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Effective Bipartisan Leadership
Lessons Learned from the landmark Civil Rights Act of 1964

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The Civility Initiative in Congress, 1996-2004

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Effective Bipartisan Leadership

Lessons Learned from the landmark Civil Rights Act of 1964

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With the national debate swirling around health-care reform, both political parties have stated that more bipartisanship leadership is needed in our nation's capitol. Indeed, the clear majority of Americans have indicated that they want members of Congress to work across party lines to provide solutions to our country's most pressing issues, including comprehensive health-care reform¹. Notwithstanding this strong public sentiment, both political parties seem to struggle with turning the talk of needing bipartisan leadership into reality. This article will explore the effective bipartisan leadership used by both political parties and the White House in passing the landmark Civil Rights Act of 1964 and how this model can serve as a template for the 111th Congress and the Obama administration².

Historical Background

Following the Spring 1963 demonstrations in Birmingham, Alabama led by Dr. Martin Luther King, Jr., the Kennedy administration began drafting civil rights legislation. After Kennedy's tragic assassination, President Lyndon Johnson on November 27, 1963 urged Congress to pass civil rights legislation promptly to honor President Kennedy's memory. In 1964, the United States

¹ Jon Cohen, February 9, 2010, [The Obama Presidency](#), *Washington Post Polls*

² Credit for much of the insights in this paper goes to Frank Mackaman of The Dirksen Congressional Center who wrote an extensive and thoughtful analysis of the bipartisan negotiations that led to passage of the 1964 Civil Rights Act. Mackaman, F. (2006). *The Long Hard Furrow/Everett Dirksen's Part in the Civil Rights Act of 1964*, The Dirksen Congressional Center.

Senate was made up of 67 Democrats and 33 Republicans. Twenty southern Democrats were adamantly opposed to the civil rights bill. Hence, Hubert Humphrey, the U.S. Senate Majority Whip (D-MN), needed at least twenty Republican Senators to vote for cloture and end what turned out to be the longest filibuster in the United States Senate (534 hours, 1 minute and 51 seconds).³ The final vote tally for cloture thus ensuring passage of the Civil Rights Act of 1964 in the United States Senate came to 44 Democrats and 27 Republicans in favor and 23 Democrats and 6 Republicans opposed. Significant lessons can be gleaned from this example of effective bipartisan leadership in passing this historic legislation.

Lesson One: Early and Active Involvement of the Minority Party

President Kennedy and U.S. Majority Leader Mike Mansfield (D-MT) knew that they needed to involve U.S. Senate Minority Leader Everett Dirksen (R-IL) early into the civil rights negotiations. The bottom line was that the Democrats needed Senator Dirksen to persuade enough Republicans to support cloture. In June 1963, the Kennedy administration gave Minority Leader Dirksen an early draft of their civil rights legislative proposal and Dirksen discovered two major concerns with the bill, one dealing with employment and the other with public accommodations. Additionally, in June 1963, President Kennedy invited Senate Republican leaders to the White House for a general discussion of civil rights legislation.⁴

During the summer of 1963, a subcommittee of the House Judiciary Committee conducted lengthy hearings on the civil rights bill, inviting many witnesses to testify in favor of, or in opposition, to the proposed legislation. The subcommittee, in a bipartisan vote, approved the civil rights bill with little

³ Mackaman, 43-44, 135.

⁴ Mackaman, 9.

trouble. On February 10, 1964, the U.S. House of Representatives passed a strong civil rights bill by an overwhelming 290-130 margin with strong bipartisan support (152 Democrats and 138 Republicans voted in favor). Since the U.S. Senate had killed nearly all civil rights legislation for decades, the real battle had just begun. Immediately following passage of the House civil rights bill, President Lyndon Johnson urged Majority Whip Humphrey to spend time with Minority Leader Dirksen who was the key to passing the bill in the Senate, “You’ve got to let him have a piece of the action. You drink with Dirksen! You talk with Dirksen! You listen to Dirksen!”⁵

In addition, Senator Humphrey hosted weekly bipartisan meetings with U.S. Senate Minority Whip Thomas Kuchel (R-CA) that focused on cloture and floor strategy for the civil rights legislation. Moreover, almost daily meetings occurred of the bipartisan Democratic and Republican staff for the Civil Rights Act of 1964 who represented Senators who provided floor management for the civil rights bill.⁶

In today’s partisan Congressional environment, it is hard to imagine this kind of bipartisan interaction between Congressional members and Congressional staff. Yet, for bipartisanship leadership to truly work, it is essential for Congressional leadership on both sides to be willing to meet, listen, and work together in search of common ground. And, this interaction must occur early and often in the legislative process. Importantly, the President must also be willing to exert his considerable influence to direct Congressional leaders from both parties to follow this bipartisan process. Finally, it is worth noting that this process takes time, involves hard work, and cannot be rushed.

⁵ Firestone, B. and Vogt, R. (1988). *Lydon Baines Johnson and the Uses of Power*. Hofstra University, p. 119.

⁶ Mackaman, 65.

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Another key factor that enabled effective bipartisan leadership to succeed in passing the landmark 1964 Civil Rights Act were the longstanding cordial relationships that existed across party lines between Congressional leaders. On February 17, 1964, the House-passed civil rights bill was delivered to the Senate and Majority Leader Mansfield rose from his desk and facing Senator Dirksen said: "I appeal to the distinguished Minority Leader whose patriotism has always taken precedence over his partisanship to join me in . . . the resolution of this grave national issue."⁷ Senator Mansfield enjoyed a warm relationship with Senator Dirksen and consulted with him often.

Similarly, Democratic Majority Whip Humphrey on March 8, 1964, made these comments about Republican Minority Leader Dirksen on *Meet the Press*:

"[H]e will support a good civil rights bill that would put his country above party, that he would look upon this as a moral issue and not a partisan issue. Senator Dirksen is not only a great Senator, he is a great American."⁸

During the Senate negotiations on the civil rights bill, Senator Humphrey visited with Senator Dirksen nearly every day, seeking his revisions and input to the legislation.

The friendly relationships with Republican Minority Leader Dirksen also extended to Democratic Presidents Kennedy and Johnson. Senator Dirksen said this of his good relationship with President Kennedy:

⁷ MacNeil, N. (1970). *Dirksen: Portrait of a Public Man*. The Word Publishing Company, p. 90.

⁸ Firestone, p. 119.

“[President Kennedy] has been my friend for fourteen years . . . he calls me to the White House. He sits in the rocker. I tell him what I think from the bottom of my heart and I think that’s why he keeps asking me back.”⁹

From the beginning, a bipartisanship approach to the civil rights legislation was the strategy of the Kennedy White House.

Senator Dirksen’s relationship with President Johnson was even closer, stemming from Johnson’s previous role as Majority Leader of the U.S. Senate. In the evenings, after the Senate’s work was done, they would visit each other’s offices and partake from their well-stocked liquor cabinets. Over a glass (or two) of bourbon, they shared stories and confidences and a genuine affection and friendship developed.¹⁰ This respectful relationship continued when Johnson became President and Dirksen often visited the White House to have a drink, “chew the fat, reminisce, tell stories, laugh, and really enjoy themselves.”¹¹ After the landmark civil rights bill passed, President Johnson gave credit to his long-time friend and colleague: “In this critical hour, Senator Dirksen came through, as I hoped he would. He knew his country’s future was at stake. He knew what he could do to help. He knew what he had to do as a leader.”¹²

Consequently, respectful relationships across party lines can have a significant impact on the legislative process. Notably, these relationships grow meaningful when the interaction is regular and informal. Our hope is that the Freshman class of the 111th Congress will begin to further develop bipartisan relationships that will lead to effective bipartisan public policy.

⁹ MacNeil, p. 190.

¹⁰ MacNeil, p. 181.

¹¹ Hulse, B. (2001, January 11). *Everett Dirksen: Master Legislator*, from the Dirksen Congressional Center website: http://www.dirksencenter.org/print_emd_masterlegislature.htm.3.

¹² Mackaman, F. (1998). *Biography of Everett M. Dirksen*, from the Dirksen Congressional Center website: <http://www.dirksencenter.org>

Lesson Three: Compromise can lead to better public policy.

Originally, President Johnson insisted that the Senate pass a civil rights bill that differed little from the House version. In the end, however, both Republican and Democratic leadership made compromises to reach a substantively acceptable bill to both parties. The compromise civil rights bill worked out between Majority Leader Mansfield, Majority Whip Humphrey and Minority Leader Dirksen was near enough to the original House version that it satisfied the Justice Department and the Bipartisan Civil Rights Coalition in Congress, yet was sufficiently different in tone and emphasis to win more Republican support.

Senator Dirksen left his imprint on the civil rights bill with ten substantive amendments which mainly focused on more involvement of local and state government in enforcement of fair employment and public accommodations, thus keeping federal government intervention to a minimum. Senator Dirksen met repeatedly with his Republican “swing vote” senators to make the civil rights bill acceptable. This strategy proved successful in getting 27 Republican Senators to vote for cloture thus finally ending the 52 day filibuster.

Clearly, the Democratic leadership also deserves much credit for pursuing a truly bipartisan legislative process. Both Majority Leader Mansfield and Majority Whip Humphrey spent countless hours with Republican leaders to craft the final version of the historic 1964 Civil Rights Act. In relaying to President Johnson that an agreement had been reached, Humphrey stated, “Mr. President, we’ve got a much better bill than anyone ever dreamed possible. We haven’t weakened this bill one damn bit; in fact in some places we’ve improved it. That’s no lie, we really have.”¹³

¹³ Mackaman, p. 107.

In reality, neither political party has a lock on wisdom when it comes to complicated public policy issues. Indeed, as shown by the 1964 Civil Rights Act, compromise can lead to improved legislation.

Lesson Four: Putting Country Before Party

Republican Senate Majority Leader Dirksen, in advocating for the civil rights legislation, stated: “I trust that the time will never come in my political career when the waters of partisanship will flow so swift and so deep as to obscure my estimate of the national interest.”¹⁴ Dirksen’s leadership approach in the Senate was based on a deep belief that the Senate was a public institution that must work and be “a two-way street . . . that requires the efforts of both parties.”¹⁵ Dirksen felt that the minority party had a duty to the country not to merely be obstructionist. Clearly, the Republican Senators in 1964 had the votes necessary to stop the civil rights bill dead in its tracks.

Similarly, Majority Leader Mansfield’s number one objective was to make the Senate function as a viable institution.¹⁶ In the end, congressional leadership from both parties and the White House placed the national interest above partisanship in passing the landmark Civil Rights Act of 1964.

Conclusion

Unquestionably, the racial turmoil in the South and outside pressure from pro-civil rights forces including churches, moved Congress to action.

¹⁴ Originally printed in the *Peoria Journal Star* on June 10, 2004, *Everett McKinley Dirksen’s Finest Hour*: June 10, 1964, the Dirksen Congressional Center website: http://www.dirksencenter.org/print_emd_bio.htm.10.

¹⁵ Mackaman, F., *Biography of Everett M. Dirksen*, from the Dirksen Congressional Center website: http://www.dirksencenter.org/print_emd_bio.htm.10.

¹⁶ MacNeil, p. 213.

Notwithstanding, utilizing an effective bipartisan process in Congress was critical to passage of this historic legislation.

It is possible to move away from the hyper-partisan atmosphere of Congress today and return to a more civil, bipartisan spirit of leadership. And, leadership lessons from passing the 1964 Civil Rights Act can provide significant guidance. It will take time and persistence to truly change the political culture but Americans want their elected officials to work together across the political aisle to provide solutions to our country's most pressing issues. The Freshman class of the 111th Congress can begin the dialogue, form genuine bipartisan relationships, and eventually help lead the way.



President Johnson and Minority Leader Dirksen warmly greet each other (left) and Minority Leader Dirksen and Majority Whip Humphrey along with other U.S. Senators celebrate passage of the 1964 Civil Rights Act (right). *From the Collections of The Dirksen Congressional Center.*

The Civility Initiative in Congress, 1996-2004¹

By

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“It has always puzzled me that in Washington we have no public vocabulary to describe civility, which I believe is among the highest of public virtues . . . peaks of uncommon progress can be reached by paths of common courtesy”
Robert H. Michel, Republican Leader of the House, 1981-95

From 1996 through 2004, Illinois Republican Congressman Ray LaHood, who worked for Bob Michel and then succeeded him in the House, led a small group of House colleagues in a concerted effort to promote civility in that chamber. For the first and only time in congressional history, these men and women organized a series of four “civility retreats,”² as they were known, to counter the trend toward discourteous behavior in the House. After almost a decade, however, they gave up, having failed at the task.

In this presentation, I propose to use their efforts to (1) identify the obstacles to civility in the House of Representatives, (2) describe the remedies proposed, and (3) speculate on the causes of the failure. If the past is prologue, perhaps there is something to be learned from the LaHood civility initiatives.

The Idea

What did the organizers hope to achieve? The co-conveners of the first civility retreat, LaHood and Congressman David Skaggs, a Democrat from Colorado, stated the purpose of their effort in letters to Speaker Newt Gingrich and Minority Leader Dick Gephardt in June 1996:

The ability of the House of Representatives to deal successfully with the challenges facing the nation depends on the level of trust and the working relationships that exist among members. We believe there is a real need for a considered and concerted effort to improve the House in this respect.

Without belaboring the experience of the last several years, we all seek a greater degree of civility, mutual respect and—when possible—bipartisanship. We believe this can be accomplished without having to compromise vigorous debate or legitimate disagreement. But it will take work and a certain commitment.

¹ After leaving office, Mr. LaHood began to write a congressional memoir based on his recollections and the papers he donated to The Dirksen Congressional Center. This paper is an adaptation of a chapter on his civility initiatives. The views expressed here are my own and not necessarily shared by Mr. LaHood (or anyone else, for that matter).

² The four retreats took place on the following dates: March 7-9, 1997 [197 Members attended], March 19-21, 1999 [186 Members attended]; March 9-11, 2001 [125 Members attended]; and February 28-March 2, 2003 [Attendance not revealed]. A fifth retreat scheduled for January 2005 was cancelled because of lack of interest.

We are writing you . . . to suggest that you agree to set aside a long weekend early in 1997 for the entire membership to meet together informally at an appropriate site near Washington.

It would be premature now to try to lay out any very detailed agenda. The main purpose would be to permit members to get to know each other before the difficult work of the 105th Congress begins in earnest and to establish a more constructive spirit and ethic for member-to-member relations.

We hope you agree that such a session would help create a more congenial and productive work environment, regardless of who may have the majority after the election. We recommend that you appoint a planning committee drawn equally from each party to develop a specific proposal that could be approved by the joint leadership before *sine die* adjournment of the 104th Congress.

With the blessing of Gingrich and Gephardt, a group of nine Members began planning for Retreat I.

The First Retreat: March 7-9, 1997

The first retreat took place in Hershey, Pennsylvania. After presentations by several speakers, the Members and spouses divided into small working groups, led by trained facilitators. Taken together, the 12 groups meeting in Hershey identified more than 500 obstacles to achieving civility in the House and more than 230 solutions. Table 1 below arrays obstacles and solutions by category.

Table 1. Obstacles and Solutions to Civility

Category in order of frequency	Obstacles	Solutions
Personal behavior ³	76	15
Media	58	11
Internal culture	53	57
Campaigns	49	4
Rules/procedures	47	35
Public attitudes	43	7
Planning/scheduling	26	19
Political parties	24	1
Ideology	23	0
Socializing	22	15
Leadership	18	18
Issues	14	10
Family	12	4
One minutes	11	12
Speed of change	8	0
Terms	7	2
Orientation	6	13

³ In the category of personal behavior, one group offered a simple solution: “Remember your Mom is watching you.”

Staff	4	5
Cloakroom	4	3
Travel	3	5

Planning committee members spent countless hours parsing the data, categorizing the causes and effects of uncivil behavior in different combinations. How much of the problem stemmed from individual actions, for example? How much lay beyond the control of members—attributable to external factors? Among the findings: personal behavior and the internal culture of the House accounted for about 25 percent of the obstacles to civility. Nearly the same proportion came from media influences, public attitudes, the nature of issues, and the speed of change in society combined—all factors largely outside the direct control of members. Yet another analysis counted 306 of the 508 obstacles as the result of internal rules and procedures.

Much food for thought.

The talking points developed as the retreat ended reflected the organizers’ enthusiasm for what had transpired:

For any legislature to function, its members must have a level of trust in each other. And that trust can only develop when legislators have an opportunity to get acquainted, as people, across the aisle, outside the arena of partisan combat. When people know each other, they are less likely to question the other person’s motives, or to let policy differences turn into personal hostility.

Our mission for three days has been as confounding as it has been simple. We came together to bring greater civility to the House of Representatives. No legislative business. No political games. Just members and their families taking time together, to get to know one another better, to examine the environment in the House and figure out what can be done to make it better.

The nation is well-served by healthy and vigorous debate. That’s essential to a functioning democracy. There are real and significant differences between Republicans and Democrats, and we have no desire to blur those distinctions. Rather, the retreat has been about handling those disagreements constructively, and honoring our Republic with debates that are more civil, more respectful, and ultimately more productive.

As there is no simple cure for the incivility we see too often in American society generally, there is no simple cure for the rancor and mistrust in the House. The retreat is no panacea, but it is a start. As members of Congress, we have an enormous responsibility to the nation. With some luck and good will, what has begun this weekend will help us better meet that responsibility.

Hershey I, as it came to be known, proved to be the largest gathering of House members outside of the Capitol in the nation’s history. LaHood was certain that Members had started to build friendships and relationships that would last far beyond their careers in Congress. He was not alone in these beliefs. Charlie Stenholm (D-TX) told the press, “There are going to be some friendships made, and I think when you do that, you’re going to have a better chance of working together.”⁴ According to Robert Franks (R-NJ), “This is the first time I’ve ever had the

⁴ *Chicago Tribune*, March 8, 1997, LaHood Papers, DC Office, Subject Files, Civility Retreats. 1997. Press.

opportunity to get to know people as human beings rather than as political entities. People will be far more reticent to engage in verbal warfare now that we understand the human dimensions of members.”

The Speaker and minority leader attended all sessions during the weekend, talked to each other, and appeared open to the suggestion that the House leadership have regular joint meetings. On the floor of the House the following week, Gingrich said that the retreat had produced “measurable progress” on the complex challenge of how to debate and legislate with respect. Gephardt, too, spoke positively about the retreat, calling it “a historic event, the only time that I know that members from both sides of the aisle and their families have had a two-day period to understand how we could better work together to solve the problems we are all trying to solve.”

One of the members of the planning committee had a more reserved reaction, however. New York Republican Amo Houghton told the press, “I have high secret hopes, but low public expectations. I think we can overpromise, we can overindulge ourselves because we’ve all had such a wonderful time.” The press also called a few members who did not attend and hit upon an attitude that would confound those who planned future retreats. As an aide to Michael Oxley (R-OH), who did not attend, put it, “He’s not going because the people who need to go won’t. The people who are already civil will show up.”

Next came the task of implementing at least some of the solutions proposed at the retreat. The planning group spent considerable time trying to determine what to do next. Immediately following the retreat, staff and organizers began compiling the findings and circulating drafts of action steps.⁵ LaHood’s files contain various lists of ideas, suggestions, and proposals for action. They parsed the ideas in every way imaginable. For example, one draft organized the suggestions according to who could take the necessary action to improve civility:

- Suggestions that could be implemented by action of the Speaker, e.g., move one-minutes to the end of the day, try to make the legislative schedule family friendly, and allow the use of signal lights for each floor manager to ask his or her counterpart to seek civility among members on that side of the aisle during debate
- Suggestions that could be implemented by joint leadership action, e.g., joint leadership meetings, joint meetings of the conference/caucus, and bipartisan social events
- Suggestions that could be implemented by changes in the House rules, e.g., admit spouses to the floor during late sessions and make the ethics process less subject to abuse
- Suggestions that could be implemented by Retreat Planning Committee action, e.g., distribute the opening video to all members, obtain a Special Order to explain what happened in Hershey, and hold media, staff, and committee retreats
- Suggestions that could be implemented by administrative action, e.g., commission a group photo of the entire membership and provide on-going facilitation coaching for members
- Suggestions that could be implemented by ethics rulings [none listed]
- Suggestions that might need funding, e.g., provide member name tags, publish a spouse directory, and sponsor a lecture series
- Suggestions that might involve family participation, e.g., more use of the

⁵ See Appendix A.

- family room and host periodic functions for families
- Suggestions that could be implemented by individual member action, e.g., participate in a DC clean-up day, wear nametags, mingle, and improve the tone of campaigns.

For about two months, March and April 1997, momentum seemed to be with the civility initiative. But momentum soon waned. No one took on the civility initiatives as a full-time responsibility, and it was too easy for Members and staff to return to their normal routines. One of the consultants to the project reminded LaHood and Skaggs that neither had what he called “sanctioning power.” Both could advocate for change, but they lacked the power to impose it without the approval of others. He warned that simply knowing who could effect change did not mean that change would result. “In fact, just handing over ideas to those with the power to make the change without going through certain advocacy steps first is probably the surest way to fail at making change,” he said. The next decade would prove the wisdom of his analysis. The civilistas could propose change; they could not impose change.

Retreat II: March 19-21, 1999

Events conspired against the civility initiative as planners began preparing for Retreat II. The Clinton impeachment proceedings and the 1998 election results, which resulted in substantial losses by the Republicans and the resignation of Speaker Gingrich, fostered rancor and bitterness in the House. “You would think politicians would not need lessons in listening to each other. But after a year of hectoring over President Clinton’s personal conduct, they are not a bad idea,” editorialized the *New York Times* on March 1 before warning that “no amount of happy talk will raise Congress’s esteem.”

Unfortunately, an episode in the House Committee on Veterans Affairs the week before the retreat pointed up the challenge. Committee Democrats were outraged when Chairman Bob Stump (R-AZ) refused to allow Democrats to submit a budget proposal for debate. Although other committees experienced partisan bickering, that was rare for Veterans Affairs. Stump’s action compounded Democrats’ outrage over their under-representation on committees.

Against that backdrop, the second retreat took place again in Hershey. Following the event, the planning committee reached a consensus on the “action steps” much more quickly than two years before. Frustrated by the lack of success following Retreat I, the organizers thought that if they talked about “mechanisms” or committees instead of a long list of rules changes that they might achieve what seemed to them to be the most important items. A consensus in the committee emerged around 11 action steps:

1. Create a bipartisan mechanism to address scheduling
2. Create a bipartisan mechanism to address members’ financial needs
3. Establish a bipartisan committee on fairness and integrity in the political process and campaigning
4. Create a bipartisan mechanism to address floor proceedings (e.g., one minutes, open rules, minority party substitutes)
5. Establish a bipartisan institutional fairness committee
6. Increase communication/coordination between the parties with regular leadership meetings; consider “mini-Hershey” retreats for chairs and ranking members
7. Create a bipartisan mechanism to address committee ratio and resource issues
8. Improve freshman orientation, establish cross-party mentorships, and have

freshmen CODELs [congressional delegations]

9. Revisit the ethics committee process; revise the rules to be clear, flexible, and supportive of families
10. Establish bipartisan policy forums and field hearings
11. Develop a program of bipartisan service activities/community projects

The contrast between these eleven action steps and the 236 remedies proposed at Retreat I is striking not only in number but in scope. The agenda for change in 1999 was markedly less ambitious than in 1997.

Retreat III: March 9-11, 2001

Retreat IV: February 28-March 2, 2003

The civility initiative seemed increasingly fragile as LaHood once again marshaled a committee to begin planning for a third retreat, this one to take place in March 2001. Officials with the Pew Charitable Trust expressed disappointment with their investment. They agreed that the civilistas had tackled a large challenge, that the first two retreats had met the attendance and bipartisan balance thresholds, and that the retreats had identified changes that would improve the quality of discourse in the House.

“Despite these accomplishments, however,” Pew wrote, “the retreats have failed to produce much evidence of lasting change.” Whatever increases in civility that had occurred had then “quickly disappeared in the face of the partisan tensions resulting in part from the Clinton scandal and ensuring impeachment.” As a result, “none of the recommended institutional changes have been instituted.” The Trust official also concluded that there was no evidence that the second retreat had increased civility “in any systematic or lasting way.” Further, news coverage of the event, while often positive, “had undertones suggesting that this was ‘tilting at windmills’ at best.”

The planning committee responded with a formal proposal seeking funding for Retreat III. “The environment that will greet the 107th Congress next January will be as difficult as ever, following what clearly will have been another very partisan, rancorous election season,” the proposal began. “The opening for improved conditions that will exist will be equaled by the challenges. A new Administration is a certainty, and with it comes a certain opportunity to set a fresh tone in executive-legislative relations. There may also be changes in control of Congress.” The proposal acknowledged that change is an inevitable source of anxiety and tension, all the more so with changes in political power. The civilistas realized that no matter what happened in the elections, roughly half the membership of the House would report for duty next year bitterly disappointed: that they failed to gain, or to keep, control of their chamber; that their party failed to gain, or to keep, control of the White House. All that coupled with the difficulties of the recent past promised to “aggravate the risk that political conflict and partisan rancor will stand in the way of effective governance for another two years.”

The civilistas did succeed in obtaining funding for two more retreats by agreeing to make changes in the retreat format and focus. They moved away, for example, from the more introspective approach and the interpersonal orientation of the working sessions employed at the first two retreats. But new approaches did not yield better results.

The climate in the House did not improve much over the period. Just one example, from a *Roll Call* story headed, “Poisoned Political Water Breeds Acrimony, Contempt” authored by former Iowa congressman Jim Lightfoot:

The air is poison. Tension grips even the most casual conversations, which have become an exercise in short, cryptic remarks, many times more grunted than spoken. Distrust is the order of the day. People keep looking over their shoulders to see if anyone has taken an unhealthy interest in them. The environment is hostile and does not lend itself to any degree of accomplishment.

According to *Congressional Quarterly's* analysis of “party unity” votes in 2003—those that pitted a majority of one party against a majority of the other party—Congress was more polarized than it had been in the five decades that CQ had been tracking voting patterns.

The End

In September 2004, LaHood and his working group canceled the bipartisan civility retreat scheduled for January 2005 but not because they had succeeded or that Congress had miraculously become a more civil place. When LaHood surveyed members to determine their interest in a fifth retreat, the demand just was not there. Only 120 members returned surveys, despite repeated efforts to solicit responses—of that number, 47 said they definitely would not attend a retreat.

What went wrong? It seems likely that four sets of factors doomed the civility initiative. First, so much of what the civilistas objected to in Congress either reflected larger issues in society or resulted from factors beyond the control of the members, never numbering more than 200, who sought change. Retreat planners could not do much about the new, hyper-active media, for example, or the proliferation of interest groups, or the hardening of partisan ideologies, or congressional redistricting that produced fewer competitive seats, or a style of campaigning that emphasized opposition research and constant attack. Add to those factors the narrow partisan margins in the House, which meant that both parties believed it was critical to hold down defections on key votes by framing their positions in sharp contrast to each other in anticipation of upcoming elections.

The bitterly partisan and prolonged debate over the routine appointment of a new House chaplain in 2000 seemed to epitomize the state of affairs in the House. When Speaker Dennis Hastert selected a Presbyterian, Democrats promptly accused him of anti-Catholic prejudice. Republicans responded that Democrats had turned the issue into a partisan witch-hunt. Needless to say, this sequence of events turned a customary matter into a mess. A sample of story headlines in the *Washington Post* shows how raucous the situation became: “A House Without a Prayer of Comity: Battle of Choice Over Chaplain Erodes Attempts to Restore Civility” (February 12, 2000), “Unholy Uproar on the Hill” (February 15, 2000), and “Holy War in the House: Bias Alleged After Catholic Passed Over for Chaplain” (February 19, 2000). “It's a disgrace,” LaHood told a reporter from *The New York Times*, “that we have to argue about something as simple as appointing a chaplain.”

Against this context, three other forces conspired against the civility initiative, factors the civilistas could not influence. First, the change in party control of the House from Democrats to Republicans following the 1994 elections proved pivotal. Democrats struggled with their newfound minority status, and Republicans had an expansive agenda to enact while dealing with a president of the opposite party. The federal government shutdowns in November and December of 1995 were the culminations of this partisan bickering. Newt Gingrich got it right when he admitted in remarks to the first retreat that “we weren’t very good at being in the majority, and Democrats weren’t very good at being in the minority.”

The tension resulting from this role reversal was compounded by two events. The impeachment controversy in late 1998 coupled with the contested presidential election in 2000 poisoned the well beyond reclaiming.

The civilistas were handicapped by factors within the House, too. The leadership of both parties failed to support the cause. After the second retreat, Dick Gephardt told one reporter, “Hersheys come and Hersheys go. But the bottom line is, do we ever have any real change.” Two years later, Gephardt complained that the upcoming retreat would be his last. “Been there, done that, all I got was this t-shirt,” he said at a news conference in his office. “I don’t want to go to West Virginia to be bipartisan. I want to be bipartisan in this building.”

Neither Gingrich nor Hastert provided much more than lip service to the effort. They failed to enact even the most simple of the institutional reforms proposed by the civilistas. Moving the one-minute from the beginning to the end of the day, or altering committee ratios, or adopting a more family-friendly schedule—all within the power of the majority party leadership—would have made a difference.

The retreats themselves suffered from potentially fatal flaws, too. They tended not to include committee chairs, senior members, or opinion leaders in the House. The second retreat, following the impeachment controversy, for example, failed to attract most of the Members directly involved in those events. Aside from Asa Hutchinson and James Rogan, the only other House manager was George Gekas, a Republican who represented Hershey in Congress. Judiciary Committee chair Henry Hyde was home in Illinois. Also absent were Bob Barr, one of the president’s most vociferous critics, and Barney Frank, the committee’s dogged impeachment opponent. When asked to explain his lack of attendance, Barney Frank bragged, “I have no trouble being civil when I think civility is appropriate.” John Dingell, the most senior member of the House, who attended only because his wife, a co-organizer, made him, called the retreat “A prodigious waste of my time.”

From the outset, LaHood believed that *only by improving relationships on a personal level* would the House become more civil. Relationships, in other words, could trump contextual, institutional, or procedural obstacles. If the problem of incivility stemmed from personal conduct, then personal relationships held the key to improving personal conduct.

How ironic, then, that the civilistas never convinced enough of their colleagues that civility served their own self-interest. LaHood and his colleagues, apparently, never answered satisfactorily this frequently-posed question: “What will I get out of it?”

If the key to success sometime in the future lies with self-interest, then it may be worthwhile to suggest how working across the aisle advances a Member’s own agenda. The retreat planning committee actually came up with nine enticements. They are worth recounting because they suggest what might motivate Members to participate in a new civility initiative:

Curiosity. Who are those people on the “other side”? What are they like? If you spend time with them, will they become friends? Or are they in fact another breed altogether?

Humility. As one leading Republican put it: “We don’t have all the answers. Neither do the Democrats.” The retreat is a chance to be honest about that, to stop posturing, and to see where humble dialog leads.

Partisanship. As any good partisan knows, gathering information about the other side makes good strategic sense. The more you know your opponent, the better you can advance your own causes. One reason to attend is to make sure your side learns as much as possible about the other.

Bipartisanship. Some policy issues require collaboration. What are they? How can the two sides work together? The retreat is a chance informally to begin to find out.

Image. To counteract public perceptions of House members squabbling like kids on the playground, each trying to bully the other and gain an advantage, coming to the retreat makes good sense. It conveys a public image of trying to find common ground.

Ambition. Some of the best legislation is co-sponsored by members of both parties working as partners. You can demonstrate leadership, and advance your career, by having a bipartisan strategy as well as a partisan one.

Enjoyment. The retreat could be a lot of fun.

Family. Much of the time is free for informal socializing. Your family can get to know the families of others and support each other in dealing with the lifestyle challenges that face any national leader's family life.

Community. If Congress is a community, then it must assemble as a community. Partisan retreats are simply not sufficient for genuine community-building.

Taken as a whole, success for LaHood's civility initiative came only at the margins. Yes, in many cases, Member-to-Member relationships improved. But the retreats failed to change the culture of the House. The proponents of civility could not infuse the institution with respect for honest differences of opinion. They lacked the capacity, the "sanctioning power," to make broad changes. They never hit upon a mechanism to ensure that their initiatives were carried through. There was no funding for it, no permanent staff, no leadership support. They simply could not sustain the momentum. The people who were interested in keeping things the way they were, the partisan forces, overwhelmed the civilistas who could make progress one-on-one, as individuals, but not across the Congress, as an institution.

Appendix A: Proposed Follow-Up Activities for the Retreat Planning Committee, March 1997

- One-minute day about the retreat
- Periodic joint caucus/conference meetings
- Person-to-person followup between those attending and those who did not
- Party self-policing of floor behavior
- Distribution of opening video to all members
- Special Order by Planning Committee to explain what happened in Hershey
- Monthly co-Team Leader meetings
- Arrange for all Members to see the opening video and speeches
- Wednesday sandwich night in the Members' dining room for Members and families
- Hershey kisses in the cloakroom
- Wear retreat name tags on the floor
- Hold shorter retreats on a monthly or quarterly basis
- Make the Speaker Pro Tempore more active in stopping bad behavior before it gets out of control
- Establish a goal of having no words taken down this year
- Hold another bipartisan congressional retreat next year.
- Establish a monthly lecture series around the topics of civility and the factors affecting House debate
- More use of the family room
- Combine the cloakrooms on a periodic basis
- Move one-minutes to the end of the day
- Write a "Hershey Accords" memorializing the agreements coming out of the retreat
- Retreat with the media
- Congressional staff retreat
- Committee retreats
- Regular bipartisan leadership meetings
- Bipartisan freshmen orientation
- Make the ethics process less subject to abuse
- Work on making the schedule more family friendly
- More bipartisan social events
- Ongoing facilitation coaching
- More foreign travel for Members and family