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It's Not Just About Civility: How Procedural Fairness and Social Capital Can Cure Congressional Gridlock

Jolie LiBert
jlibert@pugetsound.edu

Until Trump's impeachment hearings, only two out of America's forty-five Presidents have been impeached. In 2019, our country reached a historic moment, the impeachment of a third President. However, President Trump's impeachment proceedings have been unlike any other due to the extreme partisan polarization and adherence to tribal politics that pervades the legislative branch. On October 23rd, 2019, dozens of House Republicans, led by House Minority Whip Steve Scalise, stormed the impeachment headquarters and immediately began tweeting in the defense of the President. Some of these members were even on the House Intelligence Committee. During the testimonies of various political scholars and state officials, House Republicans displayed signs reading "100 Days Since Adam Schiff Learned the Identity of the Whistleblower," "0 Days Since Adam Schiff Followed House Rules," and other outlandish statements. These actions represent a shocking disregard of the rules and an outright oversight of respect in American political institutions.

Civility in Congress epitomizes the ultimate lost cause in Washington; however, the key to restoring Congress's effectiveness lies in two other directions: a return to procedural fairness as the adherence to rules and yield to regular order, and efforts to strengthen social capital among politicians to boost cooperation and compromise. First, I will discuss Congress's current problem. I examine the factors that have contributed to the growing contentiousness Congress currently experiences. Specifically, political polarization, negative partisanship, lack of institutional identity, and the competitive nature of politics serve as the causes of congressional gridlock. The case studies of Jim Wright and Newt Gingrich provide insight into how our government reached the current era of cutthroat politics. However, civility is not the correct remedy to congressional gridlock. I will then argue that a restoration of civility is not the answer to this congressional impasse. Finally, I provide an analysis of procedural fairness and social capital and argue that reimplementing these two practices/actions serve as the solutions that will cure Congress's current crisis.

We can trace the contentious moment that plagues Washington back to two key factors: political polarization and negative partisanship. First, political polarization, specifically of the ideological and partisanship kind, refers to the divergence of individuals to their party's ideological extreme. Additionally, parties have become increasingly sorted based on ideology. With respect to members of Congress, in today's political era, rarely do we ever see a conservative Democrat or a liberal Republican. Instead, Democrats lean toward the left, identifying as liberals and Republicans lean to the right as stark conservatives. In short, overlap no longer exists. Second, negative partisanship, the hatred of the opposing party even more than one's loyalty to their own party, also riddles the Capitol. Negative partisanship inherently includes the concept of party tribalism. The amoral party loyalty that permeates Congress is similar to sports fans' hatred for their rival team. Politics has begun to look like the rivalry between Boston Red Sox fans and Yankees fans. Today's political rhetoric and actions against fellow politicians are antithetical to notion of mutual respect and cooperation.

According to Sarah Binder, "legislators differ on what issues and conditions constitute 'problems.'"[1] Due to political polarization, members of Congress can no longer agree on facts, not only halting Congress's ability to solve policy problems, but also their ability to agree on what the problems are in the first place. This refusal to accept and agree with the facts does not emanate from legitimate reasons, but rather because politicians are clouded by tribalism and negative partisanship. The "traditional, big-tent, and pragmatic American parties" no longer exist, nor does the ability to create them.[2] Congresspeople used to be proud of their "legislative craftsmanship and expertise" surrounding salient policy issues.[3] Now, Members cannot even graze the surface of correcting big policy problems.

In addition to the ideological alignment of our two-party system and intense devotion to partisanship, the decline in institutional identity and the growing competitive nature of congressional politics contribute to the period of legislative deadlock in which our country currently lives. With a lack of institutional identity, Congress has lost its ability to function cohesively and properly. When our political narrative was less contentious, politicians in Washington used to be loyal to institutions first, *then* their ideology. Members took pride in the institution that they served. Now, Members no longer feel a connection to Congress as an institution. In their ethnographic research of House Orientation for freshman members of Congress, Mann and Ornstein reported higher levels of willingness to live amongst fellow Members in Washington.[4] In a speech to the incoming Members, Minnesota Republican Bill Frenzel encouraged the newbies to purchase property in Washington in order to truly soak up the opportunity that lay ahead of them.[5] This was in the 1970's and '80s. In the 1990's, Mann and Ornstein found there was a scornful attitude toward Washington. Incoming politicians viewed Washington as an "insidious place," refusing to spend any more time in Washington than what was required of them.[6] Additionally, the House Historian, a position appointed to a nonpartisan individual by the Speaker, represents a key mechanism to promoting institutional identity and patriotism. Charged with archiving and educating, the position's purpose serves to instill institutional memory and build a shared identity among members of Congress. This office was vacant for a decade between the years of 1995 and 2005. The problem Congress is currently

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[1] Sarah Binder, "Legislating in Polarized Times," *Congress Reconsidered*, ed. Lawrence C Dodd & Bruce I. Oppenheimer (London: Sage Publications, 2017), 202.

[2] Mann and Ornstein, "Finding the Common Good," 18.

[3] Thomas Mann and Norman Ornstein, "The Broken Branch: How Congress is Failing America and How to Get it Back on Track," *Brookings Institution,* June 17, 2006, https://www.brookings.edu/articles/the-broken-branch-how-congress-is-failing-america-and-how-to-get-it-back-on-track/.

[4] Mann and Ornstein, "The Broken Branch."

[5] Mann and Ornstein, "The Broken Branch."

[6] Mann and Ornstein, "The Broken Branch."

faced with "stems from a mismatch between America's political parties and its constitutional system."[7]

Next, the politically competitive moment we exist in makes it almost impossible for Congresspeople to build bipartisan coalitions that support salient policy agendas. Both parties see that control of the legislative chambers is a close contest. Politicians—especially party leaders—now eat, think, and breathe in a permanent campaign mindset. When both parties see national victory on the horizon, politicians are less likely to work across party lines. Frances Lee explains it simply: "when control of national institutions hangs in the balance, no party wants to grant political legitimacy to its opposition by voting for the measure it champions."[8] Additionally, congressional policy making has become a game of the Prisoner's Dilemma with only two scenarios: "short term advantage of defection" or "long term advantage of cooperation."[9] The long-term result of cooperation reflects how Congress previously conducted their policy making: with compromise in mind. Today's political arena reflects the short-term outcome. Partisan competition, "rapid, [and] arbitrary changes…", increases the probability to defect for the short-term benefit.[10] Members of Congress lack the incentive to compromise or even cooperate with one another. The political careers of two Speakers of the House, Democrat Jim Wright and Republican Newt Gingrich, serve as two telling case studies that can help us understand the disappearance of cooperation and decline of regular order by both Democrats and Republicans. Specifically, the latter half of Jim Wright's speakership and the rise of Newt Gingrich explain the current dysfunction that infests our legislative branch.

Prior to Wright holding the Speaker's gavel, he engaged in politics in a well-mannered, productive way. He worked with fellow Democrats to write legislation and negotiated with Republicans. As a Democrat from Texas, both Democrats and Republicans worked with Wright. However, once the House elected Wright as Speaker, "it was quickly evident that [he] had left the consensual politics of his younger days behind."[11] Both Republicans and Democrats became increasingly displeased with his dictatorial leadership style and were appalled at his lack of respect for Congress as an institution. Wright's "win-at-any-cost attitude" pushed Republicans to see Wright as a "mean-spirited, ruthless" leader, and they began to think of Wright as their

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[7] Mann and Ornstein, "Finding the Common Good," 18.

[8] Frances Lee, "American Politics Is More Competitive Than Ever. That's Making Partisanship Worse," *The Washington Post*, January 9, 2014, https://www.washingtonpost.com/news/monkey-cage/wp/2014/01/09/american-politics-is-more-competitive-than-ever-thats-making-partisanship-worse/.

[9] Jane Orient, "Book Review: *The Evolution of Cooperation* by Robert Axelrod," *Foundation for Economic Education*, December 1, 1984, https://fee.org/articles/book-review-the-evolution-of-cooperation-by-robert-axelrod/.

[10] Orient, "Book Review: *The Evolution of Cooperation*."

[11] Philip A. Wallach, "The Fall of Jim Wright—and the House of Representatives," *The American Interest*, January 3, 2019, https://www.the-american-interest.com/2019/01/03/the-fall-of-jim-wright-and-the-house-of-representatives/.

outright enemy.[12] Republicans who had once worked with Wright soon had no choice but to align with more conservative Republicans. Their hatred toward Wright outweighed their efforts to produce legislation. Wright attempted to bypass congressional procedure and organize a leadership takeover of the House Administration Committee. Specifically, he put off naming Rules Committee appointees in order to remind his nominees that "they were the Speaker's appointees."[13] This action represents a clear violation of regular order and an obvious abuse of rules and norms. Traditionally, Speakers of the House did not work as an independent politician to further their own agendas, but rather as the main leader of the House and top representative for the majority party. Wright's political actions were self-motivated and executed because he thought he was doing what was best for his party. He lacked the devotion to Congress as an institution and rather saw it as a mechanism to further a specific agenda. Additionally, during his speakership, Wright engaged in several corrupt activities.

Young politician Newt Gingrich publicly revealed Wright's traces of corruption, causing the House Ethics Committee to conduct an investigation into Wright's wrongdoings. It came out that Wright engaged in corrupt campaign finance endeavors and unethically profited off of a book published which he served office. In May 1989, the report was published, and his transgressions were proven true.[14] Wright participated in the unlawful "conversation of campaign funds to personal use."[15] Additionally, he profited "from his financial dealings [regarding] the bulk sales of his book, 'Reflections of a Public Man'."[16] In an unanimous decision, the House Ethics Committee charged Wright with sixty-nine violations. His violations signified an overt breach of numerous House rules. Wright resigned on June 6th, 1989, creating an open path for the rise of Newt Gingrich and a new Republican Party.

After ousting Wright, Newt Gingrich rose to speakership in 1995, and was determined to forge a new path and identity for Republicans. Long before being elected Speaker, Gingrich believed "Republicans would never be able to take back the House as long as they kept compromising with Democrats."[17] In the summer of 1978, he delivered a speech to a room full of young Republicans in which he urged them to "raise-hell," "stop being so nice," and pushed

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[12] Wallach, "The Fall of Jim Wright."

[13] Wallach, "The Fall of Jim Wright."

[14] Wallach, "The Fall of Jim Wright."

[15] Tom Kenworthy, "House Committee Charges Wright with 69 Ethics-Rules Violations," *The Washington Post*, April 18, 1989. https://www.washingtonpost.com/archive/politics/1989/04/18/house-committee-charges-wright-with-69-ethics-rules-violations/71ebcee8-6bcc-4fb3-9c11-afdee07f318a/.

[16] Kenworthy, ""House Committee Charges Wright with 69 Ethics-Rules Violations."

[17] McKay Coppins, "The Man Who Broke Politics," *The Atlantic*, October 17, 2018, https://www.theatlantic.com/magazine/archive/2018/11/newt-gingrich-says-youre-welcome/570832/.

them to win the "cutthroat war for power."[18] When he arrived in Washington, Gingrich delivered tirades against Democrats on the congressional floor, which were televised on C-SPAN. He used adjectives such as "pro-communist," "un-American," "tyrannical," "corrupt," and "pathetic" to describe Democrats.[19]

Once in power, Gingrich, like his predecessor, violated regular order and defied House rules. Gingrich, during his time as Speaker, funded a political action committee that existed to help Republicans get elected into Congress. GOPAC, a conservative group led by Newt Gingrich, distributed a packet to Republican candidates hoping to win an election. In the packet was a brochure titled, "Language: A Key Mechanism of Control," which outlined phrases in two categories: "optimistic positive governing words" and "contrasting words" for prospective politicians to employ in their daily encounters.[20] Some words categorized in the first category were "freedom," "pristine," and "family."[21] For the latter category, GOPAC defined "contrasting words" as "words to define our opponents." They included words like "liberal," "shallow," "incompetent," "they/them," "sick," and "pathetic."[22] Ultimately, Gingrich coined a new political vernacular that capitalized on intensified ideological, partisan polarization and furthered the aggressive competition between parties. Funding a Republican-oriented PAC while holding an institutional leadership position signifies a self-motivated, partisan strategy. Therefore, this conduct denotes an explicit break from the regular order that a Speaker is supposed to partake in. Additionally, Gingrich violated several federal tax laws with his private and public endeavors while he held the Speaker's post, as well as provided false information to the House Ethics Committee during the investigation into his wrongdoings.[23] Gingrich was the first Speaker of the House to be penalized for his violations against clearly laid out House rules; he was fined $300,000.[24] Ultimately, Gingrich broke from the traditional role of a Speaker as well as failed to adhere to obvious and comprehensible House rules.

Both Wright and Gingrich took advantage of the ruthlessness of politics and partisan competition. They both believed the consolidation of power within their specific office was the answer to the growing competition in Congress and was the best way to serve their party.

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[18] Coppins, "The Man Who Broke Politics."

[19] Coppins, "The Man Who Broke Politics."

[20] "Language: A Key Mechanism of Control," University of Houston, accessed December 1, 2019, https://uh.edu/~englin/rephandout.html.

[21] "Language: A Key Mechanism of Control."

[22] "Language: A Key Mechanism of Control."

[23] John E. Yang, "House Reprimands, Penalizes Speaker," *The Washington Post*, January 22, 1997, https://www.washingtonpost.com/wp-srv/politics/govt/leadership/stories/012297.htm.

[24] Yang, "House Reprimands, Penalizes Speaker."

However, in response, this led their parties to further compete with one another on a tribal level. Wright and Gingrich's "actions ultimately hollowed out the House's policy making abilities" and forever stained Congress to be the institution of "partisan jockeying" and not much else.[25] Because of Wright and Gingrich's actions, as Thomas Mann stated, "gradually, [Congress] went from legislating, to the weaponization of legislating, to the permanent campaign, to the permanent war."[26] Now we are seeing Congress's institutional authority crumble before our eyes. Wright and Gingrich kicked off the era of ideological polarization, led the decline in institutional identity, and exacerbated the extreme competitiveness of the congressional system. Rebuilding an institution, such as Congress, to work effectively requires something other than treating Members with civility.

The Founders of our nation were concerned that as our country expanded and progressed, building "consensus and legitimacy around policies that would affect all citizens" with different interests would grow increasingly difficult.[27] As a solution, our Founders created a Congress rather than a Parliament in order to alleviate that difficult task. Mann and Ornstein point out the linguistic difference between Congress and Parliament. The word congress is rooted in the Latin word, *congredi*, meaning to come together.[28] It signified an institutional process where elected individuals would be able to come together and cure America's ailments. Contrastingly, the word parliament comes from the French word for to talk, *parler*.[29] Parliament usually engages in heated debates where the minority party simply concedes. The distinction between Congress and Parliament is in compromise. The congressional system aims to cooperate and find consensus, whereas the parliamentary system emphasizes victory and defeat. The choice to implement a congress rather than a parliament rested in the Founders' hope for an institution in which debate and deliberation could occur, differing opinions would be understood, and agreement regarding policy issues could be reached. However, we now find ourselves at a crossroads, where parties have become so "vehemently adversarial" that they have begun to act as parliamentary parties do.[30] The difference between Congress and Parliament shows why the restoration of civility is an inadequate solution to the problems Congress current faces.

Civility represents something unique to the political conversation and might not be what our current political era truly needs. According to the Oxford English Dictionary and Packer, who has rhetorically analyzed the word "civility," civility's "upper limits involve 'politeness,

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[25] Wallach, "The Fall of Jim Wright."

[26] Coppins, "The Man Who Broke Politics."

[27] Thomas Mann and Norman Ornstein, "Finding the Common Good in an Era of Dysfunctional Governance." *Journal of American Academy of Arts & Science* 142, no. 2 (Spring 2013): 16.

[28] Mann and Ornstein, "Finding the Common Good," 16.

[29] Mann and Ornstein, "Finding the Common Good," 16.

[30] Mann and Ornstein, "Finding the Common Good," 15.

courtesy, consideration,' while the lower ones describe something more basic: 'the minimum degree of courtesy required in a social situation,' an 'absence of rudeness.'"[31] This definition of civility adheres to the notion of civility as niceness. Connecting this definition of civility to congressional politics does not allow for compromise and consensus that the Founders hoped for. This definition of civility merely recommends members of Congress to partake in niceties with each other. It does not push for a call to action or emphasize working together to enact change. Therefore, linking this definition of civility to a dysfunctional Congress suggests that civility is an unattainable goal and, frankly, a hypothetical solution. Because civility is often framed as an abstract concept, with no tangible method to restore it, calling for civility "cede[s] valuable rhetorical ground."[32] Civility represents a rather difficult virtue to instill in politicians, especially when they so vehemently disagree on what the issue is in the first place, let alone what the solution is to the issue. One cannot "legislate civil discourse in others."[33] In other words, civility is not something that can be mandated—it must be embodied. And without politicians to embody civility, civility remains an unrealistic solution to Congress's dysfunction.

Numerous politicians, scholars, and journalists alike have called for civility amidst this highly uncivil, even dysfunctional moment that Washington is currently experiencing. However, their requests fall on deaf ears and are met with blind eyes. Barack Obama continuously called for civility and unity throughout his presidency. Obama, however, was interrupted by Republican Representative Joe Wilson's outburst, "you lie!" during his health care address to Congress. After John McCain's passing, Cindy McCain launched an Acts of Civility campaign to honor her husband. Several politicians pledged to the campaign, yet acts of civility in the political world are threatened by partisan loyalist and political competition. New York Times writer George Packer believes the reinstatement of civility is essential to cure Congress's dysfunction. He states, "we must operate in good faith [and] commit to reciprocity."[34] However, what mechanisms can move politicians to operate in good faith? What incentives are there for politicians to devote themselves to reciprocity? In another op-ed, the authors write, "in a time of heavy political polarization, the national dialogue is fractured and vitriolic," civility must be restored, as "civility and integrity are the bases upon which relationships—professional and

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[31] George Packer, "When Is 'Civility' a Duty, and When Is It a Trap?"

[32] Vann R. Newkirk, "Sometimes There Are More Important Goals Than Civility," *The Atlantic*, December 5, 2016, https://www.theatlantic.com/politics/archive/2016/12/discussing-racism-white-voters/509528/.

[33] Dirk Johnson, "Civility in Politics: Going, Going, Gone," *New York Times*, December 10, 1997, https://www.nytimes.com/1997/12/10/us/civility-in-politics-going-going-gone.html.

[34] George Packer, "When Is 'Civility' a Duty, and When Is It a Trap?" *New York Times,* November 28, 2018, https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/periodicals.html.

personal—are built."[35] How can we demand civility with no way of implementing it? Members of Congress cannot begin to act civil towards each other until there are other mechanisms that enforce and promote it. Civility is not the sole solution to Congress's current problem.

Adherence to the rules and a push back to procedural fairness within Congress serves as one mechanism that can cure Congress's gridlock and works to restore institutional order. America's Founders constructed a constitutional system rooted in several fundamental elements: "debate and deliberation, regular order in the legislative process, and avenues to limit and punish corruption."[36] Members seem to have forgotten these goals as their interactions squash healthy debate and deliberation, rules and procedures are no longer followed, and corruption seems to go unnoticed and unchecked. The emphasis on regular order remains the most significant of these three themes. In order to foster legitimacy and effectiveness, rules and procedures must be followed. Procedural fairness would seek to fix the short-term defection outcome of the Prisoner's Dilemma that has become normal in Congress. In order to return to the long-term advantage, "the possibility of cooperation depends on the rules of the game."[37] The public's confidence and trust in government relies on "a sense that the processes and decisions reflect fairness and enhance the common good."[38] Therefore, procedural fairness, as a return to the regular order and adherence to the rules, represents the highest priority to fix the political troubles that Congress faces today.

A bipartisan commission of former politicians and party leaders charged with mending the broken branch that is Congress represents the first solution that has the ability to reinstate procedural fairness. This commission would include politicians devoted to the public good and who see a problem with the current state of Congress. I have chosen two chairmen for the group to lead the charge: Dave Obey and Slade Gorton. Dave Obey, a former Democrat from Wisconsin, served in the House of Representatives from 1969 to 2011. In 1974, Obey formed a coalition that reformed the House Democratic Caucus Rules to hold the Committee Chairman more accountable.[39] Additionally, Speaker Tip O'Neill, in 1977, appointed Obey to be the chairman of a new reform-based group, the House Commission on Administrative Review. Tasked with improving "the chamber's ethics rules and professionaliz[ing] House operations," Obey led the front that "would raise standards for both the Members and the institution."[40]

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[35] Trevor Starnes et. al., "Seersucker and Civility," *New York Times*, May, 8, 2017, https://www.nytimes.com/2017/05/08/opinion/seersucker-and-civility.html?searchResultPosition=8.

[36] Mann and Ornstein, "Finding the Common Good," 15.

[37] Orient, "Book Review: *The Evolution of Cooperation*."

[38] Mann and Ornstein, "Finding the Common Good," 14.

[39] "Go All The Way," *Whereas: Stories from the People's House* (blog), *History, Art, and Archives: United States House of Representatives*, My 24, 2017, https://history.house.gov/Blog/2017/May/5-24-Obey-Commission/.

[40] "Go All The Way."

Alongside Obey, would be Slade Gorton, a former Republican Washington Senator (and former University of Puget Sound professor). Gorton served as Representative from 1981 to 1987 and then again from 1989 to 2011. During Nixon's impeachment trial, Gorton broke with the Republican party and supported Nixon's resignation. Gorton saw institutional integrity as more important than partisan loyalty.[41] In 2019, Gorton urged Republicans to understand the institutional importance of impeachment and encouraged them to "put country above party."[42] Gorton currently serves as a Senior Fellow at the Bipartisan Policy Center and as a legal advisor to the Republicans for the Rule of Law, a group of life-long Republicans who are "dedicated to defending the institutions of our republic and upholding the rule of law."[43] These two former politicians can forge a path back to procedural fairness.

Next, reforms to the institutional integrity of Congress would serve as a clear mechanism to rebuild Congress's commitment to procedural fairness. Institutional integrity reforms "are intended to curtail corruption in the legislative process."[44] Institutional integrity reforms, in the current context, would also function to get Congress "back on track" and remind Members to return to the regular order of congressional business. The Legislative Reorganization of 1970, otherwise known as the sunshine reforms acts as a jumping off point for modern-day institutional integrity improvements. According to political scientist and expert on Congress C. Lawrence Evans, the sunshine reforms "were pushed by a coalition of liberal reformers seeking to curb the power of the conservative committee chairs and by Republicans who wanted to make the traditional power centers of the Democratic majority less insular." These reforms benefited both parties and strengthened Congress's institutional authority.

Today, institutional integrity reforms would encourage procedural fairness to be a main goal of Congress as a governing body. Two of the current committees that are given original jurisdiction (jurisdiction over the House of Representatives as an institution) are the House Rules Committee and, more importantly, the subcommittee on Rules and Organization of the House and the Ethics Committee, specifically the Office of Congressional Ethics. The two adjunct groups should focus on working together to cultivate higher levels of procedural fairness within the House. The Committee on Rules organizes and presides over the introduction of legislation and then responsible or the process of how it goes through the House.[45] The Rules and

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[41] Slade Gorton, "My Fellow Republicans, Please Follow the Facts," *New York Times*, November 25, 2019, https://www.nytimes.com/2019/11/25/opinion/my-fellow-republicans-please-follow-the-facts.html.

[42] Gorton, "My Fellow Republicans, Please Follow the Facts."

[43] "About Us," Republicans for the Rule of Law, accessed December 7, 2019, https://www.ruleoflawrepublicans.com/about-us/.

[44] C. Lawrence Evans, "Politics of Congressional Reform," *The Legislative Branch*, ed. Paul J. Quirk & Sarah A. Binder (New York: Oxford University Press, 2005), 499.

[45] "About," *Committee on Rules*, accessed December 14, 2019, https://rules.house.gov/about.

Organization of the House subcommittee is responsible for "matters within the Rules Committee's jurisdiction related to the process and procedures of the House…and [the overall] internal operations of the House."[46] The Office of Congressional Ethics is a non-partisan, independent group charged with handling and reporting misconduct violations against members of the House of Representatives. In addition to handling misconduct, their jurisdiction could also include handling and reporting violations that impair procedural fairness. Specifically, the Office would be responsible for reviewing breaches of procedural fairness. Together, the Office of Congressional Ethics could work with the Rules and Organization subcommittee to ensure procedural fairness in legislative affairs. They would then confer with their respective umbrella committees to implement the changes they see necessary and fit. A push for procedural fairness only represents one prong to the two-pronged solution to cure Congress's dysfunction and restore its institutional authority and credibility. The next is efforts to reestablish social capital among Members.

Efforts to increase social capital between members of Congress represents the second solvency to legislative gridlock and the breakdown of democratic norms. The concept of social capital emanated from a book published in 1916 about how communities can help oversee schools. The concept, traditionally associated with sociology, can also be applied to the field of political science. The Organization for Economic Co-operation and Development (OECD) defines social capital as "networks, together with shared norms, values and understanding that facilitate co-operation within and among groups."[47] Similarly, Robert Putnam believes social capital to be the "social life—networks, norms, and trust—that enables participants to act together more effectively to pursue shared objectives."[48]

Social capital in the capitol depends on higher the levels of interaction and trust among members of Congress. This will lower transactional costs of policymaking, resulting in increased levels of cooperation. In a general scenario, "the bigger the commitment—and the more difficult it is to disentangle oneself from it—the more trust matters, and the more difficult it is to earn."[49] Translated into political vernacular, the policy issue represents the commitment, the person who cannot disentangle themselves is the politician or political party that proposes the legislation, and lastly, trust remains what needs to be earned in order for another politician to support that legislation. Simon Szreter explores the significance of the bonding social capital versus linking

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[46] "Subcommittee on Rules and Organization of the House," *Committee on Rules*, accessed December 14, 2019, https://rules.house.gov/subcommittees/subcommittee-rules-and-organization-house-116th-congress.

[47] Brian Keeley, "A Bigger Picture," in *Human Capital: How What You Know Shapes Your Life*, (Paris: OECD Publishing, 2009), 103, https://www.oecd-ilibrary.org/docserver/9789264029095-7-en.pdf?expires=1576538101&id=id&accname=guest&checksum=A114E26A85CF14F247E21FA06FC549C0.

[48] Robert Putnam, "The Strange Disappearance of Civic America," *The American Prospect* no. 24 (Winter 1996): 34.

[49] Kevin D. Williamson, "The Importance of Trust," *National Review*, March 5, 2019, https://www.nationalreview.com/2019/03/trust-social-capital-government-policy-progressive-politics/.

social capital. He argues that the linking social capital connects communities together *and* allows them to understand the functions of the state.[50] At the congressional level, linking social capital might look like bridging members of Congress together, outside of work, in order to help create trust among them, which in turn would allow them to better carry out the functions of the state.

Former Republican Representative from Illinois and House Minority Leader, Bob Michel, embodied the spirit of social capital. Michel carpooled to the Capitol with Chicago Democrat Dan Rostenkowski, played golf with Democrat Speakers Tom Foley and Thomas "Tip" O'Neill, and always offered to grab a drink with fellow Representatives, regardless of their party affiliation.[51] President Bill Clinton said on former Republican Minority Leader, Michel "would never put his party's political interest ahead of the national interest."[52] Michel worked to bridge the social gap between Republicans and Democrats. Today, social interactions, embedded with some congressional work, serve as the method to garner higher levels of social capital among members of Congress.

First, Representative Derek Kilmer has created the American Congressional Exchange Program, a program in which Kilmer and a fellow Representative of the opposing party find a weekend to visit each other's districts and meet their constituents. In a conversation with Kilmer, he told me, "the only way to get to know someone's views is to go to where they got those views."[53] This served as his vision for the Exchange Program. Together, the two Representatives participate in town halls, tour each other's district, and engage face-to-face with voters. The experience that the visit fosters is one of mutual partnership and cooperation. The American Congressional Exchange Program allows politicians to get a peek into the life of a political opponent and works to humanize the opposing party on a personal level.

Additionally, the House Bipartisan Working Group (BPWG) meets weekly for breakfast to explore potential bipartisan opportunities. Over breakfast, the agenda goes as follows: first, a member of the working group promotes a bill that they are working on in hopes of gaining bipartisan support. Next, the members openly discuss the current state of affairs in Washington that week. And lastly, the BPWG commissions an outside, third-party group or scholar to discuss an issue in hopes of facilitating a conversation that will shed light on where Republicans and Democrats overlap regarding the matter. This bipartisan working group, with the setting of their

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[50] Simon Szreter, "The State of Social Capital: Bringing Back in Power, Politics, and History," *Theory and Society* 31, no. 5 (2002): 578. www.jstor.org/stable/3108542.

[51] David Rogers, "Ex-GOP Leader Bob Michel, Face of Decency and Public Service, Dies," *Politico*, February 17, 2017, https://www.politico.com/story/2017/02/bob-michel-dies-former-gop-house-leader-234936.

[52] John Baldoni, "Bob Michel: Remembering A Politician Who Worked on Both Sides of the Aisle," February 18, 2017, https://www.forbes.com/sites/johnbaldoni/2017/02/18/bob-michel-remembering-a-politician-who-worked-both-sides-of-the-aisle/#6de0ef51169a.

[53] Derek Kilmer, "Fireside Chat at the University of Puget Sound," October 3, 2019.

outing and its emphasis on House operations, exemplifies an effort to increase social capital among members of Congress. The BPWG's structure would be useful to implement at the committee level, as it would serve as a mechanism for bonding *and* consensus building. Integrating methods to increase social capital among Congresspeople would allow for Congress to operate as a well-functioning legislative body, rather than the dysfunctional one they are now.

This essay argues that while America's political systems may be in need of a reinstatement of respect and decency, and that civility is not the foolproof answer to the current problem that plagues Congress. Congress exists in a period of dysfunction, where policymaking is under attack by America's two-party system. This ill cannot be cured with niceness and courtesy. Instead, the restoration of procedural fairness, as well as efforts to establish higher levels of social capital, serve as the key factors that can fix our nation's political crisis. These solutions to the growing dysfunctional nature of Congress aim to reinstitute the spirit of cooperation and compromise, as well as create a space in which mutual tolerance is valued. Additionally, these remedies focus on problem-solving, which remains consequential in boosting the health of Congress as an institution. High levels of dysfunction represent a threat to the legitimacy of Congress as an institution. Ultimately, a return to procedural fairness and efforts to increase social capital can begin to fix Congress's dysfunction. And when procedural fairness and social capital are finally restored, only then can civility reenter the equation.

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