Get Ready for Grandstanding, Gridlock and Impeachment

by **James S. Robbins** (November 7, 2018)

America the Beautiful, David Hammons, 1968

Those looking for a clear message from the 2018 midterm elections will have to keep looking. The big-picture electoral implications should not be over-stated, yet the political ramifications will be significant.

It is unusual to see one party make gains in the House while the opposing party increases its Senate margin. Usually the opposition party gains in both houses, on average 30 House seats and four in the Senate. A split result like 2018 has only happened five times in the last century or so.

The Democrats faced a particularly bad Senate map, defending two dozen seats, ten of which were in states that Donald Trump won in 2016. Of these, Missouri, Indiana and North Dakota flipped, with probably Florida adding to the Republican total pending a recount.

Divided government seems to be a new norm. Four presidents in a row have entered office with a friendly Congress, and then seen the opposition party take over. This happened with Bill Clinton in 1994, George W. Bush in 2006, Barack Obama in 2010, and now Donald Trump. By 2021 we will have had same-party government in the executive and legislative branches only twelve out of thirty years.

But 2018 was nothing like the "Blue Wave" some pundits anticipated. Compare to previous midterms: the Tea Party election in 2010 was the strongest, where Republicans picked up 63 House seats and took control of the Senate with a gain of 6. In the "Contract with America" election in 1994, the GOP

won +54 seats, and also took the Senate. Democrats won both the House and Senate in 2006 in an election that was widely seen as a referendum on the War in Iraq.

Yet it is harder to reduce the 2018 outcome to a single factor. The Democrats did not put out a high-profile agenda to serve as the basis for a legislative mandate. The election was not driven by a bad economy. Republicans did see noticeable [erosion](#) in the women's vote, according to a CNN exit poll, which some have connected to the dustup over the Brett Kavanaugh Supreme Court confirmation hearings. Yet note that the losing Democratic senators all voted against the Kavanaugh confirmation, and that Democrat Joe Manchin of West Virginia, who broke ranks with his party, won in a close race.

One Republican fear going into the election centered on the excessive number of House Republican who chose to retire or seek other offices. [Thirty-six](#) Republicans either retired, ran for the Senate or ran for governor. Republicans held on to 28 of those seats. Seven of the eight losses came from Republicans who retired. The damage was mitigated by the GOP flipping two Democratic districts where an incumbent left office, leaving a net of six losses. So while this factor was important, it was not a blowout.

While the election itself was a bit of a muddle, its political implications are stark. The question of night on cable news was, will the House Democrats seek to legislate or investigate? It is possible to avoid gridlock even with divided government. Recall that Ronald Reagan faced a similar situation in 1981-87 with the Democrats controlling the House and a Republican Senate yet managed to pass his tax cuts and budgets that included the critical military buildup. The

legislative framework of Reaganomics had to cross Tip O'Neill's desk before it went to the Oval Office, and while the relationship between the two men was not always cordial, they could at least do the country's business together.

But presumptive Speaker Nancy Pelosi is no Tip O'Neill, and the Democratic party of today is far more radical than that of the 1980s. Democratic leaders may say they want to focus on promoting a legislative agenda, but their proposals will be too out of the mainstream for most Americans. Medicare for All or abolishing the Immigrations and Customs Enforcement agency appeal to the progressive base but are far too radical to gain mainstream support. Raising taxes, reorganizing the Supreme Court or imposing strict gun control measures would also delight the fringes but not the moderate voters who handed them their 2018 victory. Pressing too far to the left will endanger their newly-won seats in middle-of-the-road constituencies and give Republicans ready-made issues for the 2020 contest.

Also, any meaningful legislative initiatives would have to be crafted with the knowledge that they could never become law without the cooperation of the Senate, and President Trump's signature (barring veto overrides). Most House Democrats may be completely unwilling to make the necessary compromises, and especially not to be viewed as siding with President Trump. Hence, we are likely to see more grandstanding than serious lawmaking, periodic crises over government shut-downs, and a return of legislative gridlock.

Democrats will no doubt vigorously use their investigative powers to pursue probes into the "Russian collusion" witch hunt, Donald Trump's personal finances, and also to waylay and

generally make life miserable for the heads of the executive departments. The hearings and subpoenas will be endless, and hyped to the hilt by the anti-Trump mainstream media. And though Democrats tamped down impeachment talk on the 2018 campaign trail, removing Donald Trump from the White House is likely to be issue number one among the new majority's progressive wing. We may even see an unprecedented move to try to impeach President Trump during the 2020 election campaign.

The Republican Senate of course would not convict President Trump if he was impeached, but that would hardly be the point. Nothing would energize the Democratic base more than an attempt to take Trump down, and the process might embolden the dwindling Never Trump faction in the GOP to cause some kind of trouble in the 2020 primaries. Also, the president would have to spend time dealing with the impeachment issue rather than campaigning. So a trumped-up Trump impeachment is probably on the horizon, and the next two years will see political theater like none we have ever seen.

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