

Trump and McConnell: Chip Somodevilla/Getty Images; Northam: Win McNamee/Getty Images; All others: CO Roll Call file photos

COVER STORY

# Low-Scoring First Half

Few gains in the first session of the 115th Congress could greatly affect the final score next November

By SHAWN ZELLER

**I**n less than a year's time, 10 Senate Democrats will face re-election in states that President Donald Trump won in 2016. This has Democrats fretting. But perhaps they should count themselves lucky.

Imagine their fate if Hillary Clinton, the Democratic presidential nominee, had won. It's likely that even less would have gotten done on Capitol Hill.

And if 2018 turns out to be an election about the president, as seems likely now, then senators, representatives and candidates who are critical of him should fare better than those who've supported him.

Trump has the lowest approval rating at the end of his first year in office, by far, of any modern president. Republicans have remained steadfast, but fewer people are identifying themselves as Republicans to pollsters, and more are saying they are Democrats.

In the most recent Gallup survey, only 25 percent of respondents said they were Republicans, down 2 percentage points from Election Day 2016. The defectors have shifted to the middle and the percentage of independents has grown to 42 while Democrats are at 30 percent.

Meanwhile, there's plenty of evidence that a Democratic wave is forming. An unusually large number of Democratic challengers has decided to run and many are finding early fundraising success. When asked if they'd favor a Democratic or a Republican candidate by pollsters, Democrats are winning handily.

It's not hard to glean why. A tally of Trump's 2016 campaign promises is full of failure. There is no wall on the southern border, or even the promise of one. Trump's effort to bar Muslim immigrants and refugees remains tied up in court. He has not rounded up and deported millions of unauthorized immigrants, or convinced Congress to fund a major infrastructure program. He's abdicated to Congress on what to do about the young, unauthorized immigrants to whom his predecessor, Barack Obama, granted a reprieve.

Opposite page, L to R from top left: Ryan, Ossoff, Heller, Gorsuch, Comstock, Corker, Trump and McConnell, Medicaid protester, Handel, Northam, Flake and Moore.



Planned Parenthood, the women's health care provider that performs abortions, is still in business, receiving more than \$500 million in government funding.

Even the North American Free Trade Agreement, the 23-year-old deal with Mexico and Canada condemned by Trump during his campaign, remains in force.

"The first year of his presidency has been nothing but one big self-inflicted wound," contends Elaine Kamarck, a senior fellow in governance studies at the Brookings Institution and former aide to President Bill Clinton.

Absent a tax bill, the biggest policy achievements of the current Congress may be the reauthorization of the Food and Drug Administration and the National Aeronautics and Space Administration and new sanctions on Russia, Iran and North Korea. There was also a new law to improve weather forecasting.

Political scientists have found that voters in midterm elections aren't attuned to everything going on in Washington, but they tend to punish majority parties when they fail to deliver, especially on issues of import to the president.

"A lot of what will decide next year's midterms will be the collective reputations of the two parties," says Matthew J. Lebo, director of the Center for Behavioral Political Economy at the State University of New York at Stony Brook. "If Republicans fail to pass anything, it will hurt their collective reputations. That gives them an incentive to pass something, anything, to allow Donald Trump to have them all over and have a signing ceremony and tout a big win."

That, of course is the tax bill. In advance of the Senate debate, Republican Lindsey Graham of South Carolina put the bill's importance in stark terms in an interview with Fox News: "I think all of us realize that if we fail on taxes, that's the end of the Republican Party's governing majority in 2018," he said.

But the still-pending measure is getting decidedly mixed reviews in the polls and it's not clear that even if it were to be enacted, stripping many high propensity voters of

long-cherished tax breaks in exchange for lower rates, Congress will be rewarded for it. Voters sometimes punish even lawmakers with big achievements, as they did House Democrats in the 2010 tea party wave, when they are perceived as too partisan.

Absent success on taxes, what will Republicans run on? Trump is stacking the courts with conservative judges, and Republican senators delivered in April with the confirmation of Neil Gorsuch to the Supreme Court.

The party's biggest achievements, otherwise, are the 14 Obama-era regulations that Congress rescinded, combined with Trump's unprecedented efforts to kill, delay and rewrite other Obama rules. These include some momentous shifts, such as Trump's move to block Obama's plan to curtail climate change by restricting pollution from power plants. But regulatory policy is not typically the stuff on which successful campaigns are built.

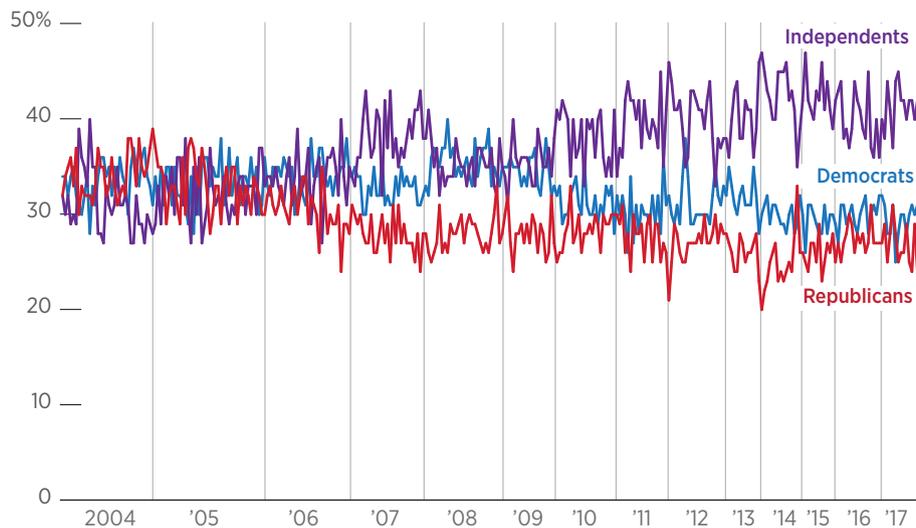
The election is more than 10 months away and there's always a chance that Republicans could get something done in 2018. Still on the docket are bills to overhaul government surveillance authorities and farm programs. Plenty of variables remain.

As demonstrated by balloting last month in Virginia, where Democrats retained the governorship and increased their numbers in the general assembly, the party is motivated. But is it motivated enough to overcome the typical sag in turnout among key constituencies, like black and Hispanic and young voters?

White voters, meanwhile, turn out at much higher rates than minorities in midterms, and that's theoretically a boon to Republicans. But GOP voters have plenty to kill their motivation. Will a win on taxes outweigh, in their minds, the Republican Congress' spectacular failure to overturn the 2010 health care law after lawmakers promised so assuredly they'd get it done?

### GOP Affiliation is Down

More voters have shifted to the middle — the percentage of independents has grown to 42 percent while Democrats are at 30 percent and Republicans at 25 percent.



Source: Gallup  
Marilyn Gates-Davis/CQ



Tom Williams/CQ Roll Call

**McConnell and Ryan have not met their goals on spending bills.**

Do GOP voters care that even in conducting its routine business, this Congress has struggled mightily? Both Senate Majority Leader Mitch McConnell and House Speaker Paul D. Ryan pledged a return to regular order, the catch-all term representatives and senators use to describe what Congress should look like if it's getting things done, allowing committees to draft and consider bills, amend them and then pass them with an open process on the floor.

That has not happened. Congress took until May to resolve the government's 2017 budget, more than seven months after the fiscal year began. Fiscal 2018 appropriations, as of press time, were more than two months overdue and GOP leaders could yet decide to push final decisions into the new year. At best, they'll pass another omnibus bill drafted by party leaders, not the 12 individual spending bills they had promised to.

Perhaps it's true that Donald Trump is different, that his supporters, though a clear minority of the electorate, are so loyal and so motivated, that they'll both come out to vote and also exercise patience with Republicans in Congress who've failed to enact his agenda, by giving them another term.

More likely, Republicans will face a wave of debilitating primary campaigns — like the one this year in Alabama that anointed Roy Moore to replace Jeff Sessions — that will hurt their chances in some races. Moore remains in the Dec. 12 general election, despite accusations of sexual misconduct with young girls and pleas from GOP leaders in Congress to step aside.

A similar scenario cost Republicans in 2010 and 2012. In 2010, Republicans lost shots at Senate seats in Delaware and Nevada after primary voters selected ultra-conservative candidates. In 2012 in Missouri Claire McCaskill defeated Todd Akin, who'd defended his opposition to abortion, even in cases of rape, by arguing that women did not become pregnant when they were raped.

Visions of Akin surely prompted many Republicans to try to get Moore to quit the Alabama race.

But even absent bad candidates, Republicans are worried that general election voters

will take out their frustrations about the state of affairs in Washington on those allied with President Trump, as voters did in 2006, when they rejected those linked to an unpopular war president, George W. Bush, or in 2014, when they spurned Democrats tied to Obama.

Obama's approval rating had sunk to 40 percent in the Gallup poll preceding the 2014 vote. Bush's stood at 38 percent in 2006, which is where Trump is now.

Instead of defending their support of Hillary Clinton, the likes of Joe Manchin III in West Virginia and Heidi Heitkamp in North Dakota — perhaps the most embattled Senate Democrats — can point the finger at Trump and the Republicans who control all the levers of power in Washington and reasonably say to voters: “We Democrats can do better.”

### DEMOCRATIC SURGE

Michael Malbin, executive director of the Campaign Finance Institute, has detailed the evidence that a Democratic wave is forming: Through the first quarters of 2017, 391 Democratic challengers raised at least \$5,000.

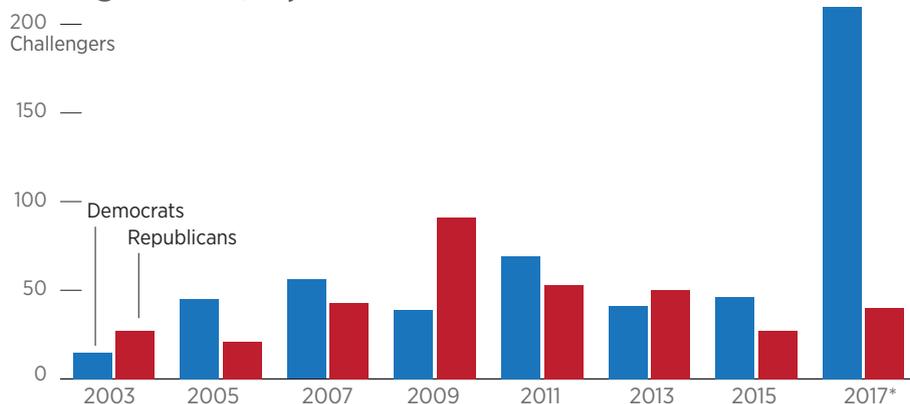
This is an astonishing figure, and means that Democrats are likely to field strong candidates in a lot of races next year. The previous high at this point in a campaign came in 2009 when Republican challengers, in the lead-up to their tea party sweep the following year, numbered 184 with at least \$5,000 in receipts.

Of the 391 Democrats, 145 have raised real money — more than \$100,000 — through September. In 2009, the previous high, only 69 Republicans had.

The surge in Democratic candidates is spread out enough to give them a shot at the House, where they need to pick up 24 seats to take the majority. Seventy-three Republican incumbents now face Democratic challengers who've raised at least \$100,000. In 2009, the previous high, 50 Democrats faced GOP candidates with that kind of financial backing.

“These numbers tell us that Democrats are poised to take advantage of a wave if one

### Number of Democratic and Republican Challengers Raising at Least \$50,000



\* As of Sept. 2017  
Source: Campaign Finance Institute  
Marilyn Gates-Davis/CQ

develops,” Malbin argues, adding that it depends on the performance of Congress and Trump, and the national mood.

November’s elections in Virginia also bode well for Democratic chances. They revealed a highly motivated party. Incoming Democratic Gov. Ralph Northam outperformed Hillary Clinton in Democratic sections of the state, and turnout rose in them relative to the last gubernatorial election.

Democratic strongholds in northern Virginia made up 30 percent of the statewide vote, compared to 28 percent in the 2013 governor’s race. And with rare exceptions, the rural counties where GOP margins rose the most made up a smaller share of the overall statewide vote than they did four years ago.

“No amount of fervor among the GOP base is going to save Republicans when Trump’s job approval is low and the Democratic turnout is good in states and congressional districts that resemble Virginia demographically,” says Jim Barnes, a co-author of the *Almanac of American Politics*.

Barnes notes that minority turnout, which usually drops in nonpresidential years, held steady, a good sign for Democrats. As in 2016, a third of Virginia voters were not white.

Northam’s win was the first big Democratic victory since Trump’s election following a string of special election losses where Democrats thought they’d had a chance. But even there, Democrats outperformed in three House special elections where, had Democrats not been motivated, they would have stood no chance.

In April, in the Kansas race to replace Mike Pompeo, who’d left the House to become CIA director, Republican Ron Estes defeated Democrat James Thompson 52 percent to 46 percent. Then, in Georgia in June, Republican Karen Handel fended off Democrat Jon Ossoff 52 percent to 48 percent to replace Tom Price, who’d resigned the seat to become secretary of the Health and Human Services Department. And that same month, Republican Ralph Norman beat Democrat Archie Parnell 51 percent to 48 percent in South Carolina to succeed Mick Mulvaney, who’s now director of Trump’s Office of Management and Budget and acting director of the Consumer Financial Protection Bureau.

By contrast, Price, Mulvaney and Pompeo had all won re-election handily in 2016, Price and Pompeo with more than 60 percent of the vote, Mulvaney with 59 percent.

## MAKING WAVES

Congress has seen two wave elections in recent years, once in 2006 when voters came out for Democrats to protest the botched war in Iraq and the Jack Abramoff lobbying scandal on Capitol Hill. Then, in 2010, Republicans took back the House when voters rejected an activist Democratic Congress that had upended the health care system and moved to regulate Wall Street without Republican support.

The tea party wave that year underscores the dilemma now facing GOP lawmakers, as detailed in the January book, “Strategic Party Government: Why Winning Trumps Ideology,” by political scientists Lebo, of SUNY in Stony Brook, and Gregory Koger of the University of Miami: Voters tend to reward legislative success, particularly in support of a president’s agenda, but punish partisanship.

In 2010, Democrats chose — or were forced to adopt by Republican intransigence — a

**Handel faced a stiff challenge but won by 4 points.**

Bill Clark/CO Roll Call



Win McNamee/Getty Images

**Northam's win gave Democrats a big lift.**

go-it-alone strategy on health care and financial regulation. Only through overwhelming party unity were they successful in passing two landmark laws. Many reluctant representatives went along, knowing that the party's reputation, and particularly that of their president at the time, Barack Obama, would affect the public's perception of them.

But fledgling Democratic representatives were also taking a risk in that their partisanship offended voters in their GOP-leaning districts. In the 2010 election, that factor outweighed Democrats' legislative successes and Republican challengers defeated nearly half of the representatives in the moderate Blue Dog Coalition when 22 Democrats lost their seats.

Republicans, in pursuing a partisan strategy on health care and on taxes, are risking the same and Democrats are hoping to take advantage. When House Republicans voted to repeal the Affordable Care Act in May, Democrats sang the famous chorus from the 1969 pop song "Na Na Hey Hey Kiss Him Goodbye."

The Republicans most nervous about the health care push earlier this year — the ones who voted no in May when the House passed a bill to repeal the Affordable Care Act — were mostly from moderate districts: representatives in the Tuesday Group like Leonard Lance of New Jersey and John Katko of New York, and those in highly competitive seats, such as Barbara Comstock of Virginia.

If the 2018 election turns out like that of 2010, their no votes won't save them. Of the 34 Democrats who opposed the Affordable Care Act in 2010, only three remain in the House today and 22 were defeated running for re-election in succeeding years. Others lost bids for higher office or retired.

Of the 20 Republicans who voted against the GOP repeal bill in May, four — Charlie Dent of Pennsylvania, Frank A. LoBiondo of New Jersey, Dave Reichert of Washington and Ileana Ros-Lehtinen of Florida — have announced that they will not seek re-election.

The lesson of 2006 is also relevant. Scandal can wreak havoc on electoral fortunes. That year, Abramoff, a powerful Republican lobbyist who was close with then-House Majority Leader Tom DeLay of Texas, pleaded guilty to bribery, followed by a string of former GOP congressional aides and Rep. Bob Ney of Ohio.

It followed an unrelated conviction, the prior year, of then-GOP Rep. Duke Cunningham of California for taking bribes, and the later resignation of another House Republican, Mark Foley of Florida, for sexually harassing teenage congressional pages. DeLay also quit Congress that year after a Texas court indicted him for campaign finance viola-



GOP-controlled legislatures drew most of the maps. A study by the Cook Political Report after the 2016 election found that Republican House candidates took only 49.9 percent of the national vote, but won 55 percent of the seats.

Voters in only 23 House districts split their tickets last year, voting for a Republican representative and for Clinton. Even if Democrats won all of those seats and held all of their own, they wouldn't have the majority. To get it, they'll have to make inroads in districts that favored Trump.

By all accounts, the fundamentals also favor the Republicans. The economy is humming along, with employment nearly full and the stock market hitting record highs. The tax bill, should it be enacted, will give GOP candidates and conservative activists something to crow about. But even without it, they say Republicans are making progress.

"Donald Trump is a regulatory breath of fresh air," says Rick Manning, president of Americans for Limited Government, a Virginia advocacy group. "He's cleared the Obama regulatory agenda, saving our economy tens of billions of dollars in costs."

Manning points to Trump's appointment of conservative judges and his "declaration that we are not only seeking energy independence, but energy dominance." That, in Manning's view, "changes our economic outlook from being an energy supplicant to one supplying energy to the rest of the world."

To that end, Trump's Energy Department is looking for ways to bolster energy "resiliency" by promoting sources like coal and nuclear that are more dependable in an emergency than solar or wind, by loosening regulations and offering government subsidies to companies that can produce energy in the worst of circumstances.

Meanwhile, the GOP tax bill opens for drilling the Arctic National Wildlife Refuge in Alaska, which Republicans say can produce as much as 1.45 million barrels of oil per day, more than the United States imports daily from Saudi Arabia.

Trump advocates also make the case that GOP voters are sophisticated enough to see that it is Democrats and a few recalcitrant Republicans who've held up Trump's agenda. So they expect those voters will look to pick off those GOP incumbents in primaries and elect a Congress more receptive to Trump, rather than hand control of Congress to Democrats who may try to impeach him.

"I think the message in 2018 is: Do you want to give the forces who voted for Obamacare one more vote or help those who voted to oppose it?" says Republican lobbyist Jeffrey Taylor, referencing the GOP failure to repeal the 2010 health care law.

Polls show that self-described Republicans and 2016 Trump voters remain loyal. In the most recent survey by CQ parent The Economist and pollster YouGov, 82 percent of Republicans said they approved of the job Trump was doing, while 90 percent of Trump voters said they did. Those numbers haven't budged much all year.

Trump advocates believe that the anti-establishment mood that swept him into office in 2016 persists, and that it will ensure a large Republican turnout next November. They also expect they can avoid an intraparty war between anti-Trump and pro-Trump Republicans, and channel their anger at Democrats.

"The only thing worse than not having your congressman support the president 100 percent is having a Democrat on the other side fighting against you 100 percent," says Jim Worthington, the founder of People4Trump. "If we lose Congress, we will have less impact and it's harder to drain the swamp." ■