



from the President

### Thriving Section

by Victoria Hattam, New School for Social Research

The section continues to thrive. Membership is currently at 690, amplifications to present papers at APSA under the section’s auspices continue to mount. We have just concluded the difficult task of selecting the section’s prize winning book and article. The nominating committee has also drawn up a slate of candidates to present to the section members at the business meeting at APSA. It has been another busy and productive year. I want to convey the results of these activities to all.

The competition for the book prize was stiff, and the winner exemplarity of the fine work being done at the nexus of politics and history. The winner of the J. David Greenstone book prize is Professor Istvan Hont for *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective* published by Harvard University Press, 2005. Jeff Tulis chaired the committee. Alyson Cole and Ellen Immergut also kindly served on this committee.

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The Mary Parker Follett prize for the best article in politics and history published in the calendar year 2006 also has been awarded to two scholars: Fredrick Harris of Columbia University for “It Takes a Tragedy to Arouse Them: Collective Memory and Collective Action During the Civil Rights Movement,” published in *Social Movement Studies*, Volume 5, 1 May 2006, and Cora Goldstein, “Before the CIA: American Actions in the German Fine Arts (1946-1949),” in *Diplomatic History*, volume 29, Number 5, (November 2005), pp.747-768. The Committee was chaired by Robert Vitalis. The other committee members were Catherine Holland, and Nancy Wadsworth. I want to thank them all for their hard work.

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# POLITICS & HISTORY

an organized section of the  
**American Political Science Association**

Website: <http://www.h-net.msu.edu/~apsaph/>

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We welcome and encourage letters and submissions, especially for Book Notes and Work in Progress.

*The deadline for Spring/Summer issue submissions is March 1. The deadline for submissions for the Fall/Winter issue is October 15. Please send all correspondence to:*

Dave Robertson  
Department of Political Science  
University of Missouri - St. Louis  
One University Blvd, St. Louis, MO 63121-4499

## Politics and History Nominations for Section Officers, 2007-2008

The Nominating Committee for section officers for 2007-2008 was chaired by Victoria Hattam and included Kathleen Thelen, Anne Norton, Stephen Skowronek, and Ellen Immergut. Professor Thelen was chosen last year as President-Elect, and under the section bylaws, she automatically assumes the presidency at the 2007 section Business Meeting.

President-Elect:

**Richard Franklin Bensel,**  
Cornell University

New Council Members, full 2-year term:

**Andreas Kalyvas**, New School University  
**Joseph Lowndes**, University of Oregon  
**Ruth Collier**, Univ. of California, Berkeley  
**Douglas Reed**, Georgetown University

Section by-laws provide for challenges by petition prior to the section meeting. The Nominating Committee should receive any petitions prior to August 10, 2006. The by-laws do not permit challenges from the floor to be entertained during the business meeting, which will be held at the Chicago APSA meeting on Friday at 6:00, followed by a reception at 7:00 pm.



## Neoconservatives and the Courts

Ken I. Kersch,  
Princeton University

*(Professor Kersch received the Politics and History section's 2007 J. David Greenstone Award for the Best Book in Politics and History. He received the award for Constructing Civil Liberties: Discontinuities in the Development of American Constitutional Law, published by Cambridge University Press in 2004. We invited Professor Kersch to discuss his research.)*

It has been nearly forty years since the Republican Party's control of the White House began to push the federal judiciary to the right. Only recently, however, have scholars undertaken serious studies of modern conservatism. Inquiries into late twentieth century legal or "constitutional" conservatism are even rarer. Most of these have focused on the interpretive philosophies of Republican appointed Supreme Court justices – how, for example, Sandra Day O'Connor's "pragmatism," differs from Antonin Scalia's "originalism," or how the Court's "moderate" justices (like Anthony Kennedy), are distinguishable from its more "fundamentalist" ones (like Clarence Thomas). When it comes to conservative constitutional thought outside the Court, interpretive "originalism" remains a touchstone, with commentators assessing the degree to which various justices have either followed this path of genuine originalism, or strayed.

The decision by Republicans and conservatives to coalesce around a commitment to interpretative originalism, however, came relatively late in the conservative ascendancy (it was preceded by a liberal originalism propounded by Justice Hugo Black, an FDR appointee). Post-New Deal twentieth century conservative constitutional thought in the wilderness years from 1937-1980, has been much more varied and interesting than a narrow focus on originalist interpretive outlooks would suggest. In conservative thought more generally in these years, political traditionalists (including

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## Punishment and Political Science: The Political Development of the Carceral State

Marie Gottschalk,  
University of Pennsylvania

*(Professor Gottschalk received the 2007 Ellis Hawley Prize from the Organization of American Historians for her book, The Prison and the Gallows: The Politics of Mass Incarceration in America, published by Cambridge University Press in 2006. We invited her to discuss her research.)*

We have incredible blind spots when it comes to the study of crime, punishment, and politics. Graduate students in American politics are expected to be familiar with Tocqueville's *Democracy in America*. Yet few political scientists know that prisons, not democracy, were what initially brought Tocqueville to the United States. Pressured by the Chamber of Deputies to hasten reform of France's penal system, the Minister of the Interior awarded a commission to 26-year-old Tocqueville and his traveling companion Gustave de Beaumont to study the American penitentiary, which had become world famous by the 1830s.

Tocqueville collected notes for his classic study of the social and political conditions of the new republic as he and Beaumont traveled from prison to prison, interviewing wardens and prisoners and collecting data about everything from living conditions to disciplinary practices. Tocqueville's paeans to democracy in *Democracy in America* are widely cited. Yet his and Beaumont's dark observations about the connection between the penal system and American democracy are seldom noted, except by a small circle of criminologists. Tocqueville and Beaumont warned nearly 200 years ago: "While society in the United States gives the example of the most extended liberty, the prisons of the same country offer the spectacle of the most complete despotism."<sup>1</sup>

Their dark observations are even more true today. Over the last three decades the United States has built a carceral state that is unprecedented among Western countries and in U.S. history. Nearly

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Politics and History Panels  
at the 2007 American Political Science Association Meetings

Co-Chairs:

Kevin Bruyneel, Babson College  
Janice Fine, Rutgers University

**Business Meeting: Friday, August 31, 6:00 PM**

**Reception: Friday, August 31, 7:00 PM**

Thursday, August 30, 8:00 AM

Panel 7-16 Immigration and Immigrants in the US and EU:  
An Empirical and Analytical Comparison

Chair: James F. Hollifield, Southern Methodist University

“Immigration and Labor’s Movements: Internal Struggles and Shifting Advocacy, 1870-2006”

Daniel J. Tichenor, Rutgers University, New Brunswick

Janice Fine, Rutgers University

“Building Bridges or Maintaining Fences? Trade Union Responses to Undocumented Immigrant Workers in Germany, the United Kingdom, and Beyond”

Jennifer Lieb, Princeton University

“Old Wine in New Bottles? African American Attitudes Toward Immigration Policy”

Tatishe Mavovosi Nteta, University of California, Berkeley

“Social Citizenship, Immigration and the Political Left in Europe”

Sofia A. Perez, Boston University

“Democracy on the Move? Immigrants and Civic Participation in Europe”

Aida Paskeviciute, University of Essex

Christopher J. Anderson, Cornell University

Discussant: Victoria Hattam, New School University

Thursday, August 30, 8:00 AM

Panel 7-7 The Micro Politics of Regime Change

Chair: Amy R. Poteete, Concordia University

“From Progressivism to Conservatism: The Political Reassociation Presidency-Centered Government in the United States”

Stephen Skowronek, Yale University

“Repertoires of Labor Regulation and the Redefinition of Employee Status in the United States”

Stephen Amberg, University of Texas-San Antonio

“Transnational Production, Learning and the Recomposition of Regions in Developed and Developing Economies”

Gary Herrigel, University of Chicago

“Styles of Creative Syncretism: How the Weak and Powerful Change Institutions”

Gerald Berk and Dennis C. Galvan

Discussant: Amy R. Poteete, Concordia University

Thursday, August 30, 10:15 AM

Panel 7-2 Government Control over Information:  
Propaganda, Presidential Power, and Freedom of the Press

Chair: Richard Fried, University of Illinois, Chicago

“Recognition of a Right to Know in Eighteenth-Century America”

Jeffery A. Smith, University of Wisconsin, Milwaukee

“Litigation over State Secrets: Checking Executive Claims in Court”

Louis Fisher, Library of Congress Law Library

“The Role of the Dual Mobilization of Congress and the Press in Providing for Freedom of Information”

Kathleen G. Donohue, Central Michigan University

“Historical Precedent? American Press Policy in Occupied Iraq”

Cora Sol Goldstein, California State University, Long Beach

Discussants: Mark J. Rozell, George Mason University  
Mark Leff, University of Illinois, Urbana-Champaign

Thursday, August 30, 10:15 AM

Panel 7-20 Legal Liberalism and Counter-Mobilization After the 1960s  
(Co-sponsored by 26-7)

Chair: Charles R. Epp, University of Kansas

“After Victory: Institutional Recalibration and Political Change”

Stuart L Chinn, Yale University

“Social Movement Insurgency in the Federal Bureaucracy: The Case of the Reagan Justice Department”

Steven M. Teles, Yale University

Laura K. Moranchek, Yale Law School

“Judicial Retrenchment in the Activist State”

Sarah L Staszak, Brandeis University

“Missed Opportunities in “Missed Opportunities” Scholarship”

Paul Frymer, University of California, Santa Cruz

Robert Mickey, University of Michigan

“Uncovering the Right: Rights Talk, the New Right, and Presidential Rhetoric, 1968-1988”

Jeffrey R. Dudas, University of Connecticut

Discussants: Jeremy Rabkin, Cornell University  
John D. Skrentny, University of California, San Diego

Thursday, August 30, 10:15 AM

Theme Panel: Funding Interdisciplinary Research

Participants

Robert Axelrod (University of Michigan),

Kennette Benedict (Bulletin of the Atomic Scientists),

Edward Hackett (National Science Foundation),

Felice J. Levine (American Educational Research Association),

Nicole A. Stahlmann (Social Science Research Council),

Howard J. Silver (Consortium of Social Science Associations)

Thursday, August 30, 2:00 PM

Panel 7-3 Authors Meet Critics: Gretchen Ritter's, *The Constitution as Social Design*, and Eileen McDonagh's, *The Political Meaning of Gender in the American State*

(Co-sponsored by 27-1)

Chair: Gretchen Ritter, University of Texas, Austin

Panelists:

Rogers M. Smith, University of Pennsylvania  
Karen Orren, University of California  
Daniel P. Carpenter, Harvard University  
Christine B. Harrington, New York University  
Eileen Boris, University of California, Santa Barbara

Respondents:

Gretchen Ritter, University of Texas, Austin  
Eileen McDonagh, Northeastern University

Thursday, August 30, 2:00 PM

Panel 7-19 Author Meets Readers: Mark Graber's *Dred Scott and the Problem of Constitutional Evil*

(Co-sponsored by 26-4)

Chair: Julie L. Novkov, University at Albany — SUNY

Panelists:

Pamela Brandwein, University of Texas, Dallas  
Edmund Fong, New School University  
Sanford Levinson, University of Texas, Austin  
Matthew Holden, Isaiah T. Montgomery Studies Project  
Kate Masur, Northwestern University

Respondent: Mark A. Graber, University of Maryland School of Law

Thursday, August 30, 4:15 PM

Panel 7-4 The Politics of Demarcation: Reconfiguring the Status Quo

(Co-sponsored by 43-1)

Chair & Discussant: David Art, Tufts University

“From Victims to Voters: Rethinking Citizenship in the Aftermath of War”

Nancy Bermeo, Princeton University

“War by other Means, Domain Construction, and the Subordination of Citizens”

Consuelo T. Cruz, Tufts University

“The Boundaries of Peoples: How War and Ideas Shaped the Modern State”

Stacie E. Goddard, Wellesley College

“Shifting Boundaries: Status Quo and Revision in the Post-Cold War Near East”

Malik Mufti, Tufts University

“How Religion Meets the State”

Daniel Philpott, University of Notre Dame

Thursday, August 30, 4:15 PM

Panel 7-15 The State and The Family: Policy, Culture, and Ideology  
(Co-sponsored by 31-4)

Chair: Daniel A. Kenney, Brandeis University

“The Search for Sexual Order: Immigration, Marriage and the Politics of the Progressive Era”

Priscilla Yamin, University of Oregon

“Family, Philanthropy, and Development in Nineteenth-Century Welfare Provision

Kathleen S. Sullivan, Ohio University

“Mapping the Good, the Bad, and the Ugly: The Development of Republican and Democratic Family Ideologies, 1986-2006

Gwendoline M. Alphonso, Cornell University

“The Body Politic: Women, Fertility, and the New Patriotic Natalism”

Melody Rose, Portland State University

Discussants: Eileen McDonagh, Northeastern University

Stephen Pimpare, Yeshiva University

Thursday, August 30, 6:00 PM

Pi Sigma Alpha Guest Lecture

Michael Beschloss, author of Presidential Courage : Brave Leaders and How They Changed America 1789-1989 (Simon & Schuster; May 2007)

Thursday, August 30, 8:00 PM

2007 Presidential Address

”Can Political Science “Export” to Other Disciplines as Well as We “Import” from Them?”

Robert Axelrod, University of Michigan

9:00 p.m. Opening Reception following the presidential address

Friday, August 31, 8:00 AM

Panel 7-8 Politics, History, and the State of the State as a Conceptual Variable

Chair: Laura S. Jensen, Virginia Polytechnic Institute and State University

Participants:

Andrew J. Polsky, Hunter College, CUNY

Richard John, University of Illinois, Chicago

Stuart McConnell, Pitzer College

Richard F. Bense, Cornell University

Friday, August 31, 8:00 AM

Panel 7-22 Race and US Political Development  
(Co-sponsored by 32-4)

Chair: Dianne M. Pinderhughes, University of Notre Dame

“Dark Prison: Race, Rights and the Politics of Punishment”

Vesla Mae Weaver, Harvard University

“Race and US Political Development”

Joseph E. Lowndes, University of Oregon,

Julie L. Novkov, University at Albany – SUNY, and

Dorian T. Warren, Columbia University

“Developmental Paradoxes of the Anglo-American State”

Richard P. Young, Seattle University

Jeffrey W. Meiser, Johns Hopkins University

“The ‘Three Races’ and State Development in the Early United States”

David F. Ericson, University at Albany

Discussants: Paul Finkelman, Albany Law School

Adolph L. Reed, University of Pennsylvania

Friday, August 31, 10:15 AM

Panel 7-14 Interests, Identities and the Struggle for Equality in 20th Century US Politics

Chair: Stephen G. Bragaw, Sweet Briar College

“Who Wins, Who Loses?: A Comparative Analysis of Feminist, Environmental, Gay Rights, and Civil Rights Movement Outcomes”

Joseph E. Luders, Yeshiva University

“Why Sport?: The Development of Sport as a Policy Issue in Title IX of the Education Amendments of 1972”

Amanda Ross-Edwards, North Carolina State University

“Women, Policy and Equality”

Rosemary Nossiff, Marymount Manhattan College

“The Legacy of Jim Crow: Electoral Reform and Southern Turnout, 1920-2000”

Melanie Jean Springer, Washington University, St Louis

“The Political Roots of Small Business Identity”

McGee W. Young, Marquette University

Discussants: Ann-Marie E. Szymanski, University of Oklahoma

Stephen G. Bragaw, Sweet Briar College

Friday, August 31, 10:15 AM

Panel 7-25 The Politics of Indigenous Self-Determination: Contemporary Challenges, Opportunities, and Conflicts (Co-sponsored by Indigenous Studies Network, Panel 2)

Chair: Dale Turner, Dartmouth College

“Deep Integration and Indigenous Self-Determination in a Global World Order: Challenges and Possibilities”

Makere Stewart-Harawira, University of Alberta

“Indigenous Peoples’ Rights and the Australian State”

Sheryl R Lightfoot, University of Minnesota

“Collaboration vs Conflict in Casino Compacts: Exploring the Quality of Intergovernmental Negotiations”

Paula Mohan, University of Wisconsin, Whitewater

“Really New Federalism: How States are Forging Political Relationships with American Indian Tribes”

Elizabeth Arbuckle Wabindato, Northern Arizona University

Discussant: Kevin M. Bruyneel, Babson College

**Call for Papers for Politics and History panels  
at the 2008 American Political Science Association meetings**

*Co-chairs:*

**James Mahoney**, Northwestern University,  
james-mahoney@northwestern.edu  
**Adam Sheingate**, Johns Hopkins University,  
adam.sheingate@jhu.edu

The Politics and History section invites proposals that analyze the historical, developmental, and temporal aspects of politics. We especially encourage proposals that engage in comparative research, and we welcome submissions that explore North-South comparisons and developing countries, as well as proposals that focus on the United States or other advanced industrial countries. Submissions from a diverse range of methods and approaches, including comparative-historical analysis and historical institutionalism, are strongly encouraged. Special consideration will also be given to papers that address the conference theme by exploring the ways in which categorical boundaries and inequalities between groups are historically constructed, maintained, and possibly transformed over time.

Friday, August 31, 10:15 AM

Panel 7-18 Rhetoric and Leadership in the American Presidency  
Co-sponsored by 23-7

Chair: Sean J. Savage, Saint Mary's College

“The Rhetorical Presidency Revisited: An Examination of Presidential Populism 1789-2004”

Terri Bimes, University of California, Berkeley

“The Promotion of Republican Culture in the Jeffersonian Press”

Melvin C. Laracey, University of Texas, San Antonio

“Presidential Leadership in the Early Republic”

Fred I. Greenstein, Princeton University

“Mobilizing Christians for Wars Without End: The Cold War and War on Terror Compared”

Andrew J. Schlewitz, Albion College

“Delivering the People's Message: Presidential Mandate Claims from 1929 through 2005”

Julia Rezazadeh Azar, Marquette University

Discussants: Colleen J. Shogan, George Mason University

Matthew Eshbaugh-Soha, University of North Texas

Friday, August 31, 10:15 AM

Panel 7-25 The Politics of Indigenous Self-Determination: Contemporary Challenges, Opportunities, and Conflicts (Co-sponsored by Indigenous Studies Network, Panel 2)

Chair: Dale Turner, Dartmouth College

“Deep Integration and Indigenous Self-Determination in a Global World Order: Challenges and Possibilities”

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Paula Mohan, University of Wisconsin, Whitewater

“Really New Federalism: How States are Forging Political Relationships with American Indian Tribes”

Elizabeth Arbuckle Wabindato, Northern Arizona University

Discussant: Kevin M. Bruyneel, Babson College

Friday, August 31, 12:00-2:00 PM

**Panel on “Getting Published in Political Science,”** Publishing Books

Friday, August 31, 2:00 PM

Panel 7-6 Intersections of Race, Class and Religion: Faith and Boundary Crossing  
(Co-sponsored by 33-2)

Chair: Michelle L Hartman, St. Peter’s College

“Redefining a Movement: Conservative Christians and the Politics of Immigration”

Robin D. Jacobson, Bucknell University

“‘God Bless the Child...’: Religion, Race, and the American Constitutional Order”

Eric Michael Mazur, Bucknell University

“Ambivalent Miracles: The Possibilities and Limits of Evangelical Racial Reconciliation Politics”

Nancy D. Wadsworth, University of Denver

“The Harvest is Plentiful, but the Workers are Few: Protestantism, Labor and the Fall of the New Deal”

Michael Janson, University of Pennsylvania

Discussant: James A. Morone, Brown University

Friday, August 31, 4:15 PM

Panel 7-23 The History of the Racial State (Co-sponsored by 32-15)

Chair: Shayla C. Nunnally, University of Connecticut

“The Place of Mexican Americans in the Origins of Anti-Discrimination Policy 1941-1948”

Matthew Gritter, New School University

“Cooptation of the Willing: Mexican American Democrats in Texas 1960 - 1975”

Benjamin Marquez, University of Wisconsin, Madison

“Liberalism, Lynching and Constitutional Anarchy: Building a Racialized State, 1883-1938”

Daniel Hideo Kato, New School for Social Research

“A Historical Study of the Effect of Race on the Frequency and Importance of Issue Co-optations in America”

Eric Russell, Ohio State University

“The Beginning of the End: African American Voter Registration in the South before 1954 and the Shaping of the Civil Rights Movement”

Kimberley S. Johnson, Barnard College

Discussants: Joel Olson, Northern Arizona University

Dorian T. Warren, Columbia University

Friday, August 31, 4:15 PM

Panel 7-9 From Cold War to War on Terror: Ideology, Law, and State-building

Chair: Patrick S. Roberts, Virginia Tech

“‘So Dysfunctional ... it’s Frightening’: The Department of Homeland Security and Public Policy in the Car Bomb Age?”

Andrew D. Grossman, Albion College

“Theorizing the Exception: John Yoo, Executive Power, and ‘Lawful Lawlessness’”

William D. Rose, Albion College

“Building the Racialized Criminal Justice State: The Domestic Roots of the Global War on Terror”

Dara Z. Strolovitch, University of Minnesota, Twin Cities

“Ages of Anxiety: Cold War Civil Defense and its Relationship to Post-9/11 Security Policy”

Genevieve Lester, University of California, Berkeley

“Two Dimensions of Internal Repression: Assertions of Power v. Institutional Capacity to Restrict Civil Liberties in Wartime”

Daniel Kryder, Brandeis University

Discussants: Christopher David Moore, Ohio State University

Renee Heberle, University of Toledo

Saturday, September 1, 8:00 AM

Panel 7-1 Towards A Post Fordist Political Science:

A Roundtable Discussion Bringing Theorists and Americanists Together

Chair: Victoria Hattam, New School University,

Participants: Alyson Cole, Queens College/CUNY

Jason Frank, Cornell University

Lawrie Balfour, University of Virginia

Timothy Pachirat, Yale University

Discussants: Anne Norton, University of Pennsylvania

George M. Shulman, New York University

Saturday, September 1, 8:00 AM

7-17 New Perspectives on the American State

Chair: Adam Sheingate, Johns Hopkins University

“Alternative Conceptions of the American State: Structures, Not Just Institutions”

Paul Frymer, University of California, Santa Cruz

“The American State in Comparative Perspective”

Desmond King, Oxford University

Robert C. Lieberman, Columbia University

“The Myth of American Statelessness”

William J. Novak

“The Routinization of Charisma: The Public Opinion Apparatus of the Modern Presidency”

Lawrence R. Jacobs, University of Minnesota

Discussant: Adam Sheingate, Johns Hopkins University

Saturday, September 1, 10:15 AM

Panel 7-5 Sustaining Coordination: the Evolution and Perpetuation of Managed Capitalism  
(Co-sponsored by 15-1)

Chair: John D. Stephens, University of North Carolina, Chapel Hill

“The Evolution of Varieties of Capitalism in Europe”

Peter A. Hall, Harvard University

“Varieties of Coordination and Trajectories of Change: Social Policy and Economic Adjustment in Coordinated Market Economies”

Cathie Jo Martin, Boston University

Kathleen Thelen, Northwestern University

“Coordination and Organization: The two Dimensions of Nonliberal Capitalism”

Martin Hoepner, Max Planck Institute for the Study of Societies

“The Politics of Cheap Labor in Industrialized Democracies”

Desmond King, Oxford University

Discussant : John D. Stephens, University of North Carolina, Chapel Hill

Saturday, September 1, 10:15 AM

Panel 7-21 The Role of State and Local Courts in American Political Development  
(Co-sponsored by 26-9)

Chair: Doris Marie Provine, Arizona State University

Panelists:

John Paul Ryan, Education, Public Policy, and Marketing Group, Inc.,

Malcolm M. Feeley, University of California, Berkeley

Roger E. Hartley, University of Arizona

Lynn Mather, University of Buffalo

Kevin T. McGuire, University of North Carolina, Chapel Hill

Discussants: Salmon A. Shomade, University of Arizona

Kenneth W. Miller, Arizona State University



Hull House, Chicago

Saturday, September 1, 12:00-1:00 PM

Panel on “Getting Published in Political Science – Journals”  
Grand Ballroom E - Hyatt, Hyatt Regency Hotel

Saturday, September 1, 2:00 PM

Panel 7-10 Lessons from the Great Society: Public Policy and the 1970s in Historical Perspective

Chair: Clarence N. Stone, George Washington University

“Responding to Racial Dynamics in the War on Poverty: LBJ and the Demise of a Universalist Social Policy”  
Scott Spitzer, California State University, Fullerton

“Securing the Ghettoes: Community Development Corporations and the Transformation of Urban Policy”  
Deborah E. Ward, Seton Hall University

“The Diffusion of Failure: Targeted Employment Policies in the U.S. and the U.K.”  
Kimberley S. Johnson, Barnard College

“Divisions in the Democratic Party and the Transformation of U.S. Social Policy”  
Eva Bertram, University of California, Santa Cruz

Discussants: Naomi Murakawa, University of California  
Clarence N. Stone, George Washington University

Saturday, September 1, 4:15 PM

Panel 7-13 Comparative Perspectives on American Political Development

Chair: Robert C. Lieberman, Columbia University

“The Swift Rise and Fall of Immigrants’ Social Rights in the United States”  
Diane Sainsbury, Stockholm University

“American Political Development and International Social Work: Theory, Practice, and the State of the Welfare State”  
Stephen Pimpare, Yeshiva University

“Building New Educational Regimes: Explaining State Responses to the Educational ‘Excellence’ Movement”  
Jesse H. Rhodes, University of Virginia

“Black Insurgency and Enfranchisement in the United States: Lessons from the South African Experience”  
Shamira M. Gelbman, University of Virginia

“Race and the State: The Importance of Original Incorporation in the Development of the United States for the Current Political-Social-Economic Status of National-Origin Groups”  
Richard D. Shingles, Virginia Tech

Discussants: Richard F. Bense, Cornell University  
Robert C. Lieberman, Columbia University

Saturday, September 1, 6:00 PM

Plenary Session: “Finding Democracy in the American Ghetto”  
Sudhir Venkatesh, Columbia University

Sunday, September 2, 8:00 AM

Panel 7-11 Looking Back for Lessons Going Forward on Health Care Reform

Chair: Brian J. Glenn, Hamilton College

“The Long Shadow of the Past: Risk Pooling and the Political Development of Health Care Reform in the States”

Margaret Weir, University of California, Berkeley

“National Health Care Reform is Around the Corner Again: Lessons from the Clinton Plan, State Children’s Health Insurance Program and Massachusetts Reform”

Michael Doonan, Brandeis University

“The Evolution of the Iron Triangle in State Health Politics: What Has Changed?”

Elizabeth Kilbreth, University of Southern Maine

“Align Your Interests with the Powerful Stakeholders, and Always Control the Agenda”

Brian J. Glenn, Hamilton College

Discussant: Theodore R. Marmor, Yale University

Sunday, September 2, 10:15 AM

Panel 7-11 Roundtable: Culture Clash over Fat: Politics, History and Law

Chair: Catherine A. Holland, University of Missouri, Columbia

Participants: Anna R. Kirkland, University of Michigan  
James A. Morone, Brown University  
J. Eric Oliver, Princeton University  
Jeffery Sobal, Cornell University



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## Call for Papers: the 2008 Policy History Conference

DEADLINE FOR SUBMISSIONS:  
December 3, 2007

The Institute for Political History and the Journal of Policy History are hosting a Conference on Policy History at the Sheraton Clayton Plaza in St. Louis from May 29 to June 1, 2008. Program chairs are Edward Berkowitz and Robert C. Lieberman. The conference coordinator is Matthew C. Sherman. All topics concerning the history, development and implementation of public policy, American political development, and comparative historical analysis will be considered. Complete sessions are encouraged, but individual paper proposals are welcome. The deadline for proposals is December 3, 2007. Proposals should include one (1) copy of the following materials to be considered:

\* Panel/Paper Description and Contact Information Page

(template is available on our website at <http://www.slu.edu/departments/jph/conference>)

\* A one (1) page summary of each paper

\* A one (1) page C.V. of each panelist

Please send the materials to Policy History Conference, Journal of Policy History, Saint Louis University, 3800 Lindell Blvd., P. O. Box 56907, St. Louis, MO 63156-0907. Incomplete proposals and e-mailed submissions will not be considered. For questions concerning conference content or program information, please contact Edward Berkowitz at [ber@gwu.edu](mailto:ber@gwu.edu) or Robert C. Lieberman at [rc115@columbia.edu](mailto:rc115@columbia.edu). Please direct general e-mail inquiries to Matthew C. Sherman, the conference coordinator, at [policyhistoryconference@gmail.com](mailto:policyhistoryconference@gmail.com).

To make reservations for the conference at the special conference rate of \$109.00, please call the Sheraton Clayton Plaza Hotel at 314-863-0400 and mention the Policy History Conference.

Additional information regarding the conference can be found at our website, <http://www.slu.edu/departments/jph/conference>.

**Abstracts of Papers Presented at  
Politics and History Panels at the  
2007 Midwest Political Science  
Association Meetings**

“Explaining Pre-Pill Birth Control Policy Change”  
John P. Balz, University of Chicago

Overview: I explain variations in pre-Pill birth control policy. While the story of a Margaret Sanger-led social movement is popular, I argue that an alliance between two economic interest groups - pharmacists and condom-makers - better explains policy change.

“The Privileges and Immunities of American  
Citizenship: Thick or Thin?”  
Jordon B. Barkalow, Bridgewater State College

The content of America’s national identity is variously interpreted as 1) attachment to the universal principles of the American Creed, 2) a dominant Anglo-Protestant culture, and 3) the social and political practices that develop the civic capacities of American citizens. This paper assesses these interpretations through an analysis of Congressional debates over the Fourteenth Amendment. Instead of a thick understanding of citizenship as suggested by the three interpretations of American national identity, the analysis presented here finds a thin understanding of American citizenship that is predicated on a commercial theory of national identity.

“Secrecy, Security, and Sex: Congress, the National  
Security Agency, and 1960’s Martin-Mitchell  
Defection”  
David Barratt, Villanova University

When two young cryptographers employed by the ultra-secret National Security Agency defected to the Soviet Union in the summer of 1960, the White House and Defense Department tried to hide the gravity of the likely damage to U.S. intelligence agencies’ ongoing signals intelligence efforts. However, due to the assertiveness of John McCormack (D-MA), then majority leader of the House, and Francis Walter (D-PA), then chair of the House UnAmerican Activities Committee (HUAC), consider congressional investigations ensued across the following year and a half. This paper, based on archival research, details the oversight activities of Walters’ committee, plus those of two other congressional bodies. The HUAC investigation, though notably aggressive, gave excessive attention the apparent homosexuality of the two defectors, thus ignoring the ideological reasons that led them to defect.

“Party Leader Resistance to Proposed Presidential  
Election Amendments”  
Gary Bugh, *Texas A&M University, Texarkana*

Overview: Why has Congress not endorsed a presidential election amendment? This research paper explores the resistance of party leaders to proposed electoral reform. Analysis focuses on the 1967-1979 effort for national popular election.

“Prosecuting the Powerful: State Regulation of  
Nineteenth Century Corporations”  
Jonathan Chausovsky, State University of New York-  
Fredonia

Corporations in America have always been chartered at the state level, which gives them the right to exist. The charter laws in the nineteenth century included significant restrictions on corporate activity. Nineteenth-century economic regulation differed from twentieth century regulatory agencies: the state legislatures wrote the law, and this was enforced by the Attorneys General. The penalties could range to from fines to revocation of the charter, in what amounted to corporate death. State regulation was accepted as the norm, and these prosecutions represented an assertion of state authority over the corporation, and thus of economic development. Drawing on several corporate treatises of the late nineteenth century, this paper traces developments in the application of nonuser and misuser violations prosecuted by the states in the enforcement of the charter laws. Then, the paper examines a single case, the prosecution by the State of New York of The North River Sugar Refinery Company in 1888-9. This case both demonstrated the tradition of state authority, but also the waning of state power, as corporations reacted by dissolving their charters for more lenient terms offered by other states. Rather than emerging from a period of little regulation to construct a national market, the corporation emerged from a period of significant regulation to construct a national market. In the process, regulatory authority over corporations shifted from states to nation.

“Bringing Race and Class Back In: American  
Democratization in Comparative Perspective”  
Shamira M. Gelbman, University of Virginia

This paper deals with the United States’ ambiguous democratization record: Empirically, the US’s combination of early mass suffrage and longstanding racial restrictions to political participation make it a difficult case for standard regime type classifications. Its reliance on racial rather than socio-economic criteria for participation, moreover, complicates its fit with broadly comparative theories of democratization. To understand how and why the United States abolished its most explicit barriers to

racially-inclusive democracy during the 1960s, the paper presents a modification of these comparative frameworks that zeroes in on the alliances forged between economic class actors and the social movement organizations demanding racial equality; the difficulties inherent in their formation; and the implications of these coalitions for political elites' responses to both suffragist and economic demands. It concludes with a call to reconsider the relevant set of countries with which to compare the American democratization experience. In particular, it proposes a move away from the tendency to declare the United States "exceptional" for its failure to match classic European patterns of political development and suggests instead that the profound repercussions of its racial heritage make the American case more instructive for and comparable to other countries in which racial classifications govern the distribution of political power and authority.

### "The Politics of Anger: Southern Strategy and Rise of Negative Campaigning"

Lilly J. Goren, Carroll College

Much has been written about the southernization of the United States. In 2006, Southerners hold in a variety of leadership positions at the national level. What does this have to do with the politics of anger? A lot—because the politics of anger seems to have grown out of the evolution of the Republican Party's southern strategy. When approaching this idea that the American electorate is angry, I needed to understand if this was novel. If so, where had it come from, how had it arrived on the scene, and how does it work? Electorates are often angry, this is part of the way that they are enervated to go out and vote—the old "throw the bums out" mentality. But recent election cycles have suggested an entrenched rage within the American electorate, especially among those who are voting for the Republican candidates and following right wing or conservative media. Democrats are also mad, but there seem to be different angers, depending on the side of the aisle from which one votes. There is a connection between the rise of the politics of anger, the full implementation and evolution of the GOP southern strategy, and the decades long ascendance and growth of negative campaigning as the primary means of connecting with the public and getting voters to vote against an opponent (as opposed to for a candidate.) The politics of anger is how the political landscape in the United States looks today. This perspective, one of an angry and energized electorate, grew out of the shift in campaigning from positive to negative. The rise of negative campaigning has been extensively studied, is shown to be successful, and shows no sign of reversing. At the same time, negative campaigning has given rise to a variety of outcomes, expected or unexpected—and one of the main outcomes is this angry electorate. There is a symbiotic relationship between the evolution of the southern

strategy and the implementation of negative campaigning. The former led to a shift of white voters in the South from the Democratic Party to the Republican Party, maintaining the "solid south", just shifting the electoral outcomes from the Democratic column to the Republican column. Negative campaigning has led to something much more troubling for democracy, namely the alienation of the citizens from their government. This alienation is based on the stirring up of anger and rage and resentment towards the federal government—a result that makes governing, by either Republicans or Democrats, very difficult. This paper explores the connection between the rise of negative campaigning, the evolution of the Southern strategy and the angry American electorate. Long term impact and the difficulties for governing with an angry electorate frame the discussion.

### "Connecticut Federalism: A Restatement of Roger Sherman's Political Thought"

Michael W. Hail, Morehead State University

Federalism scholars are divided as to the causes and importance of the generally agreed nationalization of power in the American system of federalism. This research seeks to understand Roger Sherman's political thought as the theoretical foundation of the Connecticut Compromise that was the cornerstone of federalism in the constitution of 1787. By understanding this Connecticut Federalism and its foundational theory, one can better evaluate the present state of federalism and understand the policy potential of the era of devolution. Like federalism scholars division over federalism, Roger Sherman's role and thought are divided in their assessments in the literature as well. Noted federalism scholar David Walker has described it as "Roger Sherman and other antinationalists (not to mention Montesquieu)" and termed their position as the "small-republic thesis" of "state sovereignty men." Donald S. Lutz described the Connecticut statesman as entering "the constitutional Convention a strong confederalist, yet [Sherman's] extensive national experience had also marked him as a man of national vision." And as M.E. Bradford noted, "It was as much Sherman's constitution as Madison's or Wilson's. Otherwise, Connecticut would have voted a resounding "no."

The foundation of the modern question of the balance of federalism can best be understood as a consequence of the erosion of Connecticut Federalism. Connecticut Federalism refers to the original federalism resulting from the Connecticut Compromise as articulated by Sherman and approved at the Philadelphia Convention. Along with Benjamin Franklin, Roger Sherman was the elder statesman of the 1787 Philadelphia Convention. Sherman represented the old New England Federalist perspective that served as a counterweight to the new Whiggery of Alexander Hamilton. Sherman held a unique combination

of views in that he believed in a national government of limited and granted powers, but one having strong powers, especially with respect to commerce. As M.E. Bradford noted, “[Sherman] fostered the Connecticut Plan not only to protect the small states, but also to protect the states *per se*.” It was his views of state sovereignty that made him a unique federalist, and in consideration of his complex political thought, made his debate during and after the convention an important contradistinction to Hamilton and Madison. This paper presents a restatement and interpretation of Sherman’s thought which provides an evaluative framework for understanding modern federalism and the challenges of devolution.

“Social Movements and Political Success: Civil Rights Outcomes in Public School Desegregation and Voting Rights”

Joseph E. Luders, Yeshiva University

Under what conditions do social movements succeed in winning concessions from political actors? Surprisingly, social movement theory has largely neglected studies of legislative politics and interest organizations. In this paper, I combine these bodies of research from political science with the sociological literature on social movement outcome. This analysis begins with the assumption that elected officials are mainly concerned with their reelection and their cost perceptions based upon calculations of electoral advantage. Organized interests and social movements matter to elected officials insofar as they control votes, campaign contributions, volunteers, or other electorally useful resources. By threatening elected officials to withhold or shift their electoral support to an opponent, movements can impose disruption costs upon their political targets. Weighed against these disruption costs, public officials estimate the costs of acceding to movement demands as well. The electoral costs of allocating new benefit-seekers depends upon mass preferences and, in particular, public attentiveness. If mass publics are attentive and opposed to movement demands, then success is unlikely as elected officials conform to the preferences of the median voter. By contrast, if mass publics are inattentive, indifferent, and likely to remain so, movements are expected to bargain with elected officials for the provision of new benefits. For elected officials, then, it is useful to distinguish between those public policies that are likely to be salient for their constituents from those that will be less so. From this rudimentary starting point, I devise a set of hypotheses about the responsiveness of political targets to social movement demands. I evaluate the merits of this approach in an analysis of the civil rights movements in two areas: public schools desegregation and voter registration in the 1960s. I suggest that variation in degrees of success in these two domains depended upon the public attentiveness to the costs of movement demands and the strength of key electoral constituencies.

“The Paradox of Retrenchment: Post-WWI Republican Ascendancy and the Triumph of the Modern Fiscal State”

Ajay K. Mehrotra, Indiana University, Bloomington

Scholars have long noted that the First World War fundamentally transformed nearly every aspect of twentieth century American life. Nowhere was this more apparent than in the realm of federal tax policy, where the Great War ushered in nothing short of a fiscal revolution. The reverberations of this revolution were felt throughout the century, but particularly during the postwar decade of the 1920s - a time that historians have generally described as a period of political and economic retrenchment. This paper explores the question of how redistributive tax laws and policies were sustained in the face of a “return to normalcy.” I contend that after the Great War many of the initial opponents of tax reform became convinced of the need to maintain a permanent, progressive income tax. Even business leaders such as Andrew Mellon, who was Treasury Secretary during the Republican-dominated 1920s, began to reconsider their opposition to a robust fiscal state. Although Mellon and his supporters were able to dismantle the steeply progressive rate structure of the wartime tax regime and to repeal such anti-corporate measures as the excess-profits tax, they soon realized that the transformation in political and legal culture wrought by the war had reconfigured the relationship between citizens and their state. Thus, the tax laws and policies of the 1920s were not an end to progressive reform, as many scholars have claimed. Rather the continued commitment to graduated taxes was a vindication of the progressives’ social democratic aims, at least in the realm of fiscal policy. The bold new ideas about the positive state articulated by reformers before the war had by the 1920s become an accepted part of the vocabulary of mainstream political, economic and social discourse.

“The White House Counsel and the Defense of the Presidency: 1960-2006”

Darby Morrisroe, *University of Virginia*

This paper explores the role and influence of White House Counsels in the defense of the institutional prerogatives of the presidency (1960-2006) and the institutional apparatus developed in the White House staff structure respond to such threats.

“All But Forgotten: Thomas Jefferson as an Administrative Creator.”

Stephanie P. Newbold, The University of Texas at Dallas

Thomas Jefferson’s contribution to the development of public administration in the United States has been largely neglected. During the early stages of his career, Jefferson

achieved extraordinary success as author of the Declaration of Independence and the Virginia Statute for Religious Freedom. His journey upward provided him with fame and the unwavering support of his countrymen. From 1776 onward, the majority of American citizens thought of him as a patriot and a proud statesman. At the end of his career, Jefferson's trajectory went downward, meaning he was not involved in creating ideas that would fundamentally alter political philosophy and the practice of republican government. Instead, he consumed himself with the tedious nuances involved in creating a state institution for higher education. In his role as the University of Virginia's chief architect, Jefferson designed its academical village, governing body, curriculum, textbook selection, library, and honor code while also taking an active role in faculty recruitment, student engagement, and maintaining the legislature's confidence. His adamant support of the University was based largely on the idea that the normative values embedded within the nation's constitutional heritage could not be achieved fully without an educated citizenry. Not until Jefferson reached retirement was he able to connect theory with practice and politics with administration. When this occurred, a marvelous, radically different state institution emerged that fundamentally changed the organizational structure of liberal arts education at colleges and universities across the nation. These efforts not only illustrate why Jefferson is an important, but sadly forgotten, figure of American administrative history but also why he is an administrative creator.

#### "Stokes Brothers: From the Projects to the Politics of Power in Cleveland"

Dr. Edward Jay Pershey, Director of Museum Services, Western Reserve Historical Society

A new exhibit, drawing on the papers of Carl and Louis Stokes at the Western Reserve Historical Society, explores the way that two Cleveland men changed American urban politics by challenging the color line at both the local and national arenas. 2007 marks the 40<sup>th</sup> anniversary of the 1967 election of Carl B. Stokes as Mayor of Cleveland, Ohio. One year later in 1968 Louis Stokes was elected to the U.S. Congress. Carl's mayoral victory opened the door for Black candidates across the country. Louis spent 40 years in the Congress. The Western Reserve Historical Society has mounted a public exhibit to bring into the public's eye the groundbreaking careers of these two political heroes who changed the face of urban politics in America. The foundation for this exhibit lies in the rich archival resources held by the Society, the Carl B. Stokes Papers and the Louis B. Stokes Papers. Coupled with related archival holdings in the Society's African American Archives, these papers provide an extremely deep and detailed resource for studying the changing face and nature of urban politics in America in the second half of the 20<sup>th</sup> century. The rise of the two Stokes Brothers is

purely a story of the American Dream come true. After their father died, Carl born in 1927 and Louis born in 1925 were raised by their widowed mother Louisa. In the 1930s they moved into Outhwaite Homes, one of the first Federally-funded housing projects in the country. After serving in the army at the end of WWII, the Stokes Brothers returned to Cleveland to continue school, eventually graduating from Cleveland Marshall Law School in the 1950s. Carl successfully staged a campaign to become Cleveland's Mayor in 1967. In the general election Carl, the grandson of a slave, defeated Seth Taft, grandson of President William Howard Taft. Louis sustained a career as a defense lawyer in Cleveland and went on to argue *Terry vs. Ohio* before the U.S. Supreme Court. In 1968 Carl's work on redistricting in Ohio in the legislature eventually created the new 21<sup>st</sup> District that had the potential to elect a Black Congressman. Louis took that challenge, winning the seat.

#### "The Rise and Stagnation of Gay Rights in American Political Development"

Jason Pierceson, University of Illinois at Springfield

This paper examines the development of the politics of gay rights using an APD framework. APD scholars have focused extensively on issues of race and gender, but issues of sexuality have been largely unexamined. The emergence of the gay rights movement has been explored tangentially in relation to other minority rights movements, but a full consideration is needed. The dynamics of development are often unique, especially in terms of developmental causes such as the Cold War. Sexual minorities have not been full beneficiaries of the "minority rights revolution." At the same time that the American state was taking on the cause of racial inequality, it was constructing sexual minorities and enemies and outsiders. Thus, this paper analyzes the cultural, legal, institutional, and policy conditions that led to the emergence of gay rights movement, particularly the issue of relationship equality by the early 1990s, and also explores the reasons for the comparative stagnation of policy change on behalf of sexual minorities in the United States. Why have claims for full citizenship by sexual minorities been marginalized while other claims have been more fully incorporated into policy and polity practices and culture? Key moments of development are explored, as well as constraints such as a political culture grounded in a limited, mostly libertarian, liberalism and ascriptive and moralistic rhetoric and cultural frames. In addition, the role of legal and political elites is explored, with particular elaboration of the role played by courts in the development of the movement.

## “The Cold War Mobilization of Christians in the United States”

Andrew Schlewitz, Albion College

Drawing on archival material from the Eisenhower library, this paper recounts the Cold War mobilization of Christians in the United States, either through grassroots efforts by groups in civil society, or orchestrations by the government. Navigating between the fierce criticism of Christian fundamentalists and the biting commentary of intellectuals, the Eisenhower administration tried to harness the stalwart anti-communism of the Catholic Church, and worked to win over liberals at home and abroad, as well as leaders of non-Christian faiths, by quietly, even covertly, supporting Christian ecumenicists and ecumenical movements. The administration and Congress instituted state religious rituals and welcomed Protestant efforts to evangelize the public square, religious, civic, and media organizations worked to infuse daily life and the Cold War with sacred meaning. In ideological terms, this was nothing new. Since Independence, Americans had described themselves as having a special mission in and to the world, one sanctioned by God, and administrations had described their aggressive actions abroad in terms of divine providence. In institutional terms, however, the early Cold War state built a civic religion with a Protestant evangelical sensibility, including a millenarianism that dovetailed nicely with the modernization perspective that prevailed among policymakers and scholars. These sacred and secular versions of mission confirmed and codified the US's Cold War stance, and gave the President and other officials an expansive rhetorical repertoire for describing and explaining US foreign policy among themselves, and to the public.

## “Public Goods and a Theory of Groups: The Importance of Increasing Returns”

McGee Young, Marquette University

The influence of collective action theory pervades the study of interest groups despite repeated demonstrations that it fails to account for the great proliferation of groups in the past half-century. New theoretical traditions in economics offer an alternative model to explain interest group formation by pointing to the importance of competition among groups for the attention of members. This paper introduces a new theory of interest group development based on the model of endogenous technical change, part of the intellectual movement in economics that has produced the literature on path dependence. It suggests that interest group development depends on environmental factors and relationships with other political actors more so than individual decisions to join or free ride. The implications of this model place interest groups directly in the path of political development and call for greater attention to the impact of interest groups on historical processes.

## “Letting Politics Make Law: The Judicial Restraint of the Warren Court”

Rebecca E. Zietlow, University of Toledo, Law

In politics and in academia, the Warren Court is virtually synonymous with the term “judicial activism.” The many “activist” rulings of the Warren Court expanding individual rights and the jurisdiction of federal courts are the paradigmatic example of courts protecting the rights of minorities. Yet this article points out another side of the Warren Court’s jurisprudence – its restraint towards congressional power, especially when Congress used that power to protect the rights of minorities in our society. It considers the role of a particular set of rights - rights of belonging – those rights that that promote an inclusive vision of who belongs to the national community and facilitate equal membership in that community. In a series of landmark decisions articulating its deference to Congress, the Warren Court invited and encouraged popular constitutionalism, enabling members of Congress to use their own judgment in defining and protecting rights of belonging. Understanding the Warren Court’s restraint provides an opportunity to reconsider the proper relationship between courts and legislatures with regard to rights of belonging. In recent years, opposing “activist judges” has become something of a mantra for conservative politicians. Those on the political right most often use the term “judicial activism,” to refer to liberal judges striking down their legislation. At the same time, constitutional scholars have engaged in a parallel debate over the value of “popular constitutionalism,” that is, constitutional interpretation outside of the courts. Advocates of popular constitutionalism question the primacy of judicial review over constitutional interpretation by the political branches, while its critics maintain that judicial review is necessary for stable and principled constitutional interpretation. Critics of popular constitutionalism maintain that an active judiciary is necessary for the adequate protection of minority rights because equality norms need protection from majority rule, and with few exceptions even the staunchest proponents of popular constitutionalism agree. These scholars support judicial activism as a means of protecting minority rights. My account goes against this conventional wisdom. The Warren Court’s activism in protecting individual rights is the basis for this conventional paradigm. Yet the Framers of the Fourteenth Amendment intended Congress, not federal courts, to be the primary protectors of those rights. The Warren Court understood this, and allowed Congress ample opportunity to do so. Starting in the early 1960s, Congress enacted numerous measures expanding rights of belonging. The strongest contribution that the Warren Court made to expanding equality rights was not its judicial activism in protecting those rights, but its restraint in allowing Congress to protect those rights.

**Abstracts of Papers Presented at  
Politics and History Panels at the  
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“Rise of the Hudson Progressives: Roosevelt, Wilson and the New American Executive, 1881-1911”  
Saladin M. Ambar, Rutgers University.

This paper examines the rise of modern executive leadership in the converging political stories of two governorships that foreshadow later presidential experience. Theodore Roosevelt and Woodrow Wilson’s anti-machine politics, executive philosophies, legislative, and party leadership are detailed in light of changing notions of executive responsibilities. The outlines of the modern presidency come into focus through an account of TR and Wilson’s governorships. The examples of Roosevelt and Wilson –and their progeny –as state executives, have been for the most part disconnected from the larger story of how moderns reconceived the office of President. This paper posits that newly emerging Progressive Era notions of executive power has been understudied, and in the main, undervalued. When considering the presidency’s shift toward legislative and party leadership, and the changed communicative avenues traversed by modern presidents, it is of great value to first see these phenomena altered by executives at the state level. From Grover Cleveland to Franklin Roosevelt, a progressive line of governors and governor-presidents helped construct an executive-centric governing philosophy that has uniquely stamped what we have come to know as the modern presidency. This paper explores one crucial dimension of that construction, while raising questions regarding its democratic implications.

“The Task at Hand: Race Relations Task Forces in American Politics,” Kevin Anderson, Eastern Illinois University

The issue of race relations in the United States has a complex history that helps lay the foundation for some of the most contentious political debates in American politics. How has government responded when the issue has demanded national attention? What policy proscriptions has government offered to solve this most vexing problem and have they led to genuine change or more political debates? This project investigates the large scale responses to racial problems and how they have impacted public policy in contemporary America. Have large scale disruptions led to significant changes in public policy? Can national attention create substantial debates

about the role of racism in America and can public policy address the moral problems associated with racial discrimination in America?

“Earned Luck: A Theory of Aspirant Opportunism and William McKinley’s Presidential Aspirations, 1890-1896.”

Lara M. Brown, Cal State University – Channel Islands

This paper offers a theory of aspirant opportunism that extends “ambition theory” and differentiates “the structure of political opportunities” from the opportunistic skills of presidential aspirants (Schlesinger 1966). It also details the political path that William McKinley traversed in the six years prior to his winning the presidency in 1896, exploring both his hard-earned achievements and his lucky breaks. One of McKinley’s presidential successors, William J. Clinton, used to quote an athlete who said: “the more I practice, the luckier I get” (Waldman 2000). This sentiment describes well McKinley’s case study and offers insight into the dynamics operating during presidential elections. It concludes that while exogenous events and electoral conditions, such as a poor economy or the presence of a war, may help explain an aspirant’s success or failure, the ways in which a presidential aspirant responds to luck and contingency, or “adds craft to accident” (Hyde 1998) matters as well. Thus, understanding presidential elections necessitates a better understanding of the aspirants who succeeded and those who failed and their varying opportunistic skills.

“Hierarchy and Hybridity: The Internal Postcolonialism of Mid-19<sup>th</sup> Century American Expansionism”

Kevin Bruyneel, Babson College

In this essay I argue that in some of the key documents, policies and governing practices of mid-19<sup>th</sup> century American expansionism we can see the compatible workings of *hierarchy* and *hybridity* in the relationship between race and nation in U.S. political development. Hierarchy and hybridity are the twinned components that I introduce to the well-worn, even tired, internal colonialism model so as to better account for the complexity of the interplay between racial and ethnic inequality and nation-building in U.S. political development. To develop this argument, I begin by explaining what I mean by hierarchy and hybridity, how I put them together, and in what way they can serve to rejuvenate the internal colonialism model to offer a stronger analysis of the colonialist dynamics shaping, in

particular, persistent group inequality in the United States. For the purposes of this paper, the main focus of my analysis is the Treaty of Guadalupe Hidalgo and its consequences. While this document specifically, and this time period generally, very much involve the concerns and status of indigenous people and African-Americans in the racial politics of American expansionism, for this paper I will focus on the case of Mexicans, but with the understanding that the insights articulated here, such as they are, need to be brought into conversation and context with those of the other two notable subaltern racial groups to get a full picture of the situation. With this focus in mind, I see in a few of the Treaty's key clauses, as well as in subsequent legislation such as the California Land Act of 1851, the internal colonizing process by which Mexican citizens were drawn into the American polity on hierarchical and hybridic terms, requiring both their subjugation in the politics, culture and economy of the United States and the creation of a new ethnic identity for them that emboldened the nation's racial order.

"H.R. Haldeman's Theory of White House Management," Michael Burton, Ohio University

H.R. Haldeman was more than just "Nixon's son-of-a-bitch"; he was Nixon's personal bureaucrat. Nixon preferred hierarchy over collegiality, and He charged Haldeman, a corporate executive and political "advanceman," With developing the organizational structure that would govern the Nixon White House even after Haldeman was forced to resign. It was a critical change. The Nixon-Haldeman approach has outlived well-intentioned efforts by later presidents to abandon it. Indeed, no president since Nixon has been able to operate effectively without a chief of staff willing to emulate, at least partially, the management style that Haldeman established. This paper uses Haldeman's notes, memoranda, diaries, post-hoc reflections, and administrative actions - particularly from the first year of Nixon's tenure to reconstruct Haldeman's theory of White House management, emphasizing the interrelated elements of the Haldeman approach: organizational hierarchy, output-oriented standards, presidential sanctuary, and above all, institutional loyalty.

"Luck and the Speakership: The Rise of Sam Rayburn to Leadership in the House of Representatives"  
Anthony Champagne, University of Texas.

This paper examines the personal and factional divisions in the U.S. House of Representatives that led to Sam Rayburn's rise to the Speakership. Becoming Speaker was a childhood ambition of Rayburn's. However, it took

much good fortune as well as alliances with John Garner, Franklin Roosevelt's New Deal, and the Southern wing of the Democratic Party for Rayburn to finally achieve his goal twenty seven years after first entering the House.

"Uncertainty and the Ideological Consistency of Roll-Call Voting in the U.S. Senate: The Case of Black Voter Enfranchisement in the U.S. South, 1961-2004."

Christian R. Grose, Vanderbilt University & Antoine Yoshinaka, University of California-Riverside.

Can inconsistency in legislators' voting records be explained by the uncertainty they have about their constituents? Why does a two-dimensional model of roll-call voting explain the votes of some legislators better than others? We present an uncertainty-based theory of legislative search and ideologically inconsistent voting. We test this theory by examining whether U.S. senators' uncertainty about their constituency leads to higher levels of inconsistent voting in Congress. Over the time period 1961-2004, we compare southern senators who faced large shifts in the racial makeup of their electorate due to enfranchisement with southern senators from more stable constituencies. We also examine other factors related to legislator uncertainty, such as legislators' backgrounds. We find that uncertainty due to black enfranchisement and uncertainty due to legislators' backgrounds both lead to higher ideological inconsistency among U.S. senators. Our results suggest that what some call "maverick" behavior by legislators can be better characterized as best responses to a changing environment.

"Woodrow Wilson's Abraham Lincoln."  
Jason Jividen, Northern Illinois University.

As part of his effort to transform American political institutions in the name of progress, Woodrow Wilson sought a new role for the American presidency, in which an active executive, as the embodiment of the popular will, leads the nation toward "genuine" democracy. In sketching out his vision for the progress of American government, Wilson appeals to the image of Abraham Lincoln, and once famously declared that the Lincoln example vindicates America's faith in democracy. But to appreciate Wilson's Lincoln, one must understand exactly what Wilson thinks we are to believe in. That is, what does Wilson understand democracy to be, or what American democracy should be? When Wilson suggests that the Lincoln example makes it possible to believe in democracy, the democracy in question is

based upon principles fundamentally opposed to Lincoln's own political thought. In appealing to Lincoln, Wilson seeks to undermine and replace Lincoln's political principles.

#### “Cosmopolitanism and Its Challengers.”

Aaron Keck, Rutgers University-New Brunswick

Following the work of Hartz and Hofstadter, the study of American political thought has generally emphasized the role of consensus, particularly with respect to the liberal tradition in American history. But merely emphasizing the liberal *consensus* does not, in itself, enable us to account for the parallel experience of great *conflict* in American history—conflict that cannot be explained, if we accept the Hartz thesis, simply in terms of a grand struggle between “liberalism and its challengers.” To understand the nature of American political conflict, we must look beyond the consensus approach—and, to the extent that we accept Hartz, we must also look beyond the liberal tradition to an alternative theoretical perspective. My paper argues for a new approach to the study of American political history—one that emphasizes, not the role of liberalism, but the role of *cosmopolitanism* in the shaping of American political institutions and thought. I contend that the history of American conflict is best understood as a larger struggle between the cosmopolitan vision of the Enlightenment and the competing visions of ‘America’ that challenge it: pre-Madisonian republicanism; modern nationalism; and messianic, interventionist universalism. I conclude by sketching the ways in which this approach might manifest itself in the study of American political history, emphasizing the conflicts surrounding Constitutional ratification and the crises leading up to the Civil War.

#### “WWI Financing: Strategic Statism or Expediency?”

Gina Keel, State University of New York at Oneonta

World War I required massive financing in the United States and provided an opportunity to remake the public finance system at the national level. Did the Wilson Administration and Democratic congressional leaders advance goals other than expedient war financing? This paper considers whether they pursued a party program of direct, progressive taxation in the WWI period, and whether they sought to permanently increase state capacity and the power of national government to intervene in economic affairs. Democratic leaders pursued a “soak the rich” approach to taxation and aggressively built national capacity for fiscal and monetary policymaking according to some scholars. This paper critically examines these claims and

challenges the historical characterization of Wilson's “democratic-statist tax regime.” Archival materials do not support clear Wilson Administration goals or a legislative agenda to remake taxation policy, nor a consensus on policy and state building within the Democratic Party and its leaders. The executive did not dominate policy formulation and the branches did not reach policy consensus. Revenue acts were secured through negotiations with regular Democratic leaders in Congress, enabled by strong powers of committee chairs and prerogatives of the House. These rules or customs made extraordinary finance possible but empowered the legislative over the executive and triggered a confrontation between the houses of Congress. This paper also examines the adoption and administration of the historic, far-reaching corporate excess profits tax during the war. It argues that the Treasury's Tax Advisory Board used its administrative discretion to achieve what Treasury had failed to convince the House to draft—a strictly war profits tax. The Board was investigative but it also cooperated with trade groups, accountants and lawyers in drafting regulations. It represented state building, a kind dependent on the private sector, but not statism.

#### “Constitution as Clockwork: the Temporal Foundations of American Politics.”

Daniel Kryder and Sarah Staszak, Brandeis University.

Scholars of American politics are increasingly interested in analyzing the temporal nature of political change and political power. Recent works by Paul Pierson and Karen Orren and Stephen Skowronek have illuminated the ways that temporal sequence and “multiple temporal orders,” respectively, affect institutional stasis and change. Such research both rejects simple assertions about progress and historical periodization and also makes clear that time, while complex, is an “essential constitutive dimension of politics.” This paper examines the Framers' conceptions of time and political change over time, and analyzes the various concepts of time embedded in constitutional provisions. Some features of the Constitution, like staggered terms of office, purposefully disrupt uniform notions of time as a single recurrent cycle, in this case to break the power of factions cresting on waves of discontent. Some provisions created fixed terms—like four year terms—or periods of time; other provisions set deadlines, after which political possibilities will change substantially; other provisions—like election dates—create regular and repeated junctures. The Framers used a variety of such temporal schemes to make power more contingent, contested, and unpredictable. However, such constitutional provisions also create mechanisms of

regularity which help to periodize politics and locate power in ways that can be readily anticipated and analyzed. Thus, the Framers constituted American politics through a variety of notions of time. This paper will analyze such constitutional time(s) as a web of overlapping temporal logics and associate them with the foundational constitutional challenges of defining political agency, political processes, and political authority, following David Robertson's typology.

“The Seniority Ratio –Committee Prestige and Senate Priorities, 1947-2006.” R. Brian Law, UCLA

I present a new measure of committee prestige, the “Seniority Ratio”, and apply it to the United States Senate in the post war period, from the 80<sup>th</sup> to 109<sup>th</sup> Congresses. Several past measures, most notably the Grosewart Index have captured this phenomenon using the record of transfers among committees by members. In contrast the Seniority Ratio utilizes a different dataset, each Senator's years of service in the chamber. Making the assumption that a legislator's seniority factors into party leaders' committee seat assignment decisions, the Seniority Ratio calculates the average seniority for each committee controlling for turnover in the Senate membership. This yields a per Congress measure of committee prestige and by extension institutional priorities, as opposed to the more summary measures that relied on transfer data. The paper investigates the changes in committee prestige over time, by party and in relation to polarization. Of particular note, I see the partisan decline of the Foreign Relations committee and also the democratization of committees overall.

“JFK and the Cold War: The Role of Narratives in Political Decision-making” Gregg Lindskog, University of Virginia

This work is a part of a larger dissertation project on the presidency and presidential decision-making. It examines the tensions between the structural constraints of the constitutional presidency and non-formal structures of decision-making to add to our understanding of how presidents understand their opportunity to effect broad political change. I argue that the presidency literature fails to incorporate the understanding and perspective of the president when analyzing regime change and institutional development. As a proposed remedy, this paper looks at non-formal structures or ideas that structure costs & bene-fits, and alter the scope of presidential contemplation and action. Building upon the literature of historical analogies,

analogical and metaphorical reasoning, and heuristics, I argue that presidents often construct narratives that share many common traits with analogical and heuristic devices. These narratives act as a supplement for conditions of incomplete or inconclusive information. They transmit values, dictate the options that are considered, and define the feasibility of proposed options, etc. However, these narratives defy the contextual findings of the existing literature on analogical reasoning by suggesting that A) they are simultaneously used in domestic as well as foreign policy arenas and B) they are used in situations that are not exigent. This chapter uses John F. Kennedy and his administration as a case study. Following on work by Neustadt (1960); Neustadt (1964), and Landy and Milkis (2000). I argue that Kennedy incorporated a narrative into his decision-making. Kennedy's dominant narrative focused around the Cold War and the potential of nuclear holocaust. I show how the narrative was developed and how Kennedy adopted it. I also illustrate how Kennedy incorporated the narrative into his decision-making processes and how this narrative was interpreted by other political actors (thus showing the dynamic nature of this process). Finally, I show how this narrative impacted policy outcomes.

“Two American Jeremiads: Capacious and Constraining Stories of American Nationhood” Andrew R. Murphy, Christ College, Valparaiso University

This paper examines two prominent examples of the American jeremiad political narratives that identify contemporary social problems, contrast contemporary degeneracy with past virtue, and warn of dire consequences if behavior is not reformed the Christian Right jeremiad of the 1980s and one presented by Abraham Lincoln and Frederick Douglass during the mid-nineteenth century. After considering the various identity-forming functions that political narratives serve, as well as their attendant dangers of oversimplification and obfuscation, I contrast *capacious* jeremiads (exemplified by Lincoln and Douglass) with *constraining* ones (exemplified by the Christian Right). The former draws on founding principles, and offers an opening for development of those principles in new and different contexts; the latter understands the past as a kind of limiting condition, and takes as its historical ideal a set of empirical social conditions that the present should seek to mirror as closely as possible. I close by considering the implications of these two different ways of understanding the relationship between the past and the present for the future of American politics and religion.

“The Presidency and the Challenges of Regime Building.” Curtis W. Nichols, University of Texas and Daniel Franklin, Georgia State University.

Stephen Skowronek’s study of presidential leadership and recurring patterns of regime development in *The Politics Presidents Make* (1993) has added significant depth and richness to the scholarship of both the presidency and American political development. However, despite its well-recognized insightfulness, this line of analysis has — in our opinion— inspired far too limited of a research agenda. In this paper we seek to redress this issue by first coming to terms with the theoretical difficulties in Skowronek’s work which we conclude have stymied deeper and wider utilization of a ‘regime approach’ to the study of politics. Specifically, we reconceptualize the concept of “political time”— one of the central constructs of Skowronek’s work, in order to account for the cumulative evolution of the presidential institution and account for the partisan nature of the regime. We do this by analyzing the evolution of the presidency through the conceptual lens of Arnold J. Toynbee’s historical meta-theory of change, “challenge and response” (1939). This allows us to better define the dynamics of regime building by showing that past reconstructive presidents, like Theodore Roosevelt and Ronald Reagan, had a greater range of challenges and therefore meet them with a greater range of responses than has been previously acknowledged. This correction allows us to revitalize Skowronek’s regime approach by demonstrating that its overly pessimistic conclusion —that we are at the end of political time— is not accurate.

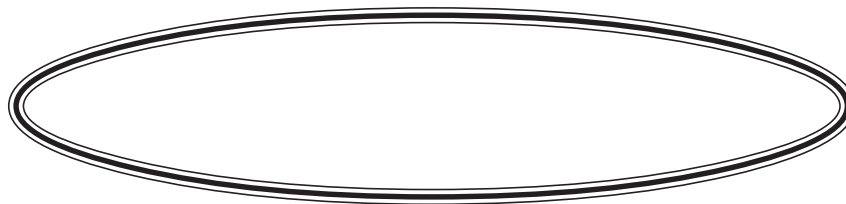
“Leading the People Away from the Presidency? Paradoxes of the Whig Inaugurals.” David Siemers, University of Wisconsin-Oshkosh

Many paradoxes of the presidency have been recognized and this paper adds to the list: Whig Inaugural addresses were paradoxical endeavors. We know from Jeffrey Tulis and Samuel Kernell that “going public” threatens a traditional conception of the proper executive-legislative

relationship. Each of the elected Whig presidents (W. H. Harrison, Taylor, and the former Whig Lincoln) could have chosen not to deliver an inaugural address. They voluntarily chose to go public in a situation where they could have begun a new tradition that refocused attention away from the presidency. Instead, they chose to use the bully pulpit, despite their legislative-centered philosophies. The content of their speeches deepens the paradox because each of these presidents, in their own ways, stressed limitations on presidential power. Thus, they used the bully pulpit to lead people away from the presidency. However, simultaneously a second level of paradox is revealed in the programmatic content of their speeches. Try as they might, these presidents each injected themselves deeply into the policy battles animating the politics of their time. They offered suggestions for policy which focused leadership in the presidency, undermining the Whig philosophy and they framed issues in a way which deeply injected them into the partisan battles of the day. Try as they might, practical politics prevented the Whig presidents from fully realizing their philosophic commitment to a limited presidency.

“Judicial Review of Congress before the Civil War.” Keith E. Whittington, Princeton University.

This paper reevaluates the history of Supreme Court constitutional review of Congress from the founding to the Civil War. The standard historical narrative says that the Court rarely reviewed federal legislation and only struck down the application of federal laws twice. The standard narrative is wrong. The paper identifies 60 instances of judicial review of the legislative powers of Congress by the U.S. Supreme Court during this period, including 19 cases in which the Court invalidated or narrowed federal law on constitutional grounds. The paper considers how this early history of judicial review helped routinize the practice of judicially enforced limits on federal power and how the substance of the Court’s review fit into the state-building and institution-building projects of the early republic.



# Attention Workingmen!

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..... GREAT .....

# MASS-MEETING

TO-NIGHT, at 7.30 o'clock,

..... AT THE .....

HAYMARKET, Randolph St., Bet. Desplaines and Halsted.

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Good Speakers will be present to denounce the latest atrocious act of the police, the shooting of our fellow-workmen yesterday afternoon.

Workingmen Arm Yourselves and Appear in Full Force!

THE EXECUTIVE COMMITTEE.

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# Achtung, Arbeiter!

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G r o ß e

# Massen-Versammlung

Heute Abend, 7 1/2 Uhr, auf dem

Heumarkt, Randolph-Strasse, zwischen  
Desplaines, u. Halsted-Str.

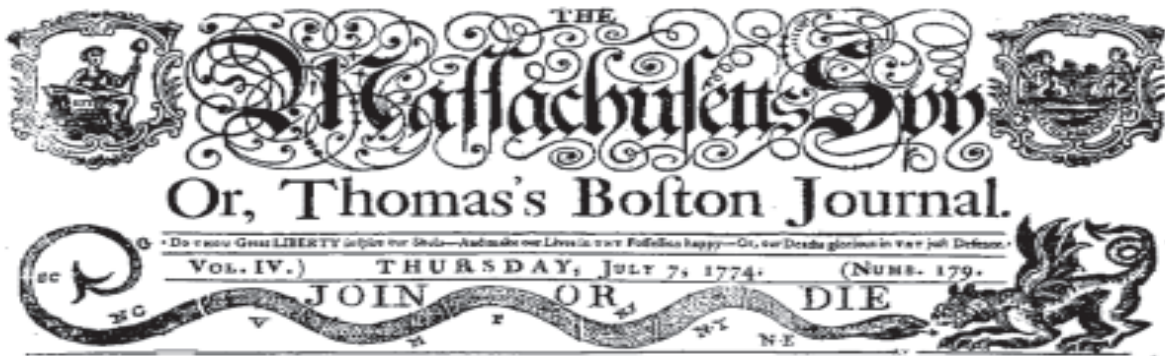
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☛ Gute Redner werden den neuesten Schurkenstreich der Polizei, indem sie gestern Nachmittag unsere Brüder erschoss, geißeln.

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☛ Arbeiter, bewaffnet Euch und erscheint massenhaft!

Das Executiv-Comite.



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southern agrarians) vied for intellectual influence with Chicago School libertarians, radical Ayn Randian objectivists, Roman Catholic Thomists, Straussians, country-club business Republicans, and liberal anti-communists. All of these perspectives – and some more than others – held views about the role of law, courts, and the U.S. Constitution.

The neoconservatives – the subject of relentless chatter in the aftermath of President George W. Bush’s Iraq War troubles — were late-comers to this conservative coalition. They nevertheless, in their day, made a significant, and distinctive, contribution to contemporary conservative understandings of law, constitutional interpretation, and the courts. Today, many mistakenly consider neoconservatism as primarily a foreign policy outlook. Neoconservatives, however, focused heavily – indeed, mostly — on domestic policy. In their discussions of domestic policy, they devoted sustained attention to the study of courts as institutions, and worried over the limits of judicial power. Indeed, there is little in contemporary scholarly discussion focusing skeptically on courts as institutions, and the limits of judicial power, that wasn’t said earlier by neoconservatives writing for the main neoconservative intellectual journals, *The Public Interest* and *Commentary*, in the 1960s and 1970s.

Who were the neoconservatives, and how do we know neoconservative legal thought when we see it? Both determinations are dicey – in no small part because, in the heyday of neoconservatism, neoconservatives did not identify themselves as such — or even as conservatives. The neoconservatives were liberal Democrats, some of whom, in time, eventually ended up voting Republican, and some not. They were (to generalize) a group of New Deal-Great Society liberals, many of them urban Jewish intellectuals from New York City, who became increasingly preoccupied with the flaws and excesses of twentieth century liberalism and sought to reform it. As such, their intellectual engagement was not with the various factions that constituted mid-century conservatism, but almost entirely with other liberals: they were, as we say today, liberal

Democrats searching for a moderate and responsible “third way.”

Contemporary stereotypes of the neoconservative outlook, shaped almost entirely by a reaction against the George W. Bush administration, hold it to be marked by arrogance, moral absolutism, an inability to listen to diverse points of view, an imperviousness to scientific and social scientific evidence, an obsession with principled abstractions (as opposed to real-world facts), and an insouciance about governmental competence. The actual articles published by neoconservatives in the movement’s heyday, however, tell a decidedly different story. When it came to law, the neoconservatives were policy wonks. With titles like “The Photocopying Revolution and the Copyright Crisis,” “Should Judges Administer Social Services?” “School Desegregation and the Limits of Legalism,” “The Graying of Civil Rights Law,” and “Social Science and the Courts,” neoconservatives writing in *The Public Interest* evinced an almost obsessive engagement with empirical social scientific and scientific evidence, in a spirit of skepticism and humility. Self-evidently impatient with abstractions and philosophical foundations, the articles are preoccupied with questions of practicality, real-world effects, and institutional capacity and competence.

Neoconservatives writing about the Constitution and the courts were not nostalgic for a “lost” constitutional order, and did not pine for the eighteenth century. They welcomed the New Deal and the modern administrative state as necessary adjustments to modern conditions and a force for progress in American life. They were defined, however, by their increasing disillusionment with the practice of administration, and the assertion of power by courts, during the Great Society – which many neoconservatives had initially supported (and, indeed, participated). Certain neoconservative themes emerged. Foremost was the recognition that the modern administrative state accorded a privileged position to intellectuals (like them) in the formulation of public policy. They insisted upon the

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open recognition that policy intellectuals were an identifiable social type, possessed of a characteristic set of blind spots, obsessions, and ideologies that no one concerned with the real world effects of public policy could safely ignore. One of these was a marked disposition toward moralism, which tended to focus on the laudable motivations behind a public policy initiative rather than on hard-headed calculations concerning the initiative's likely effects. Another was the narrowness of focus and expertise of the new liberal policy elites. These single-issue experts were trained to intervene in a sprawling, multi-institutional system as if it had only a single dimension – the one they were charged with addressing. Neoconservatives insisted that the policy landscape be understood as a whole, and that any intervention aimed at a single issue or a single institution was likely to have important implications, as part of a complex system, on other, apparently unrelated policy initiatives or institutions. Unreformed liberalism would thus have a systematic bias toward the formulation of public policy that seemed to liberal policy intellectuals eminently rational, but wasn't.

Neoconservative intellectuals like Nathan Glazer and Daniel Patrick Moynihan pioneered the contemporary critique of courts as policymaking institutions. While law professors and constitutional theorists treated many of Warren and Burger Court rulings as amounting to little more than, at long last, the realization of the meaning of abstract principles like “equal concern and respect,” and political scientists were preoccupied with observing that, over the long term, the Court's decisions track trends in public opinion, the neoconservatives noticed, and extensively considered, a paradigm shift toward an increasingly legalized polity, where courts, as institutions, and lawyers more generally, were being asked to assume new tasks, with broad-ranging implications for both the political culture and the entire of the political system.

The neoconservatives were amongst the first to notice, for example, the increasing prevalence of collusive suits in which a sector of government – the ostensible defendant – would play dead in court, seeking a “losing” verdict against it that would, in its

real-world effects, amount to a victory because they had, in fact, won a court order command the legislature to raise its budget. The neoconservatives engaged in exhaustive studies of the drawbacks of public policy determinations via dichotomous rulings on the grounds of rights – which took no account, for example, of the sort of systemic budgetary considerations that might lead a state facing a costly verdict concerning its prisons might have on its aid to education, or the poor. And they demonstrated, through detailed studies of the administration of Great Society legal programs (like the OEO) the degree to which the objectives of politically committed, single issue “public interest” lawyers might diverge from those of their putative clients. The neoconservatives, in short, engaged in rounded studies of public policy initiatives as they operated in complex governmental systems. The actions of courts and lawyers, and the questions of constitutional interpretation facing them, could only be understood, they insisted, as one dimension of an inherently holistic policymaking process.

Over time, the neoconservatives – who understood themselves to be non-ideological – made common cause with the conservatives on many legal and constitutional issues, not on the fidelity grounds that the courts they were criticizing were insufficiently faithful to the wisdom of the Founders, or, on the populist grounds that, in exercising their judicial review powers, the courts were heedless of the voice of the people, but rather on the instrumentalist and consequentialist grounds that the *modus operandi* of the courts did not advance either the legitimate objectives of either the groups they were endeavoring to serve (like blacks, women, and the poor) or the broader “public interest.”

Why has this strain of contemporary conservative thought on law, the courts, and the Constitution been so neglected? Part of the explanation lies in the politics of coalition after victory. After 1980, many (though not all) neoconservatives began to define themselves as part of the Republican coalition (as opposed to dissenting liberals), and their views on law and courts were subsumed under those of the constitutional visions of

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others in the Republican coalition. Another part of the explanation, however, reflects the internal intellectual dynamics of neoconservative thought itself.

The account provided above captured the core of neoconservative thinking about law, the courts, and the Constitution in the 1960s and 1970s. But two very significant scholars not commonly identified as neoconservatives forged many of their ideas as significant contributors to the leading neoconservative journals. Yale Law Professor Alexander Bickel – who many consider to be the progenitor of much of contemporary constitutional theory – published extensively in *Commentary* during the period. Bickel’s worries about the “countermajoritarian” implications of judicial review sought a classically neoconservative “third way” that would both welcome many of the innovations of modern liberalism, but insure that they were not pushed to excess by particular policy elites (here, judges). And Martin Diamond, a Straussian, published important articles in *The Public Interest* on the relevance of the political thought of the American Founders to contemporary constitutional practice. But, in so doing, he took on both liberals and conservatives for their misapprehensions of both the nature of the constitutional Founding, and the reasons it is relevant today. The relationship between the (predominating) institutional policy analysis in these journals with the ideas of Legal Process scholars like Bickel, and Straussians focused on the American Founding like Diamond, is complicated, and worth considering more fully. I suspect it has a fair amount to tell us about the future trajectory of (neo) conservative legal and constitutional thought.

So too do other defining characteristics of the neoconservative outlook more generally that I neglected in my law-focused discussion above. First was neoconservatism’s moral strain, which was actually quite pronounced. Neoconservatism’s preoccupation with morals, however, was readily distinguishable from other forms of conservative (and liberal) moralism. For instance, when neoconservatives, discussed the significance of personal responsibility, public order

and decency, religion, and the family (as many did), they did so in a consequentialist and pragmatic (as opposed to a foundationalist) way. Whether they believed in God or not (which was often not clear), they were convinced by empirical evidence of the social benefits of a society where people, generally speaking, were inclined toward religion, and responsible (here, they shared much with Tocqueville). They found the claims of many liberals that the cure for rampant urban crime could be found only by addressing supposedly systemic “root causes” such as income inequality, as opposed to matters of personal responsibility, or belief in a higher moral order, to be, on empirical grounds, utterly unconvincing. They were some of the polity’s leading advocates for public policies that encompassed built-in incentives for moral, as opposed to anti-social, behavior – not out of the deep “faith” or heartland Christian piety of some other conservatives, but because to do otherwise would, as a matter of sound public policy, would be simply perverse and counter-productive. Put otherwise, the neoconservatives – often reacting against the countercultural values of the 1960s, emerged as prominent champions of bourgeois values. In so doing, these skeptical New York Jewish intellectuals became allies of pious and believing Main Street middle America. This alliance was increasingly cemented by neoconservatism’s staunch anti-communism (rooted in Cold War Liberal anti-communism) and pro-Americanism (which grew increasingly strident following encounters with the fighting anti-Americanism of much of the New Left). While *The Public Interest* focused almost exclusively on domestic matters, *Commentary* was (and remains today) deeply engaged in matters of foreign policy.

The Straussians also emphasized the virtues of liberal democracy in America. At the same time, they were acutely self-conscious about the weaknesses and vulnerabilities of such a political system. Many liberal anti-communists who became neoconservatives were reflexive modernists, and celebrated America’s pragmatic spirit. They often shared with liberals an acute sense of failings that country still needed to overcome – such as poverty,

urban crime, and racism. By contrast, the Straussians who celebrated America, were deeply conflicted modernists: they tended to emphasize instead the degree to which successful modern liberal societies were dependent upon deeper non-liberal commitments, such as a commitment to classical virtue, or belief in God and a transcendent moral order. Many Straussian scholars devoted themselves to an examination of the American Constitutional tradition. In doing so, they emphasized the degree to which the wisest of America's political thinkers — the Founders and Lincoln — had understood the foundationalist preconditions of a successful liberal democracy. And a group of law-focused Straussians, like Walter Berns, explained why, in some of its more recent decisions, the U.S. Supreme Court has misread the constitutional tradition in favor of a thin, and shallow, theory of antinomian individualism. The story of the contemporary neoconservatism that has occasioned the stereotypes about neoconservatives I noted at the outset is in significant part a story of how the moralist and foundationalist elements of neoconservatism came to predominate, or to be synthesized, under the aegis of the Straussian outlook.

In a recent public conference on the legacy of *The Public Interest* held at Princeton, my colleague Robert P. George, and *Weekly Standard* editor Bill Kristol suggested to me that this development didn't represent a substantive break between the neoconservatism of the 1960s and 1970s and that of more recent years. It represented, rather, a "thinking through" and a "deepening" of those insights on the nature of politics in America that neoconservatives had held from the beginning. This may well be the case. It is certainly how many contemporary neoconservatives see it. But the inclination to take philosophies down to their philosophical foundations, and to insist that day-to-day politics be discussed and practiced according to "first things" is, by definition, radical — it involves taking matters "to their roots" (liberalism is, in this respect, self-consciously non-radical, and sticks to its empirics). Whatever the logic of the matter, it seems clear that, in its spirit, much of contemporary

neoconservatism is of a different sort than the neoconservatism of *The Public Interest* and *Commentary* in their salad days. The neoconservative sensibility has been transposed from one of skepticism — indeed, impiety — to one of piety and faith. The preoccupations are with the questions, Whittaker Chambers, in *Witness*, insisted are the core questions of our time: 'do you have faith?' and 'do you believe?'

Which is perhaps another way of saying that the neoconservatives have become conservatives. So far as law, the courts, and the Constitution are concerned, the central question for neoconservatives, today — as for other conservatives — is whether we will appoint judges who will acknowledge the wisdom of the American founders, and, in deciding cases, faithfully implement the original meaning of the nation's foundational constitutional text.



THE U.S. SUPREME COURT UNDER CHIEF JUSTICE MELVILLE FULLER  
(1888-1910)

[HTTP://WWW.SUPREMECOURTHISTORY.ORG/02\\_HISTORY/SUBS\\_HISTORY/02\\_C08.HTML](http://www.supremecourthistory.org/02_history/subs_history/02_c08.html)

one in every 100 adults in the United States is in jail or prison today. This is five to twelve times the rate of Western European countries and Japan. These overall figures on incarceration belie the enormous and disproportionate impact that this bold and unprecedented social experiment has had on certain groups in U.S. society. If current trends continue, one in three black men and one in six Hispanic men are expected to spend some time in jail or prison during their lives.

The emergence and consolidation of the U.S. carceral state is a major milestone in American political development that arguably rivals in significance the expansion and contraction of the welfare state in the postwar period. What we have witnessed is a “durable shift in governing authority,” to use Karen Orren and Stephen Skowronek’s elegant definition of what constitutes political development.<sup>2</sup> The state began to exercise vast new controls over millions of people, resulting in a remarkable change in the distribution of authority in favor of law enforcement and corrections at the local, state, and the federal levels.

This explosion in the size of the prison population and the retributive turn in U.S. penal policy are well documented. But the underlying political causes of this massive expansion are not well understood, in part because political scientists have traditionally left the study of crime and punishment to the criminologists.<sup>3</sup> While outstanding work on the connection between politics and the carceral state is beginning to emerge in criminology, sociology,<sup>4</sup> and law, orthodox criminologists have tended to view the political aspects of crime and punishment “as both too simple and too elusive to warrant their attention.”<sup>5</sup>

Explanations for the rise of the carceral state vary enormously, but many of them do have one thing in common. They adopt a relatively short time frame as they focus on trying to identify what changed in the United States over the last 30 to 40 years to disrupt its stable and unexceptional incarceration rate and to bring back capital punishment with a vengeance. The half dozen major explanations—an escalating crime rate, shifts in

public opinion, the war on drugs, the emergence of the prison-industrial complex, changes in American political culture, and politicians exploiting the law-and-order issue for electoral gain—concentrate on developments since the 1960s. This focus on recent developments makes some sense. After all, from the mid-1920s to the early 1970s, the U.S. incarceration rate was remarkably stable, averaging about 110 state and federal prisoners per 100,000 people, or about one-fifth of today’s rate.

Explanations of the construction of the carceral state that emphasize recent developments challenge some of the central premises of how we understand American political development. If correct, they suggest that this may be an instance of a major expansion of the state and a radical shift in public policy that has shallow historical and institutional roots. In short, history and institutions do matter, but only in the broadest, most general sense. But contemporary penal policy actually has deep historical and institutional roots that pre-date the 1960s. Just as prisons are all around us, but we choose not to notice them,<sup>6</sup> crime and punishment have been central features of American political development, but we choose not to notice. Both state capacity to incarcerate and the legitimacy of the federal government to handle more criminal matters were built up slowly but surely well before the incarceration boom that began in the 1970s. Understanding the specifics of how this came about is a necessary precondition for understanding the construction of the carceral state.<sup>7</sup>

The political development of the carceral state is central to major themes and debates in American political development. First, it challenges the common understanding of the U.S. state as weak. Over the last three decades, the U.S. state has developed an awesome power and an extensive apparatus to monitor, incarcerate, and execute its citizens that is unprecedented. This development raises deeply troubling questions about the health of democratic institutions in the United States.

The construction of the carceral state also complicates our understanding of the role of race in American political development. It is a mistake to view the creation of the carceral state as merely the

latest chapter in a book that began with slavery and moved on to convict leasing, Jim Crow, and the ghetto to control African Americans and other “dangerous classes.”<sup>8</sup> While there are similarities between these institutions, it is important not to flatten out their differences and the differences in the political, institutional, and economic context that created and sustained them. Treating these institutions as one and the same minimizes the extraordinary nature of the incarceration boom in the United States since the 1970s. For all the horrors of the convict-lease system, relatively few blacks were subjected to it in the decades following the Civil War, though many more feared it. Today’s incarceration rate of 7,000 per 100,000 African-American males dwarfs the number of blacks imprisoned in the South under convict leasing.

Certainly American political development is exceptional because of the twin and related legacies of slavery and race. But the United States did not end up with the carceral state merely because racial cleavages have been so central to American political development. Prisons became one of the main arenas to respond to the unrest of the 1960s and 1970s because of the way race interacted with a complex array of other specific political and institutional developments. As Cathy Cohen and Michael Dawson remind us in their critical overview of the study of race in American politics, every time we use race as an explanation we need to problematize and contextualize it.<sup>9</sup>

The country’s racial divide both thwarted and facilitated the establishment of the carceral state. For much of U.S. history, racial, ethnic, and regional divisions periodically acted as a check on the development of criminal justice institutions, especially at the national level, even as they fueled popular passions to criminalize certain behaviors and certain groups. The moral crusades over issues like “white slavery,” Prohibition, and juvenile delinquency that regularly convulsed the country were a backhanded way of building up the criminal justice apparatus by fits and starts. Once Jim Crow came tumbling down in the postwar decades, the path was clearer for the rapid development of criminal justice institutions, especially at the federal level.

Attention to the historical and institutional development of the carceral state problematizes the conventional periodization of the last four decades as the country’s first real “law-and-order” era. Law and order was a recurrent and major theme in American politics long before the 1960s. A number of historically embedded institutional developments laid the foundation for the construction of the carceral state. These include, to list but a few, the historical underdevelopment of the U.S. welfare state; the early establishment of an extensive network of rights-based and other public interest groups stretching back to the 1920s that helped lodge capital punishment in the courts, not the legislature; the exceptional nature of the origins and development of the public prosecutor in the United States; and the country’s long history of morally charged crusades that helped build the law enforcement apparatus by fits and starts.

Finally, the contemporary law-and-order era turns out to be more fluid and contingent than is commonly assumed. Politicians so readily identified as penal hard-liners, like Nixon, Reagan, and even segregationist Lester Maddox did not immediately march in lock step toward the prison and the execution chamber after Barry Goldwater denounced the “growing menace” to personal safety in his electrifying speech before the Republican convention in 1964. Nor did these public officials singlehandedly impose the carceral state. As Skowronek reminded us more than two decades ago, “states change (or fail to change) through political struggles rooted in and mediated by preestablished institutional arrangements.”<sup>10</sup> For example, the campaigns against rape and domestic violence waged by women’s groups got funneled through a specific political and institutional context and got transformed in the process. The result was a more punitive environment that contributed to the construction of the carceral state. The powerful prisoners’ rights movement that emerged in the 1960s, which was premised on, among other things, calls for greater racial equality, helped propel a powerful law-and-order backlash whose wrath came down hardest on people of color.

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Political scientists need to accord the study of penal policy and crime control a central place in the study of American politics. As David Bazelon, the chief judge of the U.S. Court of Appeals in Washington, D.C., reminded the American Society of Criminology in 1977, “[P]olitics is at the heart of American criminology.”<sup>11</sup> We need to recognize that crime control strategies are profoundly political because they both reflect and direct the distribution of power in society.<sup>12</sup>

Many critical areas remain largely unexplored, including comparative and historical scholarship on criminal justice; the implementation of specific penal policies; and the collateral consequences of incarceration. Another critical area is the way the carceral state has started to subvert cherished democratic institutions. The carceral state has grown so huge that it has begun to metastasize and imperil fundamental democratic institutions like free and fair elections and an accurate census.<sup>13</sup>

While the fate of the welfare state has been a central concern of scholars of American political development, the carceral state has not. That is beginning change, with rising interest in the penal state from established scholars like Mary Fainsod Katzenstein, Desmond King, James Morone, and Austin Sarat, and up-and-coming scholars like Traci Burch, Khalilah Brown-Dean, Alec Ewald, Keally McBride, Lisa Miller, Naomi Murakawa, and Vesla Weaver.

The subfield of American political development is particularly well situated to take up some of the analytical and political challenges of the carceral state because of its emphasis on historical and comparative approaches to understanding public policy; its sensitivity to how institutions, social movements, political coalitions, and ideological communities develop over time, often in unanticipated ways with unanticipated consequences; and its growing appreciation of how cross-national and international developments affect public policy.<sup>14</sup>

Perhaps most importantly, the subfield of American political development has been more receptive to the *perestroika* movement’s call for

more scholarly work aimed at real-world problems. If we are to begin to dismantle the carceral state, scholars in political science, criminology, and other disciplines need to overcome their squeamishness about taking politics and policy seriously. They also need to view engaging the public in discussions about the future of the carceral state as part of their professional responsibility. To that end, the need is great for more and better research on the carceral state presented in ways that are readily accessible to policy-makers and the general public.

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<sup>1</sup> Gustave de Beaumont and Alexis de Tocqueville, On the Penitentiary System in the United States and Its Application in France (Carbondale: Southern Illinois University Press, 1979), p. 79.

<sup>2</sup> Karen Orren and Stephen Skowronek, The Search for American Political Development (Cambridge: Cambridge University Press, 2004), p. 123.

<sup>3</sup> There are some important notable exceptions, such as John DiIulio, Tali Mendelberg, Austin Sarat, Stuart Scheingold, and James Q. Wilson.

<sup>4</sup> See, for example, the recent work of Vanessa Barker, Katherine Beckett, Larry Bobo, David Garland, Jeff Manza and Christopher Uggen, Jonathan Simon, Bruce Western, and James Q. Whitman.

<sup>5</sup> Stuart A. Scheingold, “Constructing the New Political Criminology: Power, Authority, and the Post-Liberal State,” Law and Social Inquiry 23, no. 4 (Autumn 1998), p. 860.

<sup>6</sup> This is a paraphrase from Scott Christianson, With Liberty For Some: 500 Years of Imprisonment in America (Boston: Northeastern University Press, 1998), p. ix.

<sup>7</sup> For a development of these points, see Marie Gottschalk, The Prison and the Gallows: The Politics of Mass Incarceration in America (New York: Cambridge University Press, 2006).

<sup>8</sup> For a social control argument that stresses the continuities between slavery and mass imprisonment today, see Loic Wacquant, “Deadly Symbiosis: When Ghetto and Prison Meet and Mesh,” in Mass Imprisonment: Social Causes and Consequences, ed. David Garland (London: Sage Publications, 2001).

<sup>9</sup> Michael C. Dawson and Cathy Cohen, “Problems in the Study of Race,” in Political Science: State of the Discipline, ed. Ira Katznelson and Helen V. Milner (New York: W. W. Norton & Co., 2002), pp. 488-510.

<sup>10</sup> Stephen Skowronek, Building a New American State: The Expansion of National Administrative Capacities, 1877-1920 (Cambridge: Cambridge University Press, 1982), p. ix.

<sup>11</sup> David L. Bazelon, “The Hidden Politics of Criminology,” Federal Probation 42, no. 2 (June 1978), p. 3.

<sup>12</sup> Scheingold, “Constructing the New Political Criminology,” p. 857.

<sup>13</sup> Jeff Manza and Christopher Uggen, Locked Out: Felon Disenfranchisement and American Democracy (Oxford: Oxford University Press, 2006); and Marie Gottschalk, “Prisoners of the Census Bureau,” L.A. Times, February 19, 2007, p. A-19.

<sup>14</sup> Richard Bense, “The Tension between American Political Development as a Research Community and as a Disciplinary Subfield,” Studies in American Political Development 17, no. 1 (Spring 2003): 103-106

The nominating committee for the section is delighted to recommend the following nominations for approval at the section business meeting in Chicago:

President Elect: Richard Bense

Executive Council: Ruth Collier, Andreas Kalyvas,  
Joseph Lowndes, and Douglas Reed

Secretary/Treasurer: Dave Robertson

The nominating committee was comprised of myself as section president, the president-elect Kathy Thelen, Anne Norton, Stephen Skowronek, and Ellen Immergut. I would like to thank all of them for helping with this task. We had over 20 names in contention for council...and even had a run off election. It was a pleasure to see so many names put forward.

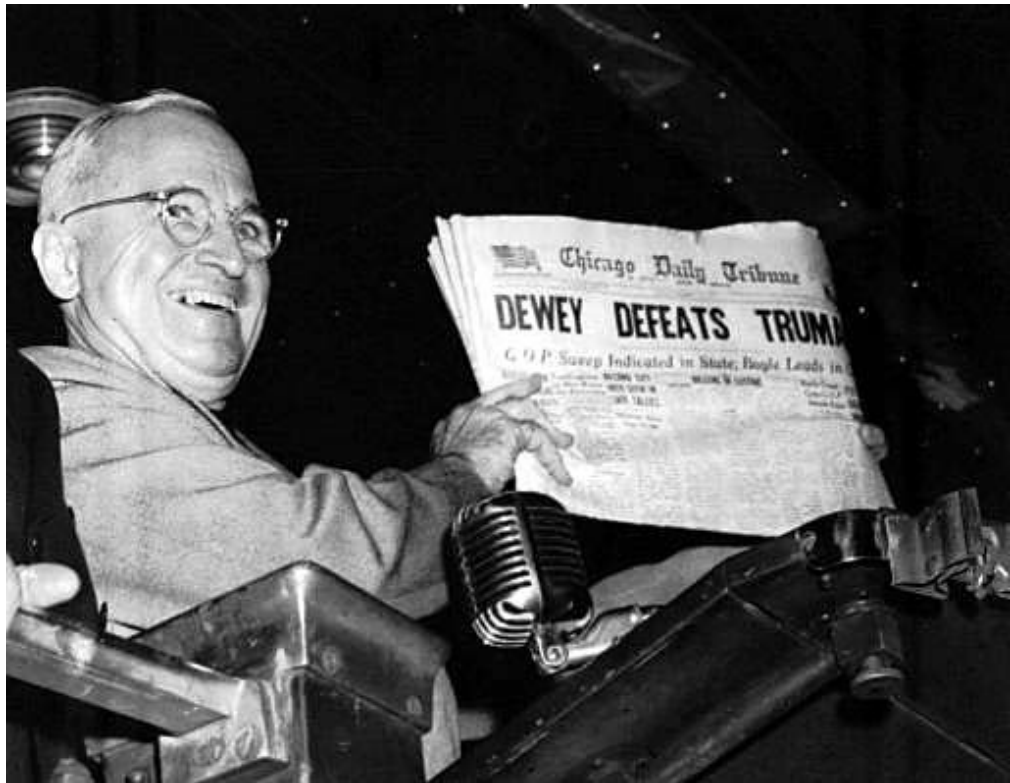
Janice Fine and Kevin Bruyneel have done a terrific job of putting together panels for APSA in Chicago of this year. We were allotted 17 panels, down from twenty the previous year. By taking on much more work than they needed to, Bruyneel and Fine managed to 14 panels with other sections so that we ended up with twenty-four panels in all. Each year, panel allocations take into account attendance at sessions at the annual meetings. So if you find yourself wandering the halls of the Hilton or some other hotel debating whether to find out exactly which room some panel is in, I urge you to make the effort to attend as many sessions as possible. We will all benefit by increased number of panels next year.

Looking over the membership lists, the members nominated for Council, and the panels for APSA I am struck by the inclusive and diverse nature of the intellectual projects that have found a place in this section. This umbrella-like quality seems to be both our gift and strength. I urge all to invite younger scholars to the business meeting in August (Friday at 6) and to foster this eclectic core of the section. Most younger scholars will not know that a business meeting might actually be an enjoyable and interesting event. Please encourage those you know to attend both the business meeting and the reception that follows. I look forward to seeing many of you in Chicago to celebrate another excellent year.

PRESIDENT HARRY TRUMAN  
HOLDS UP A COPY OF THE  
CHICAGO TRIBUNE MISTAK-  
ENLY ANNOUNCING HIS DEFEAT  
BY THOMAS DEWEY IN THE  
1948

87% APPROVED OF  
TRUMAN'S PERFORMANCE AS  
PRESIDENT IN MARCH, 1945

67% DISAPPROVED OF  
TRUMAN'S PERFORMANCE AS  
PRESIDENT IN JANUARY 1952,  
AS THE KOREAN WAR  
DRAGGED ON



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