



Stop Hyperventilating. 2014 is Not 1994.

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The last truly consequential midterm election was in 1994. Absent the most unexpected outcome on November 4, 2014 will not be 1994.

Remember 1994? Republicans won control of the House of Representatives for the first time in 40 years. Under the leadership of Speaker Newt Gingrich, the Republicans passed much of their Contract with America, forcing President Bill Clinton to assert in 1995 that he was as President “still relevant.” Postscript: Bill Clinton went on to win reelection in 1996 in a walk and most of the Contract with America was passed to little or no effect.

The truth is that American elections rarely produce dramatic change – and midterm elections almost never do. The number of elections that have sharply turned the course of American history can probably be counted on one hand and they were all elections with the presidential race at the top of the ticket.

Why don't elections bring that much change? As one of my professors was fond of saying, “the Framers set out to design a government that didn't work very well, and they were enormously successful.” The separation of powers, including staggered elections and the Checks and Balances including the President's veto, slow the pace of policymaking under most conditions. American public policy changes incrementally, just a little bit at a time. (And, given the success of the United States in comparison to other countries, the slow pace of American policymaking seems to have served us in good stead.)

Thus, history makes it easy to predict how the upcoming midterm elections will change the direction of American public policy. The bad news is that not much will happen. The good news is that not much will happen. What this election will do is move the political thermometer a little to the right. The midterm elections for second term presidents almost always bring setbacks for the president's party. As a result, we can expect that the Republicans will pick up seats in both the House and the Senate.

Republicans already control the House of Representatives, so a small GOP increase there will have no significant impact on policy. In the Senate, Democrats are likely to lose their slim majority, but that doesn't mean much either.

Why wouldn't Republican control of the Senate mean much? Because all presidents who have served a second term since 1952 have presided over a divided government. Consequently, President Obama will have the same problems every other modern lame duck president has had. His days of appointing Supreme Court justices and large numbers of federal judges are probably over. So are his chances of passing groundbreaking legislation and of getting Senate ratification of treaties. Only his substantial powers as Chief Executive and Commander in Chief will remain intact.

A Republican majority in Congress may try to force the President to sign legislation he doesn't want in order to get something the President desperately needs; for example, an increase in the debt limit. But these moves rarely redound to Congress' favor and a lame duck President doesn't have to play to the polls. The reality is that as long as the President has the veto and one third plus one vote in either House, the he doesn't have to accept any legislation he doesn't want.

Gridlock is an inaccurate term to describe all this because the most essential government functions will still get done. Despite the rhetoric of the extremes, the President and members of Congress are loyal Americans, and they will make sure the military and most domestic programs continue to be funded.

Sadly, however, the divided government of today is not the divided government of the 1950s, 60s, 70s, or 80s, when Democrats and Republicans worked together more frequently. Yesterday's gentle pace of policy change has slowed to an almost complete halt. As a result, lingering problems fester, rendering harm to America by a thousand cuts and furthering the public's loss of faith in the political system. In the long run, that

disappointment will be the real consequence of this year's election.