

# **NO DEAL**

## **DONALD TRUMP'S LEADERSHIP OF CONGRESS**

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*Donald Trump entered office with aspirations for transformational policy change, much of which would have to be approved by Congress. So far, he and his supporters have been disappointed. Despite the president's many unique characteristics, we can employ the framework of the president's strategic position to explain the president's lack of success. The president's opportunity structure was mixed. Lacking a mandate but fortunate to serve in a unified government, Trump overestimated his public support, which was low, and Republican cohesion, which was imperfect. He also underestimated the impact of partisan polarization and Democratic opposition, which was strong. Moreover, the president lacked a strategic plan of his own, had few substantive proposals, and demonstrated little skill in garnering support.*

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A week before the presidential election, Donald Trump traveled to the Philadelphia suburbs to deliver a health-care policy speech that was light on details and heavy on ambitious promises. In a hotel ballroom, Trump promised to convene a special session of Congress as soon as he was sworn in — a perplexing idea, as Congress would already be in session — so that lawmakers could “immediately repeal and replace Obamacare.” All of this would happen “very, very quickly,” he vowed.<sup>1</sup>

Trump came to office boasting of his prowess as a leader, able to cut deals, “drain the swamp” in Washington, and transform public policy. Once in office, the president has repeatedly claimed that his stewardship had led to uncommon success with Congress, arguing that he had signed more legislation than any president since Franklin D. Roosevelt. He was wrong. Moreover, a large percentage of the legislation he had signed included bills passed under the Congressional Review Act, a measure that allows Congress to overturn regulations enacted by a president. A number of others were largely ceremonial.<sup>2</sup>

The most significant fact about Trump’s presidency legislative record to this point is the absence of passage of significant legislation. Notable among the legislation that did not pass were bills dealing with health care reform, infrastructure spending, the budget, and tax reform—policies central to either the Trump presidential campaign, congressional Republicans, or both. Perhaps Trump signature policy initiative is a wall along the Mexican border. The president was able to order the Department of Homeland Security to begin work on the wall, but he has not been able to obtain funding to build the wall. Both Democrats and border-state Republicans oppose it.

How can we explain Trump’s difficulties in obtaining support from Congress, one in which his party enjoyed majorities in both chambers? Moreover, can we separate the unique individual characteristics of the president—his routine hyperbole, distortion, and fabrication, intellectual disarray, ignorance of policy, temperamental unsuitability, and lack of preparation for the job—from the broader pattern of politics?

To begin, it is important to recognize that successful leadership is not the result of the dominant chief executive of political folklore who reshapes the contours of the political landscape, altering his strategic position to pave the way for change. The best evidence is that presidential persuasion is at the margins of congressional decision making. Even presidents who appeared to dominate Congress were actually facilitators rather than directors of change. They understood their own limitations and quite explicitly took advantage of opportunities in their environments. Working at the margins, they successfully guided legislation through Congress. When these resources diminished, they reverted to the more typical stalemate that usually characterizes presidential-congressional relations.<sup>3</sup> To understand Trump’s relations with Congress, then, it is necessary to start with his strategic position.

## **The President’s Strategic Position**

The context—the opportunity structure—in which the president operates is the key element in presidential leadership of Congress. Making strategic assessments by asking a few key questions about the president’s political environment provides us crucial leverage for evaluating a president’s likely success in achieving his legislative goals.

Elsewhere, I have specified six key questions about the president’s strategic position:<sup>4</sup>

- Is there a perception in Congress that the president received an electoral mandate on behalf of specific policies?

- Does the president's party enjoy a majority in a chamber? If so, how large is it?
- What is the degree of ideological polarization in Congress?
- How cohesive is the president's party in Congress?
- Are there cross-pressures among the public in constituencies held by the opposition party that would counter these members' ideological predispositions?
- Does the structure of the decision facing Congress favor the president?

## **Mandate**

New presidents traditionally claim a mandate from the people, because the most effective means of setting the terms of debate and overcoming opposition is the perception of an electoral mandate, an impression that the voters want to see the winner's programs implemented. Donald Trump did not hesitate to claim his own mandate to govern.

Mandates can be powerful symbols in American politics. They accord added legitimacy and credibility to the newly elected president's proposals. Mandates change the premises of decisions. Perceptions of a mandate in 1980, for example, placed a stigma on big government and exalted the unregulated marketplace and large defense budgets, providing Ronald Reagan a favorable strategic position for dealing with Congress. Concerns for representation and political survival encourage members of Congress to support the president if they feel the people have spoken.<sup>5</sup> Major changes in policy, as in 1933, 1965, and 1981, rarely occur in the absence of such perceptions.

Despite the claims of Trump and his aides, however, he did not receive a mandate. To begin, he received only 46 percent of the vote, hardly a landslide. Moreover, he did not win even a plurality of the votes, receiving nearly 3 million fewer than Hillary Clinton. Trump's party also lost six seats in the House and two in the Senate. The public was not clamoring to give him power.

In addition, pre-election polls found that no candidate since 1980 has had a lower percentage of voters saying they planned to cast a vote *for* their candidate. In late-October, most Trump voters were voting *against* Hillary Clinton rather than for him.<sup>6</sup> He had the lowest feeling thermometer rating of any major party candidate in the history of the American National Election Study.<sup>7</sup> Immediately after the election, 43 percent of the public had a positive response, but 52 percent were upset or dissatisfied.<sup>8</sup>

Further undercutting any claim to a mandate was the fact that Trump did not emphasize many specific policies during the 2016 campaign. Instead, he stressed general aspirations, such as making America great again. So there is little evidence to support claims of a mandate for specific policies, and his election sent no signals to members of Congress that would encourage them to achieve a consensus.

The public seemed to agree. After the election, just 29 percent said Trump had a mandate to carry out the agenda he presented during the campaign, while 59 percent thought he should compromise with Democrats when they strongly disagreed with the specifics of his policy proposals.<sup>9</sup> The first Gallup report on his approval found his initial rating was lower than for any previous president. Moreover, his approval was the most polarized: 90 percent for Republicans but only 14 percent among Democrats.<sup>10</sup>

## **Unified Government**

Presidents can expect to receive high levels of support from their own party (Table 1). Thus, the presence or absence of unified government is critical to presidential success in

Congress. The president's initiatives are much less likely to pass under divided government,<sup>11</sup> and control of the agenda can facilitate or obstruct their progress in the legislative process.

### **Insert Table 1**

The House is the chamber where majority control is most important, because the rules allow the majority to control the agenda and many of the alternatives on which members vote. Republicans controlled the House in the 115th Congress. The margin of 47 seats is reasonably comfortable but not always large enough to accommodate ideological divisions within the party.

A Republican majority in the Senate meant there would be fewer hearings harassing the administration and, more important, that the president's proposals would arrive on the floor. However, the Republican majority of only 52 to 48 is not large enough to overcome the persistent threat of filibusters and forced the Republicans to rely on the reconciliation process to pass major legislation such as health care and tax reform. Their leaders had few votes to spare in securing a majority.

As Congress polarized along party lines (see below), members instituted more centralized, leadership-driven legislative procedures that we might expect would facilitate partisan lawmaking.<sup>12</sup> We might also anticipate that majority parties in Congress should have greater capacity to legislate a partisan program. However, James Curry and Frances Lee have shown that this is not necessarily so. Majority parties have not gotten better at enacting their legislative programs, and there are only modest differences between the success of unified and divided governments. Most of the time, congressional majorities achieved none of what they wanted to achieve, and it is unusual for them to achieve most of what they set out to accomplish.<sup>13</sup>

### **Polarization**

Because the president cannot depend on a compatible party majority to pass his policies, he typically requires support from the opposition party. Thus, an important aspect of the president's opportunity structure is the ideological division of members of Congress. The degree of polarization will affect the potential for the president to reach across the aisle and obtain support from the opposition party.

This support is typically essential for the passage of legislation. Most legislation that passes, including landmark legislation, does so with a majority of the minority party in support, even under unified government. "Even those majority parties who possess the unusual advantage of unified party control do not pass much landmark legislation on partisan lines."<sup>14</sup> They rarely enact priority agenda items over the opposition of a majority of the minority.

The ideological distance between the parties in the House reached record highs in the Obama administration, and the 2016 election did nothing to mitigate the ideological differences between the congressional parties. As Figures 1 and 2 show, there is no ideological overlap at all between the parties. Moreover, the distances between the centers of each party are very large, especially in the House. Donald Trump inherited the most polarized Congress of any Republican president governing under unified control.

### **Insert Figures 1 and 2**

Given the broad influences of ideology and constituency, it is not surprising that presidential leadership itself demarcates and deepens cleavages in Congress. As Frances Lee has shown, the differences between the parties and the cohesion within them on floor votes are typically greater when the president takes a stand on issues. When the president adopts a

position, members of his party have a stake in his success, while opposition party members have a stake in the president losing. Moreover, both parties take cues from the president that help define their policy views, especially when the lines of party cleavage are not clearly at stake or already well established.<sup>15</sup>

Because of the high level of partisan polarization in the 115<sup>th</sup> Congress and the loathing of Democrats for Donald Trump, there is little reason to expect much bipartisan cooperation. Republicans have thus chosen to rely heavily on procedures that bypassed the Democrats. The Republican leadership wrote the health care bills away from the glare of committee hearings and criticism. They also chose to use the filibuster-proof budget reconciliation process that ostensibly eliminated the need to court Democratic votes—and also decreased the chances of receiving them. (Ironically, these tactics have only served to highlight internal Republican Party disagreements over health care policy and probably on tax reform as well.<sup>16</sup>)

Partisan and ideological polarization does not mean that Democrats have no interest in working with Trump. In the first days of his presidency, even as anti-Trump activists demanded total resistance, liberal Democrats were willing to cut a deal on an infrastructure plan. “If they had been willing to do a real infrastructure package, then I would have been willing to participate,” commented liberal Democratic Senator Brian Schatz of Hawaii.<sup>17</sup> As one reporter put it,

Rather than taking advantage of his honeymoon phase to pick an issue on which Democrats from conservative states might be amenable — fixing the nation’s crumbling infrastructure, cutting taxes or stiffening immigration laws — Trump raced toward the most partisan corner of the room, pushing to repeal the health care law with no input from Democrats, in a manner that has proved deeply unpopular.<sup>18</sup>

It is not surprising that Democrats honored the demand of Senate Minority Leader Chuck Schumer that they stick together in their refusal to help the president until repeal of the Affordable Care Act was taken off the table.

It is also the case that infrastructure was a relatively low priority for congressional Republicans. They wanted to repeal Obamacare, both because they opposed the policy and because reducing health care expenditures would ease the path for high priority tax cuts. Moreover, many Republicans were not eager to spend large amounts of money on public works, especially when they were trying to reduce revenues. Trump himself had unequivocally promised to deal with health care immediately after taking office.

The polarization of party elites has been asymmetrical, with most of it the result of the rightward movement of the Republicans.<sup>19</sup> According to Mann and Ornstein, the Republicans have become ideologically extreme, scornful of compromise, contemptuous of facts, evidence, and science, dismissive of the legitimacy of the opposition, and at war with government.<sup>20</sup>

Democrats are interested in governing, but many Republicans are not. In 2013 when House Republican Majority Leader Eric Cantor proposed a plan to address the problem of those Americans with preexisting health conditions who either lose their insurance or cannot obtain it, his colleagues rebuffed him. Instead of dealing with the problem, they chose to vote to repeal the Affordable Care Act for the thirty-seventh time. The next year Cantor lost a primary to retain the Republican nomination in his district. Such an environment makes it difficult to craft legislation that will receive bipartisan support.

The president has not helped matters. At various points the president blamed Democrats for his problems with health care reform and proclaimed in anger that the lack of support from

Democrats in both chambers meant that they would “own” Obamacare when it exploded.<sup>21</sup> On July 24, ahead of a crucial Senate vote on health care, Trump delivered an afternoon address from the White House Blue Room. Calling the Democrats’ signature achievement during the Obama presidency a “bit fat ugly lie,” he chided Senate Democrats for their refusal to support the Republican health care bill, which was designed to undo as much of Obamacare as possible and in the development of which they were given no role. “The problem is we have zero help from the Democrats. They’re obstructionists — that’s all they are,” Trump said. “The Democrats aren’t giving us one vote, so we need virtually every single vote from the Republicans. Not easy to do.” Heating up his rhetoric further, he continued to deride Democrats: “They run out. They say, ‘Death, death, death.’ Well, Obamacare is death. That’s the one that’s death.”<sup>22</sup> Such words are unlikely to win the hearts, much less the votes, of Democrats.

Trump has routinely disparaged Democrats — calling Senate Minority Leader Chuck Schumer a “head clown” in one tweet.<sup>23</sup> After only a few days in office the president mocked Schumer: “I noticed Charles E. Schumer yesterday with fake tears. I’m gonna ask him who is his acting coach because I know him very well, I don’t see him as a crier. If he is, he’s a different man. There’s about a five percent chance that it was real, but I think they were fake tears.”<sup>24</sup> It is not clear what possible legislative benefit could result from such rhetoric. It certainly was unlikely to advance the cause of bipartisanship.

## **Republicans’ Cohesion**

Unified government is no guarantee of success if the governing party is fractured. Thus, we need to ask if his party cohort is likely to agree with the president’s initiatives. In other words, how cohesive is the president’s party in Congress?

***Encouraging Cohesion.*** There is likely to be agreement among fellow partisans on the broad orientation to government and public policy. Moreover, shared electoral goals and emotional commitments should facilitate agreement on both policy ends and the means to achieve them.

A key resource of President Trump in fostering party unity is his strong support among Republicans in the public. He won in 218 of the 241 Republican districts, in most by comfortable margins.<sup>25</sup> Conservative Republicans, those most likely to vote in primaries, have been reliably according the president about a 90 percent approval rating.<sup>26</sup>

In February, 52 percent of Republican and Republican leaners told pollsters that if there was a disagreement on an issue, they would be more likely to trust Donald Trump; 34 percent said they would be more likely to trust Republican leaders in Congress.<sup>27</sup> The public was even more supportive in July, when 67 percent of those who voted for him said they would back him over their congressional representative, and just 7 percent indicated they would side with the lawmaker from their district.<sup>28</sup>

If he is popular with his fellow partisans, congressional Republicans’ fears of losing in a primary if they oppose the White House’s wishes could be a source of strength for the president. As we will see, however, the president’s threats to support primary opponents for recalcitrant Republicans have not proved to be potent.

Similarly, the incentives to make the president look good by providing him victories are stronger than ever. The high correlation between presidential and congressional voting and the decline in split ticket voting, which I discuss below, means that Republicans are tethered to Trump. Although he will not be on the ballot in 2018, evaluations of him will be the core of the

election and uppermost in voters' minds. It is much better for Republicans if Trump is high in the polls, and giving him successes may boost his approval ratings.

***Fracturing the Party.*** Despite the forces pushing toward cohesion, there is substantial ideological dispersion among Republicans in 2017, as Figures 1 and 2 show. Indeed, Republicans are more ideologically fractured than the Democrats. Ideological conflict within the Republican Conference caused Speaker John Boehner to resign in 2015 and bedevils the leadership efforts of his replacement, Paul Ryan.

With more than 150 members in 2017, the Republican Study Committee (RSC) is the largest caucus in Congress. Its philosophy of governance would vex any leader: Members consider themselves conservatives first and Republicans second. They did not come to Washington to play for the Republican team; they came to fight for conservative principles. (Their website declares, "We believe that more government is the problem, not the solution, for the toughest issues facing our nation.") If fighting for their ideological principles means voting against party interests—and a Republican president, so be it. For core RSC believers, ideological purity trumps legislative accomplishment.<sup>29</sup>

Even more conservative, however is the House Freedom Caucus. It had 31 members in mid-2017 (after two members from Texas resigned). Holding views that are the antithesis of Donald Trump's emphasis on legislative victories rather than ideological principles, Freedom Caucus members are rigidly ideological. They were likely to prove an obstacle to legislative success, and, as I discuss later, were an early object of the president's wrath.

Only 51 House Republicans have served under a Republican president and passed major policy reforms. They have little experience in devising complex legislation and building majority coalitions. Members could please conservative activists with votes to demonstrate their positions on policies without worrying about the policy consequences of their actions. As long as repealing Obamacare was merely a slogan used to rally disaffected voters, it was easy to ignore this tension. Once congressional leaders had to take responsibility for policy, however, legislating became more difficult. "In the 25 years that I served in the United States Congress, Republicans never, ever, one time agreed on what a health care proposal should look like," former Speaker of the House Speaker John Boehner said at a panel discussion. "Not once."<sup>30</sup>

The challenge of building a winning coalition was especially difficult for those affiliated with the Tea Party. They tend to view politics as a struggle for survival rather than a negotiation among opposing views.<sup>31</sup> Representatives and senators associated with the Tea Party do not necessarily consider their primary function to be making government work, contrary to long-held views of many Americans.<sup>32</sup> It is difficult to legislate when relatively few members of your own party have the inclination to focus on policy details, embrace compromise, and accept the inherent trade-offs that come with change.

In addition, electoral incentives support this kind of policy nihilism. Of the 241 Republicans elected to the House in 2016, just 18—7 percent—represent competitive congressional districts.<sup>33</sup> Only 15 Republicans were elected with margins of under 10 points. Most congressional Republicans are far more afraid of losing a primary to a more conservative challenger than a general election to a Democrat. The right's demonstrated capacity to punish incumbent Republicans in primaries discourages straying from party orthodoxy. For them, a deal is often more dangerous than no deal. The potential for such challenges is real, as the Republican primary electorate is very conservative (a majority of Republican voters in the Obama years wanted their party's leaders to move *further to the right*),<sup>34</sup> and the Tea Party has been active in challenging Republican incumbents.<sup>35</sup> Thus, many of these representatives are

content to lose on principle, because compromise and conciliation — the actual work of politics — are the only things that can cost them their jobs.

Equally important as a curb on compromise is the fact that when elected officials interact with the more politically engaged voters within their reelection constituencies—the voters who are the most attentive to what they are doing, the most likely to influence their friends and neighbors, the most likely to donate money to their campaigns, and the most likely to vote in primary elections—the divide between their supporters and their opponents is even greater than it is among rank-and-file voters. Active supporters of Republican elected officials, especially those associated with the Tea Party, are generally very conservative.<sup>36</sup>

To further muddy the mix, there are about 50 members of the House Tuesday Group, composed of moderate Republicans. The Tuesday Group was founded to counterbalance the conservative trend in the Republican Conference.

Such diversity complicates efforts to forge a majority, especially when the Republicans' margins are small. Health care provides a telling illustration. The most conservative members argued that their leaders' plans left too much of Obamacare in place, while the more moderate senators and representatives worried that the plans would deny health care to too many of their constituents. When asked why he had failed to achieve as much as he wished, Trump assigned some of the blame to congressional Republicans. "You have certain factions," he said. "You have the conservative Republicans. You have the moderate Republicans. So you have to get them together, and we need close to a hundred percent. That's a pretty hard thing to get."<sup>37</sup>

The president was correct. Nate Cohen found that ideology was driving the House vote on health care. It did not matter how the bill would affect members' states or districts or might affect reelection chances. Ideology ruled.<sup>38</sup>

Cohen may have overstated his case a bit. There were some constituency constraints on ideology among Republicans—but these did not help the president. Ten members House won in Democratic-leaning districts.<sup>39</sup> Approximately 10 percent (23) of House Republicans represent districts won by Hillary Clinton. On average, these members won with only 56 percent of the 2016 vote —10 points lower than their fellow partisans.<sup>40</sup> Nine of them voted against the Republican House health care bill. Three members of the Senate represent states won by Clinton: Cory Gardner (Colorado), Susan Collins (Maine), and Dean Heller (Nevada). Collins and Heller were holdouts on health care. Senator Lisa Murkowski of Alaska reportedly told Trump at a White House lunch, "With all due respect, Mr. President, I didn't come here to represent the Republican Party. I am representing my constituents and the state of Alaska."<sup>41</sup>

Similarly, House Republicans representing competitive and ideologically moderate districts were the most likely to break ranks with the party and oppose the president's firing of FB director James Comey.<sup>42</sup> The two Republican senators who face potentially tough re-election fights in 2018— Dean Heller of Nevada and Jeff Flake of Arizona — have been unabashed in their criticism of Trump and his administration, which they have seen as a drag on their political prospects.<sup>43</sup> Flake even wrote a book, *Conscience of a Conservative*, in which he lambasts Trump.

Trump hoped that loyalty to him as party leader would be a useful adhesive for congressional Republicans, but he was disappointed. He lamented in a tweet on July 23, 2017: "It's very sad that Republicans, even some that were carried over the line on my back, do very little to protect their President." He felt he had coattails and that Republicans owed him loyalty as a result. However, about 90 percent of Republican members of the House ran ahead of Trump in their districts; they did not win on his coattails. He ran ahead of 6 of 16 winning Republican



senators, but only one, Roy Blunt of Missouri had a close race. Running ahead does not in itself prove he had weak coattails, but it hardly provides the basis for inferring them. The lack of competition in nearly all House seats and most Senate seats provides little potential for coattails to determine the winner.<sup>44</sup>

## **Democrats' Constituencies**

Even if Democrats are ideologically predisposed against the proposals from a Republican president, are there cross-pressures in their constituencies that would counter their ideological predilections? Is there potential for the president to win support among Democrats for his initiatives?

One of the most important political trends in the past half century has been the polarization of the congressional parties' respective electoral bases. The partisan realignment of the South<sup>45</sup> and the sorting of conservatives and liberals outside the South into the Republican and Democratic parties, respectively, has increased the level of consistency between party identification and ideology.<sup>46</sup> As a consequence, Democratic and Republican elected officials today represent electoral coalitions with strongly diverging policy preferences across a wide range of issues. Thus, the electoral constituencies of the House Democrats contain relatively few Trump supporters.

The decline in shared constituencies between the president and Democratic members of Congress reflects an increase in party loyalty and thus a falloff in ticket-splitting among voters. Party-line voting reached its highest level ever for House and Senate elections in 2016, with defection rates of 9 percent in House elections and 10 percent in Senate elections. Much of this coherence in voting is the result of views about the president.<sup>47</sup>

As a result of this individual-level behavior, only 35 House districts (8 percent) split their verdicts—preferring the president of one party and the House candidate of the other. Only 12 House Democrats—6 percent—hold seats in districts Trump won in 2016. Only 7 represent districts tilting Republican, while 13 others represent competitive districts.<sup>48</sup>

Split outcomes are typically more common in Senate elections because states tend to be more politically heterogeneous and more evenly partisan balanced than congressional districts. Nevertheless, in 2016, for the first time in history, no state elected a senator from a different party than that of the candidate they supported for president. As a result, no Democratic senator was elected in a state Trump won.

However, eleven Democratic senators represent states won by Trump: Joe Manchin (West Virginia), Joe Donnelly (Indiana), Jon Tester (Montana), Heidi Heitkamp (North Dakota), Clare McCaskill (Missouri), Tammy Baldwin (Wisconsin), Gary Peters and Debbie Stabenow (Michigan), Bill Nelson (Florida), Robert Casey (Pennsylvania), and Sherrod Brown (Ohio). Interestingly, all but Gary Peters (Michigan) are up for re-election in 2018. Five of them, Donnelly, McCaskill, Tester, Heitkamp, and Manchin, represent clearly Republican states. Some Republicans thought that Trump's win in their states would scare Democratic senators into acceptance of a Republican agenda, perhaps even voting to repeal President Barack Obama's signature health care law, especially if they were up for re-election.<sup>49</sup> So far, these senators have been comfortable standing against the president.

If the president maintained the public's approval in the states he won in 2016, there could be considerable pressure on the senators from those states to support him. However, Gallup found that among the states Trump won and that were represented by a Democratic senator, only in West Virginia, North Dakota, and Montana did he average at least 50 percent approval through June 2017.<sup>50</sup> Even in these states, he had high levels of disapproval.<sup>51</sup>

Polls in Michigan, Pennsylvania, and Wisconsin—key battleground states in Trump’s electoral college victory and each with a Democratic senator—he registered only approval only in the mid-30 percent in August. Majorities disapproved of his performance, and strong disapprovers outnumbered strong approvers by a two-to-one margin. About two-thirds of adults in those states, including fifth of those who had voted for him, said they were embarrassed by Trump.<sup>52</sup> As one senator said, “As long as he remains in the high 30s, it’s going to be tough to get Democrats to come over. You can have the [GOP] base, but that doesn’t move red-state Democrats.”<sup>53</sup>

Members of Congress are particularly responsive to their primary constituencies. Pew found that Democrats and Democratic leaners are much more concerned that their representatives in Congress will not do enough to oppose Donald Trump and his policies than they are that congressional Democrats will go too far in their opposition (72 percent vs. 20 percent).<sup>54</sup> In the Gallup polls for the first six months of his tenure, Democratic approval of Trump’s handling of the presidency averaged less than 10 percent.<sup>55</sup>

Party differences in electoral bases are strongly related to party differences in presidential support and roll call voting.<sup>56</sup> Given the clear preferences of their supporting coalition, congressional Democrats have every reason to resist most of Trump’s initiatives vigorously. Congressional Democrats are responding rationally to their incentives for reelection when they oppose the president. The number of Democrats in the 115th Congress who see as politically advantageous cutting a deal with the president on a core issue is close to zero. Thus, no Democrat in either chamber voted for any option on the various health care bills proposed by the Republican leadership.

The electoral coalitions of the two parties are increasingly divided by race as well as by party and ideology. Although the most salient demographic fact about America is that it is becoming more diverse, Republican districts are overwhelmingly white. Differences in cultural values and attitudes toward government accompany these differences in the racial composition of constituencies,<sup>57</sup> making it more difficult to achieve bipartisan compromises. Trump’s anti-immigrant stances and his toleration of white nationalists in his coalition have intensified the saliency of these differences.

The competition for political advantage also inhibits bipartisanship. Since 1980 there has been heavy competition to control each house of Congress. Parties with a president or majority have to focus on legislating while minority parties can focus on political messaging. Representatives and senators believe it is necessary to define and dramatize party differences to energize supporters and persuade undecided voters to support them. To do this, the minority forces roll calls that yield party-line divisions, publicize partisan controversies, raise more campaign money, and make the case for their party to take control. Even when they lose the vote, they may feel they have won politically because they are better positioned in the next election. Unsurprisingly, such adversarial behavior impedes bipartisan cooperation.<sup>58</sup>

## **Structure of Choice**

The structure of the choices facing Congress can help or hinder the president’s legislative agenda. Congress can take no vote, vote down, or pass a presidential initiative. Because Congress cannot act on every proposal and because there are many ways to prevent action in the U.S. system of separation of powers, most proposals flounder. The default position is for Congress to take no action. Although White House initiatives are likely to receive some congressional attention, many never come to a vote.<sup>59</sup>

From the standpoint of the White House seeking support for a presidential initiative, there are two critical components of these choices. The first is the presence or absence of broad political incentives to act on an issue. More specifically, are there political incentives for the opposition to act? Typically, there are not. Indeed, the opposition party usually opposes presidential initiatives. Democrats are in no hurry to enact Donald Trump's proposals regarding immigration or environmental protection, for example. Nor are they eager to repeal the Affordable Care Act, or replace it with much less health care coverage. They are happy to work with the White House to strengthen the insurance exchanges, but neither the president nor Republicans in Congress have made any effort to involve them in such an effort.

The second component of the structure of congressional choice is the beneficiary of a failure to act. If the president opposes congressional initiatives, he benefits from the default position. However, if he wishes Congress to pass legislation, and all contemporary presidents do, the advantage usually shifts to the opposition. Most policies, from tax cuts to defense spending, do not take effect without positive action from Congress. In 2017, there is not expiring legislation, such as the Bush tax cuts in 2012, that the opposition wants to preserve.

## **Exploiting Opportunities**

President Trump began his tenure with one important advantage in his strategic position—Republican majorities in both houses of Congress. However, the president did not receive a mandate from the people, the Republican Party had some important fractures, at least on the issue of health care, the parties were highly polarized, and his low support in the public from his first day in office provided Democrats few incentives to support him. Moreover, the structure of the choices before Congress offered little help to the White House.

Recognizing and exploiting opportunities for change—rather than creating opportunities through persuasion—are the essential presidential leadership skills. To succeed, presidents have to evaluate the opportunities for change in their environments carefully, fashion strategies and tactics to exploit them, and execute these approaches skillfully. Successful leadership also requires that the president have the commitment, resolution, and adaptability to take full advantage of opportunities that arise. How has Trump measured up?

## **Strategic Plan**

Republicans began 2017 with great ambitions for the year, including repealing and replacing the Affordable Care Act, slashing taxes and rewriting the tax code, passing a budget dramatically reducing the size of government, overturning Obama-era regulations, and raising the debt limit. The G.O.P. also decided to write major legislation in secret and without the participation of any Democrats.

Another element of their plan was to employ not one but two reconciliation bills, one for health care, and the other for tax reform, to avoid a filibuster in the Senate. Because there can only be one reconciliation bill at a time, their idea was to pass health care and then move on to tax reform, but that strategy was based on the premise of passing health care quickly. In addition, the rules, especially in the Senate, strictly limit the types of provisions that can be included in a reconciliation bill, making it more difficult to please the Republican caucus and subjecting moderate Republicans in the House to controversial votes that would never pass the Senate. Moreover, seeking to pass legislation on a party-line vote focused media attention on Republican divisions and freed the Democrats from blame after the effort failed.<sup>60</sup>

Although Republicans had little trouble overturning regulations (the Congressional Review Act prohibits filibusters on such votes), they could not pass health care reform. This failure delayed action on tax reform and most other critical legislation. Most important for our purposes, the plan was not the White House's.

## **Vague Agenda**

One reason that the Trump presidency has had so little success in passing significant legislation may be that it does not know what it wants to do. In an interview on the weekend before his inaugural, the president-elect employed unequivocal terms to declare that he had nearly completed a plan to replace President Obama's signature health-care law and was ready to unveil it alongside Ryan and Senate Majority Leader Mitch McConnell. "It's very much formulated down to the final strokes. We haven't put it in quite yet but we're going to be doing it soon," Trump said. There was going to be of "insurance for everybody" and "much lower deductibles," Trump promised. "There was a philosophy in some circles that if you can't pay for it, you don't get it. That's not going to happen with us." People covered under the law could "expect to have great health care. It will be in a much simplified form. Much less expensive and much better."<sup>61</sup> The White House has yet to produce such a plan. Indeed, in one of the most telling remarks of his president, Trump proclaimed in February that "Nobody knew health care could be so complicated."

Health care is no exception. The administration simply never invested in developing policies. It has always had grand aspirations—inexpensive insurance for all, higher economic growth, much lower and fairer taxes—but no coherent plan for achieving them. Thus, there was no real plan for other key issues Trump had emphasized during his campaign for the presidency such as immigration reform, international trade agreements, and infrastructure spending. Regarding the latter, as a candidate Trump pledged a \$1 trillion program to reconstruct the nation's roadways, waterworks, bridges, and electrical grid—and create "millions" of new jobs in the process. Six months into his presidency, he had yet to produce the detailed plan he promised to deliver "very soon" or even to name any members to a new board he claimed would green-light big projects.

The president himself seems unfamiliar with the details of policies, leaving him vulnerable to misstatements and contradictions and making it more difficult to persuade the public or members of Congress to support initiatives. Indeed, Trump seems more interested in simply passing something and declaring success than with what is in the legislation. He is willing to let others take charge of both the process and the substance. For example, Trump devoted only a modest amount of time to mastering health-care policy, so the White House largely delegated the development of a health care bill to Capitol Hill. He also said he followed Paul Ryan's strategy of tackling health care before tax cuts and the budget. When the president announced in August his support for a bill to cut legal immigration by half, he was backing a modified version of a bill introduced by Republican Senators Tom Cotton (Arkansas) and David Perdue (Georgia) in April.

An exception to the president's vague agenda is building a wall on the Mexican border. On August 22, the president told a raucous campaign-style rally in Phoenix, "If we have to close down our government, we're building that wall. We're going to have our wall." Republican leaders have little appetite for such a fight, which they believe could derail the rest of their agenda. Resolving the matter will be one of the most interesting elements of presidential politics in the autumn.

**Reactive Mode.** There are consequences of a nebulous agenda. Although congressional Republican leaders have said that they were comfortable with Trump's approach,<sup>62</sup> it simply has not worked, at least to this point. It is difficult to pass legislation as complex and controversial as the budget, health care reform, and tax reform without clear leadership from the White House on both an overall framework and on key components. As we have seen, congressional Republicans have not been able to overcome their divisions their own. The failure of the White House to advance coherent policy prescriptions has left them without the adhesive of presidential leadership.<sup>63</sup>

The absence of plans also is holding up legislation. Congress, a notoriously slow-moving institution, is certainly capable of taking the initiative, but it usually wants direction from the White House on matters central to the president's interests. As Senator John Thune, the South Dakota Republican leading infrastructure efforts in the Senate, put it, "We're sort of waiting on the administration to tell us what it is exactly they want to do."<sup>64</sup>

In addition, the president's lack of a clear agenda has forced him into a reactive mode. "Ever since we've been here, we've really been following our lead," said Republican Senator Bob Corker (Tennessee). "Almost every bit of this has been 100 percent internal to Congress."<sup>65</sup> Thus, the president has had to sell others' policies, not his own. It is reasonable to argue that he might be more effective building coalitions in support of his own initiatives. In addition, lacking specific proposals, the president was in no position to sequence their consideration to his advantage. Instead, he had to accept the congressional leadership's plan to focus first on Republican-only health care proposals that were sure to exacerbate partisan tensions and ultimately proved to be a time-consuming embarrassment for the White House.

**Contradictions.** The president's lack of both substantive plans for public policies and strategies for achieving them has made it difficult to everyone, including his potential allies, to discern his views. Health care is a prime example. Trump campaigned against cuts in the big entitlement programs, including Medicaid, and promised health care for all. Yet he supported the House and Senate bills that slashed future spending on Medicaid, which the CBO estimated would cause millions to lose their access to health care.

In May, the president lauded the House health care bill as a "great plan" that was "very, very incredibly well-crafted."<sup>66</sup> On June 13, however he derided the same bill as "mean."<sup>67</sup> On May 28, Trump tweeted that "we [should] add more dollars to Healthcare and make it the best anywhere." Several days earlier, however, he proposed cutting between \$800 billion and \$1.4 trillion in future spending on Medicaid. On May 30, Press Secretary Sean Spicer would not say where Trump wanted to add more money to health care. One might speculate Spicer's nonresponse reflected the fact that the president had no idea.<sup>68</sup> Days later, Deputy Press Secretary Sarah Huckabee Sanders said that Trump did not necessarily support cuts to Medicaid—even though his budget and the Senate bill would make such cuts.<sup>69</sup>

On June 27, Trump announced that it would be "okay" if a health care bill did not reach his desk. The next month he declared that he would be "very angry" if the Senate failed to pass a bill. Trump further muddied the waters on June 30, floating the possibility on Twitter that lawmakers could repeal the ACA now and replace it later — a view that administration officials had stressed was not their preference and contrary to the view the president took earlier in the year, when he demanded that replacement accompany repeal.<sup>70</sup> He reiterated this view on July 17. On July 18, however, the president declared it was time to give up on trying to repeal the ACA and just let it fail. Later that morning he changed his mind yet again, calling for repealing the ACA. The next day Trump had another opinion, telling Republican senators "People should

not leave town unless we have a health insurance plan, unless we give our people great health care.”<sup>71</sup>

Other policies have been less visible to this point but reflect the same lack of unity in the administration’s message. How much revenue should a reformed tax code raise? Does the president’s budget reflect his policy proposals (according to Budget Director Mick Mulvaney, it does not)?

## **Selling**

On the stump, Trump boasted that he could make deals better than anyone else, sometimes pointing to his book, “The Art of the Deal,” as evidence of his expertise. He and his aides assured the public that he was “the closer.” But when he came to repealing and replacing Obamacare, he faltered. He never tried to deal with the Democrats, and he never failed to lambast them for their lack of support. Equally important, he found it difficult to convince fellow Republicans to support the option of the moment.

It is not that he did not try. By the time House Republican leaders pulled their rewrite of Obamacare from consideration in late March, Trump had personally lobbied 120 lawmakers, either in person or on the phone. According to White House press secretary Sean Spicer, the president had “left everything on the field.”<sup>72</sup>

The president tried to cajole and charm members into support. He invited members to the White House for bowling sessions, gave others rides on Air Force One, and grinned for pictures with dozens of members in the Oval Office. There were East Room meetings, evening dinners, and lunches. In all of these settings, the president was happy to remind lawmakers of his margins of victory in their districts and his popularity among the Republican base. Trump was also candid in stating his view that not supporting the bill was an act of betrayal.<sup>73</sup>

As political scientists now know, schmoozing will not take the president far.<sup>74</sup> Among the lawmakers Trump courted most intensely was Mark Meadows (North Carolina), the chairman of the House Freedom Caucus. Trump brought him to the Oval Office, called him regularly, and directed White House chief strategist Stephen K. Bannon to call or text him daily. He even brought him to Mar-a-Lago, his private club in Florida, to discuss the bill. According to Meadows, “If this was about personalities, we’d already be at ‘yes.’ He’s charming, and anyone who spends time with him knows that. But this is about policy, and we’re not going to make it about anything else.” Similarly, Representative Leonard Lance of New Jersey recollected, “He’s got this wit about him that I enjoy, but I’m a ‘no’ vote.” Trump called Dave Brat of Virginia. “C’mon, Brat, what’s going on with this thing?” Trump asked. Recollected Brat, “He puts on the hard sell. . . . Humor, heart, personality.” Trump ended the call with a plea: “Dave, c’mon, we’re going to get it right.” But Brat was unmoved.<sup>75</sup>

Trump was more successful with Joe Barton of Texas and Gary Palmer of Alabama, however.<sup>76</sup> Yet when he delivered an ultimatum to lawmakers to approve the measure, or reject it and he would move on to his other legislative priorities,<sup>77</sup> the leadership had to pull the bill for lack of support. It was not until the House Republican leadership modified its bill that it was able to win on a 217-213 vote.

When the Senate took up health care, Republican leader Mitch McConnell made it known that he preferred to limit Trump’s involvement to being an encourager, not a dealmaker. He and other senators preferred to negotiate with Vice President Mike Pence than with Trump or his top lieutenants.<sup>78</sup> Trump and his aides left it to McConnell to take the lead in crafting the legislation and in figuring out how to persuade hesitant senators.<sup>79</sup>

Eventually, the president reached out to a few reluctant conservatives like Senators Mike Lee of Utah, Ted Cruz of Texas, and Rand Paul of Kentucky. Yet he became an active participant only when it became clear that Republican leaders were postponing a vote until after the summer recess. At McConnell's request, Trump summoned all 52 Republican senators to the White House for some last-ditch diplomacy and to show senators that the White House was fully engaged.<sup>80</sup> At this meeting the president issued some new threats (discussed below), but they seemed to have little effect. A last-minute call to John McCain before the final vote was no more successful.<sup>81</sup>

Throughout Congress's consideration of health care, the president displayed one important disadvantage. He could not speak fluently about the details of the various bills before the House and Senate. He focused his case in purely transactional terms, on the political risks (losing electoral support) and rewards (winning support) of passage, and treaded gingerly on the actual provisions of the legislation.<sup>82</sup> For members of Congress interested in substance, and we have seen that there were many, Trump's arguments were likely to be unconvincing.

## Threats and Criticism

Machiavelli said it is better to be feared than loved. Donald Trump seems to have taken this advice to heart and has frequently—and publically—threatened congressional members of his own party.

**House.** On March 21, Trump went to Capitol Hill to speak to the House Republican Conference about the leadership's health care bill. The president told Mark Meadows of North Carolina, the chairman of the House Freedom Caucus, to stand up and take some advice. "I'm gonna come after you, but I know I won't have to, because I know you'll vote 'yes,'" asserted the president. But after the meeting, Meadows told reporters that the president had not convinced him or other Caucus members. "I didn't take anything he said as threatening anybody's political future," said Meadows. "Oh, he was kidding around," said Hal Rodgers of Kentucky, a supporter of the bill. "I think."<sup>83</sup>

The bill failed to come to a vote, and Trump was angry. On March 26 he blamed conservative interest groups and far right Republican lawmakers. He tweeted, "Democrats are smiling in D.C. that the Freedom Caucus, with the help of Club for Growth and Heritage, have saved Planned Parenthood & Ocare!" Less than an hour later, White House Chief of Staff Reince Priebus appeared on television to echo his boss's sentiments, saying his missive hit "the bull's eye." As if to rub salt in the G.O.P.'s wound, Priebus hinted that Trump may simply start looking past the Republican majority and try forging more consensus with moderate Democrats in future legislative battles. Priebus pointed to the Freedom Caucus and the Tuesday Group for heavily resisting the health-care bill. Although one member of the Freedom Caucus, Ted Poe of Texas, resigned from the group and criticized its opposition to the health care bill, there was little sign of successful intimidation.<sup>84</sup>

Trump, however, was not finished. In the early hours of March 30, the president tweeted, "The Freedom Caucus will hurt the entire Republican agenda if they don't get on the team, & fast. We must fight them, & Dems, in 2018!" That afternoon, Trump stepped up his Twitter attacks on the caucus, singling out three of its members by name. "Where are @RepMarkMeadows, @Jim\_Jordan and @Raul\_Labrador? #RepealANDReplace #Obamacare," he tweeted, claiming that with their support "we would have both great healthcare and massive tax cuts & reform." The president had lobbied members of the Freedom Caucus intensively, only to see the bill collapse the previous week after Meadows and some of his allies said they

would not vote for it. Trump's aides reported that his tweets were intended to make members of the Freedom Caucus think twice about crossing him again after they blocked his Affordable Care Act repeal the previous week.<sup>85</sup>

Many in the bloc met Trump's threat with defiance. Republican Justin Amash of Michigan responded to Trump's tweet with a taunting reference to the president's promise to "drain the swamp" of Washington: "It didn't take long for the swamp to drain @realDonaldTrump. No shame, Mr. President. Almost everyone succumbs to the D.C. Establishment." Amash also told reporters that Trump's tactic would be "constructive in fifth grade. It may allow a child to get his way, but that's not how our government works. Intimidation may work with some in the short term, but it never really works in the long run," said Republican Mark Sanford of South Carolina. Tom Garrett of Virginia, another Freedom Caucus member, was even blunter. "Stockholm Syndrome?" he asked on Twitter above a copy of Trump's taunting post, suggesting the president had become captive to the Republican establishment he gleefully flayed during the campaign.<sup>86</sup> When White House chief strategist Stephen Bannon told Freedom Caucus members that they must stop waffling and vote for the legislation, Republican Joe Barton of Texas icily told Bannon that the only person who ordered him around was "my daddy" — and that his father was unsuccessful in doing so.<sup>87</sup>

House Freedom Caucus members are electorally secure, representing solidly conservative districts. They typically won with greater margins of the vote than Trump received in their districts. They are also very conservative, unlikely to generate primary opposition from the right. Moreover, the Freedom Caucus acts as a bloc, making it more difficult for opponents to focus on individual members, and it receives substantial outside support, such as from the Koch Industries Inc. PAC, which lessens its reliance on Republican Party coffers.<sup>88</sup> Two Koch-aligned groups pledged to spend upward of \$1 million on ads defending any Republican who voted against the replacement legislation. (Some of the same groups began an online advertising campaign attacking the border tax proposal.)<sup>89</sup> It is no surprise that leaders of conservative groups including Heritage Action for America, FreedomWorks, and the Family Research Council expressed sharp indignation at Trump when he criticized the Freedom Caucus.<sup>90</sup>

Nevertheless, Trump kept up his threats. In April, during the push for the revised health-care bill in the House, the president sent an emissary to Sanford to tell him that "the president hopes you vote against this because he wants to run somebody against you if you do." Sanford said Trump "has made those kinds of threats to any number of members. . . . But I don't think it's productive to his own legislative agenda. It doesn't make anybody's day when the president of the United States says, 'I want to take you out'."<sup>91</sup>

**Senate.** After a revised bill passed the House, the focus turned to the Senate. Once again, the president seems to have won few, if any votes, and some of his efforts seemed to be counterproductive.

Senator Dean Heller of Nevada, the only Republican running in 2018 from a state won by Hillary Clinton, was a consistent holdout from supporting the versions of the Senate health care bill cobbled together by Majority Leader Mitch McConnell. Heller followed the lead of Nevada's Republican governor, Brian Sandoval, who was far more popular in his state than Trump and never backed off his opposition to the health measures, even after a phone call from the president and a series of one-on-one meetings with senior administration officials at the National Governors Association annual meeting.<sup>92</sup>

Trying to exert pressure on Heller, Trump sat next to him during a White House meeting on July 19 with Republican senators convened to rekindle interest in voting on a clean repeal of



the health care law before the August recess. At the lunch, the president also threatened electoral consequences for senators who oppose him, suggesting that Heller could lose his reelection bid in 2018 if he did not back the effort. The president began with a lightly veiled threat, urging the senator to back his third push for a Senate repeal “This was the one we were worried about,” Trump said, turning to Heller. “Look, he wants to remain a senator, doesn’t he?” Trump asked. “You weren’t there. But you’re gonna be,” the president said. “You’re gonna be. Look, he wants to remain a senator, doesn’t he? And I think the people of your state, which I know very well, I think they’re gonna appreciate what you hopefully will do.” The president also invited conservative opposition against anyone else who stands in the way. “Any senator who votes against starting debate is really telling America that you’re fine with Obamacare,” he declared.<sup>93</sup>

There is no sign that the president changed any minds, however. Other stories emerged of the president trying to employ some Oval Office muscle on Republican Senator Ron Johnson of Wisconsin. Johnson, however, noted that he received more votes than did Trump in 2016. Also, few Republicans were up for reelection in 2018, making a threat of retaliation somewhat toothless. One Republican senator put it bluntly. The president, he said, scared no one in the Senate, not even the pages.<sup>94</sup> After he returned from lunch at the White House, Dean Heller reflected, “That’s just President Trump being President Trump.”<sup>95</sup>

In the meantime, conservative activists were aggressively targeting centrist Republicans who opposed the Senate bill. A pair of conservative groups launched an “Obamacare Repeal Traitors” website attacking Republican Senators Lisa Murkowski of Alaska, Rob Portman from Ohio, and Shelley Moore Capito of West Virginia. The Trump-aligned super Pac, America First, started an ad campaign against Heller with the White House’s blessing. Senate Republican Majority Leader Mitch McConnell called the president’s chief of staff, Reince Priebus, to complain that the attacks were “beyond stupid.”<sup>96</sup> Trump allies also encouraged major GOP donors to reach out to senators who opposed the bill. For example, Las Vegas casino moguls Sheldon Adelson and Steve Wynn both spoke with Heller to prod him along.<sup>97</sup>

Republican Senator Lisa Murkowski of Alaska was one of only two Republicans to vote against starting debate on health care. On July 26, the president tweeted “Senator @lisamurkowski of the Great State of Alaska really let the Republicans, and our country, down yesterday. Too bad!” If publically criticizing a crucial vote was not enough, Ryan Zinke, the Interior secretary, called both Murkowski and Alaska’s other senator, Dan Sullivan, blatantly warning them that the administration may change its position on several issues, given Murkowski’s vote. Since Trump took office, Interior has indicated it was open to constructing a road through the Izembek National Wildlife Refuge and drilling in the Arctic National Wildlife Refuge while expanding energy exploration elsewhere in the state. But now, Zinke suggested, these policy shifts may be in jeopardy. The senator also received what she described as “not a very pleasant call” from President Trump about her decision to cast her vote against moving the health-care effort forward. Apparently Trump and Zinke did not appreciate the fact that Murkowski is the chairwoman of the Senate Energy and Natural Resources Committee, which has oversight of the Interior Department. She is also the chairwoman of the Senate Appropriations subcommittee with jurisdiction over the department. Thus, she was positioned to do more to Zinke than he could do to her.<sup>98</sup>

More broadly, the president was furious at Arizona Republican Senator Jeff Flake when he called on him to withdraw from the presidential race after the emergence of the *Access Hollywood* tape. As a candidate, Trump told a small group of Arizona Republicans that he would spend \$10 million on defeating Flake in the 2018 Senate primary. Once in the White

House, Trump and his aides have been openly trying to recruit a primary challenger to Jeff Flake.<sup>99</sup> Not only have these efforts failed to turn Flake into a Trump enthusiast, but they have irritated Republican leaders. Commenting on White House meddling in the Arizona primary, Republican Senate whip John Cornyn of Texas said, “I don’t think that’s productive, particularly right now.”<sup>100</sup>

Trump wasted no time in attacking other Republican senators. In his first major act as president, he issued an executive order banning immigration from some Middle Eastern countries. In response, Senators John McCain and Lindsey Graham issued a joint statement in which they characterized the order as “hasty” and “not properly vetted.” They argued that the president’s policy would “become a self-inflicted wound in the fight against terrorism” by serving to aid terrorist recruitment more than it would improve national security. In a series of tweets the president attacked McCain and Graham, accusing them of “looking to start World War III” and claimed that McCain and Graham were “sadly weak on immigration.”

On July 14, during the heat of the Senate debate on health care, Vice President Mike Pence addressed the National Governors Association in Providence, Rhode Island.

“Gov. (John) Kasich isn’t with us, but I suspect that he’s very troubled to know that in Ohio alone, nearly 60,000 disabled citizens are stuck on waiting lists, leaving them without the care they need for months or even years.”

But the waiting lists were unrelated to Medicaid expansion, sparking negative commentary and reportedly making Kasich newly furious about the hardball tactics.<sup>101</sup>

Trump addressed a Boy Scouts jamboree in West Virginia in July. White House aides told Republican Senator Shelley Moore Capito from that state that she could only accompany the president on Air Force One if she committed to voting for the health care bill. She declined the invitation, noting that she could not commit to voting for a measure she had not seen.<sup>102</sup>

Even on his August vacation, the president fought with senators of his party. In a retort to their criticism of his response to the violence in Charlottesville, Virginia, the president lashed out at Lindsey Graham as “publicity seeking.” He added that Graham “just can’t forget his election trouncing. The people of South Carolina will remember!” he threatened. Trump also described Senator Jeff Flake, Republican of Arizona, as “WEAK on borders, crime and a non-factor in the Senate. He’s toxic!” and praised Flake’s Republican primary opponent.<sup>103</sup>

The president also engaged in a public spat with Mitch McConnell over the latter’s comment that he had “excessive expectations” for Congress.<sup>104</sup> He then retweeted “Fox and Friends” headlines: “Senators learn the hard way about the fallout from turning on Trump” and “Trump fires new warning shot at McConnell, leaves door open on whether he should step down.” Trump also berated McConnell in a phone call that quickly devolved into a profane shouting match.<sup>105</sup>

On August 24, the president was at it again, tweeting, “The only problem I have with Mitch McConnell is that, after hearing Repeal & Replace for 7 years, he failed! That should NEVER have happened!” He added in another tweet: “I requested that Mitch M & Paul R tie the Debt Ceiling legislation into the popular V.A. Bill (which just passed) for easy approval. They ... didn’t do it so now we have a big deal with Dems holding them up (as usual) on Debt Ceiling approval. Could have been so easy — now a mess!”

No doubt the president hoped these messages would encourage senators to toe the White House line. He was wrong. In private, McConnell described Trump as entirely unwilling to learn the basics of governing and expressed uncertainty that Trump would be able to salvage his

administration after a series of summer crises. Senator Bob Corker of rebuked Trump for failing to “demonstrate the stability nor some of the competence” required of presidents.<sup>106</sup>

“It’s entirely counterproductive for the president to be picking fights with Republican senators who he will need for important agenda items that they both agree on,” added Republican Representative Charlie Dent of Pennsylvania. “Does he think that Democratic senators will be more cooperative than John McCain and Jeff Flake and Susan Collins? It doesn’t seem to make any sense.”<sup>107</sup>

**Paper Tiger.** In the end, Trump’s threats have not been productive. The *Washington Post* reported that members of Congress regard many of his threats as empty, concluding that crossing the president poses little danger. Republican Darrell Issa of California said few members of Congress fear permanent retaliation from the president. “He comes from the private sector, where your business partner today isn’t always your business partner tomorrow,” Issa said. In Washington, “Just because you’re one way today doesn’t mean you’re written off.” One senior Republican close to both the White House and many senators called Trump and his political operation “a paper tiger,” noting how many G.O.P. lawmakers feel free “to go their own way.”<sup>108</sup>

Trump issued ultimatums that the House had to pass health care reform or move on to something else. Similarly, he demanded that Congress approve funding for his border wall or face a government shutdown. In both cases, Congress called his bluff and Trump backed down. This pattern does not bode well for future Trump demands. Unlike business transactions, in which there are many possible deals with many possible partners, he has no alternative but to deal with Congress.

## Going Public

Shortly before his inauguration, Donald Trump warned Republicans that if the party splintered or slowed his agenda, he was ready to use the power of the presidency — and Twitter — to usher his legislation to passage. “The Congress can’t get cold feet because the people will not let that happen.”<sup>109</sup>

The White House typically expends substantial amounts of time and energy attempting to lead the public. There are three possible goals for these efforts. First, they want expand their coalitions by persuading those not in their base to support their initiatives. If more people favor the administration’s programs, the theory goes, the more likely Congress is to vote for them. Presidents virtually always fail in their efforts to move public opinion, however.<sup>110</sup>

There are two other reasons to go public, however. The president can rally those already in support of his programs, bolstering his fellow party members in Congress. In addition, when either the president or a proposal is popular in an area of the county, the president may be able to demonstrate this support to the members of Congress from that area through visits to those sections and through attempts to mobilize supporters to communicate with Congress.

One of the most surprising aspects of the early Trump presidency is the president’s reluctance to take his case to the public. The issue of health care dominated his relations with Congress during this period, but he barely mentioned the topic on his few stops outside Washington and at his golf properties in Florida and New Jersey. Neither the Republican bills nor the president were widely popular,<sup>111</sup> but there were pockets of support the president could have tried to exploit.

But he did not. At a rally in Cedar Rapids, Iowa, in late June, for example, he made only a few scattered references to the issue. During Trump’s travels to Ohio and Wisconsin in June, he staged only secondary events meant to highlight “victims of Obamacare.”<sup>112</sup> The president’s

rallies seem to be more focused on the president's personal needs, more on vanity than on governing.

He made no effort to encourage his supporters to communicate to their representatives in Congress their support of the House or Senate bills. Given the durability of Trump's support among his base, many lawmakers were disappointed that he had not done more to give them political cover in their home states, especially as they prepared to meet constituents in the summer recesses.<sup>113</sup> According to Republican Representative Charlie Dent (Pennsylvania), health care "was outsourced to Congress."<sup>114</sup>

The president traveled west of the Mississippi only once—to Iowa—in his first six months in office. White House director of legislative affairs Marc Short acknowledged that the president's travel schedule had not reflected a significant drive on health care, as officials had said it would.<sup>115</sup>

Trump did tweet to rally his base in support of the various Republican plans, but a count in mid-July found only five occasions when he tweeted anything resembling a specific comment about the policies he favored. Moreover, all of them were misleading, incorrect, or false. He was really asking people to trust him rather than trying to convince them. Unfortunately for the White House, most people were skeptical of the plans and did not trust the president.<sup>116</sup>

In sum, although the president frequently mentioned what he views as the "disaster" of Obamacare, he rarely made the case *for* the Republican proposals. Perhaps the explanation is that he does not fully understand them and has no fixed convictions on what should replace the Affordable Care Act.

Nevertheless, congressional Republicans still want Trump to take their case to the public. Representative Tom Rooney of Florida, a deputy House Republican whip, noted that the president is "extremely popular" in conservative districts. Thus, said Rooney, "He needs to whip these votes, not just to members of Congress but to their constituents."<sup>117</sup>

Key Republicans say that passing their massive tax plan will be nearly impossible without the president playing a key role in selling the plan. "At the end of the day, President Trump will be incredibly crucial to the success of this," declared House Ways and Means Committee Chairman Kevin Brady of Texas.<sup>118</sup>

## **Pushback**

After the last vote on health care failed to garner a majority in the Senate, Trump adopted an antagonistic posture. The president declared that the senators looked like "fools," and tweeted, "Unless the Republican Senators are total quitters, Repeal & Replace is not dead! Demand another vote before voting on any other bill!" He also threatened to remove the subsidies members of Congress receive to help offset their coverage costs purchased through the District of Columbia's insurance exchanges, as required under the Affordable Care Act. Budget Director Mick Mulvaney echoed the president's sentiments. In addition, the president insisted that the Senate eliminate the filibuster. White House press secretary Sarah Huckabee Sanders blamed the G.O.P.-controlled Congress for the lack of major accomplishments this year.<sup>119</sup>

Senators were not impressed. "We've got other things to do," responded Republican Senator John Thune (South Dakota). "It's time to move on," agreed his Republican colleague Roy Blunt (Missouri). Republican Senate Whip John Cornyn (Texas) advised Mulvaney to do his job and let the senators do theirs. Majority Leader Mitch McConnell made it clear that the Senate would not be dealing with health care for a while and that he had no plans to scuttle the filibuster.<sup>120</sup> "We work for the American people. We don't work for the president," added

Republican Senator Tim Scott (South Carolina).<sup>121</sup> Asked if Trump's repeated insistence on jettisoning the filibuster was hindering progress, Senate Finance Committee Chair Orrin Hatch (Utah) replied, "It doesn't help." "He'd like to get more cooperation up here. And he's not getting very much, to be honest with you."<sup>122</sup> Similarly, asked if a large portion of the Republican caucus has lost patience with the president's unpredictable ways, one GOP senator replied: "Yeah — it's just endless chaos."<sup>123</sup>

Congress displayed its independence in other ways as well. In response to Trump's public disparaging of Attorney General Jeff Sessions, a former senator from Alabama several of Sessions's former colleagues rallied behind him and strongly cautioned the president that "there will be holy hell to pay," in the words of Senator Lindsey Graham, Republican of South Carolina, if Sessions were fired.<sup>124</sup> Senate Judiciary Committee Chair Chuck Grassley (Iowa) said that he would not make time in the Senate schedule to consider a new attorney general nominee. Before leaving for its summer recess, the Senate set up a system to prevent the president from appointing senior administration officials to posts that require confirmation in the senators' absence. This was done so that Trump could not fire Jeff Sessions as attorney general and then appoint someone without Senate confirmation who would be willing to fire Mueller. In addition two bipartisan pairs of senators unveiled legislation to prevent President Trump from firing special counsel Robert S. Mueller III without cause.<sup>125</sup>

Congress passed a law to help veterans get health care — a bipartisan effort with no involvement of the administration.<sup>126</sup> More visibly, Congress also passed by veto-proof margins a bill containing toughened sanctions on Russia that the White House opposed. Senate Foreign Relations Chair Bob Corker (Tennessee) described the president and White House officials as "non-existent" as lawmakers worked out a final bill.<sup>127</sup> The law represents an emboldened Congress, including Republicans, pushing back against the White House. Trump reluctantly signed the measure yesterday to avoid the humiliation of a veto override. At the same time, the president issued two signing statements in which he made bold declarations of executive power. The second one ended with the following gratuitous assertion:

I built a truly great company worth many billions of dollars. That is a big part of the reason I was elected. As President, I can make far better deals with foreign countries than Congress.<sup>128</sup>

Ironically, Trump's assertion of power and his criticism of the legislature is likely to make Congress even less likely to defer to him or to grant him discretion.

In addition, congressional Republicans moved to defuse President Trump's threat to cut off critical payments to health insurance companies, maneuvering around the president toward bipartisan legislation to shore up insurance markets under the Affordable Care Act. Senator Lamar Alexander of Tennessee, the chair of the Senate Health, Education, Labor and Pensions Committee, announced that his panel would begin work on legislation to "stabilize and strengthen the individual health insurance market" for 2018. He publicly urged Trump to continue making payments to health insurance companies to reimburse them for reducing the out-of-pocket medical expenses of low-income people. Meanwhile, in the House, a group of 43 members known as the Problem Solvers Caucus announced agreement this week on a bipartisan set of proposals to stabilize insurance markets and revise the Affordable Care Act to provide relief to consumers and small and midsize businesses.<sup>129</sup>

## **Conclusion**

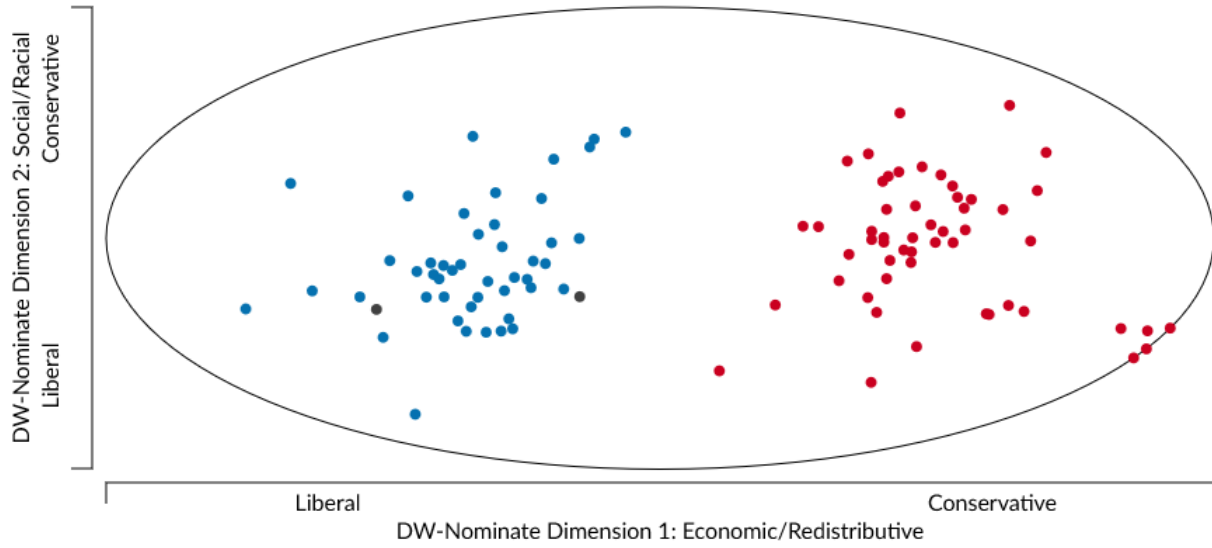
Donald Trump entered office with aspirations for transformational policy change, much of which would have to be approved by Congress. Despite the president's many unique characteristics, we can employ the framework of the president's strategic position to explain the president's lack of success. The president's opportunity structure was mixed. Lacking a mandate but fortunate to serve in a unified government, Trump overestimated his public support, which was low, and Republican cohesion, which was imperfect. He also underestimated the impact of partisan polarization and Democratic opposition, which was strong. Moreover, the president lacked a strategic plan of his own, had few substantive proposals, and demonstrated little skill in garnering support. It remains to be seen whether Trump can learn from his mistakes and improve his leadership performance. At this point, there is little reason for optimism.

**Table 1**  
**Presidential Party Support in Congress**

		Percent Support*			
		House		Senate	
		<u>Own Party</u>	<u>Opposition Party</u>	<u>Own Party</u>	<u>Opposition Party</u>
<u>President</u>	<u>Party</u>				
Eisenhower	R	63	42	69	36
Kennedy	D	73	26	65	33
Johnson	D	71	27	56	44
Nixon/Ford	R	64	39	63	33
Carter	D	63	31	63	37
Reagan	R	70	29	74	31
Bush	R	73	27	75	29
Clinton	D	75	24	83	22
W. Bush	R	83	19	86	18
Obama	D	86	13	92	22

\* On roll-call votes on which the winning side was supported by fewer than 80 percent of those voting.

**Figure 1**  
**Senators' Ideology in 115<sup>th</sup> Congress (2017-2019)**

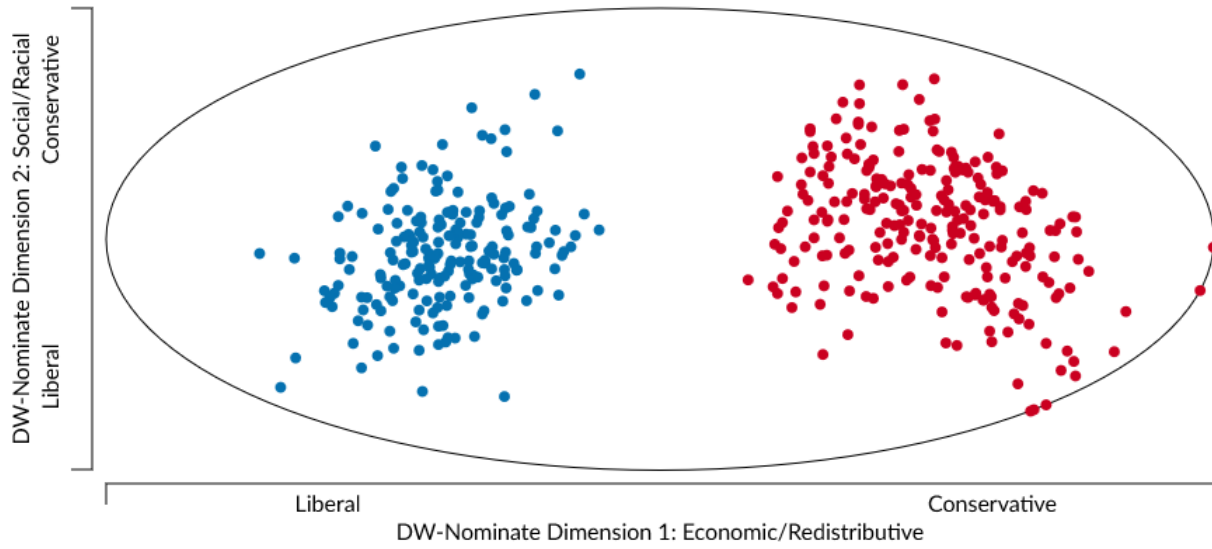


Blue = Democrats  
Red = Republicans

Source: Voteview.com ([voteview.com/congress/senate](http://voteview.com/congress/senate))



**Figure 2**  
**House Members' Ideology in 115<sup>th</sup> Congress (2017-2019)**



Blue = Democrats  
Red = Republicans

Source: Voteview.com ([voteview.com/congress/house](http://voteview.com/congress/house))

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<sup>128</sup> “Statement by President Donald J. Trump on Signing the ‘Countering America’s Adversaries through Sanctions Act’,” White House, August 2, 2017.



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<sup>129</sup> Robert Pear and Thomas Kaplan, “Republicans in Congress Bypass Trump to Shore Up Health Law,” *New York Times*, August 1, 2017; Sullivan, “Can This Marriage Be Saved?” 2017.