

**PLSC 209a / HIST 167Ja / PLSC 839 - Congress in the Light of History**  
**Fall 2022, Wednesdays 1:30 - 3:20**

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--office hours 3:30-5:00 Wednesdays or by appointment, Rosenkranz 236; meals in Yale colleges are welcomed.

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**Content of course.**

--All the readings have historical content, but they differ in topics and methods of address. The early assignments, through October 5, tilt toward political science. They address elections, districts, filibustering, productivity, and polarization, and they have an analytical flavor (although nothing is unmanageably technical). After that, the course shifts toward history in its conventional sense. Tackled are Congress's participation in thirteen major policymaking impulses that have invested the U.S. and relevant peer countries starting in the 1790s. The class meeting of November 9, just after this year's midterm election, is a time-out wild card, as is December 7.

**Mechanics of course.** This is a reading and discussion seminar. It will not accommodate senior essays or long research papers. There is a substantial reading requirement each week.

--**Requirements for all students:** Attend classes, do the required reading, be ready to take part in class discussions, and write a series of five comment papers three-to-five pages in length that address the required reading. Papers are due no later than the start of a class covering the relevant material—a strict requirement. Two of these five papers should be written before the fall midterm date. Submission of each paper to [david.mayhew@yale.edu](mailto:david.mayhew@yale.edu) online during a pre-class Tuesday evening is recommended.

--Within these bounds, students may choose which weeks to focus on for writing papers. The average weekly reading assignment is 100 or so pages, shorter than that when the content is dense, longer when it isn't.

--**Requirements for graduate students.** Graduate students taking cross-listed courses need to perform extra befitting their more advanced training. Hence the following. A graduate enrollee should satisfy the above requirements and also write a five-or-more-pages paper critiquing any three of the following four works (see later in the syllabus for specifics): Ehrlich et al. 10/26 on U.S. as economic superpower; Krause 11/16 on fiscal deficits; Felbermayr et al. 11/30 on trade; Potthoff & Munger 9/7 on Condorcet loser. Paper due at the start of the semester's final-exam period.

--**Grading:** 70% for comment papers, 30% for class participation. No midterm or final exams. All comment papers will be marked up and returned ASAP after they are submitted.

--**Availability of books.** Purchase of three books is recommended. Total price at Amazon's posting is under \$100. Any royalties accruing to the instructor from the third item listed below (roughly \$60) are dwarfed by personal costs of staging the course. The three books at the Yale Bookstore:

Gregory Koger, Filibustering

Frances Lee, Insecure Majorities

David Mayhew, The Imprint of Congress

--**Prerequisites to take the seminar.** Formally none, although a basic AP grasp of U.S. political history would help immensely. A passion for that subject is recommended. Majors in any discipline are free to apply.

--**Screens.** No laptops or phone in class except for students who need accessibility, or for anybody's use in adding nuggets of information to evolving class discussions.

--**Accommodations.** Students with disabilities are welcome and will be accommodated.

---**Tips on writing the comment papers.** In general, apply your mind to a week's readings. Ask yourself, "What do I make of this stuff?" Some questions might be: How does this material jibe with what I thought in advance of this course based on my secondary education, previous college courses, previous reading or rumination, etc.? What's new here? What is left out? Are these interpretations believable? Why so or not so? What are their implications for thinking about the U.S. separation-of-powers system, politics or policymaking today, how things evolve, etc.? Do political or policy "eras" exist? These questions aren't meant to be exhaustive. No doubt there are other good ones. And don't try to tackle a lot of questions at once. Pick a good theme that enables a coherent paper. In

writing a paper, dwell on as much of a week's reading list as makes sense. Always address the reading somehow. In the weeks of the course featuring the Imprint of Congress book, always take a shot at the week's lead-off material from that book.

**--On the design of the U.S. Constitution.** Much has happened since the Constitution was written and adopted nearly a quarter of a millennium ago: a nationwide country, a party system, the end of slavery, the Civil War, industrial capitalism, the welfare state, a national bureaucracy, civil rights, a geared-up presidency, universal suffrage (more or less), showdown presidential elections, not to mention American international hegemony (for a while, anyway), and on and on. A late-eighteenth-century product, the American Constitution looks odd in international comparison. Flurries of subsequent parliamentary systems arising elsewhere have differed in design from the American regime as have most presidential systems elsewhere. Yet, for better or worse, many basic features of the American design of 1787 have stuck. It is interesting to scope back to the animation that underlay these features. Fear of the mischievousness of politicians and publics ranked way up there in many minds of the constitutional generation. Lurking out there were demagogues, flash mobs, and insurrections. Witness the essays by the famed merchandisers of the new system, Alexander Hamilton and James Madison, in The Federalist papers. These folks were peddlers of pessimism. And they were wordsmiths. Scattered throughout this syllabus, in italics, are selected quotations from them pointing to the pessimism and guardedness on offer in the late eighteenth century. These extracts can serve as cue-cards to The Federalist as well as clues to the era's reasons for designing as was done the institutions discussed in that work.

All the reading assignments below are required, unless they are suggested or just for graduate students.

## **AUGUST 31 - ORGANIZATION MEETING**

**SEPTEMBER 7 – ELECTIONS: SETTING THE TABLE ON CAPITOL HILL.** Some food for thought. How can we apportion among the systemic causes of election results, the contents of campaigns, and the post-hoc judgments about what an election meant in considering how elections figure in American politics and life? How do these explanatory ingredients pour into the behavior of a freshly elected Congresses? In light of these considerations, how does the politics of the last decade or so stack up?

### **Required:**

David R. Mayhew, "Two Centuries of Presidential Elections," Presidential Studies Quarterly 52:2 (June 2022), 393-410. A review essay addressing the University Press of Kansas's current series of 24 books on individual presidential elections starting in 1796. Patterns. Revisionisms. General themes plus particularities.

David R. Mayhew, "Incumbency Advantage in Presidential Elections: The Historical Record," Political Science Quarterly 123:2 (Summer 2008), 201-28. From George Washington through 2004. How to update this piece? To add the four elections since 2004 tweaks the summary numbers appearing on page 368 to read 22-11 (the White House in-party's win-loss rate with an incumbent running) and 11-13 (the in-party's win-loss rate in open-seat elections).

### **Suggested:**

Enrico Cantoni, "Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018," National Bureau of Economic Research (NBER), working paper 25522, online May 2021. Industrial-strength analysis. "Using a difference-in-differences design on a 1.6-billion-observations dataset, 2008-2018, we find that the laws have no negative effect on registration or turnout, overall or for any group defined by race, gender, age, or party affiliation."

Jesse Yoder et al., “How Did Absentee Voting Affect the 2020 U.S. Election?” Stanford Institute for Economic Policy Research (SIEPR), working paper 21-011, March 2021. More industrial-strength analysis. “The 2020 U.S. Election saw high turnout, a huge increase in absentee voting, and brought unified Democratic control at the federal level—yet, contrary to conventional wisdom, these facts do not imply that vote-by-mail increased turnout or had partisan effects.”

**GRAD:** Richard F. Potthoff & Michael G. Munger, “Condorcet Loser in 2016: Apparently Trump; Condorcet Winner: Not Clinton?” American Politics Research 49:6 (2021), 618-636. Four candidates: Trump, Clinton, Stein, Johnson. Gary Johnson may have been the Condorcet winner. This is very complicated, finally indeterminate probing (what with four candidates). A beats B, but C beats A, and D beats C..... etc. The piece relies on public opinion data for rating the candidates.

**SEPTEMBER 14 – PARTISAN BALANCE.** The Partisan Balance chapter assigned here needs to be read carefully. Be aware of the difference between a median and a mean. Keep aware of the distinction between whether a district or a state elects a D or an R rep, and what its underlying partisan/ideological complexion is. Think Joe Manchin. See this piece as an exercise in measurement. Some various thought material: What do these patterns say about current-day politics? Look carefully at the 2016 and 2020 results in the accompanying “New charts” file: Is all this generalizing going awry what with the country’s current drift toward metros versus boonies? Does the 0.0% reading in the southwest corner of chart #2 cry out for a game theory interpretation? As for the Florida experience as seen in Chen & Rodden, to what degree does it generalize to the national U.S. House level?

**Required:**

David R. Mayhew, “The Electoral Bases,” chapter 1 in Mayhew, Partisan Balance (2011). The nationwide presidential popular vote split, the Electoral College, the House, and the Senate.

New charts. This file updates the tables at pages 19 and 23 in Partisan Balance in order to include the 2012, 2016, and 2020 elections.

Jowei Chen & Jonathan Rodden, “Unintentional Gerrymandering: Political Geography and Electoral Bias in Legislatures,” Quarterly Journal of Political Science 8 (2013), 239-269. Does cities-versus-countryside differentiation cause a pro-Republican bias in U.S. legislative representation? Yes! This piece focusing on the state of Florida offers an exquisite workout of that intuition as of the 21<sup>st</sup> century.

**Suggested:**

Jowei Chen & David Cottrell, “Evaluating partisan gains from Congressional gerrymandering: Using computer simulations to estimate the effect of gerrymandering in the U.S. House,” Electoral Studies 44 (2016), 329-40. This piece feeds off the Chen-Rodden methodology posted above. But it applies directly to U.S. House districts drawn just after the 2010 Census that supplied electoral settings for the 2012-2020 intercensal decade. For fact junkies, on show here are a couple of especially interesting charts, Figures 4 and 6 on pages 337-38. Question: Using the Rodden/Chen population-concentration simulations as a statistical baseline, what can we say residual to that baseline that might exhibit, state by state, the effects of calculating line-drawing? Complicated stuff. In these two charts, see the pawprints here and there of GOP gerrymandering, Democratic gerrymandering, the line-drawing of majority-minority districts, and a mysterious California effect.

Michael Peress & Yangzi Zhao, “How Many Seats in Congress Is Control of Redistricting Worth?” Legislative Studies Quarterly 45:3 (July 2020), 433-68. This piece is a hard read, but here is their takeaway: “The aggregate effects of partisan redistricting are moderate in magnitude—in the modern period, this effect has typically been less than 10 House seats, with the last election where control of the House would have flipped in expectation occurring in 1954.”

David R. Mayhew, "Congress, Elections, and Time," Yale ISPS talk, Part III (December 2018). How about the structural opportunities for partisan gerrymandering during the last half century? Which parties have enjoyed complete three-branch control of how many state governments where and when? No data on 2021-2022 yet.

**SEPTEMBER 21 – SUPERMAJORITIES/FILIBUSTERING.** How should we think about this strange history? Isn't it odd that the Senate's cloture pivot has toughened up since the 1980s? Why does the filibustering machine keep churning on? What are the pluses and minuses of a supermajority process? Is it a great idea to legislate by means of the "budget reconciliation" process? Take account of Koger's history in writing a paper.

**Required:**

Gregory Koger, Filibustering: A Political History of Obstruction in the House and Senate (2010), pages 3-56, 69-74, 97-132, 147-87. A history rich in themes and surprises. The centrality of civil rights. The House used to filibuster, too. The automaticity of the Senate's 60-vote hurdle dates only to the 1980s.

**Suggested:**

Gregory J. Wawro & Eric Schickler, Filibuster: Obstruction and Lawmaking in the U.S. Senate (2006), especially chapter 2 ("Obstruction in Theoretical Context"). The full sweep of Senate history.

**GRAD:** Gregory J. Wawro & Eric Schickler, "Reid's Rules: Filibusters, the Nuclear Option, and Path Dependence in the US Senate," Legislative Studies Quarterly 43:4 (November 2018), 619-647. A theoretical essay. Basically, the Senate keeps on with its supermajority rules and customs because the senators like things that way, not because they are helplessly "locked in" by previous institutional choices.

**The Federalist.** Not exactly on point, but even so, Hamilton F62: *"A senate, as a second branch of the legislative assembly, distinct from, and dividing power with, a first, must be in all cases a salutary check on the government. It doubles the security of the people, by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient..... The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions."* Madison F63: *"What bitter anguish would not the people of Athens have often escaped, if their government had contained so provident a safeguard [as the U.S. Senate] against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens, the hemlock on one day, and statues on the next."*

**SEPTEMBER 28 – LEGISLATIVE PRODUCTIVITY.** A chronic question is: What is Congress doing? How much is it doing? Is it getting off the dime? Certainly, the politics of 2021-22 has posed these questions. The topic seems to cry out for measurement. Journalists tend to dwell on numbers of laws officially enacted—lumping the trivial indiscriminately with the mammoth. The Divided We Govern extract here is, first of all, an early scholarly crack at the matter that discriminates among enactments. It is also a picture of a kind of baseline normality during 1947-1991. Today we have a have a new normal. Monster omnibus enactments crafted by party leaders are upon us. They crowd out the middle range. Biden's colossal Build Back Better would have been only one law. New thinking about measurement is needed. Farhang's thought-provoking piece here is such an exercise. General questions: Why should we care about congressional "production" or "productivity"? What is the argument? Anyway, how should we measure things? Or should we even try to measure things?

**Required:**

David R. Mayhew, Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-2002 (Yale UP, 2005; an earlier edition with the same pagination is dated 1991), pages 34-76. An exercise in measurement and congressional action. What were things like back then?

Sean Farhang, "Legislative Capacity and Administrative Power Under Divided Polarization," *Daedalus* 150:3 (Summer 2021), 51-67. Congress and regulatory legislation in recent times. How much of a control on the executive branch?

**Suggested:**

Sarah Binder, "The Dysfunctional Congress," *Annual Review of Political Science* 18 (2015), at pages 91-94. Argues that to enumerate N's of significant enactments that depart from the policy status quo is not enough. Needed is a denominator. At issue is: What are the societal problems that need addressing? A ratio measure of N successes over N ex ante aims is the way to go.

R. Douglas Arnold, "Explaining Legislative Achievements," chapter 12 in Jeffery A. Jenkins & Eric M. Patashnik (eds.), *Congress and Policy Making in the 21<sup>st</sup> Century* (Cambridge UP, 2016), at pages 301-10, 319-23. A discussion of measurement. Anyway, what's so great about being productive?

David Mayhew, a five-minute rant against the media's coverage of Congress's action and production. CSPAN video, Congress and History Conference, July 23, 2017.

<https://threadreaderapp.com/thread/1435688249155014657.html>

This is an exercise from Trump's first year as president, but the case is general.

Max M. Edling, *Perfecting the Union: National and State Authority in the U.S. Constitution* (2021), ch. 4 ("Legislating: Implementing the Constitution"). A surprising new entry by a political scientist who specializes in the Federalist era. Measurement! Dataset! What kinds of topics did Congress address in its legislating during George Washington's presidency?

**Important laws passed recently:**

2020 (DIV):

- COVID 1 – Quick reaction to pandemic
- COVID 2 - \$100 BILLION AID
- COVID 3 - \$2 TRILLION STIMULUS (CARES ACT)
- COVID 4 - \$484 BILLION AID
- COVID 5 - \$900 BILLION AID
- NAFTA 2.0 trade agreement
- Spruce up national parks
- Ban surprise medical bills
- \$35 billion climate change funding

2021 (UNI)

- COVID 6 - \$1.9 TRILLION RELIEF (AMERICAN RESCUE PLAN)
- INFRASTRUCTURE INVESTMENT, \$1.2 TRILLION
- Child tax credit plan (later not renewed)
- Aid to Afghan refugees
- Overhaul of DOD sexual assault procedures

2022 (UNI) (as of July)

- Aid to Ukraine
- Postal Service overhaul
- Gun control

**The Federalist.** Hamilton F62: *"It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood: if they be repealed or revised before they are promulgated, or undergo such incessant changes, that no man who knows what the law is to-day, can guess what it will be tomorrow."* Madison F37: *"Stability in government, is*

*essential to national character.... An irregular and mutable legislation is not more an evil in itself, than it is odious to the people...."*

**OCTOBER 5 - PARTISAN POLARIZATION.** Why polarization? Polarization so what?

**Required:**

Frances E. Lee, Insecure Majorities: Congress and the Perpetual Campaign (2016), chapters 1-6, 9. Argues that close party competition for control of the House since 1980 or so has greatly affected internal congressional operations. Fight! Take no prisoners!

**Suggested:**

Richard H. Pildes, "Why the Center Does Not Hold: The Causes of Hyperpolarized Democracy in America," California Law Review 99:2 (April 2011), 273-333, at pages 287-297 (read just those pages). An examination of three alleged basic causes of recent polarization: persons (that is, particular leaders like Bush 43 and Obama), history (that is, the expansion of U.S. democracy in the 1960s), and institutions (that is, primaries, gerrymandering, internal congressional rules, campaign finance). The prize goes to B.

Katherine Cramer Walsh, "Putting Inequality in Its Place: Rural Consciousness and the Power of Perspective," American Political Science Review 106:3 (August 2012), 517-532. Urban versus rural? What is the story? Wisconsin. Based on long conversations with people around the state.

**The Federalist.** Madison F10: *"So strong is this propensity of mankind, to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts.... When a majority is included in a faction, the form of popular government...enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens."*

**The Federalist.** Hamilton F65 on impeachments: *"The prosecution of them...will seldom fail to agitate the passions of the whole community, and to divide it into parties, more or less friendly, or inimical, to the accused. In many cases, it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side, or on the other; and in such cases there will always be the greatest danger, that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt."*

**OCTOBER 12 – POLICY HISTORY 1.** Here the readings swerve into a several-week span of deep congressional history. Largely repeating the syllabus's advice on page 1, here are a few thoughts about handling these five weeks. What should I make of all this? How do these interpretations bounce against my previous understandings of these times? What's being said that is surprising or new? What is left out? Is the new scholarship—that's mostly what it is—believable? In general, what does it tell me about the American regime? Is there a takeaway for understanding the politics and policymaking of today? How have things evolved? How has the constitutional structure of 1787 played out through time? In writing a paper, try to dwell on as many of a week's readings as makes sense. At least, always draw on the Imprint of Congress extract that leads off a week's reading list.

**Required:**

David R. Mayhew, The Imprint of Congress (Yale UP, 2017), pages 1-33. Introduction, launching the new nation, continental expansion, mid-19<sup>th</sup>-century consolidation.

Peter L. Rousseau & Richard Sylla, "Emerging Financial Markets and Early US Growth," Explorations in Economic History 42 (2005), at pages 1-14. The country's new financial system of the 1790s, due chiefly to Alexander Hamilton, as a spur to take-off economic growth.

Todd Estes, "Shaping the Politics of Public Opinion: Federalists and the Jay Treaty Debate," Journal of the Early Republic 20:3 (Autumn 2000), 393-422. What did lawmaking look like in this major showdown of the 1790s?

John E. Ferling, Adams vs. Jefferson: The Tumultuous Election of 1800 (Oxford UP, 2004), chapter 12 ("...Horrors, The House Decides the Election"). Making a deal.

Alfred A. Cave, "Abuse of Power: Andrew Jackson and the Indian Removal Act of 1830," The Historian 65:6 (Winter 2003), at pages 1331-37. The roles of president and Congress in this imperial drive.

Charles S. Maier, "Consigning the Twentieth Century to History: Alternative Narratives for the Modern Era," American Historical Review 105:3 (June 2000), at pages 813-23. Argues that the 1860s were the true hinge point of the 19<sup>th</sup> century in the U.S. and elsewhere. National consolidations. Jibes with the citations to Kolchin, Hobsbawm, Deudney, Bayly, Foner, Degler, Fredrickson, and Osterhammel supplied in the Imprint book.

Corey Brooks, "Stoking the 'Abolition Fire in the Capitol': Liberty Party Lobbying and Antislavery in Congress," Journal of the Early Republic 33:3 (Fall 2013), at 523-35.

**The Federalist.** Hamilton F6: *"Have republics in practice been less addicted to war than monarchies? Are not the former administered by men as well as the latter? Are there not aversions, predilections, rivalships, and desires of unjust acquisition, that affect nations, as well as kings? Are not popular assemblies frequently subject to impulses of rage, resentment, jealousy, avarice, and other irregular and violent propensities?"*

## OCTOBER 26 – POLICY HISTORY 2

### Required:

David R. Mayhew, The Imprint of Congress, chapter 3. Building an industrial economy, taming the corporations and the rich, the rise to world hegemony.

Isaac Ehrlich, Adam Cook & Yong Yin, "What Accounts for the US Ascendancy to Economic Superpower by the Early Twentieth Century? The Morrill Act-Human Capital Hypothesis," Journal of Human Capital 12:2 (2018), undergrads read pages 233-40, 274-81, grads all of it. Were Congress's subsidies for the land-grant colleges a significant lever?

Gyung-Ho Jeong, Gary J. Miller & Andrew S. Sobel, "Political Compromise and Bureaucratic Structure: The Political Origins of the Federal Reserve System," Journal of Law, Economics, and Organization 25:2 (2008), 472-498. How the structural independence of the Fed vectored from congressional compromise.

W. Elliot Brownlee, "Wilson and Financing the Modern State: The Revenue Act of 1916," Proceedings of the American Philosophical Society 129:2 (June 1985), 173-210. How the country's lasting mix of corporate, estate, and personal income taxation emerged from defense preparedness for World War I, thanks to the presidency plus insistent congressional progressives.

Jeffrey W. Meiser, Power and Restraint: The Rise of the United States, 1898-1941 (Georgetown UP, 2015), pages xiii-xxx and 260-65. Why didn't the U.S. match Britain, France, and other countries in seizing large, long-lasting colonial empires during this era of competitive offshore expansion? This is a puzzle in some international relations theory. Well, both Congress and public opinion seem to have acted as major drags.

### Suggested:

Michael D. Bordo & Hugh Rockoff, "The Gold Standard as a 'Good Housekeeping Seal of Approval,'" Journal of Economic History 56:2 (June 1996), 389-428. Why the late 19<sup>th</sup>-century insistence on gold?

### NOVEMBER 2 – POLICY HISTORY 3

#### Required:

David R. Mayhew, The Imprint of Congress, chapter 4. Responding to the Great Depression, building a welfare state.

Alonzo L. Hamby, For the Survival of Democracy: Franklin Roosevelt and the World Crisis of the 1930s (Free Press, 2004), at pages 120-29. FDR's classic "hundred days" legislative binge of 1933.

Randall E. Parker, The Economics of the Great Depression: A Twenty-First Century Look Back at the Economics of the New Deal Era (Edward Elgar, 2007), ("An Overview of the Great Depression"), pages 1, 12-15, 25-28. The gist of a report based on interviews with a dozen leading economists of recent vintage. In recovery terms, what were the roles of the presidency, Congress, fiscal policy, monetary policy?

Christina D. Romer, "What Ended the Great Depression?" Journal of Economic History 52:4 (December 1992), at pages 757-61, 781-84. The prize seems to go to monetary policy.

Joshua K. Hausman, "Fiscal Policy and Economic Recovery: The Case of the 1936 Veterans' Bonus," American Economic Review 106:4 (2016), at pages 1100-03. But thanks to Congress, here was a blast of countercyclical fiscal policy, so to speak.

Monica Prasad, The Land of Too Much: American Abundance and the Paradox of Poverty (Harvard UP, 2012), at pages 148-59, 166-71. Over the long run, given European comparisons, U.S. progressive taxation hasn't yielded an awful lot of government revenue.

G. John Ikenberry & Theda Skocpol, "Expanding Social Benefits: The Role of Social Security," Political Science Quarterly 102:3 (Autumn 1987), 389-416. On the enactment of the Social Security Act of 1935. Given European comparisons, why did government social provision come relatively late to the U.S. and take the form it did? The historical messiness of congressional processes seems to be one reason.

James L. Sundquist, Politics and Policy: The Eisenhower, Kennedy, and Johnson Years (Brookings, 1968), at pages 308-21. How did they enact Medicare/Medicaid in the 1960s?

**The Federalist.** Hamilton is well-known for favoring an energetic presidency. But his view on this wasn't all that inconsistent with his general pessimism about the exercise of power. The crystal-ball expectation of 1787 had it that the new presidency wouldn't be hinged to an arousable public like the House would be and thus couldn't be all that menacing. The House would be the popular body. Hence Hamilton F70: *"A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution: and a government ill executed, whatever it may be in theory, must be, in practice, a bad government. Taking it for granted, therefore, that all men of sense will agree in the necessity of an energetic executive, it will remain to inquire, what are the ingredients which constitute this energy?... The ingredients which constitute energy in the executive, are, unity; duration; an adequate provision for its support; competent powers."* One gets the sense that Hamilton would have been quite at home with FDR in 1933 and 1939-41.



## NOVEMBER 9 – MIDTERM ELECTIONS

### Required:

Sean Trende, “Was 2018 a Wave Election?” chapter In Larry Sabato & Kyle Kondik (eds.), The Blue Wave: The 2018 Midterms and What They Mean for the 2020 Elections, (Rowman & Littlefield, 2019). A smart exercise in definition and empirics. What happened four years ago?

David W. Brady, Morris P. Fiorina & Arjun S. Wilkins, “The 2010 Elections: Why Did Political Science Forecasts Go Awry?” PS: Political Science and Politics 44:2 (April 2011), 247-250. Sometimes, voters discriminate in an interesting way in a House midterm. Two years into the Obama presidency, the 2010 midterm was an all-round disaster for the Democrats. But there was intricacy. Most Democratic MCs had voted in favor of enacting the Affordable Care Act (Obamacare) in 2010, but some Democrats had voted against enacting it. All else equal, did the yea-sayers fare worse in the following November election than did the nay-sayers? Yes! (In this piece, “Going Awry” denotes that the forecasters underpredicted the GOP success in the 2010 midterm.)

Austin Bussing, Will Patton, Jason M. Roberts & Sarah A. Treul, “The Electoral Consequences of Roll Call Voting: Health Care and the 2018 Election,” Political Behavior 44 (2022), 147-177. Posted here is a 3-page extract from this new article, which presents the gist. In 2017 under Trump, the GOP-controlled House voted narrowly to repeal the Affordable Care Act. This repeal drive failed in the Senate, but the House GOPers were on record. They had split. Most of them had voted for repeal, but some had voted against it. Controlling statistically for all else (maybe), did the GOP pro-repealers fare worse in the following 2018 midterm than did the GOP anti-repealers? Yes! Think about how this 2018 pattern might jibe with the 2010 pattern.

David R. Mayhew, “Congress, Elections, and Time,” Yale ISPS talk, Parts I and II (December 2018). Here are a few simple charts on U.S. House elections of recent decades through 2018. (Adding 2020 wouldn’t cause any surprises.) To what degree have the House election results fed off presidential politics? Does a House party victory in a midterm predict a White House or House victory two years later?

### Suggested:

Matthew S. Shugart, “Electoral Cycle and Institutional Sources of Divided Presidential Government,” American Political Science Review 89:2 (June 1995, 327-343. Midterm seat loss for a party holding a presidency is the norm in presidential systems. See here some comparative data and analysis.

Jens Hainmueller & Holger Lutz Kern, “Electoral Balancing, Divided Government and Midterm Loss in German Elections,” Journal of Legislative Studies 12:3 (June 2006), 127-149. Something like midterm loss can also happen in a parliamentary system. In Germany, the provincial governments select members of the national (senate-like) upper chamber. That’s like the U.S. in the 19<sup>th</sup> century. Over time, if a German party controls the national lower chamber, i.e. the national assembly (and thus the government), it tends while governing to lose lower-level elections in the provinces, whose governments thereupon send their folks to join the federal upper chamber, thus depleting the power of the national governing party there. That is a mouthful, but there we are.

**The Federalist.** Madison F52: *“As it is essential to liberty that the government in general should have a common interest with the people; so it is particularly essential, that [the House] should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy, by which this dependence and sympathy can be effectually secured.... The liberties of the people can be in no danger from biennial elections.”* Madison F57: *“Before the sentiments impressed on their minds by the mode of their elevation can be effaced by the exercise of power, [the House incumbents] will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed, and when they must descend to the level from*

*which they were raised; there for ever to remain, unless a faithful discharge of their trust shall have established their title to a renewal of it.”* Midterms are a big deal.

#### **NOVEMBER 16 – POLICY HISTORY 4**

##### **Required:**

David R. Mayhew, *The Imprint of Congress*, chapters 5 and 6. Postwar prosperity, the civil rights revolution, neoliberalizing the economy, climate change, long-run debt and deficit.

Eric M. Patashnik, *Putting Trust in the US Budget: Federal Trust Funds and the Politics of Commitment* (Cambridge UP, 2000), chapter 6. How did the government launch the interstate highway program in the 1950s? It took immense planning and compromising. For one thing, they needed a way to pay for it.

Robert L. Fleegler, “Theodore G. Bilbo and the Decline of Public Racism, 1938-1947,” *Journal of Mississippi History* 68:1 (2006), 1-28. How did the Senate’s most vicious racist lose his license to rant? Note the major change in background political climate associated with World War II.

Francis G. Castles, “The Dynamics of Policy Change: What Happened to the English-speaking Nations in the 1980s,” *European Journal of Political Research* 18 (1990), 491-513. The onset of neoliberalizing reform to the economies of Britain, Canada, Australia, New Zealand, and the U.S.

David Vogel, “The Hare and the Tortoise Revisited: The New Politics of Consumer and Environmental Regulation in Europe,” *British Journal of Political Science* 33:4 (2003), 557-580. Why did the U.S. pioneer in environmental regulation in the 1960s and 1970s yet come to lag in later years? See Congress’s role.

**SUGGESTED FOR GRAD STUDENTS:** George A Krause, “Partisan and Ideological Sources of Fiscal Deficits in the United States,” *American Journal of Political Science* 44:3 (July 2000), 542-559. Has divided government played a role?

#### **NOVEMBER 30 - POLICY HISTORY 5 – CONCLUSION**

##### **Required:**

David R. Mayhew, *The Imprint of Congress*, chapter 7. Read pages 111-12 along with Kromkowski chart below.

Charles A. Kromkowski, chart from “Electoral Participation and Democracy in Comparative-Historical and Cross-National Perspective,” APSA paper 2003, updated to include data for 2004 and 2008. This is a one-page chart prefaced by an explanation.

Richard H. Pildes, “Why the Center Does Not Hold,” *California Law Review* 99:2 (April 2011), at pages 287-297

Martha Derthick, *Agency Under Stress: The Social Security Administration in American Government* (Brookings, 1990), chapter 4 (“Congress as Legislator”). This work by the leading historian of Social Security dwells on a particular policy wrinkle, but it offers a fetching general discussion of the complexities that can be associated with Congress’s monitoring and updating of programs.

Eileen Burgin, “Congress, Policy Sustainability, and the Affordable Care Act: Democratic Policy Makers Overlooked Implementation, Post-Enactment Politics, and Policy Feedback Effects,” *Congress and the Presidency* 45:3 (2018), 279-314. Discusses member and party incentives in play in the ACA enactment process of 2009-2010.

Josh Chafetz, "The Phenomenology of Gridlock," Notre Dame Law Review 88 (2013), 2065-87. A theoretical essay. "Rather than asking why we experience gridlock, we should be asking why and how legislative action works. We should expect to see legislative action...when there is sufficient public consensus for a specific course of action."

**SUGGESTED:** Peter A. Hall, "The Electoral Politics of Growth Regimes," Perspective on Politics 18:1 (March 2020), 185-99. A new periodization of post-World War II policy regimes that resembles the design in Mayhew, The Imprint. Growth, neoliberalism, then what?

**JUST FOR GRAD STUDENTS:** Gabriel Felbermayr & Jasmin Groschi, "Within U.S. Trade and the Long Shadow of the American Secession," Economic Inquiry 52:1 (January 2014), 382-404.

## DECEMBER 7 – POPULISM, STRONGMEN, NORMS AND RULES, AND SEPARATION OF POWERS

### Required:

Kurt Weyland, "How Populism Dies: Political Weaknesses of Personalistic Plebiscitarian Leadership," Political Science Quarterly 137:1 (2022), 9-42. The U.S. in comparative perspective. Populism can be a threat to democracy, but a system anchored in strong parties, separation of powers, and rule of law has good defenses.

Tianyi Wang, "Media, Pulpit, and Populist Persuasion: Evidence from Father Coughlin," American Economic Review 111:9 (2021), 3064-3090. Populist media stars are not a new thing. See this fascinating new piece about U.S. politics in the 1930s, even if it doesn't entail Congress (not directly anyway) or even a candidate for public office. Father Charles Coughlin was an anti-Semitic, pro-fascist, isolationist whose constant rants on the radio during that decade drew a listenership of some 30,000,000. That is an astonishing figure. In terms of U.S. listenership per capita, it beats Rush Limbaugh by four to one. As this article demonstrates, Coughlin was a force of political consequence. It is interesting to see how the public and private institutions of the time cabined him, albeit not easily or quickly.

### Suggested:

Rogers Brubaker, "Why Populism?" Theory and Society 46 (2017), 357-385. Top of the line in definition and discussion.

**The Federalist.** Madison F47: *"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."* Madison F51: *"The great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others.... Ambition must be made to counteract ambition."* Hamilton F78: *"The judiciary is beyond comparison the weakest of the three departments of power;...it can never attack with success either or the other two; and...all possible care is requisite to enable it to defend itself against their attacks....Periodical [as opposed to lifetime] appointments, however regulated, and by whomsoever made, would, in some way or other, be fatal to [the judges'] necessary independence."*

**The Federalist.** A general menace-to-the-system warning from Hamilton in F1: *"So numerous indeed and so powerful are the causes which serve to give a false bias to the judgement, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions, of the first magnitude to society.... Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate upon those who support, as upon those who oppose, the right side of a question.... Of those men who have overturned the liberty of republics, the greatest number have begun their career, by paying an obsequious court to the people...commencing demagogues and ending tyrants."*