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THE POLITICAL SCENE

## THE EMPTY CHAMBER

*Just how broken is the Senate?*

by George Packer

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“Sit and watch us for seven days,” one senator says of the deadlocked chamber. “You know what you’ll see happening? Nothing.”

“This is just one of those days when you want to throw up your hands and say, ‘What in the world are we doing?’” Senator Claire McCaskill, the Missouri Democrat, said.

“It’s unconscionable,” Carl Levin, the senior Democratic senator from Michigan, said. “The obstructionism has become mindless.”

The Senators were in the Capitol, sunk into armchairs before the marble fireplace in the press lounge, which is directly behind the Senate chamber. It was four-thirty on a Wednesday afternoon. McCaskill, in a matching maroon jacket and top, looked exasperated; Levin glowered over his spectacles.

“Also, it’s a dumb rule in itself,” McCaskill said. “It’s time we started looking at some of these rules.”

She was referring to Senate Rule XXVI, Paragraph 5, which requires unanimous consent for committees and

subcommittees to hold hearings after two in the afternoon while the Senate is in session. Both Levin and McCaskill had scheduled hearings that day for two-thirty. Typically, it wouldn't be difficult to get colleagues to waive the rule; a general and an admiral had flown halfway around the world to appear before Levin's Armed Services Committee, and McCaskill's Subcommittee on Contracting Oversight of the Homeland Security Committee was investigating the training of Afghan police. But this was March 24th, the day after President Barack Obama signed the health-care-reform bill, in a victory ceremony at the White House; it was also the day that the Senate was to vote on a reconciliation bill for health-care reform, approved by the House three nights earlier, which would retroactively remove the new law's most embarrassing sweetheart deals and complete the yearlong process of passing universal health care. Republicans, who had fought the bill as a bloc, were in no mood to make things easy.

So, four hours earlier, when Levin went to the Senate floor and asked for consent to hold his hearing, Senator Richard Burr, Republican of North Carolina, and a member of Levin's committee, had refused. "I have no personal objection to continuing," Burr said. But, he added, "there is objection on our side of the aisle. Therefore, I would have to object."

Burr had to object on behalf of his party because he was the only Republican in the chamber when Levin spoke. In general, when senators give speeches on the floor, their colleagues aren't around, and the two or three who might be present aren't listening. They're joking with aides, or e-mailing Twitter ideas to their press secretaries, or getting their first look at a speech they're about to give before the eight unmanned cameras that provide a live feed to C-SPAN2. The presiding officer of the Senate—freshmen of the majority party take rotating, hour-long shifts intended to introduce them to the ways of the institution—sits in his chair on the dais, scanning his BlackBerry or reading a *Times* article about the Senate. Michael Bennet, a freshman Democrat from Colorado, said, "Sit and watch us for seven days—just watch the floor. You know what you'll see happening? Nothing. When I'm in the chair, I sit there thinking, I wonder what they're doing in China right now?"

Between speeches, there are quorum calls, time killers in which a Senate clerk calls the roll at the rate of one name every few minutes. The press gallery, above the dais, is typically deserted, as journalists prefer to hunker down in the press lounge, surfing the Web for analysis of current Senate negotiations; television screens alert them if something of interest actually happens in the chamber. The only people who pay attention to a speech are the Senate stenographers. On this afternoon, two portly bald men in suits stood facing the speaker from a few feet away, tapping at the transcription machines, which resembled nineteenth-century cash registers, slung around their necks. The Senate chamber is an intimate room where men and women go to talk to themselves for the record.

Like many other aspects of senatorial procedure, Rule XXVI, Paragraph 5 is a relic from the days when senators had to hover around their desks to know what was happening on the floor during the main afternoon debate. (The desks, some built as long ago as 1819, are mahogany, and their lids lift up, like those in an old schoolhouse; the desks of the Majority and Minority Leader are still equipped with brass spittoons.)

In the press lounge, McCaskill said, with light sarcasm, "Somebody told me the rule is to make sure people pay attention to what's happening on the floor during debate and not be distracted by committee work. Clearly, it's an old rule."

The Republicans had turned this old rule into a new means of obstruction. There would be no hearings that afternoon; the general and the admiral would have to come back another day. Like investment bankers on Wall Street, senators these days direct much of their creative energy toward the manipulation of arcane rules and loopholes, scoring short-term successes while magnifying their institution's broader dysfunction.

Around five o'clock, the chamber began to fill, as the reconciliation bill came up for a vote; there were twenty-three amendments pending, all from Republicans, and perhaps many more to come. Ordinarily, debate and voting on an amendment might take two legislative days, but under the rules of the reconciliation bill the senators were to dispatch the amendments one after another, as in a hot-dog-eating contest, with a minute of debate for each side. The goal was to finish the bill by the end of the evening, so that senators wouldn't miss a day of their spring recess—apparently, the only thing worse than a government takeover of the health-care system. The usual longueurs of the Senate, where forty minutes can tick away on the antique clock above the rear double doors without a word's being spoken, were about to yield to a frenzy. Harry Reid, the Majority Leader, from Nevada, had predicted that the process, known as Vote-O-Rama, would go past two in the morning, and had warned



*"What you hate is walking. This is hiking—  
hiking is different from walking."*

senators to stay close to the chamber.

Max Baucus, of Montana, the manager of the bill for the Democrats, rose and said, “This is the first time in recent memory that a reconciliation bill has all the amendments on one side only. These are clearly amendments designed to kill the reconciliation and, therefore, kill health-care reform. So I very much hope that all of these amendments are defeated.”

Tall, gaunt Judd Gregg, of New Hampshire, the bill’s Republican manager, took the floor. “The position on the other side of the aisle is: no amendments allowed, even if they are good,” he said. Indignation rouged his cheeks, and his voice rose half an octave. “Obviously, they presume the Republican Party is an inconvenience. The democratic process is an inconvenience. It also appears, considering the opposition to this out in America, that the American people are an inconvenience.”

The Senate chamber is laid out in four concentric semicircles, with adjacent desks almost touching on the crowded Democratic side, and the desks of the much smaller Republican minority spaced loosely apart. The design is meant to emphasize the senators’ unity. But Baucus and Gregg avoided eye contact across the six feet of aisle that now divides the chamber into two constantly warring factions. Senators are required, by custom, to speak of one another in the third person, directing their anger and sarcasm through whichever poor freshman happens to be the presiding officer at the moment. Rule XIX, Paragraphs 2 and 3—one of the original rules drawn from Thomas Jefferson’s “Manual of Parliamentary Practice”—bars senators from imputing unworthy conduct or motives to another senator, and from insulting any senator’s state. But there is no rule against finger-wagging, and Baucus wagged his at Gregg while shouting at Al Franken, of Minnesota, who had started a shift in the presiding officer’s chair: “Mr. President, make no mistake, the intent of every single one of the amendments offered on the other side of the aisle is to kill health-care reform. . . . A senator on the other side of the aisle stood up and said that this is hopefully the President’s Waterloo. They want to kill health-care reform!”

The voice of Stuart Smalley filled the chamber: “The time of the senator has expired.”

For the next nine hours, the chamber became the stage of a theatrical whose ending, like almost everything that happens on the Senate floor, was known in advance to all. The Republican goal in Vote-O-Rama was to embarrass the Democrats while appearing to suggest useful changes; the Democratic goal was to prevent any change to the bill, so that it wouldn’t have to return to the House, where it might be voted down. Several of the Republican amendments had been designed to make Democrats look hypocritical, by forcing them to vote against policies that the Party typically supports. One amendment, for example, declared that the health-care bill could not be linked to a tax hike on individuals making less than two hundred thousand dollars a year. Other amendments were more nakedly partisan, and outlandish. David Vitter, a Louisiana Republican, proposed an amendment that repealed the entire law. Senator Tom Coburn, a Republican obstetrician from Oklahoma, introduced an amendment to insure that veterans diagnosed with mental illness would not be denied the right to own firearms, and another to prevent “convicted child molesters, rapists, and sex offenders” from buying erectile-dysfunction drugs with taxpayer funds. Coburn got through the minute he was allotted to explain his Viagra amendment without cracking a smile. “This is not a game amendment,” he insisted. “It actually saves money.”

So many senators snickered that the presiding officer banged his gavel for order.

“The amendment offered by the senator from Oklahoma makes a mockery of this Senate,” Baucus declared. “It is a crass political stunt aimed at making thirty-second commercials, not public policy.” Baucus asked for the yeas and nays, and a clerk called the roll at a ragged pace. “Mr. Coburn, Mr. Cochran, Ms. Collins.” Thirty-five-second pause. “Mr. Conrad, Mr. Corker.” Ten seconds. “Mr. Cornyn.” Senators pay no attention to the sound of their name; they cast votes when they’re so inclined—wandering in late, shuffling down the chamber’s gentle blue-carpeted steps to the swarm of colleagues milling about in the well, where the clerks sit at a table, and then holding a finger up or down. At one point, John McCain—now just one of a hundred senators and struggling to stay in office—spent half a minute waving stiff-armed, trying to catch the eye of a clerk so he could cast his vote. In the end, two Democrats—Evan Bayh, of Indiana, and Ben Nelson, of Nebraska—joined the Republicans in opposing Viagra for sex offenders. The amendment was defeated.

The carpeting in the chamber absorbs voices, and during the long night one of the few that rose above the muffled drone was that of Charles Schumer, who said to Gregg, “Get to work! Stop screwing around with health care!” Sporadically, a sharp cackle emanated from Al Franken, who wandered the chamber, looking for Republicans he could charm into laughing. Observed from the press gallery, the senators in their confined space began to resemble zoo animals—Levin a shambling brown bear, John Thune a loping gazelle, Jim Bunning a maddened grizzly. Each one displayed a limited set of behaviors: in conversations, John Kerry planted himself a few inches away, loomed, and clamped his hands down on a colleague’s shoulders. Joe Lieberman patted everyone on the back. It became clear which senators were loners (Russ Feingold, Daniel Akaka) and which were social (Blanche Lincoln, Lindsey Graham); which senators were important (Dick Durbin, Jon Kyl) and which were ignored (Bayh, Bunning).

Past midnight, Durbin slumped at his desk, one hand over his face, yawning painfully. Susan Collins was going through her

mail. Twenty-three amendments had been voted down, and the Republicans were proposing a fresh batch. “Can we get some order?” Bunning growled, before he introduced a proposal to let senior citizens opt out of parts of Medicare. It was the only amendment that any Republicans joined the Democrats to defeat.

Harry Reid controls the Senate’s schedule, but Mitch McConnell, of Kentucky, who is the Minority Leader, can object. Since nearly everything in the Senate depends on unanimous consent, the main business of the place is a continuous negotiation between these two supremely unsentimental men. That night, they played a game of chicken: McConnell, unsmiling, his eyes riveted ahead, held out the prospect of dozens more amendments; Reid, a former boxer, was hunched and mumbling, playing rope-a-dope, vowing to fend off amendments all night. The two leaders left the chamber to confer privately about how to proceed. Inside, the atmosphere of a slumber party set in. Debbie Stabenow, of Michigan, her hand across her heart, sang a sentimental duet with Robert Menendez, of New Jersey. Exhaustion momentarily eased the partisan divide. Claire McCaskill sat down beside Tom Coburn, held up an erect finger in his face, as if casting her Viagra vote, then let it go limp. Coburn could be heard to joke, “The longest it lasted was thirty seconds.”

At two-forty-five in the morning, Reid suddenly declared the Senate adjourned. The Senate parliamentarian had just found two small violations of the reconciliation rules, meaning that in the morning, despite the Democrats’ efforts, the bill would go back to the House for another vote. At the bang of the gavel, the senators fled. In the parking lot, on the Capitol’s northeast side, McCaskill climbed into her S.U.V. Levin, in a cramped sedan, was chauffeured off into the empty streets. On a marble ledge near the exit, Arlen Specter sat alone, a ghost in a brown suit, staring straight ahead, as if waiting for someone to take him away.

The Senate reconvened at 9:45 A.M. Around two in the afternoon, the members gathered for the final vote, and the Democrats were giddy. Tom Harkin, of Iowa, and Christopher Dodd, of Connecticut, even exchanged a hug. “Everyone’s tired,” Reid declared before the final vote. “This legislative fight is one for the record books.” He was so fatigued that he initially voted the wrong way. Lindsey Graham came in late, delaying the tally by ten minutes. “Way to go, Lindsey, way to stretch it out,” Sam Brownback told him. A few Republicans lingered and took in the moment, like players on the losing team at the end of the World Series. After a year of work, health-care reform had passed, 56–43, and for a moment the chamber’s Tweeting pygmies had become legislative giants.

**T**he Senate is often referred to as “the world’s greatest deliberative body.” Jeff Merkley, a freshman Democrat from Oregon, said, “That is a phrase that I wince each time I hear it, because the amount of real deliberation, in terms of exchange of ideas, is so limited.” Merkley could remember witnessing only one moment of floor debate between a Republican and a Democrat. “The memory I took with me was: ‘Wow, that’s unusual—there’s a conversation occurring in which they’re making point and counterpoint and challenging each other.’ And yet nobody else was in the chamber.”

Tom Udall, a freshman Democrat from New Mexico, could not recall seeing a senator change another senator’s mind. “You would really need a good hour or two of extensive exchange among folks that really know the issue,” he said. Instead, a senator typically gives “a prepared speech that’s already been vetted through the staff. Then another guy gets up and gives a speech on a completely different subject.” From time to time, senators of the same party carry on a colloquy—“I would be interested in the distinguished senator from Iowa’s view of the other side’s Medicare Advantage plan”—that has been scripted in advance by aides.

While senators are in Washington, their days are scheduled in fifteen-minute intervals: staff meetings, interviews, visits from lobbyists and home-state groups, caucus lunches, committee hearings, briefing books, floor votes, fund-raisers. Each senator sits on three or four committees and even more subcommittees, most of which meet during the same morning hours, which helps explain why committee tables are often nearly empty, and why senators drifting into a hearing can barely sustain a coherent line of questioning. All this activity is crammed into a three-day week, for it’s an unwritten rule of the modern Senate that votes are almost never scheduled for Mondays or Fridays, which allows senators to spend four days away from the capital. Senators now, unlike those of several decades ago, often keep their families in their home states, where they return most weekends, even if it’s to Alaska or Idaho—a concession to endless fund-raising, and to the populist anti-Washington mood of recent years. (When Newt Gingrich became Speaker of the House, in 1995, he told new Republican members not to move their families to the capital.) Tom Daschle, the former Democratic leader, said, “When we scheduled votes, the only day where we could be absolutely certain we had all one hundred senators there was Wednesday afternoon.”

Nothing dominates the life of a senator more than raising money. Tom Harkin, the Iowa Democrat, said, “Of any free time you have, I would say fifty per cent, maybe even more,” is spent on fund-raising. In addition to financing their own campaigns, senators participate at least once a week in the Power Hour, during which they make obligatory calls on behalf of the Party (in the Democrats’ case, from a three-story town house across Constitution Avenue from the Senate office buildings, since they’re barred from using their own offices to raise money). Lamar Alexander, the Tennessee Republican, insisted that the donations are never sufficient to actually buy a vote, but he added, “It sucks up time that a senator ought to be spending getting to know other

senators, working on issues.”

In June, 2009, top aides to Max Baucus, whose Finance Committee was negotiating the health-care-reform bill, took time to meet with two health-care lobbyists, who themselves were former Baucus aides. (Baucus received more than a million dollars from the industry for his 2008 reelection campaign.) That month, according to Common Cause, industry groups were spending \$1.4 million a day to lobby members of Congress. Udall, speaking of the corrosive effect of fund-raising and lobbying, said, “People know it in their heart—they know this place is dominated by special interests. The over-all bills are not nearly as bold because of the influence of money.”

Daschle sketched a portrait of the contemporary senator who is too busy to think: “Sometimes, you’re dialling for dollars, you get the call, you’ve got to get over to vote, you’ve got fifteen minutes. You don’t have a clue what’s on the floor, your staff is whispering in your ears, you’re running onto the floor, then you check with your leader—you double check—but, just to make triple sure, there’s a little sheet of paper on the clerk’s table: The leader recommends an aye vote, or a no vote. So you’ve got all these checks just to make sure you don’t screw up, but even then you screw up sometimes. But, if you’re ever pressed, ‘Why did you vote that way?’—you just walk out thinking, Oh, my God, I hope nobody asks, because I don’t have a clue.”

Aides, at the elbows of senators as they shuttle between their offices and the Capitol, have proliferated over the past few decades, and they play a crucial role. Lamar Alexander, who has an office of fifty people, pointed out that staff members, who are younger and often more ideological than their bosses, and less dependent on institutional relationships, tend to push senators toward extremes. Often, aides are the main actors behind proposed legislation—writing bills, negotiating the details—while the senator is relegated to repeating talking points on Fox or MSNBC.

One day in his office, Udall picked up some tabloids from his coffee table and waved them at me. “You know about all these rags that cover the Hill, right?” he said, smiling. There are five dailies—*Politico*, *The Hill*, *Roll Call*, *CongressDaily*, and *CQ Today*—all of which emphasize insider conflict. The senators, who like to complain about the trivializing effect of the “24/7 media,” provide no end of fodder for it. The news of the day was what Udall called a “dust-up” between Scott Brown, the freshman Massachusetts Republican, and a staffer for Jim DeMint, the arch-conservative from South Carolina; the staffer had Tweeted that Brown was voting too often with the Democrats, leading Brown to confront DeMint on the Senate floor over this supposed breach of protocol. Bloggers carry so much influence that many senators have a young press aide dedicated to the care and feeding of online media. News about, by, and for a tiny kingdom of political obsessives dominates the attention of senators and staff, while stories that might affect their constituents go unreported because their home-state papers can no longer afford to have bureaus in Washington. Dodd, who came to the Senate in 1981 and will leave next January, told me, “I used to have eleven Connecticut newspaper reporters who covered me on a daily basis. I don’t have one today, and haven’t had one in a number of years. Instead, D.C. publications only see me through the prism of conflict.” Lamar Alexander described the effect as “this instant radicalizing of positions to the left and the right.”

Both Alexander and Gregg said that the Senate had been further polarized by the rising number of senators—now nearly fifty—who come from the House, rather than from governorships or other positions where bipartisan cooperation is still permissible. “A lot of senators don’t understand the history or tradition of the institution,” Gregg said. “Substantive, thoughtful, moderate discussion is pushed aside.”

Encumbered with aides, prodded by hourly jolts from electronic media, racing from the hearing room to the caucus lunch to the Power Hour to the airport, senators no longer have the time, or perhaps the inclination, to get to know one another—least of all, members of the other party. Friendships across party lines are more likely among the few spouses who live in Washington. After Udall joined the Senate, last year, he was invited to dinner by Alexander, because Jill Cooper Udall and Honey Alexander had become friends through a women’s social club. It remains the only time Udall has set foot in the house of a Republican senator. (Vice-President Joe Biden, in his autobiography, recalls that, in the seventies, a bipartisan group of senators and their wives hosted a monthly dinner: “In those days Democrats and Republicans actually enjoyed each other’s company.”) When I asked Chris Dodd how well he knew, for example, Jim DeMint, Dodd said, “Not at all. Whereas Jesse Helms and I knew each other pretty well.” He repeated something that Jon Kyl, the Republican whip, from Arizona, had recently said to him: “There’s no trust.” Dodd, whose father was a senator, went on, “That’s really all there is—this place really operates on that. I don’t think anyone would argue with that conclusion. And if that’s missing . . .”

There remains a veneer—badly chipped—of comity. On the floor, senators still refer to members of the opposing party as “friends.” Gregg described Kent Conrad, a Democrat from North Dakota, as “one of my best friends in the Senate,” and both Gregg and Alexander ticked off examples of little-known legislation that they are currently working on with Democrats; Alexander and Ben Cardin, of Maryland, have introduced a bill to ban mountaintop-removal coal mining. Udall noted that he had become friendly with John McCain when they went on a congressional tour of Iraq. But opportunities to bond are rare. On the first floor of the Capitol, there is a private dining room for senators, the “inner sanctum,” where Republicans and



Democrats used to have lunch (at separate tables, but in the same room). In the seventies, old bulls such as James Eastland, Hubert Humphrey, and Jacob Javits held court there; later, Daniel Patrick Moynihan did. “You learned, and also you found out what was going on,” Dodd said, adding, “It’s awfully difficult to say crappy things about someone that you just had lunch with.” These days, the inner sanctum is nearly always empty. Senators eat lunch in their respective caucus rooms with members of their party, or else “downtown,” which means asking donors for money over steak and potatoes at the Monocle or Charlie Palmer. The tradition of the “caucus lunch” was instituted by Republicans in the fifties, when they lost their majority; Democrats, after losing theirs in 1980, followed suit. Caucus lunches work members on both sides into a state of pep-rally fervor. During one recent Republican lunch, Jim Bunning referred to Harry Reid as an idiot. “At least he had the courtesy to do it behind closed doors,” Alexander joked, adding, “We spend most of our time in team meetings deciding what we’re going to do to each other.”

In 2007, Alexander and Lieberman started a series of bipartisan Tuesday breakfasts. “They kind of dwindled off during the health-care debate,” Alexander said. Udall has tried to revive the Wednesday inner-sanctum lunch. For the first few months, only Democrats attended. Then, one Wednesday in May, Susan Collins, the Maine Republican, showed up, joking nervously about being a turncoat; to protect her reputation, her presence was kept secret.

These efforts at resurrecting dead customs are as self-conscious and, probably, as doomed as the get-togethers of lovers who try to stay friends after a breakup. Ira Shapiro, a Washington lawyer and a former aide to Senator Gaylord Nelson, of Wisconsin, put it this way: “Why would they want to have lunch together when they hate each other?”

The upper chamber of Congress was a constitutional compromise between popular sovereignty and state sovereignty. The Senate was designed, as part of the separation of powers, to check the impulses of the House and the popular will. For some Federalists, it also had an aristocratic purpose: to collect knowledge and experience, and to guard against a levelling spirit that might overtake the majority. When Alexis de Tocqueville visited the Senate, in 1832, he was deeply impressed by the quality of its members: “They represent only the lofty thoughts [of the nation] and the generous instincts animating it, not the petty passions.” But he also recognized that “a minority of the nation dominating the Senate could completely paralyze the will of the majority represented in the other house, and that is contrary to the spirit of constitutional government.” As long as the Senate continued to be composed of America’s most talented statesmen, Tocqueville implied, it would restrain its own anti-democratic potential.

Robert A. Caro, in “Master of the Senate,” the third volume of his life of Lyndon Johnson, argues that after the Civil War the Senate was captured by wealthy and sectional interests, ending a more high-minded age when Daniel Webster, Henry Clay, and John C. Calhoun engaged in brilliant debate. Aside from spasms of legislation at the start of the Presidencies of Woodrow Wilson and Franklin Roosevelt, Caro writes, the Senate remained controlled by an alliance of Southern racists and Republican corporate shills, and was “the dam against which the waves of social reform dashed themselves in vain—the chief obstructive force in the federal government.” By the fifties, the Senate had become far more conservative than the public. And not just conservative: William S. White, in his 1956 book “Citadel,” called the Senate “to a most peculiar degree, a *Southern* Institution . . . growing at the heart of this ostensibly national assembly” and “the only place in the country where the South did not lose the war.”

By mid-century, it had become a journalistic cliché to call the Senate broken. Otto Preminger’s 1962 film “Advise and Consent,” based on the novel by Allen Drury, is about the Senate of that period, and it presents Democrats and Republicans as equally amoral, calculating, and power-hungry. But the institution, as depicted by Preminger, still works, in its way: though the deals stink, they get cut. The senators know their colleagues and the rules; they back-stab one another in the lunchroom, then drink cocktails and play cards on Saturday nights. There are no lobbyists, no fund-raisers, no media, no constituents—only senators’ intricate relations with one another. The Senate is its own world.

In a memoir, Johnson’s longtime aide Harry McPherson recalls learning that the Senate’s “famous ‘club’ atmosphere is based on the members’ mutual acceptance of responsibility and concentration on the tasks at hand. . . . They thrust hard at one another in debate over serious matters,” but, he writes, “understanding and accommodation in the ordinary course of the Senate day was essential to sanity.” Johnson, the most powerful Majority Leader in history, bent the Senate to his will and forced it to become more efficient. He saw his colleagues as either “whales”—the heavyweight chairmen who negotiated legislation—or “minnows,” the followers who went along with the brokered deals. And when, in 1958, a formidable new class of liberal Democrats entered the Senate—including Edmund Muskie, Eugene McCarthy, and Philip Hart—the legislative machinery began to produce reform. Michael Janeway, the author of “The Fall of the House of Roosevelt,” worked as a summer staff member between 1958 and 1962. “They used to talk to each other—that’s my most vivid recollection,” he said. “If Wayne Morse talked of constitutional law on the floor, the Southerners would come in to hear him. The same with Hubert Humphrey on farm policy. My strongest impression was of it being a deliberative body, drawing each other out—sometimes pedantically.” Senators who ran for office in order to work on foreign policy, social welfare, or urbanization had to win credibility with the

whales. “But if you wanted to do something there was a mechanism by which you could do it,” Janeway said.

In the sixties and seventies, Southern-conservative control was broken by a coalition of left-of-center Democrats and moderate Republicans. Donald Ritchie, the Senate historian, who started working there in 1976, described the Senate of those decades as “a bipartisan liberal institution.” The Civil Rights Act of 1964 was written largely out of the office of the Republican Minority Leader, Everett Dirksen. Every major initiative—voting rights, open housing, environmental law, campaign reform—enjoyed bipartisan support. In the rare event of a filibuster, the motion to end debate was often filed jointly by leaders of both parties. When Medicare—that government takeover of health care for the elderly—was passed, in 1965, it won 70–24.

The Senate’s momentum nurtured superb talent: William Fulbright, Everett Dirksen, Henry Jackson, Frank Church, Howard Baker. In 1969, George McGovern chaired a select committee on hunger that actually held bipartisan “field hearings” in poor regions, calling witnesses in migrant labor camps, and then, with Bob Dole’s indispensable support, greatly expanded the food-stamp program. The intensity of senatorial purpose in those years must strike today’s legislators as profoundly humbling. After Joe Biden came to the Senate, in 1973, Hubert Humphrey took him aside and said, “You have to pick an issue that becomes yours. That’s how you attract your colleagues to follow you, Joe. That’s how you demonstrate your bona fides. Don’t be a gadfly.” Humphrey’s career advice: “You should become Mr. Housing. Housing is the future.”

The Senate’s modern decline began in 1978, with the election of a new wave of anti-government conservatives, and accelerated as Republicans became the majority in 1981. “The Quayle generation came in, and there were a number of people just like Dan—same generation, same hair style, same beliefs,” Gary Hart, the Colorado Democrat, recalled. “They were harder-line. They weren’t there to get along with Democrats. But they look accommodationist compared to Republicans in the Senate today.” Church, McGovern, Javits, and Birch Bayh were gone. Ira Shapiro, the former aide, who is writing a book about the Senate of the sixties and seventies, said, “It was a huge loss of the most experienced, accomplished senators being replaced by neophytes. All of a sudden, in 1981, more than half the Senate had been there less than six years.” He added, “The shattering of the great Senate has long-term effects that keep showing up. It gets worse over time, but it just never gets restored. There was a phrase I heard from Helms and the younger ones: ‘Others didn’t want to make waves; I wanted to drain the swamp.’ ”

After C-SPAN went on the air, in 1979, the cozy atmosphere that encouraged both deliberation and back-room deals began to yield to transparency and, with it, posturing. “So Damn Much Money,” a recent book by the Washington *Post* reporter Robert G. Kaiser, traces the spectacular rise of Washington lobbying to the same period. Liberal Republicans began to disappear, and as Southern Democrats died out they were replaced by conservative Republicans. Bipartisan coalitions on both wings of the Senate vanished. The institutionalist gave way to the free agent, who controlled his own fund-raising apparatus and media presence, and whose electoral base was a patchwork of single-issue groups. Members of both parties—Howard Metzenbaum, the Ohio Democrat; Jesse Helms, the North Carolina Republican—took to regularly using the Senate’s rules to tie up business for narrowly ideological reasons. The number of filibusters shot up in the eighties and continued to rise in the following decades, as the parties kept alternating control of the Senate and escalating a procedural arms race, routinely blocking the confirmation of executive and judicial appointees. Democrats filibustered Republican nominees to the bench; then Republicans threatened to ban the filibuster in such cases—the so-called “nuclear option.” Older members were perturbed when, in 2004, the Republican Majority Leader, Bill Frist, went to South Dakota to campaign against the Democratic Minority Leader, Tom Daschle (who went on to lose). A few years earlier, such an action would have been unthinkable.

The weakened institution could no longer withstand pressures from outside its walls; as money and cameras rushed in, independent minds fell more and more in line with the partisans. Rough parity between the two parties meant that every election had the potential to make or break a majority, crushing the incentive to cooperate across the aisle. The Senate, no longer a fount of ideas, became a backwater of the U.S. government. During the Clinton years, the main action was between the White House and the Gingrich House of Representatives; during the Bush years, the Republican Senate majority abdicated the oversight role that could have placed a vital check on executive power.

Norman Ornstein, a congressional expert at the American Enterprise Institute, said that the Senate has increasingly become populated by “ideologues and charlatans.” He went on, “When we do get good people who come in, they very quickly get ground up by the dynamic and the culture of the parties. And once you get there, look at what it takes to stay there.” He spoke of Charles Grassley, the Iowa Republican, who, nearing the end of his career, spent much of last year working closely with his friend Max Baucus on the health-care bill. Then, in August, Grassley went home and, faced with angry Republican voters and the prospect of a primary challenge from the right, started warning about “pulling the plug on Grandma.” Ornstein added that similar pressures had led John McCain to begin “altering his behavior and abandoning every issue, including campaign-finance reform.”

One morning in April, I visited Harry McPherson, the former L.B.J. aide, at the offices of the legal and lobbying firm D. L.

A. Piper, in downtown Washington. McPherson, who is eighty, had on his desk the firm's spiral-bound directory for the 111th Congress. I asked him who, in Johnsonian terms, were the whales of the current Senate. McPherson ran his finger down the list of senators. He did it again. "I'm trying here, looking for a remote descendant. Judas Priest, look at this." He was stumped. "Well, I see some good people, I see some people who are going to get coalitions together over time." He put the directory aside. "I'm just having the damnedest time."

Down the hall from McPherson's office was that of Mel Martinez, a former Republican senator from Florida; he was hired last year, two weeks after resigning his Senate seat without completing his first term. (He has since moved on to JPMorgan Chase.) William Cohen, the former Maine senator and Secretary of Defense, has an office downstairs. Tom Daschle works at D. L. A. Piper; his predecessor as Democratic leader, George Mitchell, was the firm's chairman, until President Obama appointed him to be his Middle East envoy. One feature of the diminished U.S. senator is the ease with which he moves from legislating to lobbying. Between 1998 and 2004, half the senators who left office became lobbyists. In 2007, Trent Lott, a Republican leader in the Senate less than a year into his fourth term, abruptly resigned and formed a lobbying firm with former Senator John Breaux, just a few weeks before a new law took effect requiring a two-year waiting period between serving and lobbying.

When you spend your days at the Senate, it's easy to forget about everything else. The House of Representatives seems miles away (it's just down a corridor and across the rotunda), the White House is another country, and actual foreign countries are unimaginable. The place remains insular, labyrinthine, and opaque—even physically. Senators commute thirty seconds between their offices and the chamber by electric subway cars that run along a tunnel under Constitution Avenue. Many signs are misleading or obsolete (the gilded lettering over the visitors' gallery says "Men's Gallery"), and the Capitol is filled with secret passageways and spare rooms, called hideaways, doled out according to seniority, where senators can read, drink, doze, and wait for the buzzer announcing an imminent vote. The most pervasive authority over the institution is not the Constitution or the Bible but, rather, an impenetrable sixteen-hundred-page tome, by Floyd M. Riddick, called "Senate Procedure: Precedents and Practices," which only the late Robert Byrd, of West Virginia, was known to have read in its entirety. The procedures are so abstruse that a parliamentarian must sit below the presiding officer and, essentially, tell him or her what to say.

After half a century, the picture given by Preminger's "Advise and Consent" is still faintly visible. "The Senate, by its nature, is a place where consensus reigns and personal relationships are paramount," Lamar Alexander said. "And that's not changed." Which is exactly the problem: it's a self-governing body that depends on the reasonableness of its members to function. Sarah Binder, a congressional scholar at George Washington University, said, "To have a chamber that rules by unanimous consent—it's nutty! Especially when you've got Jim Bunning to please."

In 2006 and 2008, sixteen Democrats entered the Senate, giving the Party its current majority of fifty-nine to forty-one (counting two independents). They include moderates, like Jon Tester, of Montana, and Mark Warner, of Virginia; liberals, like Sherrod Brown, of Ohio, and Sheldon Whitehouse, of Rhode Island; policy specialists, like Amy Klobuchar, of Minnesota, and Jeff Merkley; and iconoclasts, like Claire McCaskill. Their interest in legislating has won the admiration of senior senators. "If they can stay, I think they'll be terrific," Chris Dodd said. "My worry is they won't stay. Because it's not productive."

The Democratic class of 2008 arrived with President Obama, expecting to usher in a dynamic new era. Instead, their young Senate careers have passed in a daily slog of threatened filibusters and "secret holds"—when a senator anonymously objects to bringing an appointment up for a vote, which requires unanimous consent. On April 20th, Claire McCaskill took the trouble to read off the names of fifty-six Obama nominees languishing in the limbo of secret holds, and Jon Kyl objected to every one of them. Just getting a bill to the floor for debate can require days of tactical gamesmanship between the party leaders. There were times when Warner wondered if anyone had ever quit in the first year. Michael Bennet said, "We find ourselves at a moment in our history when the questions are huge ones, not small ones, and where things have been put off for a really long period of time." He mentioned the national debt, energy policy, and the financial crisis. "Yet you have a Senate that's designed not to advance change but to slow it."

We were talking in his hideaway, a windowless room in the Capitol basement, which had a mini-fridge stocked with bottled water, black leatherette furniture circa 1962, and a TV tuned to C-SPAN2 on mute; Senator Kyl's mouth was moving. Bennet, the former superintendent of schools in Denver, was appointed to a vacant seat in 2009, and already has to defend it this year. He described the Senate with the dry bluntness of an outsider who hasn't allowed himself to grow too attached. Bennet repeated a story he had heard about a new congressman giving his maiden speech: "And then some more veteran guy came over and said, 'Son, you're talking like this place is on the level. It's not on the level.' As the fifteen months or so have gone by that I've been here, the less on the level it seems."

Earlier this year, the Senate's procedural absurdities became national news twice in one month. On February 4th, *CongressDaily* reported that Richard Shelby, an Alabama Republican, was secretly blocking the confirmation of seventy Obama



appointees over a dispute involving defense earmarks for his state. (His tactics exposed, Shelby—whose office maintains that he was responsible for fewer than fifty holds—lifted all but three.) Later that month, Bunning spent several days and a late night on the Senate floor, filibustering to prevent benefits from being paid to millions of unemployed Americans. When Merkley tried to reason with him, Bunning responded, “Tough shit.” (Eventually, Republicans persuaded Bunning to stop.)

These incidents elicited a brief outcry, but the extent of the Senate’s routine folly remains largely hidden. For example, Grassley and Ron Wyden, of Oregon, have been trying since 1997 to end the practice of secret holds, without success. In 2007, the Senate passed a bill banning secret holds that last longer than six days. But to get around the ban two or more senators can pass the hold back and forth—it’s called “rolling holds”—and their party leader facilitates the game by keeping their names secret.

Many of the Senate’s antique rules and precedents have been warped beyond recognition by the modern pressures of partisanship. The hold, for example, was a courtesy extended to senators in the days of horse travel, when they needed time to get back to Washington and read a bill or question an appointee before casting their vote. Sarah Binder, who co-authored a book on the filibuster, calls the procedure a historical accident: in 1806, the Senate got rid of a little-used rule that allowed the “previous question” to be called to a vote. Suddenly, there was no inherent limit on debate, and by the eighteen-thirties senators had begun taking advantage of this loophole, derailing the proceedings by getting up and talking until their voice, legs, or bladder gave out. (The word “filibuster” comes from *vrijbuitter*—old Dutch for “looter.”)

In 1917, Woodrow Wilson, with his wartime legislative agenda blocked by filibusters, forced the Senate to pass Rule XXII, which allowed a two-thirds majority to bring a floor debate to an end with a “cloture” vote. For decades, the rule was rarely used; between 1919 and 1971, there were only forty-nine cloture votes, fewer than one per year. In the seventies and eighties, the annual average rose to about a dozen. (Frustration with this increase led the Senate, in 1975, to lower the threshold for cloture to sixty votes.) In the nineties and early aughts, the average went up to twenty-five or thirty a year, as both parties escalated their use of the filibuster when they found themselves in the minority. After the Republicans lost their majority in 2006, filibusters became everyday events: there were a hundred and twelve cloture votes in 2007 and 2008, and this session Republicans are on target to break their own filibuster record.

The tally of cloture votes reflects only a small fraction of senatorial obstruction. Three hundred and forty-five bills passed by the House have been prevented from even coming up for debate in the Senate. “Why?” Steny Hoyer, the outraged Democratic Majority Leader of the House, asked me. “Because they do not do their business in a way that facilitates noncontroversial things. Thankfully, the House of Representatives is not becoming the Senate.” Last week, six House Democrats expressed their displeasure with the upper chamber by staging a sit-in of sorts on the Senate floor.

Seventy-six nominees for judgeships and executive posts have been approved by committees but, because of blocks, haven’t come up for a vote in the full Senate, leaving courtrooms idle and jobs unfilled across the upper levels of the Obama Administration. (The Democrats also practiced the art of blocking nominees during the Bush Administration.) There’s often no objection to the individual being blocked: after an eight-month hold, Martha Johnson, nominated to run the General Services Administration, was confirmed 96–0. On an issue like health-care reform, when the objection was substantive, Republicans ransacked Riddick’s “Senate Procedure” for every conceivable way to delay a debate and vote. Judd Gregg even sent a memo on stalling tactics to his Republican colleagues. Tom Coburn demanded the reading aloud of an entire seven-hundred-and-sixty-seven-page amendment proposed by Bernie Sanders, the Vermont socialist; Senate clerks, working in half-hour shifts, were three hours into the chore when Sanders withdrew the amendment in frustration.

Under McConnell, Republicans have consistently consumed as much of the Senate’s calendar as possible with legislative maneuvering. The strategy is not to extend deliberation of the Senate’s agenda but to prevent it. Tom Harkin, who first proposed reform of the filibuster in 1995, called his Republican colleagues “nihilists,” who want to create chaos because it serves their ideology. “If there’s chaos, things will tend toward simple solutions,” Harkin said. “In chaos people don’t listen to reason.” McConnell did not respond to requests for an interview, but he has often argued that the Republican strategy reflects the views of a majority of Americans. In March, he told the *Times*, “To the extent that they”—the Democrats—“want to do things that we think are in the political center and would be helpful to the country, we’ll be helpful. To the extent they are trying to turn us into a Western European country, we are not going to be helpful.”

One of the mysteries of the Senate is how Mitch McConnell has been able to keep his members in line, on vote after vote. Why do moderates with years of experience and their own power base back home—Richard Lugar, of Indiana; Susan Collins, of Maine; George Voinovich, of Ohio—keep siding with the more extreme members of their caucus? Alexander said that McConnell listens well to all his members, adding, “When you have your back against the wall and the gallows are hanging in front of you, it tends to unify. Operating with forty members—it concentrates the mind.”

Lindsey Graham described to the *Times* how McConnell exhorted his caucus after the disastrous 2008 election: “He said if

we didn't stick together on big things, we wouldn't be relevant." Last December, the Republicans decided to filibuster a military-spending bill in order to delay the looming vote on health care until as close to Christmas as possible. Thad Cochran, the Republican ranking member of the Appropriations Committee, promised Daniel Inouye, the chairman, that he wouldn't join the effort. But at the last minute Cochran, who has been in the Senate since 1979 and brings disproportionate amounts of defense money to Mississippi, told Reid that his leadership wouldn't allow him to vote with the Democrats and end the filibuster—even on a matter of national security. (The Democrats were able to impose cloture, and the vote on health care finally took place on Christmas Eve.)

Republican defections have been rare. In early 2009, Collins and Olympia Snowe, also of Maine, voted for the stimulus bill, along with Arlen Specter (who promptly switched parties). Snowe also voted for the Finance Committee's health-care-reform bill last October, the only Republican to do so. But in December, at the pivotal moment, she voted against the version that went before the full Senate. "I wasn't interested in expanding this program beyond the Finance Committee version—it grew by a thousand pages," Snowe said. She wasn't included in the negotiations with White House officials that took place in an elegant conference room across from Reid's suite of offices, and said that the Democrats "did not accept any of my proposals. As I said to the President, it was all windup and no pitch." McConnell was able to exploit her alienation. A friend of Snowe cited another reason for her reversal: "She actually said to me once that she had never felt the pressure that she felt on health care, never before had that pressure been quite as evident to her or quite as real or troubling. Kyl and McConnell were saying things like 'You just can't let us down, we're all in this together. You're a senior Republican member of this caucus, and you just have to hang tough with us. We expect it and you're going to do it.'"

Reid doesn't use such tough tactics; he has achieved his position, in spite of his public shortcomings, by being the senator who helped other Democrats, always answered their calls, and got them what they wanted through masterly maneuvering. This has made him enormously popular within the Democratic caucus, but it doesn't give him the leverage of McConnell, let alone of Lyndon Johnson.

In the current Senate, it has become normal for a handful of senators, sometimes representing just ten or twenty per cent of the country's population, to hold everything up. And the status quo has become sufficiently frustrating that a few new senators have considered a radical option: mutiny.

Tom Udall, who is sixty-two, is older than most freshman senators. He has the crow's-feet of a Westerner who has spent time in the sun, and a slow, good-natured voice. His father, Stewart, was an Arizona congressman and the Interior Secretary for Presidents Kennedy and Johnson; his uncle Mo was a legendary Arizona representative; his cousin Mark is a freshman senator from Colorado. Udall served five terms in the House before winning a Senate seat from New Mexico, in 2008. And yet he has the air of a political *Candide*—he is always earnest, capable of disappointment but not cynicism. "I ran on the idea that the Senate should not be a graveyard for good ideas," he said. "Then to be on the inside—the thing that strikes you is how one senator can hold up the whole show."

In his first year in office, Udall decided to do something audacious: he would try to change the Senate's rules. Customarily, the rules continue session after session, and a provision in Rule XXII requires sixty-seven votes to amend them, making it extremely difficult. ("Rule XXII is a Catch-22," Ted Kennedy used to joke.) Udall embraced a different idea—the "constitutional option." Article I, Section 5 of the Constitution states that "each House may determine the Rules of its Proceedings" at the beginning of the new Congress. So, in theory, a senator could take the floor next January and propose debating its rules from scratch, including the filibuster. New rules could be passed with a simple majority. There's even a precedent for this: moves to revisit the rules by invoking the constitutional option have been made three times, most recently in 1975. Udall has spent much of the past year trying to build support for the idea.

At the request of Udall and others, Schumer, who is the chairman of the Rules Committee, has held a series of hearings on the filibuster, calling witnesses such as Sarah Binder, the historian, and Walter Mondale, who was in the Senate when the constitutional option was invoked in 1975. Dick Durbin, the second-highest-ranking Democrat, has organized working groups among newer members on other internal reforms, such as ending secret holds and choosing committee chairs by caucus vote rather than by seniority. (Lamar Alexander wryly suggested to me that Schumer and Durbin were competing for the favor of newer members, in case Harry Reid loses his seat in the fall and they run against each other for Majority Leader.)

For Republican institutionalists, such as Alexander and Gregg, the push for rules reform is folly. "If you want a parliamentary form of government, go over to the House," Gregg, who is about to retire, scoffed. "Why even run for the Senate?" Udall's plan for next January, he said, would be a "gigantic mistake."

"They'll get over it," Alexander said of the Democrats' enthusiasm for rules reform. "And they'll get over it quicker if they're in the minority next January. Because they'll instantly see the value of slowing the Senate down to consider whatever they have to say." He added that the Senate "may be getting done about as much as the American people want done." The

President's ambitious agenda, after all, has upset a lot of voters, across the political spectrum. None of the Republicans I spoke to agreed with the contention that the Senate is "broken." Alexander claimed that he and other Republicans were exercising the moderating, thoughtful influence on legislation that the founders wanted in the Senate. "The Senate wasn't created to be efficient," he argued. "It was created to be inefficient." At one of the filibuster hearings, in April, Alexander, sitting across the table from Udall, said that, for all the times the Democrats charge the Republicans with obstructing legislation, "we could say that's the number of times the majority has tried to cut off our right to debate, our right to offer amendments, which is the essence of the Senate."

Newcomers like Udall seem to think that the Senate has grown so absurd and extreme that some kind of reform is inevitable. Perhaps they need more time to plumb the depths of the institution's intransigence. According to Sarah Binder, a change in rules is extremely unlikely; Republicans would be implacably opposed to, say, weakening the filibuster, and so would some Democrats, especially long-serving ones. "I would oppose that," Chris Dodd said, adding of the freshmen, "These are people who have never been in the minority." For older Democrats, who have put in their years, grown adept at working the rules, and now chair powerful committees, the reform impulse could be a threat. (Among senior senators, the sole enthusiast for rules reform is Tom Harkin.) One senator spoke of the Senate as being divided not between whales and minnows but, rather, between bulls and calves. The older Democrats are too accustomed to the Senate's ways to share the frustrations of the newcomers; the handful of older moderate Republicans are too weak to challenge the newer radicals who now dominate the caucus.

Even if the freshmen Democrats can somehow reform the filibuster next January, the Senate will remain a sclerotic, wasteful, unhappy body. The deepest source of its problems is not rules and precedents but, rather, its human beings, who have created a culture where Tocqueville's "lofty thoughts" and "generous impulses" have no place.

A few days after passing health-care reform, the Senate struggled to its feet to take on a second large task. Financial regulatory reform should have been the easiest piece of major legislation of the Obama Presidency, the likeliest to win real bipartisan support. The financial crisis had been catastrophic for millions of Americans, and after the 2008 bailout Wall Street had become even more hated than the Senate was. In April, a lineup of bankers from Goldman Sachs appeared before Senator Levin's subcommittee on investigations, and managed to appear as arrogant, callous, and evasive as their reputations had suggested. The public demanded action. Some Republicans had a genuine desire to pass a bill. If health-care reform had been a war of attrition, financial reform was a promising liaison.

The affair began with a Republican, Bob Corker, and a Democrat, Mark Warner—both multimillionaires serving their first term, both considered centrists. Corker is a small, dapper former construction magnate who became the mayor of Chattanooga; Warner is a tall, preppily dressed former telecommunications entrepreneur who became the governor of Virginia. Chris Dodd, the Banking Committee chairman, assigned them to work together on the section of the bill having to do with the liquidation of troubled firms—making sure that there would never be another taxpayer bailout. They worked through the winter, in Warner's office, in Corker's office, over dinner, sometimes without staff, as if they were members of a Senate from the past. They hosted a series of afternoon seminars, inviting guests such as Ben Bernanke, Alan Greenspan, and Sheila Bair. Corker and Warner were sometimes said to be the only Democrat and Republican still talking to each other. In January, *Business Week* called them the Senate's "Odd Couple." By February, they had finished their work.

Meanwhile, discussions about the entire bill between Dodd and Richard Shelby, the top Republican on the committee, dragged on, repeatedly breaking down. Finally, on February 10th, Dodd called Corker, who, though he was one of the committee's junior members, agreed to be the chairman's Republican negotiating partner. When Corker informed McConnell and Shelby, they expressed surprise. "It was an odd place to be," Corker recalled. "And yet that night we began meeting." The junior Republican savored the rare experience of creating, rather than opposing, legislation. In response, Shelby's conservative staff tried to undermine Corker, spreading rumors among Republicans and their lobbyists that he was giving too much away. (A Shelby aide said that staff members were simply informing other Republicans of the Party's line on financial reform.)

On March 10th, Dodd concluded that he had to move a bill to the floor. He called Corker and said, "You've been a great partner." He was ending their talks after only a month. "It's a little stunning, I've got to be honest," Corker told reporters afterward. Someone close to the negotiations compared Corker to Dickens's Miss Havisham, unable to get over the rebuff, forever awaiting the arrival of her groom, all her clocks stopped. Corker later said that Dodd had ended the talks under pressure from the White House and other Democrats. Dodd said that Corker had been unable to bring any other Republicans with him. "Baloney," Corker said. "If Dodd had reached an agreement with me, we'd've had at least twenty-five Republican votes."

The bill that Dodd brought before the Senate, after a year of discussions with Democrats and Republicans alike, incorporated the bipartisan plan of Warner and Corker to prevent another bank bailout: setting up a fifty-billion-dollar fund, paid for by the banks, to insure orderly liquidation, and establishing a risk council to detect warning signs of another crisis. But

in mid-April Mitch McConnell—who had just met with Wall Street executives in New York, and was now parroting talking points from a memo written by the Republican strategist Frank Luntz—called it a “partisan bill” that “will guarantee perpetual taxpayer bailout of Wall Street banks.” McConnell presented a letter, signed by all forty-one Republicans, suggesting that they would filibuster the financial-reform bill.

His remarks amounted to a repudiation of Corker’s work as well as of Dodd’s. The next day, April 15th, Corker pleaded with his colleagues, in his Tennessee twang, “Let’s come to the floor and let’s act like adults. Let’s tone down the rhetoric. Let’s don’t exaggerate the pluses or minuses. Let’s do what the Senate was created to do. . . . We were supposed to be the people that took some of the red-hot activities that sometimes come from the other body and sat down with cooler heads and resolved the issues like adults. We can do that. As a matter of fact, I would say, if we cannot do that on financial regulation, an issue that really doesn’t have any real philosophical bearings to it. . . .” Corker didn’t allow the thought to ripen—he had already gone farther than almost any Republican would have dared.

Dodd spoke later in the day and completed Corker’s speech: “I know my friends on the other side of the aisle are faced with a difficult choice between supporting their party leadership and participating in this complicated, difficult debate. I am not naïve. I know that is a hard place to be. But if we can’t act like U.S. senators for the sake of this issue. . . . then why are we even here?” He went on, “We work for an American public that is sick and tired of feeling like no one is looking out for their interests, like the political hacks and lobbyists hold all the cards in these discussions. The minority seems intent on proving them right. . . . I have been here a long time. I know this institution is better than that. I know there are friends of mine on the other side of the aisle who care about this bill, who want to be a part of the debate, who want to be part of the solution.”

In the same speech, Dodd joined the partisan fight, accusing McConnell of lying about the bill. Turning crimson-faced, he chopped the air with his hand as he shouted, “I have to ask myself, why did I go through this process over the last four or five months, agreeing to much of what they were offering, and there is not a single political vote to show for it. . . . I have to say to the younger members, the newer members coming along: be careful!”

Corker, having heard that Dodd was speaking, returned to the chamber and asked to respond. “You and I went a long way,” Corker told Dodd. “Then we stopped. On March 10th it ended. I understand that, look, you were losing Democrats on your committee.”

“And I was not gaining Republicans,” Dodd replied.

“You had one, and that is all you asked for when you started. I never said I could speak for anybody but myself. And I did not leave the table.” Corker urged Dodd to keep talking to Republicans—their differences could be sorted out in a few days.

But this was not McConnell’s agenda. Instead, financial reform became a slightly more polite repeat of the health-care-reform brawl: the Republicans threatened filibusters, the Democrats threatened all-nighters, and thousands of lobbyists prowled the Capitol, charging their Wall Street clients more than a billion dollars. On April 28th, I was sitting in the ornate Reception Room with Jim Manley, Reid’s spokesman. On the other side of the wall, there was the noise of furniture scraping across a tile floor. “Those are cots being set up in the L.B.J. Room,” Manley said. “Very little happens around here without a deadline.” The cots persuaded Republicans to allow the bill to move to the floor for debate. A few weeks later, on May 20th, yet another filibuster was defeated by yet another cloture motion, and financial reform finally came to a vote. It passed, 59–39. Only four Republicans had joined the majority. Corker wasn’t among them. He had even voted for an amendment, offered by his Republican colleague Jeff Sessions, of Alabama, that would have scrapped Corker’s work of many months with Warner.

“The idea of watching Bob Corker vote for the Sessions amendment!” Dodd said afterward, sitting in his red-curtained office, under a print of Holbein’s portrait of Thomas More. “It’s the Senate, I guess.” McConnell’s strategy of obstruction had once again come close to succeeding, Dodd said, but he knew that a “shrinking number” of Republicans were frustrated. The previous day, Dodd had said to Susan Collins, “God, I would have loved to have you as my ranking member on this.” Collins responded, “We could have had such a great time on this bill.”

Warner, who said that he believed in bipartisanship because “the American people don’t trust either political party enough to give them a blank check,” was astonished that so few Republicans voted for financial reform. “There was zero substantive reason why this couldn’t have been eighty votes,” he said. I asked him why Bob Corker had voted no on the bill. Warner started to talk about the consumer-protection title, and then said, “If you want to vote against something, you can always find your reasons.”

But Corker hadn’t seemed to want to vote against it. He had spent months trying to act like a U.S. senator, alienating himself from his own party and then the other party, and on the day of the vote he held the floor for the better part of thirty minutes, as if he were still reluctant to let the effort go. “I am obviously disappointed,” he said. “I think I have spent as much time as any senator. . . . on policy regarding our financial system. I think any bill—even this bill—has good things in it. There is no question. And I appreciate the thrust. But I think there is a lot of overreaching, and I think not enough time was spent on

some of the core issues.”

As the senators cast their votes, I noticed Robert Kaiser, the author of “So Damn Much Money,” in the press gallery. I later asked him if, with the passage of two big reform bills in three months, we were witnessing a possible renewal of the Senate. “If you can engage public opinion in a way politicians can understand, public opinion can still blow away money and interest groups,” he said. “But over the past few decades the reflex has grown in the Senate that, all things considered, it’s better to avoid than to take on big issues. This is the kind of thing that drives Michael Bennet nutty: here you’ve arrived in the United States Senate and you can’t do fuck-all about the destruction of the planet.”

After the final vote on financial reform, the Republicans flew home, and the Democratic leaders held a press conference, smiling before the microphones outside the Senate chamber. Reid said, “For those who wanted to protect Wall Street, it didn’t work.” He then excused himself: he had to join Biden for a telephone fund-raiser with “some Nevadans.”

Durbin said, “I was stunned that only four Republicans would join us in passing this historic legislation. What does it take to bring the Republican Party into the conversation about the future of America?”

Dodd, glowing with triumph, said, “I wanted to demonstrate that the Senate of the United States could conduct its business much as our founders intended. We did that.”

On July 21st, President Obama signed the completed bill. The two lasting achievements of this Senate, financial regulation and health care, required a year and a half of legislative warfare that nearly destroyed the body. They depended on a set of circumstances—a large majority of Democrats, a charismatic President with an electoral mandate, and a national crisis—that will not last long or be repeated anytime soon. Two days after financial reform became law, Harry Reid announced that the Senate would not take up comprehensive energy-reform legislation for the rest of the year. And so climate change joined immigration, job creation, food safety, pilot training, veterans’ care, campaign finance, transportation security, labor law, mine safety, wildfire management, and scores of executive and judicial appointments on the list of matters that the world’s greatest deliberative body is incapable of addressing. Already, you can feel the Senate slipping back into stagnant waters. ♦

ILLUSTRATION: STEVE BRODNER

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