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Congress as a Handler of Challenges: The Historical Record

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Can the U.S. Congress address major challenges? Can Congress govern? Questions like these keep getting asked. This article addresses them by consulting the record since 1789. Given the separation-of-powers structure of the American system, such questions cannot be addressed directly. They need to be deconstructed. The presidency needs to enter the discussion, too. Also, what is a major challenge? To identify such challenges, and to supply a way of seeing how and in what respects Congress, as well as in a background frame the U.S. system more broadly, has performed, I draw on comparative analysis. How has the United States participated in thirteen major "impulses" that have invested a comparable set of nations at various times since the late eighteenth century? These challenges range from launching a new nation through building a welfare state through dealing with climate change and debt/deficit problems today.

Can Congress as a "core institution" of American democracy capably address the major challenges confronting the nation at any given period? Can Congress govern? We have long asked questions like these, and today they hang in the air.[1] Budgetary and other vexations will not go away, conflict rages, and the Gallup standing of the institution is low. Perhaps a cast back through history can supply some perspective. This article reaches back to the start of U.S. national institutions in 1789.

Immediately, the questions thus posed hit difficulty. They are not answerable or tractable as is. They need to be deconstructed. Congress does not handle challenges or govern by itself. It takes part in those tasks. The presidency joins the picture, too (never mind the courts).[2] Also, in the U.S. separation-of-powers system, the *juxtaposition* of the two elected institutions has its own kinds of effects. Insofar as it is possible, I want to shine a light, particularly on Congress. That is to the end of reaching two audiences—mainstream political scientists, who have not analyzed Congress in the way I attempt here, and American political development scholars, who have tended to skimp on Congress, period.[3] But, along the way, the imprints of the executive branch and interbranch relations need to be inspected also.

What is a "major challenge confronting the nation"? That is a tall order. I would like to empiricize this subquestion as much as possible. We should not be anachronistic. In 1803, the government was not likely to create an Earned Income Tax Credit. Also, an itch among intellectuals should not be a sufficient guide to the "challenges" of any time. Intellectuals always have itches. For something to be a "challenge," the sources of perception, drive, demand, or action should be larger. Looking at the history, large considerations of regime legitimacy, order, responsiveness, welfare, state building, or survival or expansion in an often hostile international world should ordinarily figure. Finally, how can we assess whether Congress was acting "capably"? That is another tall order.

RESPONSE TO IMPULSES

Here is my analytic and empirical crutch. In principle and, insofar as it can be done empirically, I try to compare U.S. policy performance—with a particular eye to Congress—to that of other relevant countries since 1789 to address both the "what is a challenge" question and the "capably" question. To draw such comparisons speaks to these two questions. It allows

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1. Gregory Wawro and Ira Katznelson posed these questions as an organizing charge for a recent Congress and History conference, the origin of this paper. The conference was held at Columbia University June 21–22, 2013. The phrase in the first question "at any given period" invited a canvass of history.

2. On the executive branch, see, for example, Keith E. Whittington and Daniel P. Carpenter, "Executive Power in American Institutional Development," *Perspectives on Politics* 1, no. 3 (September 2003): 495–513.

3. On American political development approaches to Congress, see Ira Katznelson, "Historical Approaches to the Study of Congress: Toward a Congressional Vantage on American Political Development," in *The Oxford Handbook of the American Congress,* ed. Eric Schickler and Frances E. Lee (New York: Oxford University Press, 2011), chap. 6.

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a plausible identification of "challenges" to examine. If something has transnational incidence it may be especially worth looking at. And comparisons can offer clues to relative performance—the United States versus the rest—albeit not clues of a quality that would admit to sure score keeping or quantification.

Now for a slight alteration of focus. As I proceed here, the term "handling challenges" is not exactly apt. "Response to impulses" is a better way to put it. Spotlighted in my interpretation is effective U.S. participation in large political or intellectual impulses that have occurred transnationally during the relevant centuries. Has the United States kept up? Everywhere, history rolls along, and as a poser of possibilities it does not respect borders. Transnational zeitgeists and contagions are in steady supply. Consciousness evolves cross-nationally, as do economic and other kinds of situations, problems, norms, urges, and opportunities. Available in consequence, for analytic purposes, is a kind of transnational Hegelian yardstick. Again, the analysis here is in principle empirical. "Impulses," which pose "challenges" of a sort, make a wide appearance in history, and they are detectable. One can see what they are and how they are participated in. The roster of usual-suspect countries to compare the United States with evolves, as does history generally, but some such counterparts are always there. Obviously, the kinds of judgments I am attempting here need to be rough and speculative.

Let me ward off some misapprehensions. This is not exactly a survey of U.S. "problem solving." Some of the cases I consider have that cast—that is, they exhibit wide agreement on a plight, wide agreement on a goal, and a pathway of intention and calculation that connects those dots, at least in aspiration. But some of my cases do not have much of that cast. My yardstick is a historian's. In any case under scrutiny, looking back at the history with a cold eye, often into a jumble of aims and behaviors, what can we say about this country's arrival at an end state that other countries have tended to arrive at also, that is, regardless of whether the routes to the end states have entailed eyes-open problem solving or planning. What have been the impulses and, to what degree, using this transnational gauge, have they been performed on? Those are the operative questions. To perform "capably" is to *end up* chalking high on the Hegelian gauge.

There is a related caution: Anything like decision by consensus is rare in the cases I discuss. Machiavelli wrote that conflict, not consensus, is a trademark of republics, and that idea matches pretty well the American experience reported here.[4] The conflict has often been brutal.

Finally, there is the question of "progress." Is the U.S. performance since 1789 as I discuss it here a Whiggish-style record of "progress"?[5] Well, yes, in one way. That result is largely built into the method. Generally speaking, in this and other countries, successful arrivals at a sequence of specified end states are indeed what has happened. But this pattern should not be confused with any otherwise assembled verdict of "progress." Appraised differently, history might be seen as "running a ditch" for the last two centuries.[6] Looking back, it is a matter of normative judgment whether the impulses I take up here should have been bought into at all. At least one of them was quite appalling.

I have relied on secondary sources for this enterprise. For transnational comparisons, I consult a representative scholarship, although my treatment is, generally speaking, stylized—an allowable course I hope given the largely well-known and noncontroversial nature of the patterns. For the American history, I have tried to emphasize recent scholarship, which in many cases amends old interpretations. I reach beyond standard history and political science into especially economic history. As for which aspects of the history to look at, I privilege policy over process. I key in on the content of policies and the downstream effects of making them. This choice is at odds with most treatments of Congress in political science.

My accounts here may seem telegraphic. That is because, relying on what seem like authoritative sources, I often reach for the *gists* of causal stories about who did what and when and with what consequence, leaving behind the dynamics and the details. As recompense, I take pains to pinpoint the references to specified pages or at least chapters so that this essay can be read as, among other things, a low-labor-costs bibliography. Often, these gists signal whether Congress or the presidency was chiefly responsible for something that happened. It goes without saying that judgment calls on this question can falter. For one thing, theoretical intricacy can intrude. But common sense based on evidence seems a decent enough reliance. For my inferences of responsibility, I look for a balance of initiative, attention, energy, and muscle. But I should downplay upfront the idea that this is a study of zero-sum relations between Congress and the presidency—one wins, the other loses. Sometimes that is the relation, but sometimes it is not. The thrusts and imprints of the two institutions may differ without being

4. Niccolo Machiavelli, *Discourses on the First Decade of Titus Livius,* translated from the Italian by Ninian Hill Thompson (London: BiblioBazaar, 2007; original copyright, 1883), Book 1, Chapter 4.

5. That is, in the spirit of Thomas Babington Macaulay's classic mid-nineteenth-century work, *The History of England from the Accession of James III*. There is an abridged edition: Thomas Babington Macaulay, *The History of England* (London: Penguin Books, 1979).

6. To allow for such a ditch interpretation is to part ways with Hegel.

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discordant one versus the other. They may just have different profiles. This is often the nature of coexistence between Congress and the executive branch.

Addressed below are thirteen U.S. "challenges" starting in 1789 that I take up more or less chronologically. This list is not exhaustive, it is selective, although it hits many orthodox high points. The list tilts toward the present—no doubt in part because the federal government grew more active during the twentieth century. The last two cases probably belong in a category by themselves since the history on them is not finished. On "owl of Minerva" grounds familiar from Hegel—who knows how the history will play out?—I skirt a variety of other "challenges" being discussed in current times that may or may not come to enjoy primacy and sticking power.

I do not intend these thirteen instances to be exhaustive. Even so, they do have a flavor of mapping the history. Insofar as they amount to that, the pattern of the mapping is unorthodox. That is intentional. I believe that the conventional periodizations of U.S. history have become stale. Recent scholarship has undermined or amended them, they have been too insular (not enough of a recognition of transnational comparisons), and, anyway, I do not believe that they have centered enough on actual U.S. policy regimes and impacts. Relatedly, I steer clear here of the aspirations, the teleologies, and the celebratory back-patting claims associated with the American political parties. Those propensities are well known and have been dwelt on often. The parties do figure here, but I emphasize the activities of individuals and formal institutions.

I start each sketch with a discussion of the policy performance of the United States, placed in transnational perspective. But each discussion is in principle a preparation for, and is followed by, a consideration of the particular roles of the U.S. executive branch and, especially, Congress in the performance of the relevant policy. Again, this setup is meant as an entryway into Congress. To get a bead on Congress, we need to know what the challenges have been, how the United States has fared against the transnational field (perhaps Congress has veered the result one way or another), and the roles of the American executive branch as well as Congress.

Generally speaking, this essay has a flavor of "what happened and why" as opposed to an overarching "so what." The whats and whys of the thirteen treatments shoot off in several directions, they open a variety of speculations, and I will not try to try to pack them all into a tidy "so what" analysis at the close. Yet at that close I will take up two themes that seem relevant to at least many of the thirteen impulses, and I invite readers as they read through the text to entertain these two themes—sometimes they appear explicitly, sometimes they are implicit or might be drawn out—and to muse how they might figure in a "so what" discussion at the close. The first theme is the *legitimacy* of the U.S. political regime—that is, with a nod to Locke and Weber, its popular acceptance as authoritative. The U.S. regime goes back two and a quarter centuries, and yes, there was the Civil War, but the regime's legitimacy seems as rock-solid as, say, Switzerland's or Sweden's. Conflict runs on endlessly about policies, government performance, and second-order processes such as campaign-finance rules, yet any questioning of the country's basic constitutional institutions or for that matter its geographic composition (on the latter point, see today's Britain, Spain, or Canada) runs close to zero. This is notwithstanding the country's ample heterogeneity. How has the operation of Congress figured in this apparent sense of basic legitimacy? The second theme is the striking *messiness* of congressional activity. Inconstancy, incoherence, and particularism have invested many public projects. How has this propensity, a froth of real-life democracy looked at in one way, figured in the record of U.S. policymaking and its effects?

LAUNCHING THE NEW NATION IN 1789–1801

It is not easy to launch a new polity that works and lasts. Perhaps, for the new United States, the best comparisons are the new Latin American republics of around 1800 or the British settler polities—Canada, Australia, New Zealand—that came into being somewhat later. Matched against these nations, the United States developed quite well—more stable, legitimate, and prosperous than the Latin American republics (of course, problems of comparison arise), and at least the equal of the British colonies in economic growth.[7] This is to approach the new polities as they were constituted: The United States, like the British polities, but unlike many of the Latin ones, was whites only.[8]

7. See Lester D. Langley, *The Americas in the Age of Revolution, 1750-1850* (New Haven, CT: Yale University Press, 1996), ch. 11; Robert E. Gallman, "Economic Growth and Structural Change in the Long Nineteenth Century," chap. 1 in *The Cambridge Economic History of the United States,* vol. 2, *The Long Nineteenth Century,* ed. Stanley L. Engerman and Robert E. Gallman (New York: Cambridge University Press, 2000), 2–6. Argentina's economy grew faster than that of the United States in the nineteenth century, although the tiny size of its population at the outset clouds comparison. One overall assessment: "The faster growth of the early United States in comparison to the growth of its northern and southern neighbors and other 'new' countries suggests that U.S. policies launched in the 1790s did make a difference in relative economic performance." Richard Sylla, "Financial Foundations: Public Credit, the National Bank, and Securities Markets," chap. 2 in *Founding Choices: American Economic Policy in the 1790s,* ed. Douglas A. Irwin and Richard Sylla (Chicago: University of Chicago Press, 2011), 83. For a Western Hemisphere comparison, see also Joshua Simon, "The Americas' More Perfect Unions: New Institutional insights from Comparative Political Theory," *Perspectives on Politics* 12,no. 4 (December 2014): 808–28.

8. In a historical sense, abolition of slavery was a "challenge" in the British North American colonies and elsewhere during the

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How about the institutions of the new U.S. government? Unquestionably, the economic success of the new republic was executive-led. Backed up by George Washington's steadiness and charisma,[9] Alexander Hamilton as treasury secretary acted as something like a prime minister. He pressed into existence a funded debt, the Bank of the United States, the Customs Service, the Coast Guard (smugglers had to be thwarted so as to allow collection of imposts), the U.S. Mint, a bustling securities market, readmission to the British trading area, and even, indirectly, the New York Stock Exchange. It was quite a performance. There is a wealth of recent research on these subjects.[10] Hamilton is said to have been "the first systematic macroeconomic planner in the United States and one of the first in any country."[11] Courtesy of Hamilton, the United States was "one of the first nations [after the Netherlands and Britain] to modernize its finances."[12] The results seem to have been decisive—low taxes, an explosion of entrepreneurialism, and "history's most successful emerging market."[13] Soon, the mid-1790s brought an "increasing growth of American prosperity. Hamilton's financial program was working wonders."[14] And a long economic growth surge began. In one assessment, the policy choices of the 1790s "not only established conditions for (and removed constraints on) modern economic growth, but also provided a long-term policy framework that continued to encourage growth, the territorial expansion of the United States, and the country's influence on world affairs for decades and centuries."[15] Absent Hamilton and his policies, what? Well, to reach for an extreme, one plausible counterscenario would see the new nation as an agricultural backwater beset by debt, taxes, low growth, centrifugal forces, Indian tribes, the Spanish and the British, and mired even worse in southern slavery than the country came to be.[16] The Jeffersonians who took power in 1801 were lucky to inherit a thriving fiscal system and economy, not to mention a good navy.[17]

But there was a congressional role, too. It is as legitimizer of the system in the eyes of U.S. citizens (a theme that will echo in this paper). The Bill of Rights, a demand from the anti-Federalist side, issued from the House of Representatives in 1789 thanks to James Madison, then the chamber's leading member.[18] In the mid-1790s, the House created a Ways and Means Committee "so that Congress could counter the [financial] expertise and experience that until that time had been monopolized by the executive branch."[19] This was a key move in power-checking, a likely assistance to legitimization in both the short and long term. Albert Gallatin, the era's able intellectual adversary to Hamilton on money questions, found a footing in the Ways and Means Committee and the House in general as that chamber came to host an anti-Federalist opposition.[20]

Enlightenment phase of the eighteenth century, but then the impulse diminished—an up-and-down trajectory famously tracked by Thomas Jefferson. A renewed challenge seems to have come a few decades later.

9. Seymour Martin Lipset, *The First New Nation: The United States in Historical and Comparative Perspective* (New York: Basic Books, 1979), 16–23.

10. Ron Chernow, *Alexander Hamilton* (New York: The Penguin Press, 2004), chaps. 15–18; Thomas K. McCraw, *The Founders and Finance: How Hamilton, Gallatin, and Other Immigrants Forged a New Economy* (Cambridge, MA: Harvard University Press, 2012), chaps. 8–11; Stanley Elkins and Eric McKitrick, *The Age of Federalism: The Early American Republic, 1788-1800* (New York: Oxford University Press, 1993), 114–31, 146–61, 223–44, chap. 9; Douglas A. Irwin and Richard Sylla, "The Significance of the Founding Choices: Editors' Introduction," in *Founding Choices,* ed. Irwin and Sylla, 1–21; Richard Sylla, Robert E. Wright, and Donald J. Cowen, "Alexander Hamilton, Central Banker: Crisis Management during the U.S. Financial Panic of 1792," *Business History Review* 83 (Spring 2009): 61–86; Douglas A. Irwin, "Revenue or Reciprocity? Founding Feuds over Early U.S. Trade Policy," chap. 3 in *Founding Choices*; Max M. Edling, *A Hercules in the Cradle: War, Money, and the American State, 1783-1867* (Chicago: University of Chicago Press, 2014), chap. 3.

11. Thomas K. McCraw, "The Strategic Vision of Alexander Hamilton," *The American Scholar* 63, no. 1 (Winter 1994): 31–57, quotation at 32.

12. Sylla, "Financial Foundations," 60.

13. On taxes, see Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York: Oxford University Press, 2003), chaps. 13, 14. On entrepreneurialism, see McCraw, *Founders and Finance*, 131–32; Peter L. Rousseau and Richard Sylla, "Emerging Financial Markets and Early US Growth," *Explorations in Economic History* 42 (2005): 1–26, at 13, 20–21. The quotation is from Rousseau and Sylla, "Emerging Financial Markets," 2.

14. Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 201. On this onset of prosperity, see also Peter H. Lindert and Jeffrey G. Williamson, "American Incomes before and after the Revolution," *Journal of Economic History* 73, no. 3 (2013): 725–65, at 752; Max M. Edling and Mark D. Kaplanoff, "Alexander Hamilton's Fiscal Reform: Transforming the Structure of Taxation in the Early Republic," *William and Mary Quarterly* 61, no. 4 (October 2004): 713–44, at 740, 742.

15. Irwin and Sylla, "Significance of the Founding Choices," 3–4.

16. For the economy, a discussion of counterfactuals appears in Sylla, "Financial Foundations," 84–86.

17. See, for example, Edling, *Hercules in the Cradle,* 14, 87, 107, 116.

18. Elkins and McKitrick, *Age of Federalism,* 58–64.

19. Kenneth A. Shepsle, "Representation and Governance: The Great Legislative Trade-off," *Political Science Quarterly* 103, no. 3 (Autumn 1988): 461–84 at 465. See also Jeffery A. Jenkins and Charles Stewart III, *Fighting for the Speakership: The House and the Rise of Party Government* (Princeton, NJ: Princeton University Press, 2013), 58; Leonard D. White, *The Federalists: A Study in Administrative History* (Westport, CT: Greenwood, 1948), 73–74; Nelson W. Polsby, "The Institutionalization of the U.S. House of Representatives," *American Political Science Review* 62, no. 1 (March 1968): 144–68 at 154–55. Norman K. Risjord offers an especially detailed account in "Partisanship and Power: House Committees and the Power of the Speaker, 1789-1801," *William and Mary Quarterly* 49, no. 4 (October 1992): 628–51, at 640–45.

20. White, *The Federalists,* 328–30; McCraw, *Founders and Finance,* 200–5, 217; Robert V. Remini, *The House: The History of*

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Congress's approval of the Jay Treaty with Britain in 1795–1796 brought an education in the containing of contestation—there were eight months of tense conflict, accompanied by popular mobilization and apparent shifts in public opinion, ending in a House majority party getting "rolled" by a winning cross-party coalition.[21] It was a lesson in conducting peaceful politics. It was a lesson in how to lose: The crushed Madisonian Republicans were not history's last losers to find that a roll call loss rooted in public opinion is basically unspinnable. Life has to go on. Finally, in 1801 a House controlled by the (now lame-duck) Federalist Party managed to award the presidency to Thomas Jefferson in the tense election settlement of that year. In a tangled circumstance, the House had the decision power. Compromise-prone Federalists there, joining a cross-party coalition in a nod to the voter verdict, did the trick.[22] One recent account argues: "The constitutional miracle, if there was one, did not happen in the Philadelphia of 1787 but in the Washington of 1801. It is one thing to write a Constitution, quite another for it to survive."[23] In comparative terms, this American party turnover of 1801 was a significant first.[24] Democracy, in Adam Przeworski's influential definition, is "a system in which parties lose elections."[25]

All these congressional instances map onto the idea of Congress-led legitimization—a front on which the executive-centered Federalists, for all their economic talent, had difficulties. Note that this discussion of legitimization points up a framing argument I made earlier. Probably no one would contend that the congressional actors of 1789–1801 referred to here were trying, in an eyes-open intentional sense, to "solve the problem" of "launching the new nation" by "legitimizing" it. That was not their mind-set. Rather, their behavior, however it was animated or intended, can be reasonably judged to have contributed to an arrival at a particular end-state—a successful launch.

CONTINENTAL EXPANSION

In the nineteenth century, peoples of European extraction invaded, seized, and settled vast terrain outside Europe, thus displacing or exterminating native populations. No impulse was more common. Five continents were involved. Siberia, South Africa, and the South American cone countries were among the expansion zones, yet the cleanest analogy to America's drive to the south and west may be the British settler colonies of Canada, Australia, and New Zealand—millions of settlers flocked to those inviting spaces, too.[26] I accent here the first half or so the nineteenth century, although the impulse kept on (the U.S.–Indian wars after the 1860s, for example, had a clear counterpart in Argentina).[27] As an exercise of ethnic cleansing, this country's "Indian removal" during the Jacksonian 1830s had an especially clear parallel in Australia's Tasmania and New South Wales at that same time.[28] In all the five continents, the nineteenth-century expansions, looked at in their own terms, were certainly successful. No U.S. anomaly there. Otherwise, in brutality toward the native populations, the Americans and Australians apparently outdid the Canadians.[29] Probably the chief respect in which the Americans stood out was their need to shunt aside established powers—Britain, France, Spain, and, eventually, Mexico, not just indigenous peoples—in order to occupy the geographic spaces they sought to occupy.

the House of Representatives (New York: HarperCollins, 2006), 61; Risjord, "Partisanship and Power," 643–44.

21. Elkins and McKitrick, *Age of Federalism,* chap. 9; Jeffrey L. Pasley, *The First Presidential Contest: 1796 and the Founding of American Democracy* (Lawrence: University Press of Kansas, 2013), chaps. 3, 4; Todd Estes, *The Jay Treaty Debate, Public Opinion, and the Evolution of Early American Political Culture* (Amherst, MA: University of Massachusetts Press, 2006).

22. Good accounts appear in Bruce Ackerman, *The Failure of the Founding Fathers: Jefferson, Marshall, and the Rise of Presidential Democracy* (Cambridge, MA: Belknap Press, 2005), chaps. 2–5; John Ferling, *Adams vs. Jefferson: The Tumultuous Election of 1800* (New York: Oxford University Press, 2004), chap. 12; Edward J. Larson, *A Magnificent Catastrophe: The Tumultuous Election of 1800: America's First Presidential Campaign* (New York: Free Press, 2007), chap. 10; Bernard A. Weisberger, *America Afire: Jefferson, Adams, and the Revolutionary Election of 1800* (New York: William Morrow, 2000), 258–77; James Roger Sharp, *The Deadlocked Election of 1800: Jefferson, Burr, and the Union in the Balance* (Lawrence: University Press of Kansas, 2010), chaps. 8–10.

23. Ackerman, *Failure of the Founding Fathers,* 93.

24. Adam Przeworski, "Acquiring the Habit of Changing Governments through Elections," *Comparative Political Studies* 48, no. 1 (2015): 101–29, at 102, 110.

25. Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (New York: Cambridge University Press, 1991), 10.

26. On expansion in general, see C. A. Bayly, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons* (Malden, MA: Blackwell, 2004), chap. 12; Jürgen Osterhammel, *The Transformation of the World: A Global History of the Nineteenth Century* (Princeton, NJ: Princeton University Press, 2014), chap. 7; Michael Adas, "From Settler Colony to Global Hegemon: Integrating the Exceptionalist Narrative of the American Experience into World History," *American Historical Review* 106, no. 5 (December 2001): 1692–1720, at 1712–18. On the Anglophone world, see James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (New York: Oxford University Press, 2009), chaps. 3, 4, 8; Paul F. Sharp, "Three Frontiers: Some Comparative Studies of Canadian, American, and Australian Settlement," *Pacific Historical Review* 24, no. 4 (November 1955): 369–77; John McQuilton, "Comparative Frontiers: Australia and the United States," *Australasian Journal of American Studies* 12, no. 1 (July 1993): 26–46; C. D. Rowley, *The Destruction of Aboriginal Society: Aboriginal Policy and Practice,* vol 1 (Canberra: Australian National University Press, 1970).

27. Belich, *Replenishing the Earth,* 522–29.

28. Rowley, *Destruction of Aboriginal Society,* chap. 3; Belich, *Replenishing the Earth,* chap. 8; Bayly, *The Birth of the Modern World,* 439–40.

29. On the Canadians, see Sharp, "Three Frontiers," 373–74.

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White settler pressure paced it all. But in the United States the federal government played a prime role—not least to usher out those other established powers. That ordinarily meant action on the part of the executive branch. An exception was the War of 1812, a drive for territory, among other things, where Congress nudged the action.[30] But Congress ordinarily followed along and complied, occasionally complaining or constraining. There is no doubt that the White House ordinarily supplied the initiative and energy. The presidents used a variety of techniques. One was purchases: Thomas Jefferson bought Louisiana, Franklin Pierce made the Gadsden Purchase, Secretary of State William Seward bought Alaska (acting for President Andrew Johnson in the last acquisition of the North American continent).[31] There was annexation: President John Tyler set the process to acquire Texas that way.[32] There was invasion: President James K. Polk acquired half of Mexico that way (he would have taken more, but, among other things, Congress was hostile).[33] Along the Gulf Coast from today's Florida through Louisiana, held at the time by Indian tribes and the Spanish, a mix of techniques was engineered, presided over, or given a wink and a nod by Presidents James Madison and James Monroe that in today's terms seem Putinesque—secret schemes, armed intrusions, rampages, forced treaties.[34] As for the removal of Native Americans to the West, it was envisioned by, among others, Jefferson, but it took on reality in the long career of Andrew Jackson as general and president.[35] For Jackson, "The Indian Removal Act of 1830 constituted the highest priority in the new president's legislative agenda."[36] Then he sped past the terms of congressional authorization in implementing it.[37] What was Jacksonian democracy? In Daniel Walker Howe's recent take, "In the first place it was about the extension of white supremacy across the North American continent."[38]

The executive branch led in acquiring the vast new public land. Congress led in distributing it. The system's rules needed execution, but Congress set them.[39] The story starts with an unlikelihood for a legislative body: In the mid-1780s, the Continental Congress (it was still that, then) generated through its committee processes one of the world's most rationalistic master-plans—the assignment of the whole U.S. public domain into small rectangles for purposes of surveying and sales.[40] That design stuck. But then seven decades of trademark congressional politics

30. Troy Bickham, *The Weight of Vengeance: The United States, the British Empire, and the War of 1812* (New York: Oxford University Press, 2012), chap. 3.

31. On the Louisiana Purchase, see D. W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History*, vol. 2, *Continental America, 1800–1867* (New Haven, CT: Yale University Press, 1993), chap. I–1. On the Gadsden Purchase, see John Ashworth, *Slavery, Capitalism and Politics in the Antebellum Republic*, vol. 2, *The Coming of the Civil War, 1850–1861* (New York: Cambridge University Press, 2007), 383. On Alaska, see Walter Nugent, *Habits of Empire: A History of American Expansion* (New York: Alfred A. Knopf, 2008), 237–51. For Congress, the Alaska purchase was a hard sell.

32. Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (New York: Oxford University Press, 2007), 658–72, 677–82, 698–700.

33. Amy S. Greenberg, *A Wicked War: Polk, Clay, Lincoln, and the 1846 U.S. Invasion of Mexico* (New York: Alfred A. Knopf, 2012), chaps. 4, 5, 12, 13. On congressional hostility, see 260–61.

34. Meinig, *The Shaping of America*, chaps. I–2, I–5; Nugent, *Habits of Empire*, chap. 4; Howe, *What Hath God Wrought*, 74–77, 97–111; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: Harvard University Press, 2013), chap. 1; David S. Heidler, "The Politics of National Aggression: Congress and the First Seminole War," *Journal of the Early Republic* 13, no. 4 (Winter 1993): 501–30.

35. On Jefferson, see Meinig, *The Shaping of America*, 79–80; Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Norman: University of Oklahoma Press, 2002); Jon Meacham, *Thomas Jefferson: The Art of Power* (New York: Random House, 2012), 392. On Jackson, see Howe, *What Hath God Wrought*, 98–107, 342–57; Satz, *American Indian Policy*, chaps. 1, 4.

36. Howe, *What Hath God Wrought*, 347. See also Satz, *American Indian Policy*, 19.

37. Alfred A. Cave, "Abuse of Power: Andrew Jackson and the Indian Removal Act of 1830," *The Historian* 65, no. 6 (December 2003): 1330–53; Howe, *What Hath God Wrought*, 414–23.

38. Howe, *What Hath God Wrought*, 356–57. For Howe's and other reasons I have sidestepped casting the customary "Jacksonian democracy" as a free-standing category in this study. The other reasons are: 1) The U.S. expansion of democracy came chiefly at the state and local, not national, levels. 2) Recent scholarship has placed the expansion of U.S. voter participation earlier in time, not particularly in the 1830s, at least for subpresidential elections—not a surprise for a decentralized system. See Andrew W. Robertson, "Afterword: Reconceptualizing Jeffersonian Democracy," *Journal of the Early Republic* 33, no. 2 (Summer 2013): 317–34, at 317–21; Stanley L. Engerman and Kenneth L. Sokoloff, "The Evolution of Suffrage Institutions in the New World," *Journal of Economic History* 65, no. 4 (September 2005): 891–921, at 895–909; Donald Ratcliffe, "The Right to Vote and the Rise of Democracy, 1787–1828," *Journal of the Early Republic* 33, no. 2 (Summer 2013): 219–54. Ratcliffe reports that new data collected by Philip Lampi "confirm the huge expansion of popular participation within two decades or so of the adoption of the United States Constitution." Also, "This expansion was possible because the right to vote had always been extraordinarily widespread—at least among adult white males [even before U.S. independence]." Quotations at 220.

39. Sources on the administration include McCraw, *Founders and Finance*, chap. 12; Malcolm J. Rohrbough, *The Land Office Business: The Settlement and Administration of American Public Lands, 1789-1837* (New York: Oxford University Press, 1968), chaps. 2–4, 10, 14. Albert Gallatin as treasury secretary during 1801–1813 was an impressive administrator, but by the 1830s the General Land Office was far from a model bureaucratic unit; see Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928* (Princeton, N.J.: Princeton University Press, 2001), 56–57. The dominant role of Congress pervades these sources and others cited below.

40. James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998), 49–51; Rohrbough, *Land Office Business*, chap. 1; John Opie, *The Law of the Land: Two Hundred Years of American Farmland Policy* (Lincoln: University of Nebraska Press, 1987), chap. 1; Everett Dick, *The Lure of the Land: A Social History of the Public Lands from the Articles of Confederation to the New Deal* (Lincoln: University of Nebraska Press, 1970), chap. 3.

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took over. It is a fascinating story. It is a wonder that any incumbent politician ever lost an election. They had a continent to hand out! In passing hundreds of laws, here were the themes: keep lowering the prices (eventually to zero), keep allowing smaller land plots, allow easy credit, supply debt relief once the farmer debt builds up, legitimize the inevitable land squatters, accommodate the war veterans (land plots were the pre-Civil War version of veterans' benefits), don't worry about the government making money from distributing the land, and keep changing the rules.[41] It was a ragged, volatile populism. Some of the executive branch's leaders regretted not taking in more revenue from the sales (Treasury Secretaries Hamilton and Gallatin) or blanched at the accommodation of the squatters (Gallatin and Jackson) or at the easy credit (Jackson—whose Specie Circular in 1836 took aim at it).[42] In the end, the government seems to have broken even, more or less—no windfall of revenue but no loss.[43] The consequences of it all? A nation of small farmers was speedily helped into existence—although much of the South's Indian land ended up in slave plantations. Perhaps the quick move of the land into production assisted the U.S. economic growth rate.[44]

There has been a final division of labor. The presidency, in a stream of executive directives originating in the 1790s and lasting through today, has decisively shaped the *management* of lands remaining in public possession. Thus has public land often been reserved or tailored for Indian tribes, military use, environmental preservation, and so on—and sometimes curbed from sale. Little in the history of executive directives has been more important.[45]

41. There are several fine sources on the politics of land assignment: Rohrbough, *Land Office Business* (he reports 375 laws passed through 1837, 295); Opie, *Law of the Land,* chaps. 1–5; Dick, *Lure of the Land*, chaps. 1, 2, 5, 8–10; Jeremy Atack, Fred Bateman, and William N. Parker, "Northern Agriculture and the Westward Movement," chap. 7 in *The Cambridge Economic History of the United States,* vol. 2, *The Long Nineteenth Century,* ed. Engerman and Gallman, 287–302.

42. On foregone revenue, see McCraw, *Founders and Finance,* 251. On squatters, see Rohrbough, *Land Office Business,* 202–3. On easy credit, see Opie, *Law of the Land,* 53.

43. Richard Sylla, "Experimental Federalism: The Economics of American Government, 1789–1914," chap. 12 in *The Cambridge Economic History of the United States,* vol. 2, *The Long Nineteenth Century,* ed. Engerman and Gallman, 515; Nugent, *Habits of Empire,* 231; Lance E. Davis, Richard A. Easterlin, and William N. Parker, et al., *American Economic Growth: An Economist's History of the United States* (New York: Harper and Row, 1972), 106.

44. On slave plantations, see Johnson, *River of Dark Dreams,* 31–34; Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, MA: Harvard University Press, 2005), chap. 1. On economic growth, see Davis, Easterlin, and Parker, et al., *American Economic Growth,* 105, 654.

45. Graham G. Dodds, *Take Up Your Pen: Unilateral Presidential Directives in American Politics* (Philadelphia: University of Pennsylvania Press, 2013), 72–78, 88, 97–104, 144–50.

NATIONAL CONSOLIDATION

Moving to the 1860s, I address the U. S. abolition of slavery in a particular frame.[46] Generally speaking, the mid-nineteenth century, notably the 1860s, seems to have brought a spasm of special character across much of the developed or developing world.[47] Upended were old particularisms like church privileges, monasteries, autarkic principalities, rebellious regions, corporate orders, serfdom, feudal land rights, and slavery. Centralizing states swung into place, offering strong nationalisms, a spirit of modernizing liberalism, and a bent for commodifying property and homogenizing the rights of citizenship across entire populations.[48] Among other things, dramatic midcentury changes in transportation and communication were possibly a key to it all.[49] Partaking of this 1860s spasm in various respects were at least Germany, Italy, Hungary, Japan, Mexico, Argentina—and the United States.[50]

46. The transnational move to abolish slavery could be treated as a challenge all by itself, but I am attracted by certain comparative works, notably E. J. Hobsbawm's and C. A. Bayly's interpretations (see below), that fold it into a larger impulse. The call could go either way.

47. Although not so much in Britain and France, where many of the aspirations discussed here were already in place.

48. In general, see E. J. Hobsbawm, *The Age of Capital, 1848–1875* (New York: Scribner's Sons, 1975), 1 and chaps. 4–9. Hobsbawm draws a cross-national analogy that includes the United States (182–83): "For one reason or another three types of agrarian enterprise were under particular pressure: the slave plantation, the serf estate, and the traditional non-capitalist peasant economy. The first was liquidated in the United States and most parts of Latin America .... The second was formally liquidated in Europe between 1848 and 1969." Peter Kolchin compares the trajectories of Russian serfdom (abolished in 1861) and American slavery in *Unfree Labor: American Slavery and Russian Serfdom* (Cambridge, MA: Belknap Press, 1990); and "Rexamining Southern Emancipation in Comparative Perspective," *Journal of Southern History* 81, no. 1 (February 2015): 7–40.

Daniel H. Deudney, in "The Philadelphian System: Sovereignty, Arms Control, and Balance of Power in the American States-Union, circa 1787–1861," *International Organization* 49, no. 2 (Spring 1995): 191-228, at 219, draws a comparison between nineteenth-century institutional instability in the United States and, entailing the Concert of Europe, Europe as a whole. "The Concert gradually declined in the middle and later years of the nineteenth century" partly because "the domestic regime types of the members (absolutist monarchical versus constitutional monarchical) lay in opposition, a situation analogous to the slavery conflict in America."

49. Hobsbawm, *Age of Capital,* chap. 3.

50. On Germany, Italy, and Hungary, see Hobsbawm, *Age of Capital,* 71–78, 82–83, 88–90, 104–5. (To Hungary came, whatever else, a new quasi-sovereignty and independent parliament resting on Magyar nationalism.) Regarding Jewish emancipation in Germany, George M. Fredrickson points out: "When Germany was unified by Bismarck, full citizenship was granted to Jews, first throughout the North German Federation in 1869 and then in the entire Reich in 1871." George M. Fredrickson, *Racism: A Short History* (Princeton, NJ: Princeton University Press, 2002), 76–77. On Japan, see Hobsbawm 83–84, 146–54. On Mexico, see Hobsbawm, 119–20; Jan Bazant, "Mexico from Independence to 1867," chap. 10 in *The Cambridge History of Latin America,* vol. 3, *From Independence to c. 1870* ed. Leslie Bethell (New York:

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"In crushing the emergent Confederate state, the Union was itself following, and contributing to, a much wider realignment in which large and unified nations and more centralized and economically sophisticated supremacies replaced the still loose and varied polities of the early nineteenth century."[51] The United States "entered [the Civil War] with a states-union in crisis and emerged from it a federal state with an intensified national identity."[52] Slavery went out. Citizenship rights, a "free labor" ideology and "an explosive expansion of central state authority" came in.[53] (I emphasize here the rights, identity, and national sovereignty aspects of these changes; for the economic side, see the section below.)

Unquestionably, this American change of the 1860s was executive-led. In the United States, as in most other countries mentioned above, wars figured in the consolidations.[54] There was an executive edge of force and steel. Abraham Lincoln as president is often compared to Otto von Bismarck of that era.[55]

What was the place of Congress in this history? Three points seem worthwhile. All are familiar. First, Congress's signature drive during the many decades right through the winter of 1860–1861, when war loomed, was to arrange compromises to keep the country intact. Here was, in consequence, and for many actors like Henry Clay and Daniel Webster, in intention, the familiar "please-everybody" (meaning the white citizenry, at that time) legitimizing role. At stake was the joint national allegiance of North and South. This role stood out in the Compromise of 1850, still an example for its procedural inventiveness, as Clay and Stephen A. Douglas coupled discrete, jangling bills into an overall compromise.[56] It was kind of a golden age of the Senate playing this role.[57] Perhaps the sectional conflict could be bridged or at least postponed. Second, during the 1830s through the 1850s, in the cause of ending, or at least curbing, slavery, the processes of Capitol Hill offered a speaking platform, which certain members famously employed, thus drawing an audience and apparently radiating influence across the country. This was position taking with consequence. John Quincy Adams fought to admit antislavery petitions; David Wilmot pressed his post–Mexican War "proviso" to keep slavery from the new territories; Charles Sumner delivered and sent around the country his antislavery speeches, drawing a physical assault on the Senate floor for doing so.[58] Finally, Congress, during the Civil War itself, the South now absent, moved into a subsidiary and, generally speaking, cooperative role vis-à-vis Lincoln—at least in matters related to war management.[59]

BUILDING AN INDUSTRIAL ECONOMY

"Destructive though it was, the Civil War broke the slaveocracy's power to obstruct an American development agenda."[60] Economic improvement took on new life, with an often rivalrous eye on Britain and, later, Germany. Immediately in the 1860s, "one of the great development programs in American history," an updated Whig mix that was now politically feasible, became law—a higher tariff plus generous government land outlays to spur homesteads, state colleges, and a transcontinental railroad.[61] The

Cambridge University Press, 1985). On Argentina, see John Lynch, "The River Plate Republics from Independence to the Paraguayan War," chap. 15 in *Cambridge History of Latin America*, ed. Bethell, 615–58.

51. Bayly, *Birth of the Modern World*, 161–65, quotation at 162.

52. Deudney, "Philadelphian System," 220. Deudney uses the term "states-union" to refer to the somewhat loose confederation short of a consolidated nation-state that prevailed until the 1860s. See also Danilo Petranovich, "Lincoln's New Nationalism," *The Writings of Abraham Lincoln*, ed. in Steven B. Smith (New Haven, CT: Yale University Press, 2012), 437–48.

53. See Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970). Second quotation from Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (New York: Cambridge University Press, 1990), 2.

54. Hobsbawm emphasizes the wars: *Age of Capital*, chap. 4.

55. Lincoln was also compared to Bismarck and Cavour: Hobsbawm, *Age of Capital*, 4; Carl N. Degler, "One Among Many: The United States and National Unification," chap. 4 in *Lincoln, the War President: The Gettysburg Lectures*, ed. Gabor S. Boritt (New York: Oxford University Press, 1992). He was also compared to Bismarck and, later, Lenin: see Edmund Wilson, *Patriotic Gore: Studies in the Literature of the American Civil War* (New York: Oxford University Press, 1962), xvi-xix. In Lincoln there is also a flavor of Simon Bolivar of the earlier Latin American wars for independence if, as is emphasized in a recent work, winning the American Civil War required a mobilization of the slave population into the Union Army and, as a consequence, into political life. See Bruce Levine, *The Fall of the House of Dixie: The Civil War and the Social Revolution That Transformed the South* (New York: Random House, 2013).

56. See Fergus M. Bordewich, *America's Great Debate: Henry Clay, Stephen A. Douglas, and the Compromise That Preserved the Union* (New York: Simon and Schuster, 2012). The congressional "fiscal cliff" deal of January 1, 2013, had a similar inventive oddity.

57. Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York: Oxford University Press, 1987).

58. On Adams, see William Lee Miller, *Arguing About Slavery: The Great Battle in the United States Congress* (New York: Alfred A. Knopf, 1996); and Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), chap. 3. On Wilmot, see Eric Foner, "The Wilmot Proviso Revisited," *Journal of American History* 56 (1969): 262–79. On Sumner, see David Donald, *Charles Sumner and the Coming of the Civil War* (New York: Alfred A. Knopf, 1967), 227–39, 254–56, chap. 11, 352–65; and Thomas C. Leonard, *The Power of the Press: The Birth of American Political Reporting* (New York: Oxford University Press, 1986), 84–86.

59. See, for example, Arthur M. Schlesinger, Jr., *The Imperial Presidency* (New York: Mariner Books, 2004; earlier eds. 1973, 1989), 58–60.

60. Charles R. Morris, *The Dawn of Innovation: The First American Industrial Revolution* (New York: Public Affairs, 2012), xiii.

61. Morris, *Dawn of Innovation*, quote, 269; Sylla, "Experimental Federalism," 532–34. On the enactment of the Morrill Land Grant College Act of 1862, see Williamjames Hull Hoffer, *To Enlarge the Machinery of Government: Congressional Debates and the Growth of the American State, 1858–1891* (Baltimore, MD: Johns Hopkins Press, 2007), chap. 2.

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banking system was revved up thanks to coordination between Treasury Secretary Salmon P. Chase and Capitol Hill powers.[62] But in general this was a congressional, not a presidential, program. War management was one thing, but: "Less than any other major American President did Lincoln control or even influence the Congress . . . . The President had remarkably little connection with the legislation passed during the Civil War." The tariff, the homesteads, the railroad, the college funding and other moves "had little connection with Lincoln aside from his formal approval of them."[63] To finance the war itself, "Congress rather than the Treasury secretary took the lead in fiscal legislation;" greenbacks, an income tax, and a new internal revenue service were congressional concoctions.[64]

Industrial development certainly did take place. The record is striking. U.S. per capita income nearly tripled between 1870 and 1910.[65] Output came to trump that of Britain, France, and Germany combined by 1914.[66] Moves in the private economy offer plenty of causal grounding for these trends.[67] But how about the government, and how about Congress in particular, by way of the initiatives of the 1860s and beyond? The stylized, plausible account is of a division of labor.[68] The courts came to guard property rights and interstate markets.[69] The executive put down contagious railroad strikes (in 1877 and 1894), protected the gold standard, and sometimes helped to manage currency crises (in 1893–94 and 1907).[70] Congress leaned toward inflation that favored farmers and silver—a small-state product well represented in the Senate, pursued distributive politics as in the 1860s enactments, and kept the protective tariff high.[71] Legislators can be deft at logrolling and ladling out goods. For many of us, the analytic window into the tariff system of earlier times is still E. E. Schattschneider's work of 1934 illuminating a practice of "reciprocal noninterference" among petitioners for duties, which transmuted "a dubious economic policy . . . into a great political success."[72] It was a distributive coalitional politics that overproduced, according to the critique lodged by reformers, import duties, to the distaste of the reformers and at the expense of the median voter and overall economic efficiency. No doubt this old interpretation has force, the logic is there, although new accounts have appeared. In fact, the tariff of earlier times seems to have had three animations. It was at once a U.S. policy antidote to Britain's dominance in international trade,[73] a principled domestic program that the Republican Party pursued,[74] and the distributive Christmas tree enterprise that Schattschneider saw it as. Economists are still puzzling about its actual economic effects.[75] Interestingly, the traditional tariff was often carried by narrow congressional majorities;

62. Robert P. Sharkey, *Money, Class, and Party: An Economic Study of Civil War and Reconstruction* (Baltimore, MD: Johns Hopkins University Press, 1959), chap. 6.

63. David Herbert Donald, *Lincoln Reconsidered: Essays on the Civil War Era,* 3rd ed. (New York: Vintage, 2001), 133–37, quotations at 136, 137. Lincoln did press Congress on matters relating to the war or slavery—famously the Thirteenth Amendment.

64. Edling, *Hercules in the Cradle,* 185–96, 204–15, quotation at 205.

65. Stuart Bruchey, *The Wealth of the Nation: An Economic History of the United States* (New York: Harper & Row, 1988), 67–69; Morris, *Dawn of Innovation,* 269–72.

66. Morris, *Dawn of Innovation,* 272. Morris compares the nineteenth-century economic trajectories of Britain and the United States in chap. 8. See also Monica Prasad, *The Land of Too Much: American Abundance and the Paradox of Poverty* (Cambridge, MA: Harvard University Press, 2012), 58–64.

67. See, for example, Jack High, "Economic Theory and the Rise of Big Business in America, 1870-1910," *Business History Review* 85 (Spring 2011): 85–112; Gavin Wright, "The Origins of American Industrial Success, 1879-1940," *American Economic Review* 80, no. 4 (September 1990): 651–68; and Alfred D. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Cambridge, MA: Harvard University Press, 1977).

68. Richard Franklin Bensel, *The Political Economy of American Industrialization, 1877-1900* (New York: Oxford University Press, 2000), 4–11, 518–20.

69. On interstate markets, see Bensel, *Political Economy,* 321–49.

70. On the gold standard and the crises, see Hugh Rockoff, "Banking and Finance, 1789–1914," chap. 14 in *Cambridge Economic History of the United States,* vol. 2, *The Long Nineteenth Century,* ed. Engerman and Gallman; Bensel, *Political Economy,* 366–73; "The only factor that prevented the United States from switching from gold to silver or paper currency as the monetary standard was the unflinching position of the executive branch" (Bensel, 371). At the presidential level, Democratic as well as Republican leaders, notably the Democratic presidential nominees Samuel Tilden and Grover Cleveland, shied away from silver.

71. Rockoff, "Banking and Finance," 663; Bensel, *Political Economy,* 366–73. "Congress was at best indifferent toward the maintenance of the gold standard and often outright hostile" (Bensel, 371). On the politics of the late-nineteenth-century tariff, see Bensel, , chap. 7.

72. E. E. Schattschneider, *Politics, Pressures, and the Tariff: A Study of Free Private Enterprise in Pressure Politics, as Shown in the 1929–1930 Revision of the Tariff* (New York: Prentice-Hall, 1935), 283–84. This book centers on the Smoot-Hawley tariff of 1930, but its logic extends back in time, as its author surely knew.

73. See, for example, Robert C. Allen, "American Exceptionalism as a Problem in Global History," *Journal of Economic History* 74, no. 2 (June 2014): 309–50, at 339; James MacDonald, *When Globalization Fails: The Rise and Fall of Pax Americana* (New York: Farrar, Straus and Giroux, 2015), 28–30.

74. Among other things, the tariff was a Republican revenue program, see John Mark Hansen, "Taxation and the Political Economy of the Tariff," *International Organization* 44, no. 4 (Autumn 1990): 527–51. But it also figured in the Republicans' general principle of "neo-mercantilism." See John Gerring, *Party Ideologies in America, 1828-1896* (New York: Cambridge University Press, 1998), 64–78; Charles W. Calhoun, "Political Economy in the Gilded Age: The Republican Party's Industrial Policy," *Journal of Policy History* 8, no. 3 (1996): 291–309, 294–99.

75. Robert E. Lipsey, "U.S. Foreign Trade and the Balance of Payments, 1800–1913," chap. 15 in *Cambridge Economic History of the United States,* vol. 2, *The Long Nineteenth Century,* ed. Engerman and Gallman, 727; Stanley L. Engerman and Kenneth L. Sokoloff, "Technology and Industrialization, 1790–1914," chap. 9 in *Cambridge Economic History of the United States,* vol. 2, *The Long Nineteenth Century,* ed. Engerman and Gallman, 398–401.

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obstruction through congressional filibustering figured little in its fortunes.[76] At any rate, Congress, in this old tariff system, as opposed to the White House, ordinarily dominated the process and favored higher rates.[77] Across history, presidents have leaned more toward free trade—ordinarily vis-à-vis at least their own congressional parties before 1932, uniformly vis-à-vis Congress as a whole regardless of party configurations since that time.[78]

On the side of government process, the scholarship that enables the discussion of this era seems stale and underdeveloped. Gilded Age stories of "a swinish scramble for government largesse," not that they lack a basis, have probably enjoyed too much resonance for too long.[79] An image comes down of the government being not only corrupt but also passive or asleep—a blank tablet on which often greedy private interests wrote. But was that really all? There is little analysis of government *steering*. We could use better empirical investigation of the elite processes of those days—an alertness to evidence of design, of thought and behavior by government actors aimed at fostering a successful political economy. What is lurking in the documents? This kind of scholarship has been done for other eras. A project centering on John Sherman, who cut a figure in economic policymaking in both Congress and the executive branch from the 1850s into the 1890s, would be a welcome addition to works like those on Alexander Hamilton, on Henry Clay and his "American system," or Senator Robert F. Wagner and the crafting of the welfare state.[80] Such a project could clarify the roles of Congress and the executive. Sherman's own two-volume account of his aims and actions is a four-decade-long steering story. Congress and the Treasury, in those days before the Federal Reserve system, shared, in Sherman's view, the unending task of guard-railing the U.S. currency between undue contraction or expansion using the gold standard, then the international norm, as a leading device.[81] For better or worse—a matter of judgment then and since—that was the program.[82] Among other things, the stability of the gold standard was thought to supply a glide path for welcome European investment.[83]

TAMING THE CORPORATIONS AND THE RICH

If the "explosive economic growth" of late-nineteenth-century America was singular, so was the resulting social and political environment.[84] The world's largest corporations, along with their creativity, their production efficiencies, and their consumer miracles, brought a whirlwind of disruptive change, just as the railroads had, not to mention a new gaudy plutocracy that had plenty of political power.[85] No one had seen anything quite like it. An understandable uneasiness set in. It is not exactly clear where to look for comparisons—in a general sense the European socialist movements represented a similar reaction, but the American path was distinctive.[86] In the United States, a powerful, cross-party "antimonopoly" coalition, keyed especially to agrarian interests, and with a labor component, erupted into politics, bent on achieving economic justice.[87]

76. Gregory J. Wawro and Eric Schickler, *Filibuster: Obstruction and Lawmaking in the U.S. Senate* (Princeton, NJ: Princeton University Press, 2006), chap. 6.

77. On Congress dominating the process, see Lawrence H. Chamberlain, *The President, Congress and Legislation* (New York: Columbia University Press, 1946), chap. 3.

78. See David Karol, "Congress, the President and Elite Opinion in Historical Perspective," paper presented at Congress and History Conference, Columbia University, June 21–22, 2013, 27–31. Accounts of the White House's distinctive free-trade bent, at least during recent times, appear in William R. Keech and Kyoungsan Pak, "Partisanship, Institutions, and Change in American Trade Politics," *Journal of Politics* 57, no. 4 (1995): 1130–42, at 1136–40; Orin Kirshner, "Superpower Politics: The Triumph of Free Trade in Postwar America," *Critical Review* 19, no. 4 (2007): 523–42.

79. Calhoun makes this case in "Political Economy in the Gilded Age," quotation at 292.

80. Howe, *Political Culture of the American Whigs*, ch. 6; Peterson, *The Great Triumvirate*; J. Joseph Huthmacher, *Senator Robert F. Wagner and the Rise of Urban Liberalism* (New York: Atheneum, 1968). For the prominence of Sherman as a congressional actor, see David R. Mayhew, *America's Congress: Actions in the Public Sphere, James Madison Through Newt Gingrich* (New Haven, CT: Yale University Press, 2000), 62–64, 168–71.

81. Sherman's take on these matters can be found in his *John Sherman's Recollections of Forty Years in the House, Senate and Cabinet: An Autobiography*, vols. 1 and 2 (Chicago: Werner Company, 1895). He hops around. The best nuggets are in vol. 1, chaps. 11–13, 15, 17, 20, 22, 24–26; vol. 2, chaps. 32, 36, 57, 63, 64. On Sherman's role in the 1860s and 1870s, see also Sharkey, *Money, Class, and Party*.

82. Milton Friedman argues that denying an alternative silver standard in the much-assailed Coinage Act of 1873 may have been a policy mistake—too much deflation ensued. See "The Crime of 1873," *Journal of Political Economy* 98, no.6 (December 1990): 1159–94. Friedman opts for mistake, not crime. The pro-gold forces of the late nineteenth century had "sincere believers that the gold standard was the only satisfactory pillar for a financially stable society" (1178).

83. Wyatt Wells, "Rhetoric of the Standards: The Debate Over Gold and Silver in the 1890s," *Journal of the Gilded Age and Progressive Era* 14 (2015): 49–68, at 56–59. This article, a current reassessment of the old silver–gold question, pulls no punches: "For historians intent on rehabilitating the late nineteenth century's many movements for currency reform, silverite ignorance of finance represents a major obstacle (59)."

84. Quotation from Prasad, *Land of Too Much*, xii.

85. On the size of the firms, see Prasad, *Land of Too Much*, 75–76.

86. Hobsbawm, *Age of Empire*, chap. 5.

87. The story is told in Prasad, *Land of Too Much*, 74–76, 89–90, 103–9; Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877–1917* (Chicago: University of Chicago Press, 1999), chaps. 6–8; Ronald L. Feinman, *Twilight of Progressivism: The Western Republican Senators and the New Deal* (Baltimore, MD: Johns Hopkins University Press, 1981), chap. 1; and David A. Horowitz, *Beyond Left and Right: Insurgency and the Establishment* (Urbana: University of Illinois Press, 1997), chaps. 1, 3. Horowitz carries the story through the 1920s. In fact, the American

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This impulse helped to trigger (I put it that way because the causation was complex and multiple and has been endlessly interpreted; the antimonopoly impulse was at least a proximate and a necessary cause of it all) a quite striking and long-lasting American policy regime of business regulation and progressive taxation.[88] In came the independent regulatory agencies—an American specialty.[89] U.S. progressive taxation of personal and corporate income, topped off with gift and estate taxes, seems to have set a world standard, or was at least tied for that distinction, a century ago.[90] "[V]ery high taxes on the very rich," Thomas Piketty writes, "was invented in the United States."[91] Using the tax hammer, the era's reformers assaulted corporate wealth with a ferocity that is rarely seen today.[92]

This regulate-and-tax regime was dominantly congressional. In general, Congress did the initiating and lifting or, when presidents chimed in as policy partners, the arranging of final terms.[93] The Interstate Commerce Act of 1887 came from Congress: "So far as can be determined, [President Grover Cleveland] took no part in any stage of the formulative process. In none of his messages to Congress did he mention railroad legislation."[94] So did the Sherman Antitrust Act of 1890: "President Benjamin Harrison had taken no part in the drafting of the Sherman Act and scarcely seems to have noticed its passage."[95] So did the Mann-Elkins Act, which regulated railroads again, in 1910.[96] In two instances President Theodore Roosevelt thrust himself into ongoing congressional causes: the Hepburn Act addressing the railroads in 1905 and the Pure Food and Drugs Act of 1906.[97] President Woodrow Wilson promoted the Federal Reserve Act of 1913, yet "the celebrated structural independence of the Fed was a product of political compromise among disparate groups represented in the US Congress"—namely, "city bankers, farmers/populists, and Progressives."[98] In later years, labor laws came from Congress—the still important Davis-Bacon Act of 1931 assured that workers received local prevailing wages on federal projects (this act was nursed by Republican Congresses starting in 1927, and bought into by President Herbert Hoover).[99] The Norris-La Guardia Act of 1932 curbed antistrike injunctions and banned yellow-dog contracts. It was designed by academics and reformers, passed by a Democratic House and a Republican Senate, and signed by Hoover.[100] Senator Wagner's monument was the National

agricultural sector had gained economically over the years, but the farmers nonetheless suffered from market volatility and deflation. See Horowitz, 5–6. For a matching non-American instance of this brand of mobilization, a good bet might be New Zealand in the late nineteenth century. See Peter J. Coleman, "New Zealand Liberalism and the Origins of the American Welfare State," *Journal of American History* 69 (1982): 372–91.

88. By the late 1880s, a "pervasive antitrust sentiment" seems to have invited a public reckoning with the new giant corporations. See William L. Letwin, "Congress and the Sherman Antitrust Law: 1887–1890," *University of Chicago Law Review* 23, no. 2 (Winter 1956): 221–58, quotation at 226. See also Prasad, *Land of Too Much,* 188–90. Rounded discussions of the politics of railroad regulation, the pioneer cause of the time, appear in Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (New York: Cambridge University Press, 1982), chap. 5; Robert Dawson Kennedy, Jr., "The Statist Evolution of Rail Governance in the United States, 1830–1986," chap. 5 in *Governance of the American Economy,* ed. John L. Campbell, J. Rogers Hollingsworth, and Leon N. Lindberg (New York: Cambridge University Press, 1991), 154–64; and Robert E. Gallamore and John R. Meyer, *American Railroads: Decline and Renaissance in the Twentieth Century* (Cambridge, MA: Harvard University Press, 2014), chap. 2.

89. The United States "was unique in relying on regulatory agencies," which "accrued autonomous power and applied rules in a legalistic manner unseen in any other country . . . . They are the American version of the Weberian bureaucratic state." Prasad, *Land of Too Much,* 184.

90. The U.S. revenue package then was a good deal more progressive than those of France and Sweden. Britain is a closer call. See Kimberly J. Morgan and Monica Prasad, "The Origins of Tax Systems: A French-American Comparison," *American Journal of Sociology* 114, no. 5 (March 2009): 1350–94; Prasad, *Land of Too Much,* 16–18; and Sven Steinmo, *Taxation and Democracy: Swedish, British, and American Approaches to Financing the Modern State* (New Haven, CT: Yale University Press, 1993), chap. 2.

91. Quoted in Anne Lowrey, "For Two Economists, the Buffett Rule Is Just a Start," *New York Times,* April 16, 2012.

92. The contrast is drawn in Michael McGerr, "Progressivism, Liberalism, and the Rich," a paper presented at the conference "The Progressives' Century: Democratic Reform and Constitutional Government in the United States," Yale University, November 1–2, 2013. The reformers' take-them-down script continued into the 1930s. See Joseph J. Thorndike, "'The Unfair Advantage of the Few': The New Deal Origins of 'Soak the Rich' Taxation," chap. 2 in *The New Fiscal Sociology: Taxation in Comparative Historical Perspective,* ed. Isaac William Martin, Ajay K. Mehrotra, and Monica Prasad (New York: Cambridge University Press, 2009).

93. On the record in business regulation in general, see Prasad, *Land of Too Much,* chap. 7; Sanders, *Roots of Reform,* chap. 6. On railroad regulation, see Chamberlain, *President, Congress and Legislation,* chap. 11.

94. Chamberlain, *President, Congress and Legislation,* 414. Cleveland just signed the bill.

95. Sanders, *Roots of Reform,* 272. See also Chamberlain, *President, Congress and Legislation,* 30–32.

96. Sanders, *Roots of Reform,* 208.

97. On the Hepburn Act, see Sanders, *Roots of Reform,* 198–202; and Jeffrey K. Tulis, *The Rhetorical Presidency* (Princeton, NJ: Princeton University Press, 1987), chap. 4. On the Pure Food and Drugs Act, which also rested on the decades-long effort of a Department of Agriculture official, see James Harvey Young, *Pure Food: Securing the Federal Food and Drugs Act of 1906* (Princeton, NJ: Princeton University Press, 1989), chaps. 1, 3, 7–11.

98. Gyung-Ho Jeong, Gary J. Miller, and Andrew C. Sobel, "Political Compromise and Bureaucratic Structure: The Political Origins of the Federal Reserve System," *Journal of Law, Economics and Organization* 25, no. 2 (2008): 472–98, quotations at 473, 479.

99. William G. Whittaker, "The Davis-Bacon Act: Institutional Evolution and Public Policy," CRS Report for Congress, November 30, 2007, http://congressionalresearch.com/94-408/document.php?study=The+Davis-Bacon+Act+Institutional+Evolution+and+Public+Policy. A lame-duck Republican Congress passed this act.

100. On the Norris-La Guardia Act, see Christopher L. Tomlins, "Labor Law," chap. 11 in *The Cambridge Economic History of the United States,* vol. 3, *The Twentieth Century,* ed. Stanley

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Labor Relations Act of 1935, on which President Franklin Roosevelt chimed in. This measure, the Wagner Act, unquestionably merits the senator's name. He worked his signature design through Congress over a period of years.[101] "He was [the measure's] legislative instigator and tactician, and before Congress, the President, and the public he was its most ardent champion."[102] FDR, for his part, was not an easy sell.[103]

On the taxation front, Congress, spurred by then House member William Jennings Bryan, enacted an income tax in 1894; President Cleveland, not favoring it, let it pass absent his signature; the Supreme Court blocked it.[104] In a complicated politics, a Republican Congress roiled by Progressives generated the Sixteenth Amendment in 1909—this was the permanent authorization of income taxation.[105] The content of the consequent statutory income tax of 1913, backed by President Wilson, came from Congress.[106] The country's historic shift to a lastingly progressive revenue mix in 1916–18, prompted by the military buildup needs of World War I, came from pressure from "a powerful group of insurgent Democrats" on Capitol Hill. "If you want armaments," they more or less told the (not all that reluctant) Wilson administration, "we'll tax the rich to pay for them."[107] And so they did.

In the respects noted here, Congress ordinarily took the lead. One's impression is of a cantankerous, mercurial, free-form legislature that was often flypaper for popular impulses (although organized interests were being serviced, too). Position taking by the members to convey simple, appealing messages of blame and remedy was in style.[108] That is not distributive politics. It is populist or programmatic or ideological politics.

THE RISE TO WORLD HEGEMONY

As to foreign policy, whether this country's rise to world standing should have happened, or happened the way it did, it happened. Here I focus on U.S. projection beyond the North American continent since the 1860s. The United States became number one. In the history of this rise, what has been the place of Congress? The institution seems to have supplied a particular tilt. Notwithstanding an occasional outfront hawkishness, as in 1898 vis-à-vis Spain, Congress, on occasions when it has differed with the presidency on foreign policy, has ordinarily leaned toward quietude and stasis.[109] This isn't to say that institutional disagreement has been the norm, but it has kept occurring. In a signature role, Congress has often resisted or footdragged on White House aims for expansions, invasions, intrusions, annexations, and foreign commitments abroad. From the 1860s through the 1930s, presidents eyeing colonies or dependencies ran into Capitol Hill resistance—for example, the Dominican Republic under President Grant (annexation blocked), the Virgin Islands and Hawaii (absorption delayed), Cuba (the Teller Amendment in 1898 banned direct U.S. rule), Nicaragua, Haiti, and the Dominican Republic from 1900 through the 1920s (a variety of sticks went into the spokes).[110] It was Congress that pressed for independence of the annexed Philippines.

L. Engerman and Robert E. Gallman (New York: Cambridge University Press, 2000), 669–70.

101. Huthmacher, *Senator Robert F. Wagner,* 146–48, 158–71, 189–98; Chamberlain, *President, Congress and Legislation,* chap. 4. See also Tomlins, "Labor Law," 670–75; Theda Skocpol, Kenneth Finegold, and Michael Goldfield, "Explaining New Deal Labor Policy," *American Political Science Review* 84, no. 4 (December 1990): 1297–1315, at 1298–1300.

102. Huthmacher, *Senator Robert F. Wagner,* 197.

103. Huthmacher, *Senator Robert F. Wagner,* 163, 166, 190, 195–98.

104. On the record in progressive taxation in general, see Prasad, *Land of Too Much,* 125–29; Steinmo, *Taxation and Democracy,* 68–79; David E. Kyvig, *Explicit and Authentic Acts: Amending the U.S. Constitution, 1776–1995* (Lawrence: University Press of Kansas, 1996), 201–4. On Bryan, see David D. Anderson, *William Jennings Bryan* (Boston: Twayne, 1981), 65–67; and Paul W. Glad, *The Trumpet Soundeth: William Jennings Bryan and His Democracy, 1896–1912* (Lincoln: University of Nebraska Press, 1960), 86. On President Cleveland, see Steinmo, *Taxation and Democracy,* 71; John F. Witte, *The Politics and Development of the Federal Income Tax* (Madison: University of Wisconsin Press, 1985), 71.

105. Steinmo, *Taxation and Democracy,* 74–76; John D. Buenker, *The Income Tax and the Progressive Era* (New York: Garland, 1985), chap. 2. The final state ratification of the amendment followed in 1913.

106. Witte, *Politics and Development of the Federal Income Tax,* 75–79; Buenker, *The Income Tax,* chap. 8. The House result is said to have stemmed from the interaction of three groups—leadership Democrats, radical dissenter Democrats, and Progressive Republicans. Buenker, 338.

107. W. Elliot Brownlee, "Tax Regimes, National Crises, and State-Building in America," chap. 2 in *Funding the Modern American State, 1941–1995: The Rise and Fall of the Era of Easy Finance,* ed. Brownlee (New York: Cambridge University Press, 1996), 60–66; W. Elliot Brownlee, "Wilson and Financing the Modern State: The Revenue Act of 1916," *Proceedings of the American Philosophical Society* 129, no. 2 (June 1985): 173–210, quotation at 177; Sanders, *Roots of Reform,* 230.

108. For commentary on the political value of such a presentation, see David R. Mayhew, "Legislation," chap. 5 in *Law and the Social Sciences,* ed. Leon Lipson and Stanton Wheeler (New York: Russell Sage Foundation, 1986), 276–77.

109. An earlier instance was 1812, vis-à-vis Britain. James L. Sundquist singles out the 1812 and 1898 examples in *The Decline and Resurgence of Congress* (Washington, DC: Brookings Press, 1981), 94.

110. Fareed Zakaria, *From Wealth to Power: The Unusual Origins of America's World Role* (Princeton, NJ: Princeton University Press, 1998), chap. 3; Colin D. Moore, "State Building Through Partnership: Delegation, Public-Private Partnerships, and the Political Development of American Imperialism, 1898–1916," *Studies in American Political Development* 25 (April 2011): 27–55; John J. Tierney, Jr., *Chasing Ghosts: Unconventional Warfare in American History* (Washington, DC: Potomac Books, 2006), chaps. 10–12; Horowitz, *Beyond Left and Right,* 40–42; Nugent, *Habits of Empire,* 256–63, 276.

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On the commitments side, Congress turned down the Versailles Treaty in 1919 and the World Court in 1935.[111] In the 1930s, Senate forces of isolationism amplified that view in the general public—Senator Gerald Nye's munitions hearings brought "a daily round of headlines and sensations"—and in turn impaired FDR's flexibility toward aiding Britain going into 1939–41.[112] All the government branches signed on to the Cold War, but foreign aid was a trial on Capitol Hill.[113] Congress, through hearings and otherwise, roused opposition to the Vietnam and Iraq wars, eventually cutting off funds in the former case and thus inviting the U.S. helicopter exit.[114] At several times in history, it was leaders of the Senate Foreign Relations Committee—Charles Sumner, Henry Cabot Lodge, William Borah, and J. William Fulbright—who spearheaded the opposition to White House initiatives.[115]

And so it goes. It is a story of relative congressional recessiveness. There are several reported reasons: principled anti-imperialism; inattention; costs (why not spend the money at home?); race, in former times (why invite colonies that would dilute what was seen as the country's white homogeneity?); lack of formal responsibility (the president is at the wheel); and, not least, institutional friction thanks to the separation-of-powers Constitution. Congress, it is said of the Grant era, "was not blindly antiexpansionist, but it was blindly antiexecutive."[116] The drive for Philippine independence embraced in the Tydings-McDuffie Act of 1934, a pioneering move to decolonize an empire if looked at in comparative terms, is an interesting case.[117] It saw a play-out of the above themes and then some on Capitol Hill: for example, racism (the Filipinos were not white); anti-imperialism; swelling nativism and anti-immigration sentiment during the Depression; labor union alarm about wage competition (there was rioting in California); and domestic sugar interests pressing for tariffs against Philippine products. President Hoover, casting a strategic eye at East Asia, vetoed a Philippine independence bill in 1933. Soon afterward, FDR cooperated on the slightly revised final version that succeeded in 1934, but the drive for it all came from Capitol Hill.[118]

From Jefferson's Barbary war to Obama's use of drones, the White House has bent toward action. Congress has bent toward insularity—not always, yet recurrently. This distinction is not a surprise given the differing assignments of legislative and executive authority in the Constitution. Across history, the making of foreign policy has brought a kind of competitive channeling—the White House toward matching the British Empire or even Prussia in style and aims, Congress more comfortable with something like a large Switzerland. It is good bet that this juxtaposition has contributed to a feature of American imperial reach—great influence abroad (presidents can project that), yet a relative lack of colonies that came to be physically possessed (Congress blocked them).

Foreign policy is a special realm. In international relations theory, its profile is of point-source state power that allows an exercise of instrumental rationality.[119] It is an executive profile. This policy requirement raises caution about having a strong legislature in a separation-of-powers system. In 1950, Robert A. Dahl devoted a full book to Congress's capacity, mostly its incapacity, in foreign affairs: "Yet if one scrutinizes Congress with some care, the conclusion is unavoidable that the national legislature, as it now plays its exacting role on the political stage, is remarkably ill-suited to exercise a wise control over the nation's foreign policy."[120] This indictment came in the wake of U.S. withdrawal from European affairs after World War I and the Congress-centered isolationism of the 1930s and 1940s.[121] If we judge institutions by their performance at times of maximum threat, Dahl's indictment is hard to get around. Yet presidents can be troublesome, too. The appraisals of White House action and congressional opposition to it in foreign affairs have been unending and mixed. In one wrinkle, the good cop–bad cop presentations

111. On Versailles, see William C. Widenor, *Henry Cabot Lodge and the Search for an American Foreign Policy* (Berkeley: University of California Press, 1980). On the World Court, see Horowitz, *Beyond Left and Right,* 163–64.

112. Wayne S. Cole, *Senator Gerald P. Nye and American Foreign Relations* (Minneapolis: University of Minnesota Press, 1962), quotation at 73; Horowitz, *Beyond Left and Right,* chap. 8; Feinman, *Twilight of Progressivism,* chap. 9; Lynne Olson, *Those Angry Days: Roosevelt, Lindbergh, and America's Fight over World War II, 1939-1941* (New York: Random House, 2013), chaps. 4, 18, 22, 23.

113. See Mark Kesselman, "Presidential Leadership in Congress on Foreign Policy: A Replication of a Hypothesis," *Midwest Journal of Political Science* 9, no. 4 (March 1965): 401–6.

114. On Indochina, see Thomas M. Franck and Edward Weisband, *Foreign Policy by Congress* (New York: Oxford University Press, 1979), chap. 1 ("The Legislated Peace: Congress Ends U. S. Involvement in Indochina").

115. Regarding the Dominican Republic, the Versailles Treaty, the Caribbean basin, and Vietnam, respectively.

116. Zakaria, *From Wealth to Power,* 88.

117. The measure offered independence with a ten-year transitional lag.

118. Theodore Friend, *Between Two Empires: The Ordeal of the Philippines, 1929–1946* (New Haven, CT: Yale University Press, 1965), chaps. 7, 8, 11; H. W. Brands, *Bound to Empire: The United States and the Philippines* (New York: Oxford University Press, 1992), 149–57. Passage was complicated. Congress overrode Hoover's veto, but the Philippine colonial government bucked for a better deal, thus requiring a rewrite.

119. For a discussion of the United States in this regard, see Stephen D. Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy* (Princeton, NJ: Princeton University Press, 1978), chap. 1.

120. Robert A. Dahl, *Congress and Foreign Policy* (New York: Harcourt, Brace, 1950), 3.

121. For a textured discussion of Congress's role during the interwar era, see David A. Lake, *Entangling Relations: American Foreign Policy in Its Century* (Princeton, NJ: Princeton University Press, 1999), chap. 4.

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of the two U.S. institutions may sometimes add up to a complicated exercise of instrumental rationality as other countries struggle to read the discord.[122]

RESPONDING TO THE GREAT DEPRESSION

Ample recent scholarship exists on this 1930s subject. Placed in comparative perspective, how well did U.S. policymakers do? "Generically" seems to be the answer, perhaps a bit worse than generically—late, for one thing. Major laurels still go to Franklin Roosevelt as they did in the rather hagiographic scholarship of the postwar years that addressed him. Following the downslide under Hoover, the U.S. recovery in 1933–34 was executive-led, and in two decisive respects FDR acted as leader. On the political side, he seized control of the situation in March 1933, thus lancing the "fear," as Ira Katznelson has written, that accompanied the scary and destructive banking meltdown of early (pre-FDR) 1933.[123] On the economic side, FDR quickly took the United States off the gold standard and reflated the currency. These monetary moves, in what seems a surprisingly consensual view among today's economic historians, were the key to recovery. "The abandonment of the gold standard, the impact this had on the money supply, and the deliverance from the economic effects of deflation would have to be singled out as the most important contributor to the recovery." "What ends the downturn is going off gold."[124] In addition, FDR promoted a legislative program—Congress was cooperative—that helped steady the turnaround: new regulation of banking, mortgages, securities, and agricultural crop markets.[125] (Bank deposit insurance originated in Congress, thanks notably to Senator Arthur Vandenberg.)[126] Work relief was begun.[127] In recovery terms, this variety of moves added up to a considerable success for the First New Deal of 1933–34.

Beyond these achievements, from the standpoint of recovery, there seems less to applaud. Many of today's economic historians look back at the ambitious National Industrial Recovery Act (NIRA) of 1933, with its wage and price controls and sector-by-sector cartelizations, as a hindrance to recovery.[128] This was a White House-led enterprise.[129] It is not clear that certain tax or regulatory moves of the still lively anti-monopolist tradition contributed to recovery—for example, the high-bracket tax hikes of 1932 (under Hoover) and 1935 (under FDR), the Public Utilities Holding Company Act of 1935, the Robinson-Patman Anti-Price Discrimination Act of 1936, the Miller-Tydings Fair Trade Act of 1937, or the aggressive emphasis on antitrust in the late 1930s.[130] How about fiscal policy? The countercyclical thrust of U.S. government stimulus policy was relatively large in cross-national comparison, but that thrust does not seem to have made a significant mark.[131]

122. John Chettle, "The American Way: Or How the Chaos, Unpredictability, Contradictions, Complexity, and Example of Our System Undid Communism and Apartheid," *The National Interest* 41 (Fall 1995): 3–18.

123. Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright, 2013), Part I.

124. Randall E. Parker, ed. *The Economics of the Great Depression: A Twenty-First Century Look Back at the Economics of the Interwar Era* (Northampton, MA: Edward Elgar, 2007), 25–28 (first quotation by Parker at 26), 45 (second quotation by Peter Temin at 45), 53–54, and 66 (comments by Ben Bernanke), 154 (comment by Barry Eichengreen); Michael D. Bordo, Claudia Goldin, and Eugene N. White, "The Defining Moment Hypothesis: The Editors' Introduction," in *The Defining Moment: The Great Depression and the American Economy in the Twentieth Century* (Chicago: University of Chicago Press, 1998), 10; Charles W. Calomiris and David C. Wheelock, "Was the Great Depression a Watershed for American Monetary Policy?" chap. 1 in *The Defining Moment,* ed. Bordo, Goldin, and White, 27–32; Christina D. Romer, "What Ended the Great Depression?" *Journal of Economic History* 52, no. 4 (December 1992): 757–84, at 759, 773, 781. For this judgment about going off gold, see also Kim Quaile Hill, *Democracies in Crisis: Public Policy Responses to the Great Depression* (Boulder, CO: Westview Press, 1988), 69. On FDR's monetary moves, see also Liaquat Ahamed, *Lords of Finance: The Bankers Who Broke the World* (New York: Penguin, 2009), chap. 1. For countries in general, the gold standard seems to have worked reasonably well before World War I, but poorly after that time. See Parker, *Economics of the Great Depression,* 18–21.

125. For this familiar package, see, for example, Alonzo L. Hamby, *For the Survival of Democracy: Franklin Roosevelt and the World Crisis of the 1930s* (New York: Free Press, 2004), chap. 4; Anthony J. Badger, *FDR: The First Hundred Days* (New York: Hill and Wang, 2008); Parker, *Economics of the Great Depression,* 25–28; Calomiris and Wheelock, "Was the Great Depression,"27–32; David M. Kennedy, *Freedom From Fear: The American People in Depression and War, 1929–1945* (New York: Oxford University Press, 1999), chap. 5.

126. Christine M. Bradley, "A Historical Perspective on Deposit Insurance Coverage," *FDIC Banking Review* 13, no. 2, https://www.fdic.gov/bank/analytical/banking/2000dec/brv13n2_1.pdf, 1–25, at 5–7. "It is significant that Federal Deposit Insurance . . . originated in Congress." Wilfred E. Binkley, *President and Congress,* 3rd ed. (New York: Vintage Books, 1962), 307.

127. It ballooned later, see Edwin Amenta, *Bold Relief: Institutional Politics and the Origins of Modern American Social Policy* (Princeton, NJ: Princeton University Press, 1998).

128. Parker, *Economics of the Great Depression,* 25, 27–28 (comments by Parker); 54–55, 66 (comments by Ben Bernanke), 90–91, 100 (comments by Robert Lucas), 105–6 (comment by Lee Ohanian), 125 (comment by Christina Romer). See also the historians Hamby, *For the Survival of Democracy,* 164–74, 418; Kennedy, *Freedom From Fear,* 177–89. A recent interpretation more favorable to the NIRA is Gauti B. Eggertsson, "Was the New Deal Contractionary?" *American Economic Review* 102, no. 1 (2012): 524–55.

129. See, for example, Kenneth Finegold and Theda Skocpol, *State and Party in America's New Deal* (Madison: University of Wisconsin Press, 1995), chap. 3; Chamberlain, *The President, Congress and Legislation,* 58.

130. See, for example, the brief comment by James Hamilton in Parker, *Economics of the Great Depression,* 80, and the interpretation in Hamby, *For the Survival of Democracy,* 90, 284–86, 300–303, 313–14, 356–58. On antitrust, see Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Alfred A. Knopf, 1995), chap. 6.

131. Hill, *Democracies in Crisis,* 57; "[F]iscal policy contributed little to the [U.S.] recovery, and certainly could have done much more." This is a summary of the views of several economists. Parker, *Economics of the Great Depression,* 26.

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Christina D. Romer writes: "Fiscal policy, in contrast [to monetary developments], contributed almost nothing to the recovery before 1942."[132] At any rate, looking across a range of countries in the 1930s, austerity seems to have worked at least as well as a Keynesian-type countercyclical thrust.[133] In Britain, the unexciting austerity of the Tories seems to have matched, perhaps bettered, as a policy tonic, the remedies of the American New Dealers.[134] Also, to rail at business firms, as John Maynard Keynes once advised FDR not to do, was not obviously a positive formula.[135] In general, it is questionable to equate "the New Deal," which had its own aims and well-stocked content, with the era's "economic recovery achievements." One assessment goes: "The New Deal was at least as much social vision as economic recovery program. Frequently, the social vision got in the way of recovery."[136]

Congress, for its part, engaged in several recovery actions that seem to have paid off: it edged toward monetary easing in (pre-FDR) 1932,[137] then hastened along the relevant FDR initiatives in 1933–34—adding an ingredient of reflation in the silver-friendly Thomas Amendment.[138] Otherwise underplayed in the FDR literature is the role of World War I veterans' benefits in the 1930s. They were entirely a congressional thrust, and they were important.[139] Insofar as U.S. countercyclical spending did make a fiscal difference, the main factor seems to have been veterans' bonus bills enacted over presidential vetoes in 1931 (Hoover) and 1936 (FDR).[140] One size-up of the 1936 economy states: "Bonus payment operated as the most efficient and direct of any federal fiscal stimuli. It more quickly moved into the economy than works programs, went directly to beneficiaries, and did so without a permanent expansion of the bureaucracy."[141]

BUILDING A WELFARE STATE

The United States came to social provision late, has kept its public spending relatively low, and has nourished a public/private mix in pensions and health insurance that depends uncommonly on the private sector. There is wide agreement on these points.[142] Long-term path dependences have apparently underpinned all these tendencies and also in various ways implicate Congress. In one interpretation, the United States held off building national Weberian-style bureaucracies in the nineteenth-century partly because Congress had little appetite to do so: "The idea of imposing from above an abstract structure of positions, salaries, job qualifications, and duties on the administrative branch challenged the way Congress appropriated funds . . . . It challenged the prerogatives of congressmen to intervene in departmental affairs."[143] Instead, the members reveled in an ugly-optics distributive politics that after 1900 foreclosed a "favorable context" for any program requiring antiseptic administration.[144] In this regard, the country's messy, expensive, half-century-long experience with Civil War veterans' pensions came to stand out.[145] Of the sources I consulted for this project, one real prize was a long, hostile analysis of that pension system by the prominent reformer Charles Francis Adams in 1912. In Adams's telling,

132. Romer, "What Ended the Great Depression?" 781.

133. Hill, *Democracies in Crisis,* chaps. 4, 5.

134. Hamby, *For the Survival of Democracy,* 64–75, chaps. 4, 5, 7.

135. The Keynes story is reported in Hamby, *For the Survival of Democracy,* 359; and Kennedy, *Freedom From Fear,* 357–58.

136. Hamby, *For the Survival of Democracy,* 418.

137. Comments by Christina Romer and James Butkiewicz in Parker, *Economics of the Great Depression,* 131, 184–85. The instrument was the Glass-Steagall Act of that year (not to be confused with the Glass-Steagall Act of 1933).

138. Badger, *FDR,* 72–73.

139. A new, comprehensive account is Stephen R. Ortiz, *Beyond the Bonus March and GI Bill: How Veteran Politics Shaped the New Deal Era* (New York: NYU Press, 2010). On the politics of the bonus in the 1920s and 1930s, see V. O. Key, Jr., "The Veterans and the House of Representatives: A Study of a Pressure Group and Electoral Mortality," *Journal of Politics* 5, no. 1 (1943): 27–40. On congressional influence in two antiausterity areas: "[W]hen the blocs in the two houses worked together they obtained the additional veterans' benefits and the silver legislation they were seeking." Binkley, *President and Congress,* 308.

140. Ortiz, *Beyond the Bonus March,* 39, chap. 6 (see also 96 regarding a 1934 veto override); E. Cary Brown, "Fiscal Policy in the Thirties: A Reappraisal," *American Economic Review* 46, no. 5 (1956): 857–79; Lester G. Telser,"The Veterans' Bonus of 1936," *Journal of Post Keynesian Economics* 26, no. 2 (2004): 227–43. On the 1936 bonus: "The average bonus per person exceeded 30 percent of the mean household income for the veterans' age bracket. The June 1936 Federal deficit set a peacetime record of nearly one percent of the annual gross national product. In two weeks that June, veterans cashed in 46 percent of their total bonus. The economic recovery in 1936 was more than 2.5 times greater than in the preceding two years." Telser, "Veterans' Bonus," abstract.

141. Ortiz, *Beyond the Bonus March,* 176.

142. On, variously, the lateness and leanness of U.S. social spending, see Peter H. Lindert, "The Rise of Social Spending, 1880–1930," *Explorations in Economic History* 31 (1994): 1–37 at 1; Jacob S. Hacker, *The Divided Welfare State: The Battle over Public and Private Social Benefits in the United States* (New York: Cambridge University Press, 2002), 7; Martha Derthick, *Policymaking for Social Security* (Washington, DC: Brookings, 1979), 10; Ann Shola Orloff and Theda Skocpol, "Why Not Equal Protection? Explaining the Politics of Public Social Spending in Britain, 1900–1911, and the United States, 1880–1920," chap. V.2 in *Britain and America: Studies in Comparative History, 1760-1970,* ed. David Englander (New Haven, CT: Yale University Press, 1997), 242; Mark Stabile and Sarah Thompson, "The Changing Role of Government in Financing Health Care: An International Perspective," *Journal of Economic Literature* 52, no. 2 (2014): 480–518, at 481.

143. See Skowronek, *Building a New American State,* chap. 3, especially 56–59, 64–67, 69, 73, 74, 78 (an exception to the generalization), 80–81, quotation at 81.

144. Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Harvard University Press, 1992), chaps. 1, 5. See also Orloff and Skocpol, "Why Not Equal Protection?" 266–69, quotation at 268.

145. Skocpol, *Protecting Soldiers and Mothers,* chap. 2.

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it was a trademark congressional system: policy sovereignty located on Capitol Hill, a committee handing out particularized benefits, a credit-claiming utopia for individual members, state-of-the-art interest-group lobbying, a logic of program expansion, and a strong tendency toward universalistic bipartisanship (at least across northern members).[146] In light of an experience like this, who would trust these national politicians with a huge modern pension scheme? Another recent interpretation of the U.S. welfare state argues that progressive antimonopolism in the decades around 1900, which flourished in the congressional arena, not only sucked the era's reform oxygen into regulatory drives, it also helped generate a federal revenue base that, even if long on tax-bracket justice, was short, in ensuing generations, on money yield. Welfare states need money. Regressive taxes of low visibility, a common European design, may supply it best.[147]

Since 1900, Congress and the White House have labored in the wake of these path dependences, meanwhile acting out their own distinctive proclivities. The presidency has specialized in front-page, big-bang additions to the welfare state. If sitting in the White House brings out politicians' inner Napoleons, it also brings out, to cite the shaper of the British welfare state, their inner Clement Attlees. Thus we see of FDR: "The Social Security Act was formulated in 1934 and guided to enactment in 1935 by Roosevelt himself and by Labor Secretary Frances Perkins."[148] Lyndon Johnson (along with Congressman Wilbur Mills) pressed for Medicare in 1965, Barack Obama for the Affordable Care Act in 2009–10. Presidents Harry Truman, Richard Nixon, and Bill Clinton aimed for comparable achievements, yet failed.[149] But Congress has been busy: It is "always legislating" on social provision, even if "its normal preference was to take small steps."[150] It has initiated or joined in expansions, as of basic Social Security in 1939 and in 1968–72.[151] Congressman Henry Waxman is said to have levered twenty-four distinct expansions of Medicaid in the 1980s.[152] The expansion of existing programs is a congressional trademark. Congress has also initiated new policies of the middle range—for example, the Children's Bureau in 1912, maternal benefits in 1921, disability benefits in 1956, Supplemental Security Income (SSI) in 1972, and the Earned Income Tax Credit (EITC) in 1975—all these signed by Republican presidents.[153] Senator Wagner coaxed FDR into public housing subsidies in 1937.[154] GI Bills offering veterans' benefits had congressional blueprints in 1944, 1984, and 2008.[155] Finally, much of the special private-side emphasis of American social provision is owed to particular congressional initiatives that have aided the story of path dependence. Deals built into the Revenue Acts of 1942 and 1954 swerved health insurance to the private side.[156] Member initiatives brought about 401(k) pension plans in 1978 and the Employee Retirement Income Security Act (ERISA) in 1974.[157]

146. Charles Francis Adams, "The Civil-War Pension Lack-of-System: A Four-Thousand-Million Record of Legislative Incompetence Leading to General Political Corruption," dated 1912, reprinted from *The World's Work*. The pension system had a Republican edge to it, yet in Adams's account, somewhat at odds with Skocpol's, it looks more like a congressional phenomenon than a party phenomenon. On the interest-group ingredient, see Scott Ainsworth, "Electoral Strength and the Emergence of Group Influence in the late 1800s: The Grand Army of the Republic," *American Politics Quarterly* 23, no. 3 (July 1995): 319–38; Scott Ainsworth, "Lobbyists as Interest Group Entrepreneurs: The Mobilization of Union Veterans," *American Review of Politics* 16 (Summer 1995): 107–29. In the House, nearly all the Republicans, plus very healthy majorities of the northern Democrats, voted for final passage of the major Civil War veterans' benefits measures of 1879, 1887, 1890, 1907, and 1912 (although in 1887 the northern Democrats later successfully backed up President Cleveland's veto). Three of these measures emerged from a Democratic-controlled House. Veterans of the Union, but not the Confederate, army could receive benefits.

147. Prasad, *Land of Too Much,* xi–xiv, 122–24, 147–53, 170–71.

148. G. John Ikenberry and Theda Skocpol, "Expanding Social Benefits: The Role of Social Security," *Political Science Quarterly* 102, no. 3 (Autumn 1987): 389–416, at 405.

149. Clinton did win his narrower Children's Health Insurance Program (CHIP), as George W. Bush won his Medicare Part D. The drives by the postwar presidents through 2000 are covered in David Blumenthal and James A. Morone, *The Heart of Power: Health and Politics in the Oval Office* (Berkeley: University of California Press, 2010). Perhaps Eisenhower belongs on the list of losers (chap. 3). Dissonance exists about the relative roles of Johnson and Mills on Medicare. Blumenthal and Morone are in the Johnson corner. One account more on the Mills side is Julian E. Zelizer, *Taxing America: Wilbur D. Mills, Congress, and the State, 1945–1975* (New York: Cambridge University Press, 1998), chap. 7. Standard accounts of Medicare include Theodore R. Marmor, *The Politics of Medicare* (Chicago: Aldine, 1973).

150. Derthick, *Policymaking for Social Security,* 38.

151. On 1939, see Hacker, *Divided Welfare State,* 108–12. On 1968–1972. see Hacker, 142–45; Derthick, *Policymaking for Social Security,* chap. 17.

152. Charles Homans, "Marathon Man," *Washington Monthly,* May–June 2009. See also Shanna Rose, *Financing Medicaid: Federalism and the Growth of America's Health Care Safety Net* (Ann Arbor: University of Michigan Press, 2013), 20, 110–13, 117–19, 123–28, 133.

153. On 1912 and 1921, see Skocpol, *Protecting Soldiers and Mothers,* chap. 9. On disability benefits, see Derthick, *Policymaking for Social Security,* chap. 15. On SSI, see Edward D. Berkowitz and Larry DeWitt, *The Other Welfare: Supplemental Security Income and U.S. Social Policy* (Ithaca, NY: Cornell University Press, 2013), chap. 1. On EITC, see Christopher Howard, *The Hidden Welfare State: Tax Expenditures and Social Policy in the United States* (Princeton, NJ: Princeton University Press, 1997), chap. 3.

154. Huthmacher, *Senator Robert F. Wagner,* 224–28; Binkley, *President and Congress,* 307.

155. On 1944, see Nancy Beck Young, *Why We Fight: Congress and the Politics of World II* (Lawrence: University Press of Kansas, 2013), 226–29. On 1984 and 2008, see "GI Bill Education Benefits Expanded," *Congressional Quarterly Almanac 2008,* http://library.cqpress.com/cqalmanac/cqal08-1090-52025-2174861.

156. Hacker, *Divided Welfare State,* 115–21, 238–43; Prasad, *Land of Too Much,* 153–59; Howard, *Hidden Welfare State,* 115–21.

157. Hacker, *Divided Welfare State,* 163–72, 238–43; Howard, *Hidden Welfare State,* chap. 6; James A. Wooten, *The Employee*

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Assisting this private-side emphasis, in one interpretation, is a chronic need to forge enactment deals that assemble broad, interest-diverse coalitions to master Capitol Hill veto points.[158] All told, it is a vastly intricate system that keeps evolving substantially at congressional behest, showing a congressional spin.

POSTWAR PROSPERITY[159]

A spirit of "never again," looking back at the privations of the Depression years, seems to have invested American politics as World War II came to a close. In short order, the mission to conduct the Cold War added another reason to make the economy hum—armaments needed to be funded, allies to be braced up, the Soviet Union to be kept ahead of. In the realm of ideas, American leaders "came to emphasize economic productivity as a principle of political settlement in its own right."[160] Growth, development, efficiency, and productivity took on value as policy aims. Eisenhower and Kennedy, the presidents from 1953 through 1963, are said to have specialized in "economic ideologies" that hinged on long-term economic soundness and growth.[161] In the United States and elsewhere, prosperity and growth did indeed soar for a quarter century or so. This country set the pace. Yet postwar Europe joined the spirit and practices: "Economic growth became a universal creed and a common expectation to which governments were expected to conform."[162]

Generally speaking, the American program for prosperity was executive-led. Still, it is a complicated story. The era's liberals aimed for top-down planning of the economy, but they missed. Congress would not go along. The National Resources Planning Board, a seedbed of liberal ideas, had its funding ended by Congress in 1943, and the Employment Act of 1946 lost much of its aimed-for planning authority on the way to enactment.[163] Still, the executive branch flourished. Harry Dexter White of the Treasury Department authored proposals that created the World Bank and the International Monetary Fund at Bretton Woods. A largely clueless Congress signed on.[164] Bolstered by the war experience, a new executive enterprise—Keynesian management of the economy to police employment, growth, and price levels—came into its own and proved successful and long lasting. The Employment Act of 1946, edited to congressional size though it was, gave this Keynesian regime authorization and shape.[165] Here was a peak instance of congressional delegation. Otherwise, the postwar presidents had their particular policy emphases. Eisenhower, for one thing, was a promoter and builder. He boasted of nearly doubling national electric kilowattage and of a new highway system whose construction would "move enough dirt and rock to bury all of Connecticut two feet deep."[166] Kennedy sought long-term growth, not just short-term stimulus, as in his steep tax cut of 1964 (enacted posthumously).[167]

On exhibit here, though, is the role of Congress. Strikingly, beyond the Keynesian management, a new unending executive task, the country's postwar drive toward growth, development, productivity, and the rest, from Truman's presidency through Kennedy's, was very much a legislative thrust—a record of lawmaking. The era is not often seen that way. It ran short on polarizing pyrotechnics, and its policy achievements lacked the "progressive" profile that is often taken as a necessary indicator that any policy action is going on at all. Cooperation between presidents and cross-party congressional majorities was common. Ushered into existence by statute were urban renewal, support of science research (the

Retirement Income Security Act of 1974: A Political History (Berkeley: University of California Press, 2004).

158. Kimberly J. Morgan and Andrea Louise Campbell, *The Delegated Welfare State: Medicare, Markets, and the Governance of Social Policy* (New York: Oxford University Press, 2011), 7–8, 35, 46–47.

159. This section borrows heavily from David R. Mayhew, "The Long 1950s As a Policy Era," chap. 2 in *The Politics of Major Policy Reform in Postwar America,* ed. Jeffery A. Jenkins and Sidney M. Milkis (New York: Cambridge University Press, 2014). Accessible at campuspress.yale.edu/davidmayhew/.

160. Charles S. Maier, "The Politics of Productivity: Foundations of American Economic Policy after World War II," *International Organization* 31, no. 4 (Autumn 1977): 607–33, quotation at 609.

161. M. Stephen Weatherford and Lorraine M. McDonnell, "Macroeconomic Policy Making Beyond the Electoral Construct," in *The Presidency and Public Policy Making,* ed. George C. Edwards III, Steven A. Shull, and Norman C. Thomas, 95–113 (Pittsburgh, PA: University of Pittsburgh Press, 1985).

162. M. M. Postan, *An Economic History of Western Europe, 1945–1964* (London: Methuen, 1967), 25. See also Mark Mazower, *Dark Continent: Europe's Twentieth Century* (New York: Alfred A. Knopf, 1999), pp. 292-98 ("The Miracle of Growth").

163. Brinkley, *The End of Reform*, 245–64; Katznelson, *Fear Itself,* 373–81; John W. Jeffries, "The 'New' New Deal: FDR and American Liberalism, 1937–1945," *Political Science Quarterly* 105, no. 3 (Autumn 1990): 397–418. On the enactment of the Employment Act of 1946, see the classic Stephen Kemp Bailey, *Congress Makes a Law: The Story Behind the Employment Act of 1946* (New York: Columbia University Press, 1950).

164. Benn Steil, *The Battle of Bretton Woods: John Maynard Keynes, Harry Dexter White, and the Making of a New World Order* (Princeton, NJ: Princeton University Press, 2013). The slight role of Congress and its members appears at 206–7, 211, 213, 222, 245, 255–60.

165. See Bailey, *Congress Makes a Law.* On the executive location of post-1946 economic management, see, for example, Herbert Stein, *Presidential Economics: The Making of Economic Policy from Roosevelt to Reagan and Beyond* (New York: Simon and Schuster, 1984), chap. 3.

166. Dwight D. Eisenhower, *The White House Years: Mandate for Change, 1953–1956* (Garden City, NY: Doubleday, 1963), 388 and 548 (site of quotation).

167. The growth aim of this tax cut is brought out in Herbert S. Parmet, *JFK: The Presidency of John F. Kennedy* (New York: Dial Press, 1983), 94; Theodore C. Sorensen, *Kennedy* (New York: Harper and Row, 1965), 429–30; Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York: Harper and Row, 1984), 49–59.

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National Science Foundation), offshore oil drilling, a private atomic energy industry, "flexible prices" in agriculture, the Saint Lawrence Seaway, the interstate highway system, the Upper Colorado River Project with its big dams, support of science education (the National Defense Education Act), the space program, area redevelopment, and the communication satellite (COMSAT).[168] Freed-up international trade was advanced under Eisenhower in 1955 and Kennedy in 1962. Certainly, many of these policy moves have drawn mixed reviews since, but they were substantial moves. Their impact in economic growth terms is hard to gauge, although especially the "infrastructure investment" of the highway program has drawn interest.[169] "It is worth noting," Robert J. Shiller comments "that the US achieved its fastest economic growth since 1929 in the 1950s and 1960s, a time of high government expenditure on the Interstate Highway System, which was launched in 1956."[170] At any rate, we see here an era of surprisingly active lawmaking of a particular content and coalitional style. It has not drawn enough notice.

CIVIL RIGHTS

The American South had a slave system, then, after an interlude, a racial caste system. Through the 1930s, that caste system stayed deeply embedded. Revealingly, at the level of elections and lawmaking, no twentieth-century American president took a serious interest in civil rights before World War II. Then came the consciousness-raising shock of that war and the ensuing civil rights revolution—and not just in this country.[171] One comparison states: "Like many successful revolutions, the [American] civil rights revolution was disguised as a restoration [a reference to post-Civil War Reconstruction]. But in reality it was part of a global process of overturning white supremacy and white colonialism that occurred simultaneously throughout the world in the decades following World War II. The other English-speaking democracies—Britain, Canada, Australia, and New Zealand—all abolished their white-supremacist civil rights laws and white-only immigration policies at the same time that the United States did."[172]

The analogy to the British settler colonies with their indigenous racial minorities seems especially apt. It is not exact: The United States alone had a large ex-slave African American population. But in all those countries, as in the United States, we see a buildup of public sentiment and civil rights movement activity ending in policy changes in the 1960s and 1970s. The United States guaranteed its voting rights across racial lines in 1965, Canada in 1960, Australia in 1967.[173] The United States passed its anchoring Civil Rights Act in 1964; Canada issued a white paper in 1969 proposing complete formal rights for the country's Indians (who, however, for antiassimilationist reasons, rejected the idea); Australia brought a range of civil rights to its Aborigines between the late 1950s and mid-1970s.[174]

Violent confrontations offered a counterpoint: One source likens America's Little Rock fracas in 1957 to London's Notting Hill in 1958 and South Africa's Sharpeville (here another settler colony, though it was chiefly nonwhite) in 1960.[175] Otherwise, facing the outside world, the United States deracialized its immigration policy in 1965, Australia

168. Interesting recent work on some of these enactments includes Edward L. Schapsmeier and Frederick H. Schapsmeier, "Eisenhower and Agricultural Reform: Ike's Farm Policy Legacy Appraised," *American Journal of Economics and Sociology* 51, no. 2 (April 1992): 147–59; Richard M. Flanagan, "The Housing Act of 1954: The Sea Change in National Urban Policy," *Urban Affairs Review* 33, no. 2 (November 1997): 265–86; Eric M. Patashnik, *Putting Trust in the US Budget: Federal Trust Funds and the Politics of Commitment* (New York: Cambridge University Press, 2000), chap. 6 ("Highways").

169. See David Alan Aschauer, "Is Public Expenditure Productive?" *Journal of Monetary Economics* 23, no. 2 (March 1989): 177–200; Edward M. Gramlich, "Infrastructure Investment: A Review Essay," *Journal of Economic Literature* 32, no. 3 (September 1994): 1176–96; Catherine J. Morrison and Amy Ellen Schwartz, "State Infrastructure and Productive Performance," *American Economic Review* 86, no. 5 (December 1996): 1095–1111; John G. Fernald, "Roads to Prosperity? Assessing the Link between Public Capital and Productivity," *American Economic Review* 89, no. 3 (June 1999): 619–38.

170. Robert J. Shiller, "Inspiring Economic Growth," *Project Syndicate,* May 18, 2015, http://www.project-syndicate.org/commentary/economic-growth-after-2008-global-financial-crisis-by-robert-j–shiller-2015-05, 3.

171. On the war's impact in the United States, see Philip A. Klinkner and Rogers M. Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America* (Chicago: University of Chicago Press, 1999), chap. 6. On President Truman's groundbreaking leadership on the matter in 1946, see Joshua Bloom, "The Dynamics of Opportunity and Insurgent Practice: How Black Anti-colonialists Compelled Truman to Advocate Civil Rights," *American Sociological Review* 80, no. 2 (2015): 391–415. In a little-known event, Alaska seems to have set a postwar precedent in abolishing its Jim Crow laws in 1945. Alaska's native population, still large today, was proportionately larger then. See Terrence M. Cole, "Jim Crow in Alaska: The Passage of the Alaska Equal

172. Michael Lind, *What Lincoln Believed: The Values and Convictions of America's Greatest President* (New York: Random House, 2004), 231–32.

173. On Canada, see "Canada's First Nations Peoples Given Voting Rights: March 31, 1960," http://www.danielnpaul.com/CanadianVotingRights-1960.html. On Australia, see Stephen Castles, Bill Cope, Mary Kalantzis, and Michael Morrissey, *Mistaken Identity: Multiculturalism and the Demise of Nationalism in Australia* (Sydney: Pluto Press, 1988), 21.

174. On the United States, see, for example, Robert Mann, *The Walls of Jericho* (New York: Harcourt Brace, 1996), chap. 18. On Canada, see Richard J. F. Day, *Multiculturalism and the History of Canadian Diversity* (Toronto: University of Toronto Press, 2000), 186–87. On Australia, see John Chesterman, *Civil Rights: How Indigenous Australians Won Formal Equality* (St. Lucia: University of Queensland Press, 2005), chap. 2.

175. Gwenda Tavan, *The Long, Slow Death of White Australia* (Melbourne: Scribe, 2005), 115.

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did so in the mid-1960s, and New Zealand followed suit in 1974.[176] Canada backed away from its Eurocentric immigration policy in 1962.[177] At the level of party positioning, the Australian Labor Party, matching America's Democratic Party in a nice analogy, completed a historic U-turn from stern guardian of white privilege to special champion of universal rights.[178] All told, there was a good deal of parallel evolution.[179] A pro-rights Zeitgeist seems to have been at work. During this same era, colonies with black populations in central Africa and the West Indies were gaining independence.[180] Following the example of the 1960s, rights claims for groups beyond race came to proliferate in the United States and elsewhere in the 1970s and later.

If the United States addressed civil rights at about the same time as other nations, there was of course variety across its institutions. The courts and the executive branch led the American civil rights revolution.[181] Congress lagged behind for reasons that are well understood. The Senate filibuster process, which can register differences in intensity, allowed holdups of legislative action: Senators from the intensely anti–civil rights white South (where the bulk of African Americans in the South could not vote) faced off against senators from the generally pro–civil rights but lukewarm North until regional intensities more or less equilibrated in the 1960s. At that time, filibusters could be bypassed or broken. The major statutes—the Civil Rights Act of 1964 and the Voting Rights Act of 1965—thereupon passed, and they could also be enforced. Enforcement had been a great difficulty in earlier times.[182]

Affirmative action—that is, using racial preference to help discriminated-against minorities—is a later and somewhat different story. On this front, the executive branch unquestionably took the lead. Federal officials moved to affirmative action in the late 1960s and 1970s through an apparent mix of policy belief, leeway inhering in the bureaucracy, White House leadership (by Presidents Lyndon Johnson and Richard Nixon), interest-group networking, and a concern for public order.[183] Executive leaders worry about public order, as they had done in the Southern confrontations over civil rights in the 1950s and early 1960s, and the ensuing years also brought disorder, this time in the cities.[184] Congress proved wary of affirmative action, but swerved into support for minority contract set-asides in 1977 that specified six racial minorities. In one interpretation, this move was "a tour de force of policy entrepreneurship by leaders of the civil rights coalition in Congress."[185] Here we see a coalitional strategy that can be executed in legislatures and is familiar from the days of the traditional tariff: Claimants with similar aspirations can join in a principle and pool their intensities in a relation of "reciprocal noninterference."

SLEEKENING THE ECONOMY

The 1970s brought challenges to the world's economies. Command systems in the Communist East, corporatism in Europe, and Keynesianism in the Anglophone world came under pressure as their various hierarchical techniques seemed to falter.[186]

176. On Australia, see Castles et al., *Mistaken Identity,* 51–55; On Canada, see Day, *Multiculturalism,* 185–86. On New Zealand, see Jock Phillips, "History of Immigration," *Te Ara—the Encyclopedia of New Zealand,* updated August 21, 2013, http://www.TeAra.govt.nz/en/history-of-immigration/page-15.

177. James Walsh, "Navigating Globalization: Immigration Policy in Canada and Australia, 1945–2007," *Sociological Forum* 23, no. 4 (December 2008): 786–813, at 796. For three of the Anglophone countries, the similarity of immigration policy change in the 1960s is discussed in Jill Vickers and Annette Isaac, *The Politics of Race: Canada, the United States, and Australia,* 2nd ed. (Toronto: University of Toronto Press, 2012), 104–6.

178. On the Labor Party's turnaround, see Tavan, *Long, Slow Death of White Australia,* 18–19, 35, 116, 127–28, 155, 191–92, 198–202. On the Left parties pressing universalistic rights in Australia, New Zealand, and the United States after World II, see Thomas Janoski, *The Ironies of Citizenship: Naturalization and Integration in Industrialized Countries* (New York: Cambridge University Press, 2010), 247.

179. Another British settler colony, in part, South Africa, with its preponderant black population, reformed later, but the Sharpeville massacre that triggered a long mobilization occurred in 1960.

180. The analogy is drawn in Adam Fairclough, "Was the Grant of Black Suffrage a Political Error? Reconsidering the Views of John W. Burgess, William A. Dunning, and Eric Foner on Congressional Reconstruction," *Journal of the Historical Society* 12, no. 2 (June 2012): 155–88, at 173–74.

181. See, for example, Bruce Ackerman, *We the People,* vol. 3., *The Civil Rights Revolution* (Cambridge, MA: Belknap Press, 2014).

182. For one elaboration of this analysis, see David R. Mayhew, *Partisan Balance: Why Political Parties Don't Kill the U.S. Constitutional System* (Princeton, NJ: Princeton University Press, 2011), 98–101. On the Southern resistance in the Senate, see Keith M. Finley, *Delaying the Dream: Southern Senators and the Fight against Civil Rights, 1938–1965* (Baton Rouge: Louisiana State University Press, 2008).

183. See John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America* (Chicago: University of Chicago Press, 1996), chaps. 4–6; Sunita Parikh, *The Politics of Preference: Democratic Institutions and Affirmative Action in the United States and India* (Ann Arbor: University of Michigan Press, 1997), chaps. 4, 5; Hugh Davis Graham, *Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America* (New York: Oxford University Press, 2002), chap. 4; Dean J. Kotlowski, "Richard Nixon and the Origins of Affirmative Action," *The Historian* 60, no. 3 (March 1998): 523–41. Anthony S. Chen, *The Fifth Freedom: Jobs, Politics, and Civil Rights in the United States, 1941–1972* (Princeton, NJ: Princeton University Press, 2009), chap. 5. Chen assigns a leadership role to the courts, too.

184. Skrentny brings out the public order theme in *Ironies of Affirmative Action,* chap. 4 ("Crisis Management through Affirmative Action").

185. Graham, *Collision Course,* 88–92, quotation at 88. See also Parikh, *Politics of Preference,* 124–25.

186. A recent study dates the faltering of Eastern Europe. The "productivity performance[s]" of Czechoslovakia and Britain are compared in a time series running from 1921 to 1991. The two countries' series ran in parallel until 1980 or so, an apparent

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Ready with a body of ideas accenting microeconomics and market efficiencies, academic economists fostered a shift to neoliberal remedies. Ideational change seems to have led the way to policy change.[187] Deregulation, privatization, lower taxes, weaker labor unions, and a reshuffle of causal stories regarding the economy surged as agenda content. The United States joined other countries in these developments—probably a bit ahead. Especially plain is the commonality of policy movement across the Anglophone countries—Britain, Canada, Australia, New Zealand, and the United States.[188] Keynesianism was out, alternative ideas were in. Ronald Reagan targeted taxes, unions, and regulations; simultaneously, Margaret Thatcher in Britain targeted unions and pressed for privatization.[189] Yet in the United States a good deal of the policy evolution took place earlier in the 1970s. President Jimmy Carter, not Reagan, appointed Paul Volcker to the Federal Reserve, where Volcker broke orthodoxy to advance new antistagnation policies (Reagan then backed him up).[190] The deregulation drive began in the 1970s, and "within a very short time" it was "transformed from a lonely cause with poor political prospects into a buzzword and bandwagon."[191] In Senate hearings on airline deregulation in 1975: "Witnesses from the airlines and from the CAB [Civil Aeronautics Board] found it impossible to rebut the critical [pro-deregulation] logic of Senator [Edward] Kennedy and his well-prepared staff."[192] A 1978 enactment undid that industry's old "iron triangle" of interests. Deregulation of the railroads, also completed under Carter, was "swift and staggering."[193] Otherwise, constraints were loosened on trucking, banking, and telecommunications.[194] Price controls on oil and natural gas were phased out in 1978–81.[195]

As for the government branches, both the presidency and Congress pressed for tax cuts around 1980. Preceding the well-known Reagan cuts of 1981 was the Revenue Act of 1978 —"a major milestone in federal tax policy," enacted by a Democratic Congress—which slashed capital gains taxes.[196] The Kemp-Roth plan, a blueprint for the across-the-board tax cuts of 1981, came from Capitol Hill. Reducing taxes around this time seems to have had popular roots; it was not just a partisan platform.[197] On the deregulation side, the Ford and Carter administrations took the lead in the 1970s, but Congress was a major player, too—notably in pressing to decontrol energy prices.[198] In the airlines case, the main opposition to deregulation came ultimately from the

inflection point, and then Eastern Europe diverged downward. Autarkic, mass-production factories were no longer a match for the developing "flexible production technology" of the West. Stephen Broadberry and Alexander Klein, "When and Why Did Eastern European Economies Begin to Fail? Lessons from a Czechoslovak/UK Productivity Comparison, 1921–1991," *Explorations in Economic History* 48 (2011): 37–52, quotations at 37, 38, chart at 45. See also Daniel Sargent, "The Cold War and the International Political Economy in the 1970s," *Cold War History* 13, no. 3 (2013): 393–425 at 418–25.

187. On the influence of the economists' ideas: Hugh Rockoff, "By Way of Analogy: The Expansion of the Federal Government in the 1930s," chap. 4 in Bordo, Goldin, and White, *The Defining Moment,* 148–50; Martha Derthick and Paul J. Quirk, *The Politics of Deregulation* (Washington, DC: Brookings, 1985), chap. 2; Richard H. K. Vietor, "Contrived Competition: Airline Regulation and Deregulation, 1925–1988," *Business History Review* 64, no. 1 (Spring 1990): 61–108, at 74–83.

188. Francis G. Castles, "The Dynamics of Policy Change: What Happened to the English-Speaking Nations in the 1980s," *European Journal of Political Research* 18 (1990): 491–513. In New Zealand, it was the Labour Party that carried the neoliberal reforms. Yet the Anglophones were not alone. See, for example, Marion Fourcade-Gourinchas and Sarah L. Babb, "The Rebirth of the Liberal Creed: Paths to Neoliberalism in Four Countries [Chile, Britain, Mexico, France]," *American Journal of Sociology* 108, no. 3 (November 2002): 533–79.

189. On Reagan's role, see, for example, Monica Prasad, "The Popular Origins of Neoliberalism in the Reagan Tax Cut of 1981," *Journal of Policy History* 24, no. 3 (2012): 351–83; Robert J. Samuelson, *The Great Inflation and Its Aftermath: The Past and Future of American Affluence* (New York: Random House, 2008), chap. 4.

190. Robert J. Samuelson, *The Great Inflation and Its Aftermath: The Past and Future of American Affluence* (New York: Random House, 2008), chap. 4.

191. Derthick and Quirk, *Politics of Deregulation,* 53.

192. Vietor, "Contrived Competition," 81.

193. Gallamore and Meyer, *American Railroads,* chap. 9, quotation at 235. See also Mark H. Rose, Bruce E. Seely and Paul F. Barrett, *The Best Transportation System in the World: Railroads, Trucks, Airlines, and American Public Policy in the Twentieth Century* (Columbus: Ohio State University Press, 2006), chaps. 7, 8.

194. David Vogel, *Fluctuating Fortunes: The Political Power of Business in America* (New York: Basic Books, 1989), 169–72; Richard H. K. Vietor, "Government Regulation of Business," chap. 16 in *The Cambridge Economic History of the United States,* vol. 3, *The Twentieth Century,* ed. Stanley L. Engerman and Robert E. Gallman (New York: Cambridge University Press, 2000), at 995–1008.

195. Michael J. Graetz, *The End of Energy: The Unmaking of America's Environment, Security, and Independence* (Cambridge, MA: MIT Press, 2011), 104–15, 147–50; Richard H. K. Vietor, *Energy Policy in American since 1945: A Study of Business-Government Relations* (New York: Cambridge University Press, 1984), 258–70, 306–11; R. Douglas Arnold, *The Logic of Congressional Action* (New Haven, CT: Yale University Press, 1990), 231–41, 248–59.

196. Vogel, *Fluctuating Fortunes,* 174–76, quotation at 174. This 1978 measure "dramatically reversed the reform orientation of the 1969 and 1976 revenue acts and thereby laid the groundwork for the even more sweeping changes in federal tax policy that took place in 1981." See also Judith Stein, *Pivotal Decade: How the United States Traded Factories for Finance in the Seventies* (New Haven, CT: Yale University Press, 2010), 192–204. It wasn't just Congress: Quickly evolving ideas within the executive branch were one root of the result. See M. Stephen Weatherford, with Thomas B. Mayhew, "Tax Policy and Presidential Leadership: Ideas, Interests, and the Quality of Advice," *Studies in American Political Development* 9 (Fall 1995): 287–330, at 314–20.

197. See Prasad, "The Popular Origins." Note also the victory of California's Proposition 13 in 1978, which slashed property taxes.

198. Derthick and Quirk, *Politics of Deregulation,* chaps. 3–5, 7; Vietor, "Contrived Competition," 74–83; Rose, Seely, and Barrett, *Best Transportation System in the World,* chaps. 7–8; Gallamore and Meyer, *American Railroads,* chap. 9. In the airlines case, the executive branch's CAB leadership swung into advocacy for deregulation.

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companies and unions.[199] Aside from widespread complaints about lines at the gas pumps, probably no one would claim that deregulation had much in the way of popular roots. Often, as in energy politics, it had some industry impetus. Yet it seems to have issued chiefly from academics, bureaucrats, and elected officials.

The neoliberal impulse was a surprising and powerful thing. It infused both the presidency and Congress, the Republican and Democratic parties, the presidential administrations of the two parties, and the politics of two adjoining decades.

CLIMATE CHANGE: A CHALLENGE ON THE TABLE

There are occasions when politics meets science. The controversy over climate change is one of them. There is a twist. Once, the United States set the pace in environmental regulation: "From the 1960s through the mid 1980s American regulatory standards [on consumer as well as environmental questions] tended to be more stringent, comprehensive and innovative than in either individual European countries or in the European Union (EU)."[200] Clean air, clean water, auto emissions, oil spills, endangered species, pesticides, toxic substances, hazardous waste, forest management—name a topic and Congress was there bearing a law. It was a congressional realm; generally speaking, the presidents were passive. It was classic position-taking politics: Even if the measures themselves were complex, tales of blame and remedy were simple and conveyable. In the face of weak or adaptive opposition, much could be legislated, and was.[201] Clearly, in the long frame, there is nothing inherent in congressional processes averse to regulating the environment.

In recent decades, however, as the green cause has morphed into "global warming" and "climate change," Europe has surged forward, and the United States is said to have become a "regulatory laggard."[202] Few new American laws have emerged, and, famously in 1997, the Senate turned thumbs down on the Kyoto Protocol by a vote of 95–0.[203] A cap-and-trade bill stumbled through the Democratic House in 2009 but went nowhere in the Democratic Senate. Why this new reluctance?[204] Certainly, in the United States or anywhere, today's "climate change" drive is hitting understandable difficulties—collective-action misfirings among nation-states, a causal path to future doom that is cloudy and disputed,[205] and cognitive deficiencies that may afflict us all.[206] American public opinion has been relatively lax: In a study reported in 2012, the United States ranked forty-first out of forty-seven countries in "concern for global warming."[207] Media interest can be sluggish.[208] We may be seeing alarm fatigue, abetted by a shortage of disasters credibly connectable to climate change (although not for a lack of nominations).[209]

199. Vietor, "Contrived Competition," 82; Derthick and Quirk, *Politics of Deregulation*, 147.

200. David Vogel, "The Hare and the Tortoise Revisited: The New Politics of Consumer and Environmental Regulation in Europe," *British Journal of Political Science* 33, no. 4 (2003): 557–80, quotation at 557.

201. David Vogel, "The 'New' Social Regulation in Historical and Comparative Perspective," in *Regulation in Perspective: Historical Essays*, ed. Thomas K. McCraw (Cambridge, MA: Harvard University Press, 1981); Richard A. Harris, "A Decade of Reform," chap. 1 in *Remaking American Politics*, ed. Richard A. Harris and Sidney M. Milkis (Boulder, CO: Westview Press, 1989); Prasad, *Land of Too Much*, 19; David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946–2002* (New Haven, CT: Yale University Press, 2005), 85–87 and Table 4.1; Vietor, "Government Regulation of Business," 988–95.

202. See Vogel, "The Hare and the Tortoise," 578 for the "regulatory laggard" phrase. Similarly, a 2005 study rich in statistical comparisons across a range of regulatory areas found that "Europe became relatively more precautionary [that is, regulatory] during the 1990s and the early 2000s." This finding was notably true for "ecological risk." James K. Hammitt, Jonathan B. Wiener, Brendon Swedlow, Denise Kall, and Zheng Zhou, "Precautionary Regulation in Europe and the United States: A Quantitative Comparison," *Risk Analysis* 25, no. 5 (October 2005): 1215–28, with reference at 1224–26, quotation at 1224.

203. Soon afterward, President Clinton signed the protocol. Why was that? In a recent study based on interviews with expert Kyoto participants, the leading explanation is a flourish of noninstrumental—or at least noninstrumental in immediate formal terms—position-taking by the Clinton White House. Jon Hovi, Detlef F. Sprinz, and Guri Bang, "Why the United States Did Not Become a Party to the Kyoto Protocol: German, Norwegian, and US Perspectives," *European Journal of International Relations* 18, no. 1 (March 2012, first published on December 7, 2010): 129–50.

204. Insightful discussions appear in David Vogel, "The Transatlantic Shift in Health, Safety, and Environmental Risk Regulation, 1960 to 2010," paper presented at the annual conference of the American Political Science Association, 2011; David Vogel, *The Politics of Precaution: Regulating Health, Safety, and Environmental Risks in Europe and the United States* (Princeton, NJ: Princeton University Press, 2012), 34–42, 134–42, 151–52.

205. See, for example, Justin Gillis, "What to Make of a Warming Plateau," *New York Times*, June 11, 2013; Hayley Dixon, "Global Warming? No, Actually We're Cooling, Claim Scientists," *Telegraph*, September 8, 2013, http://www.telegraph.co.uk/news/earth/environment/climatechange/10294082/Global-warming-No-actually-were-cooling-claim-scientists.html.

206. See Cass R. Sunstein, "People Don't Fear Climate Change Enough," *BloombergView*, http://www.bloombergview.com/articles/2013-08-27/people-don-t-fear-climate-change-enough. For a rounded discussion of the difficulties, see Thomas Bernauer, "Climate Change Politics," *Annual Review of Politics* 16 (2013): 421–48, at 423–26.

207. Berit Kvaløy, Henning Finseraas, and Ola Listhaug, "The Publics' Concern for Global Warming: A Cross-National Study of 47 Countries," *Journal of Peace Research* 49, no. 1 (2012): 11–22, at 16. See also Vogel, "The Transatlantic Shift," 27–28; William Nordhaus, *The Climate Casino: Risk, Uncertainty, and Economics for a Warming World* (New Haven, CT: Yale University Press, 2013), chap. 25; Rebecca Riffkin, "Climate Change Not a Top Worry in U.S.," *Gallup*, March 12, 2014, http://www.gallup.com/poll/167843/climate-change-not-top-worry-aspx.

208. Margaret Sullivan, "After Changes, How Green Is the Times?" *New York Times*, November 24, 2013, SR12.

209. Vogel, "The Transatlantic Shift," 23–28.

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But of particular interest here are institutional factors. Recent presidents, at least the Democratic ones, have pressed, if not always crusaded, for climate change action. But Congress has been more hostile. Probably one reason is that environmental reform has shifted toward being a quest for international commitments—ordinarily a hard sell on Capitol Hill. Politically speaking, the Kyoto Protocol looks like a cousin to the World Court of the 1930s. Also, environmental politics has mapped onto partisan polarization as it had not before, with the Republican Party increasingly frosty to diagnoses and remedies. Here we see a venerable theme. The Republicans in Congress and elsewhere, going back a century and a half, have favored American nationalism, which is an unfavorable prompt for internationalism.[210]

All this having been said, on the basis of current evidence it is not clear that comparable countries are actually digging their teeth much deeper into climate change than Americans. Poor economic times have been threatening the affordability of Europe's ambitious formal commitments.[211] In a 2014 report on "environmental policy stringency" in twenty-four Organisation for Economic Co-operation and Development (OECD) countries, the United States ranked fifteenth—behind, for example, the Scandinavian countries, the Netherlands, Germany, Canada, and Japan, but ahead of, for example, Britain, France, Australia, Italy, and Belgium.[212]

LONG-RUN DEBT AND DEFICIT—ANOTHER CHALLENGE ON THE TABLE

There are occasions when politics meets arithmetic. Since the early 1970s, the developed countries have suffered slowed economic growth yet keep running up expenditures, thus putting pressure on the debt/deficit, or let us say on fiscal balance. In long-term trends, sorry though they may be, this country has performed as one of the pack. In recent years, American remedial action regarding debt/deficit has apparently stood up well in comparison to others. On the various numbers, there does not seem to be a case for the United States as a serious upside or downside outlier.[213] As of 2011, in rankings of public debt as a percentage of GDP, the United States was thirteenth in a comparison set of thirty-one countries (number one means the highest debt). For example, Spain, the Netherlands, Poland, Switzerland, and Australia were freer of debt, while all the other OECD G8 countries—Japan, Italy, France, Canada, Germany, and Britain—were deeper in debt.[214] Given the trends, of course, this American near-averageness does not point to a carefree future.[215]

How about the U.S. institutions? Does this country's worsening fiscal plight, or its relaxed remediation of that plight, owe any distinctive traces to the structure or practices of its institutions—Congress and the rest? Can we see smoking guns? There is a lineup of usual suspects. At the most general level, does having a mixed presidency-cum-legislature system all by itself, as opposed to parliamentary government, cause fiscal problems? Apparently not. If anything, the relation may go the other way. In one cross-national assessment, "Presidential systems matter for budget balances because they generate relatively high incentives for governments to keep budgets under control."[216]

How about divided party control of the government, of which the United States has had a good deal? I do not see a credible case that fiscal management has fared worse under conditions of divided control. Fortunately, in an analytic sense, there is evidence to use for comparison. Take some telling instances. Deficits accumulated under Reagan (divided control) but they also drew force under George W. Bush in 2001 and 2003–6 and under Obama in 2009–10 (all unified). Taming of deficits occurred under Clinton in 1993–94 (unified) but also under George H. W. Bush in 1989–90 and Clinton in 1995–2000 (divided).[217] In the case of Obama and the Democrats in 2009–10, there is the obvious point that it made sense to run a deficit to soften the Wall Street crash, yet the full record of

210. Gerring, *Party Ideologies in America,* 111–16, 152–55.

211. On Europe's ambitious standards, see Vogel, *Politics of Precaution,* 134–42, 147–52. On the difficulties in implementing them, see Stephen Castle, "European Union Proposes Easing of Climate Rules: Binding Goals May End," *New York Times,* January 23, 2014, A1, A13; Vanessa Mock, "Climate Goals to Fall Short of Europe Ambitions," *Wall Street Journal,* January 18–19, 2014, A7.

212. Enrico Botta and Tomasz Koźluk, "Measuring Environmental Policy Stringency in OECD Countries: A Composite Index Approach," *OECD Economic Department Working Papers,* no. 1177 , Paris: OECD Publishing, 2014), chart of index values as of 2012 at 26.

213. See, for example, "Sovereign Doubts: Stimulus v. Austerity," *The Economist,* September 28, 2013, 72–73. See also Lawrence Summers, "America's Problem Is Not Political Gridlock," *Financial Times,* April 14, 2013.

214. Steven L. Taylor, Matthew S. Shugart, Arend Lijphart, and Bernard Grofman, *A Different Democracy: American Government in a Thirty-One-Country Perspective* (New Haven, CT: Yale University Press, 2014), 326–27.

215. See, for example, Niall Ferguson, "The Shutdown Is a Sideshow: Debt Is the Threat," *Wall Street Journal,* October 5–6, 2013, A11.

216. José Antonio Cheibub, "Presidentialism, Electoral Identifiability, and Budget Balances in Democratic Systems," *American Political Science Review* 100, no. 3 (August 2006): 353–68, quotation at 353. See also Nouriel Roubini and Jeffrey D. Sachs, "Political and Economic Determinants of Budget Deficits in the Industrial Democracies," *European Economic Review* 33 (May 1989): 903–38, at 922–26.

217. On Reagan through George W. Bush, see Iwan Morgan, *The Age of Deficits: Presidents and Unbalanced Budgets from Jimmy Carter to George W. Bush* (Lawrence: University Press of Kansas, 2009), chaps. 4–7.

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Obama's first term shows the limits of a divided-versus-unified logic as well as something else—the surprising flexibility of the U.S. system. For one thing, the United States placed very high in the size (relative to GDP) of its countercyclical fiscal package in 2008 and calendar year 2009—first among thirty-three countries in one study, third among twenty-three in another (only Iceland and Spain ran ahead).[218] The Obama stimulus was big. Yet during the ensuing Congress of 2011–12, a time of divided party control, the government took a projected $2.7 trillion bite out of the debt/deficit—that is, $900 billion directly, plus another $1.2 trillion through "sequestration" in the Budget Control Act of 2011, then another $600 billion through the chiefly high-bracket tax hikes pressed for by Obama in the "fiscal cliff" deal following the 2012 election.[219] In both these latter cases, the fiscal results at the finish were obscured by the ugly optics of the divided-control enactment processes. But the $2.7 trillion bite was huge.[220] As of early 2015, thanks to an improving economy, yet with government under continuing divided party control, the U.S. federal budget deficit (as a share of GDP) had fallen below a forty-year average.[221]

So do supermajority processes, notably in the Senate, contribute to a lack of fiscal responsibility? That case does not work, either. Federal budgets enjoy the luxury of majority rule. The reconciliation procedure of the Budget and Impoundment Act of 1974 rules out filibustering against majorities. Presidents and party majorities are aware of this huge hole in the supermajority dike, and they routinely take advantage of it. In budget terms, perhaps the system is not supermajoritarian enough. Lawrence Summers has written: "There should have been more checks and balances in place before the huge tax cuts of 1981, 2001 and 2003 [all helped by reconciliation], or to avert the many unfunded entitlement expansions of the past few decades. Most experts would agree that it is a good thing that politics thwarted the effort to establish a guaranteed annual income in the late 1960s and early 1970s and the effort to put in place a 'single-payer' healthcare system during the 1970s."[222]

Is Congress, in an overall sense, as compared with the presidency, a fiscal culprit? That is a surprisingly underinvestigated question. It is difficult to address. Theory and street-corner suspicion point to a yes: Distributive politics as done in the committees can be profligate;[223] the congressional budget process, certainly today's, with its opaque omnibus bills and disorienting ten-year sunsets, is no prize;[224] vision and responsibility are scarcer on Capitol Hill than they might be. But factual backing for this indictment of Congress does not jump out. A different pattern seems to prevail—or at least it did in Paul E. Peterson's careful analysis of the eight presidencies of the post–World War II era through Reagan's first term (no one seems to have done a corresponding update): On average, "[I]f the president finds a way of keeping expenditures and revenues roughly in balance, Congress does little to disturb the equilibrium. But if the president insists on major new expenditures or significant tax reductions, Congress is also willing to acquiesce, even if this may mean budget deficits. In short, on overall fiscal policy Congress is not so much responsible as deferential."[225]

If congressional deference is the norm, it matters what the presidents do.[226] What do they do? In one study, the especially "strong independent" presidents of 1789 through the 1980s were found to excel at curbing fiscal "inefficiencies"—not the same thing

218. First study: Klaus Armingeon, "The Politics of Fiscal Responses to the Crisis of 2008–2009," *Governance* 25, no. 4 (October 2012): 543–65, at 549. Second: Damian Raess and Jonas Pontusson, "The Politics of Fiscal Policy During Economic Downturns, 1981–2010," *European Journal of Political Research* 54 (2015): 1–22, at 7.

219. On the arithmetic of the Budget Control Act, see Naftali Bendavid and Carol E. Lee, "Leaders Agree on Debt Deal," *Wall Street Journal*, August 1, 2011, A1; CQ Staff, "Highlights of Budget Control Act," *Congressional Quarterly Weekly*, August 8, 2011, 1761–62. Since August 2011, the "sequestration" agreement has largely stuck. On the "fiscal cliff" measure yielding the $600 billion bite, see Jonathan Weisman, "Tentative Accord Reached to Raise Taxes on Wealthy," *New York Times*, January 1, 2013, A1, A12; Zachary A. Goldfarb, "Tuesday's Tax Increase Is the Biggest in Decades," http://www.washingtonpost.com/blogs/wonkblog/wp/2012/12/31/tuesdays-tax-increase-is-the-biggest-in-decades/.

220. It seems to have dwarfed the sizable deals of 1990 and 1993.

221. "A Happy New Year," *The Economist*, January 3, 2015, 21. These figures include all federal revenue and outlays.

222. Summers, "America's Problem."

223. On the theory side, see Kenneth A. Shepsle and Barry R. Weingast, "Legislative Politics and Budget Outcomes," in *Federal Budget Policy in the 1980s*, ed. Gregory B. Mills and John L. Palmer (Washington, DC: Urban Institute Press, 1984), 343–68.

224. See Louis Fisher, "Presidential Budgetary Duties," *Presidential Studies Quarterly* 42, no. 4 (December 2012): 754–90, at 768–70; James A. Thurber, "The Dynamics and Dysfunction of the Congressional Budget Process: From Inception to Deadlock," chap. 13 in *Congress Reconsidered*, 10th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Thousand Oaks, CA: CQ Press, 2013), at 334–39.

225. Paul E. Peterson, "The New Politics of Deficits," chap. 13 in *The New Direction in American Politics*, ed. John E. Chubb and Paul E. Peterson (Washington, DC: Brookings Institution, 1985), quotation at 396. See also the concurring discussion in Arnold, *Logic of Congressional Action*: "The result is that Congress enacts fiscal policies that appear remarkably similar to those which presidents propose" (191). Helpful for thinking about this interbranch question are the magisterial Richard F. Fenno, Jr., *The Power of the Purse: Appropriations Politics in Congress* (Boston: Little, Brown, 1966); D. Roderick Kiewiet and Mathew D. McCubbins, *The Logic of Delegation: Congressional Parties and the Appropriations Process* (Chicago: University of Chicago Press, 1991), chap. 8; and Sung Deuk Hahm, Mark S. Kamlet, and David C. Mowery, "Postwar Deficit Spending in the United States," *American Politics Research* 25, no. 2 (April 1997): 139–67.

226. This jibes with the logic and findings of Cheibub, "Presidentialism."

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as fiscal "imbalances," but suggestive.[227] At the balance task, presidents have varied. In a 2009 book, Iwan Morgan argues that certain recent presidents have shown a high concern for fiscal balance—Carter, George H. W. Bush, Clinton. Others have been more relaxed—Reagan, George W. Bush, to whom Obama might now be added.[228] Differences in policy effects seem to ensue.

Budget guardianship or hawkishness seems to be required of the presidents, at least on average. But in political terms, that is a tough role, asking as it does for electoral sacrifice by the presidents or their parties. It was risky for Hoover to provoke a large tax hike in 1932, for Eisenhower to forego pump-priming of the economy, for Carter to break with his party's spenders on jobs and health care, for George H. W. Bush to promote the budget deal of 1990 that raised taxes (so much for his "Read my lips" pledge), and for Clinton to generate the budget deal of 1993 that raised taxes again (a minus in the 1994 midterm).[229] Against considerable pressure, all four presidents after World War I, from Warren Harding through FDR, vetoed budget-busting veterans' bonus bills—although not all the vetoes stuck.[230] It is a decent bet that at least two presidents since World War II have lost the White House for their parties by insisting on fiscal constraint from Congress and getting it. Eisenhower, one of them, might have nudged the economy just enough to elect Nixon his successor in 1960 if he had acceded to spending pressure from congressional Democrats, then the majority, during his second term.[231] (Nixon himself saw the lack of a stimulus nudge as critical in 1960.[232]) Clinton in 2000, if he had agreed to tax cuts that the House Republican majority was pressing for, rather than, as he did, guard a then-existent budget surplus so as to "save Social Security," might have nudged the economy just enough to elect Al Gore his successor.[233] These two elections were knife-edge close. By the customary logic of econometrics, spending or tax-cut jolts of whatever origin might have reversed them.[234]

Possibly Congress taken alone does indeed lean somewhat toward fiscal imbalance. The evidence is not clear-cut.[235] But the presidents are there too—as fiscal target setters and, for at least some of them, as the moving force toward fiscal equilibrium.

DISCUSSION

Those are the thirteen historical "challenges." See Table 1 for some summary judgments regarding them. Column one lists the challenges. Column two places U.S. performance in comparative perspective. I do not want to dwell on these comparative judgments. I entered into them so as to provide a yardstick, not for their own sake. In some of the cases the United States has set the pace, but the causation is complicated, sometimes entailing the country's size, natural wealth, and location as much as its formal institutions. Certain cases offer distinctive U.S. wrinkles that I have discussed. In many cases, however, the U.S. performance has been transnationally generic or close to that, offering little justification for upside or downside readings of American distinctiveness or exceptionalism. There is a good deal of genericness. For the U.S. government taken as a whole, the answers to the "performing capably" question, insofar as they admit of assessment through peer comparison, appear if often elusively in column two.

On to column three, which tracks whether Congress or the executive has been the chief leverer of policy change. The scoring here is mixed and messy, but on balance the executive comes out ahead. This is not a surprise. Presidents have ordinarily supplied the initiative in the American system. This question about chief leverer comes to mind quickly, but it is not the main concern here. We might also examine, for example, nonlevering—Santo Domingo doesn't get annexed, the civil rights bills don't clear the Senate, the veterans' bonuses get vetoed. Of ultimate interest here are *the distinctive imprints* of the two government branches, in particular Congress, regarding

227. Robert P. Inman and Michael A. Fitts, "Political Institutions and Fiscal Policy: Evidence from the U.S. Historical Record," *Journal of Law, Economics, and Organization* 6 (1990): 79–132, at 96–99, 104–9, 114–22, 124.

228. Morgan, *Age of Deficits*.

229. On 1994, see Gary C. Jacobson, "The 1994 House Elections in Perspective," *Political Science Quarterly* 111 (1996): 203–23.

230. Karol, "Congress, the President and Elite Opinion," 18–27.

231. See James L. Sundquist, *Politics and Policy: The Eisenhower, Kennedy, and Johnson Years* (Washington, DC: Brookings Institution Press, 1968), 29–34; Edward R. Tufte, *Political Control of the Economy* (Princeton, NJ: Princeton University Press, 1978), 8, 15–18; Ann Mari May, "President Eisenhower, Economic Policy, and the 1960 Presidential Election," *Journal of Economic History* 50, no. 2 (June 1990): 417–27.

232. Richard M. Nixon, *Six Crises* (Garden City, NY: Doubleday, 1962), 309–11. Unemployment was too high in October 1960: "All the speeches, television broadcasts, and precinct work in the world could not counteract that one hard fact" (310–11).

233. See Larry M. Bartels and John Zaller, "Presidential Vote Models: A Recount," *PS: Political Science and Politics* 34 (2001): 9–20, at 15: "Clinton may have displayed more fiscal discipline than political sense in spurning Republican proposals for a tax cut."

234. There is a twist. Both the congressional Democrats of the late 1950s and the House Republicans of 2000 seem to have been acting against the electoral interests of the presidential wings of their own parties. But there is an aroma of position taking. The matter is complicated. These congressional parties could win immediate points for the fiscal-imbalancing positions they took, but they perhaps also expected the incumbent presidents to guard the Treasury and thus incidentally forego for their successor nominees Nixon and Gore the electoral benefits of short-term economic stimulus jolts. At the time, both Eisenhower and Clinton were term-limited and retiring.

235. Arnold, as of his careful analysis in 1990, was unconvinced. See *Logic of Congressional Action*, chap. 7.

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Table 1. U.S. Performance Regarding the Thirteen Challenges (or Impulses)

The challenge/ impulse	U.S. Record Compared with Other Countries	Chief Leverer of Policy Change (Executive or Congress)	Nature of Executive Imprint	Nature of Congressional Imprint
Launch of new nation	Superior	Executive	Economic stability and growth	System legitimation
Continental expansion	Typical (more or less)	Varied by topic	Acquisition of land	Distribution of land
Mid-nineteenth century consolidation	Unusually violent; typical in some results	Executive	Policy leadership, military muscle, domination by North	Harmonizer across sections, then support of war
Building an industrial economy	Out front (for lots of reasons)	Congress?	Guardian of the currency, domestic order	Tariff and other distributive policies
Taming corporations and the rich	Unusual, but on the mark in its way	Congress	Follows Congress, occasionally leads	Progressive regulatory and tax regimes via lawmaking
Rise to world power	Out front (for lots of reasons)	Executive	Imperial outreach, new role of world hegemon	Lean toward insularity, leeriness of commitments
Responding to the Great Depression	Typical (more or less)	Executive	Monetary shakeup, reform of institutions	Lean toward inflation, spending
Building a welfare state	Smaller, more private	Shared	Big-ticket innovations	Continual increments, a private-side bent
Post-World War II prosperity	Out front (for lots of reasons)	Shared; an executive edge	Keynesian management regime	Coauthor of various developmental legislation
Civil rights revolution	Typical timewise, although U.S. context different	Executive and courts	New statutory and administrative regime	Harmonized regional conflict but then legitimated new laws in 1964–65
Sleekening the economy	U.S. initiating role, but commonality of result	Shared, probably an executive edge	New neoliberal policy regime	New neoliberal policy regime
Addressing climate change	U.S. a bit of a laggard lately	Once Congress, now the executive	Has paced the environmental policy regime lately	Paced the regime in 1960s and 1970s, now laggard
Containing debt and deficit	Typical	Executive	Often tends toward guardian role	On balance more relaxed about the problems

these various performances. For these assessments, see column four (the executive) and column five (Congress). As suggested earlier, many of these institutional juxtapositions do not have a cleanly one-versus-the-other cast. Often the two institutions have clashed, but sometimes they have just left different marks. As for Congress taken alone, whether it "performs capably" or can "handle major challenges" does not read in any determinate way from this record of deposited imprints. That is the way it is. The imprints need to be judged in context—both within the U.S. separation-of-powers system and the transnational background.

Two closing themes embrace at least some of these thirteen congressional performances. The first theme is *legitimacy*. The American system has been notably

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stable. Presidential systems with separation of powers are thought to be especially fragile,[236] but the American system, if compared against all peers, presidential or parliamentary, has enjoyed a remarkably long life. That speaks to system legitimacy. What has been Congress's role in this record? The comparativists Matthew Shugart and John Carey argue persuasively that presidential systems with legislatures that are constitutionally powerful, which the American system is, tend to be distinctively stable. That is because legislative bodies in general tend to be good at compromise, at accommodating disagreement, and, if they are constitutionally empowered to stare down rambunctious or sectarian presidents, good at legitimizing their systems across heterogeneous publics.[237] They can excel at weighing voter intensities and blending them into packages.

This seems like a story about the United States, which can be eruptively heterogeneous and intensity-prone. Does the case pan out? The material here offers some supportive clues. Probably everyone's Exhibit A would be Congress's well-known, desperate, nonstop hunt for region-appeasing compromises during the antebellum era of Clay, Webster, Calhoun, and Douglas—a time of extreme, probably unique, polarization. Yet, following that experience, and a repeat of it in key respects, was Congress's role from the 1870s until the mid-1960s in cementing the South's postslavery caste system into national acceptance and routine. The country fell apart in the 1860s. Why didn't it stay fallen apart? The white South had to be appeased. In the late-nineteenth-century Senate, the anti-civil-rights filibuster emerged as not just another tool of obstruction but as that chamber's central expression of supermajoritarianism around which norms were crafted and practices evolved.[238] Here was another exhibit of system legitimation across regions. But of course all this was a tragic history, both before the Civil War and after it. The legitimation was pretty much among just whites. African Americans, except for a span in the 1870s, lacked any, or adequate, congressional representation, thus enabling a politics deferential to southern white intensities. After 1875, no civil rights laws were enacted until 1957, and the enforcement of existing ones flagged.[239] If you are not represented in Congress, you do not count. It is a basic point. This was also the case for nineteenth-century Native Americans.

There is another clue. For legitimizing policies with the public, a good bet is to enact them by large congressional majorities or, perhaps even better, majorities that include significant elements of both parties. For one thing, the logic goes, the losers are in consequence somewhat disabled from extended carping or even sabotage. This question is understudied.[240] At any rate, such enactments are well represented in the thirteen treatments in this study. The Shugart-Carey bent for accommodation jumps out. Sturdiest of all, perhaps, are settlements that majorities of both parties agreed to at final passage, such as the Social Security Act of 1935, Medicare in 1965 (at least in the House), and the elaborately engineered Civil Rights Acts of 1964 and 1965. Coalitions with at least some cross-party composition dominated the "taming corporations and the rich" drive of the late nineteenth and early twentieth centuries, including the historic switch to progressive taxation during 1909–18, which, when the acts are looked at sequentially, enjoyed both parties' signatures.

The infrastructure moves of the 1950s, the environmental reforms of the 1960s and 1970s, and the neoliberalism of the 1970s and 1980s had a cross-party texture. So did the budget deals of 1981, 1985, 1990, 1997, 2011, and 2013[241]—not to mention the TARP bailout of 2008. In formal process terms, key measures enacted under divided party control have ranged from the Jay Treaty in 1796 through the Interstate Commerce Act in 1887, the Norris-La Guardia Act of 1932, the Marshall Plan in 1948, the Interstate Highway Act of 1956, the Clean Air Act of 1970, and the Reagan tax cuts of 1981. Enactments crafted in these ways have tended to stick. Hostilities or qualms regarding them have tended to fade. They score points for the idea of legitimation in both a policy-specific and a general systemic sense.

Admittedly, this legitimacy case is incomplete. To clinch it would require a study of congressional *inaction,* which is not an emphasis here. Unquestionably, Congress, whatever else may be said about it, has been very good at inaction. Deadlock, gridlock, stalemate, and stasis are the familiar terms of description.[242] For one thing, taking it from the White

236. Juan J. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?" chap. 1 in *The Failure of Presidential Democracy,* ed. Juan J. Linz and Arturo Valenzuela (Baltimore, MD: Johns Hopkins University Press, 1994). Linz does not see the United States's particular presidential system to be fragile.

237. Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (New York: Cambridge University Press, 1992), chaps. 7, 8, esp. 154–58. The United States is a high-side outlier among presidential systems in the powers of its national legislature.

238. See Wawro and Schickler, *Filibuster,* 76–87; Gregory Koger, *Filibustering: A Political History of Obstruction in the House and Senate* (Chicago: University of Chicago Press, 2010), 74, 118–19, 123, 154–57.

239. On the Reconstruction era, see Richard M. Valelly, *The Two Reconstructions: The Struggle for Black Enfranchisement* (Chicago: University of Chicago Press, 2004), chaps. 2, 3.

240. Some relevant material appears in Mayhew, *Divided We Govern,* 119–35, 221–23.

241. The date for the last item is January 1, 2013, although this "fiscal cliff" deal was a last-gasp act by the Congress elected in November 2010.

242. For example, see James MacGregor Burns in 1963: "We are mired in governmental deadlock, as Congress blocks or kills not only most of Mr. Kennedy's bold proposals of 1960, but many

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House standpoint, all the presidents starting with FDR in 1937, possibly excepting Lyndon Johnson, have seen some of their major policy initiatives sink on Capitol Hill.[243] That is the norm. It is what you might expect in a Shugart-Carey scenario. Note that inaction as well as action can be legitimizing, although the topic is murky. Often, when confronted by a polarized, dissonant, or irresolute public, the unsurprising behavior of a representative assembly is to do nothing at all. Often, when Congress is doing nothing at all, to the despair of partisans, intellectuals, and the media, it is actually responding to an unresolved electorate with a perfect ear.[244] "Don't!" the public is in effect collectively saying. In legitimacy terms, consider a counterfactual: Should every quick, narrow, temporary majority get to jam into law whatever its activist base wants?

The second theme is Congress's proneness to *messiness*. It figures in the country's distributive policy regimes that appear so prominently in column five of Table 1. This is trademark congressional stuff. It goes way back. On exhibit is a special flavor of preference aggregation: Congress takes the lead in supplying long-running streams of felicity in small or moderate-sized doses to individuals or groups who clamor for, or at least appreciate it, paying the way in costs that are diffuse or hidden. Thus we get the nineteenth-century land-distribution regime, the Civil War pensions, the traditional tariff, the interwar veterans' bonuses, and incremental entitlements expansion (as with Congressman Waxman and Medicaid). Tax expenditures would fit the list.[245] One-time deference to silver interests might also fit. What can one say about this brand of policymaking? On the one hand, it can look and be dubious. It smacks of ad hoc raids on the public domain, the consumer, the taxpayer, or future generations. It can feature constant Capitol Hill tinkering and small regard for administrability. From the standpoint of synoptic policy planning, it is a nightmare. Congress is the natural enemy of those who prefer rationalistic tidiness. On the other hand, the U.S. governing system has probably bought legitimacy with benefit streams like these—what would things have been like without them?—and it is not clear that the overall effects have been all that malign. The farm lands did get settled, the government's occasional bows to silver that did actually occur might have been a net plus, veterans' bonuses were apparently a fiscal plus as well as a much-needed one-on-one blessing in the 1930s, and so on. "Minorities rule," Robert A. Dahl wrote in his classic inductive interpretation of American democracy.[246] Here are some minorities that have ruled. At any rate, there has been containment of the distributive propensity—often supplied by the executive branch, though sometimes by Congress itself. The final profiles of these policy regimes have reflected *both* the felicities associated with distribution *and* the containing of it. A "capability" assessment is thus complicated.

Given Congress's bent for messiness, it has been hard to build Weberian-style instrumental rationality into federal agencies—at least in domestic policy areas.[247] As reviewed earlier, the country's rather small and late welfare state may be one result, at least partly. The exceptional privateness of the country's economy may be another, at least partly. The United States has had relatively little experience with government ownership. Here is the speculation (evidence is hard to come by): Seldom has it seemed a promising idea to allow organizational units hinging on production or productivity within an arm's length of Congress's propensity for servicing constituents and interest groups and its constant tinkering. Regulate the firms, but don't try to own or operate them. Congressional experience with U.S. Post Office politics would seem to fortify this advice.[248] Once, just after World War I, the government came close to permanent ownership of the railroads, European-style. But it drew back. One misgiving was an expected exposure of a government unit to labor union influence.[249] In general, in this circuitous way, Congress through its history might have been a boon for private capitalism.

How about Congress today? It is probably best not to get too tangled in current events, but here are some key areas discussed earlier. In handling deficits and debt, looking to the mix of policy performance supplied by Congress and the executive, the United States does not seem to be underperforming its peers, notwithstanding the often weird optics—government shutdowns and the rest. In comparative terms, climate change offers a less favorable picture,

planks of the Republican platform as well." *The Deadlock of Democracy: Four-Party Politics in America* (Englewood Cliffs, NJ: Prentice-Hall, 1963), 2.

243. See, for example, Mayhew, *Partisan Balance,* chap. 2, for material on many of the relevant Congresses.

244. See the discussion in Josh Chafetz, "The Phenomenology of Gridlock," *Notre Dame Law Review* 88, no. 5 (June 2013): 2065–87.

245. See Howard, *The Hidden Welfare State;* Steinmo, *Taxation and Democracy.*

246. Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), 128.

247. See the excellent discussion in Martha Derthick, *Agency Under Stress: The Social Security Administration in American Government* (Washington, DC: Brookings, 1990), chap. 4.

248. See Richard F. Fenno, Jr., *Congressmen in Committees* (Boston: Little, Brown, 1973), 5–9, 35–45, 64–69, 90–91, 110–14, 135–37, 139–40, 152, 170–71, 180–84, 242–55, 281–83.

249. The accounts are sketchy, but see Kennedy, "The Statist Evolution," 164–65; Gallamore and Meyer, *American Railroads,* 56–63; Rose, Seely, and Barrett, *Best Transportation System in the World,* 3–4; Douglas B. Craig, "'Don't You Hear All the Railroad Men Squeak?': William G. McAdoo, the United States Railroad Administration, and the Democratic Presidential Nomination of 1924," *Journal of American Studies* 48, no. 3 (2014): 777–95. This issue could use more investigation.

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yet that may reflect differences in public opinion. Doing as well as peers may be a low bar. Absolute is not the same as relative. But in these areas at least, it is hard to see any distinctive incapacity attaching to the U.S. separation-of-powers system. In recent times, Congress's own particular leanings toward inflation, trade protectionism, and running up the debt—which have made appearances in history—have been moderate, containable, or no more culpable than the propensities of the executive.

Possibly the worst current U.S. problems have to with managing *conflict,* not just managing particular policies. In a context of public polarization there is no easy solution for a representative assembly. To accommodate diverse voter preferences through either action or inaction becomes especially tough. The elected officials can get hammered if they *do*—as with passing the Affordable Care Act—or hammered if they *don't*—as with not passing immigration reform.

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