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Representational Style and Congressional Elections:  
New York's 19<sup>th</sup> District in the 115<sup>th</sup> Congress

By  
Margaret McCormick

\* \* \* \* \*

Submitted in partial fulfillment  
of the requirements for  
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## ABSTRACT

MCCORMICK, MARGARET Representational Style and Congressional Elections: New York's 19<sup>th</sup> District in the 115<sup>th</sup> Congress

ADVISOR: Bradley Hays

The disconnect between members of Congress and the American public is no secret. Of the three branches of government, the legislative branch is intended to be the most representative of the people. However, it consistently faces the lowest approval ratings among the American public. Although the public largely disapproves of Congress as a legislative body, most Americans support their own representative.<sup>1</sup> This phenomenon is reflected in high reelection rates for congressional incumbents. My thesis examines the relationship between congressional representation and elections through an evaluation of the representational style of Congressman John Faso. Faso, who represented New York's 19<sup>th</sup> District in the 115<sup>th</sup> Congress, lost reelection after a single term. I assess the role of political communication in representational style through a qualitative interpretation of Faso's press releases. I utilize press releases as a method for understanding representational style because Faso used this tool to explain positions and votes. Through an analysis of two politically-polarizing case studies, healthcare and tax reform, I determine that Congressman Faso lacked a cohesive representational style during the 115<sup>th</sup> Congress. Additionally, I conclude that Congressman Faso's inconsistent representational style had electoral implications in a toss-up district.

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<sup>1</sup> Elizabeth Mendes, "Americans Down on Congress, OK With Own Representative," *Gallup*, May 9, 2013.

## Acknowledgments

This thesis would not have been possible without my experiences as a part of Team Faso during the 115<sup>th</sup> Congress. Thank you to Congressman John Faso and his staff in Washington, D.C. for the opportunity to serve as a congressional intern in Spring 2017. There are thousands of inspiring, hardworking individuals working on Capitol Hill, and Congressman Faso and his staff were no exception. My experience as an intern with his office was instrumental in shaping my interests and this thesis. Additionally, working on Congressman Faso's campaign in Fall 2018 was significant in the development of this thesis, as well as in contributing to my personal growth. I am grateful for his talented campaign team, who taught me the value of canvassing and grassroots politics. There is no question that these experiences will be some of my fondest memories from my time at Union College.

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Chapter One:  
Congressional Representation and Midterm Elections

In his speech at the Constitutional Convention in 1787, George Mason stated, “The requisites in actual representation are that the Representatives should sympathize with their constituents; should think as they think and feel as they feel; and that for these purposes should even be residents among them.”<sup>2</sup> At the time, these remarks were a direct backlash to the British Empire and their form of representation. Prior to the American Revolution, virtual representation was common in England. Under this definition of representation, a person is represented “if his interests are represented...[and] it is not necessary for the people of Birmingham to choose representatives.”<sup>3</sup> Citizens were not empowered to elect representatives and instead, members of Parliament represented the British empire at large. The newly formed United States of America sought a more democratic form of representation.

When the United States Constitution was drafted in 1787, the framers were clear in their choice to designate Congress as the first branch of government. Specifically, Article I of the Constitution states, “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”<sup>4</sup> In the Constitution, the House of Representatives was established to “be composed of members chosen every second year by the people of the several states.”<sup>5</sup> These elections granted citizens the opportunity to choose their representatives and in theory, the frequency of these votes empowered Americans to hold their elected officials accountable. In Federalist Paper #62, James

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<sup>2</sup> Richard F. Fenno, Jr., *Home Style: House Members in their Districts* (Boston: Little, Brown and Company, 1978), xi.

<sup>3</sup> Robert McNutt McElroy, “The Representative Idea and the American Revolution,” *Proceedings of the New York State Historical Association* 17 (1919): 47.

<sup>4</sup> U.S. Constitution, Article 1, Section 1.

<sup>5</sup> U.S. Constitution, Article 1, Section 2.

Madison developed this concept further.<sup>6</sup> He wrote, “the advantage of biennial elections would secure to them every degree of liberty, which might depend on a due connection between their representatives and themselves.”<sup>7</sup> In other words, citizens can preserve their liberty by choosing their representative every other year. Compared to England’s form of virtual representation, this language is indicative of a system rooted in actual representation. The Constitution establishes a House of Representatives with proportional representation based on population. As George Mason described, actual representation implies a system with individual legislators representing a specific group of citizens. At the most basic level, this system still exists in the United States today.

Although the Constitution outlines the existence of Congress, the framers were deliberate in their decision to draft a rudimentary legislative body. Congress is designed to be a representative body, but the founders chose not to elaborate on the specifics of how members of Congress should represent their constituents. Consequently, members of Congress have varied in their representative styles.

As an institution, Congress has transformed throughout history. When party realignment occurred in the South in the 1970s, members of the opposing political parties in Congress began to sort themselves ideologically and left virtually no middle ground in the institution.<sup>8</sup> In turn, party organizations became stronger and members of Congress began to vote in line with the party leadership. So far, there is little scholarship considering whether representational styles have shifted as Congress has become more polarized. Since the 115<sup>th</sup> Congress recently

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<sup>6</sup> Although James Madison is the probable author, this essay may have been written by Alexander Hamilton.

<sup>7</sup> Alexander Hamilton or James Madison, “The Federalist Papers: No. 52,” *Yale Law School: Lillian Goldman Law Library, The Avalon Project*.

<sup>8</sup> Gary C. Jacobson and Jamie L. Carson, *The Politics of Congressional Elections*, 9<sup>th</sup> ed., (Lanham: Rowman & Littlefield, 2016), 263.

concluded in January 2019, there is also minimal research on representational styles during this two-year period. Although many congressional districts are considered electorally safe, there are several tossup districts in which electoral outcomes can shift depending on representative styles.

This thesis will examine the representational style of a single member of Congress from a tossup district in the 115<sup>th</sup> Congress. Specifically, this paper will explore representation through the lens of communication. Since “neither constituents nor the media are able to constantly monitor what members of Congress do while in Washington,” communication emerges as an important tool for a representative to keep in touch with his or her constituents.<sup>9</sup> Additionally, a member of Congress’s communication efforts are useful, as they speak to his or her desired representational style. Specifically, in political communication, “members of Congress will emphasize those activities that are likely to resonate with their constituents, will seek out activities they can positively report to their constituents, and attempt to bury votes or assignments that will enrage key sub-constituencies.”<sup>10</sup> Assessing these communication styles, the remaining chapters of this thesis will address the following question: how did Congressman John J. Faso represent New York’s 19<sup>th</sup> District in the 115<sup>th</sup> Congress and what were the electoral effects? The first chapter of this thesis, however, will examine existing scholarship regarding representation and congressional elections.

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<sup>9</sup> Justin Ryan Grimmer, “Representational Style: The Central Role of Communication in Representation,” PhD diss., Harvard University, 2010, stanford.edu., 21.

<sup>10</sup> Grimmer, “Representational Style,” 21.



## What Affects Representation?

For several decades, scholars have attempted to understand the relationship between lawmaking and representation. For members of Congress, these two roles are deeply related and representatives have different styles for maintaining this balance. After all, there is a “dual character of the national legislature – Congress as a lawmaking institution and Congress as an assembly of local representatives.”<sup>11</sup> Members of Congress are expected to strike an appropriate balance between these two worlds on Capitol Hill, as well as in their district. A member of Congress’s representative style is influenced by many factors, including the institution of Congress itself and the changes that occurred in the nineteenth and twentieth centuries. Additionally, representation can be shaped by political parties, colleagues, the executive branch, and interest groups. Of course, however, a member of Congress is primarily influenced by his or her constituency.

### *The Two Congresses*

Since the publication of their classic work, Roger Davidson and his colleagues have emphasized the notion that there are two Congresses. The first Congress is the legislative body, which is known for its institutional nature and bureaucratic procedures. In Washington, D.C., a member of Congress is part of a larger institution, as the 435-member legislative body assembles on Capitol Hill. The authors describe the first Congress as “the Congress of textbooks, of ‘how a bill becomes a law.’”<sup>12</sup> Since there are hundreds of voices in Congress, a structure is necessary to organize the legislative body. On Capitol Hill, the House of Representatives is much “more than a collection of its members at any given time,” as the legislative body maintains a unique set of

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<sup>11</sup> Roger H. Davidson, Walter J. Oleszek, Frances E. Lee, Eric Schickler, *Congress and its Members*, 16<sup>th</sup> ed. (Washington: CQ Press, 2018), 5.

<sup>12</sup> Davidson et. al, *Congress and its Members*, 5.

rules and procedures.<sup>13</sup> Generally, representatives are expected to comply with Congress's existing methods and follow bureaucratic procedures. Congress is a collegial body, as members work together to develop legislation and resolve differences. Since a 218-vote threshold is required to approve legislation, it is essential for Congress to reach a consensus. This circumstance necessitates the existence of Congress as a unified body and institution.

Roger Davidson and his coworkers extend this traditional perspective of Congress as an institution to a more multifaceted approach. Specifically, the second Congress relates to the representative nature of the body, as individual members assemble and bring distinct interests to the table. Members of Congress hail from across the United States and represent diverse locations. In recent decades, Congress has become increasingly diverse in its composition. Although it does not necessarily match the demographic makeup of the United States, members of Congress are quite mixed in their ages, occupations, religions, and ethnicities. For instance, although most members are Christian, many religious affiliations are represented in Congress, including Judaism, Mormonism, Islam, Hinduism, and Buddhism. Additionally, there were 48 African American members, 41 Hispanic or Latino members, 13 Asian-American members, and two Native Americans serving in the House of Representatives during the 115<sup>th</sup> Congress.<sup>14</sup> Although these numbers are not necessarily indicative of the nation's demographics, they do suggest that Congress is a heterogeneous body that consists of men and women from many different backgrounds. On Capitol Hill, members of Congress are expected to resolve some of these differences to develop legislation, but they also must represent their districts appropriately. Therefore, it is unsurprising that these individuals bring different interests to the table and have distinct legislative priorities.

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<sup>13</sup> Davidson et. al, *Congress and its Members*, 5.

<sup>14</sup> Jennifer E. Manning, "Membership of the 115<sup>th</sup> Congress: A Profile," *Congressional Research Service*.

Under this logic of representation, Congress could be considered a setting for the formal expression of group interests. In other words, members of Congress may serve as delegates for their constituents. Donald Gross explores this style further, as he suggests that “the delegate sees himself as acting on instructions from his constituency.”<sup>15</sup> This representative style suggests that members of Congress are expected to articulate the will of the people. In other words, representatives cannot allow personal policy preferences to overshadow constituents’ general opinion. This circumstance incorporates a new dimension into the legislative process, as members of Congress are often expected to heed the interests of their constituents in pursuing policy. This concept could extend in two directions. For one, members of Congress could introduce or support legislation that reflect the interests of their constituents. On the other hand, members of Congress could also be expected to oppose legislation that may harm their constituents. Although this representative style may sound democratic in theory, it is not common among members of Congress. Instead, members of Congress are more likely to act as trustees for their constituents. Under this style, Gross suggests that a trustee “sees himself as a free agent acting on the moralistic directives of his own conscience.”<sup>16</sup> Thus, constituents can express their opinions through their choice in an election, but representatives solely heed their own judgment once in office. A trustee approach would yield faster policy results, but it does not involve direct consultation with constituents. Although constituents can voice their concerns during elections, “trustees” have a higher level of independence in policymaking decisions. Unlike a “delegate,” a “trustee” is more likely to vote in opposition to his or her constituency’s interests.<sup>17</sup> Although a trustee style is more common than a delegate approach, Gross confirms

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<sup>15</sup> Donald A. Gross, “Representative Styles and Legislative Behavior,” *The Western Political Quarterly* 31, no. 3 (1978): 361.

<sup>16</sup> Gross, “Representative Styles and Legislative Behavior,” 361.

<sup>17</sup> *Ibid.*, 362.

that most representatives are inclined to use a combination of both orientations, which is known as the politico style.<sup>18</sup> For members of Congress, employing the politico approach makes it easier to balance lawmaking and representation. In turn, the politico style empowers representatives to balance the two Congresses.

### *Institutional Changes*

To understand representative styles among members of Congress, it is essential to recognize Congress as an institution and how it has transformed in recent decades. Although the Constitution granted Congress legislative powers, it permitted members “unfettered authority to organize the chambers as they see fit and are accorded latitude in performing their duties.”<sup>19</sup> This design enabled Congress to adjust its procedures as necessary. For instance, “workload – once limited in scope, small in volume, and simple in content – has burgeoned since 1789.”<sup>20</sup> Members of Congress have become more ambitious in pursuing their own policy initiatives, which has contributed to the overall workload. As policy issues became more complex, Congress made institutional changes to streamline the legislative process. Throughout the nineteenth and twentieth centuries, congressional committees were introduced as a necessary system to organize the legislative process. Today, “an extensive system of committees allows the contemporary Congress to benefit from a division of labor as it strives to manage a far-reaching governmental agenda.”<sup>21</sup> In the House of Representatives today, there are 21 standing committees and one select committee.<sup>22</sup> Although committees have simplified the process, their incorporation was

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<sup>18</sup> Gross, “Representative Styles and Legislative Behavior,” 362.

<sup>19</sup> Davidson et. al, *Congress and its Members*, 19-20.

<sup>20</sup> *Ibid.*, 29.

<sup>21</sup> *Ibid.*, 30.

<sup>22</sup> United States House of Representatives, “Committees,” *United States House of Representatives*.

significant in transforming the procedures of Congress. Often, this division of power restricts input on a specific bill to the members of a committee. Although all members of Congress vote on a bill, a committee is instrumental in the drafting process. This bureaucratic change may affect the desired representative styles of members.

Additionally, the size of the House of Representatives dramatically increased in the nineteenth and twentieth centuries, which affected the procedures of this legislative body. When the Constitution was first ratified, the House of Representatives was composed of 65 representatives, one for every 33,000 people.<sup>23</sup> This smaller number allowed for closer interaction among members. Throughout the nineteenth and early twentieth centuries, the number of representatives was periodically increased to reflect the expanding population of the United States. By 1920, there were over 106 million people living in the United States and 435 voting members of the House of Representatives.<sup>24</sup> Several vocal members of Congress were supportive of capping this number. By the end of the decade, Congress approved the Permanent Apportionment Act of 1929 and fixed the size of the House of Representatives at 435 members.<sup>25</sup> Since the legislation passed, the number of people per representative has increased annually. Based on today's population of the United States, a member of Congress represents 747,184 Americans on average.<sup>26</sup> This rapid growth "impelled House members to empower strong leaders, to rely on committees, to impose strict limits on floor debate, and to devise elaborate ways of channeling the flow of floor business."<sup>27</sup> In turn, these changes yielded very specific protocol for congressional systems. In his work on this subject, Frederick argues that the size of

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<sup>23</sup> Brian Frederick, *Congressional Representation & Constituents: The Case for Increasing the U.S. House of Representatives* (New York: Routledge, 2010), 17.

<sup>24</sup> Frederick, *Congressional Representation & Constituents*, 31.

<sup>25</sup> *Ibid.*, 29.

<sup>26</sup> Drew Desilver, "U.S. population keeps growing, but House of Representatives is same size as in Taft era," *Pew Research Center*, May 31, 2018.

<sup>27</sup> Davidson et. al, *Congress and its Members*, 30.

the U.S. House of Representatives undermines proper representation for constituents. He argues for increasing the size of the legislative body, but most of the American public does not support this option. Over 60 percent of Americans favor keeping the House of Representatives at its current size and this result is consistent across various demographic groups.<sup>28</sup> This result suggests that most Americans do not view the size of the House of Representatives as an obstacle to proper representation. However, the increased size of the House of Representatives, as well as changes in the bureaucratic procedures, restricted widespread involvement in the legislative process on some level.

Since the eighteenth century, it has become much more common for members of Congress to serve for multiple terms, which has invoked careerism on Capitol Hill. In the nineteenth century, most members of Congress were freshmen and the average length of service was two terms.<sup>29</sup> Now, a member of Congress is much more likely to pursue this position as a career, as the “average length of service” for a representative in the 115<sup>th</sup> Congress was 9.4 years, or 4.6 terms.<sup>30</sup> As “the growth of national government during the twentieth century enhanced the excitement and glamour of the Washington political scene,” career politicians have become much more common on Capitol Hill.<sup>31</sup> Alongside this change, the legislative session schedule has become much more extensive. Now, members of Congress are expected to be full-time politicians, as “legislative business has kept the House and Senate almost perpetually in session – punctuated by constituency work periods.”<sup>32</sup> Although the workload is much more extensive, Richard F. Fenno, Jr. concludes that representatives “on the average, went home every

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<sup>28</sup> Frederick, *Congressional Representation & Constituents*, 94.

<sup>29</sup> Davidson et. al, *Congress and its Members*, 36.

<sup>30</sup> Jennifer E. Manning, “Membership of the 115<sup>th</sup> Congress: A Profile,” *Congressional Research Service*.

<sup>31</sup> Davidson et. al, *Congress and its Members*, 36.

<sup>32</sup> Davidson et. al, *Congress and its Members*, 38.

other week for three and a half days.”<sup>33</sup> As the legislative schedule transformed, members of Congress were obliged to adjust their trips to the district accordingly. Although members spend more time in Washington, it remains important for them to remain in touch with their constituencies.

As Congress became increasingly professionalized, staff became a fixture on Capitol Hill, and these individuals began to influence representation and policy results. Specifically, “it was not until 1946 that Congress began to develop professional staffing,” as members of Congress previously handled their own communications with constituents.<sup>34</sup> Now, Capitol Hill employs more than 25,000 people and the average House member has more than 10 staff members.<sup>35</sup> With a member’s increasing workload and busy schedule, significant responsibility rests on these staff members. As a result, some scholars have devoted attention to understanding a staff’s effect on representation. In her work on this subject, Barbara S. Romzek discussed the role of staff in member offices, writing, “the expectations of external constituencies loom large in the work of congressional staff...[as] constituents and special interests expect that staff will accurately convey information between themselves and the member of Congress”<sup>36</sup> Often, staff serves as a delegate for a member of Congress and meets with groups and constituents on their behalf. Thus, staff often serves as a liaison between the member of Congress and their constituents. Romzek argues that “staff are deemed essential to members’ success as elected officials, enhancing both their representation and policymaking.”<sup>37</sup> This circumstance suggests that staff’s performance affects a member of Congress’s results. David L. Neal and Frederick M.

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<sup>33</sup> Richard F. Fenno, Jr., *Home Style: House Members in the Districts* (Boston: Little, Brown and Company, 1978), 32.

<sup>34</sup> Davidson et. al, *Congress and its Members*, 38.

<sup>35</sup> Ibid.

<sup>36</sup> Barbara S. Romzek, “Accountability of Congressional Staff,” *Journal of Public Administration Research and Theory: J-PART* 10, no. 2 (2000): 427.

<sup>37</sup> Romzek, “Accountability of Congressional Staff,” 420.

Hess explore the effects of House freshmen hiring experienced staff. First, they suggest that “personal staff are generally less crucial for veteran members than for freshmen...[as] veterans have more resources at their disposal, including additional staff as a chair or ranking member of a committee or subcommittee.”<sup>38</sup> Freshman members of Congress are generally limited to their personal staff and must make informed, astute decisions in the hiring process. A staff member’s level of experience has several important effects on policy outcomes and representation. For one, “experienced staff may allow new members to more effectively advance their legislative agendas, the interests of their districts, and their own standing within the institution.”<sup>39</sup> Scholars have concluded that “staffs are important for policy formulation, policy acquisition, and constituency service.”<sup>40</sup> However, Leal and Hess discovered that white members of Congress are much more likely to hire experienced staff than their non-white colleagues. Additionally, the authors found that “winners by larger margins were more likely to hire staff who worked in the previous Congress.”<sup>41</sup> Lastly, they learned that women were slightly more likely to hire experienced staff than men. Although it is implied that veteran staff members are more effective, there is not solid evidence that suggests this circumstance. Regardless of experience, all staff are certainly influential in affecting a member of Congress’s representative style. Staff members are often conducting much of the substantive work on behalf of a member of Congress, and it is likely that their effort dramatically impacts policy results.

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<sup>38</sup> David L. Leal and Frederick M. Hess, “Who Chooses Experience? Examining the Use of Veteran Staff by House Freshmen,” *Polity* 36, no. 4 (2004): 652.

<sup>39</sup> Leal and Hess, “Who Chooses Experience?” 652.

<sup>40</sup> *Ibid.*, 654.

<sup>41</sup> *Ibid.*, 662.



## *Political Parties*

As party organizations became more influential throughout the twentieth century, national political parties began to have a greater effect on styles of congressional representation. In recent decades, scholars have “emphasized the ability of individual politicians to position themselves so that they can appeal most strongly to their own districts’ interests” and defy the national party’s platform.<sup>42</sup> Ansolabehere, Snyder, and Stewart explore the relationship between candidate positioning and national parties. The authors explore how “voters reward candidates who emphasize local preferences over national party positions” and conclude that this effect is minimal.<sup>43</sup> However, Ansolabehere, Snyder, and Stewart find that “when candidates – incumbents, challengers, and open-seat contestants alike – balance the broad policy views of the local district and the national party, the national party dominates.”<sup>44</sup> In other words, the national party is influential in shaping the policy choices of candidates. The authors challenge the common belief that candidates “pursue centrist strategies within their districts, so the winners should accurately reflect the desires of the greatest number of voters.”<sup>45</sup> They study the period between 1874 and 1996 to conclude that candidates were more responsive to their constituents in the period between 1940 and 1970, but this receptiveness declined in the later part of the twentieth century. In his article on district parties, David M. Olson finds that party organizations have a major effect on a member of Congress’ activities in the district, but “their impact on his in-office activities, centered in Washington, is much less significant and is much more selective.”<sup>46</sup> This pattern may coincide with the transformation of national parties in the

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<sup>42</sup> Stephen Ansolabehere, James M. Snyder, Jr., Charles Stewart, III, “Candidate Positioning in U.S. House Elections,” *American Journal of Political Science* 45, no. 1 (2001): 136.

<sup>43</sup> Ansolabehere et al., “Candidate Positioning in U.S. House Elections,” 137.

<sup>44</sup> *Ibid.*, 136.

<sup>45</sup> *Ibid.*, 152.

<sup>46</sup> David M. Olson, “U.S. Congressmen and Their Diverse Congressional District Parties,” *Legislative Studies Quarterly* 3, no. 2 (1978): 262.

nineteenth and twentieth centuries. Although they do not have a formal role, parties are “centrally involved in candidate recruitment” for Congress.<sup>47</sup> Political parties identify winnable districts, and use their resources to encourage “‘usual suspects’ – officeholders, prominent figures, and the wealthy” to run for Congress.<sup>48</sup> The platform of national political parties has some influence on lawmakers’ positions. In turn, it is important to consider how these platforms impact styles of congressional representation.

### *Colleagues*

Members of Congress often influence one another’s representative style through institutional measures like state delegations, caucus memberships, and party leadership. In the House of Representatives, members are organized into state delegations. These members often share concerns and attitudes. In his classic work on voting decisions in the House of Representatives, John W. Kingdon suggests four reasons why members are influenced by their colleagues from similar regions or the same state. First, a member “simply knows the colleague from his state delegation and feels he can trust him.”<sup>49</sup> Second, a bill may be directly associated with a member’s home state. Third, for states with a high number of representatives, “holding the delegation together gives greater leverage in intra-House bargaining.”<sup>50</sup> Lastly, “delegation solidarity is extremely useful in dealing with constituency problems, particularly in explaining one’s vote,” as it provides evidence of more widespread support or disapproval of a measure.<sup>51</sup> Members from the same state often belong to similar caucuses as well. Caucuses are often

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<sup>47</sup> Davidson et. al, *Congress and its Members*, 69.

<sup>48</sup> Ibid.

<sup>49</sup> John W. Kingdon, *Congressmen’s Voting Decisions*, 3<sup>rd</sup> ed. (Ann Arbor: The University of Michigan Press, 1989), 88.

<sup>50</sup> Kingdon, *Congressmen’s Voting Decisions*, 89.

<sup>51</sup> Kingdon, *Congressmen’s Voting Decisions*, 89.

associated with partisanship, as there is a House Republican Conference, as well as a Democratic Caucus for members of each party. Additionally, there are several caucuses within each larger conference that are composed of members with similar ideologies. For instance, the Republican Main Street Caucus is made up of moderate Republicans and the Blue Dog Coalition is its Democratic counterpart.<sup>52</sup> However, there are also bipartisan caucuses based on issues. For example, there is a bipartisan congressional bus caucus that advocates for transportation funding.<sup>53</sup> Caucus memberships allow representatives to consult with one another, as they have shared interests. Co-sponsorship also offers representatives with an outlet to work with one another, as most bills in the House of Representatives are sponsored by multiple members. Additionally, sponsors of legislation “often circulate a ‘Dear Colleague’ letter detailing the virtues of the bill and soliciting cosponsors to demonstrate broad support and urge committee action.”<sup>54</sup> Members also look to party leaders for guidance on voting decisions. In addition to promoting party unity, leaders determine whether a bill can pass the House. The Republican and Democratic party whips, for example, are expected to ensure party unity in voting and “maintain communication between the leadership of the party and its members.”<sup>55</sup> Consequently, “rank-and-file members look to party leaders to formulate a package acceptable to a majority.”<sup>56</sup> Additionally, if a bill is controversial, party leaders may influence members’ final vote decision. However, in John Kingdon’s study, he found that “as an actor that might have some weight in the decisional calculus of congressmen, their party leadership is singularly unimportant,” as most

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<sup>52</sup> Committee on House Administration, “115<sup>th</sup> Congress Congressional Member Organizations (CMOs),” *Committee on House Administration*, 5 and 103.

<sup>53</sup> *Ibid.*, 3.

<sup>54</sup> Davidson et. al, *Congress and its Members*, 266.

<sup>55</sup> Valerie Heitshusen, “Party Leaders in the House: Election, Duties, and Responsibilities,” *Congressional Research Service*, November 5, 2018, 3.

<sup>56</sup> Davidson et. al, *Congress and its Members*, 173.

members reported that they did not heed the opinion of leaders.<sup>57</sup> Compared to previous decades, it is possible that party leadership has a greater effect on votes now, but Kingdon's study suggests that it is not the most important factor. However, a member's colleagues in the House certainly impacts vote decisions – and in turn, representation – to some extent.

### *The Executive Branch*

In decision-making and representative style, members of Congress are occasionally affected by the executive branch and present administration. If the president is a member of the representative's party, it is more likely that he or she will be influenced by the executive branch, as legislation has a greater chance of becoming law. However, Kingdon argues that “individual congressmen pay them remarkably little heed in their voting decisions.”<sup>58</sup> Republicans are more likely to vote in line with a president of their party, but “the correlations between administration position and congressman's vote are not very high.”<sup>59</sup> The president does, however, influence the legislative agenda when members of his party control Congress. Specifically, “executive branch importance might increase as an administration gears up a legislative program.”<sup>60</sup> The president affects the national political environment, but research suggests that the administration has less influence over a member of Congress's representative style and vote choices.

### *Interest Groups*

Interest groups and lobbying affect representation, as these organizations and their advocates are often very knowledgeable about the effects of proposed legislation. Thus,

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<sup>57</sup> Kingdon, *Congressmen's Voting Decisions*, 112.

<sup>58</sup> *Ibid.*, 177.

<sup>59</sup> *Ibid.*, 199.

<sup>60</sup> *Ibid.*, 199.

“organized interests wield vast resources – money, connections, personnel, information, and organization – to win passage of legislation they favor, block legislation they oppose, and reward the politicians who help them.”<sup>61</sup> Often, this effort involves direct lobbying where “lobbyists present their clients’ cases directly to members and congressional staff.”<sup>62</sup> Lobbyists are well informed about very specific issues. Members of Congress cannot be knowledgeable about every single issue, so lobbyists play an important role in offering insight into the potential effects of legislation. Although Kingdon found that “interest groups constitute neither the most important nor the least important of the influences on a congressman’s vote,” they are highly significant in informing a representative about issues.<sup>63</sup> In turn, lobbyists play a critical role throughout the policymaking process.

### *The Constituency*

In a discussion of representational styles, it is essential to consider the important role of constituents in shaping a member of Congress’s decision-making and approach to representation. In his work, John Kingdon found that a constituency has a significant impact on a member of Congress’s legislative decisions “even on low-salience votes in which constituents’ interest is probably virtually nil.”<sup>64</sup> In his article, Adam Cayton found similar results, as he determined that constituents have a much more significant influence on a member of Congress’s position for final passage votes. For procedural votes, he concludes that members of Congress are much more likely to vote along party lines. His work examines the period between 2007 and 2010, as he uses

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<sup>61</sup> Davidson et. al, *Congress and its Members*, 376.

<sup>62</sup> *Ibid.*, 382.

<sup>63</sup> Kingdon, *Congressmen’s Voting Decisions*, 143.

<sup>64</sup> *Ibid.*, 67.

economic policies in response to the Great Recession as a basis for his experiment.<sup>65</sup> Since a member of Congress is sent to Capitol Hill to represent his or her district, constituents' influence on his or her votes is unsurprising. In her work, Andrea Louise Campbell focused on how members of Congress respond to the senior constituency in their districts and found similar results to other authors. Campbell concludes that Republicans are much more likely to vote in a pro-senior direction when they have a large elderly population in their district. Generally, Campbell finds that Democrats do not change their positions based on the size of this constituency, as they are already more likely to support these policies.<sup>66</sup> However, members of Congress view their constituencies in various ways and pursue different representative styles based on their geographical region, the demographics of their district, and the partisan makeup of their constituency. Scholars have explored these styles for decades. In 1978, Richard F. Fenno, Jr.'s work, *Home Style: House Members in their Districts*, prompted an influx of scholarly literature on this subject. In this work, Fenno observes members of Congress in their districts and draws conclusions about their representative styles. He suggests that each representative has a "home style" in their interactions with constituents. The central question of Fenno's work is: "what does an elected representative see when he or she sees a constituency?"<sup>67</sup> Fenno's work on this subject is at the heart of most subsequent research regarding members of Congress's perceptions about their constituencies. Fenno begins by defining a constituency in terms of four categories: the geographical constituency, the reelection constituency, the primary constituency, and the personal constituency. Further, he views a "member's view of a constituency as a nest of

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<sup>65</sup> Adam F. Cayton, "Constituency versus Responsiveness: Do Members of Congress Change Positions on Specific Issues in Response to Their Districts?" *Political Research Quarterly* 60, no. 1 (2017): 15.

<sup>66</sup> Andrea Louise Campbell, "Congressional Responsiveness," in *How Policies Make Citizens: Senior Political Activism and the American Welfare State*, ed. Andrea Louise Campbell (Princeton: Princeton University Press, 2003), 123-124.

<sup>67</sup> Fenno, *Home Style*, xiii.

concentric circles,” and the geographical constituency is the largest group.<sup>68</sup> The geographical constituency encompasses the entire population of a representative’s congressional district. Although a member of Congress will occasionally consider the views of this entire group, it is much more common for a representative to be concerned with one of the other constituencies. Specifically, a member of Congress’s reelection constituency is perhaps the most important group to consider in decision-making. Fenno describes this group as “an explicitly political constituency nested within his geographical constituency...composed of those people in the district who he thinks votes for him.”<sup>69</sup> Within this group, there are also a member of Congress’s primary constituency and his personal constituency. The former is composed of strong supporters, who are individuals that will support the member regardless of challenger and go beyond simply voting in the general election. In other words, this constituency is a member’s “base,” as this group will vote for a candidate in primary elections and in the general election. Lastly, the personal constituency consists of the member’s “closest political advisers and confidants.”<sup>70</sup> Although the primary constituency and the personal constituency are important groups for a member of Congress, he or she must be most concerned with the perspectives of the reelection constituency. Fenno concludes that most members of Congress pay the closest attention to this group in both the district and in Washington. Depending on the diversity of the district, a member of Congress may recognize multiple reelection constituencies and adjust his or her votes accordingly. As a result, members of Congress heed the attitudes of these individuals in specific sets of votes, as well as in their representative style.

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<sup>68</sup> Fenno, *Home Style*, 1.

<sup>69</sup> *Ibid.*, 8.

<sup>70</sup> *Ibid.*, 24.

Since the publication of Richard Fenno's *Home Style: House Members in their District*, scholars have attempted to understand how members of Congress perceive their constituencies and develop a representative style based on these impressions. In Fenno's work, he argues that members of Congress develop a home style, which has three components. These elements are "the congressman's allocation of his personal resources and those in office...the congressman's presentation of self to others...[and] the congressman's explanation of his Washington activity to others."<sup>71</sup> Fenno uses 18 members, including 10 Democrats and 8 Republicans, as a sample for understanding these home styles. He presents each congressman separately and anonymously, and assigns them a home style.<sup>72</sup> These styles include the "popular local boy...articulating the issues...servicing the district," and others.<sup>73</sup> Through these styles, members of Congress can build trust with their constituents. Fenno argues that it is essential for constituents to trust their member of Congress. Although Fenno examines these styles through the eyes of the member, this work offers general insight into member-constituent relations. Since the publication of this work, many scholars have expanded upon Fenno's initial findings. In an article on this subject, Daniel M. Butler, Christopher F. Karpowitz, and Jeremy C. Pope conclude that members of Congress prioritize service requests over policy in their home style to earn the trust of their constituents.<sup>74</sup> Additionally, Scott Meinke found that "certain House members have an incentive to develop a partisan home style that emphasizes party activity in Washington," but these individuals are strategic about this relationship.<sup>75</sup> Specifically, Meinke finds that only some members choose to "communicate their partisan activity with their constituents, with

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<sup>71</sup> Fenno, *Home Style*, 33.

<sup>72</sup> *Ibid.*, 54-135.

<sup>73</sup> *Ibid.*, 69.

<sup>74</sup> Daniel M. Butler, Christopher F. Karpowitz, and Jeremy C. Pope, "A Field Experiment on Legislators' Home Style: Service Versus Policy," *The Journal of Politics* 74, no. 2 (2012): 474.

<sup>75</sup> Scott R. Meinke, "Presentation of Partisanship: Constituency Connections and Partisan Congressional Activity," *Social Science Quarterly* 90, no. 4 (2009): 854.



constituency factors, career stage, and majority party status all affecting the choice.”<sup>76</sup> In his work describing his observations from within Congress, then-Representative Sherrod Brown (D-OH), who is now a U.S. Senator, acknowledged Fenno’s work and wrote, “it was important that my ‘home style’ reflect what I had in common with the district and its people.”<sup>77</sup> Additionally, he defined representation as “working hard to understand the problems and concerns of people from all walks of life” and acknowledged “that is why going home every weekend and living as normal a life as possible are so important.”<sup>78</sup> Although members of Congress view representation differently, most acknowledge that it is important for their constituents to perceive their representative as one of them. In other words, it is important for a member to be involved in his or her district and not be perceived as an outsider. In turn, most members pursue a home style that suits their district’s needs.

After Fenno published *Home Style: House Members in their District*, scholars began to research other factors that may influence a member’s representative style. Often, members of Congress are influenced by their own interests more than the desires of their constituents. In a work on this subject, Barry C. Burden argues that a representative’s own interests influence the direction of policy, but “often a legislator will act in a way consistent with constituents’ preferences without purposely representing the district.”<sup>79</sup> Since members of the House “continue to be human beings who bring their values, expertise, self-interests, and ideologies with them to office,” this notion is unsurprising.<sup>80</sup> A member’s personal background certainly does affect his or her representative style, but these roots are often in line with his or her

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<sup>76</sup> Meinke, “Presentation of Partisanship,” 854.

<sup>77</sup> Sherrod Brown, *Congress from the Inside: Observations from the Majority and the Minority*, 3<sup>rd</sup> ed. (Kent: The Kent State University Press, 2004), 28.

<sup>78</sup> Brown, *Congress from the Inside*, 28.

<sup>79</sup> Burden, *Personal Roots of Representation*, 12.

<sup>80</sup> *Ibid.*, 150.

constituents. In turn, he suggests that “voters would do better to elect someone who is like them than to hope to change a representative who is not.”<sup>81</sup> Although some members consciously choose to heed their constituents’ desires, many have similar backgrounds to those in their district. In a work on a similar subject, Cheryl Lyn Herrera, Richard Herrera, and Eric R. A. N. Smith measure representation collectively and dyadically to reach different conclusions. Under the collective measurement, the authors conclude that representatives take much more extreme positions on issues than their constituents. However, when the authors examine representation dyadically, they find that legislators have similar positions as their constituents. They also concluded that representatives respond to shifts in constituents’ positions accordingly.<sup>82</sup> In sum, individual members do a better job of representing their constituents than the House of Representatives does in representing the United States. Even though they are pursuing their own personal interests in the House of Representatives, those concerns are often in line with their constituencies. In an article on member-constituent relations, Jane Mansbridge explores three more recent models of representation: anticipatory, gyroscopic, and surrogate. Mansbridge suggests that promissory representation, which is “representation focused on the idea that during campaigns representatives made promises to constituents, which they then kept or failed to keep,” is the traditional model.<sup>83</sup> However, Mansbridge is interested in broadening interpretations of representation. In the anticipatory model, representatives make decisions based on what they think constituents will care about in the next election. Under the gyroscopic model, the representative makes decisions based on his or her own background. Surrogate representation

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<sup>81</sup> Burden, *Personal Roots of Representation*, 11.

<sup>82</sup> Cheryl Lyn Herrera, Richard Herrera, and Eric R. A. N. Smith, “Public Opinion and Congressional Representation,” *The Public Opinion Quarterly* 56, no. 2 (1992): 185.

<sup>83</sup> Jane Mansbridge, “Rethinking Representation,” *The American Political Science Review* 97, no. 4 (2003): 515.

means legislators represent constituents outside their district in higher numbers.<sup>84</sup> These various models suggest that members of Congress each have different, strategic ways of looking at their districts and constituencies.

A significant amount of research has been done regarding a member's representational style, but there are limited inquiries into a constituent's perceptions about representation. Some scholars have attempted to understand some of the public's attitudes about congressional representation, but the work is slightly less extensive. Although scholars agree that "no matter how much members of Congress distinguish themselves as lawmakers or Beltway insiders, they also have to distinguish themselves in the eyes of local constituents," there are various ways to accomplish this characterization.<sup>85</sup> In his work, Christopher Grill studies how the public views representation and what constituents expect of legislators. He concludes that citizens take two-way communication seriously.<sup>86</sup> Grill promotes town hall meetings as a particularly effective way of accomplishing this form of communication. He attests that constituents appreciate when their voice feels meaningful. In an article, David C. W. Parker and Craig Goodman argue that constituents value when their member of Congress is perceived as one of them. The authors reaffirm that this perception is difficult to accomplish, but it is important for a member of Congress to have "authenticity, consistency, and good character."<sup>87</sup> For a member of Congress, this recognition can only be accomplished through consistent interaction with constituents. In a work on constituent perceptions, Box-Steffensmeier and several co-authors studied how

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<sup>84</sup> Mansbridge, "Rethinking Representation," 515.

<sup>85</sup> Davidson et. al., *Congress and its Members*, 4.

<sup>86</sup> Christopher J. Grill, *The Public Side of Representation: A Study of Citizens' Views About Representatives and the Representative Process* (Albany: State University of New York Press, 2007), 34-35.

<sup>87</sup> David C. W. Parker and Craig Goodman, "Making a Good Impression: Resource Allocation, Home Styles, and Washington Work," *Legislative Studies Quarterly* 34, no. 4 (2009): 517.

constituents react to different types of congressional representation.<sup>88</sup> Specifically, the authors examine three forms of representation: descriptive, symbolic, and allocational. They conclude that incumbents benefit electorally from descriptive representation, as they found that “constituents whose race corresponds with their incumbent’s race are more likely to identify and positively evaluate the member.”<sup>89</sup> Although this scholarship offers some insight into constituent perceptions, they are not extensive enough to generalize about all Americans.

### **What Affects Midterm Election Outcomes?**

Congressional elections, which are held every two years, offer voters a chance to change their representative and by extension, the partisan makeup of Congress. During election years, all 435 seats in the U.S. House of Representatives and one-third of the seats in the U.S. Senate are voted upon. Midterm elections are held in the middle of presidential terms, and they often reflect the public’s perceptions about an incumbent. Since members of Congress cannot pursue policy goals if they lose their seat, it is essential to win reelection in these cycles. As an anonymous former representative described it, “all members of Congress have a primary interest in getting reelected...some members have no other interest.”<sup>90</sup> Although “their electoral fortunes depend less on what Congress produces as a national institution than on the policy positions they take individually and the local ties they build and maintain,” there are several factors that can influence a representative’s likelihood of reelection.<sup>91</sup> Perhaps most importantly, the incumbency

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<sup>88</sup> Janet M. Box-Steffensmeier, David C. Kimball, Scott R. Meinke, and Katherine Tate, “The Effects of Political Representation on the Electoral Advantages of House Incumbents,” *Political Research Quarterly* 56, no. 3 (2003): 267.

<sup>89</sup> Box-Steffensmeier et. al., “The Effects of Political Representation on the Electoral Advantages of House Incumbents,” 267.

<sup>90</sup> Davidson et. al., *Congress and its Members*, 6.

<sup>91</sup> *Ibid.*, 5.

advantage is a central factor in election outcomes. However, the president's party tends to lose seats in midterm elections and several factors, including national climate, the media, campaign finance, and presidential alignment, play a role in these losses. Like any election, however, the results come down to voter turnout. Often, midterm elections have lower voter turnout than presidential election years. However, when a specific group is especially mobilized in an election year, it is likely that there will be shifts in the partisan makeup of Congress.

### *Incumbency*

The incumbency advantage is perhaps the most important factor in determining congressional election outcomes. Despite the unpopularity of Congress as an institution, members are reelected at an astonishingly high rate. In 2016, 97 percent of incumbents were reelected to the House of Representatives. In 2018, a particularly unfavorable year for members of the Republican Party, incumbents were reelected at a rate of 91 percent.<sup>92</sup> In 2006, Congressman Tom Reynolds stated, "Congress's approval rating is a little flat...[but] the most important thing is people love their congressman, no matter what."<sup>93</sup> That year, the Republican Party lost 30 seats in the House of Representatives, but the reelection rate for incumbents was 94 percent.<sup>94</sup> Although this phenomenon has existed in American politics for decades, it has become even more prevalent in recent years. Consequently, scholars have attempted to understand the important role of incumbency in elections. In their work, Jamie L. Carson and Jason M. Roberts

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<sup>92</sup> OpenSecrets.org, "Reelection Rates Over the Years," *Center for Responsive Politics*.

<sup>93</sup> David R. Jones and Monika L. McDermott, *Americans, Congress, and Democratic Responsiveness: Public Evaluations of Congress and Electoral Consequences* (Ann Arbor: The University of Michigan Press, 2009), 5.

<sup>94</sup> OpenSecrets.org, "Reelection Rates Over the Years," *Center for Responsive Politics*.

concluded that “challenger quality exerts a much larger effect on the incumbency advantage.”<sup>95</sup>

In other words, strong candidates that are more likely to win an election are more hesitant to run in the first place, which enhances the likelihood of reelection for incumbents. However, there may be other factors that increase the incumbency advantage. Specifically, Andrew Gelman and Zaiying Huang concluded that there is evidence for strategic retirement, as “incumbents who leave office voluntarily may do so because of knowledge about their party’s prospects.”<sup>96</sup>

Although the incumbency advantage may be skewed by this factor, this edge certainly affects election outcomes to some extent. David C. W. Parker and Craig Goodman find that “office resources are important tools incumbents can use to provide a personal-vote advantage over prospective challengers in the short-term.”<sup>97</sup> Members of Congress can use franked, official mail, as well as other congressional resources, to build trust among their constituents. In his classic work on congressional elections, Gary C. Jacobson argues, for incumbents, “what counts is the member’s ability to deliver services, which increases with his tenure in Washington and his consequent seniority and familiarity with the administrative apparatus. It is, therefore, perfectly reasonable for voters to prefer candidates on the basis of their incumbency rather than on their party or policy positions.”<sup>98</sup> In his work, David W. Romero finds similar results, as he confirms the presumption that “resource allocations have not only a statistically significant influence on the individual vote, but that they have a substantively meaningful one as well.”<sup>99</sup> For an

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<sup>95</sup> Jamie L. Carson and Jason M. Roberts, “The Incumbency Advantage in House Elections,” in *Ambition, Competition, and Electoral Reform: The Politics of Congressional Elections Across Time*, ed. Jamie L. Carson and Jason M. Roberts (Ann Arbor: The University of Michigan Press, 2013), 137.

<sup>96</sup> Andrew Gelman and Zaiying Huang, “Estimating Incumbency Advantage and Its Variations as an Example of a Before-After Study,” *Journal of the American Statistical Association* 103, no. 482 (2008): 450.

<sup>97</sup> Parker and Goodman, “Making a Good Impression,” 517-518.

<sup>98</sup> Gary C. Jacobson, *The Politics of Congressional Elections*, 2<sup>nd</sup> ed., (Glenview: Scott, Foresman, and Company, 1987), 41.

<sup>99</sup> David W. Romero, “What They Do Does Matter: Incumbent Resource Allocations and the Individual House Vote,” *Political Behavior* 28, no. 3 (200): 254.

incumbent to be defeated in the midterm elections, a strong opposing candidate must emerge and have the resources to match the congressional ones.

### *National Climate*

In election outcomes, the national climate and the economy have major effects on the results. Specifically, “election outcomes represent a referendum on the president’s handling of the economy and other issues.”<sup>100</sup> When the economy is doing well, a president’s party is less likely to lose seats in the midterms. However, a voter is also likely to “make policy-based evaluations of Congress and...use these evaluations in elections.”<sup>101</sup> In his work on how elections affect the behavior of members of Congress, David Mayhew writes, “the national electorate rewards the congressional party of a president who reigns during economic prosperity and punishes the party of one who reigns during adversity.”<sup>102</sup> In addition to evaluating the president and his or her member of Congress, a voter is also likely to evaluate Congress as an institution and make decisions based on that assessment. Additionally, “it is entirely possible for national conditions, personalities, and issues to affect congressional election results without directly impinging on individual voters at all.”<sup>103</sup> Although national conditions are important, its interactions with the candidate’s campaign are much more significant in influencing the results.

### *Presidential Alignment*

Since midterm elections fall near the middle of a presidential term, the results can be affected by the behavior and popularity of the president. In Gary C. Jacobson’s article on the

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<sup>100</sup> Jones and McDermott, *Americans, Congress, and Democratic Responsiveness*, 130.

<sup>101</sup> *Ibid.*, 11.

<sup>102</sup> David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974), 29.

<sup>103</sup> Jacobson, *The Politics of Congressional Elections*, 154.

Republican resurgence, he explores the 2010 midterm elections and how President Obama's controversial agenda yielded major Republican gains in this election cycle. Historically, the president's party has typically lost seats in midterm elections. The 2010 elections "took the form of a referendum on the current administration, a typical, if not invariable, midterm pattern."<sup>104</sup> In 2010, the Democratic Party lost 63 seats in the House of Representatives, which yielded control of the chamber to Republicans.<sup>105</sup> Jacobson discusses how this "Republican wave was augmented by an extraordinary level of animosity anger among the President's opponents that, combined with tepid support from his base, left Republicans with the lion's share of highly motivated voters."<sup>106</sup> This election coincided with the Tea Party Movement, which opposed many of President Obama's policies. In this election, the Republicans were highly successful in nationalizing the issues. Although Obama had won the presidential election by a large margin two years earlier, he was unable to "persuade most Americans – most importantly, political independents – that his policies, including his landmark legislative victories, were to their or the nation's benefit."<sup>107</sup> Ultimately, his unpopularity in this election cycle led to massive electoral gains for the Republican Party. Although 2010 was a particularly significant year of losses for a president's party, this circumstance is a common pattern in midterm elections.

### *Media*

The media is influential in informing voters and shaping their attitudes about candidates. As Davidson and his co-authors discuss, "candidates obviously cannot fully control their media coverage" and often, candidates gravitate toward programs with non-journalists to avoid

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<sup>104</sup> Gary C. Jacobson, "The Republican Resurgence in 2010," *Political Science Quarterly* 126, no. 1 (2011): 27.

<sup>105</sup> *The New York Times*, "Election 2010: House Map."

<sup>106</sup> Jacobson, "The Republican Resurgence in 2010," 27.

<sup>107</sup> *Ibid.*, 28.



confrontation on-air.<sup>108</sup> Most Americans use television as their primary source for news, while forty percent use the Internet and 20 percent read the newspaper.<sup>109</sup> Regardless of the source, Americans use media as a way of gaining information about candidates and upcoming elections. During midterm elections, the media pays closer attention to congressional races than during presidential years. During midterm elections, House candidates often appear at the top of a ticket and these races are the most prominent campaigns in a region. Coverage of these campaigns are more substantial in “smaller papers with circulations wholly contained within one congressional district.”<sup>110</sup> Specifically, “the most competitive or the most controversial” races are often covered in the media, while “relative safe incumbents running against relatively weak challengers receive little coverage.”<sup>111</sup> Although articles and stories about candidates often appear in newspapers and on television, candidates also rely on advertisements to reach out to voters. Candidates run positive advertisements about themselves, as well as negative ones about their opponents. In 2012, successful Senate candidate Heidi Heitkamp ran an advertisement in which she wears a baseball uniform and says, “that her political opponents ‘try to hit me with all sorts of stuff...that aren’t true.’”<sup>112</sup> This style of advertisement is widely-used, but many candidates also run negative advertisements about their opponent. Negative advertisements are perhaps more popular, as “politicians believe they work” and they “can work powerfully on citizens who have little information to begin with and on those with little or no party allegiance.”<sup>113</sup> Since local media does not always pay close attention to non-competitive congressional races, advertisements are a useful tool for candidates to reach the media market.

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<sup>108</sup> Davidson et. al., *Congress and its Members*, 85.

<sup>109</sup> *Ibid.*, 85.

<sup>110</sup> Edie N. Goldenberg and Michael M. Traugott, “Mass Media in U.S. Congressional Elections,” *Legislative Studies Quarterly* 12, no. 3 (1987): 328.

<sup>111</sup> Goldenberg and Traugott, “Mass Media in U.S. Congressional Elections,” 329.

<sup>112</sup> Davidson et. al., *Congress and its Members*, 85-86.

<sup>113</sup> *Ibid.*, 86.

## *Campaign Finance*

Trends in campaign finance also affect the results of congressional elections. For non-incumbent candidates, Jacobson suggests that “how well they do on Election Day is a direct function of how much campaign money they raise and spend.”<sup>114</sup> In turn, “the chief resources in congressional races are money and organization.”<sup>115</sup> Although campaigns rely on grassroots work such as canvassing, money is an extremely useful tool in close congressional races. For candidates, “fundraising consumes tremendous amounts of time.”<sup>116</sup> For freshman members of Congress, the Democratic Congressional Campaign Committee suggested that “members should expect to devote three hours for fundraising out of every eight-hour workday while they are in their districts during congressional recesses.”<sup>117</sup> This effort only amplifies during election season. Currently, members of Congress can receive up to \$2,700 from an individual contributor based on the Federal Election Commission’s restrictions. Additionally, a political action committee (PAC) can donate up to \$5,000 to a congressional candidate.<sup>118</sup> Although these organizations are restricted in the amount they can give directly to a candidate, they are able to spend unlimited funds on outside expenditures. Specifically, they can run advertisements that are independent from a candidate. In 2018, \$5,725,183,133 was spent in all congressional races, which is a record number.<sup>119</sup> This number includes spending done by independent interest groups, as well as by individual candidates. This money, which is used to influence the vote choices of individuals, certainly affects the results of congressional races to some extent.

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<sup>114</sup> Jacobson, “The Republican Resurgence in 2010,” 49.

<sup>115</sup> Davidson et. al., *Congress and its Members*, 76.

<sup>116</sup> *Ibid.*, 76.

<sup>117</sup> *Ibid.*, 77.

<sup>118</sup> *Ibid.*, 78.

<sup>119</sup> OpenSecrets.org, “Cost of Election,” *Center for Responsive Politics*.

## *Voter Turnout*

Voter turnout patterns are highly significant in determining the results of midterm congressional elections. Although Congress is supposed to represent the will of the people, “around half of voting-age citizens normally take part in the House elections.”<sup>120</sup> In midterm elections, voter turnout is lower than in presidential years. In his work, Erik J. Engstrom explores the historical implications of low voter turnout in American elections. He also discusses how “the legal framework of elections played an important role in shaping turnout both across districts and over time.”<sup>121</sup> Since the beginning of the twentieth century, “altered electoral institutions and declining competition led campaigns to turn away from mobilization and toward persuasion.”<sup>122</sup> In turn, campaigns have become much more candidate-focused. The results of elections hinge on voter turnout, as “generally, the higher the turnout, the closer the election; the lower the turnout, the more easily the incumbent is reelected.”<sup>123</sup> Voter turnout is essential to shaping the results of congressional midterm elections, as often, nearly half of Americans do not cast their ballot.

## **Data and Analysis**

Many factors affect representation and congressional elections in the modern age. Although the concepts have been studied separately, there has not been much research regarding the relationship between representational styles and congressional elections. Although

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<sup>120</sup> Davidson et. al., *Congress and its Members*, 90.

<sup>121</sup> Erik J. Engstrom, “The Rise and Decline of Turnout in Congressional Elections: Electoral Institutions, Competition, and Strategic Mobilization” *American Journal of Political Science* 56, no. 2 (2012): 384.

<sup>122</sup> Engstrom, “The Rise and Decline of Turnout in Congressional Elections,” 384.

<sup>123</sup> Jacobson, *The Politics of Congressional Elections*, 103.

scholarship has focused primarily on how elections affect representational style, this thesis attempts to understand the reverse of this phenomenon. This thesis will examine Congressman Faso's representational style during the 115<sup>th</sup> Congress and draw conclusions about the electoral effects of this approach.

In David Mayhew's work, *The Electoral Connection*, he establishes a model for understanding the activities a member of Congress participates in for electoral benefit. First, he explores advertising, which he defines as "any effort to disseminate one's name among constituents in such a fashion as to create a favorable image but in messages having little or no issue content."<sup>124</sup> In the modern context, this pursuit includes newsletters, speeches, and television and radio appearances. Second, Mayhew examines the activity of credit claiming, which he defines as "acting so as to generate a belief in a relevant political actor (or actors) that one is personally responsible for causing the government, or some unit thereof, to do something that the actor (or actors) considers desirable."<sup>125</sup> This activity, which is an important feature of a representative style, indicates the concerns of a member of Congress. Specifically, credit claiming reveals the types of messages that a member of Congress wants his or her constituents to receive. Credit claiming highlights the work a member of Congress does to bring resources to his or her district and mostly emerges in press releases. Lastly, Mayhew evaluates position taking, which he describes as "the public enunciation of a judgmental statement on anything likely to be of interest to political actors."<sup>126</sup> In many cases, this pursuit emerges in roll call voting and floor speeches. Although representation can occur in many forms, this model has served as a framework for understanding a representational style's effect on electoral outcomes.

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<sup>124</sup> Mayhew, *Congress*, 49.

<sup>125</sup> *Ibid.*, 52-53.

<sup>126</sup> *Ibid.*, 61.

This thesis will not explore each component of Mayhew's model, but his descriptions of these electorally-beneficial activities provides a useful basis for the research.

In 2013, Justin Grimmer utilized Mayhew's work, as well as Richard Fenno's scholarship, to assess the role of communication in representational style. Grimmer applied this method to U.S. Senators and their individual representational styles.<sup>127</sup> Specifically, Grimmer examined "how representatives present and explain their work to constituents" for political benefit.<sup>128</sup> Grimmer identifies four representational styles: issue-oriented, policy wonks, pork and policy, appropriators.<sup>129</sup> Through this analysis, Grimmer directly addresses Fenno's claim that "how legislators present their constituents – their *home styles* – comprise one of the most important components of the representation process."<sup>130</sup> Through a statistical analysis of press releases, Grimmer "measures how senators divide their attention...[and their] *expressed priorities*."<sup>131</sup> Grimmer conducted this process on a large scale, as he utilized all press releases from each Senate office in 2005, 2006, and 2007. Through this study, Grimmer concluded that for members of Congress, "communicating with constituents is *the* electoral connection."<sup>132</sup> Although Grimmer utilizes a unique approach, his work corresponds with traditional scholarship, as he examines how elections affect representational style. Specifically, Grimmer does not directly address the electoral implications of these various representational styles. Throughout this thesis, I will utilize a modified version of Grimmer's approach to examine representation's effect on electoral outcomes.

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<sup>127</sup> Justin Grimmer, *Representational Style in Congress: What Legislators Say and Why It Matters* (Cambridge: Cambridge University Press, 2013), 56.

<sup>128</sup> Grimmer, *Representational Style in Congress*, 1.

<sup>129</sup> *Ibid.*, 62.

<sup>130</sup> *Ibid.*, 2.

<sup>131</sup> *Ibid.*, 3.

<sup>132</sup> *Ibid.*, 170.

## **Conclusion**

The remaining chapters of this thesis will assess the relationship between representational styles and congressional elections. Using Grimmer's framework as a guide, this thesis will examine the representational style of Congressman John Faso in New York's 19<sup>th</sup> Congressional District. New York's 19<sup>th</sup> District is south of Albany and is comprised of the Hudson Valley and the Catskill region. Additionally, it is a pivot congressional district, as it voted for President Barack Obama in 2008 and 2012, and President Donald Trump in 2016. Faso was first elected in 2016 and was defeated by his Democratic challenger, Antonio Delgado, in 2018. Faso's single term in office provides a natural experiment, as his press releases only come from the 115<sup>th</sup> Congress. Throughout his term, Congressman Faso attempted to balance several representational styles, and he did not develop a cohesive narrative during his term in office. His loss in 2018 indicates that his representational style was inadequate for his constituents in some way. Additionally, Faso's position as a "freshman" member of Congress indicates a portion of his term was spent developing a representational style. Using Congressman Faso's term in office as a broad case study, this thesis will utilize press releases to draw conclusions about his representational style.

The subsequent chapters in this thesis will address Congressman Faso's single term in office, as well as his two campaigns, through the politically-polarizing case studies of healthcare and tax reform. Chapter Two of this thesis will explain my research techniques, which are based on Justin Grimmer's study on representational style and political communication. In this chapter, I will examine Grimmer's proposed representational styles and apply his research to the House of Representatives. Although I am focusing primarily on healthcare and tax reform, the second chapter will also offer broader findings on Congressman Faso's representational style.

Additionally, Chapter Two will provide a comprehensive background on New York's 19<sup>th</sup> Congressional District. The third chapter will address Congressman Faso's messaging on healthcare, which is the first of two case studies in this thesis. I will utilize a chronological approach to this subject, as I will begin with Faso's messaging during the 2016 campaign, examine the debates surrounding healthcare during the 115<sup>th</sup> Congress, and conclude with the 2018 campaign. In Chapter Four, I will use a similar technique for tax reform, which is the second case study. Lastly, Chapter Five concludes this thesis and considers the electoral impacts of Congressman Faso's representational style. Specifically, it will address the political failure of Faso's approach to representation. Additionally, the final chapter will draw broad conclusions regarding the link between representation and electoral outcomes. Through this analysis, I am hopeful that a clear relationship will emerge between these two components to develop existing scholarship in this area.

## Chapter Two:

### Political Communication as a Tool for Understanding Representation

This chapter will examine the relationship between political communication and congressional representation. Specifically, I will demonstrate how political communication serves as a useful tool for understanding a member of Congress's representational style. Throughout my two case studies, I utilize press releases to draw conclusions about Congressman Faso's representational style. In this chapter, I will explain this choice of research methods. First, however, I will provide background on New York's 19<sup>th</sup> Congressional District.

In addition to being a toss-up district politically, New York's 19<sup>th</sup> Congressional District is a useful case study for examining representational style because it is a majority-maker district. In 2018, New York's 19<sup>th</sup> Congressional District, which had been in Republican control since its formation in 2012, became a Democratic district with the election of Antonio Delgado. In turn, Delgado's defeat of a Republican incumbent, John Faso, partly enabled the Democratic takeover of the House of Representatives.

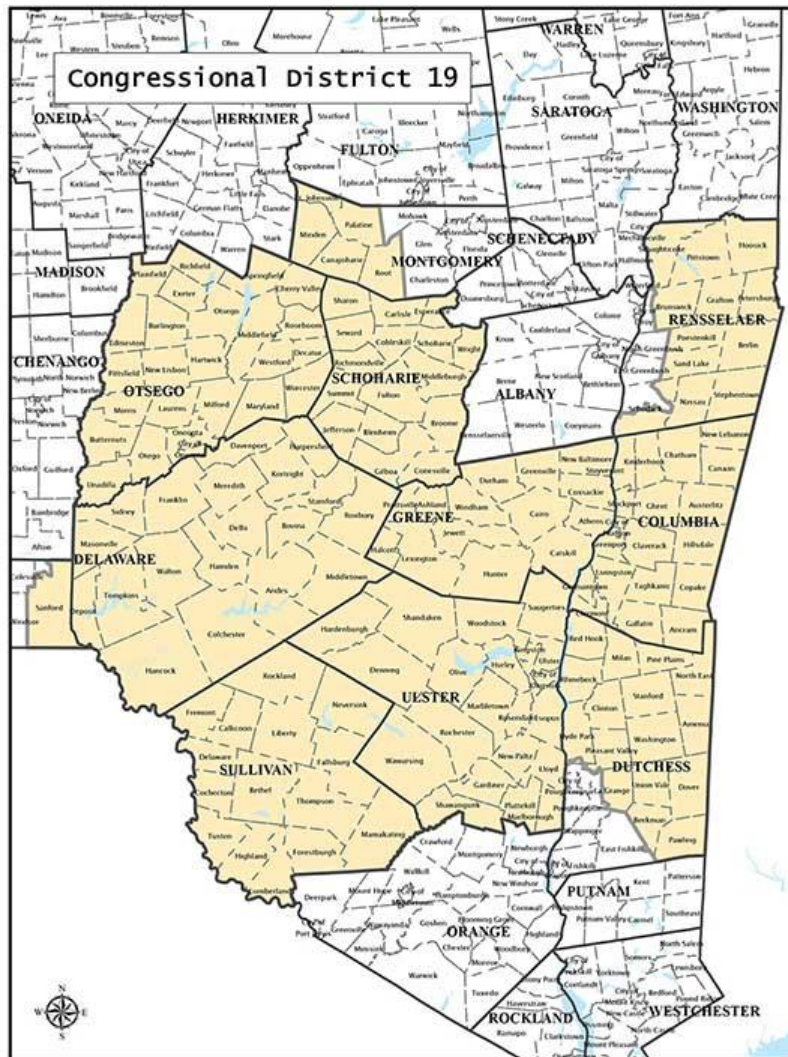
#### **Background on New York's 19<sup>th</sup> Congressional District**

New York's 19<sup>th</sup> Congressional District, which is located north of New York City and mostly south of Albany, comprises a significant portion of New York's Hudson Valley region, as well as the entire Catskill Park. The district includes all of Columbia, Delaware, Greene, Otsego, Schoharie, Sullivan, and Ulster counties, as well as portions of Broome, Dutchess, Montgomery, and Rensselaer counties. New York's 19<sup>th</sup> Congressional District has the largest rural population in the state of New York and is among the most rural in the country. There are 7,937 square miles in the district, as well as 88.3 people per square mile. For comparison, the neighboring 20<sup>th</sup>



district has 1,231.4 square miles with 594.5 people per square mile.<sup>133</sup> During the 113<sup>th</sup> Congress, when the United States Census Bureau calculated the rural populations in districts nationwide, the 19<sup>th</sup> Congressional District had a rural population of 63.5 percent. New York’s 21<sup>st</sup> Congressional District, which is larger than the 19<sup>th</sup> geographically, had a rural population of 57.7 percent.<sup>134</sup> Although the 19<sup>th</sup> district has several localities with a higher number of residents, there are several sparsely-populated counties.

During the 115<sup>th</sup> Congress, the 19<sup>th</sup> Congressional District had a population of 700,975 people in 265,595 households.<sup>135</sup> The district is closely divided among men and women. The district is slightly older than the country’s average of 37.8 years, as the median age in the district is 44.9 years.<sup>136</sup> Additionally, there are 138,305 individuals over the age of 65 living in the district, which corresponds to a senior population that constitutes nearly 20 percent



**Figure 2.1: Map of New York’s 19<sup>th</sup> Congressional District**  
**Source: Faso for Congress, “Meet John,” October 29, 2016, Internet Archive: Wayback Machine.**

<sup>133</sup> United States Census Bureau, “Census Reporter: Congressional District 20, NY.”

<sup>134</sup> United States Census Bureau, “Geography: Congressional Districts Relationship Files (State-based).”

<sup>135</sup> United States Census Bureau, “115<sup>th</sup> Congress: My Congressional District.”

<sup>136</sup> United States Census Bureau, “American Fact Finder: Community Facts.”

of residents. However, most residents of the district are between the ages of 45 years and 54 years.

During the 115<sup>th</sup> Congress, over 95 percent of the 19<sup>th</sup> Congressional District's residents had health insurance coverage. There were 33,887 individuals with no health insurance coverage.<sup>137</sup> Most of the district's constituents received private insurance, but there were 273,611 individuals receiving public coverage. This statistic includes people who received health insurance through Medicare, Medicaid, and the marketplace. Therefore, the district's senior population is included in this statistic. These statistics are important for the 115<sup>th</sup> Congress, as the Republican-controlled Congress sought to overturn the Affordable Care Act and proposed several pieces of legislation to do so.

The socioeconomic conditions in the district are average compared to the entire United States. The median household income is \$61,662, while the mean household income is \$80,914.<sup>138</sup> In the country's poorest district, which is New York's 15<sup>th</sup> Congressional District, the median household income is \$28,042.<sup>139</sup> Although New York's 19<sup>th</sup> Congressional District is not among the wealthiest districts of the country, its socioeconomic standing is relatively strong. Eight percent of families live below the poverty line, which is below the national average of 12.3 percent. Additionally, the unemployment rate in the 19<sup>th</sup> District is near the national average at five percent.<sup>140</sup> Among those who are employed, the largest field of work in the district is "educational services, and health care and social assistance."<sup>141</sup> Additionally, most residents in the district are employed within the private sector. Approximately 90 percent of the district's

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<sup>137</sup> United States Census Bureau, "115<sup>th</sup> Congress: My Congressional District."

<sup>138</sup> Ibid.

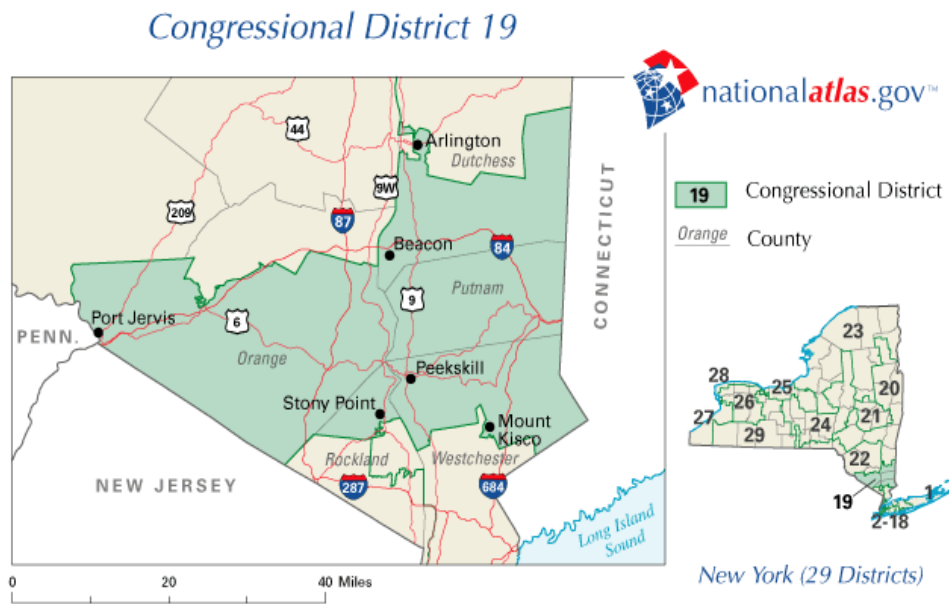
<sup>139</sup> Hristina Byrnes, "Congressmen Representing the Richest Poorest Districts," *24/7 Wall Street*, October 26, 2018.; United States Census Bureau, "115<sup>th</sup> Congress: My Congressional District."

<sup>140</sup> United States Census Bureau, "115<sup>th</sup> Congress: My Congressional District."

<sup>141</sup> Ibid.

residents graduated from high school, and 29.6 percent of residents have a bachelor’s degree or higher.<sup>142</sup> These statistics are average for the United States, which holds similar rates of education at the national level. Despite the 19<sup>th</sup> Congressional District’s status as a very rural district, it has rates of income, employment, and education that are relatively on par with the rest of the nation.

The 19<sup>th</sup> District is overwhelmingly white, as white residents make up nearly 88 percent of the district’s population.<sup>143</sup> The district also has a low percentage of immigrants, as approximately 92 percent of the community’s residents were born in the United States and nearly 75 percent of residents were born in New York State.<sup>144</sup> These statistics are important for the 115<sup>th</sup> Congress, as President Donald Trump ran his campaign with a strong anti-illegal immigration message and advocated for a wall along the country’s southern border.



**Figure 2.2: New York’s 19th Congressional District (2003-2013)**

**Source:** “Congressional District 19: 110th Congress,” Nationalatlas.gov.

<sup>142</sup> United States Census Bureau, “115<sup>th</sup> Congress: My Congressional District.”

<sup>143</sup> 615,592 people out of a total population of 700,975 are white.

<sup>144</sup> United States Census Bureau, “115<sup>th</sup> Congress: My Congressional District.”

New York's 19<sup>th</sup> Congressional District is one of the most competitive districts in the country. Prior to the 2010 Census and the redistricting process, New York's 19<sup>th</sup> Congressional District mostly existed south of its current lines, which is evident in Figure 2.2. Therefore, election results from before 2012 are not as useful in understanding the district's current political makeup. Since New York redistricted in 2012, the 19<sup>th</sup> Congressional District has been consistently considered a toss-up district politically. Republican Congressman Chris Gibson was redistricted from the 20<sup>th</sup> District and he was reelected in 2012, as well as in 2014. However, he faced well-funded challengers during each cycle. Specifically, the Democratic Congressional Campaign Committee targeted New York's 19<sup>th</sup> Congressional District in both 2012 and 2014.<sup>145</sup> In 2012, the Democratic nominee was Julian Schreiber and in 2014, the nominee was Sean Eldridge. Although the 2012 race was close, Gibson easily defeated Eldridge in 2014 by a margin of nearly 60,000 votes.<sup>146</sup> When Gibson opted not to run for reelection in 2016, the election was expected to be very close. Faso declared his candidacy in mid-2015, and he faced Andrew Heaney, a businessman, in the 2016 primary election. He won this election by a margin of approximately 5,670 votes.<sup>147</sup> In the November general election, Faso defeated his Democratic opponent, Zephyr Teachout, by a surprisingly large margin of nearly 25,000 votes.<sup>148</sup> Although Republican candidates won in three consecutive elections, New York's 19<sup>th</sup> Congressional District has been consistently considered a toss-up district among political pundits.

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<sup>145</sup> Emily Cahn, "Democrats Announce House Targets for 2014," *Roll Call*, March 3, 2014.; CNN Political Unit, "Battle for House Heats Up," *CNN Politics*, April 24, 2012.

<sup>146</sup> New York State Board of Elections, "NYS Board of Elections Rep. in Congress Election Returns Nov. 6, 2012."; New York State Board of Elections, "NYS Board of Elections Rep. in Congress Election Returns November 4, 2014."

<sup>147</sup> New York State Board of Elections, "NYS Board of Elections Primary for Representative in Congress Election Returns June 28, 2016."

<sup>148</sup> New York State Board of Elections, "NYS Board of Elections Rep. in Congress Election Returns Nov. 8, 2016."

The partisan makeup of New York's 19<sup>th</sup> Congressional District is closely divided among Republicans and Democrats. In November 2016, there were 153,104 registered Democrats in New York's 19<sup>th</sup> Congressional District. There were also 2,589 individuals who were registered with the Working Families Party, which often cross-endorses Democratic candidates. Similarly, there were 2,172 people who were registered with the Green Party.<sup>149</sup> On the other hand, there were 148,635 registered Republicans, as well as 11,729 registered Conservatives. Although registered Democrats had a slight electoral edge over registered Republicans, there were also 133,029 unaffiliated voters. Additionally, 29,984 voters were registered with the Independence Party of New York.<sup>150</sup> Although the Independence Party endorsed Faso in both 2016 and 2018, it is possible that some voters mistakenly registered with the group thinking that it was an unaffiliated faction. Therefore, this group is probably a less important electoral force for Faso. In November 2018, the Democratic Party had a larger edge over Republicans in the district. There were 160,621 registered Democrats compared to 148,899 registered Republicans. Additionally, there were 11,390 individuals registered with the Conservative Party of New York State, which is a slight decrease from 2016.<sup>151</sup> The registration for left-leaning political parties were similar, as there were also 2,169 members of the Green Party and 2,476 individuals registered with the Working Families Party.<sup>152</sup> These statistics suggest a slightly more divided district, as other partisan affiliations remained relatively unchanged.

New York's 19<sup>th</sup> Congressional District is also a pivot district for presidential elections, as it has consistently wavered between Democratic and Republican candidates. In the 2012

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<sup>149</sup> New York State Board of Elections, "NYS Board of Elections Rep. in Congress Election Returns Nov. 8, 2016."

<sup>150</sup> New York State Board of Elections, "NYSVoter Enrollment by Congressional District, Party Affiliation and Status," November 1, 2016.

<sup>151</sup> New York State Board of Elections, "NYSVoter Enrollment by Congressional District, Party Affiliation and Status," November 1, 2018.

<sup>152</sup> Ibid.

presidential election, Barack Obama won in the 19<sup>th</sup> District, as he secured a six-point victory over the Republican candidate, Mitt Romney. Four years later, Donald Trump defeated Hillary Clinton in the district by a margin of nearly seven points.<sup>153</sup> In 2018, Democrats targeted these swing districts, as they were considered among the most competitive races in the country. Additionally, Faso's single-digit victory over Zephyr Teachout, a progressive activist, suggested that Democrats had a significant chance of gaining the seat.

During the 2016 campaign, Faso ran on several core issues. On October 29, 2016, his campaign website listed eight issue-related topics under the tab titled "John's Plan for Upstate."<sup>154</sup> These topics included "equal pay, fighting for our returning veterans, defending your rights, rein in Washington, jobs and growth for upstate, national security, affordable higher education, and heroin."<sup>155</sup> Surprisingly, health care was not listed as an overarching topic on Faso's campaign website. Instead, health care was included within the topic titled "jobs and growth for upstate."<sup>156</sup> Within this issue, he wrote that "making healthcare affordable and accessible" would be an important priority for him in Congress.<sup>157</sup> Additionally, he wrote that he would "seek to repeal and replace Obamacare with a patient-centered approach that provides more choices to families."<sup>158</sup> Since he had a strong opinion on this subject, his campaign's choice to contain the content within a broader topic is interesting. Faso's vision for tax reform was included within this same topic, as he wrote that the United States should "cut taxes, simplify the tax code and remove unproductive provisions which are no longer necessary or have

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<sup>153</sup> Kevin Uhrmacher and Kevin Schaul, "In these 20 Obama-Trump districts, candidates fight for persuadable voters," *The Washington Post*, August 15, 2018.

<sup>154</sup> Faso for Congress, "John's Plan for Upstate," October 29, 2016, *Internet Archive: Wayback Machine*.

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> Faso for Congress, "John's Plan for Upstate: Jobs and Growth for Upstate," October 29, 2016, *Internet Archive: Wayback Machine*.

<sup>158</sup> *Ibid.*

outlived their usefulness.”<sup>159</sup> Since health care and tax reform are partisan issues, it is possible that Faso sought to downplay their centrality to his campaign. Faso’s campaign message is important to consider in understanding his representational style, as it is likely that his office attempted to adhere to these promises. Throughout this thesis, I will consider how Faso’s representational style corresponds to his campaign messages.

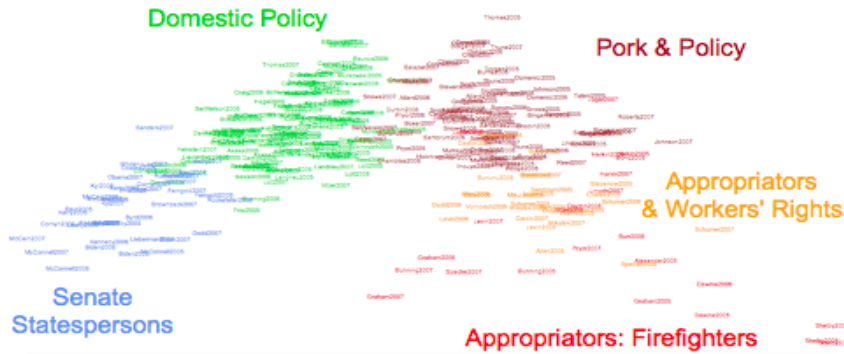


Figure 5.1: A Typology of Home Styles in the US Senate

This plot represents the typology of home styles. To generate the plot, I calculated the distance between each senator’s expressed priorities and then used a classic multidimensional scaling algorithm to project the distances to two dimensions. Senators are then color-coded according to their most probable type.

**Figure 2.3: The Frequency of Representational Styles in the U.S. Senate**

*Source: Grimmer, Representational Style in Congress, 89.*

**Grimmer’s Approach**

I will examine Faso’s representational style using a modified version of Justin Grimmer’s approach. In his work on this subject, Grimmer’s purpose is to examine “how senators portray their work to constituents.”<sup>160</sup> He chooses to use press releases to examine this phenomenon, as they “avoid many of the problems that plague other data sources: they are regularly used and

<sup>159</sup> Faso for Congress, “John’s Plan for Upstate: Jobs and Growth for Upstate,” October 29, 2016, *Internet Archive: Wayback Machine*.

<sup>160</sup> Justin Grimmer, *Representational Style in Congress: What Legislators Say and Why It Matters* (Cambridge: Cambridge University Press, 2013), 27.

broadcasted across constituents.”<sup>161</sup> Additionally, press releases “are a useful medium to study legislators’ expressed priorities,” as they are drafted by individual offices and reflect the intended narrative of members of Congress.<sup>162</sup> Although press releases are often distributed in response to a national event, they are usually more polished than other forms of political communication. Members of Congress also frequently circulate press releases, as most senators “issue about 212 press releases per year.”<sup>163</sup> Since Grimmer is examining the representational styles of the entire U.S. Senate from a period of three years, he has a large sample of 64,033 press releases.<sup>164</sup>

Using these press releases, Grimmer determined that there are four representational styles in the U.S. Senate. Through a quantitative analysis of press releases, Grimmer demonstrated “how senators engage constituents outside Congress.”<sup>165</sup> He concluded that these senators’ styles “lie along a pork-policy spectrum.”<sup>166</sup> Specifically, “at one end of the spectrum are senators who articulate presentational styles...focusing almost exclusively on nationally salient policy disputes.”<sup>167</sup> This phenomenon is evident in Figure 2.3. These individuals are known as issue-oriented senators, as they focus mainly on national policy and rarely reference their home states in press releases. In Grimmer’s work, John Kerry (D-MA) is an example of this representational style, as he devoted over 12 percent of his press releases to his position on the Iraq War.<sup>168</sup> During Grimmer’s analysis, immigration was also a common issue in the press releases of issue-oriented senators.<sup>169</sup> Issue-oriented senators are much more likely to be partisan and are mostly elected to “safe” seats. On the other end of the spectrum, some senators opt to emphasize

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<sup>161</sup> Grimmer, *Representational Style in Congress*, 29.

<sup>162</sup> Grimmer, *Representational Style in Congress*, 29.

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> Grimmer, *Representational Style in Congress*, 59.

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*

<sup>168</sup> *Ibid.*, 63.

<sup>169</sup> *Ibid.*



“relatively small grants spent in the state” and are known as appropriators.<sup>170</sup> When Grimmer completed his analysis, Debbie Stabenow (D-MI) was considered an appropriator, as she consistently announced grants for Michigan’s fire departments.<sup>171</sup> Stabenow is not necessarily a good example of this phenomenon, but appropriator senators often adopt this style because of electoral necessity. Some senators adopt this style “to cultivate the support of constituents who identify with the other party,” as this approach demonstrates a concern for their state.<sup>172</sup> Specifically, senators adopt an appropriator senator to appear more politically moderate and increase their likelihood of reelection. Appropriators and issue-oriented senators are opposite representational styles, but there are also two other approaches that are more common in the U.S. Senate.

TABLE 5.1. *A Typology of Presentational Styles in the U.S. Senate*

Style name	Exemplar senators	Emphasized topics	Avoided topics	Percent senate
Issue Oriented	John Cornyn (R-TX) Russ Feingold (D-WI)	Immigration Domestic surveillance	Water grants Defense construction	13.6
Policy Wonks	Maria Cantwell (D-WA) Amy Klobuchar (D-MN) Jeff Sessions (R-AL)	Environment Gas prices Consumer safety	Airport grants Firefight grants Police grants	38.2
Pork and Policy	Kent Conrad (D-ND) Susan Collins (R-ME) John Tester (D-MT)	Water grants BRAC University grants	Domestic surveillance Iraq war Budget	30.9
Appropriators	Debbie Stabenow (D-MI) Mike DeWine (R-OH) Rick Santorum (R-PA)	Fire grants Airport grants University grants	Environment Honorary Budget	17.2

*Note:* This table summarizes the types of presentational styles in the Senate, as identified by the statistical model. Exemplar senators are senators’ whose presentational styles best characterize the style type. Emphasized topics are regularly articulated by senators who adopt the particular style, whereas avoided topics are receive little attention from senators who adopt a particular style. And the last column is the percent of senator who adopt each style type.

## Figure 2.4: The Presentational Styles in the U.S. Senate

**Source:** Justin Ryan Grimmer, “Representational Style: The Central Role of Communication in Representation,” PhD diss, Harvard University, 2010. stanford.edu., 62.

<sup>170</sup> Grimmer, *Representational Style in Congress*, 59.

<sup>171</sup> *Ibid.*, 70.

<sup>172</sup> *Ibid.*, 72.

In addition to issue-oriented senators and appropriators, there are two other representational styles that fall between the two ends of the spectrum. As seen in Figure 2.4, the overwhelming majority of senators fall into one of these categories, which are known as domestic policy wonks and pork and policy senators. Domestic policy wonks are “senators who focus on domestic policy issues and allocate few press releases to claiming credit for money dedicated to their state.”<sup>173</sup> In his research, Grimmer concluded that domestic policy wonks were most common among senators, as they constituted nearly 40 percent of the legislative body. Domestic policy wonks are more constituent-focused than issue-oriented senators, as they are more likely to highlight “national policies that affect constituents’ day-to-day lives.”<sup>174</sup> In Grimmer’s analysis, Maria Cantwell (D-WA) was considered a domestic policy wonk, as she focused on national issues in a constituent-oriented approach. Specifically, in 2007, her most common topic was gas prices, as she “allocated 8 percent of her press releases” to this subject.<sup>175</sup> Lastly, pork and policy is the final representational style among senators. Under this style, senators “do engage on some broad issues – such as health-care reform and educational funding... [but they also] regularly claim credit for money allocated to their states.”<sup>176</sup> In Grimmer’s research, Kent Conrad (D-ND) was considered the “exemplar for the Pork and Policy senators,” as he dedicated 13 percent of his press releases to farm policy.<sup>177</sup> Politically, pork and policy senators are much more likely to be moderate than domestic policy wonks or issue-oriented senators. This circumstance is unsurprising, as most pork and policy senators are elected from toss-up states. For example, in Figure 2.4, the listed pork and policy senators are Kent

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<sup>173</sup> Grimmer, *Representational Style in Congress*, 65.

<sup>174</sup> *Ibid.*, 65.

<sup>175</sup> Grimmer, *Representational Style in Congress*, 66.

<sup>176</sup> *Ibid.*, 68.

<sup>177</sup> *Ibid.*

Conrad (D-ND), Susan Collins (R-ME), and Jon Tester (D-MT). In the 2004 presidential election, President George W. Bush secured in victory in North Dakota and Montana, while his Democratic opponent, John Kerry, was successful in Maine. This circumstance suggests that Conrad, Collins, and Tester were elected in states that generally favor the opposing party.<sup>178</sup> In turn, it is essential for these senators to pursue a more politically-moderate strategy. Although Grimmer's approach does not apply entirely to the House of Representatives, it is likely that his research is relevant to patterns in the other chamber of Congress.

Grimmer's approach was mostly quantitative, as he examined the frequency of words in press releases and floor speeches to determine the presentational styles of senators. This approach is evident in Figure 2.3, which shows how words correspond with representational styles in a helpful visual. Grimmer was analyzing the entire U.S. Senate, and he had "over 116,000 total documents" to sort through in his analysis.<sup>179</sup> Since he had so much data, he developed a statistical model to distinguish between press releases and floor speeches. Subsequently, he utilized a Bayesian statistical model to identify words that corresponded with issue topics. The model recognized "high-mutual information," which was subsequently used to "identify conceptually coherent and politically relevant topics."<sup>180</sup> For example, the model located "a topic about the Iraq war with high mutual information words *iraq*, *iraqi*, *war*, and *sectarian*."<sup>181</sup> This model was used to "facilitate analyses of what issues senators emphasize, why they emphasize those issues, and the broad consequences for representation."<sup>182</sup> Although I

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<sup>178</sup> 270 to Win, "2004 Presidential Election."

<sup>179</sup> Grimmer, *Representational Style in Congress*, 32.

<sup>180</sup> *Ibid.*, 45.

<sup>181</sup> *Ibid.*, 45.

<sup>182</sup> *Ibid.*, 3.

did not utilize statistical methods in my thesis, I used Grimmer's approach as a basis for my work.

Since Grimmer was studying such a large body, his use of statistical methods is necessary. For my thesis, however, I sought to utilize more of a qualitative approach. Since I chose to study a single member of Congress, a qualitative approach offers a chance to evaluate Congressman Faso's press releases in greater detail. In my work, I sorted through Congressman Faso's press release through a combination of qualitative and quantitative methods. After retrieving these documents from his congressional website, I sorted through each press release to identify its overarching topic. On his website, Congressman Faso utilized a tagging system for his press releases. Specifically, under the issues topic on his website, one could read a short description of his positions and examine the press releases on these subjects. There were only 15 issues listed on his website, so it was necessary to broaden my list of topics. Eventually, I developed a list of 41 topics. Some topics like foster care did not have many press releases, while healthcare, which was the most prominent issue, had 26 press releases. After I identified a list of topics, I used a descriptive approach to tag each document under a specific representational style. Later in this chapter, I will describe this process in more depth, but Figure 2.5 outlines this guideline. Prior to the start of this process, I hypothesized that members of Congress are less likely to have the electoral flexibility to pursue an issue-oriented approach, as House members are up for reelection every two years. Additionally, I hypothesized that members of the House of Representatives are much more district-oriented, as they represent a much smaller number of people. Although I utilize Grimmer's approach as a basis for this thesis, I opted to modify it to accommodate these considerations.

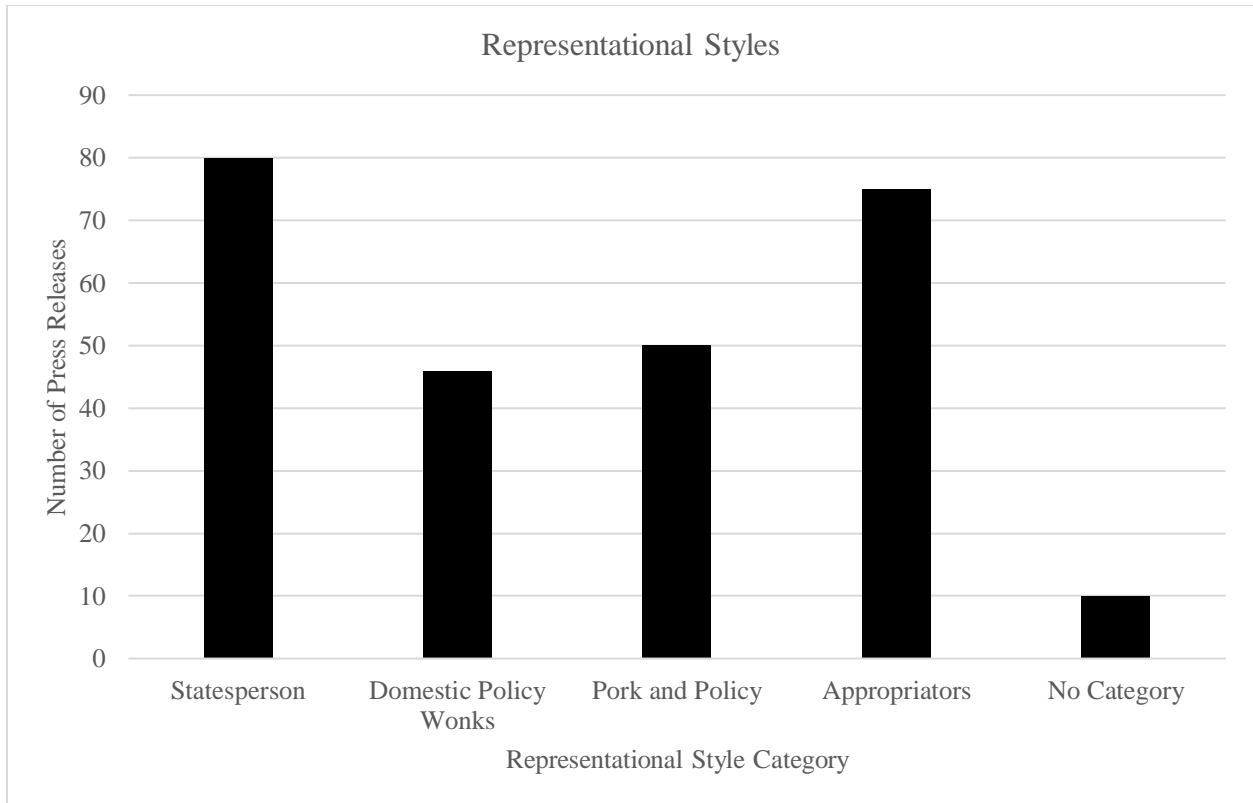
Representational Style	Description
Statesperson/Issue-Oriented	National Issues
Domestic Policy Wonks	Detailed, mentions specific legislation
Pork and Policy	Mentions legislation that is extremely relevant to the district, allocates funds, mentions district specifically in the press release
Appropriators	Grants, money to district, not policy-focused

**Figure 2.5: Modified Representational Styles**

Over the course of his two-year term, Faso’s office released 261 press releases. During the 115<sup>th</sup> Congress, the House of Representatives was in session for a total of 269 days.<sup>183</sup> In 2017, Kevin McCarthy, the Republican Majority Leader, scheduled the House of Representatives for 145 work days in Washington, D.C.<sup>184</sup> In 2018, the House of Representatives was in session for 124 days.<sup>185</sup> In election years, it is common for the House of Representatives to adjourn for several weeks in mid-October to enable members of Congress to spend time in their districts. These district work weeks allow vulnerable members of Congress, like John Faso in 2018, to concentrate on campaigning heavily. Over the course of his two-year term, Faso’s office issued a press release every 2.8 days on average. Since Faso was a single-term member of Congress, his time in office provides a natural experiment for understanding patterns of political representation. His loss raises questions about the effectiveness of his style of representation and examining his 261 press releases offers useful insight into these topics.

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<sup>183</sup> “Past Days in Session of the U.S. Congress,” Congress.gov.  
<sup>184</sup> “2017 Congressional Calendar: 115<sup>th</sup> Congress, First Session,” *The Hill*.  
<sup>185</sup> Majority Leader Kevin McCarthy, “House Calendar: 2018.”



**Figure 2.6: Frequency of Modified Representational Styles**

Once I developed a guideline for tagging the press releases, I examined each document and categorized them by issue content. Faso’s press releases ranged in issue content, as I identified 41 topics. The topics with the highest number of press releases were agriculture, environment, government funding and appropriations, grants, healthcare, opioids, and tax reform. Faso’s office released over 10 press releases on these subjects. The most frequent topic was health care, as there were 26 press releases on this issue. Within each topic, there was a range of representational styles. For instance, for press releases regarding agriculture, the representational style in most documents was pork and policy. Similarly, all press releases regarding foreign policy and national security were tagged under the statesperson representational style. Some issues like agriculture are more likely to concern the district, as New York’s 19<sup>th</sup> Congressional District is largely rural. This range in representational style is

unsurprising, but the frequency of each approach does raise questions about Faso's intentions. Specifically, did Faso attempt to balance these styles equally or did forces outside his control drive the narrative of his single term in office?

## **Conclusion**

For the next two chapters, I will focus on two case studies as a means of understanding Faso's representational style. Specifically, I will examine health care and tax reform during the 115<sup>th</sup> Congress. In terms of Faso's press releases, health care was the most common topic with 26 documents and was an important issue throughout the 115<sup>th</sup> Congress. On the other hand, tax reform was a less common topic within the press releases, as 13 documents were distributed on the subject. However, it was also an important issue during the 115<sup>th</sup> Congress and offers interesting insight into conflicting representational styles. Additionally, tax reform was controversial among representatives from New York State, as the dynamic between state governments and Congress became relevant regarding this issue. In turn, these two case studies of health care and tax reform will offer insight into Faso's intended representational style.

## Chapter Three:

### The Politics of Healthcare: A Case Study

This chapter will examine the first of two case studies regarding Congressman John Faso's representational style. During the Republican-controlled 115<sup>th</sup> Congress, healthcare was a prominent national issue and dominated many debates during the 2018 election cycle. Faso's office, for example, released 26 press releases related to the topic of healthcare. In turn, communication related to healthcare constitutes nearly ten percent of all of Faso's press releases. The other most prominent issues in Faso's press releases were agriculture and the environment, which constituted 20 and 19 of these documents respectively. Healthcare's prevalence in Faso's press releases indicates that this topic dominated both national and local policy debates in the 115<sup>th</sup> Congress. This chapter will provide an overview of the politics of healthcare during the 115<sup>th</sup> Congress. Additionally, it will explore Faso's role in this national conversation through the interpretation of his press releases.

After the enactment of the controversial Affordable Care Act in 2010, many Republicans ran for Congress on a platform of repealing and replacing the law. Congressman John Faso was one of these Republicans, as his 2016 campaign included a firm position opposing the law. After President Donald Trump was elected in 2016, the Republican-controlled Congress had a clear path to overturning the Affordable Care Act. Although Republicans failed in their attempts to repeal and replace the Affordable Care Act, the legislative activity surrounding this law captured the attention of many Americans. For one, many political candidates credited their decision to run for office to Republican efforts to repeal the Affordable Care Act.<sup>186</sup> Additionally, many

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<sup>186</sup> Margot Sanger-Katz, "No. 1 Aim of Democratic Campaign Ads: Protect Pre-existing Conditions," *The New York Times*, September 17, 2018.



political pundits have suggested that Republican health care reform efforts mobilized many Americans to vote for Democratic House candidates in 2018.<sup>187</sup> Although Republicans did not manage to pass legislation related to the Affordable Care Act in the 115<sup>th</sup> Congress, healthcare dominated politics in the 2018 election cycle. Faso positioned himself in a bipartisan manner in 2018, but the politics of healthcare remained a contentious issue in New York's 19<sup>th</sup> Congressional District.

### **Faso's Messaging during the 2016 Election Cycle**

During Faso's first campaign in 2016, he positioned himself as an opponent of the Affordable Care Act. Under the "jobs and growth upstate" heading on his website, Faso wrote that one of his priorities in Congress would be "making healthcare affordable and accessible."<sup>188</sup> First, he emphasized the perceived failures of the Affordable Care Act, as he wrote:

Obamacare has raised premiums, distorted insurance markets and reduced the quality of care for too many Americans. The employer mandate has reduced full-time employment at a number of Upstate businesses. Many business owners have told me of increased premiums and less choice as a result of the Affordable Care Act.<sup>189</sup>

Considering Faso's opposition to the Affordable Care Act, it is unsurprising that he agreed with the Republican objective to repeal and replace the law. On his website, he advocated this exact position:

I will seek to repeal and replace Obamacare with a patient-centered approach that provides more choices to families. I would also provide the same tax treatment for health insurance purchased by individuals and small groups as now accorded to employer provided health care. We should also expand access to community health centers for the indigent and uninsured. Lastly, each person should be

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<sup>187</sup> Alexander Burns and Jonathan Martin, "How the House Fell: Republican Chaos and Democratic Focus," *The New York Times*, November 7, 2018.

<sup>188</sup> Faso for Congress, "John's Plan for Upstate: Jobs and Growth for Upstate," October 29, 2016, *Internet Archive: Wayback Machine*.

<sup>189</sup> *Ibid.*

afforded the ability to utilize a flex spending account for routine medical expenses. We need to restore an economic relationship between medical providers and consumers as a way to bring more people in touch with what medical care actually costs.<sup>190</sup>

Although Faso did not make his views on healthcare a prominent feature of his campaign website, his position on the topic was firm and unwavering. Faso's views coincided with the general Republican platform of repealing and replacing the Affordable Care Act. This position is significant, as it established Faso's opinion on healthcare prior to his term in office and is indicative of his goals. Specifically, it is helpful to compare his early actions in office with his messages on the campaign trail. Faso's views in 2016 also offer a precedent for understanding his positions on healthcare in 2018. Faso's approach to "making healthcare affordable and accessible" changed throughout his term in office, which is a circumstance that I will explore later in this chapter.<sup>191</sup>

In 2016, health care was not a prominent issue in New York's 19<sup>th</sup> District, as both candidates were more focused on other proposals. Faso's opponent was Zephyr Teachout, a progressive activist. Teachout ran an unapologetically progressive campaign, which was a risky choice in a swing district. Her position on healthcare largely coincided with a broader liberal agenda. On her website, Teachout wrote, "every American has the right to quality, affordable healthcare" and she outlined several key positions to achieve this overarching goal.<sup>192</sup> However, this position does not necessarily reflect the district's positions in 2016. In a Siena College poll from September 2016, voters preferred "repealing rather than keeping the Affordable Care Act"

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<sup>190</sup> Faso for Congress, "John's Plan for Upstate: Jobs and Growth for Upstate," October 29, 2016, *Internet Archive: Wayback Machine*.

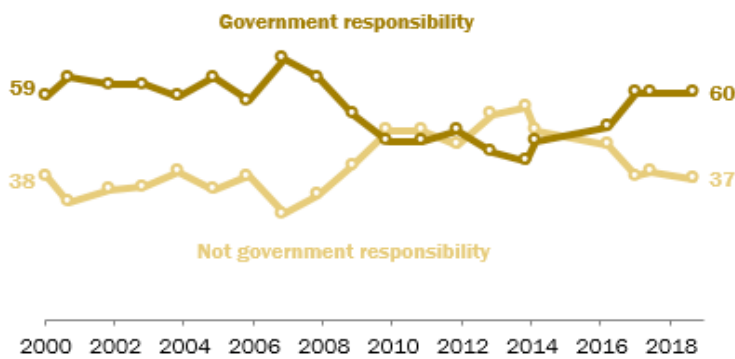
<sup>191</sup> *Ibid.*

<sup>192</sup> Zephyr Teachout for Congress, "Issues: Healthcare," November 9, 2016, *Internet Archive: Wayback Machine*.

by a close margin of 50-46 percent.<sup>193</sup> Although this margin reflects the close political division of the district, it also implies that many constituents approved of the American Health Care Act and similar efforts. Comparable polls were not conducted for the 2018 election cycle, but it is possible that the American public’s changing views on healthcare may have extended to the 19<sup>th</sup> District. Although Teachout was a progressive candidate, her platform did not include a goal of achieving “Medicare for All” or even a public option for healthcare.<sup>194</sup> Although Teachout’s

**Majority continues to say ensuring health care coverage is a government responsibility**

*Is it the responsibility of the federal government to make sure that all Americans have health care coverage? (%)*



Notes: 2000-2013 data from Gallup.  
 Don't know responses not shown.  
 Source: Survey conducted Sept. 18-24, 2018.  
 PEW RESEARCH CENTER

**Figure 3.1: The American Public’s Views on Health Care (2000-2018)**

**Source:** Jocelyn Kiley, “Most continue to say ensuring health care coverage government’s responsibility,” *Pew Research Center*, October 3, 2018.

views were progressive, her decision to not explicitly mention a public option, or single-payer health care, is significant. Since Teachout was running in a swing congressional district, this choice was likely strategic. In 2016, support for single-payer health care was not widespread. In 2016, 51 percent of Americans agreed with the statement that “ensuring health care coverage is a government

<sup>193</sup> Siena College Research Institute, “Game On: Faso 43 Percent, Teachout 42 Percent, ¾ of Dems with Teachout, ¾ of Reps with Faso; Inds Divided,” September 27, 2016.

<sup>194</sup> Zephyr Teachout for Congress, “Issues: Healthcare,” November 9, 2016, *Internet Archive: Wayback Machine*.

responsibility.”<sup>195</sup> By 2017, this number had increased to 60 percent of Americans, which is a statistic that remained the same in 2018.<sup>196</sup> In 2018, 31 percent of Americans supported a “single national government program,” which is a dramatic increase from the 21 percent of Americans who supported that platform in 2014.<sup>197</sup> Additionally, 49 percent of Democrats support a sole public option, whereas only 33 percent of party members supported this idea in 2014.<sup>198</sup> The increase in support for a national public program suggests that healthcare has become an important political issue in recent years.

### **The Beginning of the 115<sup>th</sup> Congress**

On January 3, 2017, the 115<sup>th</sup> Congress convened and Faso was sworn in as a U.S. Representative.<sup>199</sup> On January 13, 2017, Faso highlighted his appointment to three committees in the House of Representatives: House Budget, Agriculture, and Transportation and Infrastructure.<sup>200</sup> His appointment to the Agriculture Committee was indicative of the 19<sup>th</sup> Congressional District’s composition, as the community is overwhelmingly rural. Since its formation in 2012, representatives of New York’s 19<sup>th</sup> Congressional District have consistently served on the Agriculture Committee. Congressman Chris Gibson served on the Agriculture Committee during his tenure in the House of Representatives as well.<sup>201</sup> Similarly, Congressman Antonio Delgado currently serves on the committee.<sup>202</sup> Therefore, it was unsurprising that Faso

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<sup>195</sup> Jocelyn Kiley, “Most continue to say ensuring health care coverage government’s responsibility,” *Pew Research Center*, October 3, 2018.

<sup>196</sup> Kiley, “Most continue to say ensuring health care coverage government’s responsibility.”

<sup>197</sup> *Ibid.*

<sup>198</sup> Kiley, “Most continue to say ensuring health care coverage government’s responsibility.”

<sup>199</sup> John J. Faso, “Congressman Faso Sworn Into Office,” [faso.house.gov](http://faso.house.gov), January 3, 2017.

<sup>200</sup> John J. Faso, “Faso Earns Three House Committees,” [faso.house.gov](http://faso.house.gov), January 13, 2017.

<sup>201</sup> Millennial Action Project, “Advisory Board: Chris Gibson.”

<sup>202</sup> Freeman Staff, “Rep. Delgado gets requested House committee assignments,” *The Daily Freeman*, January 17, 2019.

served on the House Agriculture Committee. Since “the Transportation and Infrastructure Committee has jurisdiction over all transportation...including water infrastructure and rural economic development,” it is also fitting that Faso received this assignment, as the 19<sup>th</sup> District features the Hudson River and the Catskill Park.<sup>203</sup> The House Budget Committee, however, is more indicative of Faso’s personal representational style. Additionally, this committee assignment is relevant to the healthcare debate during the 115<sup>th</sup> Congress. Specifically, the American Health Care of 2017 was originally introduced in the House Budget Committee and passed through this group of legislators before going to the floor for a vote.<sup>204</sup> Although I will explore the details of this bill later in the chapter, it is important to note Faso’s influential role in the healthcare debate.

### **Protests Surrounding Healthcare**

Since New York’s 19<sup>th</sup> Congressional District is evenly divided among Republicans and Democrats, it is unsurprising that there was backlash to Faso’s service as a member of Congress. Protests began in January 2017 to protest Faso, President Trump, and Republican policies generally. Citizen Action of New York, which is a grassroots organization, hosted protests called “Faso Friday” each week. As the organization states on their website, these demonstrations were an effort to express opposition to Faso’s role in President Trump’s policies. Specifically, the organization states:

John Faso is pushing forward Trump’s agenda. We need to push back on the issues closest to us, and tell him that his constituents reject these oppressive policies!

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<sup>203</sup> Freeman Staff, “Rep. Delgado gets requested House committee assignments.”

<sup>204</sup> U.S. Congress, House, *American Health Care Act of 2017*, H. Rept. 115-52, 115<sup>th</sup> Cong., First Session, 2017, H. Rep. 115-52, introduced in House March 20, 2017, Congress.gov.

It's time to #resist. Join us this Friday to show Faso that we are paying attention to what he does, and that we won't stand by silently while he contributes to Trump's plan.

Bring a sign related to an issue important to you – supporting the ACA, #NoDAPL, reproductive justice, Black Lives Matter – whatever you'd like Faso to know is supported by his constituency!<sup>205</sup>

These protests were held outside Faso's office in Kingston, which was located on a major road in the city. Although these protests were not established as weekly events until February 3, 2017, protests began days into Faso's term. On January 28, 2017, there was a significant demonstration in Kinderhook, which is the hometown of Faso and was a location for one of his other offices.<sup>206</sup> This event attracted nearly 1000 attendees who were "carrying signs that referred to the conservative Republican as 'One-Term Faso'... [and] the crowd cheered lustily as speaker after speaker condemned the GOP's threat to repeal Obamacare without providing an alternative plan."<sup>207</sup> Although the demonstration began outside Faso's office, "the crowd marched...to his stately home a few blocks away to the tune of 'Wade in the Water' and 'We Shall Overcome.'"<sup>208</sup> Once the crowd arrived at his home, Faso came out to interact with the demonstrators. He spoke with one protestor, Andrea Mitchell, who told Faso about her brain tumor and spinal condition. Prior to the enactment of the Affordable Care Act in 2010, Mitchell was "denied coverage because of that pre-existing condition" and she implored Faso to oppose legislation that would take healthcare coverage away from her.<sup>209</sup> In a video of the encounter, she states, "I need you as a human being to promise we will not take this away from you."<sup>210</sup> Faso

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<sup>205</sup> Charlie Albanetti, "Faso Friday," *Citizen Action of New York*, February 10, 2017.

<sup>206</sup> Jeremiah Horrigan, "Demonstrators at Congressman John Faso's home ask him to oppose Trump's plans," *Hudson Valley One*, February 2, 2017.

<sup>207</sup> Horrigan, "Demonstrators at Congressman John Faso's home ask him to oppose Trump's plans."

<sup>208</sup> *Ibid.*

<sup>209</sup> *Ibid.*

<sup>210</sup> *Ibid.*

then states, “I promise, I promise.”<sup>211</sup> This interaction eventually resurfaced during the 2018 campaign, as Mitchell was featured in a pro-Delgado advertisement. In addition to the electoral impact of these demonstrations, they were significant in establishing a climate for Faso’s representational style. Specifically, it is clear that a politically-active constituency was against his decision to vote to repeal the Affordable Care Act.

### **The Politics of Health Care and the Affordable Care Act: Republican Opposition**

During the late twentieth and early twenty-first centuries, health care reform emerged as a highly partisan, polarizing issue in the United States. In the United States, “health care is delivered through a complex mix of public and private coverage with about half of financing coming from the public sector and half from private sources, which includes employer-based coverage and out-of-pocket spending.”<sup>212</sup> During the 2008 Democratic presidential primaries, the three frontrunners, Hillary Clinton, John Edwards, and Barack Obama, each “claimed a commitment to doing major health care reforms, but Clinton and Edwards were bolder and more specific in the early going.”<sup>213</sup> Unlike Clinton and Edwards, Obama was less specific about his plan for achieving healthcare reform. After Obama became the Democratic candidate in the general election, however, he began to “display a passion for universal health care” and made the issue a major part of his platform.<sup>214</sup> After he was overwhelmingly elected in November 2008

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<sup>211</sup> Horrigan, “Demonstrators at Congressman John Faso’s home ask him to oppose Trump’s plans.”

<sup>212</sup> Jessica M. Mulligan and Heide Castañeda, “Introduction,” in *Unequal Coverage: The Experience of Health Care Reform in the United States*, ed. Jessica M. Mulligan and Heide Castañeda (New York: New York University Press, 2018), 3.

<sup>213</sup> Lawrence R. Jacobs and Theda Skopol, *Health Care Reform and American Politics: What Everyone Needs to Know* (Oxford: Oxford University Press, 2010), 31.

<sup>214</sup> Jacobs and Skopol, *Health Care Reform and American Politics*, 34.

with large Democratic majorities in Congress, Obama and congressional leaders began to push heavily for health care reform.

The effort to enact the Affordable Care Act primarily occurred in the first year of Obama's presidency. During this period, the public did not consider healthcare a top priority, as only 9 percent of voters deemed it as the most important issue, while 63 percent of Americans chose the economy.<sup>215</sup> Although "the advice of senior White House officials [was] to delay health reform" and focus solely on the economy, congressional leaders like Senator Ted Kennedy pushed for concentration on healthcare.<sup>216</sup> In 2009, efforts to pass health care reform began. During this period of negotiation, Republican opposition became increasingly widespread. For many Republicans, "health reform was the latest and perhaps greatest threat of government expansion."<sup>217</sup> During this period, the Tea Party emerged as a powerful base within the Republican Party. This group was "the most conservative and angriest members of the long-term Republican base," and they largely opposed Obama's presidency.<sup>218</sup> Additionally, they made up "around 25% of the overall population," which indicates that the group is a significant electoral force.<sup>219</sup> During the effort to enact the Affordable Care Act, the congressional Republican strategy was to "gamble on total opposition."<sup>220</sup> Ultimately, the Affordable Care Act passed without a single Republican vote. This period established the Republican resistance to the Affordable Care Act and the efforts to repeal it over the next eight years. When the Affordable Care Act was signed into law in March 2010 after nearly a year of negotiation in Congress, the Republican base had largely been mobilized in opposition.

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<sup>215</sup> Jacobs and Skopol, *Health Care Reform and American Politics*, 41.

<sup>216</sup> *Ibid.*, 43.

<sup>217</sup> Jacobs and Skopol, *Health Care Reform and American Politics*, 76.

<sup>218</sup> *Ibid.*, 77.

<sup>219</sup> *Ibid.*

<sup>220</sup> *Ibid.*, 40.



President Obama’s push did not mark the first effort in favor of health care reform, as several politicians had attempted to implement a public option in the twentieth century. President Bill Clinton, in the most recent example, made an “abortive push for universal health care in 1993 and 1994,” which had electoral consequences in the Republican takeover of both chambers of Congress.<sup>221</sup> This circumstance suggests that healthcare reform has been a polarizing issue for several decades. Additionally, it often has political consequences for incumbents. The Affordable Care Act, for example, is “no stranger to controversy,” as most Republicans have opposed the law since its enactment in 2010.<sup>222</sup> After the Affordable Care Act became law in 2010, the Republican Party retook control of the House of Representatives, as they gained 63 seats in the chamber. Republicans also gained six seats in the Senate, which significantly decreased the previous Democratic majority of 60 seats.<sup>223</sup> As historical trends suggest, healthcare reform has political consequences. Therefore, it is unsurprising that Republicans faced electoral backlash in 2018 for their attempts to dismantle the Affordable Care Act. I will discuss these attempts later in this chapter, but it is important to establish the precedent of healthcare as a politically contentious issue.

In 2016, Congress was still shaped by post-Affordable Care Act politics and intense opposition to the policy. Beginning in 2011, the Republican-controlled House of Representatives voted to repeal the Affordable Care Act regularly, but the Democratic-controlled Senate guaranteed the failure of these efforts. After Republicans gained a majority in the Senate in 2014, dismantling the Affordable Care Act became a more genuine possibility. In January 2016, Congress passed “legislation that would have repealed the Affordable Care Act and cut federal

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<sup>221</sup> Jacobs and Skopol, *Health Care Reform and American Politics*, 17.

<sup>222</sup> Mulligan and Castañeda, “Introduction,” 4.

<sup>223</sup> John Bresnahan and Elana Schor, “How Republicans are experiencing 2010 in reverse,” *Politico*, December 13, 2017.

funding for Planned Parenthood.”<sup>224</sup> Unsurprisingly, Obama vetoed this legislation, but this incident marked the first time that Congress had successfully voted to repeal the Affordable Care Act. After President Donald Trump was elected in November 2016, Congress did not have the check of a Democratic White House. This circumstance provided Republicans with some optimism, as repealing and replacing the Affordable Care Act became a real possibility. Faso, who was elected alongside Trump, entered this Congress in January 2017.

Although Republicans oppose the Affordable Care Act for a variety of reasons, the major resistance stems from the notion of government control. The individual mandate, which is at the center of the legislation, is the most unpopular provision of the law among Republicans. This feature of the bill requires “most Americans [to] have health insurance or pay a tax penalty.”<sup>225</sup> Although the Affordable Care Act resulted in “some 20 million Americans gaining health insurance,” Republican criticism of the legislation is not unfounded.<sup>226</sup> Specifically, “healthy people who managed to buy individual health insurance before the law’s passage have seen their premiums and out-of-pocket costs soar as insurers have raised prices to accommodate sicker people who had been largely shut out of coverage.”<sup>227</sup> Rising costs are a central criticism among Republicans, but many Democrats have proposed a solution for this problem. Throughout the negotiation process, the original proposals for the Affordable Care Act were transformed to secure the support of moderate Senate Democrats. Some Democrats had proposed a “‘public option’ plan run by the government, or a ‘Medicare buy-in’ that would have given people age 55 and older the option of purchasing Medicare coverage before the normal eligibility age of 65.”<sup>228</sup>

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<sup>224</sup> Jim Acosta and Kristen Holmes, “Obama vetoes Obamacare repeal bill,” *CNN Politics*, January 8, 2016.

<sup>225</sup> Julie Rovner, “Why Do People Hate Obamacare, Anyway?” *Kaiser Health News*, December 13, 2017.

<sup>226</sup> Rovner, “Why Do People Hate Obamacare, Anyway?”

<sup>227</sup> *Ibid.*

<sup>228</sup> *Ibid.*

Although these Democratic proposals were rejected in 2010, they have reentered the national consciousness in the last two years as a solution to some of the weaknesses of the Affordable Care Act.

Like most Republicans in Congress, John Faso's criticism of the Affordable Care Act is mostly rooted in the principles of fiscal conservatism. As a member of the House Budget Committee, Faso began to criticize the Affordable Care Act weeks into his term. On January 24, 2017, his office released the following statement after an expert panel addressed the House Budget Committee:

During the House Budget Committee hearing today, we heard from four experts in the healthcare field who shared their views. These views were remarkably similar in outlook as to the regulatory and statutory fixes which we need to pursue. I was particularly interested in the witnesses' views on 'agebanding ratios' which are contained in the healthcare law. Each witness referred to this factor as one which drives up costs for young people, often making insurance unaffordable. Failure to more rationally price insurance for young people has dramatically reduced access to affordable care, contributing to the structural challenges which have beset the ACA for years.<sup>229</sup>

This press release established Faso's early opposition to portions of the Affordable Care Act. Although this language does not suggest that Faso favored repealing the law in its entirety, it does indicate that he agreed with Republicans on many core ideas. The notion of unaffordability is at the center of this press release, which is a major feature of Republican opposition to this law.

Similarly, in a press release from May 2017, Faso outlined his claimed failures of the Affordable Care Act. Specifically, the press release states:

The ACA as it stands now will collapse under its own weight if nothing is done, imperiling millions of Americans through higher premiums and fewer choices. These are the facts:

1. Currently one third of US counties have only one insurer.

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<sup>229</sup> John J. Faso, "Rep. Faso Questions Witnesses on the Failures of the ACA," [faso.house.gov](http://faso.house.gov), January 24, 2017.

2. Premiums rose an average of 25 percent this year for those on the exchanges.
3. Deductibles will average more than \$6,000 this year for those in the lowest-priced ACA plans.
4. 4.7 million Americans were kicked off their plans by the ACA.
5. The ACA raised taxes by \$1 trillion, including new payroll taxes for employers, business investments, and taxes on over-the-counter drugs and medical device manufacturers.
6. 18 out of 23 ACA co-ops have failed, including Health Republic in New York State, costing taxpayers billions of dollars.
7. 20 million Americans are without health insurance under the ACA.<sup>230</sup>

Additionally, Faso published an editorial in the *Poughkeepsie Journal* in February 2017, which established his opposition to the Affordable Care Act and his desire to pass new legislation. This article also introduced his objective to “fix what isn’t working in the healthcare law and keep what does work,” which suggests that Faso did not support a full repeal of the Affordable Care Act.<sup>231</sup> Specifically, he identifies five provisions for a supportable bill.

First, we should once again allow small businesses to band together and get insurance for their employees through association health plans, typically with the local chamber of commerce acting to link employers together.

Second, the federal government should reform ACA’s reinsurance program by funding state-based high-risk pools to pay for large medical claims so that no one is bankrupted because they or a family member have a serious illness. High-risk pools can also ensure that coverage is available to anyone with a pre-existing condition. Every proposal I’ve seen to fix the ACA continues this guarantee.

Third, maintain the provision in the law allowing young adult children to stay on their parents’ insurance up to age 26.

Fourth, provide coverage options to those New Yorkers receiving benefits through Medicaid. Almost one-third of our state’s population is enrolled in the program and approximately 700,000 people gained coverage under the state’s ACA-approved Essential Plan, a Medicaid offshoot fully funded by the federal government. I am working with my colleagues to continue coverage for those who benefited from the expansion, including by incentivizing purchase of private insurance with federal subsidies.

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<sup>230</sup> John J. Faso, “Congressman Faso Issues Statement on Passage of AHCA,” [faso.house.gov](http://faso.house.gov), May 4, 2017.

<sup>231</sup> John Faso, “‘Reform and fix’ the Affordable Care Act,” *Poughkeepsie Journal*, February 8, 2017.

Fifth, we need additional community health centers to provide primary care services to those without access to a physician. We must also create incentives for additional primary care doctors, physician assistants and nurse practitioners to serve those rural and urban areas of our state without adequate medical services.<sup>232</sup>

Faso's willingness to preserve portions of the Affordable Care Act is a principle that reappears throughout his term in office. These early press releases on healthcare are largely in line with the "domestic policy wonk" representational style. In these press releases, Faso references specific policy provisions. Additionally, he does not reference how repealing and replacing the Affordable Care Act will affect his district specifically, which is a requirement for the "pork and policy" and "appropriator" representational styles. In addition to making broader claims about healthcare reform, Faso also proposed more specific policy actions. For example, in January 2017, he co-signed a "Dear Colleague" letter which pressed House Speaker Paul Ryan to support "H.R. 184, the Protect Medical Innovation Act."<sup>233</sup> This bill, which ultimately passed the House of Representatives in July 2018, was a proposed repeal of the medical device tax.<sup>234</sup> This "2.3 percent tax on some devices sold by medical manufacturers" is a feature of the Affordable Care Act.<sup>235</sup> According to Faso and other supporters of the bill, "this tax is unnecessary and the costs will ultimately be passed on to those who need these devices most."<sup>236</sup> Additionally, he wrote that the tax "will cost medical innovators \$29 billion nationwide over 10 years, damage job creation and reduce economic growth."<sup>237</sup> When the bill passed in July 2018, the measure received bipartisan support, as fifty-seven Democrats voted in favor of the repeal.<sup>238</sup> Faso's

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<sup>232</sup> John Faso, "'Reform and fix' the Affordable Care Act," *Poughkeepsie Journal*, February 8, 2017.

<sup>233</sup> John J. Faso, "Faso Urges Repeal of Medical Device Tax," [faso.house.gov](http://faso.house.gov), January 31, 2017.

<sup>234</sup> Felicia Sonmez, "House votes to repeal medical device tax," *The Washington Post*, July 24, 2018.

<sup>235</sup> *Ibid.*

<sup>236</sup> John J. Faso, "Faso Urges Repeal of Medical Device Tax," [faso.house.gov](http://faso.house.gov), January 31, 2017.

<sup>237</sup> *Ibid.*

<sup>238</sup> Felicia Sonmez, "House votes to repeal medical device tax," *The Washington Post*, July 24, 2018.

position as an original cosponsor on this bill suggests that he took substantive measures in favor of health care reform.

### **The American Health Care Act**

During the 115<sup>th</sup> Congress, health care reform became a major debate beginning in March 2017. On March 8, 2017, the American Health Care Act was introduced in the House of Representatives and it was immediately referred to the House Ways and Means Committee and the House Energy and Commerce Committee.<sup>239</sup> After these committees approved the bill on a party-line vote, the bill was referred to the House Budget Committee. Since Faso is part of this committee, he had a direct role in the American Health Care Act's movement throughout the House of Representatives. After the bill reached the House Budget Committee, Faso's office distributed a press release on the subject:

This legislation is part of the larger multiphase process I have described before as an effective path to provide our 19 District families with affordable, patient-centered healthcare. Regulatory changes and legislative fixes will have to accompany this measure, but I am heartened to see the immediate inclusion of two provisions to provide families with peace of mind: insurance coverage for children up to age 26 and protections for patients with preexisting conditions. As a member of the Budget Committee, I look forward to carefully reviewing this bill in the coming days.<sup>240</sup>

In the House Budget Committee, the bill passed by a razor-thin margin, as three Republican members of the House Freedom Caucus voted with the Democrats.<sup>241</sup> During the negotiation process, the American Health Care Act received criticism from the far-right House Freedom Caucus, which suggested that the bill did not go far enough to repeal the Affordable

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<sup>239</sup> MJ Lee, Stephen Collinson, and Sara Murray, "GOP health care plan clears first hurdle, debate continues in committee," *CNN Politics*, March 9, 2017.

<sup>240</sup> John J. Faso, "Faso Issues Statement on American Health Care Act," [faso.house.gov](http://faso.house.gov), March 7, 2017.

<sup>241</sup> Mike DeBonis and Sean Sullivan, "GOP health-care plan: Key House panel calls for work requirements, additional cuts in Medicaid," *The Washington Post*, March 16, 2017.

Care Act. In the House Budget Committee, Faso supported the bill and voted in favor of its advancement to the Rules Committee. Ultimately, the bill passed through the Budget Committee by a margin of 19-17.<sup>242</sup> In a statement on the subject, Faso maintained that his affirmative vote in the Budget Committee did not necessarily equate to a similar vote on the House floor. In a press release from after the Budget Committee’s vote, Faso wrote that he “will continue to



**Figure 3.2: Front Page from the Times Herald-Record (March 17, 2017)**

**Source: Democratic Congressional Campaign Committee. “John Faso: Republican Incumbent in New York’s 19th Congressional District.” Democratic Congressional Campaign Committee, July 2018, 37.**

carefully review the legislation and gather input from constituents, providers, and insurers about how this reform plan will affect them.”<sup>243</sup> Additionally, he downplayed the importance of the Budget Committee’s role in the process, as he referred to the vote as a “procedural step...to assess whether the Energy and Commerce and Ways and Means committees had fulfilled the requirements laid out in the 2017 budget resolution the House debated and passed on January 13.”<sup>244</sup> However, this press release did not deter media from declaring Faso as the “deciding vote.”<sup>245</sup>

<sup>242</sup> Mike DeBonis and Sean Sullivan, “GOP health-care plan: Key House panel calls for work requirements, additional cuts in Medicaid,” *The Washington Post*, March 16, 2017.

<sup>243</sup> John J. Faso, “Faso Issues Statement on Budget Committee’s Referral to Rules Committee,” [faso.house.gov](http://faso.house.gov), March 16, 2017.

<sup>244</sup> John J. Faso, “Faso Issues Statement on Budget Committee’s Referral to Rules Committee,” March 16, 2017.

<sup>245</sup> Democratic Congressional Campaign Committee, “John Faso: Republican Incumbent in New York’s 19th Congressional District,” *Democratic Congressional Campaign Committee*, July 2018, 37.

As Figure 3.2 depicts, the *Times Herald-Record*, a Middletown newspaper, featured Faso on the front page with this phrase. This front-page story resurfaced during the 2018 election cycle, as the image was featured prominently in a pro-Delgado advertisement. The legislation passed through the House Rules Committee, but it was withdrawn from consideration before reaching the House floor for a vote.<sup>246</sup> Since some moderate Republicans and most of the Freedom Caucus opposed the bill, the American Health Care Act did not have enough votes to pass the House of Representatives.<sup>247</sup> Faso did not announce a position on the bill prior to the decision to remove it from consideration. After Republican leaders withdrew the bill from the House floor, Faso released the following statement:

Since the start of this process, I have said that we must keep what works in the current healthcare system and fix what doesn't. Pulling the legislation from the floor reveals that there is no Republican consensus on replacement of the Affordable Care Act (ACA). As such, it is incumbent upon those of us in Congress to find incremental improvements and reforms to the ACA – hopefully with bipartisan support – which will lower costs and increase healthcare access for all Americans. I recognize that the partisan divide over healthcare needs to be overcome if we are to truly fix what isn't working in the ACA. I stand ready to do so.<sup>248</sup>

Although his affirmative position in the Budget Committee was indicative of a potential vote on the House floor, he did not announce a final decision on the American Health Care Act in March 2017. Although healthcare reform was temporarily postponed, the debate would remain ongoing for the remainder of the 115<sup>th</sup> Congress.

### **Amendments to the American Health Care Act and Backlash from New York State**

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<sup>246</sup> Robert Pear, Thomas Kaplan, and Maggie Haberman, “In Major Defeat for Trump Push to Repeal Health Law Fails,” *The New York Times*, March 24, 2017.

<sup>247</sup> Ibid.

<sup>248</sup> John J. Faso, “Statement from Congressman John J. Faso on the AHCA,” [faso.house.gov](http://faso.house.gov), March 24, 2017.



After the failure of the original American Health Care Act in March 2017, an amendment process began to address the concerns of moderate Republicans and the Freedom Caucus. During the original negotiation process, Congressman Faso, alongside Republican Congressman Chris Collins (NY-27), proposed an amendment to the American Health Care Act. This proposal, which became known as the Faso-Collins Amendment, “would require that the state picks up the tab it currently puts off on counties when it comes to paying for Medicaid.”<sup>249</sup> If the American Health Care Act had become law, the Faso-Collins Amendment would have only applied to New York State. Although this amendment did not change the bill in a significant way, it suggests that Faso took an active role in the healthcare reform process. On this subject, he stated:

High property taxes are crushing Upstate homeowners and businesses. Medicaid costs passed on from Albany are the primary driver of these taxes. This policy, which I’ve described as the single worst mistake from the Rockefeller era, has burdened homeowners and small businesses for decades and helps give New York State the lamentable record of having some of the highest property taxes in the nation and the worst retention rates for people and jobs over the last decade.<sup>250</sup>

This statement reflects a brief shift in Faso’s representational style toward a “pork and policy style,” as his vision on healthcare reform is more focused on its potential impact on the 19<sup>th</sup> District. This amendment was designed specifically to affect the lives of the 19<sup>th</sup> District’s constituents. Additionally, in his press release, Faso included messages of support from several Republican leaders in New York State, including then-Rensselaer County Executive Kathy Jimino, Ulster County Legislature Chairman Ken Ronk Jr., and Dutchess County Executive Marcus J. Molinaro.<sup>251</sup> It is likely that this decision to include messages of support from state leaders was a political one. Specifically, it is possible that Faso sought to demonstrate the

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<sup>249</sup> Matthew Hamilton, “So what is the Faso-Collins amendment to the AHCA?” *Albany Times Union: Capitol Confidential*, March 21, 2017.

<sup>250</sup> John J. Faso, “Faso Plan to Cut Property Taxes Included in American Health Care Act,” [faso.house.gov](http://faso.house.gov), March 21, 2017.

<sup>251</sup> *Ibid.*

support within the state to this proposed change. Similarly, Faso's office released a press release that highlighted the support among New York's Republican Congressional Delegation for this amendment. The press release included statements from Tom Reed (NY-23), Claudia Tenney (NY-22), and Elise Stefanik (NY-21). Since "the proposal would only apply to the \$2.3 billion being raised from counties outside of New York City," it is unsurprising that statements from Congressman Lee Zeldin (NY-01), Congressman Pete King (NY-03), and Congressman Dan Donovan (NY-11) were not included in this press release.<sup>252</sup> It is, however, striking that Congressman John Katko (NY-24) did not issue a statement on this amendment, as he was the sole Republican member from upstate that did not publicly support the provision. Katko's lack of support for this amendment suggests that not all New York Republicans were in favor of the American Health Care Act.

The Faso-Collins Amendment received a significant amount of backlash from Democratic leaders within New York State. This backlash produced a confrontation between Faso and Governor Andrew Cuomo. As soon as the amendment was made public, Cuomo announced his opposition to it. Specifically, he believed that "it would leave a \$2.3 billion hole in the state's hefty obligation to fund Medicaid."<sup>253</sup> Additionally, then-state Attorney General, Eric Schneiderman "said Faso's proposal infringes on the state's sovereign rights, charging that there is no legitimate federal interest in telling the state how to divvy up its Medicaid contribution."<sup>254</sup> Faso immediately responded to this criticism in a press release, as he stated "Mr. Cuomo's criticism of the AHCA is also misplaced...New York Republican Congress

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<sup>252</sup> John J. Faso, "Members of New York's GOP Delegation Applaud Proposal which will Reduce Tax Burden on New Yorkers," [faso.house.gov](http://faso.house.gov), March 21, 2017.

<sup>253</sup> Dan Freedman, "Faso concedes New York-specific amendment to health bill won't proceed," *Albany Times Union*, July 21, 2017.

<sup>254</sup> *Ibid.*

Members fought to preserve the Medicaid expansion, which is protected thru 2019.”<sup>255</sup>

Additionally, Faso emphasized “how out of line New York is in this regard,” as most states do not fund Medicaid through property taxes.<sup>256</sup> The Faso-Collins Amendment was the source of the first of several confrontations between Governor Cuomo and Faso, as Faso used his federal authority to make suggestions for New York State.

The MacArthur Amendment provided the major changes that were necessary for the American Health Care Act to pass the House of Representatives. This amendment, which was proposed by Congressman Tom MacArthur (NJ-03), was an effort to garner votes from the House Freedom Caucus and moderate Republicans. MacArthur worked with Mark Meadows, the Freedom Caucus chair, to develop the language of the amendment. Specifically, it would have changed the American Health Care Act to “give states the chance to opt out of the ACA’s prohibition on charging different premiums to individuals purchasing coverage in the same area and its requirement that individual plans cover a core set of essential health benefits.”<sup>257</sup> This concession was a major victory for the Freedom Caucus, which endorsed the bill after the addition of this amendment. Since the MacArthur Amendment would have given insurers the autonomy to charge different premiums, it is likely that the price of insurance for individuals with preexisting conditions would have increased.<sup>258</sup> However, it is unlikely that New York State would have opted out of this provision, which means that the residents of the 19<sup>th</sup> District would not have been affected. Although New York State’s policies would have remained unchanged,

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<sup>255</sup> John J. Faso, “Statement from Congressman John J. Faso,” [faso.house.gov](http://faso.house.gov), March 22, 2017.

<sup>256</sup> John J. Faso, “Statement from Congressman John J. Faso,” [faso.house.gov](http://faso.house.gov), March 22, 2017.

<sup>257</sup> Elizabeth Mann Levesque and Molly E. Reynolds, “The AHCA’s MacArthur Amendment: Unusual politics, unusual policy,” *Brookings Institution*, May 12, 2017.

<sup>258</sup> *Ibid.*

the American Health Care Act's effect on individuals with preexisting conditions became a prominent feature of the 2018 election cycle.

On May 4, 2017, the American Health Care Act (HR 1628) passed the House of Representatives with Faso's support.<sup>259</sup> The bill passed by a slim margin of 217-213, as 20 Republicans did not vote for the legislation.<sup>260</sup> These 20 Republicans were "primarily moderates who thought the legislation roll[ed] back health-care benefits too much," as the MacArthur Amendment was designed to persuade the Freedom Caucus and other conservative members.<sup>261</sup> In New York State, in a nine-person Republican delegation, moderate Republicans Katko and Donovan were the only members to oppose the legislation. Shortly before the legislation passed the House of Representatives, Faso announced his support for the bill in a brief statement, as he announced: "After careful review of the changes to the American Health Care Act, I believe that this legislation addresses my concerns and I will support the AHCA as amended."<sup>262</sup> Although Faso was a member of the moderate Tuesday Group in the House of Representatives, it was relatively unsurprising that he voted for the bill. His support within the House Budget Committee was indicative of a general endorsement of the bill. Additionally, his press releases prior to this legislation were largely in support of addressing the supposed weaknesses of the Affordable Care Act. Since Faso ran on a platform of repealing and replacing the Affordable Care Act, this legislation was a crucial first step in attaining that goal.

After the passage of the American Health Care Act, Faso's office did not distribute a press release for five days. On May 9, 2017, Faso issued an opinion piece with the title "It's

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<sup>259</sup> U.S. Congress, House, *American Health Care Act of 2017*, H.R. 1628, 115th Cong., First Session, H. Rep. 115-52, Introduced in House March 20, 2017, Congress.gov.

<sup>260</sup> *Ibid.*

<sup>261</sup> Kim Soffen, Darla Cameron, and Kevin Uhrmacher, "How the House voted to pass the GOP health-care bill," *The Washington Post*, May 4, 2017.

<sup>262</sup> John J. Faso, "Congressman John Faso Issues Statement on the AHCA," faso.house.gov, May 4, 2017.

Time to Set the Record Straight on the AHCA.”<sup>263</sup> It is likely that this press release was a direct response to criticism from constituents. Since his statement from May 4 was so brief, this piece served as a justification for his vote to pass the American Health Care Act. After the bill passed the House of Representatives, Republicans faced criticism for the possibility that “Americans with pre-existing conditions could face higher costs.”<sup>264</sup> In his piece, Faso responds directly to this charge:

Under the AHCA a person’s health status cannot affect their premiums and you cannot be charged more for a pre-existing condition. In very limited circumstances, states could request waivers from certain essential health benefits but it won’t cost someone with a pre-existing condition more if they’ve maintained continuous health coverage. In the event that there is a lapse in coverage in a waiver state, a dedicated \$8 billion fund has been set aside to cover any additional premium costs. In most states, including New York, waivers aren’t possible anyway under state law. Moreover, essential health benefits only cover those in the individual and small group markets under current ACA law. This totals only 16,500 of exchange enrollees in the 19th District. Those who receive health insurance from employers with over 50 employees have never been affected by ACA provisions relating to essential health benefits. This is unchanged under the AHCA.<sup>265</sup>

Additionally, Faso expresses optimism for the American Health Care Act’s course in the Senate, as he states, “Now the AHCA moves on to the Senate, where additional improvements are expected. I welcome them. Those interested in reversing the failed status quo and providing affordable healthcare access for millions of our fellow Americans should welcome them, too.”<sup>266</sup> This piece marks the shift to a defensive position on the American Health Care Act, as the House of Representatives did not focus on large-scale health care reform after the May 2017 vote. Since Faso was no longer able to actively participate in health care reform, he was forced to solely defend his existing positions.

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<sup>263</sup> John J. Faso, “It’s Time to Set the Record Straight on the AHCA,” [faso.house.gov](http://faso.house.gov), May 9, 2017.

<sup>264</sup> Andrew Rafferty, “GOP Health Care Bill: These Are Critics’ Biggest Problems,” *NBC News*, May 4, 2017.

<sup>265</sup> John J. Faso, “It’s Time to Set the Record Straight on the AHCA,” [faso.house.gov](http://faso.house.gov), May 9, 2017.

<sup>266</sup> *Ibid.*

## Shift to Bipartisanship

During the Senate’s negotiations on healthcare reform, John Faso did not distribute many press releases on the subject. His responses to healthcare reform were mostly reactive to trends in national politics. Between the passage of the American Health Care Act in May 2017 and the Senate’s failure to enact reform in July of the same year, Faso’s office only distributed two press releases regarding healthcare. First, he released a statement when the Senate version of healthcare was distributed to the public. This press release focused on the fact that the Faso-Collins Amendment was included in the Senate bill.<sup>267</sup> In his statement, Faso expressed the necessity of this addition, as he stated, “Albany’s Medicaid mandate and resulting property taxes have burdened New Yorkers unlike in any other state. What we’ve got to show for this scheme is people fleeing our state in droves, businesses relocating, and crushing and often unpayable bills for those who stay behind.”<sup>268</sup> Additionally, he responded to Governor Cuomo’s criticism of this amendment again, as he stated, “Rather than false claims, Mr. Cuomo should start preparing to reform his Medicaid program and finally take full responsibility for the program.”<sup>269</sup> After this press release, Cuomo sent a letter to some New York congressional Republicans in which he “called the Faso-Collins provision a ‘political Ponzi scheme.’”<sup>270</sup> In the same letter, he proposed “a ‘Faso-Collins Federal Tax’ added onto local property taxes to make up the difference to avoid

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<sup>267</sup> John J. Faso, “Faso-Collins Language to Cut New York Property Taxes Included in Senate Health Bill Draft,” [faso.house.gov](http://faso.house.gov), June 22, 2017.

<sup>268</sup> John J. Faso, “Faso-Collins Language to Cut New York Property Taxes Included in Senate Health Bill Draft,” [faso.house.gov](http://faso.house.gov), June 22, 2017.

<sup>269</sup> *Ibid.*

<sup>270</sup> Kenneth Lovett, “LOVETT: Cuomo eyes possible ‘Faso-Collins federal tax’ on counties to offset \$2.3B Medicaid hit,” *New York Daily News*, June 26, 2017.

decimation of our health care system.”<sup>271</sup> In a press release, Faso, along with Collins, Stefanik, Reed, and Tenney, responded to Cuomo’s criticism. In his individual statement, Faso asserted:

“Rather than petulantly threatening to raise taxes on overburdened New Yorkers, Mr. Cuomo should instead cut waste in his own \$160 billion budget. High among these items are hundreds of millions each year doled out in special interest favors and side deals to favored groups. Medicaid is intended to help the disabled, the poor and the elderly, but in Cuomo’s New York fully one-third of our population is on this system. Cuomo is driving people from Upstate New York because of high taxes. Instead of supporting our efforts he threatens additional tax increases because he can’t bring his own budget under control. Cuomo spends more on Medicaid than Texas and Florida combined and those states have more than twice New York’s population. Our amendment finally fixes Albany’s 50-year-old mistake of imposing part of these costs on property taxpayers.”<sup>272</sup>

During the Senate negotiation process, Faso largely did not comment on the healthcare reform process. The two press releases were more focused on the Faso-Collins Amendment and New York State’s response to the proposed changes. This initial confrontation between Faso and Cuomo signifies the start of a more long-standing feud, as the two disagreed on several subjects during the 115<sup>th</sup> Congress.

After the American Health Care Act passed the House of Representatives, the Senate attempted to pass a similar bill several times. The American Health Care Act “was considered dead on arrival in the Senate,” which meant that the Senate had to develop a new proposal.<sup>273</sup> The Senate voted on legislation three times, but the attempts failed to advance.<sup>274</sup> After the Senate decided to move on from healthcare reform, Faso released the following statement:

“The recent failure of the Senate to advance its healthcare bill underscores the need for incremental, bipartisan reforms that will lower the costs of healthcare for families and individuals and put our nation’s healthcare system on a path to fiscal

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<sup>271</sup> Kenneth Lovett, “LOVETT: Cuomo eyes possible ‘Faso-Collins federal tax’ on counties to offset \$2.3B Medicaid hit,” *New York Daily News*, June 26, 2017.

<sup>272</sup> John J. Faso “Faso, New York Congressional Delegation Dismiss Cuomo’s Baseless Claims,” [faso.house.gov](http://faso.house.gov) June 27, 2017.

<sup>273</sup> Ezra Klein, “The GOP’s massive health care failures, explained,” *Vox*, July 28, 2017.

<sup>274</sup> *Ibid.*

sustainability. I am working as part of the bipartisan Problem Solvers Caucus to initiate reforms which can fix problems with the individual insurance market.”<sup>275</sup>

This statement marked the beginning of Faso’s shift toward a bipartisan approach to representation. After this press release in July 2017, Faso’s office distributed very few press releases with a healthcare emphasis. Although there were sixteen months remaining in Faso’s term, he only issued five more press releases that were centralized on health care. This circumstance certainly reflects congressional activity during this period, as the House of Representatives did not take up health care reform again in the 115<sup>th</sup> Congress. However, the low number of press releases is also indicative of the controversy surrounding health care reform. After Faso voted for the American Health Care Act, many constituents became mobilized in their opposition to this decision. By May 11, 2017, “more than a half-dozen Democrats” had announced their candidacy to run against Faso.<sup>276</sup> Additionally, Faso began to face backlash for his decision to not host public town-hall meetings. In Kingston, for example, Democrats organized a town hall, which Faso did not attend. Instead, “Democratic Rep. Sean Patrick Maloney, from the neighboring 18<sup>th</sup> Congressional District, addressed Faso’s constituents for more than two hours.”<sup>277</sup> Similarly, residents of the 19<sup>th</sup> District began protesting Faso’s vote regularly. One constituent stated, “Nobody’s burned a cross on his front yard yet, so he’s got that going for him,” which reflects the tensions that existed in the district during this period.<sup>278</sup> Therefore, it is unsurprising that Faso sought to downplay health care reform and refocus his representational style on other priorities.

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<sup>275</sup> John J. Faso, “Faso Releases Statement on Status of Healthcare Reform,” [faso.house.gov](http://faso.house.gov), July 28, 2017.

<sup>276</sup> Steve Peoples Associated Press, “Rep. Faso faces growing backlash over health care vote,” *The Daily Freeman*, May 11, 2017.

<sup>277</sup> Steve Peoples Associated Press, “Rep. Faso faces growing backlash over health care vote,” *The Daily Freeman*, May 11, 2017.

<sup>278</sup> *Ibid.*



Throughout the remainder of his term, Faso mostly highlighted healthcare legislation with bipartisan support in press releases. When his office distributed a press release on the repeal of the Independent Patient Advisory Board (IPAB), he emphasized the legislation's bipartisan support. Faso declared IPAB as "a misguided concept that would ultimately serve to ration healthcare to our seniors," and he stated, "19<sup>th</sup> District seniors deserve better than that."<sup>279</sup> On this topic, Faso highlighted the bill's bipartisan support in a 307-111 vote, as well as how "close to 800 organizations representing healthcare stakeholders came out in support of this commonsense legislation."<sup>280</sup> This press release reflects how Faso began to practice the "pork and policy" representational style, as he emphasizes the bill's potential effects for the 19<sup>th</sup> District. This pattern emerges several times during the remainder of Faso's term. In November 2017, Faso advertises the "House passage of bipartisan legislation to reauthorize the Children's Health Insurance Program (CHIP), H.R. 3922, the Community Health and Medical Professionals Improve Our Nation (CHAMPION) Act."<sup>281</sup> In his statement, Faso also recognized how "the legislation authorizes robust support for community health centers, which provide critical medical services throughout Upstate New York."<sup>282</sup> After the failure of the American Health Care Act, it is clear that Faso sought to emphasize bipartisan accomplishments regarding health care reform, as well as improvements for his district. In 2018, Faso promoted the "Right to Try Act," which passed the House of Representatives by a vote of 250-169.<sup>283</sup> Although the bill was relatively controversial, Faso publicizes it as a "bipartisan bill [that] gives patients and families facing unimaginable choices and situations a chance to fight, and gives them access to new

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<sup>279</sup> John J. Faso, "Faso Votes to Repeal Controversial IPAB," [faso.house.gov](http://faso.house.gov), November 3, 2017.

<sup>280</sup> *Ibid.*

<sup>281</sup> John J. Faso, "Faso Votes to Reauthorize Children's Health Funding, Protect Rural Hospitals," [faso.house.gov](http://faso.house.gov), November 3, 2017.

<sup>282</sup> *Ibid.*

<sup>283</sup> John J. Faso, "Faso Votes for 'Right to Try' Legislation," [faso.house.gov](http://faso.house.gov), May 23, 2018.

opportunities that may prove to be potentially lifesaving.”<sup>284</sup> Similarly, Faso highlights “two bills, H.R. 6199 – Restoring Access to Medication and Modernizing Health Savings Accounts Act of 2018, and H.R. 6311 – Increasing Access to Lower Premium Plans and Expanding Health Savings Accounts Act of 2018,” which passed the House on a bipartisan basis.<sup>285</sup> Although it is unlikely that Faso’s positions on healthcare changed during his term, he reworked his communication on this subject to respond to increasing controversy.

### **Faso’s Messaging during the 2018 Election Cycle**

During his 2018 campaign, Faso’s messaging on healthcare was more defensive in its content and not as pro-reform as in the previous cycle. Under the “issues” heading on his website, there was a category for “working against a government takeover of health care.”<sup>286</sup> This addition marks a change from 2016, which did not even mention this possibility. This revision suggests that the national conversation surrounding healthcare had changed in two years, as Republicans were defending a substantial number of toss-up congressional seats. In November 2018, Faso’s website was more comprehensive in outlining his position on health care, which stated:

John is working to reform our healthcare system with commonsense solutions that will improve the quality of the care we receive, lower costs, increase transparency and allow families, not the government, to make decisions about their care. He has voted to protect individuals with pre-existing conditions from ever being denied healthcare coverage. In addition, he voted for the longest reauthorization in the history of the Children’s Health Insurance Program (CHIP), supported \$7 billion in funding for Community Health Centers, and worked to support our local hospitals by delaying cuts to the Disproportionate Share Hospital payment program and helped to secure funding for rural hospitals.

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<sup>284</sup> John J. Faso, “Faso Votes for ‘Right to Try’ Legislation,” [faso.house.gov](http://faso.house.gov), May 23, 2018.

<sup>285</sup> John J. Faso, “Faso Supports Efforts to Make Healthcare More Affordable, Empower Patients with Choices,” [faso.house.gov](http://faso.house.gov), July 25, 2018.

<sup>286</sup> Faso for Congress, “Issues,” November 6, 2016, *Internet Archive: Wayback Machine*.

To help further improve access, John introduced H.R. 5899, bipartisan legislation to reauthorize and make improvements to school-based health centers. These centers are vitally important in rural and underserved communities providing primary care and mental health services. New York currently has the largest statewide network of school-based health centers (SBHCs) in the country with over 250 centers serving 185,000 students.

John is opposed to schemes such as “Medicare for All”, single payer health care which would cost over \$32 trillion and result in the highest tax increase in history, while undermining the existing Medicare system for seniors. These plans would end employer provided healthcare and force everyone into a government run healthcare system.<sup>287</sup>

Unsurprisingly, Faso’s Democratic opponent, Antonio Delgado, had much different messaging on his website. In contrast with Faso, Delgado supports a public option for healthcare, as he stated:

My goal is to get us to universal coverage as fast as possible, and the best way to do that is by creating a public option, giving everyone the choice to opt into Medicare. I will also work to eliminate regulations that protect the pharmaceutical companies at the expense of the health of everyday Americans, and will work to give Medicare the power to negotiate drug prices.<sup>288</sup>

More significantly, however, Delgado attacks Faso directly in his messaging on healthcare, as he states:

Congressman John Faso has spent his time in Washington D.C. working to take health insurance away from millions of Americans for no reason other than to create a huge tax giveaway to the wealthiest one percent. Faso’s plan hurts people with pre-existing conditions. He will tell you pre-existing conditions are still covered, but his plan lets insurance companies force people with pre-existing conditions into totally unaffordable plans called high-risk pools, and the truth is that no plan is truly “accessible” if it’s not affordable. Furthermore, Faso’s plan cruelly strips Medicaid away from thousands of the most vulnerable families, and slashes funding for women’s health organizations like Planned Parenthood, despite his promises that he would not do so.<sup>289</sup>

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<sup>287</sup> Faso for Congress, “Issues,” November 6, 2016, *Internet Archive: Wayback Machine*.

<sup>288</sup> Delgado for Congress, “Issues: Healthcare,” November 5, 2016, *Internet Archive: Wayback Machine*.

<sup>289</sup> Delgado for Congress, “Issues: Healthcare,” November 5, 2016, *Internet Archive: Wayback Machine*.

Since Delgado was running against the incumbent, it is unsurprising that his messaging was directly opposed to Faso. However, his positions do reflect a dramatic change in landscape from 2016. Although Teachout was a progressive candidate, she did not advocate for a public option. Additionally, both Faso and Teachout did not focus heavily on the issue of healthcare in 2016. The 2018 election cycle marked a major shift, as Delgado emphasized the importance of healthcare as an issue and Faso defended his own positions. Additionally, voters were mobilized around this issue. In a Monmouth University poll from September 2018, 29 percent of voters in the district identified healthcare as the most important political issue. Additionally, 44 percent of Delgado supporters chose healthcare as their top priority.<sup>290</sup> On the subject, Delgado stated, “Everywhere I travel across this district, and it’s big, there’s no doubt that health care is the most important issue on people’s minds... We’re in crisis.”<sup>291</sup> Many of Delgado’s advertisements highlighted Faso’s positions on healthcare and his vote for the American Health Care Act. Although Faso attempted to spin the healthcare debate in his favor, the Democratic base was largely motivated around this issue and he could not match Delgado’s momentum in the district.

## **Conclusion**

After Faso lost in November 2018, many political pundits pointed to the issue of healthcare as a major force in the election.<sup>292</sup> Although Faso attempted to promote himself as a bipartisan lawmaker, it is likely that his vote for the American Health Care Act was a deciding factor in the election. This pattern was common among congressional Republicans, as 40 seats

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<sup>290</sup> Monmouth University Polling Institute, “Voters Divided in CD19,” *Monmouth University*, September 12, 2018.

<sup>291</sup> Bridget Bowman, “New York Race Spotlights National Clash Over Health Care,” *Roll Call*, October 3, 2018.

<sup>292</sup> Jacob Pramuk, “Democrat Delgado projected to unseat GOP Rep. Faso in New York House district: NBC News,” *CNBC*, November 6, 2018.

flipped to Democratic control in the House of Representatives.<sup>293</sup> Many congressional Republicans pointed to the healthcare debate as the cause of this result. Ed Royce, who chaired the House Foreign Affairs Committee and did not run for reelection in 2018, “told colleagues that he bitterly resented the fruitless, politically damaging health care debate.”<sup>294</sup> Similarly, “Former Representative Pat Tiberi of Ohio, a long-serving Republican who resigned in January to take a private-sector job, said Republicans had ‘overreached’ and handed Democrats a decisive advantage on health care as a political issue.”<sup>295</sup> Although Republicans like Faso attempted to swing the healthcare debate in their favor, they could not overcome Democrats’ momentum and focused message.

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<sup>293</sup> “2018 Midterm Election Results: Live,” *The New York Times*, January 28, 2019.

<sup>294</sup> Alexander Burns and Jonathan Martin, “How the House Fell: Republican Chaos and Democratic Focus,” *The New York Times*, November 7, 2018.

<sup>295</sup> *Ibid.*

## Chapter Four:

### Tax Reform in the 115th Congress: A Case Study

This chapter will focus on tax reform during the 115<sup>th</sup> Congress, which is the second of two case studies regarding Congressman John Faso’s representational style. Lower taxes have been a major Republican policy for several decades, as party leaders have advocated for their effectiveness since the 1980s. The 2016 elections produced a Republican-controlled government for the first time in a decade, which created the opportunity for sweeping, conservative tax reform. President Ronald Reagan “was the last president to preside over a significant tax reform,” as Congress passed bipartisan legislation in 1986.<sup>296</sup> In the last decade, Republican and Democrat leaders have both proposed that tax reform is overdue. During the 2012 presidential election, for example, both President Barack Obama and Republican candidate Mitt Romney expressed support for tax reform. Obama suggested “cutting the top corporate tax rate to 28 [percent],” while Romney proposed a more drastic reduction to 25 percent.<sup>297</sup> Tax reform is not necessarily a partisan matter, but the composition of Congress in 2017 suggested that any legislation would have a Republican-leaning angle. As a Republican member of Congress, it is unsurprising that Faso was receptive to legislation from party leaders. During the 115<sup>th</sup> Congress, Faso’s office distributed 13 press releases about tax reform. Although this number is significantly lower than Faso’s 26 press releases on healthcare, tax reform was an equally contentious subject. Since Faso eventually chose to oppose the Tax and Jobs Act of 2017, his press releases on this subject are less defensive in their language. In this chapter, I will examine the tax reform debate during the 115<sup>th</sup> Congress, which was highly controversial and partisan.

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<sup>296</sup> Floyd Norris, “Tax Reform Might Start with a Look Back to ’86,” *New York Times*, November 22, 2012.

<sup>297</sup> Kevin A. Hassett and R. Glenn Hubbard, “Romney vs. Obama on corporate tax reform,” *The Wall Street Journal*, American Enterprise Institute, March 14, 2012.

Additionally, I will review the challenges that Republicans from Democratic-leaning states faced, as this legislation conflicted with several state laws. For New York Republicans like Faso, state law dominated conversations surrounding the tax reform debate. In turn, most of Faso's press releases on tax reform largely correspond with the "pork and policy" representational style, as the debate is framed in the context of New York State.

### **Faso's Messaging During the 2016 Campaign**

During his first campaign, Faso was a consistent advocate of tax reform. On his campaign website, a significant portion of his "jobs and growth for upstate" plan centered on tax reform. He argued for legislation to "reduce taxes for hardworking Americans..., simplify the tax code, and end corporate welfare."<sup>298</sup> This messaging corresponded with the 2016 Republican Party Platform, which advocated for each of these provisions.<sup>299</sup> Faso supported Republican traditional views about tax reform, as he stated:

We need to cut taxes, simplify the tax code and remove unproductive provisions which are no longer necessary or have outlived their usefulness. The U.S. tax code is approaching 75,000 pages, and in recent years under President Obama, we have seen exponential growth. Unfortunately, many of these regulations were written by special interests, corporate lawyers and accountants. Tax simplification was accomplished in 1986 under President Reagan and was supported by bipartisan majorities in Congress. The president and Congress must enact common-sense reforms, including simplifying the tax code.<sup>300</sup>

Like Faso, most Republicans in 2016 were advocates of tax reform. During his campaign, President Donald Trump argued for "eliminating the estate tax while also cutting corporate and

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<sup>298</sup> Faso for Congress, "John's Plan for Upstate: Jobs and Growth for Upstate," October 29, 2016, *Internet Archive: Wayback Machine*.

<sup>299</sup> RNC Communications, "The 2016 Republican Party Platform," *Republican National Committee*, 1-2.

<sup>300</sup> Faso for Congress, "John's Plan for Upstate: Jobs and Growth for Upstate," October 29, 2016, *Internet Archive: Wayback Machine*.

business tax rates by more than half.”<sup>301</sup> In April 2016, he released a specific proposal regarding this subject, which included “cutting the top tax rate on business income from 35 to 15 percent, cutting individual income tax rates, raising the standard deduction, and abolishing both the estate tax and the alternative minimum tax.”<sup>302</sup> This proposal was slightly more extreme than Faso’s ideas for tax reform, as Faso advocated for a corporate “rate of 20% with fewer loopholes and deductions.”<sup>303</sup> He argued that a lower corporate tax rate would “encourage U.S. companies to invest based upon expected economic return instead of where investments are motivated only by tax considerations.”<sup>304</sup> Faso generally approved of tax reform, and he also provided some explicit details on this subject. On his campaign website, he listed his priorities:

- Lower tax rates to simplify the system and ease the burden on hardworking Americans and small businesses.
- Flatten the tax code and close loopholes (with exceptions for deductions for mortgage interest, state and local taxes, and employer-funded healthcare).
- Ensure any effort to reform the broken tax system and close tax loopholes doesn’t raise tax rates on hardworking Americans. I will oppose any plan that includes net tax increases disguised as tax reform.
- Put an end to corporate welfare, such as ethanol subsidies – estimated to cost motorists up to \$10 billion annually in higher fuel prices. Ethanol subsidies have also distorted agricultural markets, raising food prices.<sup>305</sup>

Faso was also in favor of tax reform that would “ensure that small businesses which file taxes as subchapter ‘S’ entities aren’t paying higher rates than major corporations.”<sup>306</sup> This provision proposed lower taxes for small businesses, as these companies paid a higher share under the tax code in 2016. In Faso’s view, this requirement discouraged small businesses. Additionally, he included the supposed benefits of tax reform on his campaign website. Under

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<sup>301</sup> Alison Burke, “What Brookings experts are saying about tax reform in the 115<sup>th</sup> Congress,” *Brookings Institution*, August 22, 2017.

<sup>302</sup> *Ibid.*

<sup>303</sup> Faso for Congress, “John’s Plan for Upstate: Jobs and Growth for Upstate,” October 29, 2016, *Internet Archive: Wayback Machine*.

<sup>304</sup> *Ibid.*

<sup>305</sup> *Ibid.*

<sup>306</sup> *Ibid.*



the tax code in 2016, Faso wrote that “companies had double taxation on their foreign earnings – once when earnings are made, and again when a company brings profits home.”<sup>307</sup> If this provision changed, Faso believed that companies would be more likely to remain in the United States, which would keep jobs in the country. During his 2016 campaign, Faso outlined clear goals for pursuing tax reform, as he largely endorsed traditional Republican views on this subject.

### **The Tax Cuts and Jobs Act in the 115<sup>th</sup> Congress**

In 2017, many political pundits speculated that tax reform would be a top priority for Republican leaders in the 115<sup>th</sup> Congress. Prior to the start of the 115<sup>th</sup> Congress in January 2017, Speaker of the House of Representatives Paul Ryan told reporters, “Welcome to the dawn of a new unified Republican government... This will be a government focused on turning President-elect Trump’s victory into real progress for the American people.”<sup>308</sup> Ryan worked with Senate Majority Leader Mitch McConnell to develop comprehensive goals for the 115<sup>th</sup> Congress, which included “plans to repeal and replace Obamacare, overhaul the federal tax code, slash federal regulations, invest in infrastructure projects and seal the U.S.-Mexico border.”<sup>309</sup> McConnell suggested that the tax code was one of the “biggest impediments to growth in our country,” and White House Chief of Staff Reince Priebus similarly indicated that reform would be a major priority in 2017.<sup>310</sup> Although Republican leaders opted to focus on healthcare first, they turned to tax reform after the American Health Care Act failed to become law in 2017.

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<sup>307</sup> Faso for Congress, “John’s Plan for Upstate: Jobs and Growth for Upstate,” October 29, 2016, *Internet Archive: Wayback Machine*.

<sup>308</sup> Susan Davis, “‘Dawn of A New Unified Republican Government’ Coming in 2017,” *NPR*, December 22, 2016.

<sup>309</sup> *Ibid.*

<sup>310</sup> *Ibid.*

However, Republicans in Democratic states were concerned about tax reform, as there was speculation that the bill would include the partial elimination of SALT deductions. In June 2017, several Republican representatives from New York, including Faso, sent a letter to the Secretary of the Treasury, Steven Mnuchin. This letter, which was included in Faso's first press release related to tax reform, expressed support for "the State and Local Tax (SALT) deduction, which allows taxpayers to deduct state and local tax payments from federal taxable income" and urged Mnuchin to protect the provision.<sup>311</sup> In a comment on the subject, Faso stated:

Upstate New Yorkers are already saddled with some of the highest tax rates in the country across the board, and they flat-out cannot afford to be paying taxes twice on the same income. The SALT deduction prevents this double taxation by allowing individuals to apply federal taxes to their income after state and local taxes have been taken out... This is commonsense policy that has been in place for over 100 years, and its elimination would cause great harm to family budgets and would slow the growth in already-struggling Upstate communities.<sup>312</sup>

This press release established Faso's approach to tax policy, which corresponded with a "pork and policy" representational style. Since many New Yorkers rely on SALT deductions for lower taxes, Faso and other congressional Republicans were concerned about the removal of this loophole. This press release was distributed months before the Tax Cuts and Jobs Act was announced to the public in November 2017, which reflects New York Republicans' early concerns about potential tax reform.<sup>313</sup> In late October 2017, there was a House budget proposal, which eliminated SALT deductions for New York families in a resolution.<sup>314</sup> In this press release, Faso reaffirmed his support for tax reform, but stated that he "could not... vote in support of a budget resolution that singled out for elimination the ability of New York families to deduct

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<sup>311</sup> John J. Faso, "Faso, New York Delegation Tell Treasury Secretary to Protect Key Tax Provision," [faso.house.gov](http://faso.house.gov), June 28, 2017.

<sup>312</sup> *Ibid.*

<sup>313</sup> Alex Seitz-Wald and Leigh Ann Caldwell, "GOP Unveils Massive Tax Cut Plan," *NBC News*, November 2, 2017.

<sup>314</sup> Jimmy Vielkind, "Seven of New York's 9 GOP Congress members vote against budget, citing tax deduction," *Politico New York*, October 26, 2017.

state and local taxes.”<sup>315</sup> For New York taxpayers, SALT deductions are “worth an estimated \$17 billion,” which suggests that many residents of the state would pay more if this provision were implemented.<sup>316</sup> Faso joined most other New York Republican representatives, as Congressman Tom Reed (NY-23) and Congressman Chris Collins (NY-27) were the only members to vote for this legislation.<sup>317</sup> In Faso’s full statement, which he included in a press release, he also stated:

I remain committed to the belief that we need comprehensive tax reform to benefit Upstate New York families and increase economic growth. We must provide middle class tax relief and lower the burdens on job-creating small businesses... I am committed to finding a solution by working with the administration, congressional leadership, and members of both parties to reform our tax code in a manner that works for middle class families in Upstate New York and will allow our economy to grow.<sup>318</sup>

This budget proposal was designed to “pave the way for a larger discussion on tax reform,” and it is likely that Republican Party leaders sought to assess the political strength of this issue.<sup>319</sup> This budget passed in a close 216-212 vote, as no Democrats supported the legislation and 20 Republicans vote against it.<sup>320</sup> This vote reflects the early controversy surrounding tax reform, as Republicans from high tax states like New York were hesitant to support legislation that produced higher economic burdens for constituents.

On November 2, 2017, House Republican leaders released a proposal for tax reform in the Tax Cuts and Jobs Act. This legislation was designed to simplify the tax code and close loopholes in the existing system. When this bill was revealed, it intended to “trim the number of

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<sup>315</sup> John J. Faso, “Faso Votes No on House Budget Proposal,” [faso.house.gov](http://faso.house.gov), October 26, 2017.

<sup>316</sup> Jimmy Vielkind, “Seven of New York’s 9 GOP Congress members vote against budget, citing tax deduction,” *Politico New York*, October 26, 2017.

<sup>317</sup> *Ibid.*

<sup>318</sup> John J. Faso, “Faso Votes No on House Budget Proposal,” [faso.house.gov](http://faso.house.gov), October 26, 2017.

<sup>319</sup> Jimmy Vielkind, “Seven of New York’s 9 GOP Congress members vote against budget, citing tax deduction,” *Politico New York*, October 26, 2017.

<sup>320</sup> U.S. Congress, House, *Establishing the congressional budget for the United States Government for fiscal year 2018 and setting forth the appropriate budgetary levels for fiscal years 2019 through 2027*, H. Con. Res. 71, 115th Cong., First Session, H. Rept. 115-240, Introduced in House October 4, 2017, [Congress.gov](http://Congress.gov).

tax brackets, while raising the standard deduction from \$6,350 to \$12,000 for individuals and from \$12,700 to \$24,000 for married couples.”<sup>321</sup> The legislation also increased “the child tax credit from \$1,000 to \$1,600,” which was a non-controversial provision that had Democratic support.<sup>322</sup> Additionally, the legislation fulfilled the long-standing Republican promise of cutting corporate taxes, as it reduced this rate from 35 percent to 20 percent.<sup>323</sup> However, it also alienated some Republicans, as the initial bill eliminated “the deduction for state and local income taxes while limiting the deduction for property taxes to \$10,000.”<sup>324</sup> The bill also intended to repeal “the estate tax after six years” in one of the legislation’s more controversial provisions.<sup>325</sup> After the legislation was made public, Faso distributed a press release that responded to most of the key provisions in the bill. Although he expressed optimism in the general principles of this legislation, Faso was hesitant about some of the specific provisions, as he stated:

Every worker, family, and small business owner knows our tax code does not work, is too complicated, and forces them to send more of their money to Albany and Washington, D.C. than they should. My goal for tax reform is to get our economy moving again, increase worker paychecks, incentivize small business investment and ensure New York families are better off. The plan released today begins that process by lowering the tax rates and expanding the tax brackets, doubling the standard deduction to \$24,000 for married couples, maintaining the ability to deduction charity donations, mortgage interest and a portion of your property taxes. I remain concerned about the elimination of the deduction for state income taxes and will continue to advocate for such a policy and ensure this plan works for New York middle class families.<sup>326</sup>

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<sup>321</sup> Alex Seitz-Wald and Leigh Ann Caldwell, “GOP Unveils Massive Tax Cut Plan,” *NBC News*, November 2, 2017.

<sup>322</sup> *Ibid.*

<sup>323</sup> *Ibid.*

<sup>324</sup> *Ibid.*

<sup>325</sup> *Ibid.*

<sup>326</sup> John J. Faso, “Faso Releases Statement on Tax Reform Proposal,” [faso.house.gov](http://faso.house.gov), November 2, 2017.

This statement indicates that Faso approves of the Tax Cuts and Jobs Act except for the provision eliminating SALT deductions. He also expressed support for several other features of the bill, as he stated:

In the 19<sup>th</sup> Congressional District, approximately 32% of tax filers itemize deductions, typically for mortgage interest, charitable donations and state and local taxes. With the doubling of the standard deduction for married couples to \$24,000, I expect a reduction in the number of taxpayers who chose to itemize deductions if this plan was adopted. In addition, the plan raises the Child Tax Credit from \$1000 per child to \$1600 per child while also providing a \$300 credit for each parent and non-child dependent. These changes will save families money.<sup>327</sup>

Although Faso had reservations about the bill, he also promoted the supposed benefits of the legislation. In the press release, he cited an article from *The Washington Post*, which was titled “Senate Democrats falsely claim GOP tax plan will raise taxes for most working-class families.”<sup>328</sup> In this fact-checking article, the author addressed the claim that “on average, middle class families earning less than \$86,000 would see a tax increase under the Republican ‘tax reform’ plan.”<sup>329</sup> The author gave this statement “four Pinocchios,” which means that a claim is false. In his press release, Faso used this article to promote tax reform, as he stated “that there will be attacks that this plan is only to help the ‘rich’ and nothing can be further from the truth...the highest income earners will continue to face the highest taxes and the plan maintains the top tax bracket.”<sup>330</sup> He also directly referenced Democratic comments about the bill, as he wrote, “Democrat critics need to revise their class warfare playbook as most benefits accrue to middle class taxpayers and small businesses.”<sup>331</sup> Faso also promoted the traditional Republican

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<sup>327</sup> John J. Faso, “Faso Releases Statement on Tax Reform Proposal,” [faso.house.gov](http://faso.house.gov), November 2, 2017.

<sup>328</sup> Ibid.

<sup>329</sup> Glenn Kessler, “Senate Democrats falsely claim GOP tax plan will raise taxes for most working-class families,” *The Washington Post*, November 2, 2017.

<sup>330</sup> John J. Faso, “Faso Releases Statement on Tax Reform Proposal,” [faso.house.gov](http://faso.house.gov), November 2, 2017.

<sup>331</sup> Ibid.

beliefs about tax reform in this press release, as he outlined the potential benefits of this legislation. He wrote:

Today's plan also allows American businesses to compete in the global economy on a level playing field by reducing the corporate rate from 35% to 20% to bring the US into range of other industrialized nations that our workers are competing against. The plan would also help US corporations to bring profits home from overseas (repatriation) that will lead to more investment and jobs in the United States. Again, more corporate investment will mean more US jobs and higher paychecks.<sup>332</sup>

These statements were consistent with Faso's promises from the campaign regarding tax reform. Although Faso seemed to approve of tax reform on a national level, he was less supportive of how the legislation would affect New York State specifically. Although most of his press release corresponded with a "statesperson" representational style, he began to frame the debate in the context of New York State at the end of the document. Faso directly addressed the bill's potential effects on New York State, as he stated:

I am committed to helping New York families and businesses throughout this process and as such I continue to be concerned regarding the impact on New York state due to the elimination of state tax deductibility. Albany's high taxes already are forcing families and businesses to leave our state and I believe that we cannot accelerate this trend as a result of changes to the federal tax code – we all know two wrongs do not make a right. As I work to lower taxes for middle class families and small businesses at the federal level and allow New Yorkers to compete in the global economy, I would hope Governor Cuomo would look at ways to reform the state's tax and spending and not just attack the work we are doing to lower taxes for middle class families.<sup>333</sup>

After the Tax Cuts and Jobs Act was made public, it moved relatively quickly through the House of Representatives. Faso did not have any direct involvement in the legislative process, as the bill was only referred to the House Ways and Means Committee.<sup>334</sup> During the committee's

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<sup>332</sup> John J. Faso, "Faso Releases Statement on Tax Reform Proposal," [faso.house.gov](http://faso.house.gov), November 2, 2017.

<sup>333</sup> *Ibid.*

<sup>334</sup> U.S. Congress, House, *An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018*, H.R. 1, 115th Cong., First Session, H. Rept. 115-409, Introduced in House November 2, 2017, [Congress.gov](http://Congress.gov).

deliberative process, Faso hosted a live discussion on tax reform. During this event, constituents had the opportunity to call and ask questions about tax reform. Faso utilized this format several times during his term. These meetings, which are known as “tele-town halls,” are popular among many members of Congress. Throughout the 115<sup>th</sup> Congress, Republican representatives often used them as a form of communicating with constituents. During these events, “constituents are given a number to call and a pin code to enter... [which] takes them to a conference line... [where they are] invited to submit questions by pressing another code.”<sup>335</sup> Although the process varies among members of Congress, some offices also screen questions.<sup>336</sup> Faso stated that hosting this event would provide the “opportunity to directly engage with residents of New York’s 19<sup>th</sup> Congressional District on this consequential issue.”<sup>337</sup> Faso announced a plan to host “a series of live events with local businesses, elected officials and families and residents of the 19<sup>th</sup> Congressional District to discuss the tax reform proposals,” but this meeting was the only public option.<sup>338</sup> The other events were “conference calls...with local Chambers of Commerce leaders..., local elected officials, and community leaders.”<sup>339</sup> Faso’s direct outreach to constituents suggests that tax reform would have a unique effect on New York State. Since this bill would have a direct impact on tax policy in the state, Faso practiced a “pork and policy” representational style regarding this issue.

The Tax Cuts and Jobs Act moved through the deliberative process relatively quickly, as Republican leaders sought to pass the legislation before Christmas. Fifteen days after the legislation was made public, the House of Representatives passed the Tax Cuts and Jobs Act by a

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<sup>335</sup> Charles Bethea, “Tele-town halls help members of Congress screen their constituents,” *The New Yorker*, July 18, 2017.

<sup>336</sup> *Ibid.*

<sup>337</sup> John J. Faso, “Faso to Host Live Meeting on Tax Reform,” [faso.house.gov](http://faso.house.gov), November 13, 2017.

<sup>338</sup> John J. Faso, “Faso Seeks Local Input on Tax Reform,” [faso.house.gov](http://faso.house.gov), November 9, 2017.

<sup>339</sup> *Ibid.*

vote of 227-205.<sup>340</sup> All Democrats voted no on the legislation, and thirteen Republicans opposed it as well. Most New York Republicans opposed the legislation, as five of the delegation's members, including Faso, voted against the bill. Faso announced his opposition to the bill on November 15, 2017, which was the day before the legislation's passage. Although Faso endorsed the general goals of tax reform, he opposed the "Tax and Jobs Act" because it eliminated SALT deductions. On the subject, he stated:

The complete removal of the deduction for state income taxes and the limitation on deductions for local property taxes will impact New York families more severely than taxpayers in other states. While the full SALT income tax deduction for individuals is repealed, full deductibility will remain in effect for corporations and other business entities, thereby protecting taxpayers in states like Texas which rely more heavily on corporate taxes. Since New York taxpayers already send over \$40 billion more in tax dollars to Washington than we receive back in federal benefits and services, we are not being subsidized by any state. Frankly, I resent the accusation that New Yorkers are being subsidized by the rest of the nation, when in fact the opposite is true.<sup>341</sup>

In this statement, Faso indicated that the elimination of SALT deductions was the sole reason that he voted against this proposal. Republicans leaders were required to make up for the lost revenue from corporate tax cuts, and they chose to accomplish this task with the elimination of SALT deductions. It is unsurprising that most New York Republicans opposed this legislation, as it disproportionately affects taxpayers in the state. However, this statement also indicated that lower taxes in the state are the solution for this problem. Specifically, Faso declared:

Contrary to the rhetoric of Governor Cuomo and Senator Schumer, most middle income taxpayers in our district would receive tax cuts under this bill. However, the statewide impact of the proposal will dramatically and negatively impact state revenues as wealthier taxpayers and their businesses flee New York State to lower taxed jurisdictions. These revenue reductions will ultimately hurt our district as the state's tax base is further eroded. We are already losing people due to the failure of Governor Cuomo to reduce New York's high tax burden and to honestly

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<sup>340</sup> U.S. Congress, House, *An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018*, H.R. 1, 115<sup>th</sup> Cong., First Session, H. Rept. 115-409, Introduced in House November 2, 2017, Congress.gov.

<sup>341</sup> John J. Faso, "Faso to Vote 'No' on Tax Proposal," [faso.house.gov](http://faso.house.gov), November 15, 2017.



address the regulatory climate which is killing jobs and opportunity in our state. The constant call from the political left to ‘tax the rich’ is actually helping to destroy our tax base and jobs for our citizens. However, my dissatisfaction with New York’s status quo, does not allow me to conclude that New York families should become collateral damage in the federal tax debate because Albany refuses to improve the tax and business climate in our state.<sup>342</sup>

Although Faso opposed this bill, his objections corresponded with his conservative views on fiscal policy. Faso’s rhetoric was met with a similar response from Andrew Cuomo, who is the Governor of New York. On the subject, Cuomo stated that if Faso “truly opposed the federal tax reform effort that passed the House..., he would have resigned in protest.”<sup>343</sup> Cuomo called the four New York Republican representatives who voted for the bill “treasonous,” and he also criticized Faso’s position.<sup>344</sup> Specifically, Cuomo stated:

Now they’re going to let some people vote no... That’s what they’re doing with Faso here. It’s baloney... Faso should go to his leadership and say, if you do this, I’m out. I’m out... A Republican Congress person who has any conviction should say, if you pass this, I’m out... You hurt my state? You hurt my people? I resign. That’s what they would do if they really represented the people of this state.<sup>345</sup>

This statement reflects the tensions between Faso and Cuomo, but it is also indicative of broader friction between congressional Republicans and New York State. Although the Tax Cuts and Jobs Act was a traditional Republican policy, it conflicts with New York State law. In New York’s 19<sup>th</sup> District, the average taxpayer deducts approximately \$3,900 through the SALT program.<sup>346</sup> Among Republicans who opposed the tax bill, many residents utilize the SALT deductions. This pattern is evident in Figure 4.1, which classifies the Republican members who opposed the bill with the average SALT deductions in their district. Although the 19<sup>th</sup> District’s

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<sup>342</sup> John J. Faso, “Faso to Vote ‘No’ on Tax Proposal,” [faso.house.gov](http://faso.house.gov), November 15, 2017.

<sup>343</sup> Jimmy Vielkind, “Cuomo: If Faso really opposed tax bill, he would have quit,” *Politico Albany*, November 16, 2017.

<sup>344</sup> *Ibid.*

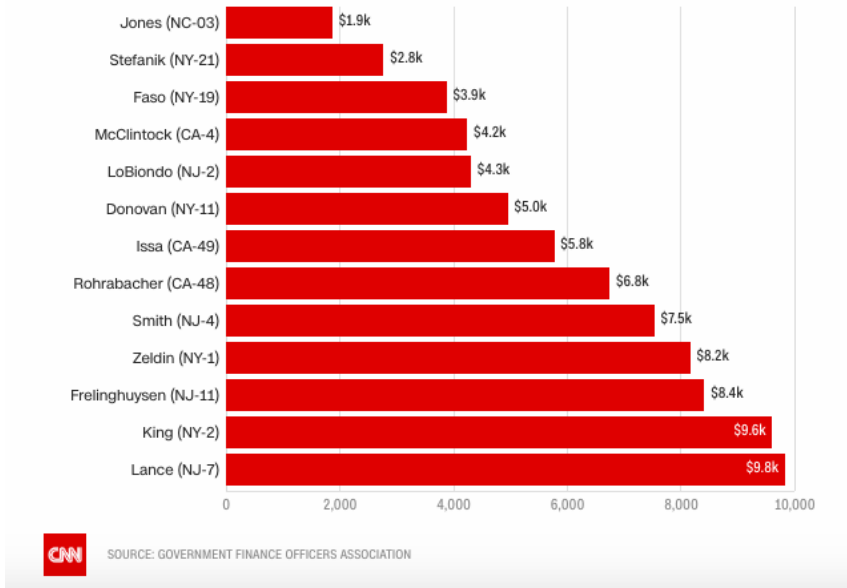
<sup>345</sup> *Ibid.*

<sup>346</sup> Sam Petulla, Sean O’Key, and Hannah Lang, “The House Republicans who voted ‘no’ on tax reform,” *CNN Politics*, November 16, 2017.

average SALT deduction is low compared to other districts in coastal states, New York has the highest numbers of deductions in the United States.<sup>347</sup> In New York, the claim rate is 35 percent

**Average taxpayer state and local tax deduction in Republican districts against the House tax bill**

SALT taxes are higher in coastal states, where members opposed the bill



**Figure 4.1: Average SALT Deductions**

**Source: Sam Petulla, Sean O’Key, and Hannah Lang, “The House Republicans who voted ‘no’ on tax reform,” *CNN Politics*, November 16, 2017.**

of residents, while the “per-claimant average” is

\$22,169.<sup>348</sup> Although the

Tax Cuts and Jobs Act did

not eliminate SALT

deductions entirely, both

individuals and married

couples can only deduct

\$10,000 under the new

law.<sup>349</sup> Although this

change eliminated a

loophole in the tax code, it

also means that some

residents of high-tax states are now paying much more in taxes annually. Since the Republican Party traditionally disapproves of high taxes, it is unsurprising that members of Congress from New York opposed this legislation.

After the House of Representatives passed the Tax Cuts and Jobs Act in November 2017, the legislation changed during deliberation in the Senate and the resolution process between both

<sup>347</sup> Phillip Oliff and Brakeyshia Samms, “Cap on the State and Local Tax Deduction Likely to Affect States Beyond New York and California,” *Pew*, April 10, 2018.

<sup>348</sup> Phillip Oliff and Brakeyshia Samms, “Cap on the State and Local Tax Deduction Likely to Affect States Beyond New York and California,” *Pew*, April 10, 2018.

<sup>349</sup> Heather Long, “The Final GOP tax bill is complete. Here’s what is in it,” *The Washington Post*, December 15, 2017.

chambers. When the bill passed the Senate on December 2, 2017, no Democrats supported the legislation and all Republicans voted for it.<sup>350</sup> During the resolution process between both chambers, Faso continued to advocate for the protection of state and local tax deductions. Faso joined a bipartisan plan to reinstate this provision.<sup>351</sup> On the subject, Faso stated:

I want to support a tax reform bill, but I have consistently stated that I will only do so if a bill helps New York's economy and lowers the taxes of all hardworking New York families. The bills passed in both the House and Senate fail to meet these requirements... Families and successful businesses are already leaving our state due to the high state taxes and we cannot accelerate this trend. The bipartisan plan I am supporting to fully restore the SALT deduction and other important deductions is a commonsense fix that will help New York families and our local economy.<sup>352</sup>

When President Donald Trump signed the Tax Cuts and Jobs Act on December 22, 2017, the legislation had several major provisions.<sup>353</sup> First, the legislation included a controversial tax cut for wealthy Americans, as the law dropped the top tax rate from “39.6 percent for married couples earning over \$470,700...to 37 percent” and raised the minimum income for this rate “to \$500,000 for individuals and \$600,000 for married couples.”<sup>354</sup> The legislation also cut the tax rate for corporations to 21 percent, while it was previously 35 percent.<sup>355</sup> In the Senate, the limitations on SALT deductions remained, and the final bill included a \$10,000 limit on these deductions.<sup>356</sup> The Tax Cuts and Jobs Act also “lowers the tax rates for each income level,” and provides working-class families with a larger child tax credit.<sup>357</sup> Perhaps most controversially,

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<sup>350</sup> U.S. Congress, House, *An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018*, H.R. 1, 115<sup>th</sup> Cong., First Session, H. Rept. 115-409, Introduced in House November 2, 2017, Congress.gov.

<sup>351</sup> John J. Faso, “Faso Signs on to a Bipartisan Plan that includes SALT Fix,” [faso.house.gov](http://faso.house.gov), December 11, 2017.

<sup>352</sup> *Ibid.*

<sup>353</sup> Naomi Jagoda, “Trump signs tax bill into law,” *The Hill*, December 22, 2017.

<sup>354</sup> Heather Long, “The Final GOP tax bill is complete. Here’s what is in it,” *The Washington Post*, December 15, 2017.

<sup>355</sup> Long, “The Final GOP tax bill is complete. Here’s what is in it.”

<sup>356</sup> *Ibid.*

<sup>357</sup> Long, “The Final GOP tax bill is complete. Here’s what is in it.”

the final legislation repealed the Affordable Care Act’s individual mandate, which is a provision that was added in the Senate.<sup>358</sup> The Congressional Budget Office estimated that this repeal would lead to “13 million fewer Americans with insurance in a decade, while also cutting government spending by more than \$300 billion over that period.”<sup>359</sup> However, the Senate bill maintained medical deductions, which some House Republicans hoped to eliminate.<sup>360</sup> After the Senate and the House of Representatives resolved the differences on this legislation, Faso announced his plan to oppose the bill. Again, he cited the partial elimination of SALT deductions and his concern that “New York families [would be impacted] more severely than those in other states” as the source of his opposition.<sup>361</sup> Although Faso opposed the bill in its final form, it is important to consider the legislation’s major provisions. Based on his campaign promises, Faso supported most of the bill’s elements, but the elimination of SALT deductions prevented him from voting for the legislation.

### **Faso’s Messaging on Tax Reform in 2018**

Throughout 2018, Congressman John Faso continued to advocate for the reinstatement of state and local tax deductions. These efforts corresponded with the “pork and policy” representational style, as they emphasized tax reform’s direct effect on New York State. In January 2018, Faso became an original cosponsor of bipartisan legislation “to allow individuals who paid any or all of their 2018 property taxes in 2017 to deduct them on their current 2017 tax bill, regardless of when the taxes were assessed.”<sup>362</sup> Regarding this legislation, Faso declared:

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<sup>358</sup> Long, “The Final GOP tax bill is complete. Here’s what is in it.”

<sup>359</sup> Ibid.

<sup>360</sup> John J. Faso, “Rep. John Faso on GOP Tax Bill,” Interview by Scott Simon, *NPR*, November 18, 2017.

<sup>361</sup> John J. Faso, “Congressman Faso Statement on Tax Reform Vote,” [faso.house.gov](http://faso.house.gov), December 18, 2017.

<sup>362</sup> John J. Faso, “Rep. Faso Supports Legislation to Provide Relief to New Yorkers Pre-paying Property taxes,” [faso.house.gov](http://faso.house.gov), January 18, 2018.

New York’s property taxes are extraordinarily high and recent changes to the federal tax code will increase the impact of our state’s high tax burden. The high tax burden is causing New Yorkers to flee the state at an alarming rate and we must attack this trend at the local, state, and federal level...Due to the extremely quick turnaround between passage of tax reform and implementation of the new code, this legislation is a commonsense step that helps all New Yorkers that chose to prepay their property taxes, and ensures they receive the deductibility that they had planned for.”<sup>363</sup>

Although this legislation, which was known as the “SALT Prepayment Deduction Act,” had bipartisan support, it did not advance beyond introduction.<sup>364</sup> Throughout the second session of the 115<sup>th</sup> Congress, Faso continued to advocate for the reinstatement of SALT deductions. During the 2018 New York State budget process, Governor Cuomo proposed a change to allow taxpayers to “convert some state and local tax payments to payments which might be eligible for charitable tax deduction under federal law.”<sup>365</sup> In response to this potential change, Faso wrote a letter to David Kautter, the Assistant Secretary for Tax Policy for the U.S. Department of the Treasury. In this letter, Faso wrote that “the proposed state tax provisions are intended to replace traditional income tax payments to the State which are no longer fully deductible.”<sup>366</sup> In line with his “pork and policy” representational style, Faso questions “whether the state initiative will be compliant with federal law and regulation governing charitable deductions.”<sup>367</sup> In March 2018, the state legislature approved this change in the New York State budget.<sup>368</sup> In an April press release, Faso distributed a follow-up letter to Kautter requesting “that Treasury quickly review

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<sup>363</sup> John J. Faso, “Rep. Faso Supports Legislation to Provide Relief to New Yorkers Pre-paying Property taxes,” [faso.house.gov](http://faso.house.gov), January 18, 2018.

<sup>364</sup> U.S. Congress, House, *SALT Prepayment Deductibility Act*, H.R. 4803, 115th Cong., Second Session, Introduced in House January 16, 2018, [Congress.gov](http://Congress.gov).

<sup>365</sup> John J. Faso, “Rep. Faso Urges Treasury Department to Examine Proposed NY State Tax Changes,” [faso.house.gov](http://faso.house.gov), February 28, 2018.

<sup>366</sup> *Ibid.*

<sup>367</sup> *Ibid.*

<sup>368</sup> Karen Dewitt, “New York State Budget Includes Tax Changes,” *WAMC Northeast Public Radio*, March 31, 2018.

the state law changes to determine if these amendments are consistent with federal law.”<sup>369</sup> The Internal Revenue Service announced in August that “state tax changes approved by the state of New York...to convert some state and local tax payments to payments that might be eligible for the charitable tax deduction under federal law.”<sup>370</sup> On this subject, Faso stated:

The partial elimination of the state and local tax deduction was the primary reason I voted against the tax bill. Due to numerous questions from constituents and tax professionals, I asked for the IRS to clarify the treatment of proposed workarounds enacted in Albany. That’s my job as a member of congress. Taxpayers deserve to know how the IRS would treat these workarounds, and merely hoping that the IRS would approve the Cuomo plan was not a responsible stance. Now that the IRS has ruled, the state of New York needs to get to work reducing our high tax burden.<sup>371</sup>

This attempt to clarify the link between state and federal law suggests that Faso practiced a “pork and policy” representational style regarding tax reform. In a press release from October 2018, Faso responded to a “proposed regulation [from the IRS] that would discourage conservation easement donations from private landowners.”<sup>372</sup> This regulation “would require landowners who donate conservation easements identified for public benefit and receive state tax credits, to reduce their federal income tax deduction by the value of the state tax credits.”<sup>373</sup> This change would have prevented New York State from providing tax credits to residents who contribute land for conservation. Faso was opposed to this proposal, as he declared:

Land conservation in New York is not only vital for preserving the natural beauty of our state, but is also important to our local economy as it supports industries such as farming, forestry and tourism...The IRS proposal would upend a long-established status quo on the tax deductibility of the donations of conservation easements in New York and would have a negative impact on those looking to donate their lands for the public good.<sup>374</sup>

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<sup>369</sup> John J. Faso, “Rep. Faso Sends Follow Up Letter to Department of Treasury,” [faso.house.gov](http://faso.house.gov), April 12, 2018.

<sup>370</sup> John J. Faso, “Faso Issues Statement on IRS Ruling Concerning Charitable Tax Deductions,” [faso.house.gov](http://faso.house.gov), August 23, 2018.

<sup>371</sup> *Ibid.*

<sup>372</sup> *Ibid.*

<sup>373</sup> *Ibid.*

<sup>374</sup> John J. Faso, “Faso Issues Statement on IRS Ruling Concerning Charitable Tax Deductions,” [faso.house.gov](http://faso.house.gov), August 23, 2018.

Although this proposed rule was not immediately enacted, Faso’s response reflected his emphasis on New York State during debates about tax reform. Since New York is a high-tax state, Faso was forced to consider the relationship between the state and the federal government. Specifically, the Tax Cuts and Jobs Act disproportionately affected New York State. In 2018, Faso did not manage to successfully reinstate SALT deductions. This provision in the bill remains unpopular, but it is unlikely that it will be overturned in the 116<sup>th</sup> Congress. Although “President Donald Trump said he would be ‘open to talking about’ revising the deduction limit,” Senate Republicans are unwilling to revisit the tax bill.<sup>375</sup> Specifically, Senator Chuck Grassley, who currently serves as the chairman of the Senate Finance Committee, stated that he “will not tweak the new state and local tax deduction cap while he leads the panel.”<sup>376</sup> On the subject, Grassley’s spokesman stated that it is “‘ironic that the same Democrats who criticized the Tax Cuts and Jobs Act for supposedly benefiting only the wealthy are now advocating for a change to the law that would primarily benefit the wealthy,’ ...[and] instead argued that states should lower their taxes.”<sup>377</sup> This statement reflects the contentious relationship between high-tax states like New York and a Republican-controlled federal government. Although New York congressional Republicans attempted to strike a balance between these entities, this link often had significant electoral outcomes.

### **Faso’s Messaging During the 2018 Campaign**

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<sup>375</sup> Jacob Pramuk, “Top Senate tax writer says GOP will not tweak state and local deduction limits,” *CNBC*, February 7, 2019.

<sup>376</sup> Pramuk, “Top Senate tax writer says GOP will not tweak state and local deduction limits.”

<sup>377</sup> *Ibid.*

During his 2018 reelection campaign, Congressman John Faso did not emphasize tax reform as a major issue. Although the bill was one of the most significant Republican policies during the 115<sup>th</sup> Congress, it is likely that Faso recognized its polarizing nature. On his campaign website, he stated that “he recognizes that New York’s high tax burden and byzantine regulations are causing families and businesses to flee the state and set down roots elsewhere.”<sup>378</sup> He emphasized his introduction of “the Property Tax Reduction Act... [which] would prevent New York State from pushing the financial burden of the state’s Medicaid program onto county property taxpayers, providing relief for many Upstate families.”<sup>379</sup> He also expressed support for tax reform that would “incentivize investment and improve on the positive impact of families and small businesses are experiencing,” but he did not explicitly mention Republican tax reform efforts.<sup>380</sup> This circumstance is a stark change from Faso’s messaging during the 2016 campaign, which emphasized the benefits of tax reform. Americans are relatively divided in their support for the tax bill, which is a circumstance that extends to the 19<sup>th</sup> District. A Monmouth University poll found that “NY-19 voters are evenly split on the tax reform plan... [as] 40% approve and 41% disapprove.”<sup>381</sup> This circumstance is relatively consistent with broader trends in the United States, but only 39 percent of Americans approved of the Tax Cuts and Jobs Act in October 2018.<sup>382</sup> Although some Americans have become more supportive of the law since its passage, most people still disapprove of the legislation.

Since Faso opposed the Tax Cuts and Jobs Act, it is unlikely that this legislation caused his defeat in November. In a Monmouth University poll, only eleven percent of voters in the 19<sup>th</sup>

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<sup>378</sup> Faso for Congress, “Issues: Supporting Upstate Families and The Economy,” November 6, 2018, *Internet Archive: Wayback Machine*.

<sup>379</sup> *Ibid.*

<sup>380</sup> *Ibid.*

<sup>381</sup> Monmouth University Polling Institute, “Voters Divided in CD19,” *Monmouth University*, September 12, 2018.

<sup>382</sup> Megan Brenan, “More Still Disapprove Than Approve of 2017 Tax Cuts,” *Gallup*, October 10, 2018.



District identified tax policy as the most important issue to them.<sup>383</sup> This poll suggests that tax reform is less important to the 19<sup>th</sup> District's constituents than policies related to healthcare, immigration, gun control, and abortion.<sup>384</sup> However, it is possible that the Tax Cuts and Jobs Act contributed to broader distrust in Republican policies, as most Americans opposed the legislation. During his campaign to defeat Faso, Congressman Antonio Delgado expressed his firm opposition to Republican tax reform policies. On his campaign website, he stated:

Working people pay enough taxes. America's tax policies should put working families and the middle class first, not the super-rich and large corporations. I vehemently oppose the proposed tax policies of President Trump and John Faso, and any other policy that funnels tax dollars from the middle class to billionaires and contributes to an already exploding federal debt. Trickle-down economics has never worked for the American people. I want to simplify our tax code and get rid of the loopholes that are only available to the super rich. I will also fight to stop big companies from shielding their profits overseas.<sup>385</sup>

Since the 19<sup>th</sup> District was equally divided regarding the Tax Cuts and Jobs Act, it is unlikely that Delgado's position on tax reform was the deciding factor in the election. Although a large portion of the district's constituents opposed this bill, it is likely that they were mobilized by other factors in the election. However, it is important to consider the impact of this bill on the Republican vote and traditional Faso supporters. Forty-eight percent of the district's voters approved of President Trump in October 2018, but Faso still lost reelection.<sup>386</sup> Although 47 percent of constituents opposed Trump, this statistic should have given Faso a slight edge in the election.<sup>387</sup> It is possible that some voters were alienated by Faso's opposition to the tax bill, but the most important issues were immigration policy and gun control among Republicans.<sup>388</sup>

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<sup>383</sup> Monmouth University Polling Institute, "Voters Divided in CD19," *Monmouth University*, September 12, 2018.

<sup>384</sup> *Ibid.*

<sup>385</sup> Delgado for Congress, "Issues: Tax Policy," March 7, 2019.

<sup>386</sup> Monmouth University Polling Institute, "Voters Divided in CD19," *Monmouth University*, September 12, 2018.

<sup>387</sup> *Ibid.*

<sup>388</sup> Monmouth University Polling Institute, "Voters Divided in CD19," *Monmouth University*, September 12, 2018.

Although Republicans were more concerned about tax reform than Democratic voters, only 14 percent of Republicans chose this policy as their top issue.<sup>389</sup> Since President Trump remains popular in the district, it seems likely that Faso should have emphasized tax reform and other Trump policies in his campaign.

## **Conclusion**

During the legislative process for the Tax Cuts and Jobs Act, many political pundits speculated that this law would be a major campaign talking point for Republican candidates in 2018.<sup>390</sup> Although this law was the most significant legislative accomplishment for Republicans during the 115<sup>th</sup> Congress, its unpopularity forced some candidates to downplay its contents. However, this decision may have been unwise, as President Trump remained relatively popular in several toss-up districts in the United States. On the subject, former Congressman David McIntosh stated, “It’s Republicans once again proving the old adage that they are the stupid party... They’ve got a really good issue that they’re not using.”<sup>391</sup> Although no major legislation was passed regarding these policies, “health care, jobs and immigration were all cited more often in pro-Republican television campaign ads in September than the tax cuts.”<sup>392</sup> Tax policy was not a major concern for the constituents of New York’s 19<sup>th</sup> District, but Faso’s choice to downplay it may have alienated some pro-Trump voters. Faso approached tax reform with a “pork and policy representational style with a focus on New York State, but this choice may have decreased his electoral strength among his base.

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<sup>389</sup> Monmouth University Polling Institute, “Voters Divided in CD19,” *Monmouth University*, September 12, 2018.

<sup>390</sup> Brian Faler, “Tax cuts a bust for Republicans in midterms,” *Politico*, October 22, 2018.

<sup>391</sup> *Ibid.*

<sup>392</sup> *Ibid.*

## Chapter Five:

### The Electoral Impacts of Congressional Representation

Throughout his single term in the House of Representatives, Congressman John Faso positioned himself as a moderate Republican who served as a check on President Donald Trump's policies. However, Faso did not have a clear representational style, as my research demonstrates that he attempted to pursue a fusion of all four approaches. In this chapter, I will examine the broader electoral impact of this choice and Congressman Faso's representational style. I will also assess how Trump's influence on Republicans in Congress affected Faso's representational style and contributed to the outcome of the 2018 midterm election. Additionally, I will evaluate progressive Democrats' influence on Faso's representational style and in mobilizing support for Faso's opponent, Antonio Delgado. Lastly, I will examine the future of Republicans in New York's 19<sup>th</sup> District and draw broader conclusions about congressional representation and elections.

During the 115<sup>th</sup> Congress, Faso positioned himself as a moderate Republican voice in the House of Representatives. Faso voted with President Trump's policies 89.6 percent of the time.<sup>393</sup> Although this number is high, Faso was relatively moderate in comparison to other House Republicans. Specifically, nearly 200 representatives voted in line with President Trump more than Faso, as only 45 Republican members of Congress had lower rates.<sup>394</sup> Since some members of the Freedom Caucus voted with Trump at lower rates, this statistic suggests that Faso was relatively moderate in comparison to many of his Republican House colleagues. Additionally, Georgetown University and the Lugar Center's 2017 index ranked Faso as the 18<sup>th</sup>

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<sup>393</sup> FiveThirtyEight, "Tracking Congress in the Age of Trump: John J. Faso," *FiveThirtyEight*.

<sup>394</sup> FiveThirtyEight, "Tracking Congress in the Age of Trump: 115<sup>th</sup> Congress," *FiveThirtyEight*.

most bipartisan member of the House of Representatives among both Republicans and Democrats.<sup>395</sup> After this index was made public, Faso’s office distributed a press release and Faso made the following statement:

Upstate New Yorkers sent me to Washington to solve real problems... Working with my colleagues across the aisle is the most effective way to tackle the issues that will help New York families and businesses. I’m glad bipartisanship is not going unnoticed and I hope Congress can begin to prioritize compromise and problem solving with the same spirit as the Lugar Center. Comprise [*sic*] does not mean ceding one’s principles and good ideas don’t have to be labeled as just Republican or Democrat.<sup>396</sup>

However, Faso’s bipartisan image was not necessarily consistent with his positioning during the 2016 campaign. During his first run for Congress, Faso campaigned as a “frugal fiscal conservative” and his advertisements during this period “included core conservative principles like, ‘simplify the tax code’ and ‘end corporate welfare.’”<sup>397</sup> Similarly, Faso advocated for the traditional Republican platform of repealing and replacing the Affordable Care Act throughout the 2016 campaign. Although he supported these principles in Congress, he was much less firm in his beliefs than he was on the campaign trail. As David McIntosh, a former member of Congress, stated, “John Faso the congressman didn’t look anything like John Faso the candidate.”<sup>398</sup> Faso’s early positioning on healthcare, which was examined in chapter three, demonstrates a “domestic policy wonk” representational style, as he focused more on national positions and less on the policy’s effects on the 19<sup>th</sup> District. Throughout his term, however, he began to practice a “pork and policy” approach to healthcare, as he focused much more on legislation’s potential impacts on the 19<sup>th</sup> District. Faso also exercised a “pork and policy”

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<sup>395</sup> The Lugar Center and Georgetown University, “Bipartisan Index: House Scores: 115<sup>th</sup> Congress First Session (2017),” 2017.

<sup>396</sup> John J. Faso, “Faso Recognized as One of Most Bipartisan Members in House of Representatives,” [faso.house.gov](http://faso.house.gov), April 25, 2018.

<sup>397</sup> David McIntosh, “If Republicans want to win, they’ll have to stop governing like Democrats,” *The Hill*, August 22, 2018.

<sup>398</sup> *Ibid.*

approach to tax reform, which is outlined in the case study in Chapter Four. After examining the backlash from many constituents during the healthcare debate, it is possible that Faso opted to pay more attention to the district in his interpretations of tax reform. Although there are several explanations for this shift, it is possible that Faso recognized the political benefits of a “pork and policy” representational style, as it shows a greater concern for the district. However, Faso’s lack of a cohesive representational style may have affected his performance on the campaign trail, as he did not have a clear message.

### **The Electoral Impact of Faso’s Representational Style**

Throughout his term in office, Congressman Faso did not adhere to one representational style, which likely harmed his electoral chances. Although most of his 261 press releases were categorized into the “statesperson” or “appropriator” representational styles, he primarily practiced “domestic policy wonk” and “pork and policy” approaches to healthcare and tax reform. Additionally, I found that the press releases that were categorized into “statesperson” or “appropriator” representational styles were less substantial in content than those in the other approaches. For example, many of the “statesperson” press releases responded to national events like the Unite the Right rally in Charlottesville, Virginia.<sup>399</sup> Additionally, I found that the “statesperson” press releases were distributed across more issues than other representational styles. In other words, there was not a single issue that had most of the “statesperson” press releases. I also found that “statesperson” press releases were shorter than those in other categories, as their primary focus was a statement from Congressman Faso. For healthcare and tax reform, there were fewer “statesperson” press releases. For healthcare, there were six

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<sup>399</sup> John J. Faso, “Congressman Faso Statement on Charlottesville,” [faso.house.gov](http://faso.house.gov), August 14, 2017.

“statesperson” press releases, while there were two for tax reform. On the other hand, most “appropriator” press releases addressed grants, as 25 of these documents were on this subject. Additionally, many of the “appropriator” press releases focused on the environment and funding for natural resources in the district. For healthcare, there were no press releases that were categorized into the “appropriator” representational style, and there was only one for tax reform.

During the beginning of the healthcare debate, Faso largely followed the national Republican script and practiced a “domestic policy wonk” representational style. This approach clearly backfired, as Faso’s response to healthcare became a dominant issue during the 2018 campaign. Although Faso ultimately shifted to a “pork and policy” style for healthcare, his support for the American Health Care Act continued to appear as a pro-Delgado theme during the campaign. Since tax reform did not emerge as a dominant issue in the 2018 campaign, it is possible that Faso should have practiced a “pork and policy” approach to healthcare as well. Although Faso offered the “Faso-Collins Amendment” with Congressman Chris Collins, his press releases had little information on the American Health Care Act’s effects on the 19<sup>th</sup> District. In this toss-up district, Faso may have benefitted from more engagement with the district. Specifically, Faso could have related policies more directly to the 19<sup>th</sup> District. Although he utilized press releases to announce grants, he rarely highlighted constituents or specific organizations in the district. Since Justin Grimmer determined that politicians “tend to adopt Appropriator presentational styles to cultivate a personal vote among otherwise unsympathetic constituents,” Faso may have benefitted from a greater focus on the 19<sup>th</sup> District.<sup>400</sup> Although Faso distributed 75 “appropriator” press releases, these documents did not involve the most contentious issues in American politics. Specifically, Faso barely utilized the “appropriator”

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<sup>400</sup> Grimmer, *Representational Style in Congress*, 71.

representational style in addressing health care and tax reform. In a toss-up district like Faso's, these contentious issues could have benefitted from more direct engagement with the district. Although Faso expressed concern in his discussion on SALT deductions, he did not cover the benefits of tax reform for the district. Since tax reform was the most significant Republican policy during the 115<sup>th</sup> Congress, it is possible that this choice harmed him politically. Faso's lack of a cohesive representational style contributed to his electoral defeat, as my research suggests that he may have attempted to present himself in too many forms.

Since Congressman John Faso did not have a clear representational style, developing an explicit campaign narrative was a challenge. During his campaign, Faso emphasized "his centrism, touting his [eighteenth] spot" on the Lugar Center's bipartisanship index.<sup>401</sup> During his first major debate with Delgado, Faso highlighted his work "for veterans, for seniors, for [the] agriculture industry, and for dealing with the opioid crisis."<sup>402</sup> In this opening statement, he did not elaborate on his work for seniors, agriculture, and veterans, which may have offered insight into his desired representational style. Throughout the campaign, Faso emphasized his bipartisan work on anti-opioid legislation, which included his primary sponsorship of the STOP Act.<sup>403</sup> The STOP Act was included in broader legislation, which was signed by President Trump and became law in October 2018, that addressed the opioid crisis. In an interview, Faso stated, "I'm running on my record...My record is 35 years living and working in this district...And in the time I've been in Congress, in the last 22 months, I've worked hard to forge a record of bipartisanship."<sup>404</sup> This statement corresponds with Faso's effort to portray his Democratic

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<sup>401</sup> Ben McGrath, "'Local Politics Is Nice Politics': Small-Town Concerns and National Implications in New York's Nineteenth District," *The New Yorker*, November 3, 2018.

<sup>402</sup> Joseph Spector, "Faso, Delgado battle in first TV debate for critical House seat," *The Poughkeepsie Journal*, October 19, 2018.

<sup>403</sup> John J. Faso, "Faso Takes Part in Signing of Bipartisan Opioids Package," [faso.house.gov](http://faso.house.gov), October 24, 2018.

<sup>404</sup> Ariél Zangla, "Running On My Record," *The Daily Freeman*, November 1, 2018.

opponent, Antonio Delgado, who moved from New Jersey to Rhinebeck in 2017, as a carpetbagger. After Delgado won the Democratic Primary in June 2018, Faso stated, “He will soon learn, as the last two Democrat candidates for Congress before him, that our neighbors do not look kindly upon candidates who have just moved into our district and presume to represent us.”<sup>405</sup> Although Faso had a term in Congress to utilize during his campaign, he dedicated a substantial amount of time and resources to portraying Delgado as an outsider. Since Faso did not have a clear representational style, his campaign message did not have an explicit narrative.

Additionally, Congressman Faso’s representational style could have benefitted from a more public presence in the 19<sup>th</sup> District. In an opinion editorial from a newspaper in Oneonta, the author wrote that Congressman Chris Gibson, Faso’s predecessor, “was very good at keeping in touch with this end of the district, building strong relationships... [while] John Faso... was far less visible.”<sup>406</sup> On September 5, 2018, then-candidate Antonio Delgado announced a plan to “hold a public town hall in each of the eleven counties in New York’s 19<sup>th</sup> Congressional District” before Election Day.<sup>407</sup> Since taking office, Delgado has announced a plan to hold “11 town halls in 11 counties during [his] first 11 weeks in office.”<sup>408</sup> Although Faso hosted several public forums during his term in office, he did not hold a traditional, public town hall meeting.

On the subject, Faso stated:

I’ve seen around the country the way the town halls have been conducted. They’re not productive and no one believes they’re productive... I am doing meetings, I’m doing small-group meetings, I’m doing larger meetings, but the town hall model is not one that really is intended to gather information and elicit information from

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<sup>405</sup> Ben McGrath, “‘Local Politics Is Nice Politics’: Small-Town Concerns and National Implications in New York’s Nineteenth District,” *The New Yorker*, November 3, 2018.

<sup>406</sup> “In Our Opinion: Congressman’s outreach is off to a good start,” *The Daily Star*, February 22, 2019.

<sup>407</sup> Delgado for Congress, “Delgado for Congress announces commitment to hold a Town Hall in all 11 counties of NY-19 before the Election,” Press Release, September 5, 2018.

<sup>408</sup> U.S. Congressman Antonio Delgado, “THIS WEEKEND: Rep. Antonio Delgado to Hold 10th and 11th Town Halls in Schoharie and Broome Counties,” Press Release, March 5, 2019.



people. Look at what's happening around the county – they are shouting-and-screaming sessions. I don't find that a productive use of people's time.<sup>409</sup>

Town hall meetings correspond with the “appropriator” and “pork and policy” representational styles, as they are indicative of a concern for the district. Since Congressman Faso did not have a cohesive representational style, town halls may have been more challenging. Faso did not have a clear narrative for his term in office, which makes it more difficult to defend controversial positions. Although it is difficult to measure their electoral impact, Faso was often criticized for his lack of public appearances. Many Democratic constituents labeled Faso as “No Show Faso” and attacked the congressman for his low profile.<sup>410</sup> In a contentious political environment, it is likely that Faso's opposition to town halls affected his electoral strength.

### **The Trump Factor and Other National Trends**

“The Trump factor” certainly played a role in the transformation of Faso's image as a politician, as many Republicans, including Faso, did not foresee his victory in 2016. During the 2016 campaign, John Faso distanced himself from then-candidate Donald Trump. Since New York's 19<sup>th</sup> District voted for President Barack Obama in 2012, it was difficult to measure Trump's popularity in the district. During the campaign, Faso “sent mixed messages about his party's nominee... [as he] simultaneously voiced disagreement with Mr. Trump, said he supports the Republican ticket, and refused to say whether he [would] vote for him.”<sup>411</sup> In October 2016, Faso stated that he was “not voting for Hillary Clinton,” but he did not express outright support

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<sup>409</sup> Freeman Staff, “U.S. Rep. John Faso says town hall meetings with constituents ‘not productive,’” *The Troy Record*, February 22, 2017.

<sup>410</sup> Patricia R. Doxsey, “Faso constituents have plenty to say at Kingston gathering, but congressman isn't there to hear it,” *The Daily Freeman*, February 25, 2017.

<sup>411</sup> William Neuman, “G.O.P. Hopefuls in New York Races Walk Tightrope on Donald Trump,” *The New York Times*, October 23, 2016.

for Trump.<sup>412</sup> After the infamous *Access Hollywood* tape was released in early October 2016, Faso quickly condemned Trump's remarks about women. On the subject, he released a statement on the election:

My position has always been that I will support the Republican ticket that was the product of the primary nominating process. At the same time, I have some significant policy differences with our nominee. Moreover, as a father and husband, I was deeply offended and disturbed by the comments made by our nominee in the 11 year old video. That type of comment has no place in public or private conversation, especially from a candidate for public office.

I find both candidates for president to be seriously flawed. I cannot support Hillary Clinton for president due to our policy differences on a range of issues and I have not endorsed Donald Trump nor have I decided to even vote for him in November.<sup>413</sup>

Although Trump put Republican candidates in a defensive position, Faso was strategic about his positioning on the now-president. Since the 19<sup>th</sup> District voted for Obama in 2012, there was certainly potential for support for Hillary Clinton in the region. It is likely that Faso sought to avoid a down-ballot effect that would enable his Democratic opponent's victory. However, Faso did not believe that Trump's candidacy would "determine the outcome of his race for Congress," and he expressed his impression that there would "be a lot of ticket splitting" in 2016.<sup>414</sup> These statements suggest that Faso anticipated a Clinton victory in 2016, which was a common belief among Republican candidates in New York. Claudia Tenney advertisements, for example, "urge[d] voters to elect her because [she would] 'stand up to Hillary Clinton.'"<sup>415</sup> After President Trump's surprising victory, congressional Republicans were forced to make a choice about embracing the president-elect and his policies. Speaker of the House of Representatives

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<sup>412</sup> William Neuman, "G.O.P. Hopefuls in New York Races Walk Tightrope on Donald Trump," *The New York Times*, October 23, 2016.

<sup>413</sup> James Nani, "Faso 'offended and disturbed' by Trump statements, may not vote for him," *Hudson Valley: The Fray*, October 12, 2016.

<sup>414</sup> William Neuman, "G.O.P. Hopefuls in New York Races Walk Tightrope on Donald Trump," *The New York Times*, October 23, 2016.

<sup>415</sup> *Ibid.*

Paul Ryan, for example, expected a Clinton victory and was “prepared to give a speech...divorcing himself – and the party – from Trump once and for all.”<sup>416</sup> Instead, Trump’s victory enabled many Republicans to “have a chance to pursue the legislation of [their] dreams: repealing Obamacare, rewriting the tax code, reforming entitlement programs and rebuilding the military.”<sup>417</sup> This opportunity produced challenges for congressional Republicans like Faso, as many lawmakers did not approve of Trump’s erratic political style.

President Trump’s popularity in New York’s 19<sup>th</sup> District presented specific challenges to Congressman Faso, as he did not choose a specific position on the administration. Although Faso was not quite a “Never Trump” Republican, he also did not express outright support for the administration. Throughout his term in office, Faso attempted to strike a balance between support for some of Trump’s policies and opposition to his political style. For example, Faso praised Trump’s State of the Union Address in 2018, as he described it as “a unifying address which proposed ideas and initiatives the nation can rally around.”<sup>418</sup> However, it was uncommon for Faso to openly agree with Trump in his press releases during his term. Faso’s statement on the firing of FBI Director James Comey reflects this circumstance, as he stated that the event was “at the same time unsurprising and shocking.”<sup>419</sup> Throughout his term, Faso’s press releases on Trump frequently did not express a strong position in either direction. This style reflects the 19<sup>th</sup> District, which is “a ‘quintessential swing district’...less because of pervasive moderation than because of counterbalancing poles of liberal urban expats and rural conservatives.”<sup>420</sup> Although Faso wanted to appeal to pro-Trump constituents, he also needed to maintain the support of some

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<sup>416</sup> Tim Alberta, “The Tragedy of Paul Ryan,” *Politico*, April 12, 2018.

<sup>417</sup> *Ibid.*

<sup>418</sup> John J. Faso, “Statement on the State of the Union Address,” [faso.house.gov](http://faso.house.gov), January 30, 2018.

<sup>419</sup> John J. Faso, “FBI Issues Statement on FBI Director James Comey,” [faso.house.gov](http://faso.house.gov), May 10, 2017.

<sup>420</sup> Ben McGrath, “‘Local Politics Is Nice Politics’: Small-Town Concerns and National Implications in New York’s Nineteenth District,” *The New Yorker*, November 3, 2018.

unaffiliated voters to survive electorally. However, it is likely this choice contributed to the perception that Faso did not a cohesive representational style.

During the 2018 campaign, Faso continued to distance himself from President Trump, as he did not use messaging from the administration or even pro-Trump policies. In October 2018, he stated that he voted for Gary Johnson, the Libertarian Party candidate, in the 2016 election.<sup>421</sup> Although Faso did not embrace Trump, the president remained relatively popular in New York’s 19<sup>th</sup> District. A Monmouth University poll found that 48 percent of voters in the 19<sup>th</sup> District approved of Trump, while 47 percent disapproved of the president.<sup>422</sup> Additionally, this poll found that while 63 percent of Republicans approved of Faso, approximately 86 percent of party



**Donald J. Trump** ✓  
@realDonaldTrump

Congressman John Faso of New York has worked hard and smart. Strong on Crime, Borders and our 2nd Amendment, John is respected by all. Vote for John. He has my complete and total Endorsement!

**Figure 5.1: President Trump endorses Congressman Faso on Twitter**

**Source: Donald J. Trump, Twitter post, October 23, 2018, 11:41 AM, <https://twitter.com/realDonaldTrump/status/1054759617165754372>.**

members supported Trump.<sup>423</sup> Although this number reflects the 26 percent of Republicans who have “no opinion” on Faso, it also suggests that some voters disapproved of his lukewarm relationship with Trump.<sup>424</sup> As Figure 5.1 depicts, President Trump endorsed Faso on Twitter in late October. Faso accepted this endorsement and stated that he was “happy to have his support.”<sup>425</sup> However, it is unlikely that this endorsement reached

<sup>421</sup> Ben McGrath, “‘Local Politics Is Nice Politics’: Small-Town Concerns and National Implications in New York’s Nineteenth District,” *The New Yorker*, November 3, 2018.

<sup>422</sup> Monmouth University Polling Institute, “Voters Divided in CD19,” *Monmouth University*, September 12, 2018.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

<sup>425</sup> William J. Kemble, “Election 2018: Faso says he’s ‘happy to have’ Trump’s Endorsement,” *The Daily Freeman*, October 24, 2018.

constituents throughout the district. Trump utilized this form of endorsement for many House Republicans in 2018, but it is possible that Faso may have benefited from a district visit by Trump or a more direct form of support. Throughout his term in office, Faso attempted to strike a balance between general support for a Republican president and outright endorsement of Trump's policies. However, my research suggests that Faso's ambiguity on Trump contributed to his inconsistent representational style.

After Antonio Delgado defeated Congressman Faso in November, Faso continued to have a difficult relationship with President Trump. In a news conference on November 7, 2018, Trump called out several House Republicans, including Faso, "for not embracing him more warmly on the campaign trail."<sup>426</sup> On the subject, Trump stated that there were "some [House Republicans] that decided to 'let's stay away, let's stay away... They did very poorly. I'm not sure that I should be happy or sad, but I feel just fine about it.'"<sup>427</sup> Although Trump believes that moderate House Republicans should have embraced his administration, Faso does not believe that this factor contributed to his defeat. In an interview with Bloomberg News, Faso responded to Trump's criticism and stated that "I will support him when I agree with him, and most of the time I did agree with him on policies, and... I will not support him when I disagree with him and... I think that is what my constituents expected me to do."<sup>428</sup> He argued that "the Republican Party needs to be a big tent" and candidates in Democratic states like New York and New Jersey cannot fully embrace Trump.<sup>429</sup> In his final Facebook post on his congressional page, Faso shared Mitt Romney's opinion editorial on President Trump and stated: "Mitt Romney captures

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<sup>426</sup> Rebecca Morin, Trump calls out GOP midterm losers who refused to embrace him," *Politico*, November 7, 2018.

<sup>427</sup> *Ibid.*

<sup>428</sup> John J. Faso, "Rep. Faso Says He Wouldn't Have Won by Embracing Trump," Interview with David Westin, *Bloomberg*, November 13, 2018.

<sup>429</sup> *Ibid.*

my concern that the President's rhetoric and erratic governing style undermines positive aspects of his policies. There is no doubt in my mind that this [is] the major reason why the GOP is now in the House minority."<sup>430</sup> Although Trump believed that moderate Republicans like Faso should have identified more strongly with his administration, Faso argues that Trump's influence on politics contributed to his defeat.

There is no question that Trump played a significant role in the midterm elections, but it is also likely that his presidency contributed to the mobilization of Democrats across the United States. In an interview with Bloomberg's David Westin, Faso mentioned national trends as a factor in his defeat, as he stated, "I had told my wife earlier in the summer that if we [Republicans] lost 20 seats in the House, we would most likely win, and I told my wife if we lost 40 seats in the House, we would lose."<sup>431</sup> This prediction is unsurprising, as the president's party typically loses congressional seats in midterm elections. Additionally, Faso referenced the influence of progressive groups in his district, as he asserted that "the Democratic base has been truly energized" since President Trump's election.<sup>432</sup> As I discussed in chapter three, *Indivisible* groups protested outside of Faso's office every Friday. Since New York's 19<sup>th</sup> District has several Democratic areas, there was a mobilization of progressive constituents in these cities. After Trump was elected, these constituents organized in their opposition to the new president. As one constituent noted, "It's much easier to point out a Dem around here than a Republican, because they're much louder. Their passion is much more well known."<sup>433</sup> These groups were

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<sup>430</sup> Congressman John Faso Facebook, January 2, 2019.

<sup>431</sup> Amanda Purcell and Columbia-Greene Media, "Faso reflects on what might have been," *Hudson Valley 360*, December 6, 2018.

<sup>432</sup> John Faso, "Rep. Faso Says He Wouldn't Have Won by Embracing Trump," Interview with David Westin, *Bloomberg*, November 13, 2018.

<sup>433</sup> Ben McGrath, "'Local Politics Is Nice Politics': Small-Town Concerns and National Implications in New York's Nineteenth District," *The New Yorker*, November 3, 2018.

successful in mobilizing Democratic candidates in the district, as the primary field had seven candidates in the June 2018 election.<sup>434</sup> On the subject, Faso stated:

The people were vociferous and, by and large, respectful...Protesting is their first amendment rights and I totally respect that. This is a divided district. A lot of people aren't going to agree with me on some issues...They had a right to protest and make their voices heard, and I respect that.<sup>435</sup>

Faso directly relates this issue to Trump's leadership, as he states that protestors "were very much opposed to President Trump and his administration and [he] became identified with that by extension because [he] was a Republican."<sup>436</sup> Trump certainly played a role in the energization of Democrats in the 19<sup>th</sup> District, but this circumstance may not tell the entire story. Although the 19<sup>th</sup> District is politically divided, it is not moderate in the traditional sense. The 19<sup>th</sup> District's rural portions overwhelmingly supported Trump in 2016. Although it is possible that Trump has alienated these rural sections of the district, the Monmouth University poll suggests that the president is still popular in the district.<sup>437</sup> Instead, it is important to consider the decline in votes among pro-Trump Republicans. Although Delgado earned approximately 9,200 fewer votes than Teachout did in 2016, Faso received 41,000 more votes in his first election.<sup>438</sup> Midterm elections usually have lower voter turnout than presidential election years, but Faso had a very substantial decline in total votes. Although it is possible that Faso voters became Delgado

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<sup>434</sup> Lisa W. Fodero, "In This 'Magnificent Seven' Version, Only One Democrat Survives," *The New York Times*, June 12, 2018.

<sup>435</sup> Amanda Purcell and Columbia-Greene Media, "Faso reflects on what might have been," *Hudson Valley 360*, December 6, 2018.

<sup>436</sup> Ibid.

<sup>437</sup> Monmouth University Polling Institute, "Voters Divided in CD19," *Monmouth University*, September 12, 2018.

<sup>438</sup> The New York Times, "New York U.S. House 19<sup>th</sup> District Results: John Faso Wins," *The New York Times*, August 1, 2017.; The New York Times, "New York's 19<sup>th</sup> House District Election Results: Antonio Delgado vs. John Faso," *The New York Times*.

supporters, Trump’s continued popularity in the district suggests that many pro-Trump Republicans did not go to the polls on Election Day.<sup>439</sup>

### **The Gibson Factor**

Although outgoing Congressman Chris Gibson endorsed Faso in the 2016 election and appeared in pro-Faso advertisements, he did not express support for the incumbent in 2018. Instead, Gibson worked on Republican Marc Molinaro’s gubernatorial campaign in 2018 and remained relatively quiet about the 19<sup>th</sup> District.<sup>440</sup> Unlike Faso, Gibson suggested that “Trump’s election carried John Faso to victory in 2016” and the pro-Trump turnout in 2018 would determine Faso’s success.<sup>441</sup> Although PACs funded the commercials, Gibson opposed pro-Faso advertisements that depicted Delgado as a “big city rapper.”<sup>442</sup> Throughout the campaign, many people condemned these advertisements as “race-baiting” and “exploiting painful racial divisions.”<sup>443</sup> This interview was one of Gibson’s only public appearances in 2018, and he did not express support for Faso. Gibson defeated his Democratic opponent by a margin of 30 points in 2014, which suggests that he was overwhelmingly popular in the district.<sup>444</sup> Although Gibson’s lack of support was probably not a deciding factor in the election, it is likely that it partly fueled the district’s distrust in Faso.

### **The Future of Moderate Republicans in New York’s 19<sup>th</sup> District**

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<sup>439</sup> Margaret McCormick, “The 2018 Midterms: Congressional Elections in New York State,” PSC 277 Final Paper, Union College, November 20, 2018.

<sup>440</sup> Ian Pickus, “Former Rep. Chris Gibson On Cuomo, Molinaro, Faso, Delgado, Kavanaugh,” *WAMC Northeast Public Radio*, September 26, 2018.

<sup>441</sup> *Ibid.*

<sup>442</sup> *Ibid.*

<sup>443</sup> The Editorial Board, “Opinion: John Faso Is Race-Baiting His Opponent,” *The New York Times*, July 18, 2018.

<sup>444</sup> “New York Election Results,” *The New York Times*, December 17, 2014.



John Faso entered Congress during a contentious period in American politics, which is likely reflected in his defeat in 2018. Several causes produced Faso's defeat in 2018, but the national climate certainly played a role in the election of Antonio Delgado. Shortly before Faso departed Congress, he advised Delgado to "be true to your principles...[and] do what you think is right and let the chips fall where they may."<sup>445</sup> In his final speech on the House floor, Faso highlighted his work on the opioid crisis and agriculture. Additionally, he expressed regret about his inability to enact the Faso-Collins Amendment or changes to New York State's Scaffold Law. Most importantly, however, Faso commented on the national climate in the United States, as he stated:

I must comment on the state of our political discourse in the United States. We all need to renew our efforts to conduct our debates on public issues in a civil and respectful fashion. There is no doubt that the fragmented media and a general decline of standards has coarsened our public debate. There is plenty of blame to go around for this situation. I encourage all those who hold elective office to recognize that we have a sacred trust from the American people. We should uphold this responsibility in an honorable and dignified fashion, and renew our efforts to improve the quality of public debate in the United States. In doing so, we will renew our commitment to make a more perfect union. Moreover, we will give honor to those who sacrificed to win and maintain these freedoms which we cherish. The Constitution is forever our guide and we should always remain true to it. We must also continue to promote individual liberty, the rule of law, and the dignity of all of our citizens. These are the characteristics of America that make ours a truly great nation.<sup>446</sup>

This speech corresponded with Faso's general efforts to position himself as a moderate Republican with conservative principles. There is no question that a contentious political environment contributed to Faso's defeat, as the Democratic base was energized by President Trump's administration.

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<sup>445</sup> Jesse J. Smith, "Faso reflects on term, offers advice to Delgado," *Hudson Valley One*, December 19, 2018.

<sup>446</sup> John J. Faso, "Rep. John Faso: Final Speech on House Floor," December 12, 2018, YouTube Video.

Although New York’s 19<sup>th</sup> District is now a Democratically-held seat, it remains a toss-up district and it is likely that it will continue to attract both local and national attention. The National Republican Congressional Committee included New York’s 19<sup>th</sup> District among its initial targets for the 2020 elections.<sup>447</sup> Additionally, the Cook Political Report, which is a nonpartisan organization that analyzes elections, lists the 19<sup>th</sup> District as a “Democratic toss-up” race.<sup>448</sup> Although no Republicans have filed to run against Delgado yet, it is likely that this race will attract strong candidates and national attention. There are at least four state senators, as well as three members of the New York State Assembly, who represent substantial portions of New York’s 19<sup>th</sup> District.<sup>449</sup> These lawmakers are certainly potential candidates, and there are also many local legislators who may run for this seat. It is likely that the 19<sup>th</sup> District’s 2020 Republican primary will be a crowded field. Since Trump is running for reelection, it is likely that the Republican candidate will be shaped by the president’s rhetoric and campaign messaging.

## **Limitations**

There were time limitations to this research, as this thesis could have been expanded to several topics. Since I was limited in time, this thesis only examined a single member of Congress from one district. Examining a higher number of districts would enable more conclusions about moderate Republicans and representation in toss-up districts. Since the United States is such a diverse country, representation ranges in various regions. For instance,

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<sup>447</sup> Natalie Baldassarre, “NRCC Announces 55 Offensive Targets for the 2020 Cycle,” *National Republican Congressional Committee*, Press Release, February 8, 2019.

<sup>448</sup> The Cook Political Report, “2020 House Race Ratings,” *The Cook Political Report*, February 1, 2019.

<sup>449</sup> The New York State Senate, “Senators, Committees, And Other Legislative Groups.”; The New York State Assembly, “Assembly Members.”

Republicans in New York State are quite different from their colleagues in the Deep South. Future research could apply similar methods to other members of Congress. Additionally, this research could be applied to several periods in American political history. Although the 115<sup>th</sup> Congress was a significant period in American politics, representation does not necessarily involve the same practices in every era. Additionally, time limitations prevented the use of more case studies to develop my research regarding Congressman John Faso. Agriculture, for example, is a major industry in New York's 19<sup>th</sup> District and this topic could have been a third case study in this thesis. Although this research could have benefitted from further development, it offers insight into representation in two of the most politically salient issues during the 115<sup>th</sup> Congress.

Additionally, there are several subtopics related to representation that have not been widely studied. This thesis did not explore the influence of social media on congressional representation, which is a topic that I hope is explored in future research. This phenomenon certainly played a role in Faso's term in office, as the Democratic base often expressed their opposition to Republican policies on his Facebook page. Similarly, I am optimistic that future scholarship will explore the role of town halls in congressional representation. Although the relationship between congressional representation and elections has been explored, the ever-changing American political system suggests that this topic will remain an important subject in political science literature.

## **Conclusion**

Throughout this thesis, I evaluated the relationship between congressional representation and midterm elections. Specifically, this research examined Congressman John Faso's single

term in office through the lens of political communication. For many members of Congress, “communicating with constituents is *the* electoral connection, an activity inherent in the process of representation.”<sup>450</sup> For this reason, I analyzed Congressman Faso’s press releases on the two politically-polarizing topics of healthcare and tax reform. Through this study, I assessed the effectiveness of Faso’s communication strategy and its electoral impact. Specifically, I concluded that Faso did not have a cohesive representational style, which likely contributed to his defeat in 2018. Since New York’s 19<sup>th</sup> District is not strongly Republican or Democratic, election results are much more dependent on an individual member’s representational style. For members of Congress in these toss-up districts, it is essential to adhere to a representational style and develop a narrative for a campaign.

Although this thesis examined a single member of Congress, it is relevant in broader discussions about representation in the American political system. In February 2019, 76 percent of Americans disapproved “of the way Congress is handling its job.”<sup>451</sup> Compared to the judicial and executive branches, an alarmingly low number of Americans approve of Congress. Although a higher proportion of Americans approve of their own member of Congress, this number rarely rises above 50 percent.<sup>452</sup> These statistics suggest that Americans are not confident in the branch that is designed to represent them. Although the United States remains politically divided, members of Congress ought to strive for higher approval ratings and representational styles that reflect their constituencies.

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<sup>450</sup> Grimmer, *Representational Style in Congress*, 170.

<sup>451</sup> “Congress and the Public,” Gallup.

<sup>452</sup> Elizabeth Mendes, “Americans Down on Congress, OK With Own Representative,” *Gallup*, May 9, 2013.

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