

THE ANNENBERG
PUBLIC POLICY CENTER
OF THE UNIVERSITY OF PENNSYLVANIA

112th at Risk of Spike in Incivility, 5th Annenberg 'Civility in Congress' Report Warns

The Annenberg Public Policy Center has updated the work that it produced for the 1997, 1999, and 2001 House Bipartisan Retreats. The new report's analysis of the taking down processes from 1935-2011 identifies five parallels between the 112th and earlier "combustible" Congresses:

- **The 112th is a turnover Congress. Incivility increased in the first sessions of the last two turnover Congresses.**
- **The 112th's Republican majority was elected in a campaign attacking legislation (The Patient Protection and Affordable Care Act; The American Recovery and Reinvestment Act of 2009) passed by a Democratic House without Republican votes. (The Republican majority was elected in 1994 in a campaign attacking provisions of the Omnibus Budget Reconciliation Act of 1993, enacted without Republican House support.)**
- **The issues before the 112th are likely to play a central role in the 2012 campaign. As a result, the spill-over of campaign rhetoric onto the House floor is [as 1945, 1992, and 1995 predict] more likely.**
- **The issues before Congress and the President in 2011 are similar to those at play in 1995-6.**
- **Although they rebounded into a comfortable range in 1996, President Clinton's 1995 poll standings raised doubts about re-election. President Obama's ratings are now lower than President Clinton's were at this point in 1995. A president's perceived vulnerability decreases the cost of unparliamentary attacks.**

"So far the 112th Congress has not produced the sorts of incivility that disrupted the first session of the 104th," noted Kathleen Hall Jamieson, author of the APPC report. "The historical indicators predict a higher number of incidents in which a Member impugns the integrity, ideology, or patriotism of those of opposed views than we've seen so far. As pundits increasingly cast the legislative and executive branches as 'dysfunctional,' this piece of positive news is worth noting. But the warning signs continue to blink."

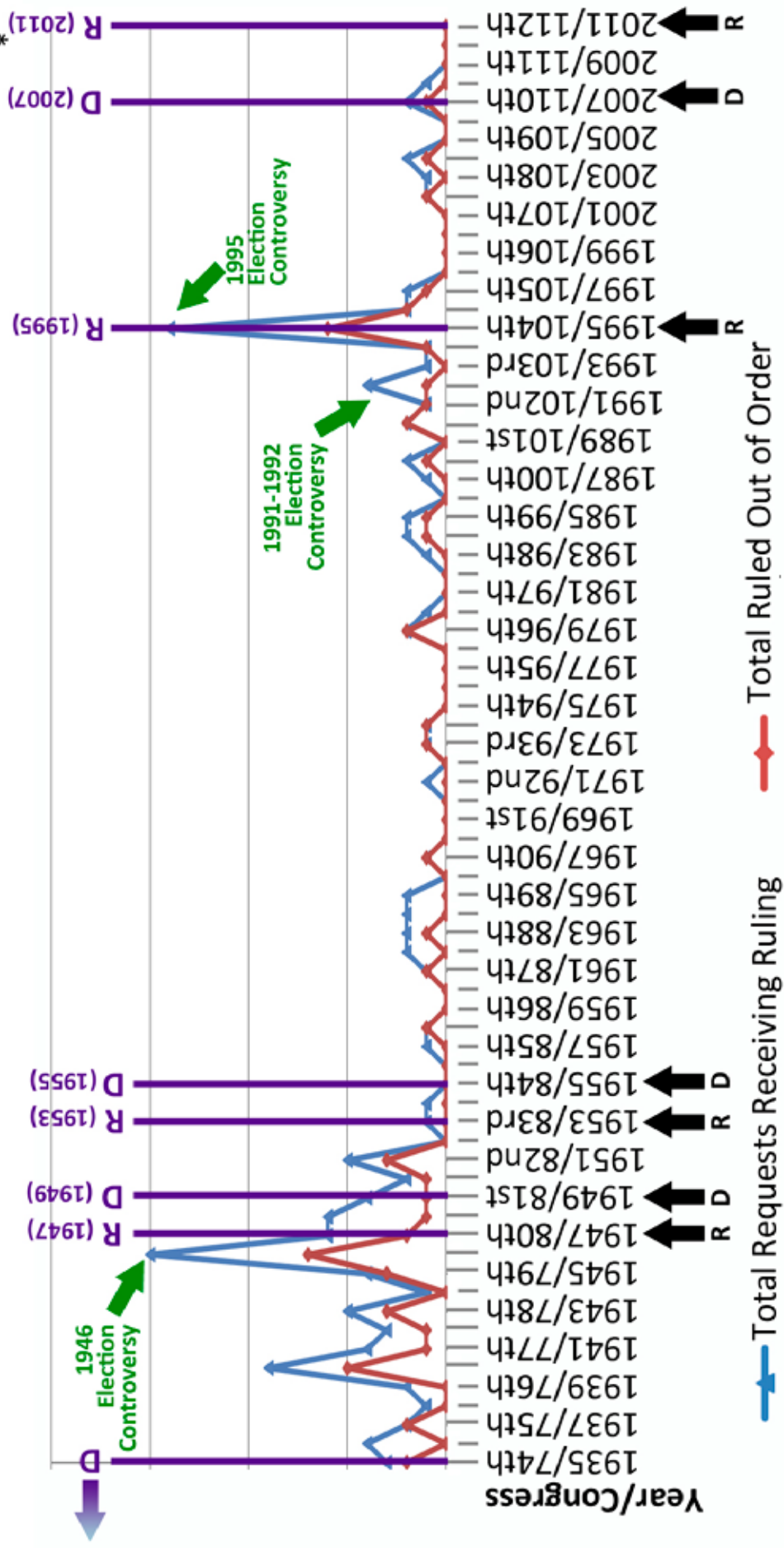
The APPC analysis of Congresses over a 76-year period found that:

- **Overall, civility, not incivility, is the norm in the House.**
 - **Even in the two years with the highest number of taking down rulings and proceedings that resulted in words out of order, very few of the words spoken in that session elicited objection.**
 - **By two measures (the number of times a demand to take down words has gone to a ruling and the number of times words have been held to be out of order as a result of this process), the recent Congresses are operating at a civility level comparable to the norm.**
- **Two years stand out in the past 76: The second session of the 79th Congress (1946) when 15 demands went to a ruling and in almost half of those (7), the offending words were ruled out of order and the first session of the 104th (1995) when 14 requests to take down went to a ruling and in six the words were ruled out of order.**
 - **By these taking down measures, the period from 1935-51 was more uncivil than the years surrounding the modern peak of 1995.**
 - **An analysis of taking down processes in congressional history from the 74th Congress (1935-6) through the 111th (2009-10) shows that the numbers of demands that resulted in a ruling and/or resulted in words being ruled out of order were significantly higher ($p \leq .01$) during two periods: from the 74th to the 83rd and from the 102nd to the 105th.**
- **By a second measure (words withdrawn) unparliamentary language:**
 - **increased in the years immediately before the 104th turnover;**
 - **and spiked in the first session of the 110th, the first year of Democratic control since 1994.**
- **A third measure (demands ruled to have been made too late) suggests that the recent period is more uncivil than it otherwise would appear to be.**
- **Our 1985-2010 Summary Measure supports the conclusion that incivility:**
 - **was higher in the 1990s than in the most recent decade;**
 - **increased when a turnover occurred after an extended period of control by the other party;**
 - **coincided in the 1990s with ethics challenges against a Speaker of the House;**
 - **and occurred when unparliamentary election-year attacks infiltrated the House floor.**
- **A comparison of the language eliciting taking down objections across time reveals that:**

- **The instances flagged by the taking down process in 2001-2011:**
 - are mild by comparison to those in the earlier decades of the study;
 - are less likely to include direct charges of hypocrisy than are instances in the 1991-2000 period.
- **Attacks on the President captured in the taking down process:**
 - did not occur from 1935-1984;
 - emerged in the last half of the 1980s;
 - became pronounced in the 1991-2000 period reaching a peak in 1995;
 - and remain noticeable in the last decade.
- **Some forms of attack do not go out of style:**
 - charging another Member with lying;
 - identifying rhetoric as demagogic
- **Although still used, some forms of attack were more strident and vitriolic in earlier Congresses than in those of the past decade. These include:**
 - mischaracterizing the ideology of others
 - characterizing the motives of a speaker
- **Some lines of attack have largely fallen out of fashion:**
 - The assertion that another Member is clueless, ignorant or stupid was more likely to occur from 1935-41 than in any period since.
- **Across time, certain Members are more likely than others to be involved in a taking down process, either as a violator, a norm enforcer or, in the case of some, as both.**

The charts reflecting the findings of this report can be found in Appendix A.

TOTAL REQUESTS THAT WORDS BE TAKEN DOWN RESULTING IN A RULING FROM THE CHAIR AND WORDS RULED OUT OF ORDER



* 2011 based on only 6 months of data (Jan-Jun 2011)

FIGURE 1
(For an expanded version of Figure 1 see Appendix E.)

Total Words Withdrawn by Unanimous Consent

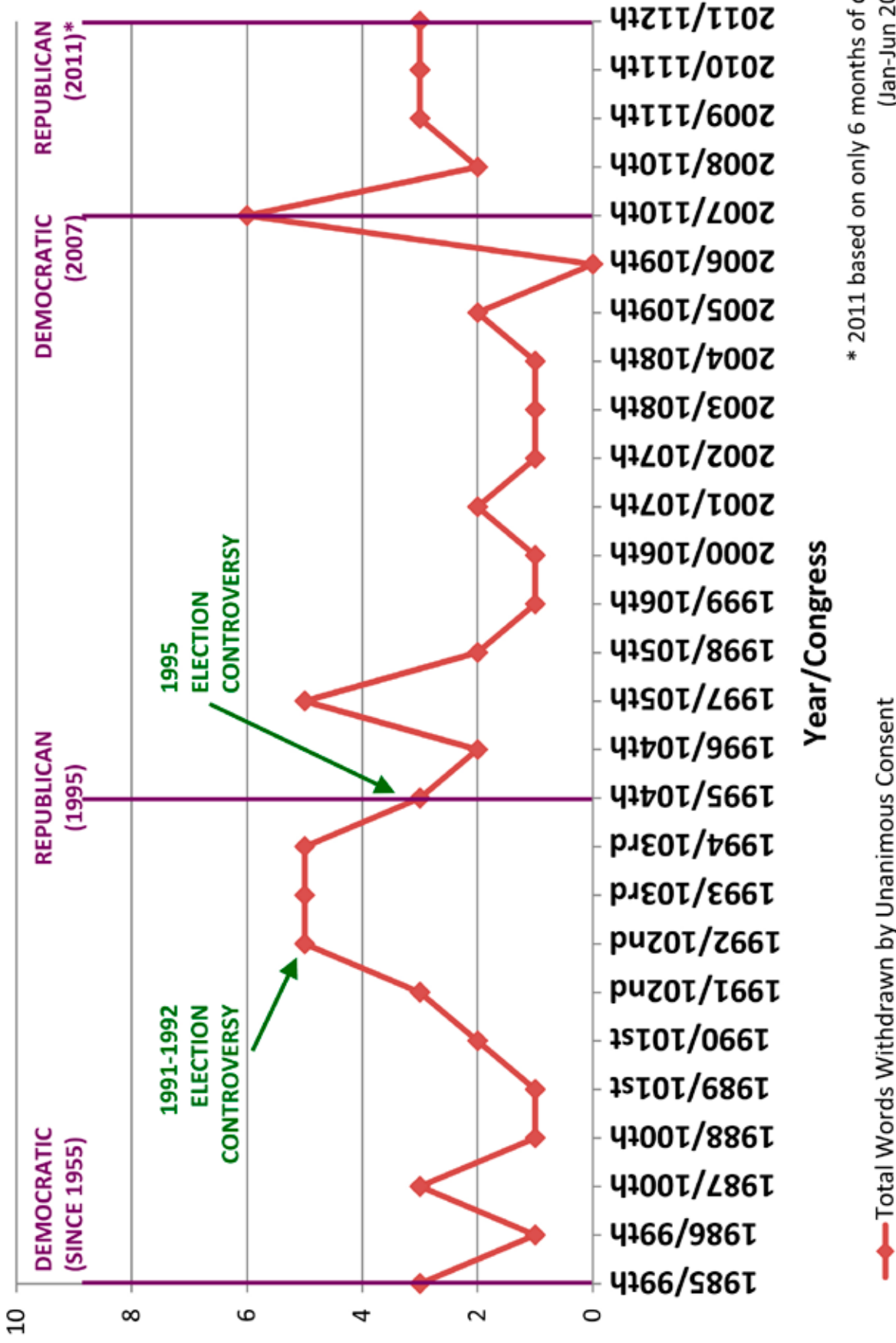


FIGURE 2

DEMANDS TO TAKE DOWN RESULTING IN A RULING AND UNTIMELY DEMANDS

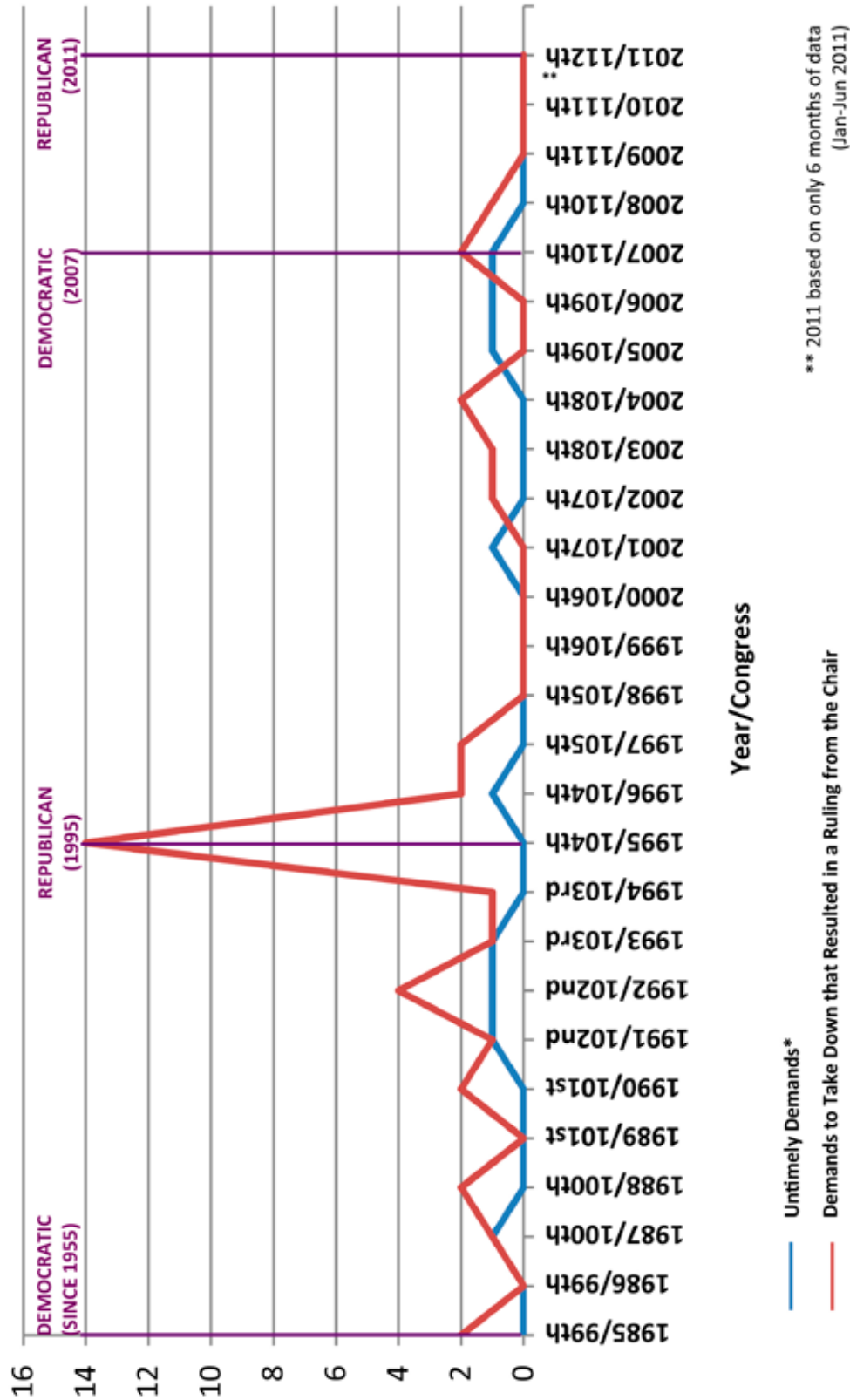


FIGURE 3

*On March 28, 1996 Representative DeLay [R-TX] claimed a representative from New York had been hypocritical. Representative Bonior [D-MI] demanded that his words be taken down. When the Clerk read back Rep. DeLay's words, the sentence including the word "hypocrisy" was not included, thus the Chair ruled that Rep. DeLay had been in order. Representative Bonior appealed the ruling, asking the Clerk to go back further in the record, to which the Chair replied that Mr. Bonior's demand had come too late, and his initial ruling stood. We count this as "untimely demand."

SUMMARY MEASURE: INCIVILITY IN THE HOUSE

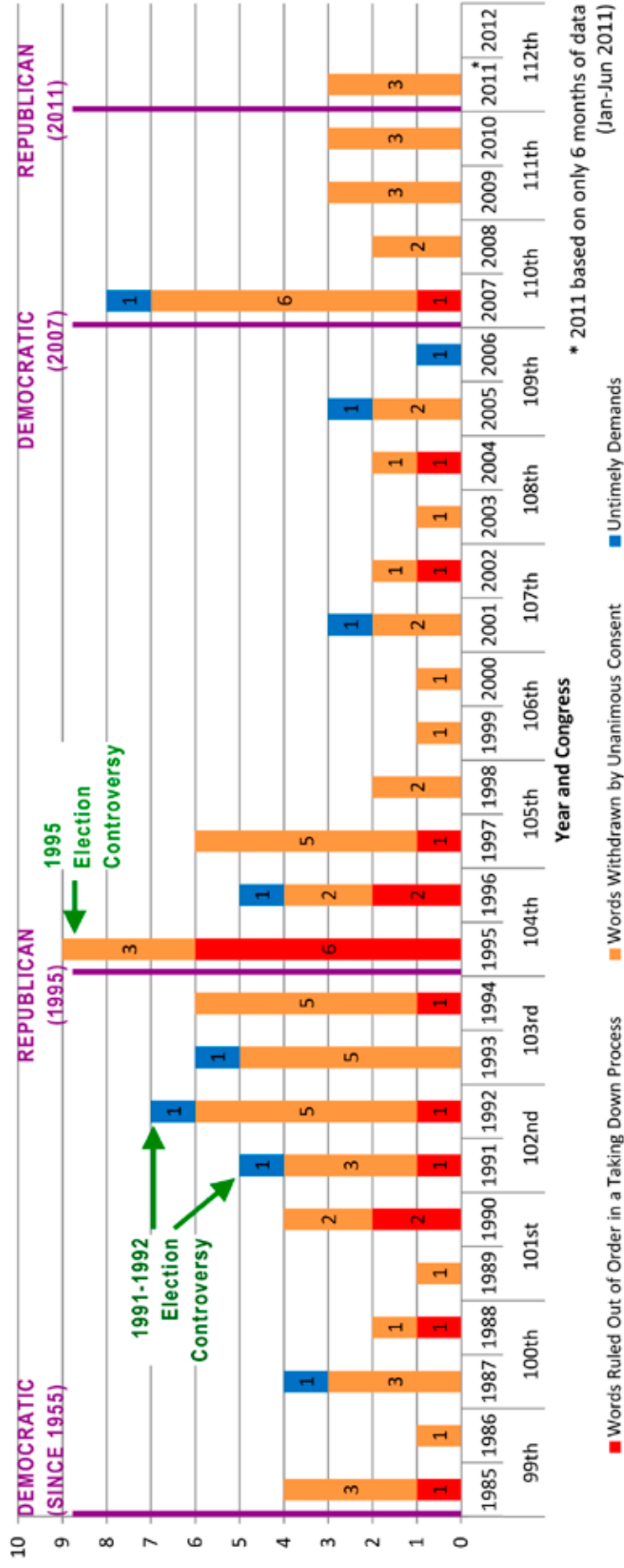


FIGURE 4

TOTAL REQUESTS WITH RULING, TOTAL PRESIDENTIAL ATTACKS, AND TOTAL PRESIDENTIAL ATTACKS WITH RULING

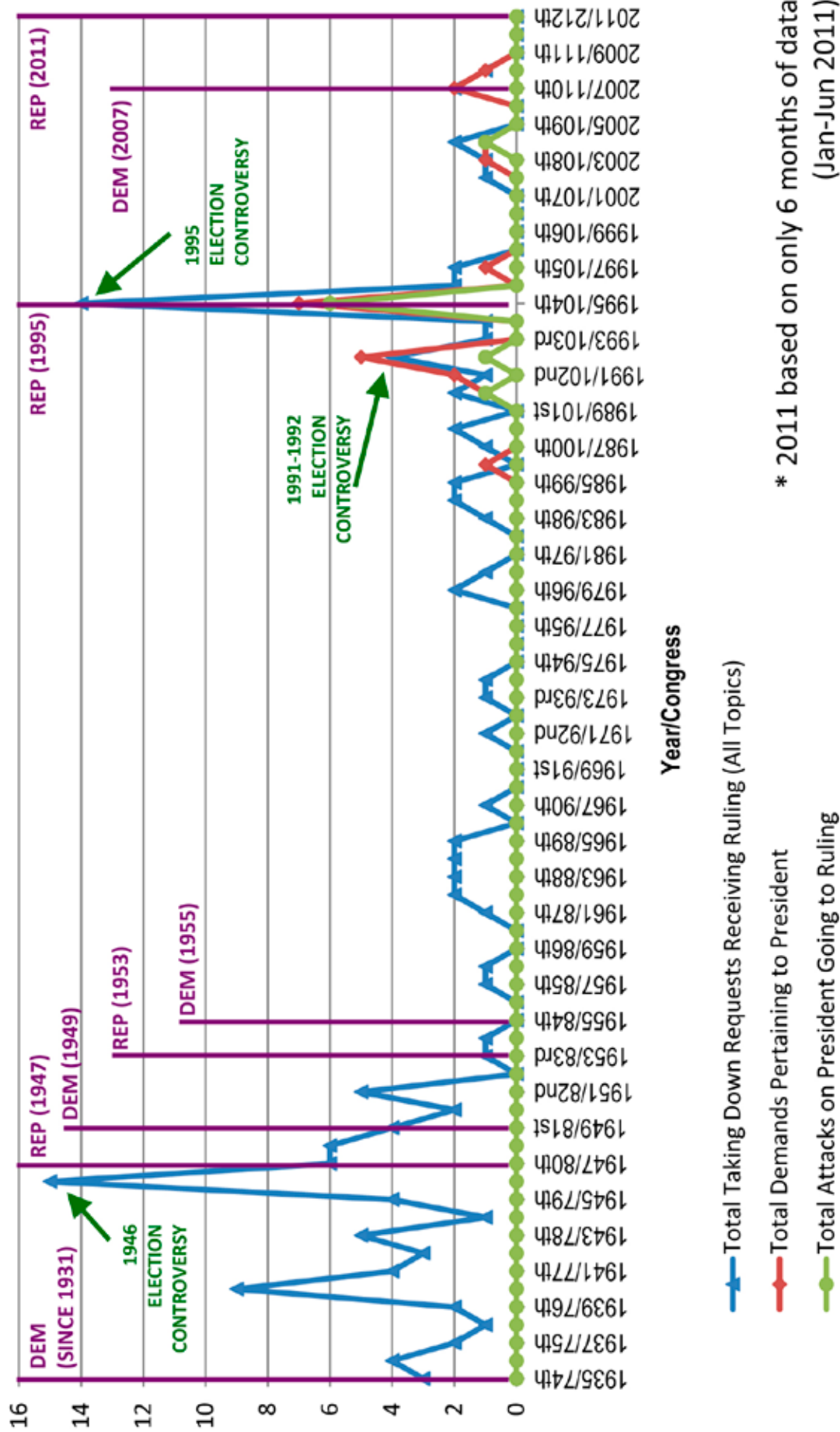
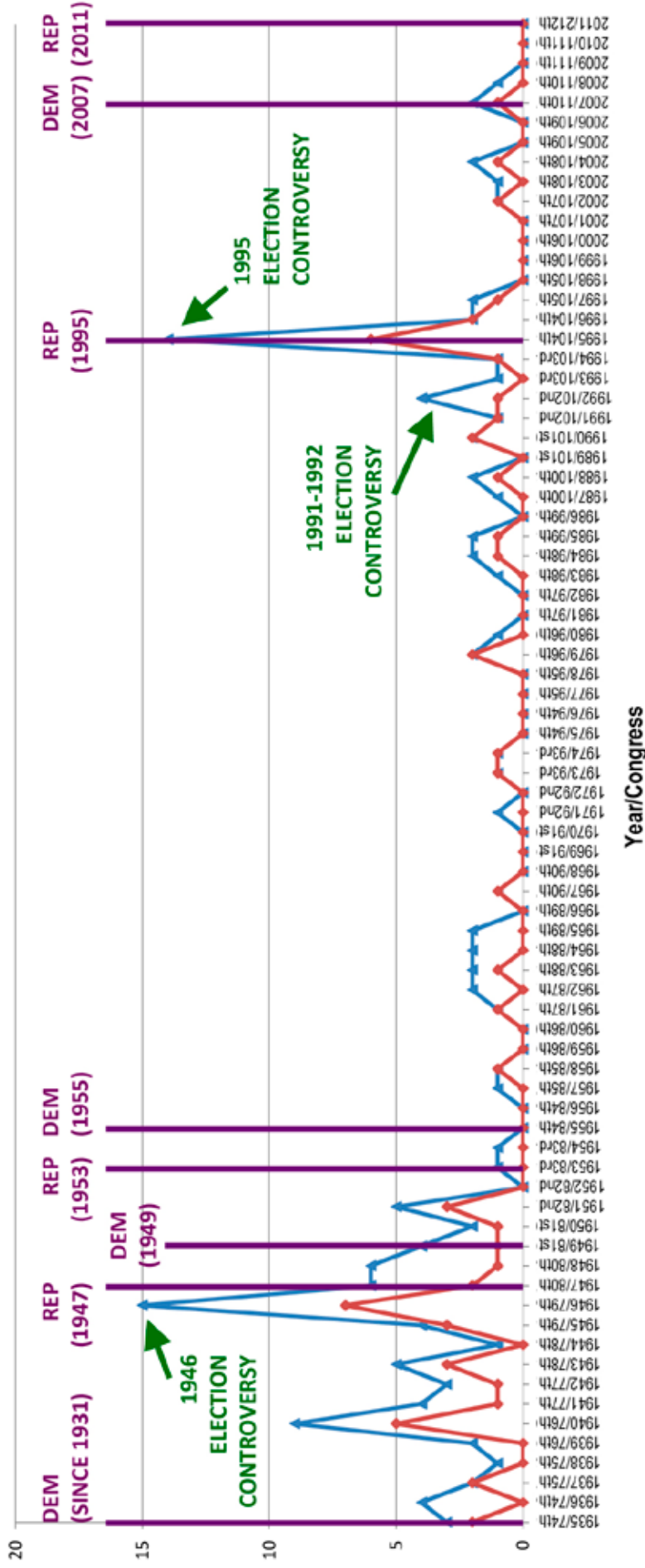


FIGURE 5

Total taking down demands pertaining to the President, by year: 1986 (1); 1990 (1); 1991 (2); 1992 (5); 1995 (7); 1997 (1); 2003 (1); 2004 (1); 2007 (2); 2008 (1)

TOTAL REQUESTS THAT WORDS BE TAKEN DOWN RESULTING IN A RULING FROM THE CHAIR AND WORDS RULED OUT OF ORDER

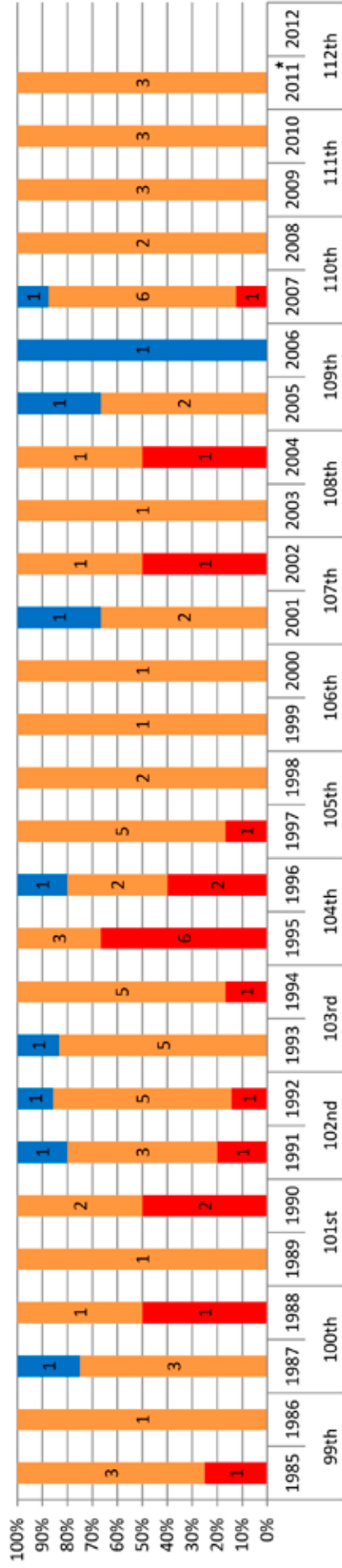


* 2011 based on only 6 months of data (Jan-Jun 2011)

— Total Requests Receiving Ruling — Total Ruled Out of Order

APPENDIX E

PATTERNS OVER TIME



Year and Congress

■ Words Ruled Out of Order in a Taking Down Process

■ Words Withdrawn by Unanimous Consent

■ Untimely Demands

* 2011 based on only 6 months of data (Jan-Jun 2011)

APPENDIX F