnson, his press secretary then and now, laments over how the 24-hour news cycle has changed the media and information environment. Jim Swiderski, his legislative director, deplores how partisan the Capitol now feels. In earlier years, he says, there were more opportunities to cut deals. Northeastern Republicans were willing to work with Nolan more often than Southern Democrats. That meant coalitions would form along regional lines, and the party line votes that are so common now were rare.

Legislation often percolated up through committees, rather than being predetermined by top leadership. That meant committees met so frequently that staffers and lawmakers were forced into relationships that often led to more compromise and better legislation.

“It’s . . . months into the calendar year and I still don’t know the names of the majority staff on the committees we serve,” Swiderski says. “I have to look it up.”

“There was this amount of cordiality that was kind of surprising when you first got here,” Swiderski says. “Coming off a campaign where the Republicans were the evil people trying to do you in, it took a while to downshift to now you’re in public office and Republicans have ideas just as much as Democrats. ‘Let’s work together’ — that was the prevailing mood.”

Now, he says, “It’s warfare. Warfare’s probably a harsh term. But it’s not collegiality. It’s competitive partisan politics. That’s just not healthy.”

One of the biggest differences, Nolan says, is the money. During his last campaign, in 1978, he and his opponent combined spent about \$255,000, or around \$900,000 when adjusted for inflation, according to Federal Election Commission records. There were no outside groups involved in running ads.

The 2012 campaign could not have been more different. Nearly \$13 million was spent on the race, only about one-fourth of which was spent by Nolan and Chip Cravaack, the Republican incumbent. The rest of the money came from well-funded outside groups. The Democratic Congressional Campaign Committee and its Republican counterpart each put in about \$2 million. A conservative group, the American Action Network, poured about \$1.7 million into the district, while a liberal group, House Majority PAC, put in \$1.5 million.

Almost immediately after new members got into office, Nolan says, the DCCC began coaching them on fund-raising. A schedule from that session showed that they should spend four hours each day asking for money - more time than any other activity and more than twice the amount of time they should be spending debating issues on the House floor or hammering out legislation in committees.

Nolan says he understood the impulse — the candidate with the most amount of money typically wins — but he was taken aback. He says he’s been reprimanded by Democratic leadership for not raising enough money. He says he has not set foot in a call center that the DCCC set up near Congress, where cubicles are lined up so that congressmen can come in and dial their donors without using congressional resources.

“It helps dictate the ultimate decisions around here. We have a saying out in the country, ‘Who pays the fiddler gets to pick the tune,’ “ Nolan says. “Not only does it take away time from governance, but it has an equally adverse tendency to corrupt and pervert the public policy process.”

Nolan says he holds around one fund-raiser each week, but still has no plans to use the DCCC's call center.

"I find it distasteful," he says.

Standing against the tide

As the world around him has shifted, Nolan acts as if nothing has changed, even though he knows everything has. He wants everyone to be his friend. He wants bipartisan deal-making to be encouraged. He is eager for open and messy debate on the House floor.

But he keeps bumping into a new reality every day: a constant stream of cable news, often with partisan viewpoints that attract like-minded viewers and harden positions. Politician after politician come forward to appear before the cameras on their favorite networks. Consultants and political operatives try to win the moment on Twitter. Ubiquitous, low-cost campaign ads sprout online.

It all feeds a toxic atmosphere that makes it hard to get anything done.

One recent analysis of congressional voting records found that the last Congress was more polarized than ever — at levels higher than before, during, or after the Civil War. The analysis uses voting records of members of each party, determining how often they vote strictly with their party.

"They're the most dysfunctional group of political leaders the United States has had since the 1850s," says Keith Poole, a professor at the University of Georgia who helped develop the system to measure polarization in Congress. "All I can say is the country is in really deep trouble. Much deeper than people realize."

Nolan himself seems an illustration that Congress may not be able to backslap its way to compromise.

On a recent weekday, Nolan's schedule is crammed full of activities, meeting with constituents, going to a reception sponsored by the National Pork Producers Association - oh, and a few votes mixed in.

But the middle of the day is the third annual Hot Dish Contest, where every member of the Minnesota delegation is expected to bring a dish, supply the recipe, and be judged on its taste.

Nolan's office shuts down for the affair so all the staffers can attend out of support.

As soon as Nolan enters the room, Michele Bachmann cries out, “Rick! It’s good to see you!” They exchange a kiss and a warm embrace.

Bachmann corners Nolan. Did they used to have a hot dish cookoff when he served 32 years ago? (No). What was the shape of his district? (He draws a map with his hands in the air).

Nolan motions toward his “Real Deal Ranger Hotdish,” which includes venison, wild rice, onions, and maple syrup.

“I shot the deer,” Nolan tells Bachmann. “We butchered it in the garage.”

“Oh, great!” she exclaims. “You should win for that alone!”

At one point, a Nolan aide leans over to a reporter. “Bringing people together,” he whispers, “one hot dish at a time.”

But politically, Nolan and Bachmann’s friendly exchange is no more lasting than a mirage. It is hard to imagine Nolan — a liberal Democrat — and Bachmann — a conservative Republican — agreeing on any political issue in these hyperpartisan times.

Indeed, they have joined together as sponsors on one piece of legislation. The topic? To name a post office after a police officer who was killed in a town in Bachmann’s district and close to Nolan’s.

Preaching harmony

Outside, about a dozen high school students from Nolan’s Eighth Congressional District in Minnesota sit on the US Capitol steps and Nolan comes out, removes his coat, and begins a civics lesson.

“Getting together in every respect is fundamental,” Nolan says. “With your lover, your spouse, your job, your community. If people can’t come together, we can’t fix problems. That’s what we’ve gotten away from.”

On this day, the House is scheduled to vote on renewing an environmental bill that would makes it easier to develop hydropower projects. After opposition began to build for one provision in the legislation, House leadership decided to allow an amendment to change it.

Nolan is giddy over the possibility of an amendment. During his first tenure, Nolan says, legislation was frequently crafted in committees. There was rigorous debate among lawmakers, and then it would move to the House floor. More amendments would be offered,

in a process that could become drawn out and tedious but also displayed how willing the party in power was to change legislation to garner more support.

“I could count on one hand the number of amendments we’ve been able to add on the House floor,” Nolan says. “Back in the day, we’d deal with 50, 100 - I remember as many as 250 amendments.”

So Nolan is thrilled at this brief return to the old ways.

After he votes, in favor of both the amendment and the legislation, he emerges from the House floor. The bill passes overwhelmingly, 416 to 7, and is awaiting action in the Senate.

“There was cheering and grunting and hooting and hollering,” he says. “It was like a real Congress!”

“Wasn’t that great?” he says. “I talked to several new members. They said it was the most exciting moment since they got elected!”

During the last Congress that Nolan served in, from 1979 to 1980, the House enacted 735 laws. During the 112th, which lasted through 2011 and 2012, Congress enacted only 284 laws.

The fact that a rare amendment was recently allowed was a good sign, Nolan says.

Back in his office, he lets his legislative director know.

“It passed?” Swiderksi says. “All right. Wowww. . . .”

A familiar feel

The sun is setting on Washington, and Nolan is heading away from the Capitol. He is going to We the Pizza, a restaurant a few blocks away, where a group of freshman congressmen are planning to meet. It is the third time that the group — Republicans and Democrats — gathered for a social occasion.

Nolan, and others, see hope in this new class of 84 lawmakers. Many of them view their mandate from voters as one to compromise, in a response to the negative, uncompromising ways of the past several years.

They concede they have little to show for it. They are newly elected members, and many are still learning the voting process on various issues, much less how to craft legislation.

“We’re not Pollyannaish; it’s not like a dinner or two can change it overnight,” says Representative Matt Cartwright, a Democrat from Pennsylvania who helped organize the dinner. “But we think we can make a difference.”

“It’s not like we’re all going to sing ‘Kumbaya’ and save the planet,” adds Representative Luke Messer, a Republican from Indiana. “But hopefully we can get together and have a dialogue.”

On the second floor, tables are filled with plastic forks and knives, pans of pizza, and cups of beer.

“Can we help you eat this pizza?” Nolan asks a group of congressmen in the corner. He pulls up a chair and engages in small talk, about what committees they’re on, about sports, about their plans for the weekend.

“Who’s your bride, Rick?” Representative Randy Weber, a Texas Republican, asks in his Southern drawl.

“Mary,” Nolan answers, in his Minnesota accent. “What’s your bride’s name?”

“Brenda,” he answers.

Weber pulls out his Blackberry phone. He asks for Nolan’s cellphone and e-mail, which he punches in.

A few minutes later, Nolan leans over and smiles.

“That’s how it used to be,” he says.

DARKNESS OVER DC



Farm bill fails as trade-offs of yore vanish

Parties divided in House on subsidies, food stamps

BY MATT VISER

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Since the 1960s, the farm bill has represented an ultimate exercise in Washington dealmaking, stuffed with special-interest agriculture subsidies favored by rural Republicans as well as spending for the nation's food-stamp program favored by urban Democrats.

But in modern, gridlocked Washington, even the old traditions no longer seem to apply. "I'll scratch your back, you scratch mine," has been replaced with, "You gut my programs, and I'll kill yours."

The latest example: The House on Thursday defeated the farm bill, 234 to 195, leaving the fate of nearly \$1 trillion in farm subsidies and food-stamp programs in limbo.

Sixty-two Republicans defected on the vote, a reflection of House Speaker John Boehner's struggles to rein in his restive GOP caucus. By the end of the day, Republicans were blaming Democrats, Democrats were blaming Republicans, and members of the Senate — which has already passed its own version of a farm bill — were criticizing the House.

"It is a sad day in the House," said Representative Sean Patrick Maloney, a newly elected Democrat from New York. "And it's a tough education for those of us who have come here to work together, across the aisle."

By the time it went down in defeat, the farm bill had been mired in controversy, attacked by advocates who said it protected farming interests at the expense of the poor, with the food-stamp program serving as a political football between warring political interests.

Farmers who grow peanuts or nurture catfish would be protected under the House legislation, for example. Those who supply the nation with the sticky Japonica rice used for sushi would also get a boost. But Democrats objected to \$21 billion in House GOP food-stamp cuts that would eliminate benefits for up to 1.8 million families nationwide, as well as the loss of free school meals for up to 210,000 kids.

Even under Senate legislation, which has the support of Democrats, families in certain states that calculate food stamps in a way that would be curbed would see their average monthly \$508 benefit slashed by up to \$90. Nationwide, about 500,000 households would be affected by that Senate cut, including tens of thousands in Massachusetts.

About 450,000 Bay State households — nearly 900,000 residents — rely on food stamps. They got \$1.4 billion last year, an average monthly benefit of \$132.51 per person.

The struggle over the farm bill illustrates the level of paralysis that has gripped Congress. It also reveals in especially stark detail the disparate fortunes of powerful business interests, with their high-priced lobbyists, and the economically needy.

“We’re slicing and dicing the social safety net,” said Joe Diamond, executive director of the Massachusetts Association for Community Action, which aims to help low-income residents. “We all understand the need to be within our fiscal limitations. But to cut this critical resource to the most vulnerable in society in a way that would hurt them shows that something is out of balance.”

The farm bill, which historically was used to provide subsidies to farmers, was first passed in the 1930s and has generally been reauthorized every five years. In the 1960s, when rural populations declined and fewer members of Congress represented districts with farmland, food stamps were added to the legislation to gain more support from urban lawmakers.

In recent years, especially as more Americans were forced out of work by the 2008 recession, the food-stamp program has eaten up a greater share. Nearly 80 percent of the proposed farm bill spending would be set aside for food stamps and nutrition programs.

The bill historically has contained enough goodies to satisfy everyone. Soybean and corn subsidies for Midwestern congressional districts? Check. Subsidies for dairy, peanuts, and chickpeas (large and small)? Check, check, and check. Food stamps, which earn strong support from congressmen in poor, largely urban areas? Check.

In an era when fiscal conservatives have thrust austerity to the top of the agenda, however, opposition has grown to the price tag of \$1 trillion over 10 years. Some Republicans are calling for further cuts in food stamps, a program they view as a government handout.

“When we see the expansion of the dependency class in America . . . it’s a barrier to people that might go out and succeed,” said Representative Steve King, an Iowa Republican. “We don’t want to hand these out to people that are gaming the system so to speak.”

Representative James McGovern, Democrat of Worcester, recently spent a week living on a food budget that was equivalent to food stamps, spending \$4.50 a day. He was chief sponsor of an amendment to restore the \$21 billion in cuts to food stamps in the House bill. The amendment, which had the support of almost all of the Democrats but almost no Republicans, failed.

“The price of a farm bill should not mean making more people hungry in America; we are a better country than this,” McGovern said. “If we do not stand for people who are hungry, who are poor, than what the hell do we stand for?”

Those who benefit the most from farm subsidies are farmers who grow corn in Iowa, soybeans in Minnesota, wheat in Kansas, and cotton in Texas.

Direct subsidies to farmers, a controversial program that critics say gives away federal money even if farmers aren't growing crops, would end. But in their place would be an enhanced insurance program and certain price guarantees.

Under the House bill, for example, farmers who grow Japonica rice would receive subsidies if the market price falls below 115 percent of the average price of all types of rice. Most of those farmers are located in California. Tim Johnson, executive director of the California Rice Commission, said that the guarantees were needed in a high-cost area.

“The question is, is there an appropriate place to make sure those farmers have a [price] floor so that if they have a couple of bad years they don't have to sell their farm?” Johnson said. “The objective is to keep farmers on the land farming.”

As the House vote loomed, Republicans added amendments that drew ire from across the aisle. One would permit states to administer drug tests before approving a food-stamp application. Another would allow states to require recipients to either work 20 hours a week or sign up for job training .

Ultimately, only 24 Democrats supported the bill. That stood in stark contrast to the last time the House approved a farm bill, in 2008. At that time, the bill passed with 216 Democrats and 100 Republicans voting in favor.

The Senate version of the farm bill passed June 10 with overwhelming support from Democrats. It would cut food stamps by \$4 billion over the next 10 years, instead of the House's \$21 billion. The savings would come from several changes, including denying eligibility for lottery winners.

It would prevent states from exploiting federal rules in ways that increase access to food stamps. Currently 15 states, including Massachusetts, deploy those strategies and would be

affected. Eliminating those practices would reduce benefits for about 850,000 households by an average of \$90 per month.

It is unclear what will happen next. The House also failed to pass a farm bill last year, so the 2008 legislation was extended until Sept. 30, 2013. House leaders could choose to bring up the bill again, making changes to either satisfy Republicans who want more cuts to food stamps or Democrats who want fewer. They could also try to pass another extension.

“Watching the debate, the finger pointing about who did what to who is so frustrating, because the truth is, we’ve got to get somewhere in the middle,” said Representative Pete Gallego, a Texas Democrat. “This should be a bipartisan product.”

The role of partisan media

Some dreamed the democratization of broadcast news through the rise of cable and social media would dilute discord. Instead the opposite has happened.

BY MICHAEL KRANISH

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The host on Fox News Channel was chipper as ever one morning earlier this year as he welcomed the network's newest commentator, former US representative Allen West. The Florida Republican was on to discuss his astonishing claim: US Attorney General Eric Holder was a "bigger threat to our Republic" than the leader of Al Qaeda and was guilty of "treason from within."

It was ideological napalm, and "Fox & Friends" was happy to play along. The producer put up images of Holder and Osama bin Laden's successor, Ayman al-Zawahiri. Fox host Brian Kilmeade sounded pleased, telling West, "It's great to have you on board." And West, who declined an interview request, was hardly done. On another Fox program, he branded Obama's appointment of Susan Rice as national security adviser "a flip of a certain finger in the face of the American people."

The remarks set off the usual sound and fury in polarized Washington. A liberal watchdog group expressed outrage. Online sites and Twitter followers argued over the charges. And over at MSNBC's "The Ed Show," which played a video of West's remark about Rice, liberal commentator Joy Reid declared that "the president is right to give up on negotiation with Republicans. Why? Because there is clearly no issue that Republicans in Washington won't politicize."

Nor, it often seems, is there an issue that the dueling cable channels won't hype for their own partisan purposes. Not long ago, some scholars of public discourse dreamed that an era of rapidly proliferating channels and platforms — enabling almost anyone to get airtime for their viewpoint — might soften some of democracy's rough edges by making it harder for partisans with the loudest voices and biggest signal to hijack the debate.

Instead, what was once billed as the greatest democratization of information in the world's history has helped land us where we are now. The growing personalization of media

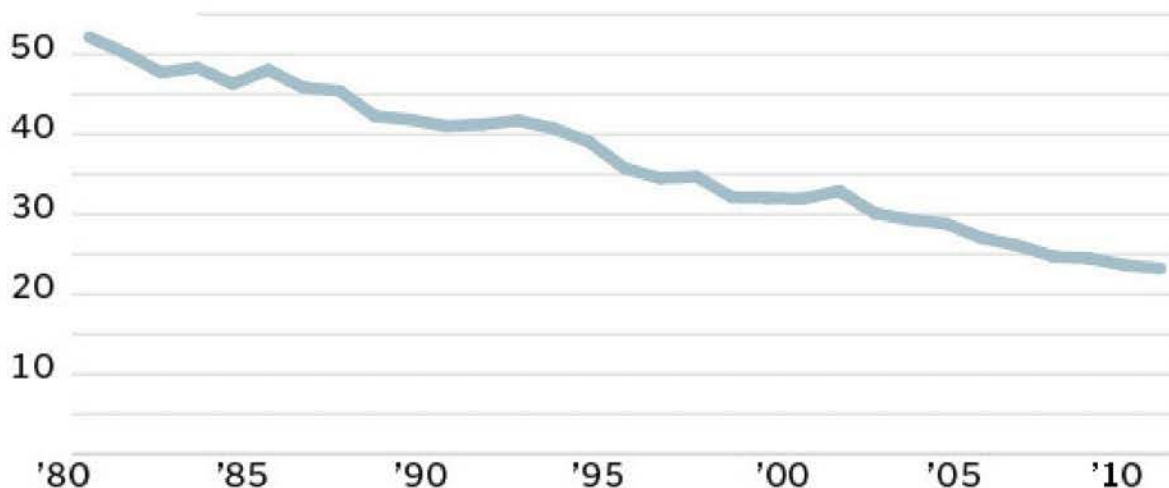
sources has yielded a world of competing commentators who, with few exceptions, stake out the rigid edge of their piece of the political spectrum. The profit is in extremity. Any remark can catch fire, and each channel or site can have outsized impact.

The result: an explosion in the availability of information has coincided with historic levels of political polarization — the starkest divide since the early 1900s, according to a Duke University study released this year. While many factors have fed this trend, analysts believe that ideological media outlets have contributed significantly and hardened the battle lines.

EVENING NEWS BROADCAST AUDIENCE*

The advent of cable television news hasn't made up for the decline since 1980 in viewership of evening news on the three major broadcast networks.

*November-to-November average viewers per night
(Millions)*



*NBC, ABC and CBS. Not including cable networks

Cable News Ratings, October 1, 2013, 6pm

FOXN	Special Report		2,247,000
MSNBC	Politics Nation		811,000
CNN	Situation Room		702,000
CNN	Crossfire		662,000
HLN	Evening Express		173,000

SOURCE: Project for Excellence in Journalism, Nielsen PATRICK GARVIN/GLOBE STAFF

For some time, the hosts of some of the most popular partisan shows, such as Bill O'Reilly and Sean Hannity on Fox, Rachel Maddow on MSNBC, and Rush Limbaugh on the

radio, have regularly driven the day's discussion — or at least define its extremes to left and right. They provide a forum that can gain a far larger audience than a member of Congress can get delivering a floor speech shown live on C-Span and perhaps covered by conventional news media.

Some hosts, meanwhile, have created media empires that include paid speeches and lucrative book contracts, all of which benefit from high-octane partisanship to keep the customers coming; moderation and compromise are death on ratings.

Glenn Beck, the former Fox News host who once said that President Obama had a “a deep-seated hatred for white people,” now runs an online show and has reached a distribution deal with the Dish Network. He oversees an empire with estimated revenues of \$75 million last year.

“It is in the best interest of these places that partisanship keeps strong and powerful and acidic and toxic because it is more dramatic,” said Robert Thompson, director of the Bleier Center for Television and Popular Culture at Syracuse University. While Thompson said it is good there are more media choices, what has been lost “is this sense we all share a certain bit of cultural glue.”

In an era of shout-fests, Twitter-flames, and comment wars, the danger, in other words, is that the measured voice that leads to compromise has been all but drowned out.

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Senator Ted Cruz, the Texas Republican and Tea Party firebrand, isn't shy about saying so: He sees a boon for his cause in a media universe gerrymandered along partisan lines.

Cruz went on the Rush Limbaugh show one day in late August and told the nation's top-rated talk show host about his strategy to “de-fund” President Obama's health care law. As Cruz explained to Limbaugh and millions of listeners, the strategy relied on using carefully selected, conservative-oriented segments of the media.

“Two nights ago I was on Hannity's TV show,” Cruz said, referring to a Fox News program. Within two hours of that appearance, 100,000 people had logged on to a Cruz-backed website and signed a petition calling for the end of “Obamacare.” With Limbaugh's help, the online signatures passed the 1-million mark. It was the broadcast prelude to the current GOP-propelled shutdown.

Limbaugh and Cruz spent part of their conversation attacking Republican leaders who dared distance themselves from Tea Party supporters. “I think they are respected less than they have been in my lifetime,” Limbaugh said of the Republican leadership.

Cruz, meanwhile, shared his disdain of Obama, whom he accused of conducting a “lawless presidency.”

Not long ago, a US senator like Cruz, who declined to be interviewed, would have made his case largely on the chamber floor and in nonideological, or “mainstream,” media outlets. Now, just as presidents have gone over the heads of the national media, so, too, have some of the lowest-ranking members of Congress such as Cruz.

Cruz took the Senate floor after his string of talk show appearances, clearly emboldened by them. He urged his colleagues on Sept. 25 to join him and “change the broken ways of Washington.” The Republican-controlled House had already passed a measure defunding Obama’s health care, and now Cruz wanted the Senate to do the same.

But it proved to be an exercise in fury and failure. What had sounded good in a conservative media echo chamber had no support even among most of Cruz’s fellow Senate Republicans, who largely refused to stand with him.

Senator John McCain, the Arizona Republican who previously had called Cruz a “wacko bird,” disputed Cruz’s assertion that Republicans weren’t willing to fight to kill the health care program. McCain reminded Cruz that he had campaigned for president in 2008 against the plan and lost. Mitt Romney had campaigned for repeal and lost. And now Cruz had waged his effort and lost.

Shortly after delivering his floor speech, McCain, who holds the record for the most appearances on NBC’s “Meet the Press” — the very definition of a mainstream media outlet — stood in a Senate hallway and said in an interview that the rise of ideological shows is playing an outsized role in the current stalemate.

“I don’t think there’s any doubt that the talk show hosts, Limbaugh, Hannity, they excite their audience,” McCain said. “That’s their job.”

The voices are further amplified, McCain said, because there is “a real debate going on in the party,” between isolationists and internationalists, and between the Tea Party and more traditional leaders. Ground zero of that fight has often been on the cable and radio talk shows, where McCain continues to appear regularly.

“You have to,” McCain said. “To not go on these shows, I think, is just a mistake because for so many people who care a lot about the politics, this is the chance to have your political views exposed to them.”

But such exposure can come with a price. Former US representative Mickey Edwards, an Oklahoma Republican, recently went on a popular talk show on which he criticized his

party's increasingly rightward direction. After a rather hostile interview, the conservative host said off-air, according to Edwards: "C'mon Mickey, it's just entertainment."

"The listeners don't know it is entertainment," Edwards said he responded. "They think it is straight news."

Edwards, who requested that the host's name not be revealed, said the experience left him despairing about the impact of such shows. Stressing that his concern applied equally to conservative and liberal hosts, Edwards said, "They don't understand, or they don't care, about the really toxic effect they are having on American government."

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All of this raises the question: Why has the historic growth of media, which some believed would ratchet down discord, instead resulted in increased polarization?

In a way, it is a return to the nation's founding days. Early newspapers were openly partisan, designed to attract the most rabid followers and influence policy. But the introduction of radio in the 1920s and broadcast television in the 1950s significantly decreased polarization, according a study co-authored by Filipe Campante, an associate professor at Harvard University's Kennedy School of Government.

A major reason, Campante said in an interview, is that radio and broadcast television relied not on paid subscribers but on advertisers who wanted to appeal to the widest possible audience. Thus, a handful of companies that controlled major media relied on a more mainstream sensibility in their coverage.

Moreover, the government had adopted a 1949 regulation that now seems quaint. The Fairness Doctrine required that "the broadcaster must be fair" to all sides and instituted the "personal attack rule," which required broadcasters to notify a person who was attacked on air, provide a transcript, and allow him or her an "opportunity to respond over the broadcaster's facilities."

The regulations, even though sporadically enforced, for years modulated the tone on the airwaves as broadcasters sought to avoid being hauled before the Federal Communications Commission.

But the rules began to seem moot as cable television emerged. Cable channels would provide much more access to information and, because they didn't rely on public airways, weren't subject to the same regulation as broadcast venues. The Fairness Doctrine and the "personal attack rule" were killed by the administration of Ronald Reagan, which deemed them unnecessary and a violation of the First Amendment.

The result was dramatic. There were 100 talk radio stations in 1980, compared with 1,700 in 2007, according to a study by the liberal Center for American Progress that complained about a conservative-dominated “structural imbalance” on the radio airwaves. The most successful talk shows were hard-driving partisan affairs in which the host pushed his or her viewpoint and belittled talk of compromise.

Limbaugh, the conservative king, has the top radio show with 14 million listeners over the course of a recent week. Hannity, a conservative who also hosts a Fox prime-time program, is the second-highest rated talk show with 13.25 million listeners per week, according to Talkers.com, which tracks the ratings. Alan Colmes, who hosts a liberal show on Fox’s network, has 2.75 million listeners.

Meanwhile, broadcast network news viewership declined as cable installation began to bring more entertainment programs into homes, according to a study released this year by Markus Prior, an associate professor of politics at Princeton University. Millions of Americans who had only been lightly interested in politics, and had been getting “incidental” exposure to the evening news on the three broadcast networks, switched to newly available entertainment channels.

The numbers are startling. In 1980, about 52 million Americans watched the three evening network news broadcasts, compared to only 22 million people today, according to the Pew Research Center’s Project for Excellence in Journalism. Cable news doesn’t come close to filling the gap. For example, on Oct. 1 at the 6 p.m. hour, 2.3 million watched Fox’s “Special Report,” 702,000 watched CNN’s “Situation Room,” and 811,000 watched MSNBC’s “Politics Nation,” according to ratings services. PBS said about 1 million watch its NewsHour program, and a scattering of other news programs attract viewers.

The bottom line: some 25 million fewer people are watching evening news programs than in 1980, even as the nation’s population has grown from 227 million to 309 million and the number of media outlets has expanded.

Many of these “lost” viewers tended to be politically moderate, and as they tuned out network news, they were less likely to track public issues and vote, according to Prior.

“The culprit turns out to be not Fox News, but ESPN, HBO, and other early cable channels that lured moderates away from the news - and the polls,” Prior wrote in his study, “Media and Political Polarization.” Similarly, online sites have drawn away viewers.

At the same time, many of those drawn to the most partisan shows have an outsized impact on politics, talking to their friends and neighbors about public affairs and signing up for campaign work.

The genius of Fox News, according to Syracuse University's Thompson, was that its founders realized it could thrive without a 1980s-sized audience or centrist programming. Instead, Fox figured it could be at the top of cable news with shows watched by a couple of million viewers or less, keeping them hooked emphasizing conservative outrage. MSNBC followed suit on the liberal side, as have websites of all ideologies.

The transformation was complete.

"In the first eight decades of the 20th century we put together a consensus audience the likes of which this planet had never seen, and everybody was seeing the same thing," said Thompson. "We then spent the last two decades of the 20th century and are continuing into the 21st breaking that consensus audience into a million little pieces."

No one was more successful at profiting from this new world than Roger Ailes, a television producer and former aide to three Republican presidents, Richard Nixon, Ronald Reagan and George H. W. Bush.

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Ailes was working at the cable business news outlet CNBC in 1994 when it launched an independent-minded network called "America's Talking." But when that was transformed into MSNBC, Rupert Murdoch lured away Ailes to create Fox News Channel in 1996.

It was a tipping point in the world of Washington media and politics. Cable news needed passionate subscribers. Ailes provided an outlet for conservatives who were stewing in the midst of two terms of the Bill Clinton presidency. The channel's popularity soared as Republicans took back the White House in the 2000 election, helping boost the fortunes of George W. Bush.

By the time the 2008 campaign got underway, the hosts of Fox's opinion shows had become some of the chief antagonists of Obama, then a first-term senator from Illinois who had benefitted from a glowing precandidacy buildup in much of the media.

Expressing his frustration to The New York Times shortly before Election Day in 2008, Obama said, "I am convinced that if there were no Fox News, I might be two or three points higher in the polls. If I were watching Fox News, I wouldn't vote for me, right? Because the way I'm portrayed 24/7 is as a freak! I am the latte-sipping, New York Times-reading, Volvo-driving, no-gun-owning, effete, politically correct, arrogant liberal. Who wants somebody like that?"

The war between Fox's opinion shows and Obama escalated after the election, marked by occasional public spats between the network and the White House press operation. In 2009, Anita Dunn, then-White House communications director, appeared on CNN and said "Fox

News often operates almost as either the research arm or the communications arm of the Republican Party.”

Jen Psaki, the White House deputy press secretary, capped it off with a vitriolic message one night after watching a show by Fox’s “Special Report” anchor Bret Baier. The Fox newsman, she wrote in a 2009 e-mail later disclosed by the conservative group Judicial Watch, “just did a stupid piece...he is a lunatic.” A day later, in an e-mail that referenced the network’s cubbyhole in the White House briefing room, Psaki wrote, “I am putting some dead fish in the fox cubby — just because.”

The partisan spiral accelerated after CNBC reporter Rick Santelli in February 2009 criticized a proposed stimulus bill and said he wanted to “start organizing” a “Tea Party,” Fox picked up the idea and played a major role in helping foment the movement. Viewers of Fox News Channel, for example, were urged to attend what the network called “FNC Tax Day Tea Parties.”

Even Ailes seemed to suggest at one point that Fox might have meandered over the edge and needed a “course correction.” Yet the corrective only went so far. Fox is critical, he told *The Daily Beast* in 2011, because other networks have “given all their shows to liberals. We are the balance.”

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After Psaki’s e-mail about Baier became public in 2011, the White House recalibrated its media strategy and ended its harshest rejoinders to Fox. Psaki and Baier agreed to have lunch at The Oval, an upscale restaurant near the White House. Psaki apologized to the Fox anchor about that whole “dead fish” in the cubbyhole thing.

“There can be a tendency to jump to conclusions about motivation when you do have a partisan environment, which you do have in Washington,” Psaki said in an interview.

As it happened, Baier would soon conduct an interview with former Massachusetts governor and Republican presidential candidate Mitt Romney that would draw plaudits from the White House. The candidate grew testy as Baier asked about Romney’s statement that Massachusetts health care reform should be a model for the nation. “I’m glad the Democratic ads are breaking through, and you guys at Fox are seeing them,” Romney told Baier, adding that he found it to be an “unusual interview.”

The interview helped Fox underscore that its news programs are separate from its opinion shows - a distinction that seemed to have been lost on the Romney campaign.

“Someone wooed them into thinking that all Fox platforms are the same,” Baier said in an interview. “I’m a news guy. I’m going to ask questions that a reporter who would follow the

campaign closely would ask. The fact that they somehow thought I wouldn't ask those questions because I worked at Fox showed a lack of understanding for the difference between Fox news and Fox opinion."

"I'm outside my lane talking about other shows but I don't think anybody says Hannity is balanced," Baier said. "I don't think anybody who looks at that show says it is not a conservative point of view. I get it. But when we are talking on the news side of the house we really are striving to be balanced."

Does Baier have concerns about the way Fox opinion shows promoted Tea Party events? "I don't know that one channel as powerful as Fox can move a country to have what happened in 2010," he said. "That was more a reaction to uprising all over the country than it was one channel." Still, he said, "I do think Fox is powerful. There is a megaphone out there for opinion shows."

But Fox executives, perhaps worried that they have gone too far in the land of opinion, are shrinking the megaphone a bit. A one-hour show will debut Monday in prime-time hosted by Megyn Kelly. She will run a "news program, breaking news, not an opinion program, so I'm not going to be the female Bill," she said last week on the "O'Reilly Factor."

"Well, you should be," Bill O'Reilly responded.

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Liberals have also tried their hand at partisan shows, but the megaphone has proven smaller. The failures include Air America, a liberal talk-show radio network, and Current TV, which was sold to Al Jazeera America, which began broadcasting on Aug. 20, promoting itself as filling the need for straight-ahead news programming.

Reasons for the difficulty of sustaining a liberal network include struggles in retaining younger people who get their news online or profess to get their information from sources such as The Daily Show, a comedy show that often mocks Fox (and sometimes Obama).

The most prominent cable purveyor of liberalism is MSNBC. It did well amid the heightened interest of the 2012 campaign but has seen its ratings fluctuate since.

MSNBC officials declined to comment but clearly they have bet on commentary to attract a regular audience of liberal viewers. The network has branded itself as "the place for politics," and its president, Phil Griffin, told The New York Times that "we're not the place" for breaking news.

MSNBC also provides a cautionary tale for politicians who assume that hosts on one network or another will always be their cheerleaders. For example, "Hardball" host Chris

Matthews said in 2008 he felt a “thrill going up my leg” when listening to Obama, but he rebuked the president earlier this year, complaining about lack of action on issues such as gun control and immigration. He said on his May 15 show that Obama “commands no big cause; there’s no thrust to his presidency . . . the engine’s off.”

It may be a coincidence, but in the following months, some in Congress increasingly took on Obama, complaining he was abandoning his commitment to liberal principles.

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Indeed, in a short period, some programs have gone from boosting their party’s standard bearer to becoming a forum for intra-party warfare, fueling more factionalism.

That has led some Republicans to worry that the influence of Fox News could backfire. Kevin Madden, a former media adviser to Romney, said there has been much internal discussion in the Republican Party about the reliance on Fox News. Madden, who is a paid commentator on CNN, said that while it is important to “fire up the base” by appearing on venues such as Fox, “we can’t just preach to the converted . . . we have to spend as much time persuading the big middle of the electorate.

“Politics is about adding people,” he said.

The intra-party conflicts have also be playing out on Fox. A viewer tuning in for Hannity’s show on Sept. 9 heard the host say that if Republicans don’t fight to defund Obama’s health care program, “they have lost me.”

A week later, O’Reilly said on his Fox program there is “fanaticism on the right also harming the country . . . There’s no way Obamacare is going to be defunded. It is not going to happen. So why bother alienating independent Americans by embracing a futile exercise?”

...

At CNN, meanwhile, the mantra is that the network can prosper by catering to a large slice of viewers who want independent-minded news, not opinion.

“It is at the core of our mission not to pick sides,” CNN Washington bureau chief Sam Feist said in an interview. “It almost boggles the mind. How can you be a journalist and pick sides in elections and yet you see it happening now all the time . . . It has created a lot of space for CNN.”

Feist charged that the partisan nature of his rivals is partly responsible for gridlock. “The partisan cable news channels certainly put pressure on politicians to play to their base and put pressure on people who might otherwise be moderates or might otherwise be considered

moderates to take public positions that appeal to the most conservative or most liberal in their party,” he said.

Nonetheless, CNN, too, is providing more opinion, but in its own fashion. It recently revived one of its most famous programs: “Crossfire.” The original incarnation, which features a host and a guest from each major party, was criticized for its tendency toward argument and interruption.

“Stop, stop, stop, stop hurting America,” “Daily Show” host Jon Stewart famously complained about “Crossfire” in 2004. Shortly thereafter, CNN’s then-president, Jonathan Klein, canceled the program, saying, “I agree wholeheartedly with Jon Stewart’s overall premise.” Klein said at the time that viewers in the post-9/11 world wanted information, not “head-butting debate shows.”

So why has CNN gone back to the future with “Crossfire?” Once criticized for promoting shout-fests, the show is now seen by some, ironically, as a beacon of balance in comparison to opinion shows on other channels.

Feist said one of the goals of the new “Crossfire” will be to find out where conservatives and liberals agree. So, at the end of each show, “Crossfire” transforms into a segment with a striking name: “Ceasefire.” But the disagreements typically remain large.

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White House communications director Dan Pfeiffer often finds himself on the receiving end of this multifront media border war, trying to figure out how to respond to countless tweets, blogs, and breaking stories, many of which are potentially harmful to Obama. Every day is an exercise in combatting and controlling the message.

Earlier this year, Pfeiffer had come under implicit criticism from one of Washington’s oldest and most respected media hands, CBS’s “Face the Nation” host Bob Schieffer. The Texas-bred, 76-year-old host had set up an interview with Pfeiffer and intended to grill him about the White House failure to provide clear answers about a number of issues.

In Schieffer’s view, he is one antidote to the problem of too many Americans who are either uninformed or misinformed by watching partisan shows.

“People that are listening to these ‘validation channels,’ they are not getting the same stuff,” Schieffer said. “I’ll say something on television, I’ll get attacked by the left and right. The situation is so toxic now; the views are so hard and fast.”

So, in his role as an independent-minded inquisitor, Schieffer grew irritated as Pfeiffer appeared evasive during the May 19 show. When Schieffer asked about the White House

view of allegations that the IRS targeted conservatives, Pfeiffer responded that the administration respects the “historical independence of the agency.” Schieffer believed the response typified the inability to get a direct answer from the administration.

“This is no disrespect to you, why are you here today?” Schieffer asked Pfeiffer. “Why isn’t the White House chief of staff here to tell us what happened?”

It was a question steeped in the old notions of media power in town, the old pecking order. Pfeiffer’s main concern is with the new.

The Obama administration has had to change the way it tries to reach potential allies. Gone, for example, is the emphasis on nighttime press conferences, a staple of the Reagan era.

Obama, who has relied heavily on younger voters, emphasizes a strategy that any major American company would recognize: the White House counts Web page clicks, woos Facebook users, tends an e-mail list of 4 million people, tracks what is trending on Twitter, and provides interviews to selected media outlets, such as those with the best demographics.

“If we just did the traditional thing at the White House we wouldn’t get our message out,” Pfeiffer said. “To reach people we have to work harder and longer than anyone else, and the next president will have to work harder and longer than anyone else.”

Pfeiffer said one of his biggest concerns is how to reach millions of Americans, especially those under 30 years old, who pay far less attention to the major media than their elders.

“Reagan did an Oval Office address — he had 65-80 million people,” Pfeiffer said. “Now . . . other than something major, other than a once-in-a-decade news event — if we were to do an Oval Office address we would get maybe 20 million.

“It is totally fine to do a Sunday show that gets 2 million viewers, or the Situation Room [on CNN] that gets 600,000 or so. But to do “The View” [on ABC] . . . gets 6 million people, many of whom are not partisan,” Pfeiffer said.

Perhaps the most striking example of Obama’s media strategy came last year, when Obama decided to launch an effort to pressure Congress to stop the rates on some federal student loans from doubling. It was an issue that most affected the very audience of younger Americans that the White House often had trouble reaching.

Obama launched a Twitter campaign and appeared on a late-night comedy show hosted by Jimmy Fallon, participating in a skit in which he “slow-jammed” the news. The president spoke the same talking points as usual but he did so in the soulful setting of the genre, as Fallon’s band jammed in the background. Fallon held his microphone close and said in a deep

voice that pleased White House aides: “Oh, yeah, you should listen to the president.” Aside from the initial airing on television, a video version on YouTube garnered an additional 7 million views.

It didn’t matter, Pfeiffer said, that the tactic “would have caused old Washington hands to roll over in their graves.” The traditional paths are as blurred. Slow-jamming the news, Pfeiffer said, “was a way we knew would get a huge amount of attention and buzz.”

Many D.C. think tanks now player in partisan wars

Supposedly independent research from hundreds of mysteriously funded nonprofit institutions is flowing daily into the halls of Congress. All in the interest of partisan agendas.

BY BRYAN BENDER

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The August recess traditionally gives members of Congress a chance to go home and hear directly from local constituents clamoring for personal contact with their elected representatives.

But in some districts, a different stripe of player will be competing for political attention: the Heritage Foundation, a Washington think tank specializing in public policy research.

The nine-city “Defund Obamacare Town Hall Tour,” to be headlined by the think tank’s president, former Republican senator and Tea Party movement leader Jim DeMint, is appealing to supporters to “join fellow conservatives in your area and learn how to get America back on track.”

It is a new and startlingly aggressive role for a leading Washington research institution, even one with the ideological underpinnings of Heritage, and emblematic of a larger trend. Not long ago, Washington’s think tanks constituted a rarefied world of policy-minded scholars supported by healthy endowments and quietly sought solutions to some of the nation’s biggest challenges. But now Congress and the executive branch are served a limitless feast of supposedly independent research from hundreds of nonprofit institutions that are pursuing fiercely partisan agendas and are funded by undisclosed corporations, wealthy individuals, or both.

The shift is upending the role of think tanks, prompting some researchers to worry it is eroding trust in these institutions.

Indeed, it now is difficult to tell the difference between truly objective advice and high-priced advocacy for political or private profit, according to a Globe review of public and

internal documents and interviews with dozens of current and former think tank scholars, management staff, and donors.

Some say Washington's once-heralded "ideas industry" steadily looks like a "think tank-industrial complex."

"They have evolved into what looks like a business," said Alan Dye, a Washington attorney who has represented think tanks, including Heritage, for three decades. "A brain trust for sale."

Some thinks tanks on the left and the right of the ideological spectrum have grown so political that, to avoid losing their tax status as charitable organizations, they have established separate operations dedicated to lobbying and other advocacy work.

The Heritage town hall tour, one of the most high-profile examples of merging scholarship with political salesmanship, is being organized by Heritage Action for America, the lobbying arm Heritage launched three years ago under the same roof.

The aggressive politicking is making even some of the think tank's own scholars uncomfortable, according to a number of insiders who declined to be identified for fear of reprisal.

Heritage Action for American has even begun grading members of Congress on their conservative bona fides, which some scholars at Heritage privately say is degrading the organization's reputation on Capitol Hill as a thoughtful hub of policy research.

Heritage insists that the aggressive partisanship of its advocacy arm does not color its principled approach to public policy research.

"They are inviting Senator DeMint to come along," Michael Gonzalez, Heritage's vice president for communications, said of Heritage Action for America. "The lines are not being blurred with the think tanks. We created Heritage Action so that the lines will not be blurred."

Increased specialization

Think tanks have long occupied a unique niche in Washington: nonprofits straddling the worlds of academia and government. For decades they have served as influential havens for top policy experts, as well as aspiring and former government officials.

The term "think tank" was coined during World War II to describe a secure facility where scientists and military planners plotted strategy, according to a 2002 history published by the

Department of State. The definition was later expanded to include a variety of respected institutions.

Founded by leading philanthropists and intellectuals, the first groups included the Carnegie Endowment for International Peace, which seeks to reduce international conflict; the vast and multidisciplinary Brookings Institution, which is widely considered left-leaning; the conservative Hoover Institution; the Council on Foreign Relations, which remains a who's who of the foreign policy establishment from both parties; the conservative American Enterprise Institute; and the government-funded Rand Corporation, which was established by the Pentagon at the dawn of the Cold War.

“They were sleepy places, mainly for scholars who didn’t want to teach at universities,” said Leslie Gelb, president emeritus of the Council on Foreign Relations.

The number of think tanks in the United States has more than doubled since 1980, to 1,823, according to a 2012 study by researchers at the University of Pennsylvania.

The study found that the newer think tanks are increasingly specialized and “focused on a single issue or area of policy.” A greater share of their funding is also tightly targeted.

Individual scholars at the institutions have joined the hunt for dollars.

“There is a huge amount of time spent raising money,” said Kurt Campbell, a former assistant secretary of defense and state who helped establish the liberal Center for a New American Security in 2009.

The intense pressure to raise money, say observers, has damaged the sense of independence.

“The notion of policy objectivity is eroding,” said Stephen Clemons, a cofounder and board member of the New America Foundation, another Democratic-leaning think tank established in 1999.

Campbell puts it more bluntly, saying at some think tanks the very meaning of “objective analysis” is changing:

“This is your objective. Now go do the analysis.”

From start, pushing agenda

The growing fusion of scholarly research and acute partisanship is hardly the exclusive preserve of the right.

The founding principle of the Center for American Progress, established a decade ago by former Clinton administration officials, was to use policy studies to press a liberal agenda. In the process it helped pioneer the new breed of aggressively ideological think tank.

“Part of the analysis was that there wasn’t an ideological think tank on the left,” Neera Tanden, the center’s president, said in a recent interview in her office, where she proudly displays photos of President Obama and Hillary Clinton, for whom she once worked.

CAP, as it is widely known in policy circles, has about \$34 million in annual revenues. Like other think tanks, according to internal documents, it relies on a mix of corporations, foundations, and wealthy benefactors to fund its research, including banking and telecommunications firms, and major players in the energy and health care industries.

What sets CAP apart is that, from the moment it was created, its founders sought to aggressively push an agenda on Congress and the White House.

Think tanks are prohibited from engaging in most political advocacy under the Internal Revenue Code 501(c)(3), which gives them nonprofit status as educational organizations and makes donations to them tax-deductible. So CAP organizers established a parallel organization — the Center for American Progress Action Fund — under the 501(c)(4) section of the IRS code that by definition is permitted to lobby.

The fund pursues its agenda through direct lobbying, as well as through a website, thinkprogress.org, and a grass-roots organizing group, Campus Progress.

The fund has spent \$3.5 million on lobbying since 2004, including nearly \$700,000 alone in the first quarter of 2010 to help enact President Obama’s Affordable Care Act and to repeal the ban on gays serving openly in the military, according to lobbying disclosure reports.

“We do care about policy impact,” Tanden explained. “We are interested in policy change.”

The hybrid CAP pioneered has prompted other institutions with an ideological orientation to catch up, most visibly, the Heritage Foundation.

Taking aim at one another

Established in 1973 by a trio of wealthy conservative Republicans who thought President Richard Nixon was too moderate, Heritage is one of the most well-funded think tanks, with \$72 million in revenues in 2011, according to the IRS.

Heritage Action for America, the advocacy and lobbying arm, reported \$5 million in revenue to the IRS in 2011, the latest year for which data are available.

“We wanted to do the things that [the think tank] could not do,” explained Gonzalez, the Heritage Foundation vice president.

Heritage’s lobbying efforts this year have been focused on defeating proposals in Congress backed by think tanks like CAP, such as the extension of unemployment benefits and immigration reform. It has also lobbied against Obama’s nominations for federal judgeships.

“You want to be more aggressive but not give up the perception as a scholarly research outfit,” said Dye, the attorney with the firm Webster, Chamberlain & Bean who has represented a host of think tanks and nonprofits for three decades.

Heritage added to its edge earlier this year when it hired DeMint, a strident and outspoken former senator from South Carolina.

DeMint wasted little time before penning a private fund-raising letter with striking similarities to those used by political office seekers. It called on conservatives around the country to help it “thwart,” “resist,” and “fight” the so-called “age of Obama.”

“We’ll provide the fuel for the very necessary resistance and defense of these next four years,” pledged DeMint, who declined repeated requests for an interview.

Big money, big questions

This sharp partisan turn at many think tanks hasn’t stopped officials from turning to them for advice and ideas.

“The government doesn’t have the time or the resources to think long term,” said Robert Work, a former undersecretary of the Navy who is now the chief executive officer of the Center for a New American Security, which was established in 2009 by former Clinton administration officials. “They often ask you to do the thinking for them.”

That is particularly true of the Department of Defense, he said. And Defense Secretary Chuck Hagel, a former Republican Senator from Nebraska, is himself a creature of the think tank world.

As chairman of the Atlantic Council of the United States from 2009 to 2013, he presided over a massive expansion of an organization that had been among Washington’s smaller

foreign policy think tanks. During his tenure its annual revenues more than doubled, to \$14 million.

Hagel's role came under scrutiny when he was nominated by Obama earlier this year. As a result, the Atlantic Council was required by Congress to disclose its foreign donors, offering a rare window into a typically secret world.

Its financial backers include oil-rich kingdoms including Bahrain, Qatar, and the United Arab Emirates, and state-run oil companies such as the State Oil Company of Azerbaijan and Turkish Petroleum Corporation.

An example of the hidden reach of such sponsorships arose in June, when Hagel arrived in Singapore's plush Shangri-La Hotel for one of his first major policy addresses to a large gathering of defense ministers and generals from across Asia. He outlined plans for a long-term — and costly — US security umbrella requiring a greater commitment of forces, warships, training, and foreign weapons sales.

Undisclosed to Hagel's audience — or the public, for that matter — was the fact that his remarks were crafted with help from scholars at the Center for Strategic and International Studies, one of the most respected of Washington think tanks.

National security agencies increasingly rely on the center to help formulate strategy, even as the think tank receives its biggest share of tax-deductible contributions for research from arms manufacturers, energy companies, and other major corporations seeking to shape policy — nearly a third of its \$33 million in revenues last year, according to think tank officials and public records.

Roughly 4 percent of annual revenue is raised from foreign governments, including the Canadian province of Alberta; Norway; and several Persian Gulf emirates.

CSIS is building a new 150,000-square foot, \$100 million headquarters in Washington with money raised by a high-powered collection of former senior government officials and titans of industry representing defense giants Lockheed Martin, Boeing, and Raytheon, along with pharmaceutical conglomerate Procter & Gamble, oil giant Chevron, and a top adviser to the Sultan of Oman, according to CSIS officers and documents.

CSIS maintains that it has rigorous internal procedures to prevent donors' interests from infecting scholarship or its large volume of advice to the government.

"We have 130 projects right now, and I keep close track of them. I know who is funding each of them," said John Hamre, a former deputy defense secretary who has been president of CSIS since 2000.

Its full-time researchers, meanwhile, must annually disclose any outside business clients to an internal management committee, he said. That applies to at least one member of the team whose assistance was sought by senior Pentagon officials on Hagel's Asia speech: Ernest Bower, a leading Asia scholar at CSIS who also runs a large business consulting firm, Bower Group Asia, with offices in nine Asian countries.

Bower told the Globe he discloses all of his business clients to CSIS, but he says he cannot reveal their identities publicly, due to contractual agreements.

"We listened to ideas from experts at several think tanks," said Pentagon press secretary George Little. He would not identify the think tanks, however.

"It's perfectly appropriate for government officials to listen to ideas from nongovernment sources, including think tank experts," he said. "This is America, after all, where compelling ideas don't always originate inside government agencies and departments."

But Hagel's office acknowledged that it was not aware when it sought Bower's independent advice that he is also a paid consultant for unidentified companies with interests in Asia. It declined to respond to questions about whether Hagel or his aides believe they should have been made aware.

Bipartisan battlers

Some think tanks are resisting the trend, trying to navigate a course through the growing thicket of partisanship and corporate influence. They are finding it hard going.

The Bipartisan Policy Center, as its name suggests, was started in 2007 by former leaders of both parties, including former Senate majority leaders Bob Dole, a Republican, and Democrat George Mitchell.

The founders were motivated by the alarming trend toward partisanship among other think tanks, said Jason Grumet, the founder and president. "Those organizations are all capable of defeating things, but almost none of them are capable of achieving things."

Its attempt at being nonideological has come at a cost. By occupying what Grumet calls a "vast and lonely" space on the think tank continuum, fund-raising has been exceedingly difficult.

"We're living on the edge," he said. "We need to raise \$10 million to get through the year."

But in the face of a glut of well-funded partisan think tanks, the Bipartisan Policy Center quickly realized that scholarship alone was not sufficient to punch through the political noise. It, too, has established its own lobbying arm.

According to lobbying disclosure records, the Bipartisan Policy Center Advocacy Network has spent nearly \$10 million since 2008 lobbying Congress and the executive branch in favor of issues ranging from the Obama administration's economic stimulus spending to clean-energy legislation — more than double that of CAP and Heritage combined. Without such advocacy, in Grumet's view, the think tank would be irrelevant.

“We have to try and crash into the real world.”

As part of its work, the center recently offered what it billed as a “healthy debate” about an overhaul of immigration law, which the Senate has passed but is stalled in the House.

In what appears to be the new normal for increasingly partisan think tanks, the ostensibly high-minded forum quickly turned into an arena for partisan attacks.

Robert G. Lynch of the Center for American Progress called conclusions of a study by his counterpart, Robert Rector of the Heritage Foundation, “astonishing.”

“Mr. Rector's study is riddled with methodological errors, and . . . when you correct these methodological errors you reverse his result,” Lynch said.

Asked to respond by the moderator, Rector defended the integrity of his research about the costs of permitting illegal immigrants to win citizenship.

Any “common-sense citizen” would agree with his scholarly analysis, he said.

Two weeks later, Heritage cited Rector's research as it launched an aggressive online advertising campaign designed to kill the immigration bill, part of a \$100,000 public campaign.

The think tank promised to “cut through the spin and show the proposal for what it really is.”

An ad warned voters to be wary about the claims of immigration reformers: “Washington just gave us another reason to be suspicious.”

Boehner pulled from two directions

His job at risk, Boehner embraces the GOP right's health law attack months after spurning it

BY NOAH BIERMAN with contributions from MICHAEL KRANISH

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Detractors on Capitol Hill derisively joke that John A. Boehner is more of an event planner than a House speaker. When Republicans meet, he can schedule the time and the place, and even decide on the food. But he has no real control over the agenda.

Boehner's leadership has never been under more scrutiny, as his inability to harness a small band of rebellious arch-conservative Republicans has become the defining feature of Washington dysfunction, and the central thread in the first government shutdown in 17 years.

Boehner's options are essentially what they have been since he became speaker three years ago: either appease the most confrontational members of his party and retain his gavel, or buck them and risk losing his job in a conservative coup.

With the shutdown, observers say, Boehner's choice boiled down to this: restore government functions, but be prepared to sacrifice his job for doing so.

As the hours ticked toward midnight on Monday, Boehner chose not to pay that price.

He emerged from a 90-minute meeting with Republicans in the Capitol basement and vowed — despite expressing his own distaste for the showdown strategy just months before — to continue waging a fight against President Obama's health care law, even though it guaranteed a government shutdown.

"It's pretty clear that what our members want is fairness for the American people," he said, flanked by his leadership team, in a hallway crowded with reporters. His words were firm, even if his delivery was not exactly fiery.

With the shutdown unresolved, Washington is simultaneously lurching toward an even bigger threat, over the debt ceiling and a potential government default that economists say could trigger another recession and global debt-market meltdown. It remains uncertain

whether Boehner views that deadline as an end point to the current standoff, or as yet another leverage point to advance conservative political goals.

Lawmakers on both sides describe Boehner, one of the most charming people in Congress, as an unlikely candidate to engage in ideologically motivated brinksmanship. Critics do not so much despise him as pity him, a back-handed insult for a man who comes just after the vice president in the line of succession. But after Tuesday's government shutdown, and the specter of months of cascading fiscal showdowns that are likely to follow, some have begun to ask more assertively why he did not seize the moment for the broader good.

"You need a speaker who thinks of himself or herself as the head of the legislative branch, not as a party leader," said Mickey Edwards, a former Republican congressman who says other recent speakers were afflicted by the same problem.

"Speakers have a responsibility to the country at large," said Matthew Green, a political scientist at Catholic University who wrote the book "The Speaker of the House: A Study of Leadership." "We're now reaching a point where the speaker is putting that responsibility second to the party, or even a small segment of the party."

Boehner's spokesman, Michael Steel, denied in an e-mail that Boehner was putting his political survival ahead of the country. He said it's "about doing the right thing for the American people" and that Boehner draws "strong support from the House Republican Conference."

"Speaker Boehner, and House Republicans, are listening to the American people, who oppose the president's health care law, and want us to deal with other serious issues like the debt, deficits, and getting our economy moving, and creating jobs," Steel wrote.

Yet as the funding stalemate lingers, the questions grow ever larger over whether Boehner, a back-slapping former plastics salesman, has the skills to govern in the current climate. Defenders usually say he should be graded on a curve, given the difficulty in dealing with the 40 or 50 most conservative House members — out of 232 Republicans — who oppose most forms of authority. Others say he has ceded control to them.

Boehner's 23 years in Congress have been a study in survival. He came as a rebel against the excesses of Democratic leadership, rose up as a leader with Speaker Newt Gingrich's band of rabble-rousers in the 1990s, fell from House Republican leadership when Gingrich lost power, then resurfaced as a committeeman, clawing his way back to the top from the inside.

Now, the 63-year-old is trying to build a governing legacy within a caucus that fundamentally distrusts government and its institutions, including the House traditions and rules that helped Boehner rise.

One of his biggest accomplishments, before he became speaker, was the 2001 No Child Left Behind law, where he negotiated with Senator Edward M. Kennedy of Massachusetts on the kind of sweeping overhaul that used to characterize Washington deal-making. It was, in some sense, as important to President George W. Bush's domestic legacy as the health law is to Obama's.

How different is the new House? In July, representatives voted to repeal No Child Left Behind, with Boehner's support.

"Clearly, the ground underneath him shifted after the 2010 election," said Steven LaTourette, a Boehner friend and former Republican congressman from Ohio who retired in 2012. "It was great news, because he got to be the speaker. But it was bad news, because he got to be the speaker."

The newest members of Congress, the group of Republicans who gave Boehner his power, were "not really interested in governing, and I'm sure it's got to be driving him crazy," LaTourette said.

Their suspicion goes beyond government. Many also distrust the Republican Party and see Boehner as part of the establishment.

Boehner has often been thwarted in his attempts to use the three most important tools of a speaker's power: reward, punishment, and persuasion.

When he took the job in 2010, he agreed to extend a ban on doling out special projects in House districts known as earmarks, which had long been used to horse-trade for votes. The process of spending government money to win political favor had also long been criticized, and removing them was a key component in the GOP campaign to regain power.

Boehner's highest-profile effort to mete out discipline backfired. In early December, he stripped four dissidents who had voted against party leadership of their committee assignments. But rather than pull them back in line, the move emboldened them, as a host of conservative political action committees responded by heaping scorn on Boehner.

Shortly after that episode, as the nation was careering toward the "fiscal cliff" of automatic tax increases at the end of 2012, Boehner tried to persuade his unruly caucus of the merits of compromise.

Representative Peter King, a moderate New York Republican, said it was Boehner's toughest moment. More than ever, Boehner needed a unified party as he faced off against Obama on a core issue separating the two parties — how much to tax the wealthy. Boehner had announced a plan to raise taxes only on those earning more than \$1 million a year, a much smaller group than Obama wanted to target.

But many of Boehner's fellow Republicans took a hard line against any tax hike.

He stood before his fellow Republicans in a closed-door meeting in the Capitol basement, explaining the logic of his strategy. He recited the prayer of St. Francis, a humble request for peace and forgiveness.

Tea Party Republicans were in no mood for either. They revolted, refusing to back him.

"He was basically accused by people that that would be a sell-out," King said.

It was a humiliating defeat, as Boehner was forced to cancel a vote on his own proposal, surrendering all of his leverage to Democrats. In the end, Boehner was forced to accept a tax increase on those making \$400,000 or more a year. To get it passed, Boehner was forced to rely on a coalition of Democrats and Republicans.

The fiscal cliff deal was one of just three times Boehner violated the informal "Hastert Rule," by letting the House vote on a measure without majority support among Republicans. He also broke the rule on a bill to provide funding in response to Hurricane Sandy, and to renew the Violence Against Women Act, which were also opposed by conservative factions of his party.

Representative Mike Simpson, a moderate Idaho Republican, said many Tea Party Republicans have trouble accepting basic political math: If Boehner can't find 218 Republican votes, a majority, he will need to get support from Democrats, which makes a bill less conservative.

"They looked at me and said 'I understand what you're saying, but I don't agree with it,' " Simpson said. "Well you don't have to agree with it, it's what happens!"

Two days after that vote, a coup attempt resulted in 12 Republican votes against him retaining his job.

That set the stage for the current shutdown fight.

Tea Party conservatives had been plotting a strategy for much of the year to use key fiscal deadlines to strip Obama's health care law of its funding. They had tried to repeal the law,

more than 40 times, often targeted at highlighting various provisions of the law or its enforcement mechanisms, and Boehner allowed that series of essentially feel-good votes.

The periodic repeal votes were a rallying cry that gave Tea Party voters the impression that the GOP was responding to their most passionate constituents, the ones who would turn against them for a more conservative alternative if they didn't prove sufficiently antagonistic to the law.

But it was a transparent ploy meant to let off steam in the House. Democrats in the Senate and White House were never close to agreeing that Obama's signature accomplishment should be killed.

Boehner gave no ground in a March press conference, insisting the health law should not be tied to negotiations over funding the government.

"Our goal here is to cut spending. It's not to shut down the government," he said. "Trying to put Obamacare on this vehicle risks shutting down the government."

It would be only six months before he would reverse that view.

Pressure from the right grew in August. Dozens of lawmakers demanded that Boehner use a pair of fiscal deadlines — one in late September to fund the government, and a second one in mid-October to avoid a default on the nation's loans — to gut the health care law.

Boehner seemed uncertain in his response. He promised at an Idaho fund-raiser to have a "whale of a fight" with Obama over raising the debt ceiling. But he went on to say that the fight would be about cutting the deficit, without emphasizing the health law.

Then Boehner and majority leader Eric Cantor returned in early September with a proposal that would prevent a government shutdown, while still allowing House Republicans to take a nonbinding vote to pull funding from Obama's health law.

The Tea Party and the outside interest groups that apply pressure on other lawmakers called Boehner's plan a gimmick, and they demanded a more substantial attack on the health law.

Boehner, realizing he did not have enough Republican votes, was forced to cancel another vote.

When reporters asked him what he planned to do next, Boehner seemed exasperated.

"Do you have an idea?" he said. "They'll just shoot it down anyway."

Soon after that, Boehner decided to quit putting up ideas that would be blocked by his party's rebels. Instead, he became a warrior in the fight that the Tea Party had wanted all along, over gutting the health care law.

It wasn't pretty. Over the course of 10 days Boehner was forced to try three different versions amid Senate rejection: one stripping the law's funding, one delaying the law for a year, and a third delaying the requirement that individuals buy health insurance.

But the anger from the Tea Party turned to cheers. The threats to remove Boehner from power would subside, at least for now.

"I'm absolutely thrilled," Representative Michele Bachmann, a Minnesota Republican, said in an interview Saturday, in the throes of battle with Democrats, three days before the shutdown. "This is exactly what we had hoped for."

Timeline: Boehner's fight to survive

Speaker John A. Boehner's rise to power was coupled with the rise of the insurgent Tea Party movement, whose members have been difficult to unite.

2010: The Republican Party recaptures the majority in the House, gaining 63 seats. Candidates influenced by the Tea Party movement take office. Boehner is poised to be elected speaker of the House.

2010: Boehner agrees to extend a ban on doling out special projects known as earmarks that had long been used to trade for votes.

2011: President Obama and Boehner publicly spar over debt ceiling negotiations, with Boehner eventually walking away from an Obama-brokered "grand bargain" to cut the deficit and debts and settling on a deal that leads to Standard & Poor's downgrading the nation's credit rating.

2012: As the fiscal cliff crisis comes to a head, Boehner's strategy to hold off automatic tax hikes, dubbed "Plan B," does not garner enough support in Congress and is shelved.

2012: Boehner breaks the so-called "Hastert Rule" by allowing a vote without majority support among Republicans, in this case the American Taxpayer Relief Act of 2012, to partially resolve the fiscal cliff. (The House votes on Jan. 1, 2013.)

January 2013: Boehner allows a vote on aid to victims of Hurricane Sandy, another violation of the "Hastert Rule." Similar votes would be allowed on the renewal of the Violence Against Women Act the next month.

June 2013: Conservatives in the House defeat a broad farm bill that also funded the nation's food stamp program, a surprise blow to Boehner and other GOP leaders.

Obama's vision of unity led only to a wider gap

The president said that he wanted to “show the American people that we can do it together.” But that statement was about as far as he got.

BY MATT VISER

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In January 2010, just one year into his presidency, President Obama traveled from the White House to Capitol Hill to deliver his first State of the Union address. Health care was being debated, Republican Scott Brown had just been elected senator from Massachusetts, and the economy remained sluggish.

With his presidency already at a crossroads, Obama returned to a theme that had guided his political career: He admonished both parties for their divisiveness, urged them to work together, and said he hadn't given up on trying to change the corrosive tone of the country's politics.

In fact, he said, he wanted to begin meeting monthly with Republican and Democratic leaders to “show the American people that we can do it together.”

“I know you can't wait,” he added, as members of Congress laughed.

But wait they did.

His first one-on-one meeting with the top Republican in the House, John Boehner, did not come for another year and a half. In nearly five years in office, Obama has met individually with Senate minority leader Mitch McConnell two times, according to a review of White House visitor logs, pool reports, and press releases. Obama did initially hold regular meetings with other members of the congressional leadership; after several months those sessions became sporadic.

Obama's talk of uniting the nation often has not translated into, to use military parlance, “boots on the ground.” He has visited Democrat-leaning “blue” states six times more often than he has visited Republican “red” states. He has staffed much of his administration with

people who grew up in blue states. None of his major legislative accomplishments — the stimulus, health care, and financial reforms — received more than six Republican votes.

In sum, one of the biggest failures of Obama's presidency is that, five years after he took office vowing to close the partisan divide, the capital he now oversees and the country he represents are far more divided than they were before he came.

Washington is as poisonous — and, to use Obama's words, petty and immature — as ever. Obama has not turned the United States into 50 purple states, where compromise is desired and citizens agree there are two sides to each coin. It is indisputable, longtime observers says, that the red states are redder, and the blue states are bluer.

Obama may not be principally to blame for this baleful trend. But he is also not a bystander. In the story of why Washington is more broken than Obama found it, analysts said that while Republicans bear considerable responsibility, so, in his own way, does the president. His leadership style has inspired millions of supporters but also has angered countless conservatives, who have coalesced into a fiercely uncompromising opposition. It is all a long way from the vision presented by Obama when he entered the national spotlight.

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It was on the second night of the Democratic National Convention in Boston in 2004 when the little-known state senator from Illinois captivated the nation in a 17-minute keynote address. Obama sounded a pitch-perfect note for a country that had grown increasingly discordant. The text of the speech he gave at the Democratic National Convention was so stirring in its call for unity that the nominee that year, John Kerry, reportedly wanted him to tone it down a little.

“The pundits like to slice and dice our country into red states and blue states,” a fresh-faced Obama said at the time. “But I’ve got news for them . . . We are one people, all of us pledging allegiance to the stars and stripes, all of us defending the United States of America.”

The next month, Newsweek put him grinning on its cover, with the headline, “Seeing Purple.”

It solidified an impression he had carefully constructed. His cultural and multiracial background seemed to enable him to find comfort in many different settings. He was the first black president of the Harvard Law Review. He wrote an autobiography, “The Audacity of Hope,” about a brand of politics he thinks should bring people together.

As he ran for president, Obama continued to preach the merits of purple politics.

“Let us resist the temptation to fall back on the same partisanship and pettiness and immaturity that has poisoned our politics for too long,” he said to the throngs in Chicago’s Grant Park the night of his 2008 election. The country — both red states and blue states — seemed to buy it. That night, he had flipped Virginia and North Carolina to the Democratic column. He had won New Mexico and Colorado in the West, and took Indiana and Iowa in the Midwest.

But when he was elected, it brought out an animosity unlike anything he had seen before. Until his run for president, he had largely been spared Republican invective. During his US Senate race in 2004, not a single negative TV ad ran against him.

During his presidential campaign, Obama’s rosy rhetoric about healing the persistent partisan and racial divides sounded nice on television and in speeches. But now he was confronting an opposition ready to challenge his every move.

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After Obama was inaugurated in 2009, former House speaker Newt Gingrich was walking away from the festivities, both impressed with the new president and worried about the Republican Party’s future.

“If he actually governs based on these speeches,” he recalled telling his wife, Callista, “he’ll be like Eisenhower and split the Republicans.”

So that night, as Obama celebrated at inaugural balls across Washington, amid declarations that a transformational, post-political presidency was about to unfold, Gingrich and a group of Republicans gathered to plot their counterattack.

Meeting in The Caucus Room, a high-end restaurant a block away from where Obama’s inauguration parade had passed hours earlier, the Republican luminaries decided during their four-hour meal that they would attempt to execute a strategy that Gingrich compared to “running an option play in football.”

“We said that night, he’s going to go one of two ways. If he goes to the center we’ve got to find a way to negotiate and see who co-opts who,” Gingrich said. “If he goes left, we should oppose him on a draconian basis.”

Within days, it became clear which path each side would take.

A week after his inauguration, Obama was planning to head up to Capitol Hill, where Democrats held both the House and the Senate, to meet with House Republicans about his first major bill: the federal stimulus, which would inject \$787 billion into the economy in an effort to soften the recession.

Just before Obama's motorcade left, he was handed a report: Boehner would oppose the stimulus plan that Obama was about to discuss with them.

"If ever there was a cold shower, that was it," said David Axelrod, a former senior White House adviser. "They slammed the door before he even walked in the room."

Ultimately, the legislation got no Republican support in the House and only three Republican votes in the Senate — one of which was from Arlen Specter, who became a Democrat two months later.

Then, after trying to negotiate with a group of bipartisan lawmakers on health care legislation, Obama pushed forward on a straight party-line vote.

It was a decision that shapes his presidency to this day. By winning passage by the narrowest margin, he helped spur the creation of the Tea Party and a "de-fund Obamacare" movement that has led to a government shutdown and possibly a showdown over whether to raise the debt ceiling.

Just after that was Dodd-Frank, which expanded financial regulations in response to the 2008 economic collapse. It garnered Republican votes from three members each in the House and Senate.

Obama would frequently utter a phrase about Republican posturing to his advisers in the Oval Office, telling them that "It's not on the level." He felt as if he was being dragged into dishonest political debates where Republicans were opposed to his ideas not because they disagreed with them but because he was the one proposing them, according to his former advisers.

"There was just complete opposition. And it didn't seem to be based on the policy merits," said David Plouffe, one of Obama's longtime senior advisers who left the White House in January. "The decision could have been made, 'I'm going to keep banging my head against the wall because I want to do this stuff with Republicans.' But if he did that, he wouldn't have gotten anything done."

Several outside observers say that while the Republicans were bound to oppose Obama, the White House failed to outline the case for his policies to the country, as a way to broaden support.

Indeed, during his reelection campaign last year, Obama conceded that one of his failures was not communicating enough with the public about what he was attempting to do. He struggled to effectively explain why the stimulus was needed — or to make sure that those who voted against it paid a political price.

Polls have shown that many Americans still don't understand Obama's health care law or the financial regulations he signed into law. Republicans have pilloried both.

"At most turns he avoided being publicly confrontational out of a hope that could work to his advantage," said Norman Ornstein, a scholar at the American Enterprise Institute, a Washington-based nonpartisan think tank, and co-author of the book "It's Even Worse than it Looks: How the American Constitutional System Collided with the New Politics of Extremism."

"If he had called them on some of this stuff and been tougher on it, he would have been accused of contributing to the polarized atmosphere," Ornstein added. "But it might have created a climate where he would have gotten more bipartisan support."

Instead, Obama and Republicans dug in.

"The president pursued a very aggressive legislative agenda during his first two years, which stiffened the spines of the opposition — and created the basis for a public backlash, which the administration's been living with ever since," said William Galston, a former adviser to President Clinton and now a fellow at the Brookings Institution. "Historians will long debate what would have happened if the president had chosen to proceed somewhat more slowly and cautiously. Would the partisanship have been as sharp and divisive?"

After Obama said he wanted to have bipartisan monthly meetings, several were scheduled. He held a forum with several dozen members of Congress to debate health care. He went to Capitol Hill to meet with Senate Republicans. And he hosted some of the top leaders in the House and Senate at the Cabinet Room in the White House to discuss the economy.

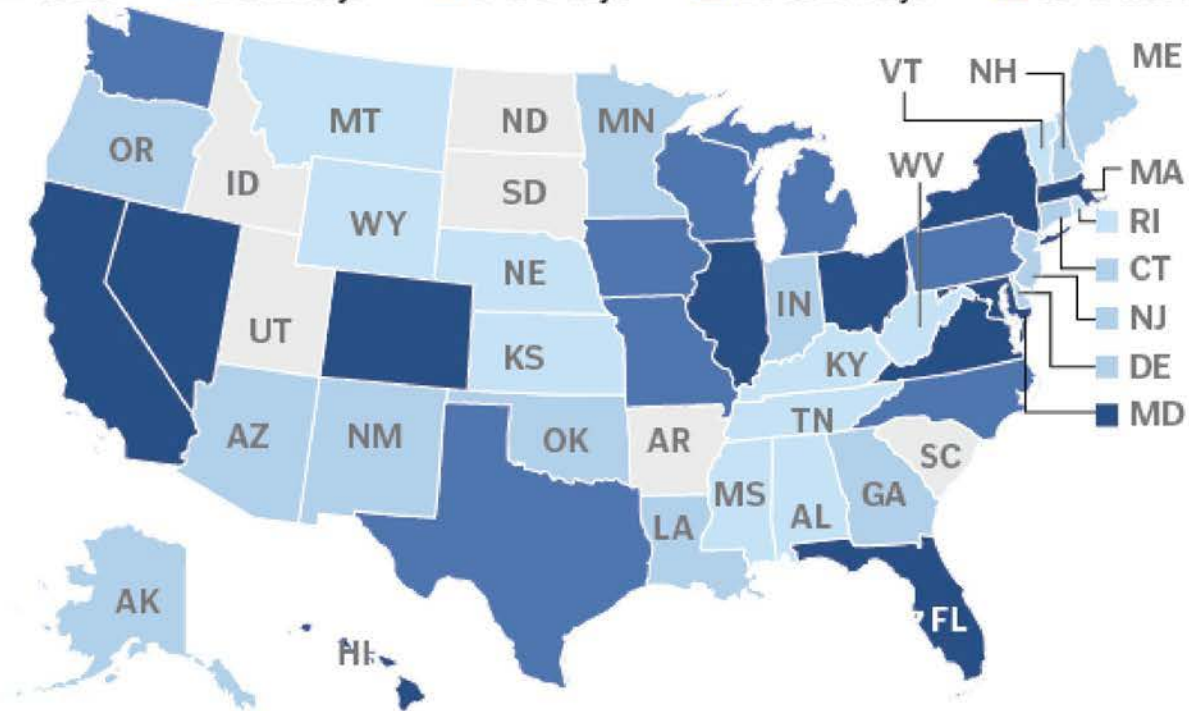
But by July, not long after financial reform legislation passed with little Republican support, those meetings stopped being regular.

"All I want for Christmas is a smart, loyal opposition," Obama said in the summer of 2010, according to Jonathan Alter's book "The Center Holds: Obama and his Enemies." "We'd make music together."

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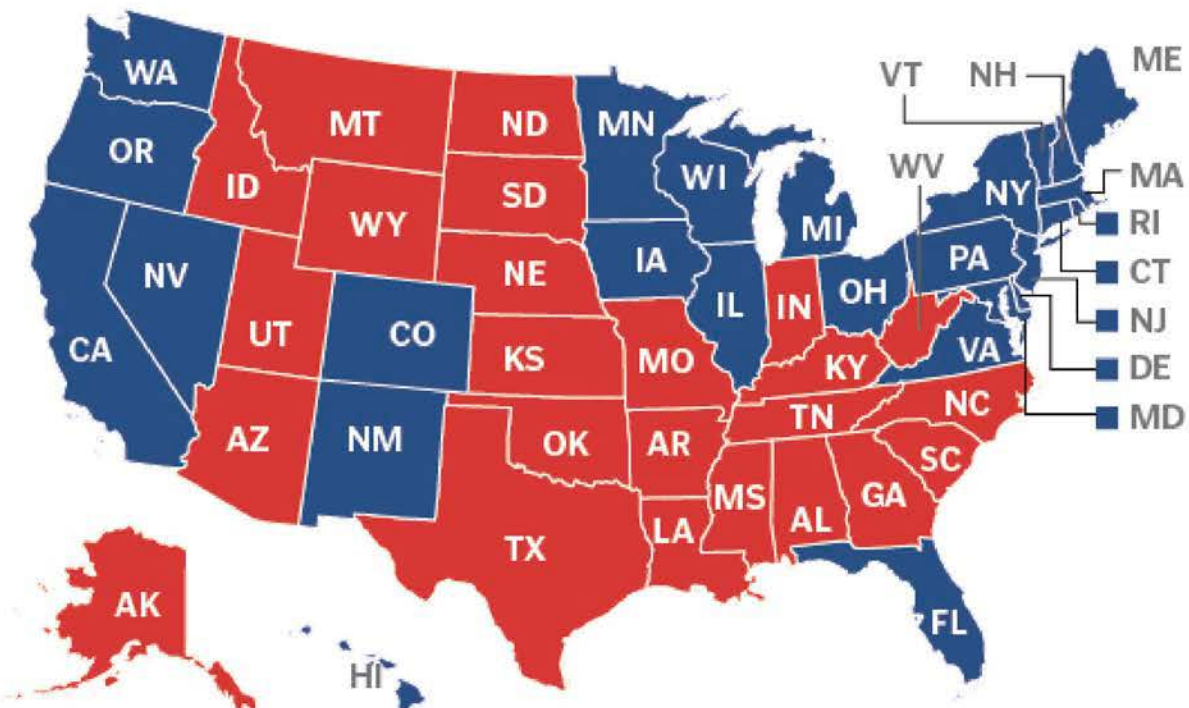
STATES THAT OBAMA HAS VISITED IN HIS PRESIDENCY

Never
 1 to 2 days
 3 to 9 days
 10 to 24 days
 25 or more



2012 ELECTION RESULTS

Obama
 Romney



NOTE: These are all or part of a day, except in the case of Alaska, which involved transit visits of a couple hours each on flights to and from Asia. Days in Maryland exclude visits to Camp David, golf outings, or trips to Joint Base Andrews where Air Force One is stationed. Days in Virginia exclude golf outings.

SOURCE: Mark Knoller at CBS News

PATRICK GARVIN/GLOBE STAFF

If Obama wanted to make music, he always seemed to be the conductor telling everyone else how to play — rather than joining in the ensemble himself.

Obama is the rare politician who has little apparent interest in engaging with fellow politicians. He vacations, governs, and campaigns with a trusted group of close friends and advisers. And that group, for the most part, does not include other politicians.

Obama has golfed nearly 150 times as president, for example, yet only four of those trips are known to have included members of Congress (and only two of them included Republicans).

“One of the tools of the presidency would be to invite anybody you want to play golf. He uses it as a total relaxation device” instead of employing it to woo the political opposition, said Trey Grayson, a Republican who is director of the Harvard University Institute of Politics. “He didn’t have the personal relationships because he was so new to Washington. And he hasn’t developed them as president.”

It wasn’t always so. As a state senator in Illinois, Obama had beers and played poker with Republican colleagues in Springfield, concluding with them privately that they agreed on more than they could publicly admit. When he ran for president, a prominent Republican state senator from Illinois agreed to appear in a television ad talking about how successful Obama was at bipartisanship. As a freshman US senator, he befriended some Republicans, including Tom Coburn, an Oklahoma Republican.

But as soon as he became president, much of that outreach seemed to stop.

The initial failure to connect with Boehner is Exhibit No. 1. The president did not meet one-on-one with the Republican House leader during his first two years in office. It was only after Republicans took control of the House in the 2010 midterm elections, which propelled Boehner to the speakership, that Obama began to court him in earnest. Even then, it was limited.

Their first private meeting was in June 2011, as they began to negotiate a so-called Grand Bargain that would cut the growth of the budget and entitlement programs while raising taxes on high-income earners.

Obama also invited Boehner to golf with him at Andrews Air Force Base. Boehner accepted the invitation, and the pair hit the links and sat in the clubhouse afterward. A few days later, they sat on the patio outside the Oval Office in shirt sleeves. They chatted on the phone. Briefly, it seemed to be a turning point, with Obama’s vision of bipartisanship in reach.

But a dispute over a mix of tax increases and entitlement cuts caused the deal to fall apart. Both sides felt burned, with competing narratives over who was to blame.

Obama and Boehner held back-to-back press conferences, during which the two accused each other of being unwilling to cut a broad deal. Obama said Boehner wouldn't return his calls, adding, "I've been left at the altar now a couple of times." Boehner said Obama was impossible to negotiate with, saying "the White House moved the goal posts."

"It took the embarrassment and debacle of the failed grand bargain leading up to the debt limit farce to make him realize that he wasn't going to be able to make this work," Ornstein said. "That he couldn't cut a deal with a responsible leader where they both could compromise. It took him through 2011 to at least understand that."

Boehner has turned down some of the White House invitations, often citing scheduling conflicts. He has declined invitations to all six state dinners Obama has hosted, as well as an offer to fly aboard Air Force One for a memorial service in Tucson, Ariz., after a mass shooting that targeted Gabrielle Giffords, then a congresswoman. Last year, he and other Republicans declined an invitation to come to the White House to screen the movie "Lincoln."

"I like Speaker Boehner personally, and when we went out and played golf we had a great time," Obama said in a press conference earlier this year. "But that didn't get a deal done in 2011."

Obama's relationship with the Senate minority leader Mitch McConnell is worse. In December 2010, during a White House ceremony where he thanked Republicans and Democrats for helping pass a childhood nutrition bill, Obama referred to McConnell as "Mike." McConnell, for his part, said his top goal was ensuring the president didn't win a second term.

"Some folks still don't think I spend enough time with Congress. 'Why don't you get a drink with Mitch McConnell?' they ask. Really?" Obama joked this year at the White House Correspondents Association dinner. "Why don't *you* get a drink with Mitch McConnell?" (McConnell responded with a tweet, showing him with a beer at a barstool, motioning to an empty chair with a glass of red wine near it).

Obama has met only two times alone with McConnell, first in the Oval Office in August 2010. They met again in June 2011, in conjunction with Vice President Joe Biden, with whom McConnell has a better relationship. (McConnell and Boehner declined interview requests.)

Obama, of course, is hardly the only president to have had frosty relations with the political opposition. Harry Reid, the Senate's top Democrat, called President George W. Bush

both a loser and a liar. Still, some past leaders say that personal interactions go a long way toward smoothing over difficult policy debates, most famously exemplified by the relationship between President Reagan and then-House Speaker Tip O'Neill.

Gingrich, for example, said he had "a fair number" of private meetings with President Clinton, even though they clashed bitterly at times.

"If Obama had bipartisan breakfasts every week, you couldn't have the current split," Gingrich said. "You'd celebrate birthdays, you'd know about children. You'd have a relationship fundamentally different than the one it is today."

Obama's advisers disputed the idea that more dinners, more cocktail parties, more time on the golf course would have made much of a difference. "At the end of the day I don't think it would change the impact with an opposition that was sworn to his downfall," Plouffe said.

But some advisers acknowledged they may have been too reliant in the first two years on Rahm Emanuel, a former congressman who was Obama's chief of staff during the biggest legislative push. He became the conduit to top congressional leaders, not Obama. (Emanuel, who is now mayor of Chicago, declined to comment.)

"If I rethink it, maybe we were too reliant on Rahm and should have engaged the president more in those early months and years," Axelrod said. "Maybe it would have made a marginal difference."

Obama earlier this year launched what became known as a charm offensive, dining with a select group of Republicans; some of those whom were courted said it was too little, too late.

"He's actually a very nice man. He has a lot of personal qualities. He should do more of it," said Senator Lindsey Graham, a South Carolina Republican who has worked with the White House on climate change, immigration, and a host of other issues. "He has some talent. It's just not being maximized.

"History's not going to be about Republicans saying no," Graham added. "It's going to be about him not getting people to say yes."

Senator John McCain, the Republican presidential nominee who lost to Obama in 2008 and has since been both an adversary and an ally, seemed to give the president the benefit of the doubt.

"I'm not sure it's all his fault," he said as he walked through the Senate hallways last week. "We're a very polarized Congress and nation right now. But he should do more outreach. He should have more conversations, more meetings, more dinners."

When asked whether Obama's rhetoric about changing the tone of politics — one that worked to great effect against McCain — was just a political line, McCain demurred.

“Every president wants that. And I think he particularly wants it now that he's in his second term,” he said. “I think he wants it, don't get me wrong. I think he's sincere. I'm just not sure he exactly knows how to do it.”

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In January 2008, when Obama won a crucial primary contest in South Carolina, exit polls said a key reason for his victory was that 55 percent of voters believed Obama was most likely to unite the country — twice as many as those who said the same about his chief rival, Hillary Clinton.

“We are up against decades of bitter partisanship that cause politicians to demonize their opponents instead of coming together,” Obama said in his victory speech that night. “But we are here tonight to say that this is not the America we believe in. I did not travel around this state over the last year and see a white South Carolina or a black South Carolina. I saw South Carolina.”

That would be the last time he would see South Carolina. He hasn't been back since.

As president, Obama has taken more trips to South Korea (three) than he has to South Carolina (zero). He's been to Ghana but never to Utah. He's visited the citizens of Denmark (twice) more frequently than the residents of Kentucky (once).

Overall during his presidency, Obama has spent an average of less than four days in each of the red states he lost in 2012, while he has spent an average of 23 days in each of the blue states he won, according to an analysis of data compiled by Mark Knoller of CBS News. He's made 428 visits to blue states and 75 visits to red states.

He's never been to Arkansas as president, nor has he visited Republican-dominated North Dakota, South Dakota, or Idaho. He's been once to Kansas, Kentucky, Mississippi, Montana, Nebraska, and Wyoming.

Obama, who often vacations on Martha's Vineyard, has visited Massachusetts 13 times, for all or part of 42 days.

George H.W. Bush visited all 50 states during his four-year term; Bill Clinton visited all 50 by the end of his eight years in office; George W. Bush visited every state except Vermont, which passed legislation calling for his impeachment.

The itinerary is seen as bolstering Republicans' frequent criticism of Obama: while he talks about bipartisanship, he has done little to act it out.

Only 18 percent of top Obama administration officials grew up in a state that voted for Mitt Romney, according to a National Journal review of the backgrounds of 250 staffers. Only four staffers grew up in Texas, the second most populous state, compared with nine who grew up abroad and 40 who grew up in New York.

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The lesson Obama seemed to learn from his first term was that there was little hope of negotiating major legislation with Republicans who generally despised both his politics and his approach. The pundits may have been right after all: the United States will continue to be made up of red states and blue states — not purple.

So rather than trying to change the culture, he has tried to change policy — on his own terms. Without assistance from Congress, Obama has used executive power to make changes.

The Senate wouldn't pass an energy bill designed to reduce global-warming gases. So Obama has pushed a series of regulations through the Environmental Protection Agency to curb such emissions. The House hasn't passed an immigration reform overhaul. So Obama ordered the Department of Homeland Security to stop deporting young undocumented immigrants who moved to the United States with their parents.

These efforts have earned him more scorn from his critics. Republicans accuse him of waging a "war on coal." Some have called him a "dictator" for using the power of his office to the fullest.

There have been times where he has tried to sway Congress, but in his second term few of them have been successful. The White House launched an aggressive push to tighten gun regulations, but it failed in the Senate.

Obama supported an immigration overhaul that passed the Senate but has languished in the House.

The tortuous relationship between Obama and Republicans has led, almost inevitably, to the latest round of brinkmanship.

House Republicans refused to approve a budget measure to keep the government open unless Obama's health care law is scaled back or eliminated. Obama refused to negotiate away his primary legislative accomplishment, leading to a shutdown.

That was followed by Republican threats to refuse to raise the debt ceiling later this week.

Now, just when both sides must work together to end the shutdown and raise the debt ceiling, the failure to ameliorate the bitter feelings between the parties has put the nation on a political and financial precipice. Repairing that breach now stands as the president's greatest challenge.

Until recently, Obama had resorted to joking about the broken nature of his relationship with the GOP. At a press conference earlier this year, Obama said he recognized that it is politically toxic for many Republicans to be seen with him.

They join him for the congressional picnic, come up and take photos with their family, and then return to the House floor and call him "a big-spending socialist," he said.

But, he noted, his girls are getting older and want to spend less time with him.

"So I'll be probably calling around, looking for somebody to play cards with me or something, because I'm getting kind of lonely in this big house," he said. Sounding both sarcastic and exasperated, he added: "So maybe a whole bunch of members of the House Republican caucus want to come over and socialize more."

But lost in the moment was a painful reality: for a man who once preached purple politics, the idea of him playing cards with Republicans — something he used to do in the Illinois state senate — had become a laugh line.

"It will always be a great regret that we couldn't pick this lock. You know?" Axelrod said. "I don't think the preponderance for blame lies with the president. But it's nonetheless disappointing."

Researcher helps sow climate-change doubt



Willie Soon's work is funded by energy industry grants.

BY CHRISTOPHER ROWLAND

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The setting was not unusual for a scholarly conference: a bland ballroom in a Houston hotel. But Willie Soon's presentation was anything but ordinary. As PowerPoint slides flashed on a screen, his remarks crescendoed into a full-throated denunciation.

"Those people are so out of their minds!" exclaimed Soon, a solar researcher at the prestigious Harvard-Smithsonian Center for Astrophysics, in Cambridge. He assailed former vice president Al Gore, among others, for his views on climate change, calling predictions of catastrophic ocean tides "crazy" and scornfully concluding: "And they call this science."

Never mind that Soon, an astrophysicist, is no specialist on global sea levels, and his most notable writing on the subject was an op-ed article in the conservative Washington Times last year.

He has, nonetheless, established himself as a front-line combatant in the partisan crossfire over rising oceans, melting ice, and other climate issues beyond his primary expertise. Coveted for his Harvard-Smithsonian affiliation, and strident policy views, he has been bankrolled by hundreds of thousands of dollars in energy industry grants.

Working in close coordination with conservative groups in Washington, he passionately seeks to debunk the growing consensus on global warming before audiences of policymakers, at academic seminars and conferences, and in the media.

Polar bears? Not threatened. Sea level? Exaggerated danger. Carbon dioxide? Great for trees. Warming planet? Caused by natural fluctuation in the sun's energy.

Soon's views are considered way outside the scientific mainstream, which makes him a prophet or a pariah, depending on which side you ask. Some say his work simply doesn't hold up to scrutiny, that his data are cherry-picked to fit his thesis.

But in Washington, where facts generally lose the race with opinion, he is a force. His writings and lectures are frequently cited by industry backed groups and think tanks, as they attempt to sow doubt about global warming.

And the strategy is working.

Outside the Beltway, the science is largely settled. Yet in the capital, government response to one of the major environmental and economic challenges facing the planet is mired in an endless cycle of conflicting claims and partisan finger-pointing.

The work of Soon, and a handful of like-minded scientists, is seen by critics in Congress and elsewhere as a case study in how this deadlock has been engineered by energy companies and antiregulation conservatives.

"They are merchants of doubt, not factual information," said Senator Sheldon Whitehouse, a Rhode Island Democrat who delivers a Senate speech every week demanding stronger air-quality standards. "Their strategy isn't to convince people that the scientists are wrong. Their strategy is simply to raise the specter that there is enough doubt that . . . you should just move onto the next issue until this gets sorted out," he said. "It gives credibility to a crank point of view."

Divided US Congress, public

No fewer than 13 US agencies spend more than \$2.6 billion a year gathering and analyzing evidence on climate shifts — in land, at sea, at the poles, in space.

The conclusion? Global warming is real, and human activities are almost certainly a major cause.

The United Nations Intergovernmental Panel on Climate Change, a body that was awarded the Nobel Peace Prize in 2007, has likewise prepared a series of reports documenting the dangers. The latest, released in September, said there is a 95 percent certainty that human activity is the primary cause of the planet's warming. The report predicts oceans will rise by nearly 3 feet by the end of the century.

And here is the official view of the American Association for the Advancement of Science, the world's largest general scientific society: "The scientific evidence is clear: Global climate change caused by human activities is occurring now, and it is a growing threat to society."

Yet that global scientific consensus is changing few minds in Congress. By latest count, 127 US representatives and 30 senators believe that global warming is not happening or, if it is, that human activity is not the cause, according to a tally by the Center for American Progress Action Fund, a liberal advocacy group.

Voter surveys also show a divided public. Gallup, the polling firm, said this year that 57 percent of Americans surveyed believe global warming is a man-made phenomenon, while 39 percent say it is due to natural causes.

This muddled picture has made congressional action all but impossible.

The Senate killed comprehensive climate-change legislation in 2010 after the House passed the bill, which was co-authored by then-representative Edward Markey of Massachusetts. Markey said the bill failed because "polluters manufactured a blizzard of industry-funded doubt. If not for that, the climate bill would have passed."

Frustrated, President Obama has opted to bypass Congress and is pursuing stronger regulations through the Environmental Protection Agency. The capital is girding for yet another round of lobbying and legal battles over those new rules.

There are shrill and over-the-top voices on the left as well, more focused on pillorying climate-change skeptics than in promoting reasoned debate. But conservatives and energy

interests have the lengthiest record of funding and promoting reports that attempt to debunk prevailing theories of climate change.

Soon's work falls into that category.

As is common among the Harvard-Smithsonian scientists, Soon receives no taxpayer-funded salary; his compensation is dependent on outside grant money, according to the Smithsonian Institution.

He has proved adept at winning grants. Over the last dozen years, he has received research funding of more than a \$1.2 million from sources such as ExxonMobil; Southern Company, a foundation run by the Koch brothers, conservative energy moguls; and industry trade group American Petroleum Institute, according to public documents obtained under the Freedom of Information Act by Greenpeace, the environmental advocacy group.

Some of Soon's papers disclose the sources of his funding, others do not. Industry and conservative sources have been the sole source of his funding since 2006, according to the records.

Most of Soon's industry backers either declined to comment or did not respond directly to questions about why they support his work. The American Petroleum Institute cited the quality of his academic credentials.

"You have a guy that is aligned and associated with Harvard University, one of the top universities in the United States, and the Smithsonian, also very reputable," said institute spokesman Eric Wohlschlegel.

Soon declined multiple requests for a formal interview but responded to some questions in brief conversations after public appearances in Chicago and Washington. The fact that all of his grant money since 2006 has been from energy companies or antiregulatory interests has no bearing on his work or findings, Soon said.

"No amount of money can influence what I have to say and write," Soon told the Globe, "especially on my scientific quest to understand how climate works, all by itself."

He said he is seeking only to spread the truth about science as he sees it. Scientists who say carbon-dioxide-induced warming is a virtual certainty, he added, have allowed political fashion to compromise their integrity.

He lays claim to higher standards.

"They have lost sight of the fundamental quest," he said. "We follow the evidence."

Furor over published results

Soon, 48, began his journey to prominence in the world of global-warming doubters in Cambridge, where he arrived in the early 1990s.

A native of Malaysia, Soon had earned his PhD at the University of Southern California. He then won a coveted appointment at the Harvard-Smithsonian Center for Astrophysics as a post-doctoral researcher, assisting another prominent climate-change doubter, Sallie Baliunas, who was studying variations in solar radiation. He won a full-time appointment as an astrophysicist in 1997.

Soon and Baliunas both served as senior scientists at the George C. Marshall Institute, a conservative think-tank in Washington. Based on their analysis of energy fluctuations from the sun, they raised questions about the role of carbon emissions in global warming.

Soon's overarching argument is that temperature change on Earth is not caused by burning fossil fuels but by what he calls the "King Kong of the climate system," the sun — which is his primary area of expertise.

In 2003, Soon and Baliunas published a research paper that caused an international controversy and won Soon favor among climate conservatives in Congress.

"20th Century Climate Not So Hot," the Harvard-Smithsonian press release declared at the time of the paper's release.

The "meta-analysis," which is a broad review of previously published scientific papers, asserted that 240 studies of climate-related data such as tree rings and ice borings, when taken together, revealed that the last century was neither the warmest nor the most extreme on record. The claim bucked the growing body of evidence that showed a marked increase in temperature in the second half of the 20th century.

Controversy over the paper's publication included allegations of methodological flaws and the failure of outside peer reviewers to appropriately scrutinize its claims. At one journal that published it, *Climate Research*, a handful of editors resigned to protest the decision to accept it.

Soon and Baliunas had plucked weather data from various regions in various centuries throughout history, said their detractors, then incorrectly used that information to make broad conclusions about the temperature of the planet during the so-called Medieval Warm Period, about 1,000 years ago.

Published in two separate peer-reviewed journals, the paper contained an acknowledgment: part of the research funding came from the American Petroleum Institute, the oil industry's lobbying arm in Washington.

Michael Mann, a prominent climate researcher who performed crucial temperature studies at the University of Massachusetts Amherst during the 1990s and is now a professor at Pennsylvania State University, said he was surprised when he read the paper.

"Every self-respecting climate scientist that I knew that read it agreed, this was appalling," Mann said. "It wasn't legitimate. It was simply a politically motivated attack on a body of work masquerading as science."

Despite doubts about its validity and questions about the authors' ties to industry, the paper gained immediate traction in Washington.

Industry-funded and conservative skeptics inside and out of the Bush administration seized on it to attack Mann's own findings from a few years earlier, which showed centuries of relatively level temperatures followed by a sharp uptick after humans began pumping more carbon-dioxide into the atmosphere.

The condemnation of the broader scientific community did not matter in the political debate, Mann said in an interview.

"You attack the science, you create confusion, you divide the public," he said, "and that's enough to make sure there will be no policy progress in this country."

In the last decade, Soon has given private briefings to congressional staff and traveled throughout the United States and the world on speaking appearances.

This year, Soon has been critical of Mayor Michael Bloomberg's \$20 billion infrastructure plan to protect New York City from rising waters. He has urged residents of Delaware to disregard dramatic warnings about higher ocean tides.

His work has been cited in floor speeches by members of the US House and Senate, who say evidence of human-induced climate change is lacking and does not justify the economic costs of cutting greenhouse emissions. Among his admirers: Oklahoma Republican James Inhofe, who has cited Soon's research in the Senate and famously denounced global warming as "the greatest hoax every perpetrated on the American people."

Soon also has fans among scientists who tend to share his views.

Freeman Dyson, a respected figure at the Institute for Advanced Study, in Princeton, whose turn in recent years toward climate skepticism stunned many of his peers, defended Soon's work.

"The whole point of science is to question accepted dogmas," Dyson said in an e-mail to the Globe. "For that reason, I respect Willie Soon as a good scientist and a courageous citizen."

A 'hero' among skeptics

Soon's work has made for an awkward relationship with his employer, the Harvard-Smithsonian Center for Astrophysics, where most of the scientists train their attention on galaxies, black holes, and other mysteries of the cosmos.

As the name suggests, the center is a hybrid, made up of scientists from both Harvard College Observatory and the Smithsonian Astrophysical Observatory, a division of the Smithsonian Institution.

Soon is employed by the Smithsonian side of the house and has an indefinite appointment.

In 2011, for health reasons he declined to disclose, he went from full-time to part-time status. Although Soon initially agreed to an interview, the observatory declined to permit it to take place on its campus.

"Willie's opinions regarding climate change are his personal views not shared within our research organization," spokesman David Aguilar said in an e-mail.

Soon said he is required by the center to recite a disclaimer – saying his views are his own, and not that of Harvard-Smithsonian — each time he speaks or writes on anything outside his expertise in solar radiation. But the complexities of his relationship with Harvard-Smithsonian are often ignored by his sponsors and conference hosts eager to showcase his impressive credentials.

The Harvard-Smithsonian Center's former director, Harvard astronomy professor Irwin Shapiro, said there was never any attempt to censor Soon's views. Nor, he said, was Soon the subject of complaints or concern among the 300 scientists at the center.

"As far as I can tell," said Shapiro, "no one pays any attention to him."

While that may be true in the academic environs of Cambridge, it is definitely not the case in Washington.

Soon maintains affiliations with several industry-supported conservative groups that package and aggressively promote his scientific reviews, videos, blogs, and op-eds in an effort to shape the climate-change debate. In addition to the Heartland Institute, a conservative think-tank based in Chicago, they include two nonprofits in Washington where Soon serves as a scientific advisor, the Committee for a Constructive Tomorrow and the Science and Public Policy Institute.

All three organizations — which have received energy industry funding — vigorously oppose greenhouse gas regulations and operate websites that provide endless debating fodder for climate-change skeptics in the United States and abroad.

Among the leaders of the Center for a Constructive Tomorrow is its communications director Marc Morano, a former advisor and speechwriter for Oklahoma's Senator Inhofe and other Republicans on the Senate Environment and Public Works Committee. Morano also was a producer for conservative commentator Rush Limbaugh's television show in the 1990s.

"Willie Soon is a hero of the skeptical movement," said Morano. "When you are an early pioneer, you are going to face the scrutiny and attacks."

Keeping up the attack

Soon was back in the spotlight one Monday in late September, a typical split-screen day in Washington's partisan climate wars.

The administrator of the Environmental Protection Agency, Massachusetts native Gina McCarthy, met with reporters at a hotel breakfast near the White House to defend new greenhouse-gas restrictions the agency had proposed the week before.

"EPA is an agency that, after all, is based on science and moving forward with what peer-reviewed science tells us," she said. "In the issue of climate, it tells us that climate change is real, and that human activities are fueling that change."

Two hours later, just a few blocks from the Capitol, Willie Soon appeared on stage at the conservative Heritage Foundation to spread the word about a 1,000-page rebuttal, distributed by the Heartland Institute, of a report from the Intergovernmental Panel on Climate Change.

The rebuttal, featuring analysis by 47 authors of recent published reports, is intended to provide lawmakers with a competing viewpoint on the science.

Except for a Fox News report that prominently featured Soon, Heartland officials have complained the report has been ignored by the mainstream media.

Before the Heritage Foundation audience of 100 people, Soon won appreciative applause before launching into a fresh set of attacks: “IPCC is a pure bully,” he said, accusing the body of “blatant manipulations of fact” and engaging in a “charade.”

“Stop politicizing science!” he said. “Just stop!”

Bipartisan group finds bridges hard to build

No Labels brings together lawmakers of diverse ideological stripes to find solutions, but its effectiveness is questioned

BY TRACY JAN

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Ten days into the government shutdown in October, dozens of lawmakers, Democrats and Republicans, stood shoulder to shoulder and earnestly pledged to talk less, listen more, and work together to solve the nation's problems.

Joined through the efforts of a nonprofit called No Labels, the assembled politicians posed behind signs urging one and all to "Stop Fighting. Start Fixing."

Predictably, perhaps, the moment of packaged, stage-managed camaraderie proved fleeting. Some participants almost immediately returned to lobbying partisan attacks in the House. Florida Democrat Joe Garcia compared the Tea Party movement to the Taliban. North Carolina Republican Robert Pittenger branded President Obama a "monarch" for refusing to alter his new health care law.

So much for bridge-building in Washington.

No Labels — which now counts 87 representatives and senators spanning the ideological spectrum as members — is among several tentative, sputtering efforts inside and outside of Congress formed to break down the capital's no-compromise mentality.

"This is not a bunch of moderates intent on overtaking the world," said former Utah governor Jon Huntsman, who ran in the Republican presidential primary in 2012 and is a cochairman of No Labels. "This is an attempt to get beyond the anger and the acrimony and the finger-pointing."

In many quarters of Washington, the response has been: Good luck with that.

No Labels has been unable to advance, in any meaningful way, a single item from its relatively modest list of goals. Critics dismiss it as window dressing, with some congressional

staffers comparing it to a high school civics project and going as far as drafting memos to their bosses urging them not to join.

Even its own members admit the group has a long way to go. They say their most important accomplishment to date has been to simply convene both parties for monthly breakfast meetings at which Republicans and Democrats listen to each other — or at least feign to listen — instead of labeling the other side as crazy.

“Some members are understandably skeptical of No Labels. It’s not an answer, but it does reflect the heart of a problem, which is our inability to find common ground,” said Representative Peter Welch, a Vermont Democrat who helped form the group. “If we do some smaller things that are within reach, it’s a lot better than doing nothing.”

Other lawmakers agree that baby steps are worthwhile, and there are several, less formal attempts to get people talking.

A bipartisan group of 14 senators, called the Common Sense Coalition, led by Senator Susan Collins of Maine, a Republican, sprang out of a regular dinner gathering of women senators and has continued to meet since the shutdown.

Senator Jeanne Shaheen, a New Hampshire Democrat, along with Senator Mike Johanns, a Nebraska Republican, and Senator Angus King, a Maine independent, have also organized a bipartisan group of 11 senators who are former governors accustomed to working across party lines and are expanding their group to include former mayors and county executives. And a growing number of moderate Blue Dog Democrats and The Tuesday Group of moderate Republicans are now meeting once a month.

A captain of a bipartisan women’s softball team, comprising both senators and representatives, says it all adds up to hope for a better atmosphere in Washington.

“These bipartisan groups can only help the dialogue and encourage people in Washington to get out of their trenches,” said Senator Kelly Ayotte, a New Hampshire Republican, who led the fund-raising softball team in its annual game, in June. “We need to replicate that as much as we can.”

Awkward first meeting

In today’s Washington, two men are lionized as beacons of bipartisanship, and both happen to be dead. No Labels pays life-size tribute to both former President Ronald Reagan and House speaker Tip O’Neill with black-and-white photographs that hang in its modest Georgetown offices.

O'Neill, a liberal Democrat from Massachusetts, and Reagan, a Republican icon, sparred publicly. O'Neill called Reagan the most ignorant man who had ever occupied the White House and "a cheerleader for selfishness." Reagan returned the favor, likening O'Neill to Pac-Man, a "round thing that gobbles up money."

But privately, they were cordial — friends after 6 p.m. — who would drink together at the White House. Despite ideological differences, and their own bouts of government shutdowns, the two men were able to meet in the middle to pass legislation, including a landmark tax-code overhaul in 1986.

It speaks volumes about today's toxic Washington atmosphere that an organization needs to form around the idea of encouraging such relationships.

Nancy Jacobson, a powerful Democratic fund-raiser and Washington operative, recognized the need and founded No Labels in 2010. Things got off to an awkward start, with just eight members of Congress at the group's first meeting in 2012, high-profile lawmakers who didn't know each other or know what to expect.

"It felt like a sixth-grade dance," said Jacobson, who in 2004 had also started Third Way, a think tank for moderate Democrats.

To recruit new members, Jacobson patiently explains to lawmakers that representatives and senators of vastly different ideological stripes can be cordial, even friends — if given the opportunity to shed their partisan armor and get to know one another.

Confidential No Labels meetings are a place, she said, where open-minded leaders can discuss facts in a neutral way, without partisan spin.

"It's not about people who are centrists," Jacobson explained during an interview in the staff kitchen of the No Labels office, where she is a full-time volunteer. "There's a new paradigm afoot. We really just got to have people of good will, who care deeply about the country no matter what their political stripes are, to want to be part of a process to build trust so they can negotiate and solve problems."

No member of the Massachusetts delegation — all Democrats — has joined, although Representative Stephen Lynch did take part in the photo op during the shutdown. Other recruits have opted out, a decision Jacobson says she understands.

"If there's progress with other ways, I'm all for it. In fact, we don't need to do all this," she said. "But there is no progress. These problems are intractable right now. The old way is not working, and unless we figure out another path, we're going to be stuck."

As her alliance of lawmakers grew, Jacobson unveiled her agenda: a nine-point plan to make government work with legislation centered around seemingly modest fixes such as moving to a two-year budgeting cycle, withholding congressional pay if lawmakers fail to pass a budget, and curbing agency travel expenses by replacing meetings with video conferencing.

The only bill that has advanced so far is a weakened version of “No Budget, No Pay.” The bill, which President Obama signed in February, directed each chamber to adopt a budget for fiscal 2014 but did not require a budget conference. Members’ pay would be held in escrow if their chamber did not pass a budget, instead of being docked permanently, as the No Labels group originally proposed.

“The bills we have are not nuclear medicine, that is true, but they are about things we’ve said we wanted to do but haven’t done for a long time,” said Representative Kurt Schrader, an Oregon Democrat who cochairs a No Labels working group of lawmakers called the Problem Solvers. “They are things Republicans and Democrats can rally around and learn to work together on. They’re pretty basic, and not threatening to anyone’s election.”

Jacobson said the group’s ambitions will grow with time. Early next year, she said, No Labels will unveil a plan calling for leaders to set a strategic agenda for the country centering on shared goals. Jacobson recruited Huntsman to help lead the effort, along with her former boss, Evan Bayh, a Democrat and former senator from Indiana who, saying he was disgusted with Washington dysfunction, retired in 2011, and Senator Joe Manchin, a West Virginia Democrat.

Already the group, which raised \$2.3 million in 2012, has enlisted more than 500,000 citizen activists to support the movement.

“People typically look at me cross-eyed, saying how could you pursue such a lofty aspiration?” said Huntsman, who has recently begun hosting a Saturday morning radio show to give the group’s message a national platform. “If you can’t prove a concept by a group of bipartisan legislators coming together, building trust, and passing legislation, there’s no way you can be effective as a movement.”

Taking a cue from the past

On a stifling hot morning in July, lawmakers paraded onto an outdoor stage, the Capitol dome looming in the background. One by one, like contestants in a Miss America pageant, congressmen and congresswomen from the Golden State, the Peach State, the Empire State and elsewhere proclaimed the pressing need for legislators to work together, as they wiped the sweat from their brows and upper lips, shirt sleeves rolled up to their elbows.

“Ladies and gentlemen, help is on the way,” Representative Reid Ribble, a Republican from the Badger State of Wisconsin and cochairman of the Problem Solvers group, told the audience.

“Getting something done is far more important than party or politics,” said Jim Matheson, a Democrat from the Beehive State of Utah.

“This is a sign that dysfunction in Washington is starting to thaw,” said Sean Duffy, another Republican congressman from Wisconsin.

Duffy, a former cast member of MTV’s “The Real World: Boston” who was elected to Congress in the 2010 Tea Party wave, turned out to be one of the most vocal Republican opponents of Obama’s health care law. He is not the only No Labels member intent on gutting Obamacare.

In August, Representative Mark Meadows, a Tea Party Republican from North Carolina who touts his No Labels membership as evidence of his ability to work in a bipartisan manner, spearheaded an effort to tie the continued funding of government to dismantling the health law. That demand to link the two issues — adopted by scores of GOP lawmakers — led to the government shutdown.

No Labels leaders said the group’s strength lies in the broad ideological spectrum of its members — its ability to accommodate lawmakers like Meadows and Vermont’s Welch under the same roof.

No Labels is the “only game in town” for members of different political stripes to regularly come together for a meal — the modern-day solution to the tradition of lawmakers “going to war on the floor and getting beers at night,” Schrader said.

“We frankly can get back to that kind of camaraderie,” Schrader said. “We have some pretty extreme members that are pretty volatile, but they want to be Problem Solvers.”

Shut down

Every morning during the 16-day government shutdown, about two dozen members of the Problem Solvers would gather in the Rio Room in a windowless basement at the Tortilla Coast, a Tex-Mex restaurant three blocks from the Capitol.

Some days, they met twice a day over coffee and fruit platters, brainstorming proposals to put forth, how they could help the other party save face, and ways to push leadership to end the gridlock. Smaller groups met in lawmakers’ homes and offices.

But the Problem Solvers could not come to a consensus about a path forward. Some wanted to repeal a medical device tax required by the Affordable Care Act as a compromise to Republican demands to gut the president's health care law. Others thought that would be giving up too much — or not enough.

At one point during the impasse, Senator Collins, the moderate Maine Republican, was invited to meet with the group to discuss the medical device compromise proposal. She did not seem especially impressed.

“I think No Labels is very well intended, but I have not found them to be particularly effective in achieving their goals,” Collins said. “I think they're still finding their way.”

Representative David Cicilline, a Rhode Island Democrat and No Labels member who had started a similar, but much smaller bipartisan group of lawmakers in 2011, agreed that more substantive results would take time in such a diverse coalition.

“In the end, we just very actively suggested that default would be a terrible thing for the country and that we had to reopen government,” Cicilline said, referring to the hastily-arranged photo op amid the shutdown. “We kept it very general because there were some disagreements about specific proposals.”

Many of the members of this basement group of Problem Solvers were idealistic freshmen lawmakers elected with the mandate to break Washington's partisan politics, but who held too little clout to influence much of anything — a challenge they readily acknowledge.

“It's kind of a new group of folks that are trying to carve some type of reasonable, pragmatic solution-driven thinking around here,” said Ribble, the Wisconsin Republican.

“There's going to be a time and place for the Problem Solvers to begin to exert more pressure on leadership,” Ribble said. “However, we have to show and document first that we've got trust amongst ourselves.”

Some rank-and-file members said that leadership on both sides were leaning hard on them not to “get out front” during the shutdown, stifling their fledging compromise efforts. But they promised to keep meeting, since that's about all they can do.

“Maybe that's where the problem is, at the top, at the leadership level,” said Dr. Ami Bera, a freshman Democratic congressman from California and No Labels member. “Somebody has to pull this country together. If that isn't happening at the top, then certainly there are plenty of rank-and-file members of Congress that want to get something done and are not afraid to get out there.”

IV

SOLUTIONS



Ideas abound for breaking logjam, but D.C. isn't listening



Viewing the current stalemate as a grave threat to American democracy, political scientists and other experts offer ways to limit the sway of campaign money, extreme factions, and take no prisoners partisanship. In some places, such alternatives are already working.

BY MICHAEL KRANISH

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On the October day that Congress nearly defaulted on the national debt, two dozen of the nation's top political scientists gathered privately in California to discuss what they viewed as one of the greatest crises in the nation's history. American democracy, they believed, was at grave risk, and something had to be done.

One by one, the men and women, envisioning themselves as modern-day writers of the Constitution, laid out the problem. The system, they believed, was being undermined by an explosion in campaign money, the rise of political factions, and politically motivated redistricting.

No one suggested that democracy be replaced with some other system. But many urged that fundamental elements be reshaped to repair what they called the nation's "democratic deficit," aiming to make a Congress dominated by extremes better reflect the public's more centrist viewpoint.

The group concluded it had a moral responsibility to warn the public and propose solutions. "The notion that we can be different and exceptional and survive, the faith in that has been shaken to its core," said Stanford University professor Bruce Cain, who attended the session near his school's campus.

In this year of extraordinary trials for the American way of democracy, such dire warnings and calls for new solutions have grown in number and intensity. Throughout this year, the Globe has detailed many of the problems facing Washington in a series called "Broken City." Today's final installment turns the spotlight to possible solutions — some presented at the California conference, some hatched by other experts, some already at work in the several states and in other democracies around the world.

What became striking in this review was not how little can be done, but how many intriguing options exist. Amid the diversity of ideas there is, however, one common thread: almost complete indifference in Washington, the world's capital of gridlock, even when alternative, perhaps better, ways are already at work, some in plain sight.

Imagine, for example, a place where elected officials are officially nonpartisan, terms are limited, the budget is balanced, backroom deals are discouraged, and legislators actually get things done in swift sessions.

Someone's far-fetched idea of political heaven? No, it's Nebraska.

How about a country where government institutions have an approval rating that regularly goes above 80 percent, and where majority power finds a way to make smaller factions part of the solution? Welcome to Denmark. And is it possible to have a 92 percent voter turnout, ensuring broader representation? Yes, in Australia, where voting is compulsory.

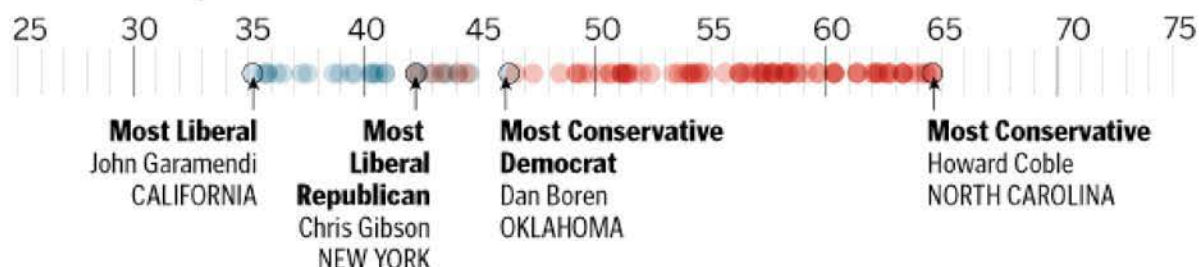
In California and Washington, legislatures have tried to make voting more democratic by adopting "open primaries," in which the top two vote-getters face each other, encouraging a battle for moderate voters and discouraging complacency among incumbents.

Even the government framework the American colonies rebelled against — the British Parliament and prime ministry — offers useful lessons in how a democratic system can get things done. The real fear of monarchical oppression that led the framers of the US Constitution to divide power among branches, legislative bodies, and the states now seems almost quaint. The sovereign to fear today is called stalemate.

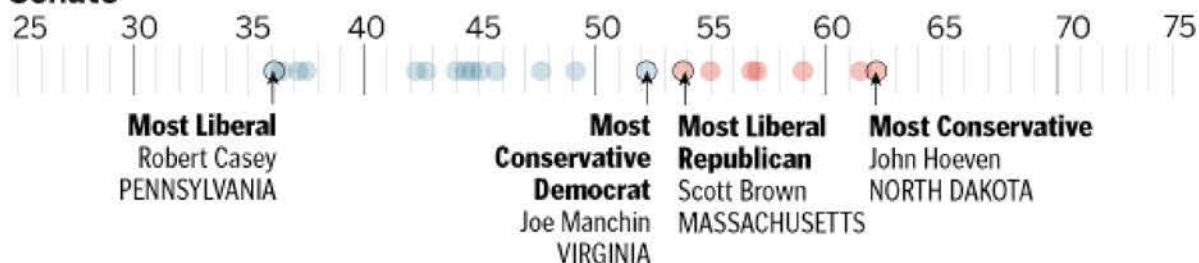
Composite score of 2012 congressional votes (0-100, from very liberal to very conservative)

● DEMOCRATS ● REPUBLICAN

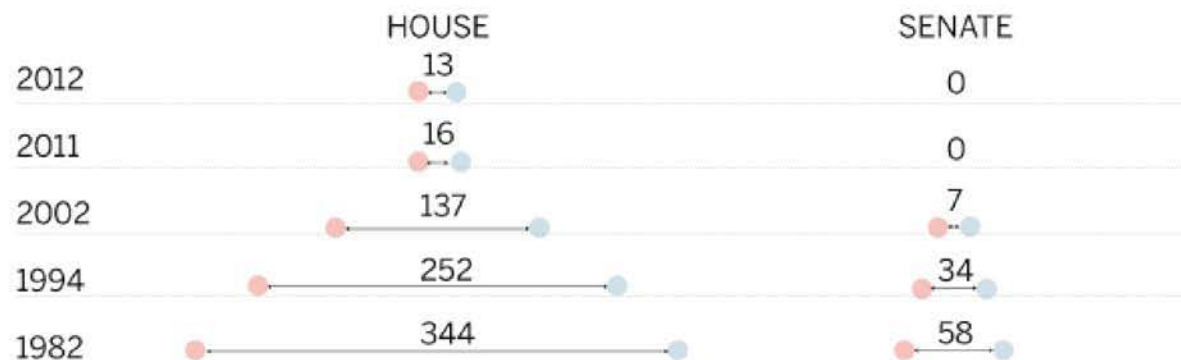
House of Representatives



Senate



Number of congressmen between the most liberal Republican and most conservative Democrat



That there are many ideas is not to say that any, or even one, will be easy to enact. Getting to consensus will require some with vested interests to give way to a sense of a larger national interest. And given the scorching tone of debate in Washington of late, it is easy to say, good luck with that.

Still, many of those who suggest solutions hope that this year's series of crises in the nation's capital — from the fiscal cliff to the sequester to the government shutdown to the botched rollout of President Obama's health care plan — will lead to a historic reckoning.

"The American people should start thinking about, is this a good system?" said John Hibbing, a professor of political science at the University of Nebraska-Lincoln. The increasing ability of factions such as Tea Party supporters to stymie action has, he said, focused attention on whether "we have gone too far in allowing minority rights. A legitimate and serious nonpartisan reflection would be very useful for the country."

There is, after all, no one recipe for implementing democracy. To many observers, American democracy has many elements that are ripe for reform, starting with the way that the voting power of a citizen can be applied in unequal ways in different states.

For example, the winner of the popular vote in presidential elections can lose due to the quirks of the Electoral College, as happened in 2000. The two Republican US senators from a small state such as Wyoming (population 576,412) have the same power as the two Democratic senators from California (population 38 million), while the reliably Democratic District of Columbia (population 632,323) is not even allowed senators and representatives, other than a delegate with limited voting rights.

Moreover, the nomination system in some states is tilted toward selecting the most partisan nominees. While some states have primaries that encourage the greatest participation of voters, others have caucuses or conventions that can give outsized power to groups of the most partisan players.

In Utah, for example, Republican Tea Party backer Mike Lee needed just 982 votes at a state convention to get on the primary ballot, effectively ousting incumbent Senator Bob Bennett. Lee went on to win the primary and general election, and he became a leader in the effort to shut down the government. That has led some Republicans to call for dropping such state conventions in favor of primaries that might produce more mainstream candidates.

But Tea Party backers say they represent the solution to much of what ails Washington, and the name of their movement highlights their belief that they represent a return to American tradition.

From their perspective, Obama's decision to sign health care legislation without winning a single Republican vote — which was only possible at a time when Democrats had a filibuster-proof Senate majority and controlled the House — was one of the biggest overreaches in recent American political history, setting the stage for the gridlock that followed when Republicans picked up seats in the 2010 midterms elections.

Once the GOP took control of the House, the underlying separation of powers all but assured little legislation would pass.

Any proposed reforms are bound to create concerns that America's vaunted system shouldn't be tampered with. There is nothing, some believe, that can't be fixed in the next election.

But others worry that our time is running short, that our system has grown distorted in unsustainable ways. What if the current gridlock is not another phase, but signals a permanent drift toward inaction driven by increasing partisanship in both parties? A recent analysis of voting patterns by National Journal found that the political middle in the US House has practically disappeared in the last 30 years.

In 1982, 344 out of 435 House members were viewed as being in the ideological middle, drawing about equally from both parties. In 2012, only 13 House members were classified as being in the middle. Yet about half of Americans surveyed recently by NBC News considered themselves to be centrists.

So, what sort of changes are needed — in the way Congress is constructed, how its members are elected and how it does business — to make Washington more representative and revitalize the political center?

The solutions being discussed in various quarters all aim to resurrect the best intentions of the democratic system, giving more voice to the average citizen while ensuring that those at the extremes who can unravel a nation's political fabric don't have outsized influence.

Some or all of these measures, if adopted at the federal level, could loosen the partisan cement that seems to keep key players at the edges. If that doesn't work, some observers say the biggest possible solution may be required: amending the Constitution, a step that is, by design, extraordinarily hard.

Consider that it took well over a century to get from our original framework to one in which senators were directly elected by the people and where women could vote. It took a century and the Civil War to win passage of the amendments that would free millions of Americans from slavery and enshrine, if not quickly make real, the mandate of equal rights under the law for all.

Even so, if amending the Constitution sounds drastic, consider this: much of the current gridlock can be traced to a series of measures implemented in recent years with little or no public referendum.

These include the influx, abetted by court decisions, of unlimited, secret political donations, known as "dark money"; redistricting plans that all but ensure the election of the

most partisan politicians; and the increased use of legislative tools that a minority can use to stymie the majority, such as the filibuster. While the Democrat-controlled Senate recently voted to get rid of filibusters on most nominations, it still takes only 41 senators out of 100 to block legislation.

Indeed, the American form of democracy has been undermined in ways that the founders could never have envisioned. No other democracy gets so bogged down in a debate over whether to raise the “debt ceiling”; it is a crisis that is made in America and puzzles the rest of the world.

One of the most disturbing trends in US politics has been the shrinking voter turnout. Only 57 percent of Americans voted in the 2012 presidential election, and only 41 percent of eligible voters turned out for the 2010 mid-terms. The rate can be in the low single digits in some congressional primaries where the most partisan candidates emerge. Other democracies have found ways to boost turnout, including compulsory voting. Australia, for example, imposes a fine equal to about \$19 for failure to vote and, as a result, has 92 percent turnout.

Now the question is: can the broken pieces of American democracy be glued back together?

It is a question that has, in fact, been asked many times before, with results worth studying anew. Just 24 years after American independence was declared, the fissures were so great that two Founding Fathers faced each other in the election of 1800.

After Thomas Jefferson defeated John Adams, the sage of Monticello declared that his victory ushered in a second American revolution. He could not have imagined how many decades would pass before revolutionary inklings yielded further necessary changes.

One reason for today’s stalemate, of course, is that the separation of powers between the executive, legislative, and judicial branches was designed to make it difficult to push through major changes. But scholars say the Constitution, itself the result of the “Great Compromise” among its authors, was not intended to stifle action. Instead, it was designed to facilitate or force consensus — a notion that now seems forgotten, even quaint.

“We don’t as a polity understand that we have put ourselves willfully in a position in which we must negotiate,” said Jane Mansbridge, a Harvard professor and former president of the American Political Science Association. She was among those who attended the California conference, which was sponsored by the Hewlett Foundation. “The separation of powers system means it is designed to require negotiation.”

There is precedent for dramatic change in the nation’s democratic framework, even if the pace has traditionally been glacial. And such changes to the Constitution were once expected to be applied regularly. Jefferson expected revision by every generation, writing of his vision

that “every constitution . . . and every law naturally expires at the end of 19 years.” Yet the Constitution has only been amended 27 times (including the 10 measures in the Bill of Rights) since it was adopted in 1787 and went into effect in 1789.

“We totally let the Founders down,” said University of Virginia professor Larry Sabato, who proposed a series of amendments in his book, “A More Perfect Constitution.” “We ended up worshiping what they did when in fact all they tried to do is create a system for their time. They would have been the last to say the Constitution was handed down on the mount to Moses, but that is the way a lot of people treat it.”

Prior generations once avidly experimented with changes to their democratic institutions. One of the most vivid examples is in Nebraska.

It was 1934 when US Senator George W. Norris, a Republican supporter of the Democrat-authored New Deal, campaigned across Nebraska for a series of political reforms. He successfully argued that there was no need for a bicameral legislature or even for partisan labels. The result can be seen today in the state capital of Lincoln.

The legislature has only one chamber, composed of senators, making passage of legislation less time-consuming. Instead of each party holding a legislative primary that appeals to a partisan base, the state’s system enables candidates for the state Senate to run without being identified by affiliation, with the two top finishers facing each other in a general election.

Once elected, the state’s senators are still not identified by party. Senators of all political stripes receive committee chairmanships. No senator can serve more than two consecutive four-year terms.

“I’ve been on the inside now for seven years, and I keep looking for partisans,” said state Senator Bill Avery, a Democrat and former political science professor. “I see it on some issues, but mostly the same 25 votes don’t come from the same 25 people. You have to look for a new coalition of votes on every issue.”

To be sure, Nebraska has its problems. Nebraska’s redistricting formula has been dominated by Republicans, eschewing the reforms adopted by Iowa, which has one of the most nonpartisan systems of setting the boundaries of congressional districts.

But that is the point: from state to state, some laboratories of democracy are experimenting with ways to keep their political machinery functioning more smoothly than it does on the federal level, providing lessons and possible solutions.

Washington, meanwhile, is mostly stuck in an aging system, increasingly burdened by the extremes of partisan positioning and free-spending political committees.

The two-party system has been turned on its head. Once envisioned as a way to limit the influence of smaller factions, the two parties now can be dramatically influenced by such groups, as demonstrated by the way Tea Party supporters have influenced the direction of the GOP.

As a result, the political scientists who attended the conference in Menlo Park, Calif., suggested strengthening the parties and allowing them to collect much more money, leveling the playing field with independent interest groups that can use unrestricted funds to influence elections.

As the conference attendees issued their recommendation, Washington gridlock reached a nadir. Having already shut down the government, Congress came within hours of defaulting on the nation's debt. Only a last-minute bipartisan deal that rejected Tea Party demands kept the country from going over the brink. The crisis was postponed but hardly solved.

"We almost defaulted. That's about as close as you get to the equivalent of a constitutional crisis as we have ever had," said Nathaniel Persily, a political science professor at Stanford who helped organize the conference of political scientists. "If we looked at other countries coming this close to political breakdown we would say that is not a functioning system."

Something has to change in order to end the gridlock, Persily said. On this point, if no other, there is something like consensus: "No one is happy with the current system."

Nonpartisan primaries become a game changer

BY MATT VISER

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PLEASANTON, Calif. — For three decades, it was no surprise who would be elected to Congress from this liberal district near Silicon Valley. In every election since 1972, Pete Stark faced little challenge in the Democratic primary. Every time, Republicans effectively ceded the race. Every time, Stark would win in a landslide.

Until 2012.

In an effort to achieve a more bipartisan sensibility in both congressional and state legislative races, California dramatically changed its rules, abolishing the traditional primary system and replacing it with one in which voters could vote for anyone, regardless of party. The top finishers faced off in a general election, even if they were members of the same party.

It meant even people like Stark, the longest serving of the 53-member California delegation, were vulnerable to a challenge by someone who could stitch together a new coalition that included independents and Republicans. And come election night 2012, Eric Swalwell — a 31-year-old Democrat who wasn't even born the year Stark was first elected — did just that, winning in one of the biggest upsets in the country.

How? He courted the district's Republicans, which make up just 23 percent of registered voters.

"I knew the game had changed," Swalwell said in an interview at his campaign headquarters here, where he is already gearing up for the 2014 campaign. "You can't ignore the Republican base. . . . That's what has changed here."

The outcome highlighted how California has become one of the nation's leading laboratories for finding new ways to elect members of Congress.

It is a radical change to a system that, nationwide in 2012, reelected 90 percent of candidates who were incumbents. Those incumbents typically won by catering almost

exclusively to the base of their party, fostering a system that continues to funnel liberal Democrats and conservative Republicans back to Washington.

Many districts are so safe that the only threat is a primary challenge from the far right or the far left. As a result, candidates tend toward more extreme positions to avoid facing a fight from within their party.

“So much of Washington is broken because of how the system is set up,” said Jeremy Bird, a former Obama campaign adviser who is now running a campaign in a nearby congressional district using aspects of the Swalwell playbook. “Ultimately, we want more people to vote, and we want people in Washington accountable not to a small minority of primary voters but all of the people in their district.”

The primary system that California adopted — commonly called “top two” because the top two vote-getters advance to the general election — was modeled after one that the state of Washington implemented in 2008, and a similar version that has been in use in Louisiana for almost all congressional elections since 1978.

The changes, which came as a result of a 2010 ballot initiative, were opposed here by the Democrat and Republican parties, which did not want to give up their influence over who runs and wins in primaries.

Similar efforts are brewing in several states, including Florida and Colorado, to make similar moves. (Nothing similar is underway in Massachusetts, where Democrats and Republicans are limited to voting in their own party’s primaries; only unenrolled voters can select which ballot they want.)

California’s revamped primary system, in some cases, has created competitive races where there were none before. It’s forced Democrat to run against Democrat, or Republican against Republican. Critics, however, said turnout remains low in the high-stakes primary elections and that most general election contests still involve candidates of opposing parties.

Some groups, like FairVote, a nonpartisan organization that campaigns for electoral change, have proposed allowing the top four finishers in primaries to advance, arguing that allowing more candidates to move on to the general election would help independent and third-party candidates.

It is too early to say whether the changes in California will help ease gridlock in Washington, but they clearly have shaken up the system.

In California last year, seven incumbents lost reelection and seven others decided not to run. By comparison, only two incumbents had lost reelection since 2002, according to the Center for Responsive Politics.

Consultants are trying new formulas to win elections for their clients, in part by attempting to reach across party lines for votes.

“It’s clear that the political pros are still learning to run campaigns under these new rules,” said Dan Schnur, director of the University of Southern California’s Institute of Politics, who launched Fixing California, an organization dedicated to campaign finance and political reform. “They understand the benefits of reaching out to voters from the other party but they’re still learning how to do it.”

In Swalwell’s case, he mapped out an early strategy to target Republican voters. His campaign workers knocked on 100,000 doors, and they stopped at Republican homes as well as Democratic ones.

For many Republicans in the district, it was the first time in decades they had been courted during a congressional race.

“This district is dominated by Democrats, so a conservative Republican was never going to win,” said Scott Perkins, a local city councilor and a registered Republican who actively campaigned for Swalwell. “The best we could hope for is a relatively liberal Republican or a more moderate Democrat. And Eric was, to me, the perfect kind of candidate for that.”

Swalwell estimates that half of his campaign volunteers were Republicans. He sent out campaign fliers touting Republican support. Stark responded by sending out mailers with Swalwell’s head in a cup of tea, with giant text reading, “Not Our Cup of Tea . . .” It accused Swalwell of having support from the Tea Party movement.

Swalwell lost by 6 points in the preliminary election to Stark, but both advanced because they were the top two vote-getters. Several months later, Swalwell won in the general election by more than 4 points.

Stark still can’t quite believe it. “He didn’t have a single Democratic officeholder, or former officeholder, or Democratic club, or committee endorse him,” Stark said. “They all endorsed me. From President Obama to the City Council. And he won!”

Stark said he had wanted to reach out more to Republican portions of the district, but his political consultants urged him to focus on turning out his base instead. His loss showed him the value of seeking support outside his core constituency, an approach that he said others will have to learn.

But Stark still doesn’t like it.

“I guess I’m traditionalist,” he said. “I think the party system has something to say for it. We’ve had it in this country since the days of Jefferson, who pushed for it. It’s served us well.”

“Us old guys don’t like change, what the hell? I had a long run for 40 years. At the tender age of 82, I’m like a battleship. I don’t turn around at the turn of the wheel.”

Since being elected, Swalwell has tried to continue his bipartisan outreach. He has Republicans serving on some of his advisory committees. He’s helped form a bipartisan group of freshman lawmakers who are hoping to make more of a difference as they gain more seniority.

“I’m a Democrat; my voting record reflects that,” he said. “But you can’t not let [Republicans] sit at the table. Those days are over.”

UK's parliamentary system offers clues for escaping gridlock

BY MICHAEL KRANISH

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LONDON — Prime Minister David Cameron, leader of the ruling Conservative Party, strode to the center of the House of Commons one day recently and took his position the traditional two swords' length from the opposition. Soon came the attack: he compared the Labor Party leader's allegiance to unions to a Sicilian mayor controlled by the Mafia. Labor leader Ed Miliband promptly returned the verbal thrust, calling Cameron "clueless."

On the surface, the British political debate can sound even worse than the caustic soundtrack of the gridlocked Congress. But beyond the outrageous rhetoric that took place during Prime Minister's Questions, what has occurred in recent months in Parliament might be startling to those who have observed Washington lawmakers paralyzed into inaction.

There was no gridlock here, no lengthy filibusters, no government shutdown, no threat to bust the debt limit. The Conservative Party leadership forged a coalition with liberals to pass legislation allowing same-sex marriage, and passed a budget without significant amendment.

Indeed, most of the government's bills become law within a few months of being offered, as is nearly always the case no matter who is in charge.

Both sides seemed comfortable with the arrangement, knowing that a new election is less than two years away. In the meantime, the people's business was performed with an efficiency that seemed — by Washington standards — strikingly swift.

"We often have to engage in compromise," Andrew Lansley, the Conservative Party's Leader of the House of Commons, said in an interview in his office during a break in the contentious floor debate. Compared with Congress, "the power relationship here is a different one."

Few people, of course, would suggest Congress be replaced by the kind of parliamentary system that Americans rejected when the Constitution was written in 1787. And many Britons of all parties are disaffected by their nation's politics.

But when it comes to the search for solutions to the gridlock in Congress, many scholars say there is much to be learned from the inherent efficiencies of a parliamentary system.

The differences between the two systems go back to the founding of America. The Constitution created a separation of powers that was designed to avoid a return to monarchical control. But that threat has long since vanished and today such a system facilitates gridlock by establishing competing lines of authority.

Britain, meanwhile, has a system that ensures that a majority government mostly gets what it wants, but does so knowing that if it goes too far it could swiftly lose power entirely.

Indeed, relatively few other countries mirror the American model. Many of the world's democracies hew closer to a parliamentary system, with or without the royal trappings.

As a result, as partisan extremism has made it difficult to pass even routine congressional legislation, a growing number of political scientists are suggesting that Washington look to America's former colonial rulers to see if there are some elements of the parliamentary system that could be adapted to end congressional gridlock.

One of the most intriguing proposals, put forward by Harvard University's Elaine Kamarck and the Brookings Institution's William Galston, is to require that a congressional leader such as the House speaker garner support from 60 percent of the chamber membership. While there is no such 60 percent requirement in the British system, the proposal is designed to emulate the way parliamentary systems operate with a majority power base broad enough to get things done.

Here, such an approach would likely require an upfront coalition of Republicans and Democrats. (Democrats and independents now have 55 seats out of 100 in the Senate, while Republicans control 54 percent of the House membership.)

While a ruling coalition of 60 percent wouldn't guarantee legislation would be passed — given that members can vote their own way on individual bills — it would emulate the parliamentary idea that coalitions can be an essential part of governance.

“The advantage of a parliamentary system is that there is, ipso facto from the beginning, a coalition that can pass things,” Kamarck said in an interview. In the United States, where Tea Party supporters have played an outsized role in steering the direction of the Republican Party, “We don't have a governing coalition because you have your congressional leadership in thrall to a faction of their party.”

Under such a proposal, for example, Republicans wouldn't have had enough votes to elect John Boehner as their speaker, and Democrats would not have had the votes to select Harry Reid as Senate majority leader.

In order to meet the 60 percent threshold, House Republicans might have had to jettison the Tea Party backers and strike a bargain with a bloc of moderate Democrats, and Senate Democrats would have had to work with center-leaning Republicans. That, in turn, might have led to a more moderate Congress and avoided the shutdown and other elements of gridlock.

In Britain, such coalitions are formed at the outset of a parliamentary session. Cameron's Conservative Party, for example, failed to win an outright majority. Unwilling to strike a deal with Labor, he struck one with the third-ranking vote getter, the Liberal Democrat Party, which was given five out of 22 Cabinet minister positions and an agreement to have part of its agenda adopted by Conservatives.

That coalition, in turn, selected Cameron as the prime minister, enabling him to get his program through Parliament. The Labor Party became the opposition, with little chance for getting any of its initiatives enacted into law — or of blocking legislation put forward by the Cameron government.

Nonetheless, Miliband, the Harvard-educated Labor leader who hopes to become prime minister after the 2015 election, said he prefers the British system even if it leaves him only on the losing side of most legislative battles for now. That is because he hopes for the same clean lines of power if he becomes prime minister.

“I think it is important to have governments with majorities . . . that can get their business done,” Miliband said in an interview.

To be sure, with so much power in the hands of a ruling coalition, the dangers of overreach are real. Cameron initially supported military intervention in Syria but backed off when he realized many members of his party would revolt. He proposed selling off a vast amount of national forest lands, prompting a national outcry that led to the measure being killed.

At the same time, Cameron has been willing to buck his party to build an alternative coalition on specific issues that have national support.

That is what happened when Cameron's endorsement of same-sex marriage legislation prompted a revolt by many Conservatives. Cameron cobbled together a coalition of Labor and Liberal Democrats, while opponents had no ability to filibuster to try to stop the measure from becoming law.

Britain, of course, has its legislative oddities. The House of Lords, whose members are appointed, has grown increasingly powerful in its ability to amend legislation.

Angela Eagle, the Labor Party's "shadow" leader in the House of Commons, finds that vestigial aristocratic power undemocratic and unacceptable. "I'd rather have your system, to be honest," Eagle said, referring to Congress. She said she prefers people to be elected, not appointed, "if they are going to be legislators."

But as Eagle has pushed to make her government's system more accountable to voters, she has encountered resistance to measures that would make Parliament more like Congress.

"You hear that kind of argument all the time," she said. "The argument against it is that it would create gridlock."

Connecticut bucking tide of election dollars



Matt Lesser used Connecticut's relatively new public financing system to score an unlikely victory in a state legislative election in 2008. Nearly four of five candidates now participate in the program.

BY NOAH BIERMAN

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HARTFORD — Matt Lesser could never have raised the money to compete in a legislative election in most states. He was a 25-year-old local planning commissioner facing a former secret service agent for Richard M. Nixon who had been a fixture in local politics for two decades.

Yet he won an improbable victory in 2008, partly as a result of his home state's solution to what some observers call the gravest threat facing American democracy: the ever-rising influx of millions of dollars in campaign funds.

At a time when a handful of anonymous super-rich individuals can secretly finance political committees, and when more money than ever saturates campaigns, Connecticut helped fund Lesser's campaign with an innovative public financing system.

"I tried to get other people in my area to run," said Lesser. "I found out about the public financing program and realized if nobody else wants to do it, I could."

So far, however, Connecticut stands out as an exception in a nation awash in private campaign dollars.

Around the country, elections are stacked in favor of incumbents and insiders who have access to increasingly large pools of campaign money from a slew of outside groups willing to tilt the scales even more in their favor.

The amount of money spent on federal elections in years when the presidency is at stake has more than doubled in the last 12 years, from \$3.1 billion in 2000 to \$6.3 billion last year, according to the nonpartisan Center for Responsive Politics.

One reason for the spending spike is a series of Supreme Court rulings, including the 2010 Citizens United case that opened the door for more corporate and labor union money, as well as a separate Supreme Court decision that allowed some contributions to independent groups to remain secret.

As a result, campaign finance watchdogs expect the 2014 election to see even more concerted efforts by secretly funded outside groups to influence the outcome.

In the last election, for example, Americans for Prosperity, a nonprofit political committee founded by oil tycoons David and Charles Koch, spent \$122 million in the 2012 elections, an amount that wasn't revealed until recently. The funders behind some other groups remain secret.

"The anonymous money I think is just ridiculous," said US Senator Angus King, an independent from Maine. "Nobody's allowed to go to a Maine town meeting with a bag over their head. If you want to influence public policy, tell us who you are."

Critics said the massive influx of money has intensified congressional dysfunction. Many lawmakers spend hours per week on the phone begging for money; some even dash from casting a vote on the floor of their chamber to dialing for dollars at phone banks in a building near the Capitol.

Even some of the most powerful and entrenched members of Congress feel they are under constant threat. The Senate Conservatives Fund, one of several outside groups that helps insurgents defeat mainstream Republican candidates, ran a television ad criticizing the

minority leader, Mitch McConnell, in October after he brokered a compromise that ended a 16-day government shutdown.

Congress has in the past tried to restrict campaign spending only to see reforms wither away.

In the post-Watergate era of reform, lawmakers in 1974 instituted strict contributions limits. Some limits still exist such as those on direct donations to candidates. But there are no limits on individual contributions to independent committees that work in favor of causes and candidates, as a result of the Supreme Court's Citizens United decision that equated money to freedom of speech.

Meanwhile, the effort to create public financing of presidential campaigns has all but failed. The post-Watergate measure that enabled people to check a box on their tax returns to give a few dollars to help publicly finance presidential contests has become, in recent years, gradually irrelevant.

Neither President Obama nor Republican nominee Mitt Romney took advantage of public financing for the 2012 primaries because they didn't want to abide by accompanying spending caps.

Meanwhile, Connecticut has demonstrated how beneficial such a system can be, at least on a local level. Lawmakers in Hartford radically altered their campaign finance laws in 2005 after the jailing of a governor on corruption charges spurred a slew of bipartisan good-government measures.

Lesser, under the public financing provision, had to raise \$5,000 in small contributions from people who live in his district, and then he received \$25,000 more from the state for his election campaign. The amounts candidates raise and spend increase with the level of the office. State Senate candidates must raise \$15,000 to receive about \$90,000 more, whereas a candidate for governor is eligible to spend a combined \$7.5 million in the primary and general elections.

Candidates who agree to the system can neither take money from state contractors and political action committees nor accept contributions of more than \$100 per person.

The matching money for the program comes from the state's unclaimed property fund, allowing lawmakers to make the case that they are not using direct tax dollars, though they are still spending public money.

Nearly four of five candidates now participate in the program. In the most recent gubernatorial election, a publicly financed candidate, Dannel P. Malloy, defeated self-funded candidates who far outspent him in both the primary and general election.

“You’re not endlessly chasing dollars throughout the campaign season,” said Malloy, a Democrat. “And I think it gives some level of confidence to the citizenry that there’s a system in place that tries to lift the influence of money to the greatest extent it can, in a post Citizens United environment.”

The number of uncontested seats in the Legislature has been in steady decline since the law took effect in 2008. Last year, only 32 of 187 seats went uncontested, fewer than in any year since the secretary of state began tracking the numbers in 1998.

Proponents of the law believe the impact of the reform was demonstrated in a victory over special interests in 2009, just after the first batch of publicly financed candidates took office. For decades, beer and soda distributors had kept unclaimed nickels from the state’s bottle deposit law. The money added up to between \$20 million and \$30 million a year.

But every time lawmakers threatened to reclaim those nickels on behalf of taxpayers, the distributors and their lobbyists — major campaign contributors — ascended to the state Capitol to kill the measure in committee.

Almost immediately after the 2009 session began, the first one after publicly financed elections, the bill passed easily on a bipartisan vote.

“It was just a simple good policy tool that had been bottled up by political influence,” Lesser said, asserting that the state’s campaign finance system helped make passage of the bill possible. Could such a publicly funded campaign system be implemented on the federal level, perhaps ameliorating the congressional gridlock?

Congress would have to agree to pay for it, and it could easily cost billions of dollars. Such bills have been offered up repeatedly over the years, and consistently been brushed aside. Vested interests are gored when the power of money in politics is reduced. A sense of crisis, and unity in outrage, such as existed after Watergate may be required.

The other piece that advocates say is essential to cleaning up the system — limits on outside spending — might be even tougher, requiring a change in the Supreme Court’s make-up or a constitutional amendment.

“If everybody had to receive public money instead of special interest money,” said Robert Stern, former president of the Center for Governmental Studies in California, “government would be a lot different.”

Iowa keeping partisanship off the map



Iowa's redistricting system is nonpartisan, an arrangement that protects the minority party. "This puts the voter as the primary consideration," said Ed Cook, counsel for the agency that draws the lines.

BY TRACY JAN

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DES MOINES — In a locked windowless chamber across the street from the Iowa State House, three bureaucrats sequester themselves for 45 days every decade after census data is released. Their top-secret task: the “redistricting” of the state’s legislative and congressional boundaries.

But here, unlike in most other states, every care is taken to ensure the process is not political.

The mapmakers are not allowed to consider previous election results, voter registration, or even the addresses of incumbent members of Congress. No politician — not the governor,

the House speaker, or Senate majority leader — is allowed to weigh in, or get a sneak preview.

Instead of drawing lines that favor a single political party, the Iowa mapmakers abide by nonpartisan metrics that all sides agree are fair — a seemingly revolutionary concept in the high-stakes decennial rite of redistricting.

Most other states blatantly allow politics to be infused into the process, leaving the impression — and sometimes the reality — that the election system is being rigged. And it has long, maybe always, been this way. The infamous gerrymander, after all, was coined in 1812 after Massachusetts Governor Elbridge Gerry signed a law that allowed a salamander-shaped district that benefited his party.

But some believe that partisan practice is now helping take the country over the edge, that extremism and gridlock are byproducts of politically motivated redistricting.

In the 2012 election, for example, Democrats nationally won 1.4 million more votes than Republicans in US House races, but Republicans won control of the House by a 234-201 margin — a lopsided result that some blame on redistricting.

A typical example, profiled earlier this year by the Globe, came in North Carolina, where a Republican-controlled legislature redrew district boundaries; Democrats there won 51 percent of the US House vote but were awarded only four of 13 seats.

By comparison, in Iowa, with its impartial way of drawing congressional districts, the results are viewed as a model of equity — and a model for the nation.

After the 2011 round of redistricting, the state's four-person congressional delegation is evenly split between Democrats and Republicans.

Moreover, Iowa's system has led to some of the nation's most competitive races. In a country where the vast majority of members of Congress coast to reelection, Iowa's races are perennial tossups.

The current system was enacted by the state Legislature in 1980 in a near-unanimous vote when Republicans held control of both chambers as well the governorship.

At the time, Republicans wanted to have a redistricting plan in place that would protect the minority party in the event the GOP lost in 1980, and Democrats agreed out of concern that their own party could be the one to lose. The bill assigned the task of drawing legislative boundaries to a nonpartisan, independent agency called the Legislative Services Agency.

“This puts the voter as the primary consideration,” said Ed Cook, the agency’s unassuming legal counsel who leads a mapmaking team that also includes two geographers. “The basic concept is if it’s a blind process, the result will be fair.”

The state’s 99 counties are divided into four congressional districts nearly equal in population, with each district drawn to include a mix of urban and rural interests. From the cornfields dotting most of the state to the university towns of Ames and Iowa City, the focus is on making sure residents have a voice, not on protecting an incumbent or political party.

This is done by making population size the primary metric when determining a district’s boundaries, followed by the goal of compact, contiguous districts that respect county lines.

“Having a more competitive district encourages somebody to really try to represent not just the ideology of his or her party but to represent the people of the district,” said Iowa’s Republican governor, Terry Branstad.

Iowans say that the politically motivated redistricting in many other states pushes candidates to the extremes.

“Right now in the Republican Party you could be to the right of Attila the Hun and you’re more worried about somebody else who is further right than you are about the opposing party,” said Stephen Roberts, a Des Moines attorney who led the Iowa Republican Party when the state instituted the current redistricting system.

“People are less likely to compromise in Washington if they’re in safe districts,” Roberts said. “A classic example is gun control. People would rather face the ire of the voters than the ire of the NRA.”

One of the country’s hardest fought races in 2012 occurred between two longtime incumbents vying to represent the swath of southwest Iowa stretching from the capital city of Des Moines to the borders of Missouri and Nebraska.

After redistricting, Tom Latham, a 10-term Republican and close friend of House Speaker John Boehner, learned that his district’s boundaries had changed. So he moved 40 miles south from his four-bedroom home in the college town of Ames into a townhouse in the Des Moines suburb of Clive, putting him in a different district where he could avoid a primary challenge by fellow Republican incumbent Steve King.

Latham eked out a 52 percent win over Leonard Boswell, a Democrat who, for 16 years, had represented what was known as the Third Congressional District that was significantly redrawn. The district is now pretty evenly split among Republicans, Democrats, and Independents.

“The system in Iowa, while it isn’t always the greatest thing for the candidates themselves because it does cause competitive races throughout the state, at least forces everyone to actually communicate and to hear all points of view,” Latham said.

Even Boswell, a farmer who himself has moved in the past due to redrawn boundaries, holds no grudge against Iowa’s tradition of nonpartisan redistricting. “The negative impact on Republicans and Democrats has been pretty well-balanced over time,” Boswell said. “It’s works pretty good. More states should do it.”

King, a Tea Party member who represents Iowa’s most Republican district in the state’s northwest corner, said his new district map included more left-leaning votes than he would have liked.

“When I looked at the map, I wanted to challenge it,” said King, one of the most conservative members of Congress. “Who doesn’t want a map that’s more solid for their ideology? But it’s the right thing to have a redistricting plan designed to bring about the will of the people. If that means at some point I lose my seat in Congress because the redistricting plan disadvantages me in the long haul, the country is better off because it brought about the will of the people. ”

Some political scientists say Iowa’s system would be difficult to replicate in other states with larger, more diverse populations because they must adhere to the Voting Rights Act and create districts with significant minority representation.

While Congress has the power to change the way redistricting is done, proposals have gone nowhere in part because such changes might cost lawmakers their jobs.

“My colleagues like it just the way it is,” Latham said. “The majority of them are all safe. That’s the problem.”

Ideas to end the stalemate in Washington

Here is a sampling of ideas offered by an array of experts about how to solve Washington's gridlock.

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Problem: Caucuses and party conventions promote highly partisan nominees and limit widespread voter participation.

Solutions: Eliminate caucuses and conventions; institute all-primary system; rotate which states go early in presidential years.

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Problem: Traditional winner-take-all primaries focus on wooing the most partisan "base" voters.

Solution: Open primary system in which top two finishers face off in general election, requiring appeal to wider swath of voters. Top four finishers in an instant runoff.

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Problem: Debates on debt ceiling promote partisan feud, endangers economy.

Solution: Eliminate debt limit, or require a balanced budget, as is done in most states, with exceptions for war or economic stimulus that must be approved by congressional majority.

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Problem: Unlimited, secret donations to independent committees.

Solutions: Institute public financing for campaigns in exchange for spending caps; constitutional amendment to restrict unlimited, secret donations to independent committees.

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Problem: Filibuster use has skyrocketed and used by minority to block much action.

Solution: Restrict or eliminate filibuster, which was never intended to be used so regularly.

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Problem: Federal Election Commission is ineffective because three commissioners from each party often deadlock.

Solution: Create an independent advisory board to recommend nonpartisan nominees for commission vacancies and create a seventh commission seat to prevent tie votes.

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Problem: Low voter turnout.

Solutions: Require states to register voters; allow mail-in and online ballots; change voting day from Tuesday to Saturday; small fine for those who don't vote, as in Australia.

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Problem: Partisan think tanks produce biased reports for the government.

Solution: Forbid taxpayer money for reports by openly partisan think tanks; require disclosure of donors to think tanks that produce reports for government.

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Problem: Congress puts off tough decisions until last minute, creating crisis atmosphere.

Solution: Impose timetable for passage of measures in House and Senate and shorten session, as is done in many state legislatures.

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Problem: Treaties can be blocked by 28 out of 100 senators.

Solution: Lower the threshold for approving treaties from the current rule requiring approval of two-thirds of the Senate.

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Problem: Members of Congress do what is necessary for their own reelection instead of acting in the public interest.

Solution: Term limits. This has been adopted in 15 states but doesn't affect federal office other than the presidency, which is limited to two terms.

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Problem: Congressional leaders unable to gather bipartisan coalitions.

Solution: Require leaders to be elected by 60 percent of members in each chamber, which would usually require bipartisan support, creating a coalition that could also support legislation.

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Problem: Supreme Court is unrepresentative of US population, and lifetime terms have led justices to have outsized influence.

Solution: Set mandatory retirement age.

