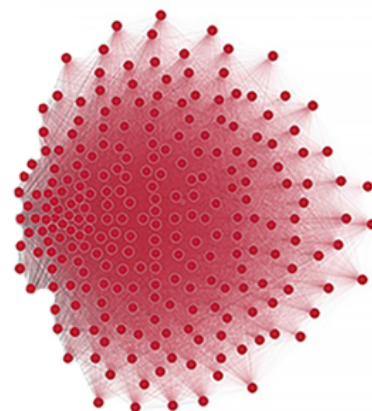


The Vast Divide

*Seeking Bipartisanship
at the Kennedy Senate Simulation*



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The middle has fallen out.

Congress, once an institution built upon compromise and each member's ability to cross the aisle, has slowly succumbed to a bitter partisan divide. The growing chasm of ideological differences and political leanings of Democrats and Republicans in Congress has [officially reached its greatest distance since 1949](#).

And the results of this era of partisanship could not be more evident: the past three sessions of Congress have enacted [the fewest pieces of legislation in modern history](#). Bipartisan solutions have become taboo; the few cross-party networks that remain border on extinction. One simply needs to think back to the morning of November 9th – half the country awakening celebrating the rebuke of the establishment; the other half falling into utter disbelief and mourning – to recognize that the country is now more divided than ever.

What happened to the notion of a bipartisan purple? What happened to a Congressional network of colleagues? What happened to Congress – and can it ever return to a point where

it meets back in the center?

On November 18th, the Kennedy School Negotiation Project (KSNP) with support from the Center for Public Leadership sought to explore these issues through the second annual Kennedy Senate Simulation.

This multiparty, multi-issue negotiation placed students in the shoes of real U.S. Senators working to pass legislation that is currently being debated in Congress. The Senators negotiated terms for an Energy bill that authorized the construction of the Keystone Pipeline and the passage of the Authorization for the Use of Military Force (AUMF) against ISIL, in addition to holding a Supreme Court confirmation hearing.

Over twelve hours, participants were tasked with finding difficult compromises all while *synchronizing internal and external negotiations* within their subcommittees, party caucuses, and the Senate as a whole. Members utilized *rules and processes* to move past impasses and gain an upper hand. At the end of the day, certain pieces of legislation passed while

others failed, and students were able to ask themselves if they too, fell into the vast partisan divide or if they were able to build a bridge across it.

Negotiating in Multi-Party Networks

With the ultimate goal of garnering enough support for both bills so that they could pass a floor vote, Senators had to move seamlessly between internal and external negotiations. Yet with over 100 Senators – each with unique positions and goals – students could not simply swap *tradable interests* to reach a deal. Had they done so, the catalytic chain of interest trading would have caused the deal to dissolve. Rather, the complexity that accompanies dozens of different parties required students to think in *networks*, as opposed to individual players.

Senators had to backwards plan from the end goal of passing each bill, and manage sub-committees, full committees, and each party's leadership accordingly. For example, students added amendments to the AUMF bill in sub-committee, knowing that when it eventually reached the Senate floor, they could negotiate with the opposing party's leadership network. These students backwards mapped to create a *bundled option* that would eventually involve stripping the amendment, choosing to negotiate both with a future network as well as individual students within their sub-committee. Additionally, Senators on the Judiciary committee had to negotiate amongst networks of the Tea Party caucus, Republican Party leadership, and the other two committees in order to create a deal that would confirm the Supreme Court nominee. In the end, thinking dynamically, planning systematically for each phase, and backwards mapping from Senate floor vote tallies became the most effective means for both parties to reach a deal.

Negotiating Within the Rules

In Congress, those members with the strongest grasp on the rules are often the ones who can manipulate them in their best interests. Similarly, in the Kennedy Senate Simulation trading substantive issues was only one piece of the

puzzle. Senators used the procedural rules of the chamber to gain leverage and extract concessions from the other side.

Though passing a bill in the full Congress may only require 51 votes, ending a *filibuster* requires 60 votes – a much larger hurdle to surpass. During the simulation, the Democrats placed an amendment within a Republican bill on the sub-committee level, knowing that they would eventually filibuster any Republican attempts to strip the amendment on the Senate floor. When the time came, the Republicans could not garner enough votes (60) to overcome the Democratic filibuster, but could obtain enough votes to pass the bill with the Democratic amendment included. Ultimately, the Republicans chose to pass the bill with the amendment, as opposed to not having the bill pass at all.



Senators from the Judiciary Committee hold a Supreme Court confirmation hearing.



The Honorable Tess O'Brien (MPP '18) provides her testimony before the Judiciary Committee.



Melissa Bender (MPP '18) begins the Democratic filibuster on the AUMF bill.



Alex Maza (MPP '18) speaks against an a proposed amendment as Bernie Sanders.

When dealing with the confirmation of the Supreme Court nominee, the Republicans considered enacting the *nuclear option*, a rule change that would allow them to confirm the nominee with 51 votes (a simple majority) as opposed to the normally required 60 votes for confirmation. Thus, in *backwards planning*, Republicans used an in-depth understanding of the rules to extract concessions from the Democrats on the committee level – threatening to invoke the nuclear option if Democrats did not agree to certain provisions.

However, exploiting the rules also requires negotiators to comprehend the potential consequences of taking action. Had the Republicans invoked the nuclear option, they may have suffered in future sessions of Congress when

Democrats gained control of the majority. Thus, negotiators need to evaluate the type of interaction (one-time versus long-term) they are engaged in before making a choice that could lead to their counterpart being hostile in future negotiations.

Building a Bipartisan Bridge

Though students were able to work through both the substantive and procedural issues during the simulation, emotions and conceptions of partisan identity threatened the final deal. After Republicans felt betrayed over a broken Democratic commitment that was made earlier in the day, they threatened to block any proposed legislation. Eventually, the trust that was built amongst both party's respective leadership was able to restore *fairness standards* to the simulation and overcome the temporary setback.

Building trust and displaying empathy in negotiations is one of the only ways to overcome the *sacred issue* of partisan identities. The relationships formed at the sub-committee level allowed students to establish trust and create a culture that allowed for Senators to reach across the aisle. By the end of the simulation, students were able to appreciate just how fragile the future of bipartisanship is. Yet hopefully, by recognizing one another as individuals, as opposed to another red or blue dot on the Senate map, students were able to take the first step towards meeting in the middle of a vast – though perhaps, somewhat smaller – partisan divide.