
Post-Election Analysis

By Tom L. Kelly / Nov 10, 2014

Election 2014

For Democrats, Tuesday night could have gone better. As the dust settles, it looks like Republicans gained 7 seats in the Senate, with two favorable races in Alaska and Louisiana yet to be decided. This potentially gives them a 54-46 majority during the final two years of the Obama Administration. Though seemingly lost in the fervor over flipping the Senate, Republicans also extended their majority in the House by 18 seats and won a few gubernatorial races, such as Maryland, which should have gone blue. Needless to say, Republicans will argue that this is a referendum on lackluster policies coming from an unpopular President. Regardless, if this is true, the landscape in Washington changes; but what exactly does this mean for the Obama Administration, its relationship with Congress and the President's legacy?

The gut reaction from Democrats is Armageddon; accomplishments President Obama and his Administration can claim will be undone, immediate repeal of the Affordable Care Act and very conservative legislation around immigration reform, the tax code and the debt ceiling. Not to mention domestic discretionary spending will become a thing of the past. However, I would advise the left to step away from the edge. Much of what you fear requires the GOP having a veto proof majority of 60 Senators, and considering the seats up in 2016, this is a formidable task. Though the President loses his roadblock on Capitol Hill for "unfavorable" legislation and budgets, this power of the veto cannot be underestimated. Now, with all this being said, I would argue this is actually the best case scenario for Democrats and a huge opportunity for Republicans.

Year of Action

If the prior two years are any indicator, truly progressive legislation is going nowhere. Dead on arrival, never making it out of committee. This is why President Obama chose to embark on a "Year of Action", laid out in the 2014 State of the Union, which employs an aggressive use of "the phone and pen" (Executive Orders and regulatory reform) to push his platform through the Executive Branch. Though not popular with Republicans, leading to claims of overreaching, and a threat by Majority Leader John Boehner to sue, the White House sees this as their best option to circumvent the naysayers in Congress.

Over the past 11 months Administration officials have rolled out executive actions to support equal pay and workplace flexibility, making college affordable, putting the long-term unemployed back to work, reducing carbon emissions and raising the minimum wage for federal contract workers. These are issues progressive Americans should cheer. And though some may argue it is still not enough, given the appetite for sweeping legislation, they are wins nonetheless.

Since the White House does not need Congress to implement these rule and regulatory changes, the tactic should continue. Essentially, one result of Republican victories on Tuesday night is that the status quo will remain. Thus, the "Year of Action" will figuratively be extended two years. This goes for rather uncontentious programs such as the announcement of Promise Zones, which received bi-partisan support, to certain rabble rousers like an Executive Order to modernize immigration (assuming Congress does not act). To summarize, despite the midterm elections, and the assumption from the left that we will fall deep into an abyss of Ayn Rand's utopia, the Obama Administration will continue to make headway on what progressives consider good policy.

Republican Challenge

One could argue, therefore, that the next two years are even more important for Republicans. In addition to blocking every nomination the President sends them for judicial appointments, Republicans will be tasked with developing a clear, consistent and action oriented agenda in response to the "mandate" they would argue was given to them on election day. If Americans voted for Republican candidates as a rejection to President Obama's policies, then the GOP must use this opportunity to showcase their own. The "I just don't like it, but don't have a better plan" approach to the Affordable Care Act debate will not fly. Otherwise, 2016 could reverse this bloodbath.

Voters elected Barack Obama because they wanted change. The 2014 midterm elections signaled that this has not happened. Republicans must therefore show that they can produce the results Obama could not, or the pendulum could swing back.

President's Legacy

From first glance, one would assume that partisan gridlock will continue; the White House pushes out executive actions, and Congress sends up bills only to have them vetoed. However, there is another factor at play - the President's legacy. If Barack Obama wants to be known for more than the ACA, or catching Osama bin Laden, substance has to flow from Capitol Hill. And despite not having a vote in the House or Senate, the relationship between Congress and the White House partially dictates this.

Though nobody doubts that President Obama will spend an inordinate amount of time defending his competed record, this does not mean new legislation is doomed. If we believe the rhetoric coming from both Congress and the White House, there seems to be a sliver of hope that compromise is possible on corporate tax reform and trade. The media may paint immigration reform as a polarizing divide, but it too may even find middle ground if both the White House and fringe Republicans play ball. The past six years has been a partisan nightmare, and no other President has seen such staggering midterm

election loses. However, we may have encountered the perfect storm for a forced marriage.

Many view President Obama's inability to work with Congress as his greatest flaw. The finger pointing is relentless, but the fact of the matter is that excuses from both sides are wearing thin. Is this the Washington Barack Obama wants to leave the American people? I would assume not. Are Republicans prepared to go in to 2016 without a clear vision or record of accomplishment to stand on? If so, they are betting a lot on the Obama/Democrat White House hangover. The best case scenario for the country is that both parties are sweating. The future of each, or at least the next administration, will depend on actions taken over the next two years. Nobody likes wasting an opportunity, so for the sake of the country, we should hope that egos are checked and the greater good rules the day.