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# **The 2010 Midterms: A Primer for Canadians**

**A Policy Update Paper**

By

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## ABOUT THE AUTHOR

**Colin Robertson** is Senior Strategic Advisor for the US-based law firm of McKenna, Long and Aldridge. He writes on international affairs and is a frequent contributor and commentator on CTV, CBC and CPAC.

He is current President of the Canadian International Council's National Capital Branch. Mr. Robertson sits on the board of the Conference of Defence Associations Institute, Canada World Youth and he is honorary chair of the Canada Arizona Business Council. He is a Distinguished Senior Fellow at the Norman Paterson School of International Affairs.

A career foreign service officer from 1977-2010, Colin Robertson served as first Head of the Advocacy Secretary at the Canadian Embassy in Washington and Consul General in Los Angeles, with previous assignments in Hong Kong and in New York at the UN and Consulate General. In his final assignment he directed a project on Canada-US Engagement at Carleton University's Centre for Trade Policy and Law with private and public sector support. A member of the team that negotiated the Canada-US FTA and NAFTA, he is co-author of *Decision at Midnight: The Inside Story of the Canada-US FTA*.

He is a former President of the Historica Foundation. He was editor of *bout de papier: Canada's Journal of Foreign Service and Diplomacy* and President of the Professional Association of Foreign Service Officers. He has taught at Carleton University and the Canadian School of Public Service.

He indicates that his smartest decision was marrying his wife Maureen Boyd, a Vancouverite, former journalist and author. They have three children, Allison, Sean and Conor. Robertson reads voraciously, runs slowly, swims, cycles, and cross-country skis.

*After having believed ourselves capable of transforming ourselves, we now believe ourselves incapable of improving ourselves; after having had an excessive pride, we have fallen into a humility that is just as excessive; we thought that we could do everything, and now we think that we can do nothing...This, to put it simply, is the great malaise of our age”.*

- Alexis de Tocqueville

*“The more you read and observe about this Politics thing, you got to admit that each party is worse than the other. The one that's out always looks the best.”*

- Will Rogers

*American politics at the dawn of the 21<sup>st</sup> century is a brutal, bloody, winner-take-all game. As it should be. The stakes in political combat are not multi-billion dollar mergers or championship rings...There are no higher stakes than determining who runs the only superpower on God's earth. Politics...is the only game for grown-ups”.*

- James Carville

Forget the Giants and Rangers, although that contest too has blue-red overtones, America's real secular sport is politics. Each party has a colour: red for Republicans and blue for Democrats (the opposite of Canada's Liberal Red and Conservative Blue). The party's even have their own bestiary. Thanks to the popularization of the America's greatest caricature artist, Thomas Nast of *Harper's Weekly*, since Reconstruction the Democrats have been associated with the donkey, while the Grand Old Party of the Republic (GOP) rides the elephant.

The Democrats are the oldest political party in the world and John F. Kennedy used to take great pride in telling of the trip that Thomas Jefferson and James Madison made up the Hudson River on a botanical tour searching for butterflies that ended up in New York City where they formed the Democrat Party. The original plans for the Republican Party were drawn up at a meeting in Ripon, Wisconsin at the First Congregational Church in 1854 in an action that united Whigs, Free Soilers and northern Democrats in an effort to stop the spread of slavery. They lost their first election to the Democrats, but came back in 1860 led by a rail-splitting lawyer from Illinois, Abraham Lincoln. The Republicans would dominate American politics for much of the following seventy years, when, in the face of the Great Depression, Franklin Roosevelt became president and from 1932 to 1980, the Democrats were the majority party, especially in Congress. Since the election of Ronald Reagan, the Grand Old Party of the Republic (GOP) has won the presidency five out of eight elections while the Democrats have mostly been the majority in Congress, except for a twelve-year interregnum occasioned by the last great 'wave' election in American politics, when Newt Gingrich's 1994 Contract with America swept the Democrats from both the House and Senate.

De Tocqueville's tour of Jacksonian America established the view of a populist, democratic and exceptional nation. Politics is also a great spectator sport and humorists have had fun with it from the Revolution to Will Rogers and now Colbert and Jon Stewart who drew hundreds of thousands to their 'Rally to Restore Sanity and/or Fear' at the Lincoln Memorial on Saturday. But as Carville reminds us, it is also a blood sport.

### **Seats at Stake and Turnout**

The Founding Fathers designed the Constitution so that every two years all 435 members of the House of Representative and one third of the 100 Senate (whose members are usually elected for six year terms) would stand for election. States and local government follow suit and so over

7,000 federal and state legislators will be elected to public office after voting concludes on Tuesday, November 2.

Advance voting has already begun in over 32 states and it is estimated that over a quarter of registered voters have already gone to the polls. Final turnout is expected to be about 40 percent of eligible voters, but if it goes higher the Democrats feel it will favour them. One of their biggest problems is the traditional low turnout at midterms of youth and minorities, both of whom turned out in record numbers to elect Obama in 2008. For a presidential election it is usually closer to 50 percent, although the turnout in the last presidential election was closer to 60 percent.

By contrast, Canadian turnout in the local elections last month averaged slightly over 30 percent; for federal elections it was over 70 percent for most of the post-war period, but it dipped into the 60<sup>th</sup> percentile in the nineties and in the 2008 election it was 58.8 percent.

### **Congress**

In the House of Representatives there are 257 Democrats led by Speaker, Nancy Pelosi of California and 178 Republicans led by John Boehner (and get the pronunciation right it's 'Bay-nur') of Ohio. There are 41 Republicans led by Minority Leader, Mitch McConnell of Kentucky, facing Majority Leader, Harry Reid of Nevada, backed up by 59 in the Democratic caucus, including two independents, Bernie Sanders of Vermont and, Joe Lieberman of Connecticut who was Al Gore's 2000 vice presidential mate.

This year 37 Senate seats are up for grabs: 19 held by the Democrats and 18 by the Republicans. There are fifteen new faces in this group (7 Democrats and 8 Republicans) because of either retirement (eg. Democrat, Evan Bayh of Indiana and Republican, Sam Brownback of Kansas) or primary defeat (eg. Democrat, Arlen Spectre in Pennsylvania and Republican, Bob Bennett in Utah). Three of the eventual winners will have to stand for early reelection to bring them back into alignment with their 'class' – New York and West Virginia in 2012 and Delaware, in 2014.

Divided government at the national level is the rule rather than the exception in the U.S.. The last president to serve an entire term with both a House and a Senate controlled by his own party was Jimmy Carter.

### **Gubernatorial and State Elections**

Unlike the presidency (elected every four years), a number of governors stand for election every two years and this year there are 39 gubernatorial elections: 20 where the incumbent was a Democrats and 19 held by the GOP. There will be at least 25 new faces because of retirement or term limits (eg. Democrats Bill Richardson of New Mexico and Jannifer Granholm of Michigan and Republicans, Arnold Schwarzenegger of California and Tim Pawlenty of Minnesota) or primary defeats (Republican, Jim Gibbons of Nevada).

State legislatures follow a similar election schedule, although their upper house usually serves only four years. Only Nebraska has a single chamber and does not require elections for an upper house. Of the 99 state legislatures (or general assemblies), 88 are holding elections on November 2 for 4958 of America's 5413 state house seats and 1167 of the 1971 state senate seats. Democrats hold the majority in 52 and Republicans in 33.

We don't pay much attention to state and local elections, but they are important for a couple of reasons: first, states are incubators for future presidents. Barack Obama served in the Illinois state senate before his election as a U.S. Senator and, four years later, as president. Jimmy Carter, Ronald Reagan, Bill Clinton and George W. Bush were all governors prior to their election as President. Second, state legislatures often lead on future federal legislation, from protectionism to environmentalism.

The 2010 elections have special significance because these legislatures will redraw the boundaries of the congressional map in 150 to 160 congressional seats after the 2010 census. The North East and Mid West will continue to lose congressional districts to the South and South West. These boundaries will endure until the next decennial census in 2020. The question could come down to this: whose district will disappear, John Boehner's (who may well be the next Speaker) or Dennis Kucinich's? Unlike Canada, where the boundaries are the responsibility of the Chief Electoral Officer, in the U.S. it is bare-knuckle partisanship. The Democrats are very conscious of the importance of these elections and Harold Ickes is leading project SuRGe - Stop Republican Gerrymandering.

### **Then there are the Initiatives**

Voters in 37 states will vote on 160 measures: 113 measures referred to the ballot by legislatures, 42 citizen initiatives, one popular referendum, and four questions from other sources.

Watch out for a pair of California initiatives. Proposition 19 would legalize the possession and personal use of marijuana for anyone over 21 and, if passed, could lead to the licensing of California grow-ops that would significantly dent the market for B.C. Bud. Initiatives that get their start in California have a tendency to spread and an initiative to legalize medical marijuana that passed in 1996 soon appeared in other states.

Proposition 23 is of particular interest to Canadian energy interests. It would suspend California's 2006 climate change legislation requiring greenhouse emissions to reach 1990 levels by 2020 until state unemployment drops to 5.5 percent or below and stays there for four consecutive quarters. Unemployment is currently over 12 percent in California. Fines kick in next year.

Tax advocates are also watching both Colorado and Washington. In Colorado, a trio of initiatives would have the effect of both reducing property tax and increasing the education budget such that it would absorb 99 percent of state general funds. Colorado is the birthplace of TABOR, the Taxpayers' Bill of Rights, which caps state revenue and requires taxpayer refunds if revenue exceeds the cap. After Colorado passed TABOR in 1992, the idea spread to state ballots around the country. In Washington, they are trying to roll back a 2007 initiative that imposed a two-thirds requirement for the legislature to approve any tax increase. The Washington legislature voted earlier this year to suspend the two-thirds requirement until July 2011, allowing the passage of a tax increase with a simple majority vote.

### **Who is Going to Win?**

We won't know until late in the evening on November 2. 'Continuity', rather than 'change' or 'wave', elections are usually the norm in the U.S. but not since 2006 when Democrats took back the Congress from the Republicans and 2008, when Barack Obama won the presidency and the Democrats increased their margin in both houses.

With unemployment, currently 9.6 percent, stuck at over 9 percent for the longest duration since the Great Depression, the consistent message of all the polls is that the Democrats will take a shellacking. The pundits whom I most respect and got to know in Washington, Charlie Cook and Stuart Rothenberg, have been predicting for months that the Republicans will easily pick up the 40 seats required to win the House of Representatives and significantly narrow, even erase, the Democratic margin in the Senate.

Commitment matters and Republicans outpace Democrats by double digits. In the last two midterms – 2002 and 2006 – the party with the greater commitment won more seats. For the first time since 1932, more Republicans than Democrats voted in the primaries, a reflection of both Tea Party enthusiasm and Democrats sitting on their hands. The Republicans also have an advantage on traditional Democratic groups including Roman Catholics, working class Americans and independents. After voting in record numbers in 2008 for ‘change you can believe in’, youth and minorities – African Americans and Latinos – are disillusioned with what they feel is ‘politics as usual’. Democrats have not won a majority of whites since 1964.

Last week’s (October 27) New York Times poll showed women favoring the GOP. If this holds up on Tuesday, it will be the first time since exit polls began tracking gender voting differences in 1982. One of the mostly unreported developments in this election is the record number of GOP women candidates; 201 are running for Congress and statewide offices. The Democrats are fielding 225 women for office.

Incumbency is a huge advantage in the U.S., unlike Canada where more than half the seats can swing in an election. In 2008, for example, there was no change in any of California’s state legislature. This year less than a quarter of state legislators faced a primary, about the same number that were termed-out and over a third of the incumbents face no significant challenger. Republicans are putting a special effort into the 49 districts that John McCain won last time but that also elected a Democrat to the House.

In 2006, unhappiness with the war was a big factor. In 2008, it was a combination of a public fed up with George W. Bush, the collapsing economy and the hope generated by Obama and ‘change that you can believe in’. Change came on health care, economic stimulus and financial reform but persistently high unemployment is a reminder of James Carville’s famous exhortation to Bill Clinton’s team in 1992: ‘It’s the economy, stupid.’ National security can mitigate the effects of economic discontent, but with most Americans fed up with the wars in both Iraq and Afghanistan, the Democrats don’t even have this on their side.

Elections can also surprise pundits and pollsters alike. "Dewey Defeats Truman" was the famously inaccurate banner headline on the front page of the *Chicago Tribune* on November 3, 1948. Few expected the breadth or depth of the ‘Contract with America’ Republican 1994 win in both the House and Senate.

### **The Republican Platform**

Pick up a copy of Pledge to America, released at the end of September at a hardware store and meant to emulate the successful 1994 Contract with America. The tone comes through in the introduction: “An arrogant and out-of-touch government of self-appointed elites makes decisions, issues mandates, and enacts laws without accepting or requesting the input of the many” and it declares the GOP would extend the Bush tax cuts, freeze government hiring and role back government spending to 2008 levels, except for “seniors, veterans and our troops”. Pledge to America would also repeal the Obama health care reforms and honour the sanctity of

marriage. The GOP have personalized the campaign into a 'Fire Pelosi' bus tour that has even long-term House incumbents like Earl Pomeroy, the sole member for North Dakota, declaring in a campaign ad that "I'm not *Nancy Pelosi*, I'm not Barack Obama." The stock stump lines for John Boehner are evocative of *Network's* Howard Beale: "Ladies and gentlemen, your government hasn't been listening. Your government is disrespecting you, your family, your job, your children. Your government is out of control. Do you have to accept it? Do you have to take it? Hell no, you don't. That's what elections are for!"

### **The Democratic Platform**

President Obama promised transformation, change and, arguably, he has delivered on it in three big pieces of legislation: the stimulus package (1073 pages), financial regulatory reform (2319 pages) and the comprehensive health care package (2409 pages) that will cost approximately \$1.3 trillion over the next decade. Collectively they put in place, the President argues, the foundations for renewed growth and the next steps would be to complete climate change legislation and bring in reforms of both education and immigration policies. Obama is promising to halve the budget deficit by 2013 and stabilize it at just over 70 per cent of GDP by 2015. Democrats argue that the Bush Republicans left the country in a mess and that recovery takes time. In his last regular weekly radio address on Saturday, President Obama came back to his old theme of 'hope and change':

"We can spend the next two years arguing with one another, trapped in stale debates, mired in gridlock, unable to make progress in solving the serious problems facing our country. We can stand still while our competitors – like China and others around the world – try to pass us by, making the critical decisions that will allow them to gain an edge in new industries. Or we can do what the American people are demanding that we do. We can move forward. We can promote new jobs and businesses by harnessing the talents and ingenuity of our people. We can take the necessary steps to help the next generation – instead of just worrying about the next election. We can live up to an allegiance far stronger than our membership in any political party. And that's the allegiance we hold to our country."

It's a tougher sell this time.

### **Money, Money, Money**

This will be the most expensive midterm campaign in American history. Analysts who track political spending predict that TV advertising will rake in two-thirds of the campaign dollars this year – about \$2 billion. Commercial radio is expected to collect \$250 million. At least \$650 million will be spent on direct mail campaigns, while Internet sites should rake in about \$50 million. The Centre for Responsive Politics reckons the final bill will top \$4 billion. By comparison, the cost of the 2008 election in Canada was about \$300 million.

The most expensive campaign is to succeed Arnold Schwarzenegger as Governor in California. Republican contender and former Ebay CEO, Meg Whitman who is running against Jerry Brown, the 72 year-old 'Moonbeam' who once dated Linda Ronstadt and was governor from 1975-83, has already spent approximately \$150 million, in her mostly self-financed campaign.

### **Populism, Third Parties and the TEA Party**

Populism is as American as apple pie and 'freedom' from both tax and government can be traced back to the Whisky Rebellion of the 1790s. Since the Second World War, it has found reflection on both the right (Strom Thurmond, George Wallace, Pat Buchanan, Ross Perot), center (John Anderson) and the left (Ralph Nader).

The winner-take-all form of the U.S. electoral system has ruled out third parties, except in the very short term. Unlike Canada, with the partial exception of the Socialists in the early 20<sup>th</sup> century, no American third party has managed to make a good showing in two successive elections. Voters hate to waste their votes and the major parties can be counted on to strengthen this logic by incorporating some of the dissenters'. In American political history, the birth of a new political movement has usually resulted from a 'spasm' on the part of those middle-American voters who are unhappy with current conditions. Small government conservatism sparked the 1964 Goldwater movement and later fueled Ronald Reagan's landslide victories in 1980 and 1984.

The Tea (Taxed Enough Already) Party fits into this category and it has become a phenomenon on which pundits and commentators are feasting. In candidates like Christine 'I am not a witch' O'Donnell, who is seeking the Delaware Senate seat once held by Vice President Joe Biden, there is much to caricature. But caricatures miss the point.

Americans are sick and tired and scared about the direction of the country, about debt and deficit and, about terrorism. The percentage of people – 42 percent – who say that the country is safer now from terrorism compared to before Sept. 11, 2001, has reached a new low (Washington Post/ABC poll September 2). At the end of June, U.S. borrowings stood at a record \$14 trillion: more than the total for the Eurozone as a whole. In April, the New York Times/CBS did a poll of Tea Party supporters. When asked, "What should be the goal of the Tea Party movement," 45 percent said, "Reduce federal government." That is, cut spending. Everything else was in single digits. In early October, a Rasmussen poll revealed nearly seven in 10 respondents (68%) want a smaller government, lower taxes and fewer services. The party breakdown: GOP, 88 percent; Democrats, 44 percent; and Other, 74 percent. They want change that works for them, an attitude shared by most Americans and in the most recent (October 10, 2010) Wall Street Journal/NBC poll 60 percent feel the country is headed in the wrong direction.

### **And now 2012**

The campaign for the 2012 presidency begins on November 3. The GOP is convinced that President Obama is vulnerable, but should the Republicans take the House and increase their Senate seats they will be forced to have affirmative governing proposals rather than simply rely on opposing the President. Saying 'No' won't satisfy voters who expect responsibility to go with power. While the Tea Party has called for government restraint, the biggest pieces in any budget are health and education, including the Medicare that Government is to 'keep their hands off of'. The discipline of power will disclose fissures in their ranks, especially with the libertarians. The GOP success this time will present lots of challenges for their party going forward and will make their presidential primaries very contentious.

Republican contenders will likely include a string of current and former governors - Mitt Romney of Massachusetts, who came second to John McCain for the 2008 GOP nomination, Tim Pawlenty of Minnesota, Mitch Daniels of Indiana, Sarah Palin of Alaska, Haley Barbour of Mississippi, Mike Huckabee of Arkansas - and others including former Speaker, Newt Gingrich

and perhaps even Glenn ‘Restoring Honor’ Beck. The presence of so many governors underlines the fact that the state house incubates presidential contenders. Four of the last six presidents – Jimmy Carter (Georgia), Ronald Reagan (California), Bill Clinton (Arkansas) and George W. Bush (Texas) – were governors. There are also a number of governors in the cabinet including Homeland Security Secretary Janet Napolitano (Arizona), Commerce Secretary Gary Locke (Washington), Agriculture Secretary Tom Vilsack (Iowa) and Health and Human Service Secretary Kathleen Sebelius (Kansas). It also underlines the importance of the premier-governor relationships and getting to know American legislators at the state level.

Hailed as a Lincoln or a Roosevelt on his election two years ago, pundits are now saying that Obama risks becoming like Jimmy Carter, a one-term president. In the New York Times/ABC poll (October 27) Obama’s rating stood at 43 percent among registered voters, which is about the same as that of Bill Clinton before the 1994 midterm elections when Republicans swept control of the House and the Senate.

Clinton bounced back to win re-election. Notwithstanding Monica and an impeachment trial in Congress (only the second in American history) today, Clinton is arguably America’s most popular political figure. He’s made 117 campaign appearances this season, as he told us in Ottawa (October 29), because he wanted to help those candidates who stood by Hilary during the 2008 nomination fight and that by convention, neither the Secretaries of State nor Defense campaign in midterms. Clinton remains a remarkable speaker and one of his main messages was his concern over growing inequality in America. He noted that 64 percent of all income growth since 1979 has gone to the top 10 percent and this frays at social cohesion.

In a remarkable interview with Peter Baker of the New York Times (read ‘Education of a President’ in the October 12 *NYT Sunday Magazine*) President Obama argued that he had already accomplished about 70 percent of what he set out to achieve, but he admitted that his reforms reinforced the narrative that “he’s the same old tax-and-spend liberal Democrat.” He realized too late that

“there’s no such thing as shovel-ready projects” when it comes to public works. He concluded that “we probably spent much more time trying to get the policy right than trying to get the politics right. There is probably a perverse pride in my administration — and I take responsibility for this; this was blowing from the top — that we were going to do the right thing, even if short-term it was unpopular. And I think anybody who’s occupied this office has to remember that success is determined by an intersection in policy and politics and that you can’t be neglecting of marketing and P.R. and public opinion.”

Baker described an "administration that feels shell-shocked" by the partisanship and the sharp shift in public mood as they contemplate an "Obama 2.0" course change for the next two years. There was some solace for Obama in the NYT poll: nearly 60 percent of Americans were optimistic about his next two years in office and nearly 70 percent said the economic slump is temporary.

### **A Cautionary Note on Midterms**

Elections occasionally surprise pundits and pollsters alike. ‘Dewey Defeats Truman’ was the famously inaccurate banner headline on the front page of the *Chicago Tribune* on November 3, 1948. Few expected the breadth or depth of the ‘Contract with America’ Republican 1994 win in both the House and Senate.

Midterm elections are important but they rarely forecast the next presidential election. They are usually a referendum on the main issue of the day – usually the economy and occasionally foreign policy, the direction of the nation and presidential leadership. Since 1900, the party in the White House has lost seats in the House of Representatives in every midterm except for 1934 and 2002. Presidents who lost big in midterms (Harry Truman in 1946, Ronald Reagan in 1982 and Bill Clinton in 1994) bounced back to win re-election.

In 2006, unhappiness with the war was a big factor in Democrats taking back the House of Representatives. In 2008, they enlarged their majorities in both houses. Voters were fed up with George W. Bush, worried by the collapsing economy and inspired by the hope generated by Obama's 'change that you can believe in'. Change came on health care, economic stimulus and financial reform but continuing high unemployment is hurting the Democrats. It's a reminder of James Carville's famous exhortation to Bill Clinton's team in 1992: 'It's the economy, stupid.'

In 2008, the Democrats picked up 21 seats in the House, having gained 30 seats in the 2006 midterms. In a sense, if the Republicans regain the House and the Senate is a near draw, we are back to the future. It will be even more so if Jerry Brown wins in California. In a couple of days, the 2010 midterms will be history, but if you are feeling political withdrawal, then stop by your favourite bookstore on November 9<sup>th</sup> for a new political memoir, *Decision Points*. And the author? George W. Bush.

## **Canadian Defence & Foreign Affairs Institute**

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CDFAI was created to address the ongoing discrepancy between what Canadians need to know about Canadian international activities and what they do know. Historically, Canadians tend to think of foreign policy – if they think of it at all – as a matter of trade and markets. They are unaware of the importance of Canada engaging diplomatically, militarily, and with international aid in the ongoing struggle to maintain a world that is friendly to the free flow of goods, services, people and ideas across borders and the spread of human rights. They are largely unaware of the connection between a prosperous and free Canada and a world of globalization and liberal internationalism.

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