The 2012 Elections: Outcomes and the Arts

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Web Seminar
Abridged Transcript

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Jonathan Katz, Chief Executive Officer, NASAA
Introduction

Jonathan Katz: Hello, everyone. I’m Jonathan Katz, and it's my pleasure to welcome you to this web seminar on the results of the 2012 elections and their implications for the arts.

One of the reasons that state arts agencies created NASAA was to represent your interests with the federal government. You rely on us to keep you informed about the policies, politics and people here in Washington that affect your work as arts leaders. To that end, we wanted to offer this postelection briefing right away. The full implications of Tuesday's elections will take some time to play out, of course. But we wanted to do this seminar in a timely way to give you an early read on key issues that we think will emerge quickly, within the next 60 days.

During this hour we'll also identify some longer-term trends to watch as the next Congress gets organized and starts to do business, and we'll identify some things that you can be doing to contribute to our collective advocacy success.

This election represents the end of a long and contentious campaign season. But it also represents the beginning of an educational process. There will be many new faces in Congress—and some in the executive branch, too—in January. Those individuals will need to hear about the relevance of the arts to their policy goals. All of us on this call can be uniquely influential in those conversations because we represent all of the states and all of their citizens across the entire political spectrum. So as you are listening to our briefing today, I encourage you to be thinking about it not as the end of a contest but as the starting point for conversations between you and your elected officials. NASAA can help you make those conversations successful.

The 2012 Elections

Isaac Brown: Tuesday evening was both a dramatic, sweeping election, but also in many ways a nonevent. Despite the significant margin of victory for the president and some surprising results in some races, the status quo of a deeply divided government remains. In defeating Mitt Romney, the president carried Colorado, Iowa, Ohio, New Hampshire, Virginia and Wisconsin—a near sweep of the battleground states. As of right now he is holding a narrow advantage in Florida as well. To understand how the president was able to win so convincingly, despite what was perceived as an enthusiasm gap among his supporters, one need only look at the shifting demographics of the electorate.
In 2008, the majority of women voters supported Obama. In 2012, once again, they supported him in significant numbers, with 55% voting for him, nearly the same as in 2008. Even more significant was the huge support that he received from Hispanic voters: President Obama won their vote by a striking 44 percentage points, a full 8 percentage points higher than he received in 2008. That figure doesn't tell the whole story, as his margins in swing states were even more significant. In Colorado, for example, he took an astounding 74% of the Hispanic vote, up from the 61% he took in 2008.

In Florida, he made historic gains Hispanics as well; he won 60% of the Hispanic vote, up from 57% in 2008 and from the 44% John Kerry received in 2004.

In terms of how the Senate played out, while several polls had indicated that the president was likely to be reelected on Tuesday, there was no question that the Senate races went better than Democrats had anticipated as they were able to pick up seats in Indiana, Maine and Massachusetts while averting possible losses in Missouri, Montana and North Dakota. Their victories there were the result of stronger than expected coattails from Obama and a very conservative republican candidate. In Indiana, for example, Joe Donnelly did what seemed impossible, taking a seat in a heavily Republican state.

The result suggests that the hopes for a Republican takeover of the Senate were dashed in large part by their own candidates. In 2010 and 2012, the disappointment can be lain at the feet of a very conservative Republican primary electorate that was determined to sweep out the party's centrists.
The story in the House is quite different, as Democrats fell well short of the 25-seat pick-up they needed to assume control. Due to the re-designation of congressional districts, the elections led to significant incumbent losses on both sides of the aisle, resulting in the end in a net pick-up of only three seats for the Democrats. As a result, John Boehner will remain as the speaker of the House, and the House in general remains a bulwark of conservative ideals on taxes and spending, as well as the key obstacle for President Obama enacting his agenda during his second term.

It should be noted that several long-standing members with strong records on the arts will not be returning. With the retirement of former Arts Caucus co-chair Rep. Todd Platts from Pennsylvania and Interior Subcommittee member Representative Steven LaTourette of Ohio, as well as the losses of moderate Republican representatives Judy Biggert of Illinois and Charlie Bass of New Hampshire, the number of Republicans that formed a crucial pro-arts voting bloc in the House has taken a considerable hit. Their defeats mean we will have to work even harder to identify Republican allies in the house to work with in the years to come. On the positive side, Representative Louise Slaughter of New York, the Democratic cochair of the Arts Caucus, who faced the toughest campaign of her career, was able to win reelection and will begin to look for a new Republican co-chair to help her lead the caucus.

I also want to share some good news regarding several House members who were successful in being elected to the Senate, all with a strong record related to the arts. We look forward to working with newly elected members Chris Murphy from Connecticut, Mazie Hirono from Hawai‘i and Tammy Baldwin from Wisconsin.
Lost in the coverage of the president's successful reelection is the continuing trend toward conservative leadership in the states. With one state still too close to call, it appears that the Republican Party has successfully defended their control of state governorships. They have a sizable 30 to 19 margin, with the possibility of adding one more as Washington remains outstanding at this time. Not only is this extremely important to you, but also as the federal government tries to get its fiscal house in order, it is possible that states will be granted more autonomy in how they allocate their federal dollars.

When Congress returns to session next week, they will begin what is known as the lame duck period. There are a number of issues that we at NASAA will be watching closely. First, next week, House Republican leadership will hold their elections. Given their successful retention of their majority, it is unlikely that we will see a major shake-up in leadership. Rep. John Boehner will once again lead the chamber with the rest of his leadership remaining intact. Things are less clear on the Democratic side of the aisle. Nancy Pelosi, currently the highest ranking Democrat in the House, has chosen to postpone her party’s elections until after the Thanksgiving holiday. This has been interpreted by many as a sign that she is strongly considering stepping down from her post and will give other Democrats the opportunity to wage a campaign for the top spot. This is far from certain, but if she does step down, Rep. Steny Hoyer from Maryland, the second ranking Democratic, is very interested in assuming the top post. It should, however, be noted that he and Pelosi have never been allies, and it is possible that she will instead support one of her top lieutenants for the job.
Once questions of leadership are resolved, there are a number of policy issues that are outstanding, particularly the "fiscal cliff." An almost-perfect storm of decisions by policymakers in Washington has created what many policymakers, including Federal Reserve Chair Ben Bernanke, have called a fiscal cliff. The cliff refers to a set of major tax and spending policy changes that are set to occur on January 1 and January 2, 2013.

Members of the House and Senate do not have much time to negotiate before real changes occur. Despite this accelerated timeline, both House Speaker John Boehner and Senate Majority Leader Harry Reid offered sharply different interpretations of Tuesday's election and what it means for taxes and deficits, underscoring the steep hill that Washington has to climb in the next six months to avoid the cliff.

Speaking shortly after the Democrats secured a majority in the Senate, Reid said he wants to increase revenue into the government by raising taxes, particularly among the wealthy. Speaker Boehner called a press conference yesterday afternoon where he directly opposed what Majority Leader Reid said the day before. He said that although he was willing to consider raising revenue, he was only willing to do so by eliminating tax loopholes and was not interested in raising tax rates.

The comments by both are not all that surprising, particularly since negotiations have not even begun yet. Aides from both sides say privately that if progress is not made in the next few weeks, it will make reaching a compromise before sequestration is enacted very, very difficult.
The question I am sure you are all asking is, What would a compromise look like? As we see it, there are three possible outcomes. The first and most devastating would be to allow the sequester to proceed. Because sequester is already the law of the land, a failure by a deeply divided Congress to reach an agreement would mean that the sequester and the devastating cuts will happen. Certainly leaders of both parties would like to avoid this and many were surprised to hear the president during his last debate say unilaterally that he was not going to allow sequester to happen. This has led many to hope that there is a chance for a grand compromise.

Another scenario is that the members of Congress will consider the proposal developed by the co-chairs of the President's National Commission on Fiscal Responsibility and Reform. The bipartisan commission was created by President Obama and Congress and convened over the course of 2010. Ultimately the commission failed to agree on a deficit reduction plan, but the co-chairs' (former Republican Senator Alan Simpson of Wyoming and former Clinton Chief of Staff Erskine Bowles) proposal is still considered the best chance for a bipartisan compromise. Their proposal would cut $1.6 trillion in discretionary domestic spending over 10 years, and while the report does not identify the NEA [National Endowment for the Arts] specifically, I can tell you, because my former boss was a member of the commission, that the NEA was a program that was often under discussion for cuts. I should also note the Republican vice presidential nominee Paul Ryan, now still Budget Committee chairman, was also a member of the commission and he voted against the proposal because he did not believe the cuts went far enough.

Following the failure of the Simpson-Bowles proposal, a bipartisan group of senators, known as the Gang of Six, worked for most of 2011 on a compromise that could pass both the House and Senate. The Gang of Six is led by Democrat Mark Warner of Virginia and Republican Saxby Chambliss of Georgia. It also includes four members of the National Commission on Fiscal Responsibility and Reform: Tom Coburn (R-OK), Kent Conrad (D-ND), Mike Crapo (R-ID) and Dick Durbin (D-IL). Discussions among the group eventually broke down over the ratio of spending cuts to tax increases, but the group could be key in negotiating a grand bargain during the lame duck session. Something to watch is what retiring senators like Kent Conrad do. With no reelection to worry about, he may be more willing than most to buck party leadership to reach an agreement.

Lastly, Congress may decide that the best course of action is to punt the decision until next year and let the new Congress worry about the challenges that the sequester faces.
With everything currently pending in Congress, both in the near and long term, we at NASAA would like to take a few minutes to talk to you about what we are doing to put you and your states in the best position to inform your policymakers about how these decisions will impact the arts. The first thing to do is to think about the new political reality in Washington, D.C., and then create a narrative about why the arts are worth protecting even in this time of fiscal austerity. Even if you have spoken to your members about the value of the arts a number of times in the past, it is important to realize that members of the House and Senate are facing pressures to cut spending unlike any previous time in their careers. As a result, we must be prepared to advocate for the preservation of the NEA. We will help you design these arguments, including talking points and one-pagers to share with staff. We also will help you tailor these arguments for your state and the specific member you are meeting with. Particularly in these difficult times, it is important to remember that one-size-fits-all strategies will not work.

As we look ahead to the beginning of the 113th Congress, we will work with you to identify opportunities to advance the arts. With an emphasis placed on spending reductions, it will be difficult to find new opportunities for the NEA and we may find ourselves playing defense. One area where we expect Congress to take proactive action is with regard to the Elementary and Secondary Education Act, known during the Bush administration as No Child Left Behind. NASAA is already working on ways to advance arts education programs within the statute and is working with members of both parties in the administration in advance of when the work on the legislation begins, likely sometime next year.

I'd like to end my presentation by saying that I know that this is an uncertain time for many of you. The good news is that the wait is finally over, and with the election behind us we can begin to get some clarity about how Congress plans to address these pressing issues and how we can advocate and be more proactive in protecting federal resources for the arts.
**Audience Q&A**

**Eric:** Thanks, Isaac. Let's go ahead and start with the first question that came through the queue. How will decisions about a baseline budget for the NEA in 2013 be made, and when will we know about those?

**Isaac:** Unfortunately, my answer has to be a little bit vague. Congress in October passed a six-month continuing resolution because they were unable to agree on a fiscal year 2013 budget. That bill continues funding for the NEA through March 2013. In a normal sort of environment, the way the process would proceed is that the new Congress would be sworn in in early January and one of two things would happen at that time: either they would pass a normal omnibus spending bill for the remaining six months of the fiscal year, or they might pass another continuing resolution for the rest of the fiscal year and begin work on a regular budget for FY2014. That process would usually include the president's recommendations made at the State of the Union address or shortly thereafter in late January or early February, then the various committees would begin, and we would probably know the baseline numbers by March.

However, because of the fiscal cliff and the various issues that Congress needs to address as part of that compromise, it is possible that if a grand bargain is reached, the budget for the NEA and other discretionary funds will be set as part of that. So, instead of going through a normal committee and appropriations process where the president submits his recommendation and then the House committees negotiate and set their own levels, it is quite possible that the agreement will set funding for at least FY2014. We hopefully will know more about that process in the next few weeks.

**Eric:** A related question, is there any way that Congress can single out the NEA for a bigger cut during the sequestration?

**Isaac:** That is something the arts community here in D.C. has been talking a lot about. As the statute is written right now the answer to that is no. The law was written to avoid situations where different sectors of the economy would be pitted against one another for funding. The way they wrote the Budget Control Act of 2011 was as an across-the-board cut. Every single program and discretionary fund is to receive a reduction in overall spending of 8.2% on January 2. As long as that is the law, they cannot adjust the cut to the NEA. What could happen, however, is that as negotiations begin and the House and the Senate try to reconcile their differences—and they are significant, because not only do Democrats control the Senate and Republicans the House, but within the Senate's Democratic caucus there is a wide range of viewpoints—and so as negotiations on dealing
with sequestration and preventing the cuts begin, it is possible that in order to protect a program that a senator cares about deeply, they may rewrite the law and harm some programs more than others. The thing we have going for us is that if they do that to the NEA they will likely do that to a wide range of programs, so we will have a coalition to work with. We do need to be prepared, like in 2010 and 2011, for the possibility that the NEA will face a potential cut. For example, if a proposal is brought to the president that has House and Senate support and he has the option of preserving the NEA with a reduction, but providing increased funding for the Affordable Care Act or another favored domestic program of his as a carrot, I cannot be certain that that will not be a deal that he will take.

**Eric:** We have a question from Randy Rosenbaum from Rhode Island. We have been told that state and regional funding is forward funded, meaning that state arts agency funds come from the previous year. Does that protect us at all in the near term?

**Isaac:** If that is in regard to the sequester and how the funding is going to be handled, that is frankly something the administration is still working on. It is part of the reason why we may not see a solution or compromise thwarting the sequestration taking place before it is actually enacted. The reality about how the NEA and other agencies distribute their funds to states makes it very unclear how the NEA and other agencies will implement those cuts. I can assure you that is something they are trying to work through right now. Funds that have already been allocated are safe, but we will have to see as we get closer to the date of enactment just what the administration plans to do.

I would emphasize that when the Budget Control Act of 2011 was written, sequestration was never meant to take place. According to Jeffrey Zients, acting director of the White House Office of Management and Budget, "The specter of harmful across-the-board cuts...was intended to drive both sides to compromise. The sequestration itself was never intended to be implemented." This was really written as a poison-pill provision to spur Republicans and Democrats to work on a compromise. They weren't able to do that, so the law went into effect. This really left the Obama administration in a difficult position; they have to figure out a way to implement cuts that they know will be devastating.

**Eric:** John Divine, from Kansas, sent us in a question that takes a step back from that and is one that I think everyone wants to know the answer to. Is there any chance during this lame duck session that some House or Senate members will be more open to solving the fiscal cliff situation so that we don't get to sequestration?

**Isaac:** The answer is yes. That is part of the reason in the past that really meaningful legislation has passed. In 2010, for example, after the midterm elections, it was a motivating factor in why they were able to pass the payroll tax deduction and extend unemployment insurance. There is the hope that the members of the House and Senate will see this period as one free of electoral concern. The new Congress hasn't been sworn in yet and there is hope that may compel enough members to work on a negotiation. I thought it was interesting that the speaker of the House had a press conference yesterday that basically said, "No new tax rates, and we are here for the president to take the lead." I think what he was saying was that it will not come from the House, it will have to come from the president and the Senate. When the House and Senate return to session next week, we will know pretty quickly if they are making progress. This will not be an easy problem to fix, and if by Thanksgiving we don't have the parameters of an agreement, I think that is a good sign that sequestration will probably happen.

**Eric:** I have had a number of questions come in on a similar topic. When members are talking with their representatives over the next few weeks, are there specific positions on
sequestration actions that they should adopt? What kind of approach would be best for the arts?

**Isaac:** Although we here at NASAA are more than willing to help develop talking points, what you say has got to be tailored to the type of representative you are speaking to. For example, in the state of Illinois, where I used to work for a member of Congress, the scenario you have now is that in the ninth congressional district you have Congresswoman Schakowsky, who is a strong supporter of the arts and who does not want to see sequestration happen. I would strongly encourage members to reach out to the staff—they will be doing the load of the work; you do not need to pitch to the congresswoman, just let her know the facts about how it is going to affect Illinois.

However, if you go just north you have Robert Dold, a moderate Republican who just lost reelection, and so you will need to gauge where he is right now. Maybe he feels like he doesn't have anything to lose and doesn't want his legacy to be sequester passing and harming his constituents, so maybe he will be willing to buck his party leadership and support a compromise. It is also possible that he wants to run for reelection in a few years, so he is digging in his heels with that in mind. Unfortunately, there is no straightforward answer. The key is understanding the members of Congress you are speaking with and the role that the member of Congress plays in the process. We are more than willing to help you develop those talking points.

**Eric:** Another advocacy related question: Are there any particular opportunities for newly elected members of Senate before they actually take office?

**Isaac:** I think there is the opportunity; it depends on whether they have a previous relationship with the incoming senator. Senate-elects are in a particular place right now, because they have just completed a sweeping campaign and have only two months to get up to speed before they take office. If you are able to reach out on a personal level I would highly recommend you do so—but keep in mind that most of them do not even have a chief of staff yet and almost definitely no staffer working solely on the arts. It becomes a tricky situation when you don't know who you can reach out to in the senator-elect's office. I would worry about whether the information is being funneled to the senator-elect in the way that you want it to, so I would say take a step back and see who may be able to make that personal connection for us at this point.

**Eric:** I have a question of clarification from Arni Fishbaugh from the Montana Arts Council. Can you clarify when sequestration cuts will take place? If they take place on January 2, is this for federal monies that state arts agencies are receiving right now, this fiscal year, so that the cut will need to be applied to money that they have yet to spend this fiscal year?

**Isaac:** Let me take a step back. The Budget Control Law implemented sequestration, but under the law the cuts do not have to be implemented until January 2. Until that time they can act as if it doesn't exist. On January 2, they have to look at the money that they have left to allocate for the rest of the year and they have to make reductions in payments, so that by the end of fiscal year 2013 they will have reduced their annual spending levels for the entire fiscal year, October to October, by 8.2%.

**Kelly:** I just wanted to weigh in with a slight clarification. Isaac has done a great job outlining the timetable for the allocation of 2013 funds that the NEA will need to make decisions on. Those funds will typically be awarded to state and regional agencies for their fiscal year 2014. The question asked earlier about forward funding is the reason for that. Policy decisions affecting the NEA's FY2013 budget will have the greatest impact for state
arts agencies in their FY2014 budget cycles. There may be additional effects of uncertainty or spending timetables that no one can forecast yet. So, keep your eye on the award amount on your next Partnership Agreement.

**Eric:** I have a couple of questions on arts education that I really want to get to. Do you know how much enthusiasm there is in Congress for reauthorizing No Child Left Behind? Is it likely to get bogged down or proceed quickly?

**Isaac:** As with most of my answers today, this one is a bit nuanced. There are members of Congress who view education reform as the singular area of policy where significant work can be done. That is because, unlike in other areas like climate change and fiscal reform, there is not as wide a gulf from where the president is and where Republican leadership is. There are a lot of areas of common ground here. The thought is that once the issues of the fiscal cliff have been addressed, they will quickly pivot and reauthorize the No Child Left Behind law, because it is one of the few areas of common ground. The president has made it clear that that is one of the areas in which he would like to leave a legacy during his second term; he talked about it a lot during the rundown to the election. It should also be noted that this is also the area where House Speaker John Boehner made a name for himself as the chair of the Education Committee when No Child Left Behind was written, so he sees it as his legacy and in his personal interest. If we are able to make it through this fiscal cliff in a way where everyone is not completely tattered, we'll soon see momentum toward passing education reform.

**Eric:** Do you see any opportunities at the federal level for turning STEM [emphasis on teaching science, technology, engineering and math] into STEAM [STEM incorporating the arts]?

**Isaac:** Well, we have talked about that in terms of education reform. We feel strongly that it is a real opportunity for us to expand the playing field for arts education. There is certainly an opportunity in Title 1 of the No Child Left Behind law to do that, so that is our priority and policy reform objective.

**Eric:** Another question: Do you know how much influence Paul Ryan will have on developing this upcoming budget?

**Isaac:** He will, without question, have the most influence; he is the chairman of the Budget Committee. Being nominated as vice president has only increased his influence, and he was a star before. The last time he went to the Hill he received a standing ovation from his Republican caucus, and the conversation in Washington about the campaign, what worked and what didn't, at least with the reviews of Ryan, appears to have bolstered his standing in the party. I would expect him to be prominent with the work on the fiscal cliff as well as when they move on to developing a FY2014 budget.

**Eric:** One last question: What happens now with the leadership of the Congressional Arts Caucus? Who decides who leads that group?

**Isaac:** Traditionally it is up to the co-chair, so it is up to Louise Slaughter to ask a Republican to join her as co-chair to the caucus. From talking to her staff, I know that she would be open to us providing suggestions. NASAA is known as a bipartisan organization with strong connections on both sides of the aisle. It is not an easy thing to ask right now, but it is up to her to identify a suitable co-chair and recruit them.

**Eric:** Thank you, Isaac. I'll now turn things over to Jonathan for a wrap-up.
Wrap-up

Jonathan: Certainly there is a strong emphasis here, as always—but more so with the division we see politically in the current climate—in cultivating individual relationships with your elected officials and their staff at both the state and federal levels. There can be no more important message than learning or deepening the relationship with decision makers and understanding what their priorities are, their concerns, their perceptions and their aspirations with an eye to where the arts fit. That will be true across the spectrum.

It will be important for us to clarify our roles as state arts agencies, and each state will be different in this regard. What can your role be in encouraging the engagement of your constituents in the political process? That should be a topic of conversation in every state. If you have a statewide advocacy group, what is that relationship and how can it be most productive? If you don’t, how can constituents be encouraged and comfortable in that dialogue? What can you do and what can council members do that might be different or complementary? I think that is an important message and one that will be true in the short term and the long term as well as at the state and federal level.

Likewise, it will be more important than ever, considering the increased competition for government dollars, the contentiousness and the heat of the debate on the role of government, for precise messaging and strategic conversations on the importance of the arts. In these conversations with our elected officials, they will be looking for advice and rationales for whatever position they are thinking about and will need to know several things.

- They will need to know how people benefit from arts creation, experience, appreciation and learning. Whether they have had experience with the arts or not, that value argument is one that needs to be learned so they have that basis.
- They also need to understand why government should support those benefits. NASAA always pays attention to talking points there in particular, and will have pieces with advice available, because people can certainly value the arts but not perceive the claim for the arts as a public good.
- People also must be moved to see what your state government’s role should be. That is your budget level, your staffing level and your programmatic agenda. That follows from those previous things. If we are not strategic and spend our time together with staff and council members that way, we will be at a disadvantage compared to others who can make their case strategically related to the priorities of those in power.
The people in power will be concerned with how they can advance their priorities, and it will be more important than ever for us to be able to express what our funding, staff contribution and technical assistance contribute to jobs. Also, after the heat of the election is past, the other concerns of health, education and economic development will also be arguments that can be heard in more nuanced manners. What elected officials need to know is what constituencies get expanded or deepened by my support for the arts?

I think one thing that is a new area of opportunity for us is that the arts can help improve a leader's brand or image and make them more likable. If you look at exit polls for the recent presidential election, there was not a wide margin in public perception on perceptions of leadership and ability to handle the economy; where there was a big margin was in the perception of the candidates on the question about Who cares about people like me? If we can work into our conversation with elected officials a bit about who cares for the arts and how a public official can improve his brand and likability through support of the arts, there could be a payoff like never before for our ability to show officials who benefits from the support of the arts and who cares about those benefits.

We will need to know our reach to do that. If we are not collecting demographics to express that, we should start doing so—demography by age, race and geography. This data can provide a valuable tool. Think about the Hispanic vote in this past election. If Romney was able to get the same amount of votes as McCain or Bush, he would have won the election. Elected officials will be very sensitive to the various demographies of the voting public. The question of who your programs reach will be increasingly important. It will give us the opportunity to speak about who our programs will reach at a lower budget price point or with fewer staff than others. I think it will provide us with a unique opportunity to talk about the public value of the arts.

As you craft your case and gather information, I encourage everyone to have a conversation with Isaac, Kelly or myself about how you can display the value of arts funding or how you can engage your constituents. NASAA is available to you to help with your own conversations, as well as to organize conversations to make sure that our dialogue with the federal decision makers is robust in this more contentious time.