



LEGAL SCHOLAR

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## It's a problem of peer judgment

**Question: House Speaker Nancy Pelosi last week confronted a dilemma faced by many leaders: whether to step aside when things go wrong. What should be the criteria guiding such a decision? Did Pelosi make the right choice? Should she have offered to resign but let her caucus make the decision? What about Senate Democratic leader Harry Reid?**

For Congressional leaders from safe districts, their accountability is political---the support from their caucus.

In hierarchical organizations like corporations or the military, ultimate accountability decisions about leaders are based on performance and are made by superiors (a board of directors, a person higher in the chain of command). To be sure, "bureaucratic" politics may suffuse those decisions (how well did the CEO romance and compensate the board? How adept was the general at "managing up"?). But those accountability decisions are obviously different than the politics, in Speaker Pelosi's case, of securing support from caucus members. Usually this depends on the usual currency of Congressional politics---favors and assignments---but, in this instance, it turns importantly on the currency of political ideas.

From an "electoral" perspective, Pelosi's performance could, of course, hardly have been worse: Democrats suffered a historic loss of more than 60 seats and Pelosi herself became the poster child for alleged Democratic "wrong track" ideas. But from a "legislative" perspective, Pelosi's performance was also historic in forcing "liberal" initiatives through the House on a partisan basis: the stimulus bill, climate change (dead for now), a health-care bill and then the conference bill, financial services reform.

Her decision to continue as Minority Leader, with the support of a Democratic caucus now even more liberal-leaning due to the decimation of moderate members, reflects the ageless ideological split in the party: Pelosi's staunchly liberal positions versus a pragmatic centrism which appeals to a broad swath of independent voters.

Despite mutterings of disquiet on the edges, the Democratic caucus--and Pelosi herself--seem to believe that fighting Conservative Thunder with Liberal Fire will "turn out the base" and, paradoxically, be successful politically in the future, now that they have lost the ability to be successful legislatively.

Her decision should thus be seen as an ideological one supported by an ideological caucus---an expression of faith in historic Democratic liberalism. What the speaker's announcement did not address is how this liberal ideology can, in the future, win in moderate congressional districts which just repudiated the speaker, her ideas, her party and her president in an historic midterm election---districts that must be won if the Democrats are to regain a majority in the House.

But this is the result we get when her "accountability" is judged not by superiors, as in other organizations, but by peers who share her fundamental world view.

**BY BENJAMIN W. HEINEMAN, JR.**

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