

Testimony before the Select Committee on the Modernization of Congress
United States House of Representatives

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“Promoting Civility and Building a More Collaborative Congress”
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Chairman Kilmer, Vice-Chairman Graves, and Members of the Select Committee: thank you for the opportunity to testify before the committee. My name is Jennifer Victor and I’m associate professor of political science at George Mason University’s Schar School of Policy and Government. I also happen to be on research sabbatical this semester and I’m serving as a Distinguished Visiting Scholar in residence at the John W. Kluge Center at the Library of Congress where I’m researching a book I’m writing on congressional polarization and cooperation.

In my testimony today, I aim to provide important background information drawn from social scientific studies of Congress to help us understand the nature of partisan polarization, how it developed, and what kinds of activities have made it worse. I will also make some evidenced-based pragmatic recommendations for your committee to consider.

IDENTIFYING POLARIZATION

Before we get too much further though I want to make sure we’re all talking about the same thing, because “partisan polarization” can be a loaded term. When I use the term “polarization,” I mean a system where support for extreme policies and ideas is greater than support for moderate or centrist policies. Polarization is not the same thing as partisanship, however. Partisanship refers to the attachment that a person has for a political party, coupled with disdain for opposing parties. Congress can experience heightened polarization in the absence of strong partisanship, and vice versa. This happens when the major issues over which people disagree are not aligned with political parties. Think for example of conservative Southern Democrats and liberal Northern Republicans forming coalitions in the mid-twentieth century to enact social welfare reforms. During this era, politics may have been polarized, but it was not as partisan as politics today because the parties were less internally homogenous in their policy preferences.

Today, we have both increased polarization and heightened levels of partisanship. There are many myths and misunderstandings about how we got to this point and hundreds of studies and investigations from political scientists help to discern which of these are supported by evidence and which are not. Before I go on to summarize what we know, I want to cut to the chase: the partisan polarization that now grips the US Congress has deep roots. Congressional

polarization is the result of complex, systematic features of our politics and institutions. There are no easy fixes, unfortunately. But, we can begin to build a more functional congress by having a thorough appreciation of how we got here, and focusing on pragmatic changes to move forward.

We can see the deep roots of polarization by first looking at its origins. The trend of partisan polarization that we now observe so strongly has its origins in the 1970s.¹ By looking at the record of roll call votes, and other congressional behaviors, we can see that the ideological distance between Republicans and Democrats in congress has grown over time, but it is fairly apparent that the beginning of that trend is around the mid-1970s. This means that in our search for the causes of polarization, political scientists have looked at changes in society and politics that are associated with that era. It's unlikely that anything that's happened in the last 5, 10, or even 25 years is the root source of polarization. The lines plotted in Figure 1 show that the ideological difference between the median Republican and median Democrat in the House and the Senate has grown larger over the past 45 years.²

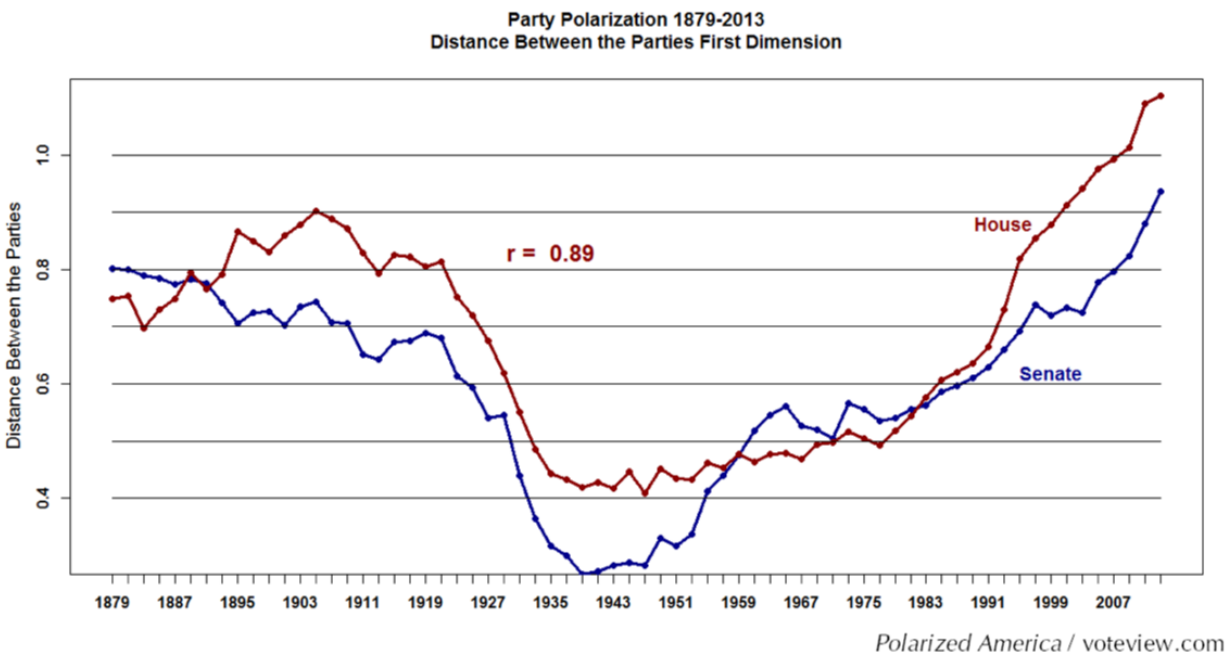


Figure 1: Ideological distance between the parties' median members show increased polarization in the House and Senate, starting in the 1970s

¹ Nolan McCarty, *Polarization: What Everyone Needs to Know*® (Oxford University Press, 2019).

² Importantly, polarization has manifest itself differently in the Democratic and Republican parties. Specifically, congressional Republicans have, over time, become increasingly conservative, relative to Democrats becoming more liberal. In other words, the median Republican has moved further right, then the median Democrat has moved left. I am a non-partisan academic and I am here to report the data, so this is not a partisan statement. Polarization is a collective problem for congress, but the data clearly show more political extremism among congressional Republicans than congressional Democrats.

The political scientist Frances Lee, who testified before this body earlier this year, has noted that over the last 25 years, congress has seen a notable decline in productivity coupled with increasingly intense competition for legislative control.³ Since the early 1990s majority control has changed in the House four times and in the Senate five times. As members of a minority party in Congress increasingly anticipate moving into majority control within a few election cycles, it reduces their incentives to bargain over legislative outcomes in the current congress. This lack of willingness to negotiate due to an expectation of control has strongly affected congress's capacity to function as a legislative body. Moreover, during this period committee chairs have decreased capacity to control legislation as party leaders have taken more control over congress's agenda, exacerbating inter-party competition in Congress.

SOURCES OF POLARIZATION

With these general observations out of the way, I want to focus on three causes of congressional polarization that have the most evidence in the scientific literature. The literature is vast and scholars do not always agree on how to interpret evidence, but these three factors have the most support.

First, **income inequality**. There is a very strong correlation between the level of polarization in the US Congress and the degree of income inequality among Americans. Prior to the 1970s, polarization and income inequality were at relatively low levels, and both trends turn sharply upward at the same time.⁴ It's important to note that this is a correlation, not a causal relationship. Scholars are not sure exactly why these two trends track together so well; however, recent evidence suggests that it is income inequality that drives legislatures to become more polarized.⁵ What we can draw from these observations is that our political divisions are driven by deeper social and economic changes.

Second, **racial realignment**. Our political parties realigned over race politics after the Civil Rights Movement. Prior to the US Civil Rights Movement in the 1960s, racial equality was not an important policy priority for either political party. Of course, Republicans were instrumental in ending slavery and the Civil War; but from the 1880s until the 1960s, life for African Americans in the South was dominated by Jim Crow, lynchings, poverty, and injustice. During that time, the South was strongly tied to the Democratic party and there was almost no party competition in the region. But then Democrats began to align with civil rights causes in the middle of the 20th century. For a while, it meant that racial politics provided an opportunity for the parties to build bipartisan coalitions because there were supporters and opponents of civil rights in each party. But after 1965, voters and members of congress slowly sorted themselves

³ Frances E. Lee, *Insecure Majorities: Congress and the Perpetual Campaign* (Chicago ; London: University Of Chicago Press, 2016).

⁴ Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (MIT Press, 2016).

⁵ John Voorheis, Nolan McCarty, and Boris Shor, "Unequal Incomes, Ideology and Gridlock: How Rising Inequality Increases Political Polarization," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, August 21, 2015), <https://papers.ssrn.com/abstract=2649215>.

into political parties in ways that aligned with their preferences over racial politics.⁶ Since most people don't switch political parties, especially members of congress, it takes a generation for the transformation to complete, and we observe it first in presidential elections. The shift of racial conservatives in the South from the Democratic Party to the Republican Party facilitates the clean sorting of our political parties on issues of race. Today, this means that our political parties are not just polarized, but they are neatly sorted by ideology—Democrats are liberal and Republicans are conservative, but this alignment between partisanship and ideology is unusual in American history. And this clean sorting is not just about ideology and race; many high profile political issues, and even personal characteristics, now neatly align with partisanship.⁷ It creates the conditions for gridlock and polarization because the sorting leaves little common ground on which to build bipartisan coalitions.

Third, **campaign finance**. There is a strong correlation between major changes in campaign finance law and deepening political polarization in Congress. As you know, Congress began the practice of regulating the financing of its own elections in the 1970s with the passage of the Federal Election Campaign Act and the creation of the Federal Election Commission. Scholars have found that as legislatures have attempted to reduce the corrupting influence of money in elections, some changes in law appear to have exacerbated polarization. Increasingly, congressional candidates rely on donations from individuals, rather than political action committees or parties, to fund their campaigns.⁸ Moreover, individual donors tend to be much more ideological than PACs.⁹ While major partisan donors like Charles Koch and George Soros get a lot of attention, it turns out that donors who give small amounts are more likely to be ideologically driven than donors who give in large amounts, even though close of half of all campaign financing now comes from the wealthiest segment of the population.¹⁰ By looking at the changes that US states have made, scholars have shown that states that place fewer restrictions on political parties' fundraising tend to see less polarization in their state legislatures, suggesting that political parties have a moderating effect on candidates as opposed to individual donors and groups.¹¹

To summarize, the deep root causes of partisan polarization in congress are related to worsening economic inequality, the realignment of political parties over issues of race, and to some extent, changes in campaign finance law. These are tectonic forces in politics, not easily affected by any individual or statutory change. But before I talk about a few suggestions that

⁶ Edward G. Carmines and James A. Stimson, *Issue Evolution: Race and the Transformation of American Politics* (Princeton University Press, 1989).

⁷ Lilliana Mason, *Uncivil Agreement: How Politics Became Our Identity*, 1 edition (Chicago, Illinois ; London: University of Chicago Press, 2018).

⁸ Michael J. Barber, "Ideological Donors, Contribution Limits, and the Polarization of American Legislatures," *The Journal of Politics* 78, no. 1 (December 17, 2015): 296–310, <https://doi.org/10.1086/683453>.

⁹ Adam Bonica, "The Punctuated Origins of Senate Polarization," *Legislative Studies Quarterly* 39, no. 1 (2014): 5–26, <https://doi.org/10.1111/lsq.12031>.

¹⁰ Adam Bonica, "Mapping the Ideological Marketplace," *American Journal of Political Science* 58, no. 2 (April 1, 2014): 367–86, <https://doi.org/10.1111/ajps.12062>.

¹¹ Raymond J. La Raja and Brian F. Schaffner, *Campaign Finance and Political Polarization: When Purists Prevail* (Ann Arbor: University of Michigan Press, 2015).

could help at the margins, let me quickly address some common beliefs about polarization that have mixed or weak evidence in the literature. We can think of these as being correlated with polarization but may not be directly causal.

POLARIZATION CORRELATES

Things that may *not* cause congressional polarization:

- **Gerrymandering.** There is little evidence that redrawing of district lines has caused congressional polarization. Note that the increase in polarization has been about the same in the House and Senate, but state lines are not subject to gerrymandering every ten years; nor do we see increased polarization in periods following redistricting, which you would expect to observe if gerrymandering was the culprit.¹² Political scientists do not have a consensus view on this topic, and there are good reasons to be concerned about the redrawing of district lines, but the evidence does not support a belief that gerrymandering has caused polarization or that it has made it significantly worse.
- **Presidents.** Polarization has not been caused by Donald Trump, Barack Obama, George W. Bush, or either of the Clintons. As I've shown, the roots of polarization pre-date any of these controversial political leaders. While current events, scandal, and presidential actions may feed the effects of polarization or make it worse, it is not part of the cause.
- **Media.** While it's true that the era of polarization in congress corresponds with the beginning of C-SPAN and cable news, there is mixed evidence linking media exposure to congressional polarization. Most Americans get information from mainstream news sources and opt to consume news that reinforces, rather than changes, their attitudes.¹³ There is some evidence that the collapse of local news sources contributes to the nationalization of politics that may reinforce polarizing attitudes.¹⁴ And social media is a mixed bag. The Facebook news feed, mixing politics and cat videos, contributes to polarization by triggering emotional responses to politics that might be otherwise benign.¹⁵ But the prevalence of "fake news" on social media is much less than many people think.¹⁶

RECOMMENDATIONS

¹² McCarty, Poole, and Rosenthal, *Polarized America*.

¹³ Daniel J. Hopkins and Jonathan M. Ladd, "The Consequences of Broader Media Choice: Evidence from the Expansion of Fox News," *Quarterly Journal of Political Science* 9, no. 1 (2014): 115–35.

¹⁴ James M. Snyder and David Strömberg, "Press Coverage and Political Accountability," *Journal of Political Economy* 118, no. 2 (April 1, 2010): 355–408, <https://doi.org/10.1086/652903>.

¹⁵ Jaime E. Settle, *Frenemies: How Social Media Polarizes America* (Cambridge ; New York: Cambridge University Press, 2018).

¹⁶ Nir Grinberg et al., "Fake News on Twitter during the 2016 U.S. Presidential Election," *Science* 363, no. 6425 (January 25, 2019): 374–78, <https://doi.org/10.1126/science.aau2706>.

Given the deep structural nature of partisan polarization in Congress, it is difficult to make pragmatic recommendations to alleviate the discord. In my scholarly view, Congress is a victim of a cancerous phenomenon much more than it is a willful participant in discord. While there may be statutory changes that could affect income inequality, civil rights, and campaign finance, these are not changes that this body can enact tomorrow, so I want to leave you with a few recommendations of a more practical nature.

1. **Establish norms of bipartisanship.** Where it's possible, congress should help to foster bipartisan relationships to encourage communication across parties. Communication between Republican and Democratic members and staff can facilitate the discovery of common ground that might be otherwise overlooked.
 - a. STAFF
 - i. Congressional staff should receive training from CRS in bipartisan groups
 - ii. Majority and minority Committee Staff Directors should be encouraged to meet regularly to discuss committee business.
 - iii. Members' Chiefs of staff and Legislative Directors should have bipartisan organizations that would facilitate connections between them.
 - b. MEMBERS
 - i. Congress should organize and support small bipartisan groups or pairs to have shared travel experiences to one another's districts, to state legislatures, or foreign countries. These "codels" can help foster relationships and build the foundation for shared experiences on which commonalities can be drawn.
 - ii. Encourage members to engage socially in bipartisan groups. These might be small dinner groups or lunches or events hosted at members' local homes. Humanize one another.
2. **Encourage caucus participation.** My own research has shown that bipartisan congressional caucuses have a small but meaningful effect on bipartisan agreement and cooperation. Congress might invest resources, but also oversight, in encouraging bipartisan caucuses to help members engage with one another, develop relationships they might not otherwise have, and be exposed to novel ideas.¹⁷
3. **Use technology, smartly.**
 - a. Recent research shows that representation and democracy can benefit from increased use of mediated, on-line interactions between members and constituents.¹⁸ Closed platforms such as this could also be used to facilitate internal communication between members. This will be most effective if parties agree on a common set of rules, norms, and standards for using the platform. Think of it like an internal Facebook for members of Congress only, without the cat videos.

¹⁷ Nils Ringe and Jennifer Nicoll Victor, *Bridging the Information Gap: Legislative Member Organizations as Social Networks in the United States and the European Union* (Ann Arbor, MI: University of Michigan Press, 2013).

¹⁸ Michael A. Neblo, Kevin M. Esterling, and David M. J. Lazer, *Politics with the People by Michael A. Neblo* (New York: Cambridge: Cambridge University Press, 2018), <https://doi.org/10.1017/9781316338179>.

- b. Develop social media usage guidelines for members. First Amendment rights would prevent enforcement, but developing guidelines in a bipartisan setting and articulating them can help to establish norms. Possible guidelines:
 - i. As members increasingly use public social media to engage in politics, encourage members to keep their official accounts primarily about politics and discourse, not entertainment.
 - ii. Encourage members to disagree respectfully. Scholars have shown that a key tenet of democracies is that political opponents must respect the legitimacy of their political opponents. Disagreements can be vicious, but it is imperative that we continue to believe that the other side has a right to exist, speak, and make their case.¹⁹
4. **Change the seating chart.** Research from the California state legislature showed that legislators whose assigned floor seats were proximate to one another were more likely to agree on legislation.²⁰ Consider assigning legislative seats on the floor in a diverse, bipartisan pattern. Or, consider using assigned seats using a random distribution of assignment. At the risk of sounding blasphemous, consider bipartisan seating during the President’s annual State of the Union Address.
5. **Bring back earmarks.** Everyone’s favorite punching bag for district excess: earmarks. Without something over which to bargain, there can be no compromising. Earmarks became problematic and they are an imperfect tool, but they also were an object over which members could bargain. There are fewer and fewer policy areas where compromises are possible, but individualistic district appropriations are something that legislators can haggle. Earmarks are a constituent driven way to interject negotiation into legislative collaboration.

None of this is going to solve polarization. As I’ve shown, the sources of partisan polarization are baked into the fabric of our politics in profound ways. But this does not mean we should not try to change practices using evidence-based strategies to foster cooperation and civility among members of congress.

¹⁹ Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Penguin Random House, 2018), <https://www.penguinrandomhouse.com/books/562246/how-democracies-die-by-steven-levitsky-and-daniel-ziblatt/9781524762940>.

²⁰ Seth E. Masket, “Where You Sit Is Where You Stand: The Impact of Seating Proximity on Legislative Cue-Taking,” *Quarterly Journal of Political Science* 3 (2008): 301–311.

Abridged Curriculum Vitae

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Academic Appointments

Associate Professor of Political Science with tenure, George Mason University (2015 – Present)
Assistant Professor of Political Science, George Mason University (2012 – 2015)
American Political Science Association, Congressional Fellowship (2004 – 2005)
Assistant Professor of Political Science, University of Pittsburgh (2003 – 2012)

Books

Jennifer Nicoll Victor, Alexander H. Montgomery, and Mark Lubell, eds. 2017 *The Oxford Handbook of Political Networks*, Oxford University Press.
Ringe, Nils and Jennifer Nicoll Victor. 2013. *Bridging the Information Gap: Legislative Member Organizations in the United States and European Union*, with Christopher J. Carman. Ann Arbor: University of Michigan Press. <http://bridgingtheinformationgap.wordpress.com>

Recent Peer-Reviewed Published Articles

Victor, Jennifer Nicoll and Gina Yanitell Reinhardt. 2016. "Competing for the Platform: How Organized Interests Affect Party Positioning in the United States." *Party Politics*. First published on-line December 29, 2016.
Victor, Jennifer Nicoll and Gregory Koger. 2016. "Financing Friends: How Lobbyists Create a Web of Relationships among Members of Congress." *Interest Groups & Advocacy*. On-line first 24 May 2016. doi:10.1057/iga.2016.5
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Recent Grants, Honors, Media

George Mason University Teaching Excellence Award, 2019.
National Science Foundation (#1558713), "Workshop: Support for Political Networks Conference and Training Workshops," PI: Jennifer N. Victor, \$212,471 (2016-2019)
Manner's Award, University Center for Social and Urban Research, \$10,000 (June 2010)
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