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2012 Elections Watch: The Battle for Congress Heats Up

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The stakes are high in the upcoming Congressional elections, with partisan dominance of both chambers at stake. Currently, Democrats hold a slim majority in the Senate with 53 seats, including two held by Independents who usually caucus with them, while Republicans enjoy a 25-seat margin in the House of Representatives. The November 6 presidential election is seen hinging mostly on the US economy, with foreign policy taking a back seat. With consumer confidence at all-time lows, and most Americans believing that both the economy and their own personal finances are getting worse, the top item on Americans' action list for a new government on January 20, 2013 remains breathing life into a stalled economy. The outcome of the Congressional elections will play a major role in the ability of President Obama or Mitt Romney to work through this morass.

After three consecutive wave elections – the Democratic landslides of 2006 and 2008 and the Republican House takeover of 2010 – both parties realize that they can't always count on a national tide to sweep their candidates into office. In those previous cycles, a slate of candidates managed to win largely on the strength of the party label. This year, with no overwhelming national tide, the battle for Senate control is far less predictable. While Democrats started on the defensive, fighting to preserve 23 seats (including those of the 2 independents) vs. the GOP's 10, the unexpected weakness of several Republican candidates and key retirees has left Republicans far short of the easy takeover that early predictions suggested.

Although Republicans are most likely to increase their Senate hold, considering that Democrats have significantly more incumbents up for re-election, the question of whether they will win enough to gain control now appears to be closer to a tossup. If the current projections set out in Table 1 hold (see below), the new Senate make-up would be 51 Republicans, 48 Democrats, and one Independent, the former Governor of Maine, Angus

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King. As Mr. King is more likely to caucus with the Democrats than the Republicans, the new Senate could present as a 51-49 split, with Republicans winning back majority control of the Senate. Several forecasters have also predicted the possibility that the new Senate could result in an even split on the voting floor. In that case, control of the Senate would depend on who wins the presidency, as the vice president casts the tie-breaking vote.¹

Foreign policy does not normally figure highly in Congressional races, where domestic matters tend to hold sway. This year is no exception (only 4 percent of Americans consider foreign affairs much of an issue in this year's campaign trail, according to a May 11-13 *New York Times/CBS Poll*). But in several key Senate contests, Republicans are making support for Israel a major issue in an effort to take Jewish votes away from Democrats in their quest to gain control of the Senate and solidify their majority in the House.

In Wisconsin, former Republican governor Tommy Thompson charged that Democratic Representative Tammy Baldwin, Madison's Congresswoman since 1999, joined 53 other House Democrats in signing a January 2010 letter to Obama urging him to pressure Israel to relax its blockade of Gaza for humanitarian reasons. Though not necessarily related, in July, polls showed the two opponents locked in a virtual tie, while more recent polls show Thompson leading by 6 percentage points. In Democratic-leaning New Mexico, former Republican Representative Heather Wilson noted that her Democratic opponent, Representative Martin Heinrich, was one of a handful of members of Congress who did not support the resolution condemning the Goldstone Report. Republicans say his vote – along with 21 other lawmakers who also voted “present” that day, including Hawaii's Democratic Senate candidate Representative Mazie Hirono – was tantamount to a vote opposing the condemnation.² In any case, however, in recent polls Heinrich holds a lead of about 8 points, thus holding a clear advantage. The GOP has also noted that both Heinrich and Baldwin have accepted an endorsement from J Street. J Street has endorsed a total of 65 federal candidates in the upcoming elections, including Senate incumbents Sherrod Brown (D-Ohio) and Dianne Feinstein (D-California), and Senate contender Tim Kaine (D-Virginia).

By contrast, the House of Representatives race appears to be less dramatic than the presidential race – where President Obama holds only a slight edge – or the race for the Senate. In the House, where all seats are up for election, Republicans seem favored to maintain their majority. Although the most recent generic Congressional ballot poll (Rasmussen Reports, August 27-September 2) shows Republicans leading by only 1

¹ *New York Times*, FiveThirtyEight, August 15, 2012; *POLITICO* September 9, 2012.

² "Can Heather Wilson Pick Up a Senate Seat in New Mexico?" *Washington Post*, April 19, 2012.

percentage point over Democrats in the race to preserve their seats, the incumbent party in the House generally over-performs its vote share in terms of the number of seats it carries. According to *New York Times* estimates, Democrats might need to lead by a 3 or 4 point edge on the generic ballot – not a mere tie – to have even odds of winning the House.³

Democrats may still benefit from the possibility that anti-incumbent sentiment combined with a poor economy could result in a large amount of Congressional turnover. Certainly a poor economy is bound to hurt the president – and presidents normally have coattails, whether positive or negative. About a third of voters who turn out in presidential election years do not participate in midterm years and may pay little attention to Congressional races, often voting a straight party ticket. These coattail effects notwithstanding, the impact of economic performance is rather ambiguous in Congressional races when control of government and Congress is divided.⁴ Historical record suggests that Republicans might be assigned some of the blame, and voters could split their tickets.

Which of these effects will prevail is difficult to predict. The numbers of most concern for Republican incumbents in this regard are the extremely low Congressional approval ratings, which are hovering at 12 percent, only slightly improved from their lows after the debt-ceiling debate (*NBC News/Wall Street Journal*, August 16-20). Historically, these numbers have often been a barometer of voter action: when Congressional approval has been lower, the amount of turnover in Congress has been higher. But it is still early, and there is no clear sense yet of how anti-Congressional sentiment might translate into individual races.

In short, the signs so far suggest that Republican incumbents are holding up in the House, and that there is not much of a wave breaking in either direction. By contrast, absent some change in the national political environment, control of the Senate is highly uncertain. The deadlocked races in Virginia and Ohio, and the increasingly competitive contest in Florida – the same three battleground states poised to determine control of the White House – will likely determine whether a Congressional divide remains.

From the Israeli perspective, a split control of the Congress and the White House has been the preferred alternative – despite the relative weakness of Congress in foreign and defense issues. Regarding Iran, for example, Congress can express itself in unbinding manner and pass legislation that imposes tougher sanctions, but it cannot compel the president to act. Moreover, even the Congresses most friendly to Israel have been careful not go beyond expressing strong sentiments and passing "'ceremonial' resolutions."

³ "G.O.P. House Majority at Risk," *The New York Times*, August 12, 2011.

⁴ "A Bad Economy Could Harm House Republicans," *New York Times*, July 15, 2011.

Table 1. 2012 Senate Races Summary

STATE	CANDIDATES	STATE STATUS
ARIZONA	Richard Carmona (D) Jeff Flake (R) (8/28)	Lean Republican
CALIFORNIA	Dianne Feinstein (D) Elizabeth Emken (R)	Safe Democrat
CONNECTICUT	Chris Murphy (D) Linda McMahon (R)	Tossup
DELAWARE	Thomas Carper (D) Kevin Wade (R)	Safe Democrat
FLORIDA	Bill Nelson (D) Connie Mack (R)	Lean Democrat
HAWAII	Mazie Hirono (D) Linda Lingle (R)	Lean Democrat
INDIANA	Joe Donnelly (D) Richard Mourdock (R)	Tossup
MAINE	Cynthia Dill (D) Charles Summers (R) Angus King (I)	Safe Independent
MARYLAND	Benjamin Cardin (D) Daniel Bongino (R)	Safe Democrat
MASSACHUSETTS	Elizabeth Warren (D) Scott Brown (R)	Tossup
MICHIGAN	Debbie Stabenow (D) Peter Hoekstra (R)	Tossup
MINNESOTA	Amy Klobuchar (DFL) Kurt Bills (R)	Safe Democrat
MISSISSIPPI	Albert N. Gore (D) Roger Wicker (R)	Safe Republican
MISSOURI	Claire McCaskill (D) Todd Akin (R)	Lean Democrat
MONTANA	Jon Tester (D) Dennis Rehberg (R)	Tossup
NEBRASKA	Bob Kerry (D) Deb Fischer (R)	Lean Republican
NEVADA	Shelley Berkley (D) Dean Heller (R)	Lean Republican
NEW JERSEY	Robert Menendez (D) Joe Kyrillos (R)	Lean Democrat
NEW MEXICO	Martin Heinrich (D) Heather Wilson (R)	Lean Democrat
NEW YORK	Kirsten Gillibrand (D) Wendy Long (R)	Safe Democrat

NORTH DAKOTA	Heidi Heitkamp (D) Rick Berg (R)	Tossup
OHIO	Sherrod Brown (D) Josh Mandel (R)	Tossup Tie (polling history suggests small Democratic edge)
PENNSYLVANIA	Robert Casey (D) Tom Smith (R)	Lean Democrat
RHODE ISLAND	Sheldon Whitehouse (D) Barry Hinckley (R)	Safe Democrat
TENNESSEE	Mark Clayton (D) Bob Corker (R)	Safe Republican
TEXAS	Paul Sadler (D) Ted Cruz (R)	Safe Republican
UTAH	Scott Howell (D) Orrin Hatch (R)	Safe Republican
VERMONT	Bernard Sanders (I, D) John MacGovern (R)	Safe Democrat
VIRGINIA	Timothy Kaine (D) George Allen (R)	Tossup Tie (polling history suggests slight Democratic edge)
WASHINGTON	Maria Cantwell (D) Michael Baumgartner (R)	Lean Democrat
WEST VIRGINIA	Joe Manchin (D) John Raese (R)	Lean Democrat
WISCONSIN	Tammy Baldwin (D) Tommy Thompson (R)	Lean Republican
WYOMING	Tim Chestnut (D) John Barrasso (R)	Safe Republican

Source: RealClearPolitics – Battle for the Senate Rankings (accessed September 9, 2012).

