

Nonetheless, there's still some diversity within the parties. For example, nearly 40 percent of "strong Republicans" polled in a 2008 survey wavered from a strictly pro-life stance. And more than a third of "strong Democrats" took views on abortion close to those associated with the Grand Old Party. Polls find similar results when it comes to gun control and other issues.

The problem is that "the most active and involved members come from the most extreme reaches of each party." During last year's presidential primaries, for example, the conservative former senator Rick Santorum emerged for a time as a top Republican contender after victories in Minnesota, Colorado, and Missouri. The turnout in those contests, however, averaged less than four percent.

Our era of what Fiorina calls "almost unprecedented electoral instability" is evidence that "the middle of the American electorate . . . no longer has a home in either party." In 2004, Americans reelected a Republican president and solidified GOP control of both chambers of Congress. In 2006, they gave the Senate and House back to Democrats. In 2008, Barack Obama roared into the White House and commanded control of Congress. But in 2010, voters handed Democrats catastrophic losses, costing them control of the House.

The last time party control seesawed so consistently was during the Gilded Age, over five elections from 1886 to 1894. Fiorina says the similarities between the two eras are striking. In the late 19th century, partisan rancor prevailed, and the parties themselves were neatly sorted ideologically. Americans worried about the yawning gap between robber barons and tenement dwellers—much as they fret today about disparities between "one percenters" and the rest of the country. Then, the economy was transitioning from agriculture to industry; today it's in flux again.

The political turmoil of the Gilded Age ended with the formation of lasting new electoral coalitions. But Fiorina says that these "are arguably more dangerous times," shadowed by the specters of terrorism, rising debt, and looming inflation. "The United States could afford 20 years of political chaos in the late 19th century before a new majority emerged," Fiorina concludes. "It remains to be seen whether we can do the same today." ■

REMEMBRANCE OF POWERS LOST

THE SOURCE: "Congressional Abdication" by Jim Webb, in *The National Interest*, March/April 2013.

BEHOLD THE CONSTITUTIONAL POWERS OF the legislative branch in the realm of

foreign affairs: to declare war, to raise an army and maintain a navy, to ratify treaties.

The Founding Fathers weren't as generous with the president: He is commander in chief, but in deciding matters of war and peace, lawmakers are to keep the chief executive on a short leash, lest he resemble a monarch.

Congress has shirked those weighty constitutional responsibilities, contends Jim Webb, a recently retired Democratic senator from Virginia. On an alarming number of occasions since 9/11, George W. Bush and Barack Obama have thumbed their noses at Capitol Hill. Cowed by political pressure or suffering from collective amnesia, Congress hardly whimpered.

In 2008, President Bush signed a wide-ranging Strategic Framework Agreement with Iraq. The Bush administration deftly avoided labeling the agreement a "treaty," so the document didn't require Senate ratification. "But neither was it a typical executive-branch negotiation designed to implement current policy and law," writes Webb, a Marine Corps veteran, novelist, and onetime Republican who served as secretary of the Navy under Ronald Reagan. After the investment of hundreds of billions of dollars and the loss of thousands of American lives, the "framework" determined the

course of substantial U.S. assistance to the fledgling regime in Baghdad for years to come.

Webb, who served one term in the Senate (2007–13), says Bush should have consulted Congress about something so consequential. Instead, the administration kept the agreement under wraps until the eleventh hour. Just before it was signed, Webb requested access to the document. Other lawmakers weren't so diligent: "It appears that I was the only member of the Senate who at least at that point had actually read it." The Iraqi parliament, meanwhile, voted on the pact two times.

In May 2012, President Obama pulled a similar stunt. After more than a year of negotiations with Afghanistan, he skirted congressional oversight by signing "a legally binding executive agreement," as the White House termed it. Obama labeled Afghanistan a "Major Non-NATO Ally" and pledged long-term economic and military aid to Hamid Karzai's regime in Kabul—all without consulting Congress.

It wasn't Obama's first executive end-around. In 2011, he hastily ordered the U.S. military into action to protect Libyan civilians from forces loyal to Muammar al-Qaddafi. The commander in chief of the armed forces can authorize such

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strikes without congressional approval if time is short and the threat is grave. But in this case, there was no direct threat to the United States. Even when the intervention dragged on for months—and the financial costs mounted—the president refused to loop in Capitol Hill. Congressional leaders didn't even schedule a debate on the matter. "President Obama has arguably established the authority of the president to intervene militarily virtually anywhere without consent or the approval of Congress," Webb marvels, "at his own discretion and for as long as he wishes." The precedent "has the potential to haunt us for decades."

The worst of it, according to Webb, is that Congress doesn't howl in protest. In

the post-9/11 world, lawmakers blanch at the thought of questioning the president's national security prerogatives. Few have sought formal debates over these issues; in the Senate, leaders barred all Libya-related legislation.

Negligence and dereliction plague Capitol Hill, Webb argues. "As in so many other areas where powers disappear through erosion rather than revolution, many members of Congress do not appreciate the power that they actually hold."

What's more, in today's world of drones and special operations forces, the president can order actions that fly under the radar of the American public. Congressional oversight is needed now more than ever.

Webb says his former colleagues should dust off their copies of the Constitution and remember their duties. "One hopes Congress—both Republicans and Democrats—can regain the wisdom to reassert the authority that was so wisely given to it so many years ago." ■