

# McConnell's Broken Senate

COMMENTARY

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If political power can be defined as the ability to accomplish your objectives and prevent one's adversaries from accomplishing theirs, no one in memory has been as powerful as Sen. Mitch McConnell, including our recent presidents. He is the premier strategist and tactician of his era, and probably the toughest negotiator as well. For the past *10 years*, the Senate -- and therefore Washington -- has worked effectively only in brief periods when McConnell allowed it to work. Much more often, gridlock and dysfunction were his order of the day, and the year.

McConnell has been a formidable Republican leader, but never a Senate leader. The great Senate leaders — Mike Mansfield, Everett Dirksen, Howard Baker, Robert Byrd — created, and maintained, a Senate based on trust, mutual respect and bipartisanship. They were all partisans, but they never lost sight of the Senate's responsibility to take collective action in the nation's interest. They engaged in good faith, working across the aisle in the Senate, and with the president, whether he was a Republican or a Democrat.

McConnell knows what the Senate should be. He has made admirable statements about how only the upper chamber can produce legislation that will command broad national support because it is the place where the majority and minority must come together to hammer out compromises to find common ground. In the deeply personal statement that begins his 2016 memoir, "The Long Game," he sternly reminds his readers: "People are not elected to the Senate to get everything they want. This is not an all-or-nothing place. And these are not the type of people that we want to be the leaders in the Senate, or of anything else."

By his own standard, McConnell should not be a leader "in the Senate, or of anything else." The Senate was in long, gradual decline when McConnell and Democrat Harry Reid became its leaders, but its accelerating downward spiral in the last decade coincides 100 percent with McConnell's tenure and tactics as leader. On his watch, the Senate has become a bitter, partisan, broken institution devoid of trust, which has forfeited public confidence and self-confidence.

McConnell's defenders readily acknowledge that he's no Howard Baker or Bob Dole, but claim that he's the right leader for these harsh, partisan, uncompromising times. But McConnell, coming up on 12 years in Senate leadership, doesn't just reflect the times. More than any other political figure, with the possible exception of Newt Gingrich, McConnell shaped these partisan times by choosing to reject virtually every possible opportunity to move the country ahead on a bipartisan basis.

He united the Republican minority in the Senate through six years of constant obstruction to the Obama presidency, starting with the shameful act of opposing the economic stimulus legislation in early 2009 when America teetered on the edge of a second Great Depression. It is hard to conceive of any other Senate leader who would have behaved that way. It was exactly the opposite of the strong leadership that McConnell provided in October 2008, just three months earlier, to pass the TARP legislation, to save the banking system. The only thing that had changed was that a Democrat had become president.

In 2015, when McConnell finally achieved his life goal and became majority leader, almost overnight the Senate quickly began moving legislation on a bipartisan basis. It wasn't that difficult once the principal obstructionist became a constructive player. The Senate's comeback lasted one year and one month, ending when Justice Antonin Scalia died, descending into partisan bitterness after McConnell announced that the Senate would not consider any nominee put forth by President Obama during his final year in office.

In 2017, now working with a Republican president, the obstructionist became a steamroller. There is no precedent for McConnell's relentless assault on the Affordable Care Act, making repeated attempts to ram through legislation threatening the health care of Americans and making drastic cuts in Medicaid, without hearings, committee consideration, amendments, or consultation with any of the diverse affected interests. He also bypassed the usual need for 60 votes on major legislation by abusing the reconciliation process. When McConnell fell short of votes, he repeatedly pledged to move on to other business, only to come back with yet another version of ACA repeal. Even Senate Republicans were angered, but their leader kept them in line, benefiting from the tribal politics that he has done so much to create.

Criticism of McConnell's leadership inevitably produces the response: "What about Harry Reid?" In my view, Reid was an excessively partisan leader who made some serious mistakes. But for eight long years, Reid was the Democratic leader with the enormous responsibility of advancing the legislative program of an elected, and re-elected, president. In contrast, all McConnell had to do was obstruct. In our system, both President Obama and Harry Reid had reason to believe that they would get some degree of minority party cooperation. But under McConnell, they got none.

This isn't a family business that McConnell is driving into the ground; it's the Senate, the rock of the republic. As a constitutional crisis arising from the special counsel's Russia investigation hurdles toward us, a real question exists as to whether the Senate is strong enough to play the role the Founders assigned it: checking an overreaching president. I am confident that many Republican senators will put "country first" if the special counsel's report presents a damning picture of obstruction of justice, and collusion with Russian interests. Even Mitch McConnell may decide this is one case where the national interest coincides with Republican political interests. But the Senate will not make a sustained recovery until McConnell no longer leads it.

*Ira Shapiro, a former Senate staffer and Clinton administration trade official, is the author of the recently released "Broken: Can the Senate Save Itself and the Country?"*