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Origins of the Government Shutdown: The American Budget's Greatest Inefficiency

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**Origins of the Government Shutdown; The American Budget's
Greatest Inefficiency**

Senior Project Submitted to
The Division of Social Studies
of Bard College

By
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Annandale-on-Hudson, New York
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INTRODUCTION

Political systems are composed of a number of nodes connected to one another by different links, such that different houses of the American political system have direct effects upon one another. Government shutdowns are an example of systemic breakdowns rather than a natural result of different government branches needing to interact. Government shutdowns in this way can be viewed as a failure of government rather than something to be celebrated as a successful use of the separation of powers and the subsequent checks and balances that can be applied to branches of government by other branches.¹ This does not mean that the separation of powers or a constitutional realignment of powers is necessary to fix the problem either. Madison claims that “ambition must be made to counteract ambition” and it is true that this has been achieved within framework of government shutdowns. However there needs to be a way to check powers without the complete breakdown of government that happens when a government shutdown occurs and harm begins to fall upon the citizens. The checking of powers that happens within government should create fallout that is contained solely within the somewhat elitist spheres of government. Alternately ambition within the political sphere is a natural result of politics and should work to be

¹ Schildknecht, Will. “Designing for Robustness: Overcoming Systemic Risk in the Political Branches.” *California Law Review*, vol. 103, no. 2, 2015, pp. 433–466., www.jstor.org/stable/24758478. Accessed 14 Feb. 2020.

minimized by other politicians rather than by a political system like government shutdowns that punishes the constituents outside of the legislature. Ambition in fact is seen as a positive when voting for many representatives and so will continue as long as it is deemed useful for the constituents that vote in ambitious politicians. This is a natural effect of how the United States government is set up, however government shutdowns jeopardize the system as a whole with creates problems that cannot simply be contained within the expressly political sphere of higher government.

Though there are many decisions the government makes that directly affect individuals such as taxes and welfare programs, none but the action of a government shutdown have the potential to harm the entire economic and political system of the united states. Since Clinton's shutdowns, the effects of government shutdowns have dramatically increased with Obama and Trump. In fact in 1981, the Government accountability office hypothesized that a thirty one day shutdown would have "unthinkable" consequences.² This just goes to show how detrimental and destructive Trump's 35 day government shutdown was. Even though there were terrible consequences to the shutdown, it is only because of the gradual but consistent increase in severity of these shutdowns that the public as a whole has been able to maintain the idea that politics is just continuing as usual. This stark contrast in thinking over the past 40 years shows how far our expectation of government has lowered. It can also be argued that government shutdowns in and of themselves are not the problem and that the far reaching catastrophe that entails a shutdown is only due to the size and scope of the current federal government which was either not expected to

² GEN. ACCOUNTING OFFICE, FUNDING GAPS JEOPARDIZE FEDERAL GOVERNMENT OPERATIONS 48-56 (1981).

be possible or was thought to be expressly wrong and would self correct. While the size of government definitely means that government shutdowns do more damage in the vein of “the bigger they are, the harder they fall” it cannot be claimed that size and scope of government is meant to change. For one thing, the founders never intended for government shutdowns as we know them to even occur. While the anti-deficiency act that has caused shutdowns was enacted in 1884, it wasn't until 1980 that the act was reinterpreted to allow for the current phenomenon of government shutdowns. So the question remains why are government shutdowns increasing in frequency and severity when they are obviously a catastrophic and non-essential part of the budgetary process?

While Government shutdowns themselves cause great damage to the country every time they happen, it is not as though they are an inevitability. Government shutdowns only occur when the United States legislature fails to pass a budget or continuing resolution for any given upcoming fiscal year. If such an unwieldy punishment waits for the American people any time that the United States government fails to pass a budget then why would our elected representatives allow such an avoidable catastrophe to hurt us? One would assume that they would do everything in their power to stop this occurrence. Instead of the frequency and duration of government shutdowns decreasing over time, it has increased instead. This increase can be explained by either one of or a combination of increased political polarization and/or faulty institutional changes surrounding the American budgetary process.

Political polarization is the degree to which the political parties in government, Democrats and Republicans for the United States, have diverged from one another on

a political spectrum. The more polarized two parties become, the harder it is for them to cooperate in any meaningful way. There is a degree to which any given representative typically allows themselves to be swayed. A Democratic moderate might vote both on leftist policies as well as moderate right policies depending on the situation. However a highly polarized politic would have a hard time cooperating since the ideological difference is too vast to cross in the name of compromise. This lack of compromise inevitably leads to political gridlock, especially in situations where neither party has a large majority in Congress or the Senate, or if the branches of government are divided (ie. having a Republican president but a Democratic Congress). When political polarization increases over time and little compromise is made between parties, it encourages elected representatives to use whatever means necessary to garner public support and force politicians to vote against their party line. This has historically expressed itself through propaganda and accusations against opposing parties, although an entirely new and effective way of forcing through gridlock has occurred with the government shutdown process. I theorize that an increase in political polarization has made the budgetary process increasingly inefficient and detrimental to the United States as shown through its effect on the increase in duration and frequency of government shutdowns.

Another possible reason for the increase in budgetary inefficiency is an inefficient or detrimental infrastructure surrounding the budgetary process. The increase in shutdowns can be explained by an ineffective method of passing a yearly budget. Infrastructural mechanisms that have worked for years have become less and less efficient with the passing of time. Not only are they less efficient but due to the

creation of government shutdowns in 1980, there is now a major consequence to having a structurally unsound method of passing a yearly federal budget. One of the major infrastructural issues that might be promoting an increase in government shutdowns is the increase in size and scope of the federal government along with the decreasing amount of time legislators are able to spend on any one issue. As time goes on and laws continue to be passed, the federal government increases in size and scope. New departments and positions are opened up and funding for new laws has to be allocated. This makes the budget larger and larger each year, making it more and more difficult for legislators to properly craft a new budget with the time they are given. Not only is there more to look over and legislate, but legislators have less time to work on a given government project due to the necessary increase in time spent fundraising each year. The politics surrounding agencies trying to receive funding has also made the budgetary process unwieldy. Each agency has to strategically send in budgets back and forth between Appropriations and Budget Committees. This fight for funding has made it increasingly difficult to understand the actual necessary budget for each agency, confusing and upsetting legislators. Budgetary enactments meant to control shutdowns like the Gramm-Rudman act also serve to further confuse and distract legislators as they seek to work around these safeguards rather than work within their confines.

Both an increase in political polarization and an inefficient budget procedure are possible explanations into the increase in government shutdowns. Throughout this paper I seek to explore the increasing political polarization and inefficient budget procedure that serves as a background for government shutdowns. I then closely

analyze the three biggest shutdowns in recent history under Clinton, Obama, and Trump to explore the correlation between polarization, budget procedure and government shutdowns.

LITERATURE REVIEW

A theory on budget reform is simply a theory on “what the government should do” as budgetary process reflects what the government has prioritized. Rather than empty words promising that “one day” a certain law or reform will come to pass, the US budget reflects the current intent of the government. Even so, it is through countless negotiation and battle that the budget comes to be. It is an impossibility to create an absolute consensus on what the government should do. A single formula for how to budget the United States stands as a utopian ideal. Having one formula fit everything is only possible in totalitarian states where the interests of the leader reign supreme. This does not come close to the utopian one-size-fits-all ideal that we strive towards. One way of avoiding the problem of budgeting is to treat the entirety of the US as a single organism or person with an individual set of wants and needs. This ignores the problem of social conflict. While it might be easy to create a budget based on some abstract invented individual, it ignores the many conflicting individuals there are. How can one compare the importance of medical insurance for the sick to irrigation for a farmer? To do so based solely on the grounds of economic production ignores the moral responsibility of the government. The US government cannot be, or cannot appear to be, ignoring the wellbeing of its citizens even if laws passed are not economically productive. Instead of using a single theory, the solution proposed by the

US is political. Conflicts are resolved by means of votes. The solution we have of representatives voting on budgeting is the closest to an agreeable means of how the budget process should work. Implementation of a process outside of representative voting would go against the interest of the representatives. This is the main reason that the balance of power in budgeting will not change. Even though this system of budgeting has more or less worked throughout the history of the United States, in the past 40 years the budgetary process in the United States has become unsteady.

While the American Budget seems far away to an ordinary citizen in everyday life, the consequences of an inefficient budgeting process can do significant harm to everyone in America regardless of any individuality they might have. A loss in funding for schools, police, public transport, and general infrastructure can create great strain and uncertainty for anyone living in the United States. Unfortunately the American Budgetary Process has indeed become increasingly inefficient, marked by an increase in government shutdowns and their subsequent intensity. While some believe that this happened gradually and inevitably throughout America's history, this is definitely false. Shutdowns began in the 1980s and have steadily ramped up in intensity. For example the first shutdown lasted one day and cost \$700,000 while the latest consecutive shutdowns under the Trump administration lasted for a total of 38 days and cost \$5 Billion. Trump's shutdown is not unique in its cost and intensity but is representative of gradual increase in budgetary inefficiency over the last 40 years. During this time budget legislation and institutional changes have risen to combat the debt but only increase procedural time and further decrease efficiency. The political environment of the United States has changed dramatically as well, with increased polarization and

political gridlock across the board. In this paper I plan to analyze the history of government shutdowns as a product of budgetary inefficiency. I theorize that the increase in political polarization and ironically inefficient budgetary legislation is a direct causation of the increasingly severe government shutdowns in the United States.

A Brief History of Federal Shutdowns

The beginning of shutdowns began with the anti-deficiency act with states that “no Federal official or officer may authorize Government obligations or expenditures in advance of or in excess of an appropriation unless otherwise authorized by law.” The act wasn’t codified until the 1960s but was introduced in the 1870s.³ Even so it wasn’t until 1980 when Attorney General Benjamin Civiletti issued two opinions interpreting the act that lapses in funding became as big a problem as they are now. The opinions required agencies to completely halt operations except for limited emergency circumstances. This complete halt is what has become the modern government shutdown. With Civiletti’s opinion, government funding has managed to tie itself around the necks of all government agencies, threatening complete failure. One’s instinct may be to assume that Civiletti issued this opinion with the intent of upsetting the then current presidency but a closer look reveals that is not an easily assumed case. Civiletti issued his opinion during Carter’s presidency, both men being considered members of the Democratic Party. While being members of the same party does not mean they necessarily got along well in the political sphere, I think the

U. S. Gov't Accountability Office, GAO-06-382SP, Principles of Federal Appropriations Law 6-34 - 6-36 (2004)

assumption that this issued opinion was based on polarized politics is not obvious. This opinion seems to have been based on a very rigid and also obvious understanding of the anti-deficiency act which states that the government can't argue unless it agrees on a spending bill. Before Civiletti's opinion there was a more casual attitude toward funding lapses, in that the statute was generally ignored. When a funding lapse happened before 1980 the government continued to function on autopilot. The assumption made by lawmakers for this easygoing interpretation was that the budget would soon get passed anyway and there is no point in letting people and government suffer for a brief lapse. In this case lawmakers were in fact taking advantage of the assumption on what should happen during funding lapses to give themselves a break, although taking advantage here caused little harm. When Civiletti issued his opinion and changed the rigidity to which this statute would be followed, he either assumed that the consequence of a shutdown government would be enough to dissuade lawmakers from allowing it to happen or believed that the rules needed to be followed absolutely and if a government shutdown happened then it was the correct response to a funding lapse.

What was unexpected during the time that Civiletti issued his opinion was the way in which the government shutdown system would become completely weaponized in the future and would instigate shutdowns that lasted for over a month. This law was meant to be a consequence of funding lapses that should be avoided at all costs, but overtime, government shutdowns have been used as political devices to force opposing parties to adopt laws or reject laws that would otherwise be decided upon

outside of the budgetary process, with no direct systemic consequence of the process of their legislation.

While shutdowns began to take place in the 1980s, they foreshadowed rather than reflected the factors that would result in the longer shutdowns of the current political era. The first government shutdown involving a furlough took place in 1980 during the Carter administration. It lasted one day and affected only the FTC (Federal Trade Commission), costing the government approximately \$700,000. This has been the least detrimental shutdown in the last 40 years and is considered to be more of a political maneuver than a result of a true problem of the budgetary process itself. Three more shutdowns occurred during the Reagan administration, each lasting only a day and costing at least \$62.2 Million dollars, furloughing at least 241,000 workers each time. Compared to the cost of shutdowns that occur after Carter's, this is considered insignificant. Even so, during this time there was an understanding that the budget deficit had gotten out of control, and the Gramm-Rudman Balanced Budget Act was introduced to provide some semblance of a consistently balanced budget.⁴ This extraordinary piece of legislation provided for an automatic mechanism to reduce spending by a given percentage in most areas of spending if the President and Congress could not agree on a budget. The differences between the Congress and the President had become so great that the only thing that could be agreed upon was a third party mechanism for making the decisions the Congress and the President were unable to do on their own. The increasing discord within the budgetary process, the

⁴ Williams, Robert, and Esther Jubb. "Shutting down government: budget crises in the American political system." *Parliamentary Affairs*, vol. 49, no. 3, 1996, p. 471+. *Gale Academic Onefile*, https://link-gale-com.ezprox.bard.edu/apps/doc/A18649683/AONE?u=nysl_se_bardcsi&sid=AONE&xid=39eff759. Accessed Oct. 2019.

restraints of the budget deficit and pressure from Gramm-Rudman made the task of appropriations incredibly hard to complete in a timely fashion. During the years without shutdowns there was either control by the white house of either/both the house and the senate. Shutdowns typically occurs immediately after a loss in control in both house and senate and ended until the opposing party once more took control of one or both legislative houses. In 1990 there was another Government shutdown under George H.W. Bush that lasted three days and cost the government a little under \$3 million. Despite the new frequency of government shutdowns beginning in 1980, the shutdowns which occurred between 1980-1990 can be seen as examples of symbolic negotiation rather than a complete breakdown in government. They served to signal a complete breakdown in budgetary process that would occur during the 1995 shutdown and beyond.⁵ Clinton's major shutdown in 1995 was right after the Republicans took both the house and the senate back from the Democrats. The previous budget passed by Clinton barely made it through with Democrat support and with Medicaid on the line, the Budget became an ideological issue for Republicans. Clinton's consecutive shutdowns cost approximately \$400 Million, a huge increase from any of the previous shutdowns under any other president. Obama's shutdown occurred in 2013 after losing the Senate to the Republicans. This gave the Republicans control in both the House and the Senate for the first time under Obama's presidency and resulted in a shutdown that cost \$2.1 Billion dollars. Another sharp increase in cost due to a divided and polarized government. Finally, Trump had two shutdowns from 2018-2019 that occurred right after losing the House to the Democrats and creating more polarizing

⁵IBID.

tensions between the power of the purse and the presidency. The cost of both of these shutdowns exceeded \$5 Billion dollars, further marking an increase in the effect of these shutdowns. Trump's last shutdown also broke the record for the longest shutdown at 35 days, surpassing Clinton's previous record at 21 days.

Procedural Reforms and the Budget Process

The definitions of success are significantly different among Democrats and Republicans in terms of policy making. Democrats view policy making as an attempt at making incremental change to injustices. This can express itself as a proposition for major legislation with the understanding that a compromise will be the end result. Inevitably this comes down to small but important victories. These inevitable changes in policy that Democrats seek always serve to expand government in one way or another. There is no avoiding creating a bigger government if you want to create more legislation. This is where the problem begins for Republicans. Policy making for Republicans is about taking a stand in light of a broader ideological framework. The pursuit of an ideology against the effort for pragmatic governance is the essence of the Republican Party's policy making. Victory for Republicans can also simply be seen as blocking a Democratic legislation no matter what it be. This makes it very easy for Republicans to succeed in their view of policy making. It also changes the essence of what outsiders view as a victory. A government shutdown might in fact be a victory in the eyes of Republicans in the sense that one might rather blow up their car than let

someone else drive it. This issue of viewpoint makes it difficult to compromise simply because for some Republicans even the smallest Democratic victory is a loss.⁶ This fundamentally different view of governance is only further intensified by the continued attempts at reform in the budgetary process.

Government shutdowns are a unique phenomenon in the western world that have only begun to occur in recent history. The change in modern budgetary process began in 1974 with the Congressional Budget and Impoundment Control Act. It was intended to reassert congressional authority over budgeting and to counteract the influence of the Office of Management and Budget in post-Watergate era. The Act sought to make Congress responsible for setting the budget apart from the President. The intention was a streamlining of the process and greater discipline in the passing of the budget. The Act created separate budgetary committees within the House of Representatives and the Senate which review the President's proposed budget. This was followed in 1980 by 2 legal opinions by Attorney General Benjamin Civiletti that required any funding lapse to result in a government shutdown to shut down agencies and furlough workers. Before this opinion any funding lapse would simply result with the government staying on autopilot until a budget was passed but Civiletti said that not passing a budget was the same as declining funding. The first opinion set the groundwork for shutdowns and was applied during the first Carter shutdown in regards to the FTC. Afterwards, he issued a second opinion which guarantees the protection

⁶Grossmann, Matthew, and David A.. Hopkins. *Asymmetric Politics: Ideological Republicans and Group Interest Democrats*. Oxford University Press., 2016.

of life and property. This opinion was not always adhered to in the 1980s but during the 1990s all funding lapses resulted in government shutdowns.⁷

Enactments like the Gramm-Rudman act and the reinterpretation of shutdowns as a result of funding lapses serve to demonstrate a history of policy affecting the budgetary process in such a way to make it bulkier without having long lasting effects as seen by the sharp rise in the budget deficit and the frequency of government shutdowns. While the passing of new legislation is the result of political change, it is in fact the legislation itself, and not the mindset which caused it, that can be considered the cause of budgetary inefficiency.

Literature on Budgetary Reform according to Aaron Wildavsky is typically concerned with a few key aspects. These are economy, efficiency, improvement, or simply better budgeting. When politicians talk of budget reform the idea is that the process will overall be better but there is no conversation of whether or not budgeting reform actually changes the outcome of the budget process.⁸ The first hurdle to understanding budgeting reform is the concept of a theory of budget reform. This simply means having a specific formula for what becomes funded and by how much.

The American budgetary process may seem like an impossible undertaking because of the futility of having enough funding to make everyone happy. Understanding what must be prioritized in budgeting seems like a massive task due to the vast number of options but the choice can be simplified for three reasons. First, there are only a small number of politically feasible options that are considered at any

⁷ Cooper, Ryan. "Make Government Shutdowns Impossible Again." *Image*, The Week, 23 Jan. 2019, [theweek.com/articles/819015/make-government-shutdowns-impossible-again](https://www.theweek.com/articles/819015/make-government-shutdowns-impossible-again).

⁸ Wildavsky, Aaron. "Political Implications of Budgetary Reform." *Public Administration Review*, vol. 21, no. 4, 1961, pp. 183–190. *JSTOR*, www.jstor.org/stable/973628.

given time. Second, many of these policies are similar to previous ones but simply tweaked a little. This is due to the convenience of already having considerable information and practical understanding of these policies due to previous use. Third, each representative only has to think about their own preferences and those of their powerful opponents. Only a few interest groups will contend with a given issue, with many issues needing no contention from interest groups as they are either not worth fighting over or are completely irrelevant. For the United States, the result of this is constant bargaining between numerous parties both in and out of government for control and influence of what goes into the budget. A single authority does not have the power to determine what is going to be in the budget. While a single authority, in the sense of a single person, cannot determine the budget a given party with majorities in the legislative and executive branches can create overwhelming pressure on what is put in. This applies only so long as we consider the party to be adequately cohesive so as not to quarrel amongst themselves. There is also the need to look at the power of veto which is given to a single authority. While it cannot determine a budget and shutdowns can create considerable backlash for a president to use veto powers on a budget, it does allow for a single person to have incredible influence in the budget process. The irrationalities of the American political system which does not provide a formal consideration of the budget as a whole has led to attack upon and desire for reform on the budget process. The tradition of American budget reform has been a noble pursuit but does not aim to tackle the real problem. If the current budgetary process is in some way damaged or underperforming, then the solution would be to alter the political system within which it operates. The budget is merely an expression

of how our government operates and to talk of the budgeting process as something that can be fixed with tweaking or without changing fundamental processes of our government is to misunderstand the nature of the budget. The problems that arise in the budgeting process can indeed be seen as a reflection of an imbalance or irregularity in how government operates but there is still a component that is fundamentally tied to the rules around the budgeting process. The budgeting process and the politics around it are separate entities wherein the American political infrastructure affects the budget but direct changes in the budget do not change political infrastructure.⁹

Changes in the American budget process seem to be more of a reflection of the government and workings around the budget rather than an actual example of budgeting changing political thought. Talk of better budgeting is really talk about who wins or loses, or the impossibility of nobody losing. Often “better budgeting” is a veil to gain policy preference. For example a law allowing the President to gain an item veto could be posed as smoothing out or improving the budget process but realistically it gives an advantage to those who have more influence with the President. Many agencies are unable to ask for all they wish to have as their desires will be discounted and the Budget Bureau and Appropriations subcommittees will lose confidence in them, making it difficult to even get funding for the most important items. These agencies cannot even ask for all they are authorized to spend since these authorizations often run ahead of realistic expectations. Alternatively they don’t want to ask for too little for fear of missing out on all they can get or they are seen as being

⁹ Wildavsky, Aaron. “Political Implications of Budgetary Reform.” *Public Administration Review*, vol. 21, no. 4, 1961, pp. 183–190. *JSTOR*, www.jstor.org/stable/973628.

able to survive on less money. The agencies are then left with the option of looking for specific signals from all angles. This means looking at interest groups, employees, current events, previous budgets, attitude of congress, etc. until they arrive at an educated answer as to how much can be asked for.

There is a vast lack of knowledge in how budgeting really works among budget theory. There have been few studies done to actually determine with objective data how the budget process functions. Until a more descriptive theory on budgeting can be made, proposals for major reform are to be based on an unfortunate lack of understanding. Budgeting can be seen as a reflection of politics but cannot be simply understood by analysis on political work. If the major reform we deem necessary for the budget process today does not have any preexisting factual groundwork with which to take from, any reform will inevitably create a shift of influence rather than some overall efficiency boost. Perhaps the idea of reform leaving spheres of influence unaltered is wrong in itself.

This text serves to show how budgeting reform works and is often viewed to reiterate that the true problems in budgeting are due to much more than simple inefficiency but are part of a larger problem of political polarization and a growing government. The missing piece in budget reform according to Wildavsky is identifying that the budget problem in America is not only institutional but political as well. Only by proper identification and understanding of America's budgetary conflict can specific work on creating an efficient and balanced budget come to be.

One of the major problems looked at by political analysts according to David Jones in his article *Party Polarization and Legislative Gridlock* is that of gridlock between different parties. The debate revolves around whether having different parties in each of the legislative and executive branches of government leads to a stalemate in policy-making. Another phenomenon has slowly been creeping up as well, the increased polarization between the policy decisions of each party. Party polarization has steadily increased over the 1970s, '80s, and '90s.¹⁰ This is measured by the amount of congressional votes that featured a majority of one party against the majority of the other party. The article discusses the previous theories on divided government and the empirical data it is based on. Then the author means to introduce a new theory on party polarization and its role in governmental gridlock.

The typical theory used for understanding gridlock is the divided government hypothesis. This hypothesis claims that legislation is less likely to be enacted when the President's party does not hold a majority of seats in both chambers of congress. Since policy can only be easily passed with agreement between the Senate, House of Representatives, and the Presidency, a divided government is more likely to argue than agree. This theory feels intuitive but the actual data is mixed about how a divided government affects gridlock. Jones looks at the studies of other political analysts who find no evidence of a divided government causing increased gridlock. Another analyst looks at political data through a different lens and finds that fewer "significant laws" are passed. Furthermore, another later study similarly found that divided government passes less "landmark" legislation but passes more minor and less significant

¹⁰ Jones, David R. "Party Polarization and Legislative Gridlock." *Political Research Quarterly*, vol. 54, no. 1, 2001, pp. 125–141. *JSTOR*, www.jstor.org/stable/449211.

legislation. Another study finds divided government increases failure of legislation opposed by the President but does not increase failure in legislation the President supports. A final study described by Jones finds a mild increase in failure for salient legislation in a divided government, but divided government is only one of many other causal variables that can cause this.

The divided government argument makes three implicit assumptions in its theory and subsequent data. It implicitly argues that passage in Congress requires support from only a simple majority in both chambers. Second it implies that Congress and the President must agree in order to break gridlock. Third, the argument implies that the two major parties have distinct and different policy preferences. The argument posed in Jones' article is that high party polarization increases gridlock, but that the magnitude of this increase diminishes to the extent that a party is close to having enough seats to thwart filibusters and vetoes. Therefore unified government is just as prone to gridlock as divided government while parties are highly polarized and neither has a large majority. Alternately, a divided government is just as productive as a unified government when party polarization is low or when one party has a veto proof, filibuster proof majority.¹¹

This study by Jones makes the claim that polarization is less effective within the ranks of a single party than with others. This suggests that polarization on its own does not work to create political gridlock without an increasingly even division of power between the parties. Legislative failure being due to the combination of polarization and equal seats means that polarization is not the sole factor involved in legislative

¹¹ Jones, David R. "Party Polarization and Legislative Gridlock." *Political Research Quarterly*, vol. 54, no. 1, 2001, pp. 125–141. *JSTOR*, www.jstor.org/stable/449211.

failure or more specifically budget gridlock. The book *Insecure Majorities* further explains and reinforces the equalization of power between Republicans and Democrats.

Social and political processes can take an incredibly long time to come to being from the initial causative event. Oftentimes people assume or want to believe that the causes of major events and the events themselves happen in quick succession but the cause of major events can begin long beforehand. Obviously there are many cases where sudden events occur but within our political system events are usually the result of a gradual build up over time of tension or structural factors. In his work Paul Pierson explores and analyzes different scenarios of long term change.¹² He begins by discussing the different types of events and their causes by placing them in combinations of slow versus quick time horizons of cause and similar time horizons of outcomes. One example would be earthquakes which take a long time to build up and then have a short period of time where the earthquake is happening. This is an example of an event with a long time horizon of cause with a short time horizon of outcome. Institutionally the creation of the government shutdown system by way of Attorney General Civiletti can be seen as a greater cause of the current government shutdowns than one might think. I don't mean that most people that know of his opinion that allowed for shutdowns believe that it has little bearing but simply that the creation the shutdown system creates the possibility of the shutdowns themselves. In creating this possibility we have ensured that it will eventually happen. The

¹² Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis*. Princeton University Press, 2011.

phenomenon of government shutdowns can be seen as something with a short time horizon of cause and a long time horizon of outcome. The outcome of creating government shutdowns is the shutdowns themselves which can be seen as a long term effect as it has repeatedly happened time and again. Not only have these shutdowns happened over and over but their frequency and severity has increased over the past 40 years and show no signs of stopping.

It can also be argued that the creation of the government shutdown system has encouraged political polarization which feeds into further creation of government shutdowns. I don't think a universal claim can be made that political polarization increases indefinitely over time, and yet that is exactly what we have been seeing over the course of the last 40 years since the creation of the government shutdown system. What the creation of these shutdowns has done is provide an even more powerful legal weapon that representatives can wield against members of the other party. Pierson argues that simply allowing an event to occur ensures that at some point it will.¹³ In this case allowing government shutdowns to be used has made it inevitable that they will be. Government shutdowns also have the added bonus of being used as political weapons. This has been allowing politicians to make stronger threats and further push their political agenda instead of creating compromise. The government shutdown system as a weapon also creates further hatred between the two parties which continues to feed a cycle of distrust and hatred between the United States' political parties. In this way institutional changes and political polarization go hand in hand to

¹³ Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis*. Princeton University Press, 2011.

affect the inefficiency of the United States budget and the prevalence and severity of government shutdowns. The inevitability of government shutdowns and its creation of distrust and hatred creates a path dependent outcome of increased shutdowns. Once reaching across the aisle is less desired due to political polarization, distrust, and the possibility of a more effective solution of using government shutdowns as a weapon, then options become limited, with the usage of government shutdowns as one of the most effective options left.

Party Polarization

In the book *Insecure Majorities* Lee analyzes the change in dominant party eras. Using a model calculating average party power in the US government based on the national two-party presidential vote, House seats, and Senate seats Lee has found evidence of single dominant parties for much of the history of the United States. For most of American history one party has overwhelming been in power for long stretches of time, these periods of party dominance are punctuated with small periods of more equalized party which then change back to single party dominance. These periods of equalizing power were characterized by an increase in party polarization. One of these small periods is that of 1946-1956 which is typically characterized by more bipartisanship and reduced polarization but a closer look reveals a more partisan government than is found before and after this period by looking at voting patterns around politically charged legislation at the time. This is simply a roundabout way of saying that throughout history all periods of a more equal power in government have

produced a highly polarized political situation. Since the '80's we have remained in this politically equalized state with neither party having either an overpowering majority or even a consistent small majority. This long term equalized government has lead to a longer period of polarized government than the United States has ever had before.¹⁴ Within the context of budgeting problems, most come about around 1980 when this new period of hyper equalized and polarized government began to dominate the scene. It may be irrelevant that the party identification between Republicans and Democrats should make it reasonable to assume Democrats should have stayed in power more consistently since the 1950s but there are many possible reasons for this. Low voter turnout, gerrymandering, and a possible misuse or inconsistency of data as compared to real world numbers could account for this discrepancy.

Lee argues that the period since 1980 has seen an increased competitiveness among Republicans and Democrats in the House and the Senate. She tracks *The New York Times'* publication of articles speculating on a change in control of the House or Senate in order to calculate competitiveness over time. Before 1980 there only a few articles since 1950 that speculated a change in control in either legislative body but after 1980 the number of articles began to rise and then skyrocketed in the 2000s. These consistent shifts did not only translate to a more equal government but a more competitive one as well. When either party has the opportunity to take a seat in the House or Senate bipartisanship might further fail. In a powerful Democratic majority both parties might be more inclined to bipartisan interaction as the leading party does not fear losing their seat under most circumstances and the party not in power must

¹⁴ Lee, Frances E.. *Insecure Majorities: Congress and the Perpetual Campaign*. The University of Chicago Press, 2016.

work with the majority party to even have the possibility of passing legislation. Under this newfound competitiveness there is no reason to work together. The people and the parties both feel they can snatch control and might not want to give the other party anything to latch onto. The effectiveness of distancing oneself from the other party by using insults and slander increases as well. When the margins are narrow anything counts in the attempt to discredit the other party. The use of negativity however makes it very difficult to come back together to create bipartisan legislation afterwards.

Anyone who tries to work together after that could easily be labeled as weak or fake. If hard headedness or its positive synonyms like stoicism and “moral backbone” are praised by voters then reaching across the aisle becomes an unattractive and stubbornness becomes the norm. When elections become insecure each party must preoccupy themselves constantly with being reelected as well. This leaves much less time to focus on legislation than what once might have been available when one’s seat was secure.

This text further supports the theory of a lack of time available for those participating in the budgetary process and shows definitive evidence of a newer equalization of power in the House and Senate as well as an increase in a polarized polity. These two factors lead to a breakdown within the budgetary process when applied to research previously mentioned by Jones regarding governments with high polarization and an equal distribution of power among the Democratic and Republican Party. This can be described as a moment in which my two theories of institutional change and party polarization work to create gridlock. The further creation of

budgetary processes and the polarized nature of government serve to intertwine in these texts to create evidence of affecting budgetary gridlock.

Matt Grossman and David A. Hopkins attempt to explain the divide in politics between Democrats and Republicans in their book *Asymmetric Politics*. They first look at analyzing the 2016 election campaign where one can see the interests of the Democratic Party demonstrated in Hillary Clinton's campaign announcement video. In the video Clinton showed a wide array of people of different economic groups, ethnicities and sexualities to show who she would support as well as the people that would already support her as a Democratic candidate. This is demonstrative of the values of Democratic voters as having their views shown as a group coalition. The modern Democratic Party is constituted by a number of conscious social groups that seek affirmation and support in their identity-based interests. Republicans on the other hand hold much more of an individual ideology. This ideology is conservative in nature and consists of a broadly organized ideology that aims to tie different issues into each other. Republicans look at themselves (generally) as ordinary Americans who aim to defend the traditional values of America by defending individual liberty and traditional American morality.¹⁵

It is striking that both parties desire to reach out and support the "ordinary" American on entirely different grounds that aim to contradict each other's definition of ordinary. Surely in Clinton's video, she aims to show all these different demographics not only to garner the support of these groups but to say that this is what America really looks like. The main difference here in the ordinary American looks to be their

¹⁵ Grossmann, Matthew, and David A.. Hopkins. *Asymmetric Politics: Ideological Republicans and Group Interest Democrats*. Oxford University Press., 2016.

ideological interests. For Republicans, ordinary Americans are people that support American values while everyone else is an “other” that is not representative of ordinary America. I might go so far as to say that Republicans might not view those of identities aside from white, straight, and religious as being ordinary although no doubt this claim would be opposed by many Republicans without overt or outspoken biases. In any case the problem becomes who an ordinary American is. The concept of an ordinary American has changed to become so muddled that one can no longer say the typical middle class white family is a good representation.

Grossman and Hopkins further posit that that traditionally Americans have supported left of center views on specific policy but still prefer right of center views in broad ideological terms in the size and role of government. This has created a split where Democrats focus on numerous issue positions and Republicans focus on broad themes of limited American government and cultural traditions. Each group in turn attacks the other according to what they lack. Democrats are shown to attack individual liberties and traditions while Republicans are shown to support privileged interests, the protection of which negatively affects disadvantaged groups. The authors imply that Americans by and large want the same thing but the two parties have split these desires among themselves.

Third parties traditionally are unable to compete nowadays due to their possible extreme views on either side of the spectrum and the generally understanding that they don't. It is important to study third parties to look at how polarized we have allowed ourselves to become. It has also been shown that they split the vote in such a way that unless they are seen to have entirely independent views from both parties

they would be unable to win and further enforce the idea that third parties don't work. Contemporary Politics does not allow for the emergence of third parties through both institutional measures and political rhetoric. Institutionally the Electoral College makes voting for third parties detrimental to one's own beliefs. Although the electoral college does not directly affect voting in representatives in the house, the knowledge that the Electoral College keeps out third party presidents means a third party house representative would be alienated in some respect no matter who is in office. This could encourage voters away from third party candidates in the Senate and House of Representatives. If a constituent believes in the policies and ideals of the Green Party more than they would the Democratic or Republican Party they would still feel unable to vote for them and would go for their second choice fearing that if they were to vote for the Green party their third party choice would win. As the Democratic and Republican bases moved further left and right, making large swaths of policy making inherently Democratic or Republican, third parties either needed to embrace even further left or right wing views or create a combination of left and right wing views that fell under the purview of both parties. Both methods come with their own set of issues. Either you are labeled as an extremist or you are attacked by a given party due to your cherry picked policies on the other side of the political spectrum.

The authors further cite Kathleen Bawn as claiming that the contemporary party system is distinguished by strong and growing ideological polarization among Democratic and Republican elected officials. This ideological shift has been happening since the 1970s when the Democrats began to move more to the left due to the declining ability for Democrats to garner electoral support among parts of the south.

This has coupled with an increase in Republicans moving toward the right of the political spectrum.¹⁶ This can also be seen as part of the reason for sectional politics in America. Once parties began to focus their voter bases on very particular identities and locations, they lost touch with all the parts of America they ignored. This also further created a divide between Democratic and Republican constituents who no longer coexisted with one another and fell into their own distinctive echo chambers. Part of the cause of further polarization can be attributed to the increase in ideological belief being associated with a given party. As a particular ideology on each side became more and more integral in a party it became harder to vote based on particular issues. It should be said that this does not contradict the Democrats' method of being seen to vote on specific issues. Many of these issues deal particularly with disadvantaged groups and follow a particular Democratic ideological belief.

Three major results have come out of the recent party asymmetry. One is the rise in a distinctly conservative media. This is constituted from radio shows, television programs and, although not specifically mentioned, the rise of conservative internet personalities. The television program in question is of course Fox News which caters directly toward conservative members of the public. Conservative radio shows like those with the talk show host Rush Limbaugh are also used in manipulating current events and invoking passionate responses from conservative supporters. The rise of conservative internet personalities also provides a unique way in increasing polarization. Personalities like Ben Shapiro and Milo Yiannopolus provide easy political

¹⁶ Bawn, K., Cohen, M., Karol, D., Masket, S., Noel, H., & Zaller, J. (2012). A Theory of Political Parties: Groups, Policy Demands and Nominations in American Politics. *Perspectives on Politics*, 10(3), 571-597. doi:10.1017/S1537592712001624

slogans and images to be shared over social media. These supposed intellectuals give credence to short political commentary often shared over social media.¹⁷ They help solidify the rationality of conservative thought for people who don't watch television news channels and provide the opportunity for an echo chamber online. This isn't to say there aren't similar left wing commentators on social media but they are not as prevalent.

The second effect of party asymmetry is that the governing styles of the parties have become more pronounced. Republicans have, since the '80s, pursued a more aggressive and confrontational approach to governing which maximizes the amount of partisan conflict in government. As a result the idea of confrontational and aggressive policy making has begun to make itself more of a positive for members of the Republican Party who believe that any kind of reaching across the aisle is a betrayal of Republican values. This can be seen in a Trumpian politics that is staunchly opposed to compromise. The writers claim that "The series of governing crises over the past two decades that have been precipitated by Republican demands, including multiple government shutdowns, a near-default on the federal debt and the second impeachment of a sitting president in American history serve as illustrative examples of the growing divergence between a Republican Party increasingly devoted to expressions of ideological commitment and a Democratic Party that remains responsive to a set of social constituencies prizing incremental policy goals."¹⁸ The

¹⁷Benjamin Krämer (2017) Populist online practices: the function of the Internet in right-wing populism, *Information, Communication & Society*, 20:9, 1293-1309, DOI: [10.1080/1369118X.2017.1328520](https://doi.org/10.1080/1369118X.2017.1328520)

¹⁸ Grossmann, Matthew, and David A.. Hopkins. *Asymmetric Politics: Ideological Republicans and Group Interest Democrats*. Oxford University Press., 2016.

third effect is change from a once highly disciplined Republican Party whose members followed leadership to one of disunity due to the rise of the Tea Party and other rebels within the party. This only lasted for a short time until the Tea Party began to more closely resemble the rest of the Republican base. Anyone to oppose the Tea Party was labeled as weak for not sticking with the stoic party line of the Tea Party. Nevertheless, the actual ideology of the party is still consistent across the board with everyone touting a conservative philosophy but the amount of moderates who focus on getting things done has gone down. Instead there are now more party purists who refuse to reach across the aisle in the Republican Party. This purist and stubborn nature can be sometimes confused with a strong moral center. When the belief becomes that one party is objectively evil and one is good then there can be no compromise. On the surface both parties simply want or claim to want what is best for America and its citizens. The disagreement is on what methods to take to get to that place of near utopian success for the United States.

Insecure Majorities identifies a shift in productivity in Congress during after the 1970s/1980s which is further identified here in *Asymmetric Politics*. In the 1970s there was major reform in America's Congress at the hands of liberals who wished to make Congress more progressive and accountable. What could not be predicted was the ways in which a new generation of conservative Republicans were able to thrive under the new system by mastering the post-committee legislative process. This includes the "decentralizing features that benefited the minority or mavericks, as well as the centralizing features that favored the majority leadership." Grossman and Hopkins have identified the Republican Party as being to blame for the considerable gridlock

found in Congress in the last 40 years due to the inability to compromise or accept moderation.¹⁹ The Republican Party has managed to move sharply to the right with little to no political backlash. This is not due to a misunderstanding but rather a reevaluation of the goals of the Republican Party. This goal is mainly to fight against government expansion and the best weapon to fight with is a stalemate. The use of an ideological stand serves to create a valid excuse for the lack of policy making. It sounds better to claim you are simply following what you believe is ideologically right than to say you have no interest in making any policy whatsoever.

This helps explain why the polarization within government has become so concerned with gridlock rather than a frustration of compromise. If the goals of the two parties are so adverse that any compromise becomes impossible, then it is more than just different viewpoints. The classification of each other's parties as the enemy and the romanticization of the stoic and hard headed politicians work to distance the two parties from themselves in terms create than simple opposing viewpoints.

The texts examined throughout the literature review provide a detailed framework for looking at the how and why the budgetary process has become as inefficient as it is. *Insecure Majorities* and *Asymmetric Politics* provide insight on the historical polarization that has occurred in recent times between the Democratic and Republican Parties. Williams, Roberts, and Jubb provide a look at the institutional issues apparent within the budgetary process and help to create an understanding of how the inefficiency and negative effects of the budgetary process have skyrocketed. Jones provides theoretical analysis on the gridlock within the American government

¹⁹ Grossmann, Matthew, and David A.. Hopkins. *Asymmetric Politics: Ideological Republicans and Group Interest Democrats*. Oxford University Press., 2016. Pg.23

and the effects that polarization have upon it. Wildavsky further creates a framework for the process of budgeting through politics and institution so as to understand why budgetary reform fails time and again. Throughout these texts, and through more to come, I hope to explain how and why budgetary has become inefficient as proven through increase in frequency and intensity of government shutdowns and a growing deficit. It is my hope that perhaps through my analysis we can come to understand why shutdowns have become more frequent and longer-lasting in the modern era.

CHAPTER 1

During Clinton's administration on September 30, 1995 when the fiscal year had ended, the Republican controlled Congress and Clinton, the Democratic President, had failed to pass a budget. The Republican-controlled Congress with the leadership of Newt Gingrich had promised their constituents a decrease in the rate of government spending. This directly conflicted with Clinton's objectives as president for the environment, education, public health, and Medicare. On November 13, 1995 Clinton "accused Republicans of engineering a budget crisis to further their spending priorities. "This is not the time or the place for them to backdoor their budget proposals," he said."²⁰ Already it can be seen that the Government shutdown system is used as a weapon to further personal policy promises to one's constituents. Further arguments

²⁰ Fram, Alan. "Clinton Vetoes Borrowing Bill -- Government Shutdown Nears As Rhetoric Continues To Roil." *The Seattle Times*, The Seattle Times Company, 13 Nov. 1995, archive.seattletimes.com/archive/?date=19951113&slug=2152355.

ensued between Clinton and the Republican Congress, mainly Newt Gingrich, and Clinton ended up refusing to cut the budget in the way Republicans desired. As a result Gingrich threatened not to raise the debt limit in order to force a shutdown of portions of the government lest the United States default on its debt. Clinton claimed that the Republican amendments would make it harder for the U.S. Treasury to use federal funds to avoid a borrowing crisis. The Republican amendments would also have made it harder to create health, safety and environmental regulations, would have made it harder for death-row inmates to appeal, and would have committed the President to a seven year budget plan. All of these amendments would have gone directly against the promises made by Clinton and the ideology of the Democratic Party at the time. Clinton vetoed multiple continuing resolutions due to the amendments hidden within them. The Second bill he vetoed would have increased Medicare Premiums and removed a schedule decrease in premium costs previously agreed upon. Republicans continued to hold out to increase premiums while Clinton hoped to decrease them, leading to a stalemate.²¹

Since the budget for the new fiscal year had not been agreed upon, on October 1 the federal government continued to be funded by a continuing resolution until budgets for the new year had passed. The continuing resolution was set to expire on November 13, at which time a government shutdown would occur halting all government services deemed non-essential. Congress passed a continuing resolution for this time to continue government funding however due to an attached bill that

²¹ Fram, Alan. "Clinton Vetoes Borrowing Bill -- Government Shutdown Nears As Rhetoric Continues To Roil." *The Seattle Times*, The Seattle Times Company, 13 Nov. 1995, archive.seattletimes.com/archive/?date=19951113&slug=2152355.

limited debt, Clinton decided to veto it.²² In this case it is clear to see the budget being used for political means, even when the Republican Congress could introduce their bills at another time in the year without the possibility of a government shutdown if it is vetoed. They know that they can try and override the President's veto power with the danger of a government shutdown which is what encouraged them to force the issue of government spending at the crucial part of the year when an appropriations bill must be passed. The ability to threaten the natural checks and balances within the United States Federal government is something that should not be reasonably allowed. Kathleen Bawn helps explain the aggressive nature of Republican politics with their analysis on party asymmetry and its effects on the United States since the 1980s. They recognize that each political parties method of governing has become more pronounced to account for the shift away from the center by both parties. This pronouncement of political approach by the Republican party shows itself as an increase in confrontational and aggressive in order to demonstrate their strength in protection of traditional values and politics. This aggressive approach to politics is most likely due to the way in which the Republican and Democratic parties differ in makeup and reasons for support. Grossman and Hopkins analyze the ways in which the Democratic and Republican parties are innately different and make a few conclusions. The Republican Party is motivated and made up of a strong ideological group whereas the Democratic Party has a weaker binding ideology and is instead made up from a number of diverse interest groups in America. Because of this makeup, the Democratic Party does not work too much on fulfilling a single ideological interest and

²² IBID

instead seeks to provide minor changes over time for individual supporting groups. The Republican Party needs to fulfill a broad but consistent ideological interest and thus have much less room to move around in terms of legislation. This has manifested recently into an aggressiveness and immobility in terms of legislation that can be seen affecting government shutdowns, including Clinton's. The big issue that Republicans are fighting against in terms of Clinton's shutdown is reduced government spending which is simply a different way of saying a desire for smaller government. This has been a longtime party ideology for Republicans and represents one of the major ties the members of the Republican Party have to one another.

As the time deadline to pass an appropriations bill drew closer, Clinton continued to be at odds with the Republican controlled Senate. On November 14, significant parts of the federal government shut down as a budget for the upcoming fiscal year failed to pass. The first shutdown ended when Congress passed a continuing resolution, but still the fight between Speaker of the House Newt Gingrich and President Bill Clinton continued. The government shut down once more on December 16 after Clinton vetoed a Republican passed budget proposal intended to cut spending for social programs, weaken Medicaid, and give tax cuts to the rich. After 21 days, Republicans relented and accepted Clinton's budget after polling showed them losing support and being blamed for the shutdown.²³

The core argument made by Republicans in causing this shutdown was the desire for less government spending as they promised their constituency. Less government spending is a part of the Republican ideology of a smaller government.

²³ Patterson, James (2005). Restless Giant: The United States from Watergate to Bush v. Gore. Oxford University Press. pp. 371–372. ISBN 978-0195122169.

This core ideological difference between Republicans and Democrats has made compromise impossible in this situation. Both parties refuse to find a middle ground and it is only after almost a month that the Republican party gives in due to pressure from the public. In this case the weapon that is the government shutdown system has turned upon Congress.

The 2013 government shutdown had been building up since 2010 when Congressional Republicans took back control of the House of Representatives from the Democrats. This came at a time when the Tea Party was becoming more influential, bringing a new dynamic between Congressional Republicans and Democrats to the political scene. Even in 2010, three years before the shutdown, some Tea Party politicians and other conservatives said they were willing to shut down the government in order to force deeper spending cuts and a repeal of the Affordable Care Act which had only been passed a short time earlier. For this purpose they made appeals to other Republicans to stand with them in their future budgetary deadlock. Newt Gingrich, the former Speaker of the House who also presided over Congress during Clinton's shutdown a decade and a half earlier, said that the Republicans should stop all funding for the Affordable Care act in all future appropriations bills. Newt Gingrich explicitly said that Republicans needed to "be ready to stand on principle" and they should reject any new healthcare law.²⁴ This represents a continuity of opinion and influence for Newt Gingrich as he continues to advocate for government shutdowns in opposition of leftist ideological legislation. Although he wasn't the same leader in the Obama administration shutdown as he was during Clinton's he does seem to have

Fabian, Jordan. "Gingrich: Government Shutdown Could Happen over Healthcare Battle." *The Hill*, 2010, thehill.com/blogs/blog-briefing-room/news/91857-gingrich-government-shutdown-could-happen-over-healthcare-battle.

avoided one crucial mistake. He made sure during Obama's shutdown not to make the situation appear personal. During Clinton's shutdown, Newt Gingrich complained about being made to exit the back of Air Force One during a visit to Israel. This comment caused a number of accusations that he caused the shutdown because of this snub.²⁵ ²⁶ Newt Gingrich later wrote about this experience and explained it as an easily avoidable mistake.²⁷

The political context that enabled the 2013 shutdown can be seen in further development in 2010. That year comments by Mark Meckler, the cofounder and coordinator of the political group Tea Party Patriots, and Senator of Utah, Mike Lee, suggested an openness on the part of Republicans to a shutdown. In 2010 Meckler hosted an event for freshmen Tea- Party Congress members. He is quoted as saying

Our intent is to hold a meeting, shortly after the election and before the incumbents get their hands on these folks, because we want to let these folks know a few things, the freshman class. Number one we want them to know that if they go to D.C. and do what they are elected to do, that we have their back. ... Number 2, we want them to know that if they don't do the right thing that we're not going to stand with them.²⁸

This message serves to provide context for the ways in which the parties have become so polarized. Meckler's statement works as a threat to these newly elected congress members who would no doubt have had a hard time getting elected or getting re-elected without the support of the Tea Party behind them. Focusing on freshmen Members of Congress also means that the Tea Party will have a better chance of

²⁵ http://www.college.columbia.edu/cct_archive/may01/may01_profile_nelson.html

²⁶ Langer, Gary (2007-09-28). "[Gingrich as Speaker: Remembering When](#)". ABC News.

²⁷ Gingrich, Newt (May 1998). *Lessons Learned the Hard Way*. New York: HarperCollins. pp. 42-46. ISBN 978-0-06-019106-1.

²⁸ Liasson, Mara (October 28, 2010). "[What happens to the Tea Party after Election Day](#)". NPR. February 18, 2020.

keeping them in line. A long time incumbent would be harder to keep loyal to what the Tea Party considers its values. The Tea Party is a segment of Right Wing politics in the United States that has grown in power recently. They are looking for people to back that they are confident will tow the party line. A long time incumbent The Tea Party freshmen were told to stay open about government shutdowns, with Senator Mike Lee saying in regards to shutdowns shortly after his 2010 election into office, "it's an inconvenience, it would be frustrating to many, many people and its not a great thing, and yet at the same time, it's not something that we can rule out, it may be absolutely necessary."²⁹ With this, the agenda of the Tea Party, if not the Republican base as a whole, can be seen as not only open to a government shutdown but preparing for one.

Later Mike Lee led the charge for preparing for the government shutdown by lobbying for support on a letter written by Lee supporting a defunding of the Affordable Care Act. The alternative to defunding the Affordable Care Act would be a government shutdown. This sparked a similar letter in Congress by a Tea Party Freshman Congressman named Mark Meadows. In the letter he quoted the founding fathers and managed to get 80 signatures on the letter including his own. This brought renewed attention to the disparity between the Affordable Care Act and Republican values. The Rise of Tea Party influence in recent years shows further supporting evidence of the widening gap between the Republicans and the Democrats. Since the rise of Trump's politics, which are sometimes further right than even the Tea Party, Non Tea Party Republicans can now be considered as moderates within the party while the Tea Party represents a new extreme that Democrats are unable to engage with.

²⁹ ²⁹ Liasson, Mara (October 28, 2010). "What happens to the Tea Party after Election Day". NPR. February 18, 2020.

Congress eventually was unable to agree on a budget for the fiscal year at the end of September 2013. As a result, a number of Senators introduced a resolution to continue funding for the government until the end of December 2013 in order to give more time for negotiation. Republican Senators, including Mike Lee and Ted Cruz, responded that they would only agree to the resolution in return for a change to the Affordable Care Act. In the final days leading up to the shutdown, a number of Republican Members of Congress said that they were looking forward to the shutdown. Michele Bachmann, a Republican Congressman from Minnesota said that “We’re very excited, it’s exactly what we wanted and we got it.”³⁰ She noted “this is about the happiest I’ve seen members in a long time, because we see we are starting to win this dialogue on a national level.”³¹ Similarly Jim Jordan, a Republican Congressman from Ohio said in regards to the shutdown and defunding the Affordable Care Act, “I just think you saw members who said, ‘look, lets just do what we all know needs to be done and frankly what the American people want to see done.’” This language shows the effects of different terms of victory that I discussed in my literature review between Democrats and Republicans.

The win for Republicans in this manner doesn’t surround the a defunding of the Affordable Care Act on the basis of pure policy but simply a stopping of any and all Democratic and government effort. With the shutdown happening over disagreement on a continuing resolution and not on the grounds of the immediate passing of a

³⁰ ³⁰ O’Keefe, Ed; Helderman, Rosalind S. (September 28, 2013). "On cusp of shutdown, House conservatives excited, say they are doing the right thing". *The Washington Post*. February 17, 2020.

³¹ ³¹ Thompson, Catherine (October 3, 2013). "Bachmann: Republicans 'About The Happiest' They've Been In A While During Shutdown". *Talking Points Memo*. February 18, 2020

budget the true intention can be seen. The difference between party goals has shifted from possible bipartisan legislation to an increasingly polarized and competitive government over the last 40 years. This has made it impossible to pass meaningful legislation as the obvious alternative for many hard right Republicans is a complete shutdown. Frances Lee's discussion in *Insecure Majorities* helps to show how this competitiveness and polarization has increased over the last 40 years. One of the major reasons for this increased competitiveness is the newfound closeness of numbers between members of the opposite parties in the House and Senate. Historically most of the legislature has been dominated by one party or another, essentially making bipartisanship a requirement for opposing parties to get legislation passed. This bipartisanship led to better relations between the two parties. Now that the margins for a majority between Democrats and Republicans are so close, each party has employed competitiveness and ultimatums to achieve their goals.

Once the shutdown had gotten underway, the Republicans, via the the House Rules Committee, made it so only the Republican House Majority Leader could bring a vote to the floor. They also agreed not to bring any vote to the floor that didn't include an amendment defunding or blocking the Affordable Care Act even if it was only a continuing resolution. It is clear that the options the Republican's are willing to give are either obedience from democrats to defund the Affordable Care Act or to continue allowing both the United States government and its people to suffer under a prolonged shutdown. This happened even as negotiations continued over what shape a continuing resolution should take. The fact that the wellbeing of the US citizenry can be used as a bargaining chip in a political battle over the budget shows a deep

problem within the legislative structure of the US government and the potential damage made possible by our budget system.

This problem created by government shutdowns occurred because of the deep rift between the Democrats and the Republicans. The arguments over the Affordable Care Act are part of a highly polarized party system. The Affordable Care Act represents the ideological extension of socialist welfare policies which the Republican Party has strongly fought against in the past few decades. As can also be seen through some of the comments made by members of the Republican Party, the shutdown is being used as an excuse to create another battleground for ideological differences instead of simply being used to pass a yearly budget.

CHAPTER 2

The first of the government shutdowns under Trump's administration began in January 2018. Although the fiscal year began in October, the appropriations bill necessary to fund the government for the year did not pass and Members of Congress were forced to pursue a number of continuing resolutions for government funding that extended through December and ended on January 20, 2018. The regular appropriations bill was not passed as arguments came up around concern for DACA's immigration policy. DACA's immigration policy was such that immigrants who entered the country as minors and either arrived or stayed illegally would receive deferment from deportation and be allowed other ways to gain more permanent legal status in the

United States. DACA was introduced under Obama's administration and was thoroughly vilified by the Republican Party. Trump's administration set DACA to end in March of 2018, leaving Democrats to try to figure out another piece of legislation, most likely surrounding the DREAM Act which had continually failed to get through the House and Senate before. In response for the need to pass the DREAM act, the Democrats engaged in a filibuster on a continuing resolution without the Republicans having a supermajority to end it. The Republicans attempted to get a cloture vote passed to override the filibuster with members of each party breaking lines to support the other. The continuing resolution that was offered by the Republican leadership included support for CHIP (Children's Health Insurance Fund) and an attempted to delay the collection of taxes to support the Affordable Care Act. Nevertheless the cloture vote failed and the Democrats succeeded in causing a government shutdown.

This is a further example of the government shutdown system being used as a weapon to pass party legislation and as shown, both Democrats and Republicans, during Obama's administration, are not above using the shutdown system to threaten the other party into supporting their legislation instead of simply gathering more representatives or convincing people to voluntarily reach across the aisle.

Representatives are meant to serve the people in return for their continued support and reelection but in this case all citizens need to ready themselves for an insecure government whenever the yearly budget is voted on. It is difficult to always understand the relationship between what a politician does for themselves and what they do for their constituents. Blocking a bill from passing is something that is not an innately good or bad act for the constituents of a given politician. Blocking a bill could

be for self gain when a politician blocks a bill taxing the top 1% more money when they are a part of that 1%. Blocking a bill could be for the good of their constituents when someone wants to reduce health regulations on products that you know your constituents would use. The difference between blocking a bill and shutting down the government is the danger to constituents from all states by the act of stopping the legislation rather than from the legislation itself. Shutting down the government is a government function which is not only unnecessary for the passage or blockage of legislation but is also directly harmful. Continual usage of this function as a weapon always has the danger of being a selfish act. Since wealthy politicians are typically the least effective it often becomes a punishment on the people. Even if one party's constituents wholeheartedly agree with the decision for their party to create a shutdown, it is the responsibility of politicians to protect citizens no matter their political standing and thus punishment against an opposing party's constituency becomes an immoral act.

The second government shutdown under Trump's administration was by far more intense and put a larger strain on taxpayers and lasted longer than any other shutdown that has occurred in American history. Trump's second shutdown cost at least \$3 Billion to \$5 Billion as a permanent loss to the economy.³² The amount that was lost overall was \$11 Billion but most of that was expected to be recovered.³³ It is hard to

³² "The Effects of the Partial Shutdown Ending in January 2019". *Congressional Budget Office*. January 28, 2019. pp. 4–6.

³³ McCarthy, Niall. "The Government Shutdown Cost The U.S. Economy \$11 Billion [Infographic]." *Forbes*, Forbes Magazine, 30 Jan. 2019, www.forbes.com/sites/niallmccarthy/2019/01/30/the-government-shutdown-cost-the-u-s-economy-11-billion-infographic/#221925a4260e.

gauge the exact amount of revenue that was lost due to the vast number of factors that could account for revenue loss during, and in the wake of, a shutdown. What is clear is that it has been the most expensive shutdown in American history. The shutdown to fund the government in 2019 was also the longest of its kind, reaching 35 days and beating the previous record of Clinton's 21 days.

The shutdown began over an argument concerning one of Trump's key policies during his campaign, to build a "wall" on the southern border of the United States. Trump's original policy was for a large and imposing concrete wall, paid for by the Mexican government. The vision Trump gave to his supporters was one of power and punishment without any risk to the American taxpayers themselves. However, Trump's idea for the border wall changed considerably over the course of both his campaign and his presidency.³⁴ His plans for height, distance, material, and design have all shifted rapidly over the course of his presidency. All of these changing plans regarding every element of the "wall," or what was sometimes called a "barrier," were up in the air and controversy emerged over the degree to which a wall or barrier would actually affect the supposed issue of illegal immigration from Mexico. As was the question of who would pay for it and how much it would cost the United States after the clear response from the Mexican government was that they would not pay for the wall. In the end, the idea of the wall came to function as more a political weapon than a policy in the process of being implemented.

As negotiations for the 2019 budget began there was speculation that Trump would use concern over his border wall promises to prompt a shutdown, but the

³⁴ Gabby Orr, [From 'wall' to 'barrier': How Trump's vision for the border keeps changing Archived](#) January 11, 2019, at the Wayback Machine, *Politico* .

deadline for agreement was extended after two spending bill was passed in September 2018 which continued spending from the beginning of October until December 7.

These appropriations bills provided funding for a number of agencies, such that more than half of the total appropriations for the year were secured. Along with the passage of funding government agencies, the bill also extended the deadline to pass an appropriations bill for the rest of the year's spending until December. This bill passed among suspicions that Trump's desire for a border wall would encourage Republicans to push for a shutdown to ensure they got it.³⁵ Democratic leaders knew that the border wall and border security were important political issues for Republicans and would need to be addressed when the continuing resolution ended in December. Democrats and Republicans had negotiated and agreed to vote for the rest of the yearly appropriations bill with \$1.6 billion dollars allocated for increased border security. Later on Trump, during meetings with Nancy Pelosi and Chuck Schumer, would demand \$5.8 Billion dollars for border security be included in the appropriations bill that would need to be voted on December 22nd. Negotiations broke down when Pelosi and Schumer told Trump they wouldn't support that much money for border security in the upcoming appropriations bill. In response Trump told them he would be "proud to shut down the government for border security."³⁶ He would later reverse

³⁵ Conrads, Brandon. "House passes \$854B spending bill to avert shutdown". *The Hill*. September 26, 2018.

³⁶ Everett, Burgess, et al. "Trump Says He's 'Proud' to Shut down Government during Fight with Pelosi and Schumer." *POLITICO*, Politico, 11 Dec. 2018, www.politico.com/story/2018/12/11/trump-border-wall-congress-budget-1055433.

this position and began to blame Democrats for the impending shutdown.³⁷

Trump's particular usage of political action is erratic and doesn't quite fit into a completely understandable strategy but he seems to change his opinions to suit what he believes would make his supporters happy at the time. Later on he would switch his position on a shutdown once again when he said that he would be fine voting on an appropriations bill that did not contain more funding for a border wall. After the Senate passed another continuing resolution on December 19 to keep the Government open into February. This Bill was also supported by House Democrats meaning that with Trump's support it would pass in entirety but Trump once again changed his mind and refused to sign any bill that didn't include border wall funding. After the House passed a bill with border wall funding after this change, it failed in the Senate and created Trump's second government shutdown. It is hard to prove exactly that party polarization is the cause of this particular shutdown. Obviously Trump's policies are supported by the Republican Party as a whole, but what Trump wants and to the degree that he feels certain things, like the border wall, are necessary are not aligned with the Republican Party. This switching back and forth is an example of this misalignment. It can also be said that Trump's particular brand of politics are just an example of a greater degree of political polarization than found between the two parties in general. If Trump is simply unbending in terms of his personal politics and those politics are so far from the center that no real compromise is possible then the politics between the president and the rest of the government are incredibly polarized.

³⁷ Fabian, Jordan. "Trump Reverses, Says Dems to Blame for Shutdown." *TheHill*, The Hill, 21 Dec. 2018, thehill.com/homenews/administration/422457-trump-reverses-says-dems-to-blame-for-shutdown.

Trump benefits greatly from this increasingly polarized government as he is able to garner support from the public for his wild positions and look good any way. Since Republicans have backed him and his positions have become a public representation for Right- Wing politics, the entire political spectrum has been forced to shift right. When Trump doesn't bend in legislation he is strong to his supports, and when he "reaches across the aisle" on his legislation he is still proposing an objectively right wing measure but it appears as if he is trying to create unity.

Once the government had shut down on December 22nd, the House and the Senate began their political fight about reopening the government. House Democrats passed a number of appropriations bills that would individually fund parts of the government, ensuring that large swaths of the government and their supporting agencies would be opened once more. Mitch McConnell blocked these bills from reaching the Senate floor and said he would not support any bill that did not have funding for the border wall. Previously, Mitch McConnell said before the shutdown that a shutdown would be a bad idea and he believed Trump would be flexible in regards to funding for border security in order to keep the government open.³⁸ Mitch McConnell changed his tune once the shutdown began in order to stay consistent with Trump's amorphous political agenda. This fracturing of message and direction in the Republican Party has made it increasingly difficult for Republicans to be useful to their constituents unless they follow Trump's agenda in particular.

³⁸ Ferris, Sarah, et al. "GOP Talks Trump off the Shutdown Ledge." *POLITICO*, Politico, 18 Dec. 2018, www.politico.com/story/2018/12/18/white-house-indicates-it-wants-to-avoid-partial-government-shutdown-1067922.

Trump's shutdown is unique in its usage of political polarization as a catalyst. Typically the conflict for policy is an ideological conflict between two different party lines, however Trump's politics don't completely follow a traditional Republican ideology. However even though Trump's politics are not strictly Republican politics, they fall upon the right side of the political spectrum and align closer with the general Republican party than the Democratic party. The cause of the shutdown under Trump was due to the argument over the building of a wall. While building a wall is not in itself a specific right wing goal, the desire for immigration control on America's southern border is a republican ideological goal. The severity of the policy shows how far the Republican and Democratic parties are, demonstrating a political polarization so intense that each party's solution for stopping illegal immigration is so far apart to result in a shutdown rather than a compromise.

CONCLUSION

The budget system within the United States has become increasingly inefficient over the last 40 years due to the creation of the government shutdown system. Government shutdowns have the potential to stop most agencies from functioning and can create a loss of income and support for millions of American's whenever they happen. Over the last 40 years government shutdowns have become more intense and hurt the American people more than ever. They represent a systemic problem poisoning the entire federal government through the legislature. Despite the vast damage they cause and the fact that they are completely avoidable they continue to

happen. I theorized that political polarization, faulty infrastructure surrounding the budget system, or a combination of the two were to blame.

The infrastructural problems that I theorized to promote government shutdowns were harder to prove than I originally thought. In analyzing the government shutdowns there is a severe lack of information regarding the effects that infrastructure has upon the government shutdown system. While I still believe my theories to be theoretically correct, there is almost no way to prove that they have an effect on government shutdowns without a change within the budget system and subsequent studies. While it is logical to assume that the larger the budget becomes and the less time legislators have to craft it creates difficulty in creating a budget, there are no direct studies saying it has any effect on government shutdowns. I also theorized that inter-agency politics that run on requests for funding create an inefficient system of budgeting and create false narratives of the money they need, potentially leading to shutdowns. One of the main barriers to proving my theories on faulty infrastructure was the simple fact that there are no alternatives to measure against in the United States. The budget system has grown considerably over time but in the last 40 years since government shutdowns have begun, there have been few changes to the budget system that influence government shutdowns.

Although it is difficult to prove for a fact that the infrastructural theories I posited are true, I still believe the theories themselves are sound and could be part of the reason for the occurrence of government shutdowns. I do also believe that there are laws that could be put in place surrounding the budgetary process that would help

alleviate both the consequences of government shutdowns and the frequency of shutdowns.

The government shutdown system that appeared 40 years ago has continued to grow and be fueled by the steadily increasing divide between the Democratic and Republican parties. This has created intense political polarization within the legislative bodies of the federal government and creates strong differences that neither party attempts to overcome. The continually polarizing politics in the United States is proven in David Jones' article measuring congressional voting patterns throughout the 70s, 80s, and 90s. He found that that polarization has increased along with an ever more even party makeup between parties in the Congress and Senate. Frances Lee also studied political polarization in the United States and the increased competitiveness that leads to gridlock in legislation. She saw that the even makeup of Congress and the Senate between the Republican and Democratic parties has lead to more competition and gridlock. Historically the two parties have always had an uneven influence within the Congress and the Senate, with one party controlling a large majority. In this format of legislative bodies, there is little competition, but with the relatively equal control of seats since the 1980s, the two parties have become increasingly competitive. The continuous slander and usage of government shutdowns as political weapons only served to create further hatred among the two parties and has led them to opposing sides of the political spectrum instead of toward each other for the sake of efficient compromise. Within Clinton, Obama, and Trump's administrations, the uncrossable ideological divide between the Republican and Democratic parties was the cause of their respective administrations's government

shutdowns. For Clinton it was an argument on healthcare and government spending, for Obama it was about healthcare and the Affordable Care Act, and for Trump it was an anti-immigration issue. All of these issues are key ideological contentions between Democrats and Republicans. These government shutdowns did not occur accidentally and were in fact sought out by many politicians. Within the context of the Obama administration's government shutdown a number of Republican Congressman can even be seen openly praising the oncoming government shutdown and looking forward to the effect it has on the Democratic party. If the parties had an intention to compromise or there wasn't a divided government, the shutdown would not occur. Political polarization within the United States over the last 40 years has led directly to the avoidable catastrophe within our budgetary process known as government shutdowns.

While I do believe that laws can be put into place infra-structurally to help alleviate the government shutdown issue within our budget system, I can't think of any possible solution to fix the political polarization issue in the United States. The two parties have been pushed so far apart and have so much animosity between them that it seems unlikely that they will ever reconcile in a meaningful way. It is in the nature of the United States to have competitive political parties, but there is a definitive problem when that competition hurts the American people. While I have identified political polarization as one of the greatest problems within the American budgetary system through the study of shutdowns, it is not the intention of my research to determine a solution. I hope that future research in this area can find a solution to the issue of political polarization in this country.

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