

***The Futures of Congress:  
Scenarios for the US2050 Project***

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**Abstract:** This paper uses a scenario-based approach to understand how Congress might function in 2050. At present, Congress appears to be underperforming due to high levels of polarization, hyper-partisanship, and gridlock. Notwithstanding these challenges, Congress will need to address several big and complex issues over the next three decades, including the demographic transformation of the United States into a majority-minority nation, the looming fiscal challenges facing the federal government, widespread automation in the economy, climate change, more diffuse and dangerous patterns of global conflict, and the rapidly evolving media and communications technology environment. The extent to which Congress will be able to respond to these challenges effectively will depend on whether politics in the U.S. will be polarized or pluralized, and whether the U.S. government will operate in a Hamiltonian or Madisonian pattern. The intersection of these two dimensions of uncertainty generates four plausible scenarios for how Congress, and American politics and government more broadly, might function in 2050. The paper seeks to illuminate what these scenarios would entail for policymakers, advocates, and interested scholars. The concluding discussion reviews the prospects for reforms that would be beneficial in light of the depicted scenarios.

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## *The Futures of Congress: Scenarios for the US2050 Project<sup>1</sup>*

What does the future hold for the United States Congress? More specifically, for the purposes of the US2050 Initiative, how will the United States Congress function in 2050? We need to have a working answer or answers to this question in order to come to grips with the broader question that anchors the Initiative.<sup>2</sup> The sweeping demographic changes that are already reshaping the population of the United States, and consideration of the looming imbalances that will bear heavily on the fiscal and economic health of the nation, will be sufficiently represented – or not – in Congress. And the policies to prepare for and respond to these challenges and opportunities will be adequately developed, debated, legislated, funded, and overseen – or not – in Congress. Even though the institution of Congress can make citizens and those who represent them in it want to pull their hair out, for an Initiative as ambitious as the US2050 project, there can be no turning away from the question of whether and how Congress might function in the decades ahead – and what if anything might be done to increase the odds of it working more or less well.

But it is a fraught undertaking to forecast how an institution like Congress will operate three decades hence. As the keystone representative institution of our democracy, Congress will be at the mercy of all the changes, pressures, and developments that will be swirling about and transforming the United States in the intervening years. At the same time, Congress as an institution is also shaped by the words and deeds of the 535 ambitious, competitive, and disputatious politicians who serve in it at any point in time. Taken together, these external and internal dynamics set up hazards for those speculating about how Congress will function in few years' time, let alone a few decades. To be sure, there are some recurring patterns born of the Constitution's lasting impact – e.g., Congress's bicameral structure, the election of all House members every two years, the contrasting staggered, six-year terms of their colleagues in the Senate, etc. But to consider the institution in historical intervals of the magnitude that separate today from 2050 – to compare the Congress in 2018 with its precursor in 1986, or that institution with the Congress of 1954, for example – highlights the point that each of these were quite different “textbook” Congresses. There were backbenchers and leaders, committees and party caucuses, norms and rules in each one, but these elements combined and interacted in each instance such that these three congresses have operated in profoundly different ways.

Nevertheless, we can begin to pin down the uncertain future of Congress. We can use a method that military planners and corporate strategists have used to develop insights they can act upon when confronting similar uncertainties about matters that will clearly be important in the longer-term future, namely, scenario-based planning. Rather than attempting to specify the probable future, scenario planning focuses on generating a set of possible futures, each one plausible in its own right, even as it presents different implications and imperatives for those who will operate within it. Having developed

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<sup>1</sup> The author would like to thank Jean Bordewich, Kelly Born, Camille Busette, Chris DeMuth, Martha Enthoven, Matt Glassman, Larry Kramer, Molly Reynolds, Sarah Jane Staats, James Wallner, and Lawrence Wilkinson for their comments earlier versions of this paper.

<sup>2</sup> “How do the changing demographics of America — including aging, race, ethnicity, and other factors — affect the future fiscal and economic health of the nation, and what are the best policies to prepare for and respond to the challenges and opportunities that this future presents?” Retrieved from <https://www.pgpf.org/us-2050> on October 8, 2018.

plausible scenarios for the period in question, planners can assess the varying prospects for the strategies and policies they might pursue across these different futures.<sup>3</sup>

This is the approach we will take in the analysis that follows. By way of a preview, and to outline our method, we begin by clarifying our central question – why and how we are focusing on the future of Congress in 2050, especially when it would be tempting to write off the institution based on its current underperformance. We then turn to look at a range of driving forces that we already know will bear on Congress in a more or less predictable fashion between now and 2050, with the demographic changes and fiscal challenges that are the central concern of the U.S. 2050 project foremost among them. Other driving forces we will consider include automation in the economy, climate change, the emergence of more diffuse and disruptive global conflicts, and the rapidly evolving media and communications technology environment. Next, we consider uncertainties that will also clearly shape the institution, but in ways that are harder to predict. These open questions include whether American politics will be polarized or pluralized in its patterns of conflict and coalition-building, and whether we will have a Madisonian or Hamiltonian government – i.e., will Congress and the separation of powers remain central features of our polity, or will they be subsumed by an increasingly powerful executive branch? We then use these two pivotal uncertainties to construct four scenarios about the future of Congress, craft fictional but nonetheless plausible narratives for how we could get from here to there, so to speak, and distill some observations about each one for the US2050 project. Finally, we will step back from our scenarios to make some broader reflections about the future of Congress and the American polity, and steps we could take at present to help bring about a better future.

### ***I. Why focus on the future of Congress?***

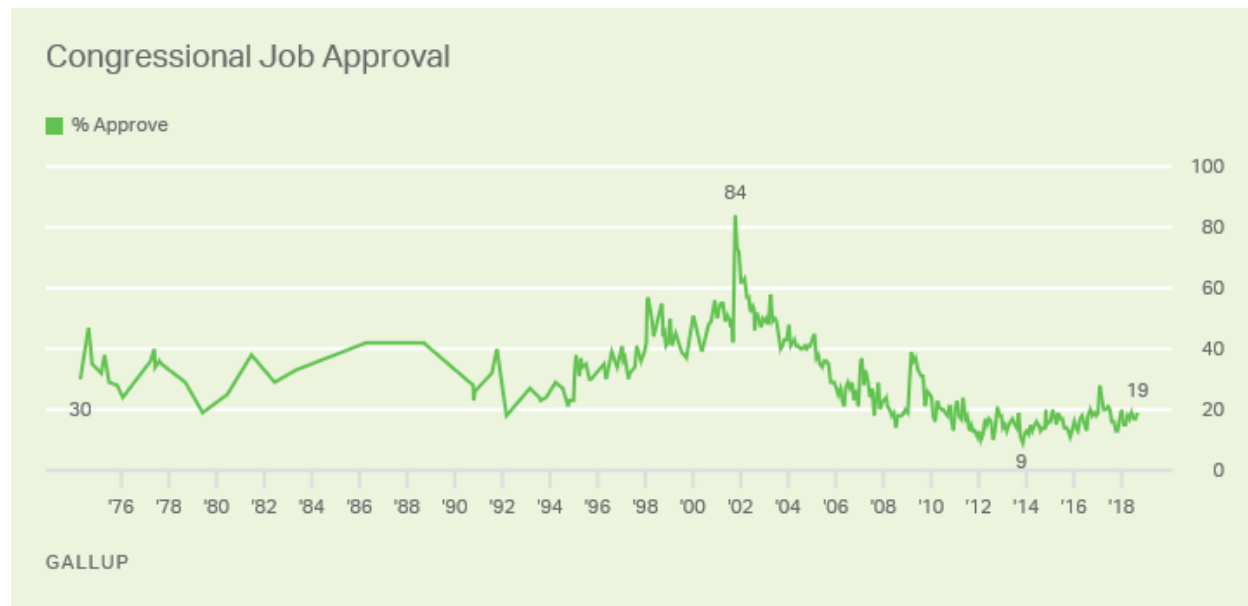
In the unflattering light of recent years, Americans might be excused for concluding that, if we need a functional Congress to prosper in 2050, we have a lot to worry about. Congress has long been the institution where what citizens like least about politics takes place out in the open: partisan infighting, divisive debates, unseemly haggling, and convoluted processes.<sup>4</sup> Bismarck’s observation that laws are like sausages in that it is better to enjoy them than to watch them being made readily applies to the U.S. Congress. Americans have grown frustrated with Congress over the past decade, marked as it has been by historical levels of polarization, tribalism, and gridlock in the institution. In some prominent instances when Congress has managed to act, it has done so in a hyper-partisan fashion. The two landmark pieces of legislation in this period, the Patient Protection and Affordable Care Act of 2010, and the Tax Cuts and Jobs Act of 2017, passed on strict party-line votes, with neither measure gaining the vote of a single legislator of the minority party on final passage, notwithstanding their sweeping impact on the U.S. economy and society. Not surprisingly, as indicated in the trend line from recurring Gallup surveys

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<sup>3</sup> For more on this the method and approach of scenario planning, see Kees Van Der Heidjen, *Scenarios: The Art of Strategic Conversation*, 2<sup>nd</sup> Edition (London: John Wiley and Sons, 2005); Peter Schwartz, *The Art of the Long View: Planning for the Future in an Uncertain World* (New York: Crown Business Publishing, 1996); and Lawrence Wilkerson, “How To Build Scenarios,” *Wired*, “Scenarios: The Future of the Future,” Special Edition, 1995.

<sup>4</sup> See John R. Hibbing and Elizabeth Theiss-Morse, *Congress as Public Enemy: Public Attitudes Toward American Political Institutions* (New York: Cambridge University Press, 1995).

below, public approval for Congress has languished in the 10-20 percent range over the past eight years.<sup>5</sup>



While Americans appear to be giving up on the institution that is meant to be “the people’s branch,” they have gotten used to the other branches, the Supreme Court and – especially – the presidency making landmark decisions for our country. Even though ambition is meant to check ambition in our constitutional design, members of Congress themselves have aided and abetted these shifts. In a flight from responsibility, they have over time delegated broad swaths of the law-making powers that they alone are meant to exercise to the executive branch, then stood more or less idly by as presidents and administrators have wielded that power, even when it runs counter to what majorities in Congress prefer. These inter-branch transfers of power are welcomed by some scholars who see Congress, the separation of powers, and the checks and balances as obsolete. They are not alarmed by an executive that is effectively unbound, constrained only by public opinion.<sup>6</sup> However, in a polarized society, laws that are made (or unmade) in the other branches, rather than being hashed out in Congress, tend to inflame rather than alleviate our divisions. And – as we have recently seen – laws made by a president waving a phone and pen, saying he will no longer wait for a divided Congress to act in the ways he wants it to, can just as easily be undone by the phone and pen of the next president, especially one who boasts that he alone can fix things, further roiling politics and policy.<sup>7</sup>

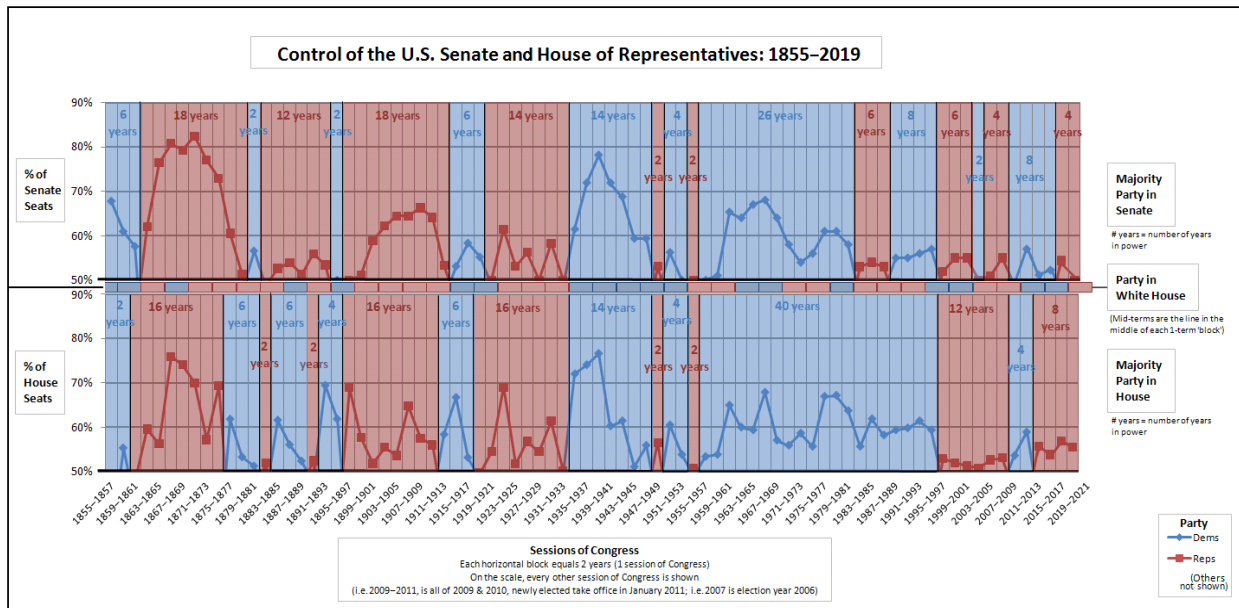
It is also worth noting that Congress may not be as permanently and hopelessly dysfunctional as we might be led to believe by media and academic reports that emphasize the polarization and

<sup>5</sup> Retrieved from <https://news.gallup.com/poll/1600/congress-public.aspx> October 9, 2018.

<sup>6</sup> See Eric A. Posner and Adrian Vermuele, *The Executive Unbound: After the Madisonian Republic* (New York: Oxford University Press, 2010); and William G. Howell and Terry M. Moe, *Relic: How Our Constitution Undermines Effective Government and Why We Need a More Powerful Presidency* (New York: Basic Books, 2016).

<sup>7</sup> Richard M. Skinner, “George W. Bush and the Partisan Presidency,” *Political Science Quarterly* (2008) 123:4, pp. 605-622 and “Barack Obama and the Partisan Presidency: Four More Years” *Society Magazine* (2012), available at: [http://works.bepress.com/richard\\_skinner/60/](http://works.bepress.com/richard_skinner/60/); Sidney M. Milkis and Nicholas Jacobs, “‘I Alone Can Fix It:’ Donald Trump, the Administrative Presidency, and the Hazards of Executive-Centered Partisanship,” *The Forum* (2017) 15:3, pp. 583-613.

shortcomings of the institution. But we certainly are in a unique political moment. As political scientist Frances Lee has observed in her recent book, *Insecure Majorities*, the two parties are bogged down in an unusually protracted battle for control of Congress. Traditionally, one of the two parties have dominated for extended periods of time, with comfortable majorities in both houses. The other party, relegated to a minority position, and with little if any hope of winning power in the near future, has seen fit to “go along to get along.” The past 25 years, in contrast, as demonstrated by the chart below, have been marked by intermittent periods of red or blue control, with much narrower majorities.<sup>8</sup>



Lee notes that as these majorities have been politically insecure, they have been loath to work with a minority that seeks to unhorse them and might plausibly do so. The minority, in the meantime, is equally uninterested in cooperation, hoping instead to isolate and embarrass the majority so as to increase its odds of winning power back in the next election. The other period when we have experienced such intense polarization was in the Gilded Age of the late 19<sup>th</sup> century, which was likewise characterized by narrow governing majorities and in which the parties frequently traded control of Congress. But now, as back then, sustained electoral victories by one side could eventually lead to more secure majorities and over time reduce the polarized infighting in Congress.

Moreover, the prevailing measures of polarization might inadvertently exaggerate the nature and depth of the ideological division within Congress. We have all seen charts and trend lines that show how both parties, especially the GOP, have polarized in recent years, to the point where the most liberal Republican member in both chambers is ideologically to the right of the most conservative Democrat. The bipartisan middle ground that was the traditional seedbed for negotiations and compromise appears to have fully eroded<sup>9</sup>. But these data on the ideological distribution of members of Congress

<sup>8</sup> See Frances E. Lee, *Insecure Majorities: Congress and the Perpetual Campaign* (Chicago: University of Chicago Press, 2016); Chart by Chris Houston, “Control of the U.S. Senate and Control of the U.S. House of Representatives,” CC BY-SA 3.0, retrieved from <https://commons.wikimedia.org/w/index.php?curid=28885585> on October 8, 2018.

<sup>9</sup> Jeffrey B. Lewis, Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet (2018). *Voteview: Congressional Roll-Call Votes Database*. <https://voteview.com/>.

are based on roll call votes, and thus they don't reflect the ideological overlap (or lack thereof) on many issues that are not brought up for roll call votes in a given Congress. In a closely divided Congress driven by the dynamics noted above, the point of many of these roll call votes is "messaging" to highlight differences with the other party. It is not surprising that these data show a high degree of polarization.<sup>10</sup>

Looking at other data highlights other important patterns. While Congress may be passing fewer laws than it once did, a substantial majority of those it does pass are ultimately backed by large bipartisan majorities. The party line voting on the Affordable Care Act and the Jobs and Tax Cuts Act described above are the exception, not the rule. As Frances Lee and her colleague James Curry have noted, for all the laws that Congress passed and the President signed from 1985-2014, on average 75% of House members (including 62% of the minority party) and 86% of Senators (including 79% of the minority party) have cast supporting votes on final passage. There is not a statistically significant downward trend in these patterns.<sup>11</sup> This steady bipartisanship is no accident – the bicameral structure of Congress, and the different constituencies and terms of office for members of the House and Senate, their committee systems, and elaborate internal processes all work to ensure that most bills that become laws have broad support on both sides of the aisle. However much the idea of bipartisanship may be disparaged by partisans on both sides or seem obsolete in the current climate, it remains a brute fact of national policy-making.

Beyond the questions of how legislators are actually behaving in the institution, we also need to recognize that, for all of its maddening imperfections, Congress is the only branch in which the full diversity of the country can be represented in a democratically accountable fashion. Article I of the Constitution vests the lawmaking power in Congress, not the courts or the presidency, for that very reason. And over time a healthy majority of Americans have consistently believed that our representatives and senators, not officeholders in other branches or institutions of government, should make the national laws under which we are bound and governed as citizens.<sup>12</sup>

There is wisdom embodied in this public opinion. It is hard to settle complex inter-generational and inter-group problems outside of Congress. But they can be settled by bipartisan majorities in Congress. This was the case most notably with the Social Security Act (1935) and the Medicare Act (1965). Other legislative settlements included the Civil and Voting Rights acts of 1964-65, the Social Security Amendments (1983), the Tax Reform Act (1986), welfare reform (1996), the Balanced Budget Act (1997), and the No Child Left Behind Act (2001). These pieces of legislation were neither perfect nor permanent. But at the time of their passage, these laws settled policy disputes on pressing issues, moving beyond the question of *whether* the nation would address the problem by marshaling bipartisan majorities in Congress that determined *how* it would do so.

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<sup>10</sup> See Phillip A. Wallach and James Wallner, "Congress is Broken. But Don't Blame Polarization," *Real Clear Policy*, June 8, 2018, retrieved from

[https://www.realclearpolicy.com/articles/2018/06/08/congress\\_is\\_broken\\_but\\_dont\\_blame\\_polarization\\_110662.html](https://www.realclearpolicy.com/articles/2018/06/08/congress_is_broken_but_dont_blame_polarization_110662.html) on October 8, 2018. See also Richard Bense, "Lost in Translation: An Epistemological Exploration of the Relation between Historical Analysis and the NOMINATE Algorithm," *Studies in American Political Development* (2016) 30:2, pp. 185-201; and Frances E. Lee, "How Party Polarization Affects Governance," *Annual Review of Political Science* (2015) 18:1, pp. 261-282.

<sup>11</sup> James E. Curry and Frances E. Lee, "Congress at Work: Legislative Capacity and Entrepreneurship in the Contemporary Congress," paper prepared for the SSRC Anxieties of Democracy Institutions Working Group Conference, Princeton University, October 28-29, 2016, pp. 10-13.

<sup>12</sup> David R. Mayhew, *The Imprint of Congress* (New Haven, Connecticut: Yale University Press, 2017), pp. 7-9.

Of course it is notoriously difficult to coalesce legislative majorities for policies that will govern a diverse nation of continental scale in the U.S. Congress. It almost always means delay and compromise, waiting longer, accepting less, and giving away more than partisans or technocrats alike are wont to do. But the repudiation of Congress on account of these shortcomings – whether it be by frustrated citizens in public opinion polls, scholars at leading universities, or Members willing to undermine the institution they serve in to advance their personal or partisan goals – amounts to a repudiation of the system of representative democracy established by our Constitution. Those of us unwilling to join in this repudiation are thus obliged to grapple with the challenging questions of how might Congress function in the future, and what if anything can we do in the interim to increase the odds of it working better?

## ***II. Driving forces that will shape – and be shaped by – Congress over the next three decades***

We turn now to review the driving forces that will play out more or less predictably over the next three decades in ways that will shape how Congress operates – and that Congress and its members will be pressed to respond to in some way. These forces will factor into all of the scenarios we will be developing. We begin with factors that we can predict with more certainty, and that are the specific focus of the US2050 initiative – the demographic transformations that will unfold in this period, and the fiscal imbalances that the nation will need to reckon with at the same time. We then turn to a set of factors that the country and Congress will also need to work through: automation in the economy, climate change, morphing patterns of global conflict, and the rapid evolution of media and communications technology. These additional factors will underscore a central argument of this assessment: it will not be enough for Congress to return to traditional notions of “regular order” or a normal level of functioning that it has achieved the past. The impending headwinds that will bear down on the U.S. over the next three decades will require Congress to change and adapt in profound and new ways if it is going to navigate them effectively.

### ***A. Pending demographic transformation***

At some point in the 2040s, the United States will become a majority-minority nation, with no single racial or ethnic group amounting to a majority, and the majority of Americans being people of color. The States of Change project, a joint endeavor of the American Enterprise Institute, the Brookings Institution, and the Center for American Progress, estimates that this tipping point will occur in 2044, and that by 2050, the U.S. population will be 47 percent white, 26 percent Hispanic, 13 percent black, and 13 percent Asian / other. The project also estimates 18 states will have majority-minority populations by 2050: beyond California and Texas (which are already there), the list will also include not only Florida, New York, New Jersey, and Illinois but also the likes of Georgia, Mississippi, Louisiana, and Oklahoma. The displacement of America’s white majority is already underway in generational terms. Beginning in 2015, a majority of newborns in the United States were racial and ethnic minorities.<sup>13</sup>

We have already seen how this demographic transition could shape our politics, as political leaders and parties make more identity-based appeals, both on the right to white voters anxious about

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<sup>13</sup> Ruy Teixeira, William H. Frey, and Rob Griffin, “States of Change: The Demographic Evolution of the American Electorate, 1974-2060,” February 24, 2015. Data on newborns retrieved from Pew Research Center [http://www.pewresearch.org/fact-tank/2016/06/23/its-official-minority-babies-are-the-majority-among-the-nations-infants-but-only-just/ft\\_16-06-23\\_censusmajorityminority\\_trend/](http://www.pewresearch.org/fact-tank/2016/06/23/its-official-minority-babies-are-the-majority-among-the-nations-infants-but-only-just/ft_16-06-23_censusmajorityminority_trend/) on October 8, 2015.

their seemingly fading status in American society, and on the left to non-white voters determined to have their voices heard and represented. The Republican Party's "Autopsy" report after its defeat in the 2012 presidential election was a clarion call for the party to acknowledge the country's changing demographics and reposition itself in order to compete for the votes of racial and ethnic minority groups.<sup>14</sup> But candidate and now President Donald Trump has taken his party in exactly the opposite direction. The GOP's growing resort to identity-based appeals to white Americans has in turn given momentum to leaders and activists on the left calling for a counter-vailing politics of resistance grounded in the identities of the racial and ethnic minority groups that constitute the base of the Democratic Party. Insofar as the shift toward identity politics continues unabated, it will serve to exacerbate and entrench the problem of polarization in Congress and the country as a whole.

The demographic transition to a majority-minority nation will present profound policy challenges with which Congress will need to reckon, including the questions of racial justice, police violence, border security, immigration, citizenship, and civic integration that have proven to be so divisive and intractable in recent years. In addition, the demographic transition will present Congress and its members with more pressing calls for what political theorists term "descriptive representation," in which those being represented can see people who look more or less like themselves serving in the nation's legislature. The Pew Research Center notes that at present non-whites, who constitute 38 percent of the U.S. population, hold only 19 percent of the seats in the current Congress. If the Congress of 2050 does not look considerably more like the America of that time than the Congress of 2018 does today, it will be hard to see the policy responsiveness or the legitimacy of the institution improving.<sup>15</sup>

In addition to becoming more diverse, the American population will be considerably older in aggregate in 2050 due to increases in life expectancy. States of Change estimates that in 2050, 22 percent of the population will be 65 years or older while 20 percent will be under 18, whereas in 2018 only 16 percent are 65 or older and 23 percent are under 18.<sup>16</sup> The growing proportion of seniors living longer and consuming more health care will obviously put more strain on Social Security and Medicare that (sooner or later) Congress will need to shore up (about which, more below).

The intersection of the two demographic shifts leading to a more diverse and older society will heighten the degree of difficulty for Congress. The younger aggregate age and greater concentration in urban areas of the growing proportion of non-white Americans will likely entail different public priorities and policy responses to meet their needs relative to those of white Americans, e.g., in health care, education, public infrastructure, etc. And Congress will need to reconcile what Ron Brownstein has termed the generational mismatch, in which predominantly white or "gray" retirees reliant on Social Security and Medicare for their well-being will more and more depend on a predominantly "brown" workforce to keep those entitlements going in the years ahead. Of course all other things being equal,

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<sup>14</sup> Republican National Committee, "Growth and Opportunity Project," 2013, retrieved from <https://www.politico.com/story/2013/03/rnc-report-growth-and-opportunity-088987> on October 9, 2018.

<sup>15</sup> Kristen Bialik and Jens Manuel Krogstad, "115<sup>th</sup> Congress Sets New High for Racial, Ethnic Diversity," *Pew Research Center*, January 24, 2017, retrieved from <http://www.pewresearch.org/fact-tank/2017/01/24/115th-congress-sets-new-high-for-racial-ethnic-diversity/> on October 8, 2018. The disparity in descriptive representation is even greater when it comes to gender given that only 20 percent of congressional seats are currently held by women. Data from Rutgers University Center for American Women and Politics, retrieved from <http://www.cawp.rutgers.edu/women-us-congress-2018> on October 8, 2018.

<sup>16</sup> From interactive data base retrieved from <https://www.americanprogress.org/issues/democracy/news/2015/02/24/107166/interactive-the-demographic-evolution-of-the-american-electorate-1980-2060/> on October 8, 2018.



the greater the share of the federal budget that goes into consumption via these entitlement programs, the less that is available for investment in infrastructure, education, etc. that can benefit those in the more diverse workforce, their children, and future generations. The two big demographic changes now unfolding will thus combine to complicate two of the most vexing policy challenges facing Congress: achieving greater inter-generational and inter-racial equity.

### *B. Looming fiscal imbalances*

The next three decades will witness either the resolution or the acceleration of mounting fiscal problems. One key driver noted above is demographics – the surge of baby boomers now retiring will be living on and being supported by Social Security and Medicare longer in their retirements, with the latter subject to the rising costs of health care. More public spending needs to go into these programs if they are to be maintained as they are currently constituted – the Government Accountability Office (GAO) notes in a recent report to Congress that the Medicare Hospital Insurance Trust Fund will be depleted in 2026, with ongoing income able to cover only 91 percent of projected costs beyond that point, and the Social Security Old-Age and Survivors Insurance Trust fund will be depleted in 2034, with ongoing income able to cover only 77 percent of projected costs thereafter.<sup>17</sup>

A combination of tax cuts and spending increases over the past two years have also put us back on the path of annual trillion dollar deficits and a rapidly expanding federal debt. Looking out into the future, GAO’s baseline (current law) projection estimates the accumulated public debt amounting to 143 percent of GDP in 2050, while its more realistic alternative (current policy) projection has it at 206 percent of GDP.<sup>18</sup> For context, the previous high point of federal debt in the wake of World War II was 106 percent of GDP in 1946, and over the post-war period the federal debt has averaged 46 percent of annual GDP.<sup>19</sup>

For its part, the Congressional Budget Office (CBO), in its 2018 extended baseline (current law) projection, estimates that financing these levels of deficit spending on a sustained basis will increase the portion of the federal budget going to interest payments from 8 percent in 2018 to 21 percent in 2048. As indicated in the chart below, CBO’s extended baseline projects the portion of the federal budget available for non-interest spending will be further squeezed by the rising costs of major health programs within it, primarily Medicare. Taken together, CBO estimates these pressures will reduce the funds for “other noninterest spending” outside of entitlement programs – i.e., most of what Congress appropriates each year for defense and domestic programs – from 47 percent of non-interest spending in 2018 to 33 percent in 2048.<sup>20</sup>

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<sup>17</sup> GAO, “The Nation’s Fiscal Health,” June 2018, executive summary.

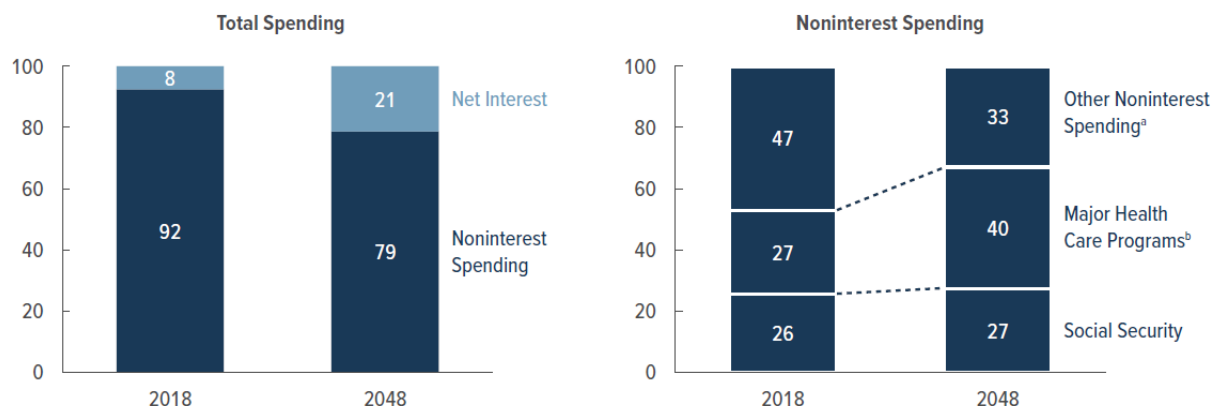
<sup>18</sup> GAO, “Fiscal Forecast” interactive feature, retrieved from [https://www.gao.gov/americas\\_fiscal\\_future?t=fiscal\\_forecast](https://www.gao.gov/americas_fiscal_future?t=fiscal_forecast) on October 8, 2018.

<sup>19</sup> GAO, “Fiscal Health,” executive summary.

<sup>20</sup> CBO, “The Long-Term Budget Outlook,” June 2018, pp. 16.

## Composition of Federal Spending in CBO's Extended Baseline

Percent



Source: Congressional Budget Office.

These numbers carry a huge if implicit challenge for Congress. The institution is meant to exercise of the “power of the purse” for the federal government, and its ability to appropriate funds for various public purposes is in many respects the lifeblood of the institution insofar as it enables entrepreneurial policy-making and facilitates negotiation and compromise among lawmakers. But if a substantial and growing majority of the future federal budget will already be spoken for by automatic payments to cover net interest, Social Security, and Medicare, Congress will find its lifeblood depleted and ability to exercise the purse strings given to it by the Constitution substantially diminished. The basic remedies for this situation continue to be not especially complex, just very difficult for Congress to apply: raise taxes, reform entitlements, lower health care costs, and / or reduce discretionary spending. As we have known for some time, the more of these levers that are pulled in combination, and the sooner they are pulled, the less painful the fiscal reconciliation will be.

Thus far we have been discussing the trends that have been anticipated by and prompted the US2050 project. We now turn to take up four additional driving forces that will pose massive and thorny policy challenges to Congress and the nation over the next three decades

### C. Automation in the economy

For all of the turbulence that the United States and our Congress have faced in adapting to economic changes in the ten years since the Great Recession, the need for ongoing adjustments is only going to accelerate over the next two to three decades due to the pending wave of automation driven by advances in artificial intelligence hitting the work force. The McKinsey Global Institute recently estimated that 23 percent of work activities in the U.S. will be displaced by automation between 2016 and 2030, and that up to one-third of the U.S. workforce in 2030 will need to retrain and find new work due to automation. To be sure, government can support this transition by investing in worker training and labor markets, but public spending in these areas has actually decreased in the U.S. over the past 20 years.<sup>21</sup>

<sup>21</sup> McKinsey Global Institute, “Jobs Lost, Jobs Gained: Workforce Transitions in a Time of Automation,” December 2017, pp. 3, 11, 18.

The disruption resulting from automation is not going to fall evenly across the economy. A December 2016 report prepared by the Obama Administration noted that, “jobs that are threatened by automation are highly concentrated among lower-paid, lower-skilled, and less-educated workers. This means that automation will continue to put downward pressure on demand for this group, putting downward pressure on wages and upward pressure on inequality.” The report noted that 83 percent of jobs paying less than \$20 per hour had a high probability of automation, and 44 % of jobs requiring less than a high school education were “highly automatable.” The report forecast, to take one example, that of the 3.7 million jobs held by “drivers” in 2015 (e.g., light and heavy trucking, delivery services, bus, taxi, chauffeurs, etc.), 58 to 82 percent of these jobs would be threatened by automation.<sup>22</sup> If the U.S. is going to successfully respond to this economic transformation, Congress will need to pass, fund, oversee, and update laws that will enable it to do so.

#### *D. Climate change*

While the Trump Administration has moved federal policy in multiple ways that contradict the scientific consensus on climate change, the phenomena observed and explained by that science will continue to unfold inexorably over the next three decades. Consider the projections of the U.S. Government’s own Global Change Research Program (GCRP), which was authorized by Congress in 1990 to “assist the Nation and the world to understand, assess, predict, and respond to human-induced and natural processes of global change.” The GCRP recently reported that, “over the next few decades (2021-2050), annual average temperatures are expected to rise by about 2.5 [degrees Fahrenheit] for the United States, relative to the recent past (average from 1976-2005), under all plausible future climate scenarios.” The GCRP also projects further increases in the large-scale forest fires we have seen in the western states and Alaska in recent years “as the climate changes, with profound changes to regional ecosystems. Annual trends toward earlier spring melt and reduced snowpack are already affecting water resources in the western United States, and those trends are expected to continue,” leading in some scenarios to “chronic, long-duration hydrological draught.” Finally, the GCRP also estimates that climate change will generally increase the number of “very intense tropical cyclones” along with the precipitation rates and intensity of Atlantic hurricanes.<sup>23</sup>

Quite apart from the considerable difficulty of sorting out whether and on what terms the U.S. might seek to rejoin and improve global agreements on mitigating climate change, the problem itself will present ongoing difficulties for U.S. policymakers seeking to respond to the devastation wreaked by changing weather patterns. As the chart below shows, the U.S. is encountering more and more “billion dollar” loss events due to extreme weather, and last year the cumulative losses exceeded \$300 billion for the first time.<sup>24</sup>

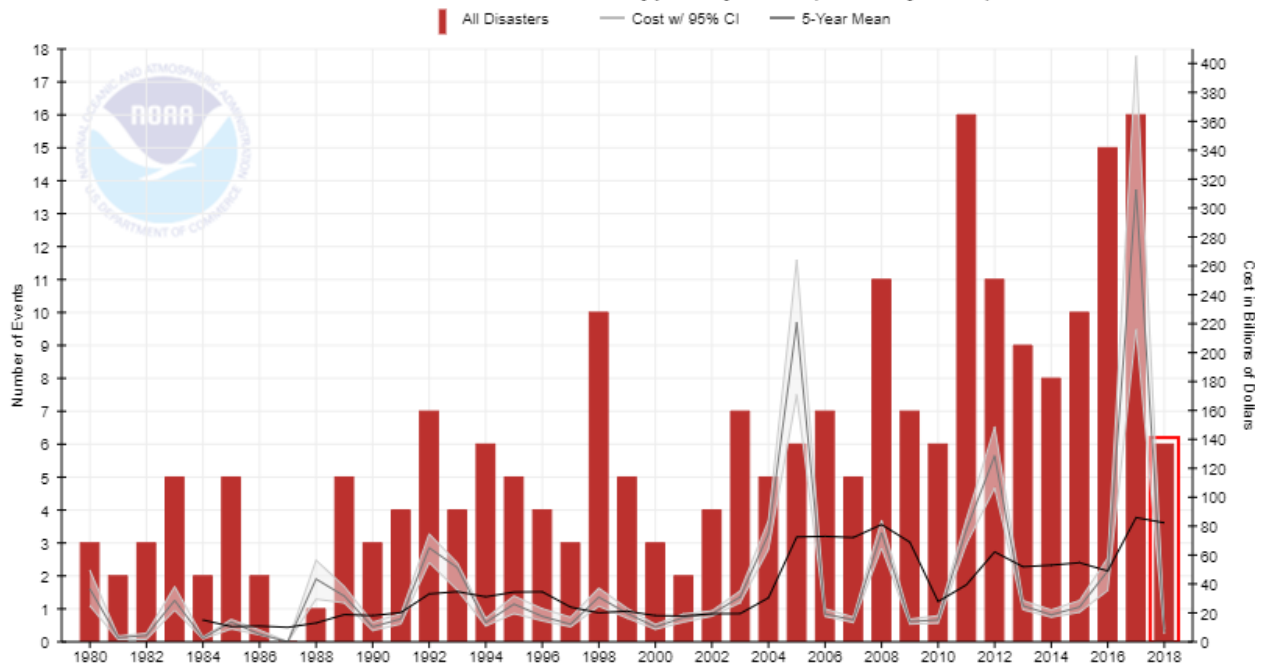
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<sup>22</sup> Executive Office of the President, “Artificial Intelligence, Automation, and the Economy,” December 2016, pp. 2, 14, 17.

<sup>23</sup> D.J. Wuebbles, et. al., eds., “Climate Science Special Report: Fourth National Climate Assessment,” Volume I, U.S. Global Change Research Program, Washington, D.C., pp. 11, 22.

<sup>24</sup> Data retrieved from National Centers for Environmental Information interactive, <https://www.ncdc.noaa.gov/billions/time-series> on October 8, 2018.

## Billion-Dollar Disaster Event Types by Year (CPI-Adjusted)



The federal government underwrites only a portion of those losses with disaster relief funding, but given we are projected to have more of these disasters in the future, and for them to be more severe, we can reasonably expect the appropriations burden and the demands for greater administrative competence in disaster relief to increase. We can also expect they will be of particular concern to legislators from states and districts that will be disproportionately affected by these adverse events, putting further pressure on the process of building legislative coalitions to respond to them.

As troublesome as the increasing frequency and intensity of natural disasters will become due to climate change, they are in effect merely the early warning signals for what it will ultimately hold in store for us. The bigger challenges that climate change will present to the U.S. government and Congress are the economic and social dislocations it will generate at home and abroad. The potential collapse of agricultural production in the most affected regions of the U.S., the water supply for already parched portions of the country, and what remains of our coastal fisheries will present massive policy challenges – both to create alternative sources of food and water, and to provide for the workers and communities displaced by these developments. These patterns will vary considerably by region, increasing both the importance and the degree of difficulty for addressing the problem nationally. One leading study recently predicted that the differential regional impact will generate “a large transfer of value northward and westward that increases economic inequality. By the late 21<sup>st</sup> century, the poorest third of counties are projected to experience damages between 2 and 20% of county income (90% chance) under business as usual emissions.”<sup>25</sup> Looking abroad, we can also expect climate change to intensify the patterns of migration and the global competition for scarce resources with which we are already struggling to cope.

<sup>25</sup> Solomon Hsiang, et al., “Estimating economic damage from climate change in the United States,” *Science* (2017) 356:6345, pp. 1362-1369.

E. More “diffuse, diverse, and disruptive” patterns of global conflict

Congress will need to help develop, fund, and oversee national security policy in an increasingly difficult global arena, not least because of the upheaval resulting from climate change, over the next three decades. To gain a feel for how this arena will be changing, we might turn to the most recent quadrennial strategic assessment published by the National Intelligence Council in January 2017. The assessment of global trends that bear on national security is wide ranging, and the annex on “How People Fight” is especially on point and sobering. It notes that “the risk of conflict, including inter-state conflict, will increase during the next two decades because of diverging interests among major powers, ongoing terrorist threats, continued instability in weak states, and the spread of lethal and disruptive technologies....Together these developments point to future conflicts that are more diffuse, diverse, and disruptive.” The chart below summarizes the most salient points from this part of the assessment.<sup>26</sup>

The Changing Character of Warfare

TRADITIONAL FORMS OF WARFARE	EMERGING FORMS OF WARFARE
Targeting of enemy forces	Targeting of enemy perceptions, society
Direct clash of militaries	Remote strikes using standoff precision weapons, robotics systems, and information attacks
Destruction of military personnel and weaponry	Destruction of critically important military and civilian infrastructure
Deterrence by fear of retaliation	Deterrence by fear of escalation
Winning by defeating the enemy on the battlefield	Winning by disrupting the support systems (political, economic, information, etc.) on which the enemy military depends

<sup>26</sup> National Intelligence Council, “Global Trends: Paradox of Progress,” January 2017, Washington, D.C., pp. 215-221. What is interesting is how our foreign adversaries, looking at the same map from the other direction, have already reached many of these same conclusions and are acting on them. Consider these 2013 remarks from General Valery Gerasimov, Chief of the General Staff of the Russian Federation and the architect of its military doctrine: “The very ‘rules of war’ have changed. The role of nonmilitary means of achieving political and strategic goals has grown, and, in many cases, they have exceeded the power of force of weapons in their effectiveness. The focus of applied methods of conflict has altered in the direction of the broad use of political, economic, informational, humanitarian, and other nonmilitary measures—applied in coordination with the protest potential of the population. All this is supplemented by military means of a concealed character, including carrying out actions of informational conflict.” Gerasimov, “The Value of Science Is in the Foresight,” Reprinted in *Military Review*, January-February 2016, pp. 23-29, quotation from page 24.

We have already seen these developments and this doctrine put into practice with the Russian intervention in the 2016 elections. U.S. democracy was the target. We know that Russia, under the direct guidance of Vladimir Putin, and operating through multiple institutions, including the GRU, their military intelligence service, attacked and succeeded in disrupting key parts of our democratic infrastructure – e.g., our media, political parties, campaigns, election systems, social trust in elections, and shared political values. The Russians intentionally inflamed the racial and social issues dividing our society and parties, and thus dividing Congress. They hacked and leaked sensitive information from parties, campaigns, and candidates – at the congressional as well as the presidential level – in a bid to sway electoral outcomes.<sup>27</sup> In the months since the election, they have used social media to keep discord and partisan feuding in Congress linked to these issues on a steady boil.

In short, the recent foreign interventions in U.S. politics, during and after the 2016 elections, is just the start of what we can expect more of in the decades ahead—from Russia and other foreign adversaries. In the future, members of Congress won't simply be overseeing battles and wars abroad from a comfortable remove in Washington, D.C. Rather, they will be participating in these conflicts (as targets or combatants, inadvertently or not) as they are running for and serving in their offices.

#### *F. Evolution of media and communications technology*

This factor may well be the most important of any we have discussed thus far in terms of its impact on Congress. It is certainly the hardest to predict in terms of how it will play out. We can generally expect trends and patterns that we have observed in recent decades to continue to accelerate – most notably the ubiquity, speed, and connectivity of communications technology; the decentralization and democratization of the production, dissemination, and consumption of media; and the extent to which the “realities” that absorb our attention will become more virtual and artificial. Given Moore's law and rapidly accumulating advances in artificial intelligence, we can also assume that the pace of change in media and communications technology over the next 32 years will outstrip that of the past 32 – at the outset of which, we should recall, if you had wanted to send a document to a colleague quickly, you would have used a fax, and you would have had to wait several years to browse the Internet.

It would be tempting to project the future in this area by emphasizing and extrapolating from all the negative and disturbing developments we have seen enabled by media and communications technology in recent years – e.g., mass data collection by corporations and governments leading to the collapse of privacy, or the intentional spread of fake news, disinformation, and propaganda to drive tribalism, cynicism, and resignation among democratic citizens. We haven't seen the worst of this yet. Fake news was the issue during the election of 2016; deepfakes likely will be in 2020.<sup>28</sup>

Yet it is too easy to presume that technology and media will lead to the demise of democracy. Democratic governments, political actors, and civil society groups as well as technology and media companies are waking up to the observed threats from those who wish democracy ill and are taking steps to counter them. And we don't have to squint hard to see ways in which advances in technology

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<sup>27</sup> National Intelligence Council, “Assessing Russian Activities and Intentions in Recent U.S. Elections,” January 6, 2017, retrieved from [https://www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](https://www.dni.gov/files/documents/ICA_2017_01.pdf) on October 9, 2018.

<sup>28</sup> Robert Chesney and Danielle Keats Citron, “Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security” (July 14, 2018). 107 *California Law Review* (2019, Forthcoming).

and media could bolster aspects of democracy, be it the use of blockchain technology to secure voting systems, or new forms of social media to enable constituents and their representatives to engage in more fruitful, two-way conversations. Changes in media and communications technology are, in short, wild cards for our future scenarios, playing out positively or negatively in ways that we may not fully be able to foresee and appreciate at present.

### III. *Framing future scenarios for Congress*

Thus far we have been reviewing several driving forces that will directly impact the nation’s politics and government in the decades ahead. We now turn to consider American politics and government as variables in their own right that will in turn frame our scenarios for the future of Congress.

#### A. *Politics in the future*

We begin with politics – the efforts undertaken by individuals and groups in and outside of government to express their conceptions of what government should do and how it should do it, and to build majorities and coalitions to turn those conceptions into reality. The main alternatives for what the nation’s politics might look like in 2050 can be arranged on a continuum from polarized to pluralized. The chart below fleshes out descriptions that compare and contrast these types of politics.

<b>Pluralized politics</b>	<b>Polarized politics</b>
<ul style="list-style-type: none"> <li>• The purpose of politics is to solve problems</li> <li>• Politics is an ongoing process that occurs both at and between elections</li> <li>• Parties seek the votes (more or less effectively) of all the major demographic groups in society</li> <li>• Policy coalitions are fluid and vary across issues</li> <li>• Political opponents are seen as wrong or naïve but are still “fellow Americans”</li> <li>• Partisans need to be pragmatic; they can and should work across the aisle to get things done</li> <li>• Parties have a stake in preserving the norms and institutions of our democracy</li> </ul>	<ul style="list-style-type: none"> <li>• The purpose of politics is to defeat the other party</li> <li>• Politics is an apocalyptic struggle driven by elections (thus each one is always “do or die!”)</li> <li>• Parties pick and focus on one side in racial, regional, and religious divides</li> <li>• Policy coalitions are fixed and tribal across issues</li> <li>• Political opponents are seen as enemies and threats to the American way of life</li> <li>• Partisans need to be principled; they don’t have to and shouldn’t compromise with the other side</li> <li>• Parties need to win at all costs, and they should be willing to play hardball politics if needed</li> </ul>

As indicated in the descriptions, pluralized and polarized politics reflect two very different ways of organizing politics and the disagreements and conflicts that it inevitably brings to the fore. In polarized politics, there are essentially two sides which act like tribes. As we are learning from social psychology, the tribes are distinguished in the eyes of individual participants – including most of those who see themselves as independents – less by the question of “who are the people and values that I want to side with?” and more by the question of “who are the enemies and threats to my way of life



that I need to defeat?”<sup>29</sup> At the national level, polarized politics coincide with “long coalitions” of “intense policy demanders” that always join together despite being unlikely bedfellows. Think gun rights, pro-life, and low tax advocates on the right, or environmental, pro-choice, and labor groups on the left.<sup>30</sup>

In contrast, pluralized politics presumes multiple competing and in some cases incommensurate but equally legitimate sets of values that correspond to different public priorities. Politics is the process through which those competing priorities and support for them are articulated, weighed, and balanced if not reconciled. In pluralized politics, individuals and groups are “cross-pressured” and find that they need to work in multiple coalitions with different sets of allies to get things accomplished. To be sure, given the effects of our electoral system, including the predominance of single-member district plurality elections and the need to build a national coalition to win the presidency, the “laws” of political science (insofar as there are some) gravitate toward the replication of two main political parties. But in pluralized politics those parties tend to overlap with each other and internalize the cross-pressures that give rise to multiple loyalties among their adherents. They are big tents, not zealous, like-minded tribes.

It would seem fitting to say our politics may have been pluralistic at one point in time but now we are completely polarized. Certainly the United States has become more polarized over the past four decades insofar as voters and elites are more consistently sorted into liberal and conservative camps. Yet as we saw earlier, it continues to be the case that a substantial majority of bills that pass Congress do so with the support of large, bipartisan majorities. And for all of their supposed dominance, we also routinely see partisans and intense policy demanders on the right and left alike attacking colleagues for working with the other side. And while more Americans in the electorate do hold consistently liberal and consistently conservative views than was the case even twenty years ago – no doubt in part due to cues from the polarizing actions of elites – the vast majority of Americans continue to hold a hodge-podge of ideological positions that do not consistently put them in the camp of one party or another.<sup>31</sup> There are thus aspects of our current politics that fit both the polarized and the pluralized conceptions. The question is whether and how the prevailing pattern will gravitate toward one or the other by 2050. As we will see below, there are plausible scenarios in which our politics might head in either direction.

### *B. Government in the future*

The other major dimension that will frame our scenarios for Congress in 2050 is whether our national government will reflect the perspectives and imperatives articulated by James Madison or Alexander Hamilton, two men who each had a profound influence on the founding and initial operation of our Constitution. Madison emphasized the central role of the legislature and the separation of powers in republican forms of government. Hamilton emphasized the need for an energetic executive and the quality of administration. These two schools of thought are summarized in the chart below:

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<sup>29</sup> Lilliana Mason, *Uncivil Agreement: How Politics Became Our Identity* (Chicago: University of Chicago Press, 2017); Samara Klar and Yanna Krupnikov, *Independent Politics: How American Disdain for Parties Leads to Political Inaction* (New York: Cambridge University Press, 2016).

<sup>30</sup>See Kathleen Bawn, Martin Cohen, David Karol, Seth Masket, Hans Noel and John Zaller, “A Theory of Political Parties: Groups, Policy Demands and Nominations in American Politics,” *Perspectives on Politics* (2012), pp. 571-597.

<sup>31</sup> See for example the Pew Research Center’s data on overall political polarization from 1994-2017 for the general public, retrieved from <http://www.people-press.org/interactives/political-polarization-1994-2017/> on October 9, 2018.



### **Madisonian Government**

- Separation of powers is the key structural feature: “ambition must be made to counteract ambition.”
- Policy should reflect political settlements worked out by people’s representatives in Congress
- Legislative settlements in Congress are the only viable and lasting way to resolve major impasses
- Congress represents the full diversity of opinion in the country in ways that the presidency cannot
- Congress and the federal courts are co-equal branches that can check and balance the president
- Now especially, Congress can and should more fully use its Article I powers vis-à-vis the president

### **Hamiltonian Government**

- “Energy in the Executive is a leading character in the definition of good government.”
- Policy should reflect the initiative, expertise, and perspective of those responsible for administration
- An enterprising president can and should use his ample executive power to solve national problems
- Congress represents special / parochial interests; the presidency represents the nation as a whole
- The unitary executive’s institutional wherewithal and public primacy make it the dominant branch
- Given Congress’s institutional weaknesses, it will inevitably continue to cede power to the president

Over the course of U.S. history, Congress and the presidency, and the checks and balances that structure the relationship between them, have oscillated between the Madisonian and Hamiltonian conceptions of government. In the Federalist Papers, Madison, while noting that “in republican government, the legislative authority necessarily predominates,” expressed the then prevalent concern that because of its proximity to the people, Congress would become an “impetuous vortex” encroaching on the other branches. Hence the need for a robust separation of powers to preserve the independence and essential functions of the executive and judicial branches. Within a few years, however, the Washington administration, led by the hero of the American Revolution, and animated by his enterprising Secretary of the Treasury, Alexander Hamilton, had clearly seized the initiative and put Congress on its heels. Madison, then serving as a representative, thus felt obliged to defend Congress’s prerogatives and even go so far as to form the Democratic Party with his ally Thomas Jefferson to push back against an overweening executive.<sup>32</sup>

The oscillation has continued ever since, driven by the issues of the day (presidents tend to rise in prominence in times of war, congresses when the focus is on domestic activity). In the 1880s, for instance, a young political scientist named Woodrow Wilson lamented the dominance of what he termed “congressional government” and how it diffused responsibility for policy-making and public administration. Wilson was a Hamiltonian who saw the separation of powers as a “radical defect” of the Constitution; instead, he believed that “*power and strict accountability for its use* are the essential constituents of good government.” By the time Wilson was president, his office was once again ascendant – up until the point that his policies were challenged and defeated by Senator Henry Cabot Lodge and his allies in Congress.<sup>33</sup> Two decades hence, Franklin Roosevelt reasserted the powers of the presidency during the Great Depression and World War II, then Congress reset and reclaimed its powers vis-a-vis the augmented executive branch with a series of measures in the immediate aftermath of the conflict, in particular the Legislative Reorganization Act and the Administrative Procedure Act in 1946.

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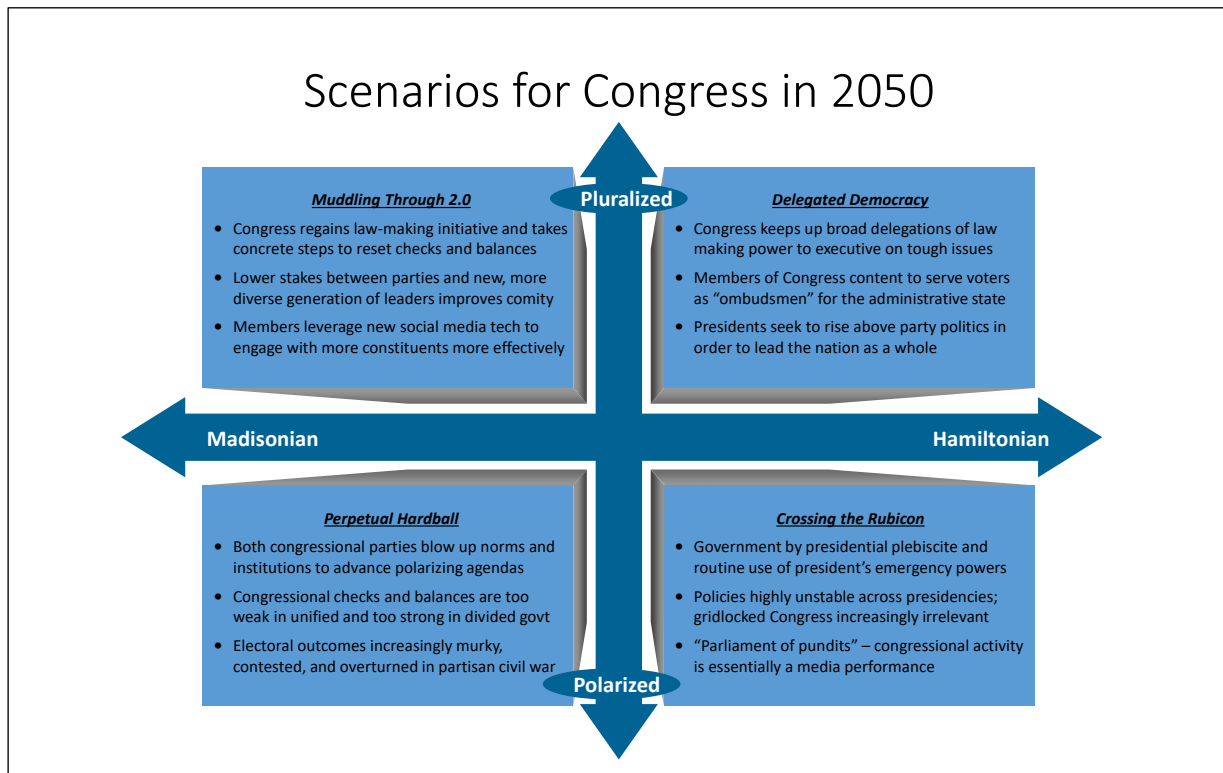
<sup>32</sup> John Ferejohn, “Madisonian Separation of Powers,” in Samuel Kernell, ed., *James Madison: The Theory and Practice of Republican Government* (Palo Alto: Stanford University Press, 2003), Chapter 6.

<sup>33</sup> Woodrow Wilson, *Congressional Government*, 15<sup>th</sup> ed. (Boston: Houghton Mifflin, 1901), p. 284, Wilson’s emphasis; Daniel Stid, *The President as Statesmen: Woodrow Wilson and the Constitution* (Lawrence, Kansas: University Press of Kansas, 1998).

Lyndon Johnson and especially Richard Nixon pushed presidential powers further, the latter to the point of rampant criminality, leading historian Arthur Schlesinger, Jr. to warn of an imperial presidency. Then in the 1970s Congress undertook a multifaceted resurgence to force a rogue president from office and reestablish some needed checks on the executive branch.<sup>34</sup>

While we can see a clear pattern of power flowing back and forth on Pennsylvania Avenue depending on national circumstances and the quality of leadership in the White House and Congress, we can also observe a secular trend. Over time, through each back and forth, the presidency has retained more power and influence vis-à-vis Congress. Multiple factors have produced this power shift, including the emergence of the U.S. as a global power, the growth of the federal government’s role in society, the corresponding development of the administrative state with rule-making power, and the ability of the president to speak to and capture the attention of the nation via radio, television, and now social media in a way that 535 members of Congress cannot. As noted earlier, Members of Congress themselves have materially contributed to this inter-branch shift by delegating their law-making power rather than bear responsibility for exercising it. The question that will be answered over the next three decades is whether Congress can once again reassert itself and pull the country back toward the Madisonian conception of government, rebalancing the relative authority of the legislative and executive branches such that they are more or less co-equal, or whether the drift toward Hamiltonian government will continue unabated.

The scenarios we turn to discuss next have been generated by the intersection of the two dimensions of uncertainty we have just reviewed. Here is a summary of the scenarios that result:



<sup>34</sup> James Sundquist, *The Decline and Resurgence of Congress* (Washington, DC: Brookings Institution Press, 1981); see also Daniel Stid, “Two Pathways for Congressional Reform,” in William F. Connelly, et al., eds., *Is Congress Broken: The Virtues and Defects of Partisanship and Gridlock* (Washington, DC: Brookings Institution Press, 2017), Chapter 2.

#### **IV. Scenarios for Congress in 2050**

The four scenarios described below are not meant to encompass or summarize every possible alternative future. Nor are they offered as a set of predictions, one of which will play out as described. Rather, they are possible and plausible futures, developed by taking the logic embodied in the matrix above and using it to flesh out four discrete and concrete descriptions of what the future of Congress, and our politics and government more broadly, could look like. Aspects captured in each of them could well come to pass in combination with aspects from others, and / or with developments not anticipated in the scenarios. The four scenario narratives are fictional depictions, not precise projections, but each one is meant to convey a believable story for how we could get from where we are in 2018 to where the scenario presumes we will be in 2050. Equipped with these alternative vantage points, we will then be in a better position to consider how various policy challenges and political reforms that we are considering might play out in the different scenarios, and what if anything we could do in the interim to increase the odds of avoiding the worse outcomes and realizing the better ones in the stories below.

##### **A. Muddling Through 2.0**

This scenario describes a United States in 2050 characterized by pluralized politics and Madisonian government. Political conflict dissipates and varies from issue to issue, not along consistent partisan lines, while Congress recovers its capacity to make and reach legislative settlements of contested issues. The scenario is presented in the form of post by political scientist for a *Monkey Cage* blog series entitled “Reflections on America at Mid-Century.”

*Perhaps the most salient development in Congress over the past several decades has been the emergence of large and stable Democratic majorities, a transition that began in 2018 and was cemented in place over the next two election cycles. Driving this sea-change was the deep and widespread unpopularity of Donald Trump’s presidency and the direction in which he had taken the Republican Party, especially among the growing numbers of newly mobilized women, minority, suburban, and young voters. The effects of the recession of 2019-2020 further eroded GOP support among the white working class in the upper Midwest. Ironically, Republicans were also hoist on their own petard: their partisan gerrymandering in several states after 2010 left them especially vulnerable to the “blue wave” elections at the end of the decade.*

*As these electoral shifts held up, it modulated the polarized forces that had wracked Congress for the three decades prior. Over time, members of the minority party came to recognize that they could further their ambitions as individual legislators more effectively by working with their counterparts in the majority rather than through unstinting partisanship. The depolarization of Congress was also hastened by the adoption of ranked choice voting and various campaign finance reform initiatives in multiple states during the 20’s and early 30’s. The clampdown on congressional leadership PACs after multiple scandals in the mid-20s also reduced the sway that party leaders and donors held over individual members. Finally, Congress reset the formula for pre-clearance requirements in the Voting Rights Act, putting that landmark legislation back on a bipartisan footing and ending the so-called voting wars.*

*But rank and file members in both parties also shrugged off the burdens of the party line themselves, which (as it turns out) had been covering up substantial intra-party disagreements on both*

*sides of the aisle. Senators in particular led the charge, using the considerable powers at their disposal as individual members of that body to take action, forcing debates and proposing amendments as they saw fit. If Senators wanted to filibuster legislation, they actually had to speak and hold the floor. The House saw more open rules and amendments on the floor, as well as a marked increase in the successful use of discharge petitions to force votes on bills supported by a majority of representatives. Both chambers thus became more open, freewheeling, and majoritarian.*

*These shifts in the politics, rules, and norms of Congress coincided with and enabled a number of changes that legislators took during the 2020s to bolster the lawmaking and oversight capacity of their institution, a popular tack given the widespread condemnation of executive overreach in the preceding years. Committee chairs and ranking members pushed for and got more autonomy vis-à-vis party leaders and added policy staff to support their legislative agendas. Congress invested more in itself generally – in staff salaries (slowing the revolving door with K Street) and in the expertise of the Congressional Budget Office, the Government Accountability Office, and the Congressional Research Service. Congress rebooted the Office of Technology Assessment to provide itself with the scientific and technological knowledge it needed to keep up with the executive branch and developments in society on these matters. And Congress established the Congressional Regulation Office to monitor and rein in excesses in executive branch rule-making.<sup>35</sup> With this bolstered capacity, Congress could and did retain the law-making power and begin to conduct more systematic oversight of the executive branch.*

*New social media and communications technology enriched the connections that Members of Congress were able to make with their constituents, in particular when the latter sought to communicate with their legislators (which more and more citizens started doing after the grass roots mobilization of the Trump Era). These enriched connections gave Members and their constituents alike a more comprehensive, nuanced, and networked view of public opinion in their states and districts. It also put Members in position to provide more tailored and useful information back to their constituents. The general effect of this richer, two-way flow of information was to further loosen the hold that national parties and intense policy demanders had on individual legislators.*

*From 2020 to 2050, we also observed a steady trend of generational replenishment in Congress, as Millennials and Generation Zers replaced aging Baby Boomers and Generation Xers. The new cohorts of legislators were not caught up in the culture wars that their predecessors had fought so zealously. They have been more diverse in their demographics, comfortable with the changes rippling through society, and oriented to solving problems posed by climate change and big tech. A disproportionate number of them have been veterans of the wars in Iraq and Afghanistan, community organizing, and national service programs, so they have a feel for tackling tough problems through public action. The pragmatic, problem-solving orientation of legislators on both sides in turn shaped the perspectives of younger voters in the electorate, where party polarization never really took root via this moderating influence.*

*Congress has had a good but not great record of policy-making over this period, with several landmark bills and a few misfires. In domestic affairs, the budget deficits that were expanding rapidly at the end of the 2010s were reduced in the following decade via a bill backed by populists in both parties*

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<sup>35</sup> For more on this concept, see Philip Wallach and Kevin R. Kosar, “The Case for a Congressional Regulation Office,” *National Affairs*, Fall 2016, pp. 56-68.

*that increased marginal tax rates for Americans with annual incomes greater than \$200,000. Budget process reforms, in particular moving to biennial budgeting, helped re-established some basic fiscal discipline, as did (paradoxically) the re-introduction of earmarks. Multiple universal basic income bills have failed, but Congress has expanded the Earned Income Tax Credit on three occasions since 2020. Legislators also put the Medicare and Social Security trust funds back on a solid footing, but the process was not pretty: right before each fund was due to become insolvent, Members managed to negotiate bills to stabilize and sustain them, but these temporary fixes will need to be revisited again in the 2060s.*

*With respect to global matters, a similarly mixed picture emerges. A breakthrough came with the Durbin-Graham Immigration Reform Act of 2022, which combined a pathway to citizenship and revised approaches to legal immigration with enhanced border security measures. The bill angered partisans on both sides for what it failed to do, but it has provided a serviceable policy framework ever since. By the late 20's, Congress also had managed to reclaim the delegated tariff-setting powers that President Trump used to launch his global trade war. But Congress has been hard-pressed to respond to the worsening problem of climate change, failing to pass legislation that would reduce U.S. emissions at the rate required by the Rome Accord, and struggling to cope with the mounting burdens imposed by the now annual disaster relief and relocation packages. While Congress finally brought the troops home from Afghanistan in 2031, it largely deferred to the executive branch's conduct of the undeclared and intermittent cyber war with China from 2035-2040, despite its negative impact on the U.S. economy and infrastructure.*

*While not a perfect picture, then, this recent history is more or less a hopeful one. Democracy in America, and in Congress, is once again muddling through.*

#### Observations about the Muddling Through 2.0 Scenario

- Political shifts in the broader electorate are necessary to create openings for and enable institutional reforms and improvements in how Congress operates.
- Members taking action is ultimately the catalyst for change; members end up with the Congress they want and work to have.<sup>36</sup>
- At the same time, institutional reform possibilities can be hastened, informed, and seized upon more readily if solutions are available and ready to deploy.
- In the best of circumstances, Congress will still end up “muddling through,” advancing compromises that don’t please anyone and at times failing to respond to pressing issues.

#### **B. Perpetual Hardball**

This scenario describes a United States in 2050 characterized by polarized politics and Madisonian government. In this scenario, Congress serves as the primary arena in which the two parties engage in no-holds-barred struggle for control of the national government. It is presented in the form of a “news analysis” column by the national political editor of the *Los Angeles Times*.

*For more than four generations, American politics and government have been mired in a sharply polarized contest between the two parties for control of our national institutions, and the U.S. Congress*

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<sup>36</sup> My thinking on this point has been informed by Yuval Levin, Philip Wallach, and James Wallner.

*has long been the focal point for their confrontation. We can trace the deep historical roots of the struggle back to the ideological sorting that was sparked by the Civil Rights legislation of the mid-1960s. The subsequent engagement of newly enfranchised African Americans in the Democratic Party, and the simultaneous flow of conservative white Southerners into the Republican Party, made these parties and their delegations in Congress more uniformly liberal and conservative, respectively.*

*Building on these shifts, and taking hardball tactics to a new level, Newt Gingrich led congressional Republicans on a long march to seizing majorities in both chambers in the 1990s. The next two decades witnessed sharper patterns of political conflict, culminating in the election of Donald Trump to the Presidency in 2016 with a campaign that both stoked and vowed to address the accumulated grievances of the white working class. From that point forward, in the country and our Congress, the lines of racial and identity-based conflict have hardened as the GOP has focused on mobilizing its base of white voters while Democrats have sought to represent the growing diversity of the country.*

*The first half of the century has been marked by chronically insecure, narrow, and fluctuating congressional majorities. Each party regularly goes too far in its efforts to unilaterally advance its agenda and embarrass the other side, gets pushed out of office by voters, and then the other side does likewise. In periods of united government, congressional majorities ram through their agenda essentially without restraint or consultations with the other side. (The last remnants of the Senate filibuster were tossed overboard by the Democratic in the Senate in 2021; the parties had kept going nuclear until there was nothing left to blow up.) In periods of divided government, the president's opponents in Congress dedicate themselves to stymieing the White House's policy agenda and highlighting the alleged corruption and misdeeds of the Administration well past the point of diminishing returns.*

*Recent decades have seen the steady escalation of hardball politics in Congress. The contested seat controversies in the House after the 2020 elections, combining extremely close outcomes and alleged hacking and meddling by Russia and Iran in several districts, kept control of the body up in the air for months. To this day the GOP points to "the stolen majority" as justification for their bare-knuckle tactics in the subsequent years.*

*But of course both parties have practiced them. For their part, Democrats impeached but failed to convict Justice Brett Kavanaugh in 2021. After the Democrats gained unified control of the government in 2024, they packed two more seats on the court to offset what they charged was the illegitimacy of President Trump's judicial appointments. Democrats also rammed through statehood for Washington, D.C. and Puerto Rico. When the GOP next gained unified control of Congress and the presidency in 2032, they followed suit. They pushed through statehood for American Samoa, Guam, and the Northern Mariana Islands, which had leaned more and more Republican after the GOP committed to defending them in the face of Chinese aggression in the Pacific. The Republicans went on to pack two additional seats on the Supreme Court to re-establish a 7-6 conservative majority.*

*Beginning with the Republicans inclusion of the citizenship question on the 2020 census, each decennial count in this period has seen the two parties seek to advantage their electoral bases through the process. In all of the subsequent redistricting rounds, whenever they could possibly do so, partisan majorities in red and blue states alike have undertaken gerrymanders that integrate cutting edge mapping technologies and voter data bases to fine tune their built-in structural advantages while still passing judicial muster.*

*Not surprisingly, during this period Congress has come to be filled almost exclusively by members who see themselves as partisans, not policy-makers. Bipartisan compromise of any sort is openly disavowed by both sides, making legislating on tough issues exceedingly difficult. Both parties have tried and failed to pass basic income bills that, while ostensibly universal, were structured to benefit their respective voting bases disproportionately. The intense partisanship has led to recurring episodes of brinksmanship, especially when it comes to funding the government, raising federal borrowing authority, and passing temporary fixes for the Medicare and Social Security Trust Funds. Government shutdowns have become an annual event whenever we have divided government, which is now most of the time. The temporary default after Congress failed to raise the debt ceiling in a timely way in 2030 led to a substantial rise in interest rates, with interest payments shooting up between 25-30 percent of the federal budget in the 2030s and 2040s, putting a much tighter squeeze on discretionary spending and entitlements. Perceived unfairness in the payments offered to residents of Florida and Louisiana after the climate-driven resettlements in the mid-2040s further amplified the social conflict on the divisive and all-encompassing climate issue.*

*Indeed, videos of verbal and physical confrontations and brawls between law-makers from the two parties on the House and more recently on the Senate floors are now commonplace – edited of course to highlight wrongdoing by one side or the other, depending who is posting them. The media environment in which Congress operates bifurcated along with the rest of the political system, albeit in a much more rapidly evolving way. TV and radio have now given way to next gen social media, holograms, deepfakes, and virtual reality casts produced, distributed, and consumed through two rival and tribal media networks. The discussion and sources of conflict and grievance in each of these networks are essentially insulated from those in the other. We may have one Congress, but the members in it are representing two very different nations.*

#### Observations about the Perpetual Hardball Scenario

- Polarization may be the norm, not the exception in American politics; the period of bipartisanship in mid-20<sup>th</sup> Century American often held up today as a Golden Era in American politics was in fact enabled by the suppression of the African American Vote in the South through Jim Crow.<sup>37</sup>
- When the parties are deeply polarized at the elite level, we can have more of a “separation of parties” than a separation of powers, which provides insufficient checks and balances in periods of united government and excessive checks and balances in periods of divided government.<sup>38</sup>
- Given the steps that have already been taken, a prolonged period of polarization could take us to the levels of norm busting and hardball tactics that haven’t been deployed since the 1800s.
- The bifurcation of the public sphere into two completely distinct tribal camps, combined with the blurring of fiction and reality, will greatly exacerbate the problem of polarization and erode comity in Congress.

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<sup>37</sup> Richard H. Pildes, “Why the Center Does Not Hold: The Causes of Hyperpolarized Democracy in America,” *University of California Law Review* (April 2011) 99:2, pp. 273-333.

<sup>38</sup> Daryl J. Levinson and Richard H. Pildes, “Separation of Parties, Not Powers,” *Harvard Law Review* (2006).

### C. Delegated Democracy

This scenario describes a United States characterized by pluralized politics and Hamiltonian government. Recognizing its limitations, Congress has continued to effectively transfer its Article I powers to the executive branch, where presidents seeking to lead the nation as a whole (and avoiding hyper-partisan actions) have sought to exercise this power in ways that preserved it for their future use. This scenario is presented in the form of speech by the President and CEO of the Woodrow Wilson Center at an event commemorating the Center's 80<sup>th</sup> Anniversary in 2048.

*150 years ago, in the immediate aftermath of the Spanish-American war, the man whose name graces this Institution felt obliged to rethink his understanding of the American political system. Woodrow Wilson was at that time a leading political scientist who had famously criticized the separation of powers as a "radical defect" in the Founders' Constitution, as well as the dominant role it gave to a parochial Congress that hopelessly dispersed power and thus precluded the responsible exercise of it. But with the U.S. debut on the world stage, Wilson believed that power would flow from one end of Pennsylvania Avenue to the other. As the U.S. government became more active at home and abroad, it was both natural and necessary that the president emerge as the national leader in both domains – and Congress move off center stage in our democracy.*

*In retrospect, Wilson may have been 100 years too early in this prediction. It generally played out across the 20<sup>th</sup> Century, but there were intermittent periods of congressional assertion and presidential retreats. In the 21<sup>st</sup> Century, however, it has been fully realized. From the 9/11 attacks forward, it has been abundantly clear that the presidency, not Congress, is the keystone of our system of government. As the global war on terror enters its 50<sup>th</sup> year, U.S. forces, hardware, and software under the President's command and coordination are deployed around the world and throughout cyberspace. Especially after the terror attacks on the U.S. homeland in the 2030s, and the ongoing economic and military confrontation with China, Congress and the courts have given a series of presidents from both parties essentially a free hand in national and homeland security policy.*

*Presidents have also dominated domestic policy in this period because Congress repeatedly struggled to develop legislative solutions to the nation's problems at home. President Smith for example had to take the initiative with replenishing the Medicare Trust fund in 2025 when Congress failed to do so. She appointed a blue-ribbon commission of experts from both parties and, in novel method that would quickly become commonplace, secured legislative authority from Congress for an up or down vote within 30 days on the bill her appointed experts drafted. Fast tracking was not just for trade agreements anymore. The success of this approach led subsequent presidents to use it throughout the 2030's and 40's in tackling a range of thorny issues, including climate change, Social Security reform, immigration, and the initial universal basic income package. Constitutional sticklers complained that the routinization of what has come to be known as Legislation Promotion Authority amounts to a debasement of the separation of powers, but these voices have been in the minority.*

*Congress's delegation of power to the executive branch was greatly furthered by the ongoing transfer of its powers of the purse to the White House throughout the 2020's and 2030's. Congress automated the debt ceiling so that the executive's borrowing authority was increased whenever the tax or spending bills that Congress endorsed entailed it. In response to complaints about government shut-downs, Congress likewise established an automatic continuing resolution that kicked in whenever*



*appropriations were not passed in a timely way. Congress increasingly authorized agencies to fund their budgets out of their own operations or those of the Federal Reserve, leaving them outside of the control mechanisms provided by the appropriations process. Finally, Congress gave the president more flexibility to reprogram the diminishing amount of funding that it was still appropriating, especially for the Pentagon and intelligence agencies, and it repealed the Impoundment provisions of the 1974 Budget Act. For their part, presidents took care not to abuse these newly granted fiscal privileges; rather, it enabled them to keep a lid on spending and move money to where they most needed it.*

*In the main, Members of Congress saw this as a win: they could claim credit for spending money, avoid hard choices, and when necessary blame the executive for making these tradeoffs. Needing to spend less time on legislation, Members have opted to focus more on serving as ombudsmen for their constituents vis-à-vis the administrative state, monitoring and periodically intervening in agency work and decisions as they bear on their voters. Collectively Members have reallocated staff and budget resources to support this concentration on their states and districts. Members are in now Washington less than 100 days a year on average and spend the vast majority of their time in their constituencies. The growing richness of community-based social media networks have enabled Members and their staffs to identify and respond to local needs more effectively. The so-called “incumbency effect” that gives current office-holders a leg up in securing their re-election has increased considerably.*

*The turn to presidential government has been stabilized by presidents and presidential candidates of both parties seeking to attract the support of national majorities in a more diverse country. A major shift occurred in the late 20s, when aspiring Republican candidates recognized that, due to ongoing demographic shifts, they could not continue to rely on Donald Trump’s strategy of polarizing the electorate along racial and ethnic lines and hope to win the White House. Senator Thomas famously reoriented the GOP in this new direction in 2028, when he demanded that any racists and xenophobes use the exits at the party’s convention in his speech accepting his party’s nomination for the presidency, which he went on to win. In addition to demographics, Thomas’s shift was also prompted by several electoral reforms that served to broaden the electorate, include the adoption of the National Popular Vote (NPV) in 2026<sup>39</sup> and the implementation of automatic voter registration in more than 30 states.*

*Americans expect their presidents to be leaders of the entire nation, not just a particular party, and for the time being at least presidents have the incentive to stay above the party fray. While its gendered phrasing is outdated now that we have had three female presidents, this 1908 declaration by Woodrow Wilson captures our reality today:*

*“The President is at liberty, both in law and conscience, to be as big a man as he can. His capacity will set the limit; and if Congress be overborne by him, it will be no fault of the makers of the Constitution, – it will be from no lack of constitutional powers on its part, but only because the President has the nation behind him, and the Congress has not. He has no means of compelling Congress except through public opinion.”<sup>40</sup>*

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<sup>39</sup> After Senator Smith won the presidency in 2024 with a minority of the popular vote but a majority of the Electoral College, several red states joined the 12 blue and purple states who had already committed to the NPV compact, putting it over the top. Thereafter, these 22 states committed to giving their 300 electoral votes to the winner of the popular vote, and thus minority presidents became a thing of the past.

<sup>40</sup> Woodrow Wilson, *Constitutional Government in the United States* (New York: Columbia University Press, 1908), pp. 70-71.

## Observations about the Delegated Democracy scenario

- The emergence of the U.S. homeland and cyberspace as venues for attacks on the U.S. will likely strengthen the president's hand vis-à-vis Congress on security issues.
- The shift of power to the executive is driven less by executive usurpation and more by Congress giving away its prerogatives. Contrary to Madison's assumption, ambition can and often does push Congress to defer and delegate, not check and balance.<sup>41</sup>
- Executive domination of law-making becomes a self-fulfilling prophecy – the less legislative work that congressional leaders, committees, and rank and file members undertake, the less know-how they have for doing it, and the more dependent Congress becomes on the White House.
- Strategic choices of individual candidates and party nominees in presidential elections can dramatically increase or decrease the extent to which the nation is polarized.

### D. Crossing the Rubicon

This scenario describes a United States characterized in 2050 by polarized politics and Hamiltonian government. Congress is essentially reduced to background noise as the presidency, and the electoral contests between the nation's warring political tribes to control it, drive the American political system. The scenario is presented in the form of a memorandum from the Washington, D.C. Station Chief of the Ministry of State Security, China's intelligence and security agency, to his government back in Beijing.

*Given the mounting problematic actions of the United States under administrations of both parties, you have asked me to report from a historical perspective about how things have gotten to this point and what they portend for the future. My answer in a nutshell is that over the past five decades the United States has become a curious hybrid, a semi-authoritarian and semi-democratic regime.*

*The most salient development over this period has been the emergence of the presidency as the only political institution that really matters for politics and policy in the United States. The driving factor has been fifty years of more or less continuous U.S. military operations in the Middle East, Afghanistan, and Africa; the nuclear exchange with North Korea in 2023 and its aftermath; and the various hostile actions with our military and cyber forces over the years. By constitutional design and function, the presidency has the advantage vis-à-vis the other branches of the U.S. government in times of global conflict and domestic emergencies, and presidents from both parties have taken full advantage of it. Congress is weakened and divided against itself, and in the absence of congressional pressure, the courts have deferred to the presidency on a wide range of executive orders, budget authorities, military enlargements, drone campaigns, domestic surveillance, quarantines, and other emergency powers. This presidential high-handedness was once the exception. Now it is the rule.*

*Another factor driving presidential pre-eminence is the media in the United States. While continues to be remarkably unregulated, polarizing, and corrosive in its effects, when it comes to coverage and discussion of public affairs, it is focused like a laser on the presidency. Whether media companies support or oppose the White House, all they do is talk about what the president is doing,*

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<sup>41</sup> My thinking on this point has been informed by conversations with and the writing of Chris DeMuth and Jeffrey Tulis.

*what he might do, why and how, etc. Skillful presidents, especially those that have backgrounds in media, use this spotlight to rally their partisans and enrage opponents.*

*Similarly, for its part, Congress has become a noisy spectacle whose members devote their time and energy to supporting or opposing the Administration. We might think of them not as legislators but as media pundits working – performing really – inside the government. They seek to cultivate followings through the media by being more indignant and outrageous than the next Member. They activate and in turn are energized by voices of protest on social media or in the hallways, offices, and galleries on Capitol Hill. It is a never-ending shouting match in which the two sides essentially cancel each other out.*

*Not surprisingly, the legitimacy of and public support for Congress is stuck at abysmal levels. This sustained dysfunction and disrepute has established a vicious cycle. Serving in Congress is the last thing that promising leaders seek to do. If they want to get involved in national politics at all (and most do not) they focus on aligning with an up and coming presidential aspirant in order to serve in a future administration, as that is where they perceive they can have influence. And going that route means they will not need to sully themselves with the unpleasantness of serving in a Congress that has thus come to be filled with second-rate individuals who are largely devoid of leadership and coalition-building skills, let alone any will to deploy them.*

*These developments have prompted us over the years to substantially redirect our intelligence gathering. We used to focus a great deal on Congress given the independent role it played in policy-making, funding, and administration on economic and security matters. As Members of Congress have deferred and delegated to the executive branch on these issues, reduced the staff and expertise the institution devotes to policy-making, and concentrated instead on partisan infighting, we have had much less need to cultivate sources and information in the institution. Congress has become like the legislatures in parliamentary democracies – the real action and decisions take place in the executive body and the elections that give rise to it, and we have targeted our efforts accordingly. When Members of Congress do have sensitive information about the U.S. government's activities that would be of interest to us, invariably somebody leaks it to embarrass the other side, so we acquire it in any case.*

*Recently we also have felt less need to sow public divisions through our cyber and information operations as we once did to aggravate the racial, religious, and regional disputes that continue to deeply divide American society. They are doing this amply to themselves. As executive orders and policy memorandums of one party's presidents are reversed by those of the next president, the nation zig-zags from left to right and is unable to embed policies and bring them to fruition, alternatively encouraging and angering partisans on opposing sides. Demagoguery from presidents and presidential candidates in both parties continues to prevent constructive solutions for the chronic shortfalls in the social and health insurance programs that have long been an implicit source of national cohesion, further rending the social fabric of the country. And neither side will give an inch when it comes to designing and paying for basic income programs, even though upwards of 30 percent of jobs have been displaced by automation.*

*At this point polarization has actually insinuated itself into different government agencies such that one party favors (and is supported by) the Department of Homeland Security and its security services focused on trade, immigration, and border protection. The other party other favors (and is*

supported by) the Department of Justice, the FBI, and the CIA.<sup>42</sup> Likewise with different business sectors and civil society groups, which also find themselves naturally aligned with presidents and candidates of one party and opposing those of the other. Everyone in the society has picked a side, and picked a leader, and is perpetually engaged in an ongoing political civil war.

*It would be tempting to sit back and gloat in the face of the problems bedeviling our primary international competitor. But a U.S. that is at war with itself and much of the world will only serve to compound and cannot help us address the climate change that endangers us all. And a nation that sees itself falling behind the world's great power may resort to desperate measures in the futile attempt to keep up. It is sobering to think that the still considerable military might of the United States – including the thousands of nuclear warheads aimed at China – can be deployed by one person in a moment of foolhardiness, celebrity-induced vanity, or a fit of partisan pique.*

#### Observations about the Crossing the Rubicon Scenario

- In a polarized U.S., unilateral action by the president means that one half of the country rallies to the president's actions and the other half is enraged by them, widening the political divide.
- A polarized and divided Congress makes it easier for Presidents to act independently without fear of being checked and balanced by legislators.<sup>43</sup>
- The open conflict in Congress also provides ample opportunities to foreign adversaries to amplify and worsen tribalism in our politics surreptitiously
- The ability of the president to act independently of institutional constraints increases the variability of U.S. policy and actions in the world and reduces the trust and stability of our foreign relations.

#### **V. Concluding discussion**

The preceding scenarios and the observations are meant to speak for themselves, but in summing up we should consider what if anything can be done by way of preparation or amelioration in the near term to increase the odds of a better future in 2050. To begin and focus this discussion, we might consider the potential paths that reform-minded advocates and political leaders seeking to recover a more pluralized politics could pursue. Recent decades have witnessed accelerating polarization, the recent likes of which we have not seen since the Civil War. There is a growing recognition that our polarized politics have exacerbated our current governance challenges and will make it more difficult to address the problems that will bear down with increasing force in the years ahead. Can we slow down and perhaps even reverse this trend?

When it comes to structural reforms that could reduce polarization in our politics, there is a challenge in that many of the potential levers reformers have at hand are hard to pull, will need be pulled on a state-by-state basis, and may not have the desired consequences. Consider the reforms touted most frequently by pundits as the cure for polarization: expanding the use of nonpartisan

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<sup>42</sup> This dynamic may already be underway. See Rachel Kleinfeld, "The Politicization of Our Security Institutions," *Just Security* April 25, 2018, retrieved from <https://www.justsecurity.org/55383/politicization-security-institutions/> on October 9, 2018.

<sup>43</sup> Terry M. Moe and William G. Howell, "Unilateral Action and Presidential Power: A Theory," *Presidential Studies Quarterly* (December 1999) 29:4, pp. 850-873.

redistricting and opening up primary elections currently controlled by parties. There may be other good reasons to adopt these reforms, but the available evidence suggests they will not do much to alleviate the underlying problem of polarization.<sup>44</sup> Improving our systems of election administration, making it easier to vote through automatic voter registration, and reforming the Electoral College via the National Popular Vote reform may likewise be good things to do from the standpoint of democratic values, but they won't materially reduce polarization.

An emerging reform that may hold more promise in reducing polarization and increasing pluralism in our politics is ranked choice voting (RCV). This election format gives voters more choices and provides a finer-grained register of public opinion, ensures winning candidates are supported by a majority, and – most importantly – gives candidates incentives to forgo highly negative and partisan campaigns.<sup>45</sup> RCV is currently used in many other countries (including Australia, Ireland, and multiple Canadian provinces) and in cities across the United States. The citizens of Maine have now passed two ballot measures establishing RCV for their state and federal legislators in primary and general elections beginning in 2018. Momentum for adopting RCV is building in several other states.

RCV could work especially well in the context of multi-member legislative districts, a combination that would enable fuller representation of women, racial minorities, and both parties in state congressional delegations, while practically eliminating the possibility of partisan gerrymanders. Multi-member districts are less alien than they may seem at first glance. Across the U.S., 15% of state legislators represent multi-member districts, as in effect do U.S. Senators. Multi-member districts were common in the House of Representatives until the 1840s, and some states continued using them for the House of Representatives until 1967, when Congress passed legislation requiring single-member districts. But this law could be overturned, and legislation has been introduced that would do just that, establishing RCV in multi-member house districts.<sup>46</sup>

We also need to find ways of mitigating the polarizing effects of our current system of campaign finance, which has been deregulated through a series of Supreme Court decisions. Given recent appointments to the Court, these problematic precedents will not be revisited anytime soon. We are going to have to cope with the problems they have produced, including effectively unlimited and undisclosed spending by highly ideological outside groups in the years ahead. But reformers can learn from and work to expand novel experiments in public financing via the matching funds and voucher systems currently being used in New York City and Seattle, respectively. These experiments have the virtue of encouraging candidates to build connections with and raise funds from their constituents. Recent scandals involving so-called Leadership PACs could also prompt reforms of those entities, which intensify the pull of partisanship in Congress.

But we return to the fact that these reform campaigns will need to be waged against incumbent politicians and parties that benefit from the status quo. Thus we should be measured in assessing the chances of success. A bit of humility will help too, as some of the core features of our current system

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<sup>44</sup> Nolan McCarty, "Reducing Polarization: Some Facts for Reformers," *University of Chicago Legal Forum*, 2015, pp. 243-278.

<sup>45</sup>Here is how it works: voters rank the candidates in order of preference, and the ballots are initially counted for each voter's top choice. If a candidate secures more than half of the first-place votes, that candidate wins. If not, the candidate in last place is eliminated. Votes are then reallocated to the voters' top choices across the remaining candidates. This process repeats until one candidate is the top remaining choice of a majority of the voters.

<sup>46</sup> See FairVote, "The Fair Representation Act," retrieved from [https://www.fairvote.org/the\\_fair\\_representation\\_act#why\\_rcv\\_for\\_congress](https://www.fairvote.org/the_fair_representation_act#why_rcv_for_congress) on October 30, 2018.

that many reformers now want to change are in fact the negative consequences of earlier reform efforts, most notably our system of party primaries for nominating candidates and the limitations placed on political parties by our campaign finance regulations.<sup>47</sup>

Ultimately, the problem of excessive polarization in our politics will need to be reformed through politics itself. Should this occur, it will likely happen via some combination of two developments. The first development would be one party decisively winning the battle for control of Congress that, at least since the mid-1990s, has had the two parties fighting on a knife edge in each electoral cycle. As Frances Lee has observed, more secure and stable majorities in Congress would impact the nature of partisan competition within that body by signaling to members of the minority party that they would need to go along to get along or risk marginalizing themselves further. This dynamic would also reshape and depolarize the cues received by voters from party elites in Congress, an important if indirect effect of the competition between the parties in government.

The second development would be a reshuffling of the party coalitions so that they once again overlapped, with each party competing (albeit more or less effectively) for the votes of all Americans. In successfully pursuing a campaign grounded in appeals to the racial, cultural, and economic concerns of the white working class, Donald Trump placed not only the Republican Party but also the nation as a whole on a very different trajectory. So long as we remain on this course, polarization will likely worsen, as appeals grounded in race and ethnic identity lend themselves to tribalism, not pluralistic politics. But the country is not now permanently locked into the political debate and issue agenda that candidate and now President Trump superimposed on our system. Other ambitious leaders, including those rising to power in up-and-coming generations, may see fit to pursue alternative strategies that take us in different directions. Over the next 2-3 decades, the demographic trends that have helped orient the US2050 project in general make this subsequent shift more likely than not, as it will be increasingly difficult for future GOP presidential candidates to follow President Trump's strategy and win national office. But whether, and if so when, this reorientation in our politics comes about remains to be seen.

At this juncture we might also consider whether we can and should attempt to reverse the prevailing Hamiltonian trends in our governing institutions and recover Madisonian elements that have eroded over the years. To be sure, some prominent observers would regard any attempt to rebalance toward Congress as a fool's errand. In their view, the "Delegated Democracy" scenario described above is a natural outcome that we should be working towards and welcoming.<sup>48</sup> But in the face of the expansive unilateral action under recent presidents, there is a growing recognition that a dysfunctional Congress is a real problem, as it prevents reaching the durable legislative settlements that are necessary in a diverse republic of continental scale. It also precludes the robust checking and balancing between the branches that our system of government depends on – especially if our experience indicates (as Madison first observed) that enlightened statesmen will not always be at the helm in the White House.

But the questions remain: at this stage in our nation's history, can Congress be revitalized so that it can once again play these roles? What would it take to move our government in more of a

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<sup>47</sup> On this point, see Bruce Cain, *Democracy More or Less: America's Political Reform Quandary* (New York: Cambridge University Press, 2015); Ray La Raja and Brian Schaffer, *Campaign Finance and Political Polarization: When Purists Prevail* (Ann Arbor, MI: University of Michigan Press, 2015); Seth Masket, *The Inevitable Party: Why Attempts to Kill the Party System Fail and How They Weaken Democracy* (New York: Oxford University Press, 2016).

<sup>48</sup> See Posner and Vermuele, *Executive Unbound*, and Moe and Howell, *Relic*, for recent statements of this perspective.

Madisonian direction, counter-acting the Hamiltonian shift of power embodied in the modern presidency? Rather than piecemeal reforms to different parts of Congress – e.g., ending term limits for GOP committee leaders, or moving to biennial budgeting – this shift would appear to require a multi-faceted reassertion of congressional power and authority vis-à-vis the executive branch. This was the pattern that prevailed in the immediate aftermath of World War II, when Congress passed several measures, including the Legislative Reorganization Act and the Administrative Procedure Act, to recapture some of the powers it had ceded to the executive branch during the years of depression and war. Likewise with a series of reforms that Congress undertook in the wake of Vietnam and Watergate, including the Budget and Impoundment Control Act, the National Emergencies Act, and the Foreign Intelligence Surveillance Act. These legislative resets each had a half-life, and many of them have been depleted. After years of justifiable complaints of presidential overreach from legislators in both parties, the time is ripe for another reset.

If and when this reset occurs, we can expect this institutional reassertion to be led by what Roger Davidson once termed “procedural entrepreneurs” in Congress, i.e., legislators who seek to diagnose the institution’s problems and develop solutions that would enable it to function more effectively – and to check and balance the presidency.<sup>49</sup> Procedural entrepreneurs often serve as catalysts for larger groups of institutionally-minded and rank-and-legislators frustrated with the roles and few degrees of freedom assigned to them in the status quo, bringing them into reform coalitions. These coalitions formed and had great effect in the 1940s and 1970s. There are signs it is happening again. Several bipartisan reform caucuses have emerged in Congress to push various reform agendas, and multiple bills are now in circulation. Over the last two congresses, there has been growing bipartisan support among members to establish a joint select committee to review and reform the operations of Congress as a whole, a step that lay behind these earlier waves of systematic institutional reform. In the first weeks of the current Congress, a sweeping bipartisan majority in the House voted to establish a Select Committee on the Modernization of Congress to review and recommend improvements in the rules, procedures, systems, and institutional capacity of Congress, and that committee is now up and running.<sup>50</sup> As in these earlier periods of change, we are now also seeing external advocates for congressional reform working across the political spectrum with procedural entrepreneurs inside Congress to inform and reinforce their efforts to remake the institution.<sup>51</sup>

Rather than run through a litany of potential reforms that could be advanced through a reassertion of congressional power, we should anticipate a few basic ways in which this reset might play out. We could expect the reset to be driven by, and clear the way for, individual members, especially in the Senate, taking action on their own, refusing to toe the partisan lines articulated by party leaders and presidents, and opting instead to work with like-minded colleagues on both sides of the aisle to advance shared policy and institutional concerns.<sup>52</sup> We could expect the reset to involve power and initiative

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<sup>49</sup> Roger H. Davidson, “The Legislative Reorganization Act of 1946,” *Legislative Studies Quarterly* (1990) 15:3, pp. 357-373.

<sup>50</sup> Lee Drutman, “Can Congress Fix Itself,” *vox.com*, February 14, 2019, retrieved from <https://www.vox.com/polyarchy/2019/2/14/18224903/can-congress-fix-itself-committee> March 4, 2019.

<sup>51</sup> See for example the work of congressional reform advocates, think tankers, and scholars associated with the Legislative Branch Capacity Working Group at [www.legbranch.com](http://www.legbranch.com), Future Congress at [www.futurecongress.org](http://www.futurecongress.org), the Congressional Reform Project at <https://www.conginst.org/congressional-reform-project>, the National Budgeting Roundtable at <https://www.budgetingroundtable.com>, the Center for Effective Lawmaking at <https://thelawmakers.org>, and the Congressional Oversight Initiative at <https://www.pogo.org/congressional-oversight-initiative>.

<sup>52</sup> My thinking on this point has been greatly informed by conversations with James Wallner and Yuval Levin.

flowing from party leadership back into committees and subcommittees, furthering the trend toward individual initiative and bipartisanship in congressional policy-making. We could expect the reset to begin to rebuild the staffing and expertise Congress needs to do its work – on committee policy staffs, in legislative support agencies like GAO, CBO, CRS, and perhaps in a rebooted Office of Technology Assessment or an equivalent entity. Congress augmenting its internal capacity to make and oversee policy would in turn bolster the institution’s legitimacy by reducing the need for members and their staffs to rely on the “legislative subsidy” provided by lobbyists.<sup>53</sup> Ultimately, the reset of Congress would be made manifest (or not) in an institution whose members spend much more time making laws and overseeing their implementation; in a Congress that has regained the basic control it is meant to exercise over the administrative state, the powers of the purse, and the nation’s wars – in sum, in a Congress that is fulfilling the essential functions that it is meant to in our separation of powers system.

The above discussion might suggest that recovering a Madisonian Congress is a job for electoral reformers, political leaders, and members of Congress – i.e., elites in Washington, D.C. But American citizens also have a role to play – indeed it might be the most important one of all. For some, this will entail more active engagement with the legislators representing them in between elections to ensure they understand their constituents’ preferences and are taking them into account. New grassroots organizations and networks have emerged to help citizens engage with members such a fashion. Other citizens are taking the lead in organizing political efforts to elect members of Congress that will better represent them. These local and informal political organizers are going about their work in a pragmatic manner well-suited for the places they live and know best (as opposed to the more ideologically doctrinaire spokespeople on national and social media).<sup>54</sup> Finally, a groundswell of citizens, many from non-political backgrounds, have been putting themselves forward to run for Congress. Brookings Institution researchers found that 2,280 candidates ran for House seats in 2018, a 37 percent increase from 2014. The 2018 midterms saw 100 new leaders – 90 in the House, 10 in the Senate – win election to Congress, and many of them appear to be determined to renew the institution.<sup>55</sup>

Running across all of these examples of reawakened citizen engagement with Congress is a conviction that the first branch of government can and must do better when it comes to representing the American people. The sustained public repudiation of Congress we noted at the outset reflects the reality that the institution has been underperforming for some time. But its duration also suggests that citizens have grown complacent and / or resigned in the face of its underperformance. In the end, American citizens elect and get the Congress they deserve. If it is broken, we need to do our part to fix it. On this point, we might conclude with argument made by Madison in a speech at the Virginia Ratifying Convention: “I go on this great republican principle, that the people will have virtue and intelligence to select men of virtue and wisdom. Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks – no form of government can render us secure.”

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<sup>53</sup> Lee Drutman and Steve Teles, “A New Agenda for Political Reform, *Washington Monthly*, Spring 2015, retrieved from <https://washingtonmonthly.com/magazine/maraprmay-2015/a-new-agenda-for-political-reform/> on October 30, 2018.

<sup>54</sup> See Lara Putnam and Theda Skocpol, “Middle America Reboots Democracy,” *Democracy: A Journal of Ideas*, February 20, 2018, retrieved from <https://democracyjournal.org/arguments/middle-america-reboots-democracy/> on October 30, 2018.

<sup>55</sup> Elaine Kamarck and Alexander Podkul, “The 2018 Primaries Project: Introduction to the Candidates,” October 23, 2018, Brookings Institution report retrieved from <https://www.brookings.edu/research/the-2018-primaries-project-introduction-to-the-candidates/> on March 4, 2019; Beatrice Jin, “Congress’s incoming class is younger, bluer, and more diverse than ever,” *Politico*, November 23, 2018, updated January 7, 2019, retrieved from [https://www.politico.com/interactives/2018/interactive\\_116th-congress-freshman-younger-bluer-diverse/](https://www.politico.com/interactives/2018/interactive_116th-congress-freshman-younger-bluer-diverse/) on March 4, 2019.