Justin Schardin and Matthew Weil of the Bipartisan Policy Center, Washington, D. C.

Barriers to political compromise are abundant, formidable, but not insurmountable

A Civic Caucus Review of Minnesota's Public Policy Process Interview

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Present

John Adams, Steve Anderson, Pat Davies, Paul Gilje (executive director), Randy Johnson, Bill Rudelius, Dana Schroeder (associate director). By phone: Janis Clay, Dan Loritz (chair), Justin Schardin, Clarence Shallbetter, Matthew Weil.

Summary

Polarization, a breakdown in governing norms and lack of a sense of shared responsibility are among the top 10 reasons for the current failure of the policy process, according to Justin Schardin of the Bipartisan Policy Center (BPC). He and his colleague Matthew Weil describe BPC as a Washington, D.C.-based think tank that brings Democrats and Republicans together to come up with proposals that can actually pass legislatively or be implemented by regulators.

Schardin calls polarization as bad today as it's been in over 100 years. There used to be more compromise, Weil says, but now everything is in absolutes, which hurts the policy process. And people are far more likely than they used to be to accept cues on issues from the national parties, even if they don't want to admit it. Schardin adds that fragmentation of the media makes it easy for people to hear messages only from those who agree with them.

A breakdown in governing norms means it's easier to block things than to get things done, Schardin says. Members of Congress now feel very free to use the filibuster and other tactics that previously,

except in rare instances, they restrained themselves from using. Weil's project is working with some Senators to reinstate some of the old norms and make them part of the rules, but he says those efforts are running into a lot of resistance.

According to Schardin, getting rid of earmarks has harmed the ability of Congress to get things done. Removing the earmarks took away a "significant weapon" that allowed deals to be made in Congress. Weil points out, though, that despite all the barriers to compromise today, genuine negotiation on both sides of the aisle led to the recent federal budget agreement. He acknowledges that the process and the outcome were not ideal, but says both sides came away feeling they'd gotten something.

Biographies

Justin Schardin is associate director of the Federal Regulatory Reform Initiative at the Washington, D. C.-based Bipartisan Policy Center (BPC). The Center was founded in 2007 by four former Democratic and Republican U.S. Senate Majority Leaders: Howard Baker, Tom Daschle, Bob Dole and George Mitchell.

Schardin joined the BPC in January 2013. Prior to that, he served as a senior policy advisor for Senator Kent Conrad (D-ND), handling a portfolio from 2011 to 2013 that included Banking Committee issues. Schardin was also a legislative assistant for Senator Byron Dorgan (D-ND) from 2009 to 2010 and helped Dorgan set up his Center for Native American Youth at the Aspen Institute in 2011.

Schardin founded a web design and software company at the beginning of the Internet boom in 1996 in Fargo, North Dakota, that grew over the next 10 years into a team of 65 employees. A longtime radio host, he left Fargo in 2007 to cover the Iowa caucuses for *Campaigns & Elections* magazine. He then worked most of 2008 as an organizer in several states for Obama for America. Schardin received degrees in economics and political science from Boston University.

Matthew Weil is associate director of the Democracy Project at the Bipartisan Policy Center (BPC). He joined BPC in February 2013. Prior to that, Weil worked at the U.S. Department of the Treasury on domestic finance issues in its office of public affairs. Before that, Weil served as a research and policy analyst at the U.S. Election Assistance Commission, working on National Voter Registration Act regulations, drafting congressionally mandated reports, and directing the Election Management Guidelines program. He also served as a staff member on the American Enterprise Institute (AEI)-Brookings Election Reform Project.

Originally from New Jersey, Weil earned a B.A. in philosophy, politics and economics from the University of Pennsylvania.

Background

The Bipartisan Policy Center. Founded in 2007 by former Senate Majority Leaders Howard Baker, Tom Daschle, Bob Dole and George Mitchell, the Bipartisan Policy Center (BPC) is a nonprofit, Washington, D.C.-based think tank. BPC drives principled solutions through rigorous analysis, reasoned negotiation and respectful dialogue. With projects in multiple issue areas, BPC combines

politically balanced policymaking with strong, proactive advocacy and outreach. It is currently focused on health, energy, national and homeland security, the economy, housing, immigration, infrastructure and governance.

BPC's policy solutions are the product of deliberations by former elected and appointed officials, business and labor leaders, and academics and advocates who represent both ends of the political spectrum. For more information on BPC, visit its website .

The Civic Caucus is currently undertaking a review of the quality of Minnesota's past, present and future public policy process for anticipating, defining and resolving major public problems. The Caucus interviewed Justin Schardin and Matthew Weil to learn more about the BPC's bipartisan approach to addressing pressing policy issues.

Discussion

The Bipartisan Policy Center (BPC) is a think tank that brings Democrats and Republicans together to come up with proposals that can actually pass as legislation or be implemented by regulators. According to BPC's Justin Schardin, most other Washington, D.C.-based think tanks tend to be more ideological, while BPC's recommendations tend to be more pragmatic. "Every task force and commission we put together has a bipartisan split on it," he said. "What they're going to recommend is stuff they can both live with. It's a niche that's valuable to have in Washington and elsewhere."

BPC's Democracy Project has allowed the Center to branch out from federal-level work to state-level work. BPC's Matthew Weil said about four or five years after the Center was founded, the organization realized it was not a complete approach to focus only on federal policy, but that a need existed to focus on the policymaking process itself as well.

So BPC started the Democracy Project to focus on institutions, not just policy areas. Weil said the project has branched out to more state-level work, specifically on elections and voting, redistricting and other things that are important federally, but not managed federally. He works with state and county officials on how state law, use of best practices and voting technology can shorten lines to polling places.

What has caused the breakdown of the policy process? Schardin said there are not just one or two reasons, but 100 different things that have happened to cause the breakdown. He named what he called 10 "big ones":

1. Polarization. "It's as bad today, by some metrics, as it's been in over 100 years," he said.
2. A breakdown in governing norms : the use of the filibuster and other tactics that weren't used before, but that people now feel very free to use. "It's a lot easier to block things than to get things done for some of those reasons," he said.
3. The inability of Congress to function normally contributing to a breakdown in government effectiveness , fueling a distrust of government.
4. An accelerating amount of change . "That makes people uncomfortable and often fearful, sometimes disproportionately to what they should be, which leads to bad decisions," he said.

5. Proliferation of social media . People are often only exposed to people who agree with them, he said.
6. Media sensationalism . He said that's always been there, but it doesn't help the policy process.
7. A breakdown in a sense of shared responsibility .
8. Voters asking for absolute conformity . "To the extent that voters favor compromise as a way to get half a loaf that is better than the status quo, that helps get policy done," he said. "To the extent that there are absolutes and a sense that compromise is a bad thing, that hurts the policy process.

The tactics of public policy groups at the state and national level have changed. Weil said there used to be more compromise, but now everything is in absolutes. In redistricting reform, for example, he said some methods have bipartisan support and some are far more partisan.

He noted that League of Women Voters (LWV) groups are very different from state to state and they've approached redistricting reform differently in different states. When working on the issue in Florida, Weil said, the LWV took an all-or-nothing approach. "They were unwilling to compromise on anything," he said. "They would not budge, would not waver and it didn't get passed."

In contrast, he said, redistricting reform did pass in New York State, where the LWV was willing to compromise and work with other groups. The LWV in Ohio is showing that same willingness to work together and to compromise, he noted. "They seem to know that getting some of what you want is better than getting nothing."

Some groups are unwilling to accept anything less than what they want, Weil continued. Some groups, including BPC, are good at accepting something less than perfect if it is bipartisan and achievable. At the state level, far more groups have to be absolutists, rather than compromisers, because of their memberships.

"When you get absolutist positions," Schardin pointed out, "sometimes it's for mostly valid policy reasons. But a lot of it has to do with what you think of other people." People who think the other side is evil will oppose whatever the other side wants. "It leads to a situation where it causes more pain if the other side gets anything than the satisfaction that comes from getting part of what you want passed," he said. "That's a really unhealthy situation. Maybe there's more of it today than there was before."

Schardin said it seems like there are more ideological groups out there now, but that he doesn't have any evidence to back up that observation.

The American public does not wrestle with issues as much as they used to. People are far more likely to accept partisan cues on issues than they were before, Weil said. "People are taking their cues from the national parties, whether they admit it or not." The reason, he said, is that people are not as educated on policy issues or policy process as they used to be.

Schardin added that in some cases, people are taking their cues from an individual broadcaster they trust or a friend they trust, because they don't have time to follow all of the issues themselves. "If they choose the wrong person, they put themselves in a bad situation," he said.

He pointed out that today the media are very fragmented. "Forty years ago, everybody was watching three different evening news broadcasts. There were a lot more shared experiences. Now it's very easy to just listen to people who agree with you. That's problematic and I'm not sure what to do about it."

He said there are a lot of people who want to get good policy done. "They come to places like BPC to find a process that finds areas of agreement and puts together a plan."

Schardin said he doesn't know if people are less educated about policy issues today, but there is a tendency to only be educated in positions they already believe. "There are so many more options now to hear only the messages you want to hear and not to hear the messages you don't want to hear."

At the state level, organizations that make more of an effort to bring in disparate opinions are more successful. For example, Weil said, the League of Women Voters has been more successful in moving voting rights legislation than other groups.

The BPC receives about two-thirds of its funding from foundations and about one-third from corporations and individuals. Weil said the foundation funding is typically earmarked for specific projects, while the corporate and individual funding is general-purpose funding.

An interviewer commented that during his years of working for the Citizens League, it received no earmarked funding. "It set its own work program; it wasn't decided by others." He asked whether the foundations fund existing BPC projects or give money to BPC to undertake specific projects in which the foundations are interested.

Schardin responded that mostly the foundations fund specific projects, either existing or new ones, while corporations donate to the BPC as a whole rather than funding individual projects. Some projects are more able to attract foundation funding than others.

The interviewer then asked how the BPC feels about its funding leading it to a certain conclusion. Schardin responded, "The conclusions are ours." He said the organization raises money and has volunteer task force co-chairs for each project. They are the authors of the papers, for the most part. "We insulate them from the fundraising process."

There's a movement now where some people on both sides of the aisle are looking to discredit think tanks generally, Schardin said. "It's one more public institution in danger of losing trust, and there just aren't that many such institutions left."

Various BPC projects and reports are aimed at different audiences. Weil said BPC's big political reform project had different audiences: Congress, federal agencies, mostly state legislators and county governments, and a bit at the general public. He said most of the targeted audience for his projects is legislators who have control over the issue.

Schardin said the financial reform task force learned one lesson early on: We had more success if we focused our recommendations on regulators rather than on Congress, because "Congress can get very little done." He said the Dodd-Frank Wall Street Reform and Consumer Protection Act, the main financial reform legislation, had already passed. "So we could assess what was working and then go to the regulators and say, 'You should do it this way.'"

Weil said a project's or report's effectiveness is higher when it's aimed at people who have the ability and power to make change. Foundations funding a project, though, are interested in how the work engages with the public and have benchmarks for success, such as the number of people reached through Twitter.

Getting rid of earmarks has harmed the ability of Congress to get things done.

Schardin said when Congress did away with earmarks, "it was really bad for what we do." Earmarks amounted to a small percentage of spending, he said. They don't increase spending, but they determine who decides where the spending goes. Removing the earmarks "took away a significant weapon that allowed deals to be made in Congress. Now you have nothing you can give to members for their votes. That whole process sounds dirty to the public, but most of the time, it's not. Getting rid of earmarks has harmed the ability of Congress to get things done."

An interviewer asked if the change in governing norms, such as the more frequent use of filibustering, is partly due to the elimination of earmarks. Getting rid of them seemed like a good idea, but it has made it harder to get cooperation within debates in Congress, the interviewer said.

Schardin agreed and said the existence of the filibuster is accidental. After the rules of the Senate were established, someone discovered there was a loophole that allowed filibusters. But it was used rarely. "In government, people have always had the power to do certain things, but they restrained themselves from doing them. They knew if they did, the other side would do it back and it would cause a lot of back-and-forth friction."

But over the last few decades, he said, people have been more and more willing to use those things, like not allowing votes on amendments. "There are a lot of norms people used to restrain themselves from using that they're not anymore. It really harms the process."

Weil said his project has been working with some Senators lately on reinstating some of those old norms and making them part of the rules. "We need more structured rules for the process that allow Senators not to be the enemies of themselves. We've run into a lot of walls. They don't want to even discuss doing that."

"The use of hostage-taking to force the other side to either capitulate or shut the government down is really dangerous," Schardin said. "You either have to reestablish those norms, which is really hard, or the structure doesn't work anymore."

Presidential systems don't work very well in lots of places, he said. It's worked in the U.S. for several hundred years. "If you have a ton of checks and balances, like we do, and norms fall away, the situation is pretty rickety and nothing ever gets done. People run for office, promising lots of things they're going to do. After they get elected, they find they can't do any of them. And the public doesn't know who to blame. It's a lot easier to block things than to get things done."

You run into problems when you try to legislate something that runs counter to what people want to do. An interviewer asked how we can balance trying to educate people to change their attitudes as opposed to imposing rules to change things.

Schardin said there is a conflict between people's attitudes on Wall Street reform and what people want to see in law.

The process used recently to reach the federal budget agreement was not ideal, but both sides came away feeling they'd gotten something. Weil pointed out that at the end of the process, there was genuine negotiation on both sides. "From a bipartisan point of view, that's great," he said. "There are a couple of things in that bill I hate, but overall, I loved the process."

"It's a case of compromise and practicality," Schardin said. It's hard to do if a lot of major policy options are simply off the table and non-negotiable.

With the emergence of social media, does the country become "too democratic" by everyone trying to please the public and not functioning more as a true republic? When an interviewer asked that question, Weil responded that he'd be careful about saying we're too democratic. There are structural reasons why politicians can't do what they want to do. "What we need is for politicians to have a space where they can actually make those tough decisions. And right now, they don't have it. They're so scared of losing a primary to someone to the right or the left. It's an overall process problem rather than a social media question."

Schardin said he thinks politicians listen intensely to voters. "They're very often giving voters what they want. There's a lack of self-awareness sometimes of why we actually make decisions. We're maybe trusting the wrong people: those who are talking big, but don't know what they're talking about."

BPC takes the initiative in setting its agenda. "We push the issues we think need to be covered," Weil said. "We don't let funders dictate what we do. We pitch the projects we want to do." Schardin said BPC tries not to write about issues everybody else has already written about. "We usually focus on things that haven't been done or, most often, on emerging issues," he said.

Schardin said when BPC is determining issues on which it wants to work, staff members will write blog posts exploring those areas. Two areas BPC is considering currently are (1) reforming anti-money-laundering laws; and (2) modernizing the payment system, as it goes more towards mobile methods, rather than more traditional forms of payment.

BPC's financial regulatory project has worked on six major papers, with 20 different volunteer co-chairs. Schardin said while the project task forces are developing recommendations, they try to meet with every stakeholder: industry, consumer advocates, academics and current and former regulators. He defined stakeholders as people who care about the outcome.

Weil said BPC's total budget is about $20 million and it has about 90 staff members.

An interviewer asked whether early in the process of a project, BPC thinks about implementation possibilities. Schardin said the political has to be part of that early stage. He said BPC's president, Jason Grumet, has said BPC is not only a *think* tank, but also a *do* tank. You have to think through the political hurdles, Schardin said, and make sure stakeholders will listen to the recommendations.

What is the role of major-league research universities in BPC's work? In asking this question, an interviewer also asked, Are they bystanders? Are they participants? Could they do more? How do they participate in this kind of work?

Schardin responded that university participation is very valuable. BPC cites university professors' work and interviews a lot of them. "The sense of independence that tenured professors have is mostly a good thing," he said. "But we are also cautious in asking academics to become co-chairs of our task forces because they come from a world where they don't have to compromise."

There's a controversy about the federal government funding social science research, he said, calling that a big mistake since such research can contribute substantially to our understanding and creating effective policy.

How can we stimulate state-level "do-gooder" organizations to develop more specific proposals? An interviewer posed this question, asking what these organizations could tell legislators to do and what kind of accountability there is for organizations like BPC and the Civic Caucus to develop specific proposals.

Schardin responded that there has to be trust in the organizations. They have to speak legislators' language and tell them both that this is good policy and that this is how they can satisfy their constituents.

BPC has had some success by bringing legislators and state officials from a state that has passed voter reform legislation to speak to states that are considering such changes. Republican or Democratic public officials from one state can talk to colleagues in other states about why they think things like online voter registration are good policies, Weil remarked. That approach works better than BPC coming in from Washington to tell state and local officials what to do.

Almost everybody has a strong opinion about financial regulation, but almost nobody knows how it works. Schardin said it's one of the most technical and complicated policy issues in the U.S. "That creates a very interesting dynamic," he said. "Almost anything that's done there creates a lot of controversy."