

“The Meaning of the 2012 Election,” the pre-edit version of Chapter 9 in Michael Nelson (ed.), The Elections of 2012 (Washington, DC: Congressional Quarterly Press, 2013)

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The nation’s fifty-seventh presidential election has come and gone. What are we to make of it? I address the shape of the election, the political context surrounding it and brought by it, and the policy implications of it. Election patterns for the House and Senate as well as the presidency are taken up.

The General Shape of the Election: Incumbency Prevails

Overwhelmingly, this was a personal incumbency election. Possibly it set a new standard in that respect. Across all the elective institutions, if you held an office and ran for it again you were exceedingly likely to keep it. It was like a Wall Street firm at Christmas. There were bonuses for virtually everybody. There was little “edge” to the 2012 election. It was not driven by background forces like the Iraq war in the midterm of 2006,¹ the Wall Street crash (and Iraq, still) in the contest of 2008,² or a blowback against unpopular legislative enactments, notably ObamaCare, in the midterm of 2010.³ (The term “ObamaCare” started out as invidious, but the president has warmed to it himself, and it has a pleasing snappiness, so I use it here.)⁴ Those three elections had “edge.” But in 2012 the voters seemed to recede into a stance of default, exhausted perhaps, for one thing, by the

¹ Gary C. Jacobson, “Referendum: The 2006 Midterm Congressional Elections,” Political Science Quarterly 122 (Spring 2007), 1-24.

² James E. Campbell, “The Exceptional Election of 2008: Performance, Values, and Crisis,” Presidential Studies Quarterly 40:2 (June 2010), 225-46; Robert S. Erikson, “The American Voter and the Economy, 2008,” PS: Political Science and Politics 42:3 (July 2009), 467-71; Gary C. Jacobson, “George W. Bush, the Iraq War, and the Election of Barack Obama,” Presidential Studies Quarterly 40:2 (June 2010), 207-24.

³ David W. Brady, Morris P. Fiorina, and Arjun S. Wilkins, “The 2010 Elections: Why Did Political Science Forecasts Go Awry?” PS: Political Science and Politics 44:2 (April 2011), 247-50; Gary C. Jacobson, “The Republican Resurgence in 2010,” Political Science Quarterly 126:1 (Spring 2011), 27-52.

⁴ We are seeing a trajectory once traveled by the term “Whig.”

policy extravagance of both the in-office Democrats in 2009-10 and the in-office congressional and state-level Republicans in 2011-12. In an edgeless environment, personal incumbency can play out.

Let me tackle this feature of incumbency institution by institution at the national level along with a word on the state governors.

The Presidency

Presidents running for reelection can lose. Bad luck or hammered performance can do them in. The losers include both Adamses, William Howard Taft, Herbert Hoover, James Carter, and George H. W. Bush. Incumbents can lose big. We know that. But generally speaking, sitting American presidents win if they run. As it happens, this is not a fluke: Personal incumbency is a plus in the elections of other presidential systems, not just those of this country.⁵ One test of the American propensity can be seen in table 1. It asks the question, based on 55 presidential elections going all the way back in U. S. history, has a party running an incumbent presidential candidate—as opposed to in-office parties running open-seat candidates—kept the White House in an election?⁶ The party keep rate is 69 percent, or 22 of out 32, for the personal incumbency elections, now including the Barack Obama victory of 2012. It is only 48 percent, or 11 out of 23, basically a tossup, for the open seat elections. We see in this gap a pattern that pretty much trumps other interpretations of U. S. presidential history such as whether “party eras” have existed. Again, 69 percent of presidents running to keep their jobs have won.

⁵ David Samuels, “Presidentialism and Accountability for the Economy in Comparative Perspective,” *American Political Science Review* 98 (August 2004), 425-36, at 428-29.

⁶ Table 1 is an update of table 2 appearing in David R. Mayhew, “Incumbency Advantage in U.S. Presidential elections: The Historical Record,” *Presidential Studies Quarterly* 123:2 (Summer 2008), 201-28, at 212. Table 1 here accommodates 55 elections, not the full historical roster of 57. Excluded are 1788 and 1824 for which it is not apt, or does not seem so, to ask whether the party holding the White House kept it. Included as incumbents running again are the vice-presidential succeeders Theodore Roosevelt, Calvin Coolidge, Harry S. Truman, Lyndon Johnson, and Gerald Ford. The Whigs are credited with holding the White House going into the 1844 election, and the Republicans going into 1868, impeachable judgments both, although the summary numbers of the table do not change if both those judgments are reversed.

[Table 1 about here]

Somehow, as a statistical matter, the playing field is tilted. It is a good deal easier to discern such a pro-incumbent tilt than to figure out why it exists. Many theories or hunches have been posed for the presidency or other offices such as the congressional ones where, there too, a pro-incumbent tilt has existed.⁷ To take the presidential level, voters may be risk-averse. We know we have endured the current incumbent. Given among other things the start-up costs of office, as classically instanced in John F. Kennedy's botch of the Bay of Pigs invasion in early 1961, who knows what a successor would amount to? On-the-job experience may thus bring appreciation as well as, an obvious factor too, upgraded political skill. Also, an incumbent president may manage to keep a campaign apparatus in good tune and raise ample campaign money at key times. Also, in a different vein—at issue is a statistical pattern—politicians who have won an earlier presidential election may on average be better politicians than their challengers next time. An incumbent has already defeated a big-league opponent at least once earlier;⁸ a challenger has not done that; on average this difference might index an innate capacity gap.⁹ Think of possibly Obama versus Mitt Romney. Also, an incumbent president can often campaign on “valence issues,” basically ones of managerial performance, untroubled by needing to appease a party's “base” on “position issues” in order to win a nomination even at a cost of later November embarrassment.¹⁰ Remember Romney on the stage last summer withstanding Rick Santorum, Herman Cain and the others before a large television audience in those Republican primary debates. Imagine Obama on a stage like that needing to outpoint week after week the rhetoric of other liberals on issues like card-check unionization. Finally in this grab bag of

⁷ Across a wide range of U.S. elections, the statistical advantage of incumbency seems to have upticked appreciably in the generation after World War II. See Stephen Ansolabehere and James M. Snyder, Jr., “The Incumbency Advantage in U. S. Elections: An Analysis of State and Federal Offices, 1942-2000,” *Election Law Journal* 1:3 (September 2002), 315-38.

⁸ Excepting the vice-presidential succeeders.

⁹ For this argument, see John Zaller, “Politicians as Prize Fighters: Electoral Selection and Incumbency Advantage,” ch. 6 in John G. Geer (ed.), *Politicians and Party Politics* (Baltimore: Johns Hopkins University Press, 1998).

¹⁰ For this argument, see Timothy Groseclose, “A Model of Candidate Location When One Candidate Has a Valence Advantage,” *American Journal of Political Science* 45 (October 2001), 862-86.

considerations , an incumbent president can obviously just plain do things—emit executive orders at the right time, postpone troubles until December, preside over crises or disasters, and so on. In the latter vein, Obama in emollient appearances with Governor Chris Christie in the wake of hurricane Sandy in October 2012 is of a piece with George W. Bush personally dispensing ice to people after a rugged Florida hurricane in the election season of 2004.¹¹ Of such threads can history be spun.

In terms of popular vote share, there is econometric time-series analysis. Ray C. Fair, covering most of the past century, has clocked the vote bonus for White House incumbents at something like four percent. That is controlling for the condition of the economy.¹² Perhaps that figure has dipped in very recent times since a hardening of party allegiances among voters has narrowed the range of quadrennial vote outcomes. Blowout elections are less common. One estimate for recent times is 2.5 percent.¹³ Yet on average there is a bonus. On quick post-election evidence which may rise a ballpark half point as late vote counts come in, Obama seems to have won about 51.2 percent of the two-party popular vote in 2012. We will never know for sure, but a not easily unpackable incumbency bonus might have made the difference in the election. A similar instance would be George W. Bush's narrow reelection victory in 2004.

Governors and Senators

Six governors, including four Democrats and two Republicans, ran for reelection in 2012. All of them won. In the five open-seat contests, the Republicans gained one state—North Carolina.

¹¹ This is not an exhaustive rendition of theories about the statistical advantage of personal incumbency at the presidential level. See also Mayhew, "Incumbency Advantage," where among things the possibility of strategic behavior in the selection of candidates is taken up.

¹² Ray C. Fair, Predicting Presidential Elections and Other Things (Stanford, CA: Stanford University Press, 2002), pp. 46-51. The dates are 1916 through 1996.

¹³ Alan Abramowitz, "Forecasting in a Polarized Era: The Time for Change Model and the 2012 Presidential Election," PS: Political Science and Politics 45:4 (October 2012), 618-19.

In the Senate, 22 incumbents including 15 Democrats, 6 Republicans, and one Independent—Bernie Sanders of Vermont—ran to keep their jobs in November 2012. Of these, 21 won. That is a keep rate of 95%. It gets better. Only two of these 22 had never faced an even-year November electorate before. One of the two, Republican Scott Brown of Massachusetts, the surprise victor of a relatively low-turnout special election in January 2011, lost this time. The other, Republican Dean Heller, a recent appointee to the Senate, won the squeakiest victory. Of course, this is far from the whole Senate story. Of the 11 open seats (that is, no incumbents running), the Democrats lost one in Nebraska, gained one in Indiana, and sort of gained one in Maine as the winner there, Independent Angus King, headed after election toward Democratic allegiance on Capitol Hill.¹⁴ Eight of the open seats went to Democrats (including King). This was a very bad showing for the Republicans. Overall, the party ran into an unexpected wall in both trying to defeat incumbent Democrats and capturing open seats. As in 2010, they fielded certain candidates who positioned themselves at a remarkable distance from the median voters of their states—notably, this time, the right-of-center states of Indiana and Missouri. In sum, thanks to the election, the Democratic share of Senate seats rose from 53 to 55 (including Sanders and King) in the 100-seat chamber.

The House of Representatives

The picture here is murkier. Many House seat losses or gains by members or parties in 2012 need an asterisk attached to them because of the Census of 2010. In consequence of that decennial process, several House seats were reapportioned across states, and probably every House district in a state possessing more than one district had its map changed at least a bit. But here goes.

¹⁴ This account scores the retiring Joseph Lieberman of Connecticut, technically an Independent, as a Democrat.

Of the 162 Democrats running again on the November ballot, 153 kept their seats. That is a keep rate of 94%.¹⁵ The nine losses were a varied lot. Two members lost to Republican incumbents in new districts where two incumbents were thrown in together. Three lost to Democrats (two of them other incumbents) in the California jungle-primary system that can advance two contenders from the same party onto the November ballot. Three lost to Republican challengers in redrawn districts now more Republican in texture.¹⁶ Probably only one Democratic member—Ben Chandler (KY)—can be said to have lost to a Republican challenger in a contest not seriously clouded by remapping.

As for the Republicans, 216 of them ran again, and of these 199 kept their seats. That is a 92% keep rate.¹⁷ The 17 Republicans losses were a varied lot, too. One case was not yet decided on November 7—a Louisiana race between two Republican incumbents. Twelve Republican losers seem to have been nontrivially inconvenienced by new district maps.¹⁸ Some of those races might have

¹⁵ The Democratic membership late in the Congress of 1911-12 was 193. Thirty-one of these members did not appear as candidates on the November ballot. What was the story of these 31 disappearances? There was one death. There were two pre-election resignations—one spurred by a bid for higher office, the other by a redistricting misfortune. Seven members ran for Senate seats or in one case the San Diego mayoralty; six of these won their quests. Two lost nominations to non-incumbent Democratic challengers. Five lost nominations to other Democratic incumbents in throw-in primary contests. Fourteen flatly retired, although one of these partly because the play-through of the decennial reapportionment demolished his district and another five or so because remapping had brought more difficult districts. In some cases the causation is blurry. In all the 31 instances, probably only one Democratic member—Silvestre Reyes (TX)—can be said to have lost a reelection bid in a straight-out Democratic primary contest not seriously clouded by remapping.

¹⁶ Those were Mark Critz (PA), Kathy Hochul (NY), and Larry Kissell (NC).

¹⁷ The Republican membership late in the Congress of 2011-12 was 242. Twenty-six of these members did not appear as candidates on the November ballot. As with the Democrats, what was the story of these 26 disappearances? There were two pre-election resignations. Seven members ran for other offices, of whom only two won. Three lost nominations to other Republican incumbents in throw-in primary contests. Three lost primaries to nonincumbent Republican challengers—a key factor in the case of Cliff Stearns (FL) being new unfamiliar district territory. Eleven members flatly retired, although two of these because their districts had been disassembled and possibly one or two more partly due to redistricting inconvenience. In all the 26 departure instances, probably only two members—Jean Schmidt (OH) and John Sullivan (OK)—can be said to have failed renomination in straight-out primary contests unvexed by remap difficulties.

¹⁸ Those were Mary Bono Mack (CA), Dan Lungren (CA), Brian Bilbray (CA), Robert Dold (IL), Joe Walsh (IL), Judy Biggert (IL), Bobby Schilling (IL), Roscoe Bartlett (MD), Allen West (FL), Francisco Consero (TX), Nan Hayworth (NY), and Ann Marie Buerkle (NY). The five Illinois and Maryland losers had been targeted in Democratic remaps, although one or more might have lost anyway. The rest were discommoded by nonpartisan or court-induced remaps. Whether those remaps offer smoking-gun explanations of the losses is not easy to say in several cases. At least Buerkle was thought to be in trouble anyway. Lungren had been slipping in previous elections through apparently demographic change.

drifted Democratic anyway, but it hard to tell. That leaves four Republicans who lost to Democratic challengers in more or less straight-out contests not levered by redistricting difficulties—Frank Guinta (NH), Charlie Bass (NH), Chip Cravaack MN), and David Rivera (FL). Rivera had trouble with corruption allegations.

For the total of 378 House incumbents of both parties running again in November 2012, the keep rate was 93 percent. Of the 62 open seats, the Democrats won 31 contests, the Republican also 31.¹⁹ There is a Democratic tinge to some of these statistical particulars. That would jibe with the apparent slight Democratic edge in the two-party share of the nationwide popular vote cast for the House in November 2012. That figure seems to be about 50.4% Democratic.²⁰ And the Democrats did gain a net of some eight seats, after all, growing in membership from 193 to 201 in the House chamber of 435.²¹ That is a gain. Perhaps it is an Obama coattails gain, short as those coattails might have been. But the gain is slight. The question is asked: How could a Congress so unpopular in the polls (which do not ordinarily distinguish between House and Senate)—and Congress has indeed been unpopular—not get pounded in an election? There is nothing new in this non-pounding.

Overwhelmingly, voters vote for Congress on the basis of partisanship, the standing of the White House party, and regard for particular congressional candidates—notably incumbents—not on the basis of appraisals of Congress as a whole or its individual chambers or majority parties. Also, on casual inspection I see no sign that Republican House members associated with the Tea Party, a

¹⁹ The House incumbents running again in November 2012 numbered 378. The open seats numbered 62. Those two figures do not sum to 435 because in five instances pairs of incumbents ran against each other in November.

²⁰ I arrived at this figure myself quickly after the election by adding up, twice, district by district, the votes cast in all the 435 districts for Democratic and Republican House candidates. Doing this posed coding nightmares at the edges as always: how to deal with the California and Louisiana election systems, the dozen districts with unreported totals, etc. I came up with a figure of 49.9 percent for the Democrats, but that was virtually certainly an underestimate. Two years earlier in November 2010, the Democratic percentage of the national House vote that I calculated immediately after the election rose roughly half a point as late-counted votes straggled in across the weeks from chiefly the Democratic-leaning states of California and Washington. In 2012, Arizona joined the list of late counters. The Democrats' showing in the national House vote rose about four percent between November 2010 and November 2012—a sizable shift.

²¹ The House seat calls were not entirely finished at the time of this writing.

connection much noted in the media and in general political discourse, registered any special gain or loss in November 2012.

House Redistricting

But how, it is asked of the House elections, could voters casting a 50.4 percent Democratic edge in votes generate a Republican 234-201 edge in seats? That was a sixty-four-dollar question arising from the election. The immediate guess was redistricting. The Republicans controlled a great many state governments in consequence of the 2010 election, and they did their Machiavellian best in reconfiguring the district lines. In North Carolina, an aggressive party scheme drew targets on the backs of several Democratic incumbents. In Ohio, Pennsylvania, Virginia, Michigan, Georgia, and several smaller states, maps of a defensive aim shored up Republican incumbents, many of them newcomers. The Democrats did their best, too, but their venues of control were few—in Illinois a full-scale assault against several Republican incumbents (they lost), in Maryland an astonishing map aimed at incumbent Republican Roscoe Bartlett (it hit him). Unquestionably, given the arithmetic of party control in the states, the Republicans enjoyed a considerable advantage in this coast-to-coast game of geographic overhaul.

But does redistricting explain the Republican retention of the House? On that, considerable doubt arises. The hitch, once again, is that incumbents running again tend to win anyway. The question is complex. But see table 2, which zeroes in on a particular subset of House incumbents running again. It is an interesting selection. It is the 66 Republicans who captured Democratic seats in the election of November 2010—an immense, historic gain that did much to shape the Washington, D.

C. politics of 2011-12.²² Of those 66 victors of 2012, 63 ran again in November 2012 facing Democratic challengers.²³

[Table 2 about here]

In table 2, the districts of the 63 Republican freshmen running again are divided into three categories, reading down. These are districts as of November 2012. In the top category are districts in states where the line-drawing process was controlled by the Republican Party during 2011-12. That is, the states' elected institutions—governor, assembly, and senate—had sovereignty over redistricting, and all three institutions were Republican-controlled or else a state had a Republican legislature facing a veto-less governor (as in North Carolina) or possessing veto-proof two-thirds majorities in both legislative chambers (as in New Hampshire). Same logic in the bottom category for the Democratic-controlled states. In the middle category are states where a single-party remap was not possible. Party control was divided, or commissions did the redistricting, or the courts intruded, or a state had only one district (no party leeway there), or in one case (Florida) the voters had applied tight constraints to the legislature's discretion.²⁴

First to be noticed in table 2 is the high keep rate of these 63 Republican freshmen—86 percent. Only nine of them lost (14 percent), and, of those, six had been poleaxed or at least burdened by redistricting. This success is extraordinary. November 2010 was a decisively off-normal election, yet, generally speaking, its winners came and have stayed. Beyond that, reading down, there is not a lot of outcome differentiation across the three categories of districting control. There is some, but not much. Generally speaking, the Republican freshmen did well in all the contexts of line-drawing politics. Note one summary result at the bottom of the next-to-last column: On average, the

²² The gross Republican gain of seats in 2010 was 66. The net gain was 63, since three seats went the other way.

²³ Or got a few ride. The other three were Rick Berg (ND), who ran for the Senate and lost; Sandy Adams (FL), who lost a throw-in primary against another (non-freshman) Republican incumbent; and Jeff Landry (LA), who faced another (non-freshman) Republican incumbent on the November ballot in a contest not decided at that juncture.

²⁴ These categories may seem clear enough, but in practice there is some messiness. Other classifications are possible. It is important to inspect and appreciate the details.

63 incumbents ran 2.6 percent better than they had done in 2010. Since the country as a whole (including the terrain of the 66 freshmen) shifted about 4.0 percent Democratic between 2010 and 2012 in its House voting, these freshmen as a class bucked the trend by some 6.6 percent. That is the kind of surge we have come to expect for House freshmen running again.

The three redistricting categories allow an additional analysis—this one involving the full House and a counterfactual probe. Of the complete set of 435 House districts used in November 2012, 143 were in states where the Republicans had controlled the districting, 42 in states where the Democrats controlled it, and 250—actually, the bulk of the seats—in more neutral territory where neither party had the reins.²⁵ Between 2010 and 2012, the Republican seat share fell 4.0 percent in the neutral category—from a party edge of 125-121 to a party deficit of 117-133. Here is the counterfactual. It involves extrapolating the neutral pattern to the whole country.²⁶ Suppose that the Republicans' same 4.0 percent loss in seat share had occurred in both the other categories—the states of Republican districting control (that would mean a drop there from 68.3 percent of seats in 2010 to a counterfactual 64.3 percent in 2012) and the states of Democratic control (a drop from 40.9 percent to 36.9 percent).²⁷ Yes, this calculation would have taken the Republicans down an additional peg. In this imaginary scenario, the party would have shed 18 seats in November 2012, not the eight seats that it apparently did. Republican control of the new House would be 224-211, not the real (so far) 234-201. Those lower numbers are closer to the party's narrow majority margins in the House under

²⁵ For 31 of the states, the allocations into redistricting categories are specified in the notes of table 2. For the record, the additional allocations (that is, for states that lacked representation in the set of the 63 Republican freshmen) are as follows. Republican-controlled: Louisiana, Oklahoma, Utah. Democratic-controlled: Massachusetts. The rest (including the one-district states, which harbor a total of seven districts—that figure including South Dakota which was already accommodated in table 2): Alaska, California, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Montana, Nebraska, North Dakota, Oregon, Rhode island, Vermont, Wyoming.

²⁶ The logic here, accompanied by arithmetic, is that the Republicans would have fared a bit worse seat-wise in 2012 in the Republican-controlled states, and a bit better in the Democratic-controlled ones, if the districting processes in these opposite sectors had been neutrally driven.

²⁷ It will come as no surprise that the Republican-controlled states are terrain where, generally speaking, Republican candidates tend to have the best luck. Likewise accordingly for the Democrats. Those tendencies will obtain, redistricting or no redistricting.

Bill Clinton and George W. Bush. No doubt there are other possible diagnostics. But in a nutshell, going by this particular counterfactual test, the Republicans did rack up a seat advantage through redistricting in 2011-12, but they probably did not need it to keep House control. It is good bet that the working of personal incumbency advantage otherwise was sufficient.²⁸

Where does that leave us? Across all the elective institutions, there were likely bonuses, bonuses, bonuses and more bonuses for incumbents running again in 2012. Are bonuses more legitimate, so to speak, at some levels of offices than at others? That is hard to say. Here is a summary of the keep rates for incumbents:

--100 percent – president and vice president

--100 percent—governors

²⁸ To help explain the House outcome disparity of 2012—the Republican edge in seats but not popular votes—another line of analysis may be mentioned. In the sixteen presidential elections from World War II through 2008, the Republican enjoyed what might be considered a slight, continuing bonus of a particular sort in both the House and Senate electoral universes. Here is the analytic wedge: For any presidential election, calculate the Democratic share of the two-party presidential vote cast nationwide. Then calculate the share of that same statistic (the presidential vote) cast in the median House district—that is, the 218th district if the 435 districts are arrayed according to their presidential vote share. Additionally, calculate that presidential-vote statistic for the median Senate district (that is, state; the result will always be an average for two adjoining states since the chamber’s membership is an even number). The results: The median on the House side is on average 1.1 percent lower than the pure Democratic share of the presidential vote calculated nationwide. That seems to be because Democratic voters tend to concentrate geographically more than do Republicans, thus “wasting votes” in a subsidiary scheme of single-member districts. The median on the Senate side is on average 1.3 percent lower. That is because the smaller-population states are a tad—notably, just a tad—more Republican. There is no apparent time trend in either the House or the Senate statistics. (These statistics are not calculable yet for the 2012 election.) Possibly these slight gaps have rendered both chambers on average just a bit more conservative than the presidency (this is in principle regardless of the formal statistics of party holdings; consider the Blue Dog Democrats of the House). But it is not clear that this analysis can throw much light on the particular disparity in election results for the House in 2012. Other factors can and do intrude into elections. Note that the Democrats have had no trouble winning and keeping the Senate lately. Personal incumbency advantage, for one thing, can infuse both Senate and House elections. In the 1980s, the marvel of the national election universe was the Democrats’ outlier success in winning the House. It is a plausible bet that that continuing success owed a good deal to personal incumbency advantage stacked up on that era’s Democratic House incumbents. It is interesting that since World War II the Democrats have won the House more often than either the presidency (by a wide margin) or the Senate (by a margin of one instance). In process terms, today’s election success of the House Republicans under Speaker John Boehner, featuring personal incumbency advantage as it apparently does, seems a cousin to yesterday’s success of the House Democrats in the 1980s under Speaker Tip O’Neill. The source of the analysis generating the statistics of 1.1 for the House and 1.3 for the Senate: David R. Mayhew, Partisan Balance: Why Political Parties Don’t Kill the U. S. Constitutional System (Princeton, NJ: Princeton University Press, 2011), ch. 1.

--95 percent – senators

--93 percent – House members

A Continuing Context: Divided Party Control

Not least of the static outcomes of the 2012 election is that divided party control of the government carries on. As in 2011-12, a Democratic presidency, a Democratic Senate and a Republican House are the picture for 2013-14. The Democrats may enjoy a small political and policy premium given their presidential victory and their seat pickups of two in the Senate and eight (so far) in the House. But the basics remain. Not only that, power is likely to stay divided after the 2014 midterm. In midterms, a party possessing the White House routinely loses seats in the House, not gains them. Exceptions have occurred. During Franklin D. Roosevelt's first term, for a rare example, a really zooming economy helped loft a president's party at a midterm in 1934.²⁹ For the Democrats, an economic surge like that in 2013-14 would be great luck. But such favorable midterms are rare. The odds are that the Obama White House saw the last of a fully Democratic-controlled Congress at the close of calendar 2010.

So there it is again. In historical context, divided party control in Washington, D. C. has become usual, if not exactly normal. Coalition government, so to speak, is the statistical mode. As of December 2014, starting in a time series with the post-World War II election of 1946, divided party control will have prevailed 62 percent of the time. See table 3.³⁰ Having the House of Representatives as the party outlier of the three institutions, the current configuration, is not unprecedented. Besides

²⁹ For a chart showing the spectacular rise in the economy during the entirety of FDR's first term, see Gaati B. Eggertsson, "Was the New Deal Contractionary?" *American Economic Review* 102:1 (February 2012), 524-35, at 527. On this period, see also D. Roderick Kiewiet and Michael Udell, "Twenty-Five Years After Kramer: An Assessment of Economic Retrospective Voting Based upon Improved Estimates of Income and Unemployment," *Economics and Politics* 10 (November 1998), 219-48, at 234-39.

³⁰ An oddity in table 3 is the juncture of 2001-02. The Republicans enjoyed unified party control briefly after the clouded Bush-Gore election of 2000. But after six months or so in 2001, during which the Bush tax cuts were assembled, Republican Senator James Jeffords of Vermont switched sides. He moved over to caucus with the Democrats, giving them narrow control of the Senate through December 2002.

during 2011-12, that was the pattern during 1981-86 when Democratic House Speaker Tip O’Neill faced the Reagan administration and a Republican Senate. In a longer historical frame, there is one wrinkle of note. In November 2012, the same national electorate simultaneously chose a president of one party and a House majority of the other party. Before the mid-1950s, that particular juxtaposition of results almost never happened. Beginning then it has happened, now counting 2012, slightly over half the time. The personalizing of both presidential and congressional candidates through the coming of television, at the price of party regularity in voter behavior, may have been the chief cause of this development.³¹ So what? Here is food for thought. The parties have always liked to use the momentum of presidential election victories to press their legislative programs. “Honeymoons” are the familiar dynamic. But the chance for honeymoons, given the split election outcomes, has become rarer since the mid-1950s. It is rarer for a newly elected president to have a friendly Congress. That rareness may be raising the political stakes when a party does strike it rich, or may be about to, with a big across-the-board election victory, spurred for whatever reasons. Gifted with such a victory, a party may expeditiously clean out its files to enact every policy its activists have been fancying for decades. It will strike. Given a plausible companion psychology, both accentuated hope and accentuated fear may be coming to invest the public in the run-up time to any new presidential election.

[Table 3 about here]

An Evolving Context: Demographics and Opinion

The philosopher Heraclitus said: “You can never step in the same river twice.” Thus it is with political parties: They can never step in the same electorate twice. Through coming of age, death, immigration, expatriation, suffrage or turnout shifts, not to mention changes of view among the

³¹ On this topic, see Morris P. Fiorina, *Divided Government* (New York: Longman, 2002), pp. 11-12; Markus Prior, “The Incumbent in the Living Room,” *Journal of Politics* 68 (August 2006), 657-73.

persisting voters, every four years brings a fresh electoral environment.³² What does this mean for the parties? One view is a kind of demographic determinism. A rise in demographics favoring a party's cause can elevate it to success permanently, or at least for a very long time.³³ But that is not the way politics has worked in the two-party systems of the Anglophone world—at least not in the medium or long run. Bad luck, for one thing, is bound to drive any party from power after awhile. But also, the parties, whether winners or losers, do not just sit there. They strategize. They tinker with the rules. They ride the waves of demographics and opinion. They update their appeals to stay even with the median voter. Thus historically the Democrats, fresh from leveraging the disfranchisement of African-Americans (in the South) in the late nineteenth century, much to their electoral advantage, gravitated 180 degrees to a pro-civil rights stance in the 1940s. The Republicans used a “southern strategy” to attract southern whites in the 1960s. Both parties are perpetually on the lookout for newly envisioned categories they can appeal to—the “silent majority” in Richard Nixon’s time, “soccer moms” in Bill Clinton’s. To be sure, blunders are common and mispositioning has a long history. But, generally speaking, the American parties adapt. Over the very long haul, partly as a consequence, they have won power and held office about equally.³⁴

I will not dwell on the demographics or the opinion distributions of the 2012 election, which are amply addressed in this volume elsewhere. But two mentions are on point. First, the issue of gay marriage offers a perfect example of fast-moving opinion change that the two presidential parties, while staying apart, adapted to in 2012. The Democrats moved from waffling to support. The Republican moved from opposition to, more or less, silence. In general, by the way they jointly

³² Person for person, in earlier days the American electorate must have been typically fresher every four years than it is now. Life expectancy used to be lower and the voter eligibility age higher. Immigration intrudes as a consideration, but a moderately high immigration rate is not new.

³³ Famously, this was the view of Social Democrats in Germany a century ago as the working class grew in size there.

³⁴ For some statistics on this point, see David R. Mayhew, “Understanding U. S. Presidential Elections,” <http://press.princeton.edu/blog/2012/04/02/understanding-u-s-presidential-elections/> Of course, the Federalists and Whigs did not finally adapt, but the Democrats and Republicans have been going at it for more than a century and a half.

operate, the two parties can very importantly ratify or legitimize opinion change even if they do not say much or clash much in an election. Behavior like this can be a key aspect of policy evolution. There is good reason to believe that the gay marriage issue will keep evolving and drop out of presidential elections in future years. Second, the Republican showing among Hispanic-American voters was abysmal in 2012. Chalk it up to a base-induced blunder in positioning. On this front, there is good reason to believe that the Republicans will learn from the returns of 2012 and adjust their actions and positions accordingly. In the wake of the election, they are already doing so. Reversion to the reach-out strategies of George W. Bush and Karl Rove is an obvious move. Of similar texture, instructive although forgotten now, was the coalitional strategy of the unbeatable William McKinley over a century ago in slapping down the Republican Party's nativists by way of a stance of "cultural harmony."³⁵

A Vexed Context: Party Polarization

The parties may move in parallel on issues, but that is not their only option. They can polarize. Today, party polarization is with us. It is a loud background music to elections and policymaking. Little is clearer about the tendencies of the country's politics. The subject is devilishly difficult to get a handle on, but one excellent source is a report issued by the Pew Research Center in mid-2012.³⁶ I draw on that report here. Who has been doing the polarizing? Is it Republicans or Democrats? In the report, we are afforded responses to survey questions asked a quarter century ago in 1987 and asked again with identical wording in 2012 (and at certain times in between). It is the same questions. Ordinary people, not just activists, are the answerers. Available is a then-versus-

³⁵ Daniel J. Tichenor, Dividing Lines: The Politics of Immigration Control in America (Princeton, NJ: Princeton University Press, 2002), pp. 73-75. For that era, which brought similar antirestrictionist positioning on immigration by Republican House Speaker Joseph Cannon, see also pp. 81-83, 116, 124-28.

³⁶ The Pew Research Center for the People and the Press, Partisan Polarization Surges in Bush, Obama Years: Trends in American Values: 1987-2012, released June 4, 2012, <http://www.people-press.org/2012/06/04/partisan-polarization-surges-in-bush-obama-years/>

now look at Republican party identifiers in 1987 as compared with Republican identifiers in 2012 (it is of course a changing group of people). Same for the Democrats. From this report, which is elaborate, I zeroed in on all the questions of at least tangential relevance to domestic policymaking on which the identifiers of either party shifted more than 10 percent in any direction during the quarter century.³⁷

See table 4 for the results. There are six such shift questions for each party, with some overlaps. Yes, it is true, a result that I just mention here, that today's Republican and Democratic identifiers are farther apart from each other on all these questions than were their predecessors in 1987—a plain picture of over-time polarization. But the question in table 4 is: Who has been doing the position shifting, and on what? The two parties have contributed about equally to the mix. As shown at the top of the table, the Republicans have lurched more conservative on the social safety net (the first two questions), environmental protection, labor unions, government competence, and regulation of business. There is a flavor of economics. At the bottom of the table, the Democrats have lurched more liberal on religion, family and marriage, minority preferences, immigration, government competence (in the direction opposite to the Republicans), and regulation of business (also in the opposite direction). There is more of a flavor of social issues. Jibing with these party drifts, not surprisingly, are some of the hot policy confrontations of recent times—for example, the controversy over ObamaCare, Republican Governor Scott Walker of Wisconsin's disempowering of the state's public sector unions, the Obama White House stiffing the Catholic bishops on contraception policy.

[Table 4 about here]

Each of the parties has lurched or drifted a good deal. Yet, interestingly, in the cases of all twelve questions, the parties' positional departures from their earlier 1987 benchmarks crossed the 10 percent point only recently during the presidencies of George W. Bush and Obama. It is very

³⁷ The relevant information is at [Partisan Polarization Surges](#), Overview, pp. 3-6; Section 4, pp. 2-3; Section 5, pp. 2-5; Section 8, pp. 2-4.

recent years that have been especially lurch time. In fact, in nine of the twelve instances—all but environmental protection for the Republicans, religion and family for the Democrats—most of the statistical distancing from the 1987 benchmarks has taken place since 2007—which means chiefly under Obama. This has been a truly polarizing time—a spell of policy action and policy reaction.

That was the opinion context of 2012. It framed, or was spurred by, the policy wrangling of Obama's first term. It infused the parties' debt/deficit showdown in the summer of 2011. For the Republicans, it underpinned the eruptive, base-driven nominating politics of 2012 that brought Romney difficulties in the fall. It pokes into 2013-14 as a continuing source of toxic policy dissensus in Washington, D. C. On the other hand, there is something local to it, in a time sense. On many topics on the Republican side, it has the aspect, as does the Tea Party, of a one-off reaction to the specific Democratic policy drives of 2009-10, and it could moderate as those drives fade in memory.

Policy and Governing Prospects

In an Obama second term hemmed in by divided party control, what happens? For one thing, the politicians and the country start by taking a deep breath. At a presidential inauguration time, conflicts are closeted, past sins are remitted, hope is recharged, and a new beginning is announced and in some degree performed on. A winner is given a break, even if not a honeymoon. That is the tradition. Yet how about the particulars?

Even before the January inauguration, looming in late 2012 was the large omnibus question of taxes, spending, debt, deficit, and the so-called fiscal cliff. Could sense be made out of all this under continuing conditions of divided party control? In the summer of 2011, the government had stuttered. Now, after the 2012 election, here it all was again. Could the leaders make a deal? Alternatively, could Obama go to the country like Ronald Reagan in 1981 and pry loose a couple of

dozen House Republican defectors into a president-led coalition? The auguries were clouded, although the latter course did not seem likely at all. Both sides would have to play.

In general, across U. S. history, I do not see evidence of better fiscal management by the government under unified party control as opposed to divided party control. The last balanced budgets we saw were arranged across party lines by President Clinton and Speaker Newt Gingrich. During recent times of unified control under George W. Bush in 2003-06 and Obama in 2009-10, the government's attitudes toward debt and deficits were, well, casual. Teeth-gnashing, unpopular settlements involving big money have been struck in divided party circumstances in the past. Under Herbert Hoover in 1932, at the depth of the Great Depression, the two parties joined to enact the steepest tax increase of the 1930s (experts on both sides, whether or not in our hindsight vision that move made sense, thought that the government should have the revenue to pay its bills). Under George H. W. Bush in 1990, just days before a midterm election, an unpopular half-trillion-dollar deficit-reduction measure won approval.³⁸ Under George W. Bush in October 2008, the \$850 billion deal bailing out the banks (TARP) went through. But these days the polarization is wide, the two sides' positions are stubbornly staked out, and the policy problems are immense. We shall see.

Ongoing conflict is also good bet for ObamaCare. This program racked up two major victories in 2012 through a positive Supreme Court ruling (except on features of Medicaid) and the reelection of Obama. But it remains unpopular. No other major U. S. welfare-state expansion has stayed so unpopular (although that could change as the benefits flow). Damage to the program's implementation, which is a gigantic task, could still issue from Congress, the courts, private industry, the state governments, and public opinion. Generally speaking, major U.S. programs are not formally

³⁸ Actually, the much-despised \$2.1 trillion deficit-reduction plan finally enacted under Obama after the showdown wrangling in August 2011, including its complex rescission design, seems to have offered bigger money than the sum of the Bush-led plan of 1900 and the similar deficit-reduction plan engineered by Clinton under unified Democratic control in 1993. But in 2011 the problems were much greater.

repealed. But they can suffer enfeeblement through attrition as happened to the ambitious public housing program enacted in the 1940s and features of the antipoverty program enacted in the 1960s.

On the pro-action side is immigration. With the Republicans burned by Hispanic-American voters in the election, and immigration tailing off from Mexico, the stage seems set for “comprehensive immigration reform,” a recurrent aim of the last quarter century sometimes emanating in laws. That achievement could come to pass. Also stemming from the election we might see a drive to repeal (yes, repeal) the Defense of Marriage Act (DOMA), which might indeed succeed in a coming years if the courts do not get there first.

Otherwise, the crystal ball is cloudy. In general, presidential “mandates” are a dubious matter,³⁹ and it is hard to spy one in the 2012 election any more than in, say, the George W. Bush reelection of 2004. As for presidential second terms, none of the last century has been judged especially innovative or successful in the sphere of domestic policymaking,⁴⁰ although some have seen the achievements of a first term consolidated. That latter story may be Obama’s. To that end, or to the end of further innovation, given the hindering context of divided party control, we may see a good deal of conflict over executive orders. We can expect the White House to issue directives that do not have a clear warrant of enacted law. It is a good bet that the newspapers, magazines, blogs, and law journals will balloon with constitutional interpretations of what a president can do and not do absent a law.

How about process reforms in light of the 2012 election? It is possible that two reform aims often favored by liberals and the media have suffered setbacks, or at least not advanced. One is

³⁹ See Robert A. Dahl, “Myth of the Presidential Mandate,” *Political Science Quarterly* 105:3 (Autumn 1990), 355-72.

⁴⁰ Although the slate is not bare: Consider the Fair Labor Standards Act of 1938, the Housing Act of 1949 (if Truman can be said to be having a second term then), the Civil Rights Act of 1957, the Tax Reform Act of 1986, the Children’s Health Insurance Program in 1997, and, for that matter, the many enactments carried by Democratic Congresses under Nixon and Ford during 1973-76 that were not White House measures. Still, presidents are higher legislative performers during their first terms.

campaign finance reform. It is pretty clear that big-bucks corporate or personal money did not buy the 2012 election, that the Democrats had ample money when they needed it, and that labor unions rather liked the leeway offered them by the Supreme Court's ruling in Citizens United . As a consequence, steam may hiss out of this reform drive. Similar facts and reflections may set back the faint, but persisting, drive to reform the Electoral College. Still in mind is the searing memory of 2000 when Democrat Al Gore won the popular vote but lost the Electoral College. But now, for the third presidential election in a row since then, the Democrats have enjoyed a slight statistical edge in the Electoral College. That edge has not tipped any of these elections as it did for the Republicans in 2000, but there it is. The idea is available in counterfactuals. Consider this one for 2012: Slice two percent off Obama's popular vote in each of the 51 units of the Electoral College (that includes the District of Columbia). Doing that takes the president down below 50 percent of the two-party popular vote nationwide, but he stills wins the White House by carrying Colorado, the pivotal Electoral College unit. Democratic Party activists are bound to notice statistics like these.

Finally, it should not be overlooked that the presidency is primarily a managerial office. First in the job description is management. Chiefly that means foreign policy and the macro-economy. As much as anything, voters might have reelected Obama on managerial grounds. On foreign policy: pretty good. On the macro-economy: generic, given the circumstances. A dash of voter risk averseness could have done it. Obama's second term might be very dominantly a management term. That can entail crisis management. In roughly half of all the presidential terms (first, second, or whatever) of the last century, large crises have struck. Black swans, to use the locution for unpredictable disasters, have flown in. It is in handling crises that presidents and their cabinets earn much of their pay.

As for future elections, on current theory and experience the best bet for 2014 is Republican gains. The best bet for 2016 is a tossup open-seat presidential election.

Table 1. Has the Party Holding the Presidency Kept It?¹

Elections with an incumbent candidate running:

Yes, party kept the presidency (N = 22)

**1792 – Washington
1804 – Jefferson
1812 – Madison
1820 – Monroe
1832 – Jackson
1864 – Lincoln
1872 – Grant
1900 – McKinley
1904 – T. Roosevelt
1916 – Wilson
1924 – Coolidge
1936 – F. D. Roosevelt
1940 – F. D. Roosevelt
1944 – F. D. Roosevelt
1948 – Truman
1956 – Eisenhower
1964 – L. B. Johnson
1972 – Nixon
1984 – Reagan
1996 – Clinton
2004 – G. W. Bush
2012 – Obama**

No, party lost the presidency (N = 10)

**1800 – J. Adams lost to Jefferson
1828 – J. Q. Adams lost to Jackson
1840 – Van Buren lost to W. H. Harrison
1888 – Cleveland lost to B. Harrison
1892 – B. Harrison lost to Cleveland
1912 – Taft lost to Wilson
1932 – Hoover lost to F. D. Roosevelt
1976 – Ford lost to Carter
1980 – Carter lost to Reagan
1992 – G. H. W. Bush lost to Clinton**

Elections without an incumbent running (with winners named):

Yes, party kept the presidency (N = 11)

**1796 – J. Adams
1808 – Madison
1816 – Monroe
1836 – Van Buren
1856 – Buchanan
1868 – Grant
1876 – Hayes
1880 – Garfield
1908 – Taft
1928 – Hoover
1988 – G. H. W. Bush**

No, party lost the presidency (N = 12)

**1844 – Polk
1848 – Taylor
1852 – Pierce
1860 – Lincoln
1884 – Cleveland
1896 – McKinley
1920 – Harding
1952 – Eisenhower
1960 – Kennedy
1968 – Nixon
2000 – G. W. Bush
2008 – Obama**

¹ Omitted from the calculations are 1788, when the presidency was new, and 1824, when all the serious contenders for the office were of the same hegemonic party.

Table 2. Redistricting Politics, the Republicans, and 2012: The electoral fortunes of the 63 Republican House freshmen, Tea Partiers and otherwise, who captured Democratic-held seats in November 2010 and then faced Democratic challengers in November 2012. N = 63¹

State redistricting politics in 2011-12	N districts	N who lost seats	% who lost seats	Median change in R% of popular vote²	Mean change in R% of popular vote³	% who beat national 4% D swing in popular vote⁴
Controlled by Repubs⁶	28	2⁵	7%	+2.5%	+2.1%	89%
Driven by divided party control, courts, commissions, or other tight constraints⁷	27	5⁸	19%	+4.4%	+3.3%	82%
Controlled by Democrats	8⁹	2¹⁰	25%	+4.7%	+3.2%	75%
Total seats	63	9¹¹	14%	+3.7%	+2.6%	84%

¹ This excludes three Republican capturers of Democratic seats in 2010. In 2012, Rick Berg (ND) ran for the Senate, Sandy Adams (FL) lost a throw-in primary to another (non-frosh) Republican incumbent, Jeff Landry (LA) faced another (non-frosh) Republican incumbent in the November election.

² The major-party popular vote.

³ This calculation omits four instances where the freshman Republican incumbents were not challenged by Democratic candidates in November 2012: Austin Scott (GA), Kevin Yoder (KS), Diane Black (TN), Bill Flores (TX).

⁴ Nationwide, the Democratic share of the House popular vote rose roughly 4% between 2010 and 2012. This entry tracks the share of Republican candidates who either won their seats again or fell by less than 4% in 2012.

⁵ Charlie Bass (NH), Frank Guinta (NH)

⁶ AL, GA, IN, MI, NH, NC, OH, PA, SC, TN, VA, WI

⁷ AZ, CO, FL, ID, KS, MN, MS, MO, NV, NJ, NM, NY, SD, TX, WA. Included here is the one-district state SD where no party discretion was available.

⁸ Chip Cravaack (MN), Nan Hayworth (NY), Ann Marie Buerkle (NY), Allen West (FL), Francisco Consecro (TX)

⁹ AR, IL, MD, WV

¹⁰ Joe Walsh (IL), Bobby Schilling (IL)

¹¹ Actually 6 of the 9 losers seem to have been seriously hurt by new districting maps—Hayworth, Buerkle, West, Consecro, Walsh, and Schilling.

Table 3. Unified and Divided Control of the U. S. National Government since World War II

Years	President	Unified	Divided		
			Pres	Sen	House
1947-48	Truman		D	R	R
1949-50	Truman	D			
1951-52	Truman	D			
1953-54	Eisenhower	R			
1955-56	Eisenhower		R	D	D
1957-58	Eisenhower		R	D	D
1959-60	Eisenhower		R	D	D
1961-62	Kennedy	D			
1963-64	Kennedy/Johnson	D			
1965-66	Johnson	D			
1967-68	Johnson	D			
1969-70	Nixon		R	D	D
1971-72	Nixon		R	D	D
1973-74	Nixon/Ford		R	D	D
1975-76	Ford		R	D	D
1977-78	Carter	D			
1979-80	Carter	D			
1981-82	Reagan		R	R	D
1983-84	Reagan		R	R	D
1985-86	Reagan		R	R	D
1987-88	Reagan		R	D	D
1989-90	Bush 41		R	D	D
1991-92	Bush 41		R	D	D
1993-94	Clinton	D			
1995-96	Clinton		D	R	R
1997-98	Clinton		D	R	R
1999-2000	Clinton		D	R	R
Jan-June 2001	Bush 43	R			
June 01-2002	Bush 43		R	D	R
2003-04	Bush 43	R			
2005-06	Bush 43	R			
2007-08	Bush 43		R	D	D
2009-10	Obama	D			
2011-12	Obama		D	D	R
2013-14			D	D	R

Table 4. Issue Evolution Within Party: Policy-relevant survey questions on which identifiers of each party in 2012 differed more than 10 percentage points from their predecessor identifiers in 1987.¹

Change among Republicans:

From 62% to 40% - minus 22%. Government should take care of people who can't take care of themselves.

From 39% to 20% - minus 19%. Government should help more needy people, even if it means going deeper in debt.

From 86% to 47% - minus 39%. There needs to be stricter laws and regulations to protect the environment.

From 58% to 43% - minus 15%. Labor unions are necessary to protect the working person.

From 59% to 77% - plus 18%. When something is run by the government, it is usually inefficient and wasteful.

From 57% to 76% - plus 19%. Government regulation of business usually does more harm than good.

Change among Democrats:

From 88% to 77% - minus 11%. I never doubt the existence of God.

From 86% to 60% - minus 26%. I have old-fashioned values about family and marriage.

From 33% to 52% - plus 19%. We should make every effort to improve the position of minorities, even if it means preferential treatment.

From 74% to 58% - minus 16%. We should restrict and control people coming into our country more than we do now.

From 59% to 41% - minus 18%. When something is run by the government, it is usually inefficient and wasteful.

From 57% to 41% - minus 16%. Government regulation of business usually does more harm than good.

Source: Pew Research Center, Partisan Polarization Surges in Bush, Obama Years: Trends in American Values, 1987-2012. Released June 4, 2012.

¹ In fact, in all twelve instances cases it was change during the last decade under George W. Bush and Obama that brought the results past the 10-percent cutpoint.